

ARTICLE 14: PERSONNEL FILES

- 14.01 Official personnel files maintained by the Board about members of the bargaining unit are records of the employment history of the member in the University. Subject to the provisions of this Agreement, the contents and use of the official personnel file are for decisions respecting terms and conditions of the employment of a member. The purpose of this Article is to ensure that the files are used in an appropriate manner and fairly represent the member's employment history.
- 14.02 There shall be one official personnel file maintained in the office of Human Resources or in such other location designated by the President for each member which shall include some or all of the following items:
- (A) pre-employment materials including correspondence associated with the application, curriculum vitae, transcripts, and letters of reference;
 - (B) copies of letters relating to Board actions respecting the member, including initial appointment, annual renewal of appointment, granting of a continuing appointment, approved leaves of absence, administrative appointments, etc.;
 - (C) correspondence related to the member's employment between the member and any of the following: the President, the Provost and Vice-President (Academic), the Dean/University Librarian, the Chair, the Director;
 - (D) materials relating to recommendations on salary, tenure, continuing appointment, and promotion;
 - (E) materials respecting professional development and achievement;
 - (F) copies of the faculty member's annual reports; and
 - (G) copies of the librarian member's performance reviews.
- 14.02.01 The Dean and the Chair/Director and the University Librarian may keep a file on a member, but such files shall not constitute the member's official personnel file. These files may contain copies of some or all of the material kept in the official personnel file. The official personnel file and any other files kept pursuant to 14.02.01 shall be clearly marked as confidential. All the restrictions specified in this Article which apply to the official personnel file apply equally to all files referred to in this Article.
- 14.03 An inventory sheet shall be included in each official personnel file. Each official personnel file shall contain a form indicating the name of anyone who has accessed the file, the date and time the file was accessed, and the reason for accessing the file (pursuant to Article 14.06). Such recording shall exclude required access for filing and administrative purposes by Human Resources staff.
- 14.04 No anonymous material shall be kept in a member's official personnel file. Any anonymous material in a member's official personnel file when this Agreement comes into effect shall be removed and destroyed.
- 14.05 Confidential material kept in a member's official personnel file shall be subject to the following rules of storage:

- (A) confidential material is limited to signed letters of reference solicited with the knowledge of the member, and any other letter or document transmitted in confidence which the member, his/her Chair/Director, the University Librarian, the Dean, the President, the Provost and Vice-President (Academic), the Director of Human Resources, or a Committee solicited pursuant to this Agreement; and,
- (B) a member shall receive an inventory of the confidential materials in his/her official personnel file on request to the President, such an inventory to include the date and general subject matter of the confidential material.

14.06 The official personnel file shall be the only source of confidential personal employment information used in any official University proceeding. The official documents constituting the file shall be the paper originals or, in the event the original document is received in facsimile or electronic form, an accurate paper copy. Such material may be used as follows:

- (A) renewal of a probationary appointment, pursuant to Article 23;
- (B) tenure, pursuant to Article 25;
- (C) promotion, pursuant to Article 26;
- (D) grievance and arbitration, pursuant to Article 30; and,
- (E) other proceedings with the written permission of the member and in addition, the official personnel file for librarians may be used for;
- (F) appointment, pursuant to Article 20;
- (G) performance reviews, pursuant to Article 21.

14.07 Upon written request to the Provost and Vice-President (Academic), a member and/or an agent authorized in writing by the member shall have the right to examine the contents of his/her official personnel file in the Human Resources office, except for confidential material described in 14.05(A). Such examination shall be in the presence of a person designated by the Director of Human Resources. The member shall not be allowed to remove his/her official personnel file or any part thereof from the Human Resources office. Upon written request the member shall obtain at his/her expense copies of the documents to which he/she has the right of examination.

14.07.01 Upon written request to the Dean, Chair/Director, or University Librarian, a member shall have the right to examine the contents of his/her personnel files pursuant to 14.02.01, if such files exist. Such examination shall be in the presence of a person designated by the Dean, Chair/Director, or University Librarian. The member shall not be allowed to remove his/her personnel file or any part thereof from the relevant office. Upon written request the member shall obtain at his/her expense copies of the documents to which he/she has the right of examination.

14.08 A member shall have the right to include in his/her official personnel file written comments on the accuracy or meaning of any of the non-confidential contents of the file, and to add to the file any documents that he/she deems relevant.

- 14.09 No information contained in the official personnel file of a member, in a member's file kept in the Dean's office, or University Librarian's office, or in University payroll records, shall be made available to any other person or institution, except as authorized by this Agreement, by law, by the member in writing, or by the President for internal University administrative purposes. Access required by law shall be granted only to an individual holding a subpoena or a search warrant, and shall be granted only by the Provost and Vice-President (Academic) or someone designated by him/her in writing. The Provost and Vice-President (Academic) shall notify the member concerned immediately, stating the person or persons granted access and the legal reasons for granting this access unless such notification is prohibited by legal statute.
- 14.10 The Vice President (Academic) shall advise the member in advance if any contents in the member's official personnel file are to be destroyed.