

## ARTICLE 22 - PERSONNEL FILES

### 22.1 General

All documents and materials in the possession of the University that relate to the employment status of, or the evaluation of the professional performance of, a member, shall be placed in an official file established for that member.

The official documents constituting the file will be the paper originals or, in the event the original document is received in facsimile or electronic form, an accurate paper copy.

The material in the personnel file may include, but will not be limited to, the member's curriculum vitae, c.v. updates, university transcripts, letters of application, references, salary and work history, evaluations, disciplinary material, signed complaints, decisions and recommendations together with the reasons arising from personnel decisions involving the member, and copies of material reflecting professional development and achievement.

The files maintained on Human Resources are deemed for the purpose of this article not to be personnel files, but shall contain member's salary and benefit records.

IV.8.1.1 A member's personnel file shall be kept in the office of the Dean ~~or the University Librarian~~, with a copy in the office of the Chair of the member's department or program. The personnel file, as well as any and all subsidiary or supplementary departmental or program personnel files, shall be held so as to protect the privacy of the member and shall be accessible (~~with the exceptions and limitations stated in IV.8.1 and IV.8.4.1~~) only to the Dean, the Chair of the member's department or program, the members of that department's or program's Personnel Committee, and the members of COAP.

IV.8.1.2 The personnel file shall be the only file used in decisions respecting any and all terms and conditions of employment of a member, except where otherwise required by provisions of this Collective Agreement. ~~and subject to the exceptions in IV.8.1, above. The personnel file shall contain only material pertinent to the employment of the member. Information that has not been accessible to the member from the time it came into the custody or under the control of the employer shall be excluded from the personnel file and, subject to IV.8.1, from any other file used, as required above, in decisions respecting terms and conditions of employment, if the absence of the early access could reasonably be deemed to be prejudicial to the member, and no personnel decision about the member shall be made on the basis of or with the aid of such excluded information.~~

IV.8 ~~Personnel Files~~

IV.8.1 Access

Every member has a right of access to any personal information about the member that is in the custody or under the control of the employer ~~except where such information is subject to solicitor-client privilege or privilege attaching to material obtained or prepared in contemplation of or for use in litigation before a court or judicial or quasi-judicial tribunal or to communication in furtherance of settlement.~~

All rights and restrictions of this Article ~~IV.8~~ shall apply equally to all information banks that contain personal information. Members shall be advised of the location of all such information banks.

*Included in General clause above;*

~~A member's salary and benefits records shall be maintained in a separate file in the Department of Human Resources.~~

IV.8.2.1 A member shall have the right, upon a minimum of two (2) days' written notice to the Dean or University Librarian, and/or department/program Chair, to examine his/her personnel file during normal business hours. ~~With the limitations stated in IV.8.1.1, IV.8.6.1 and IV.8.6.2, there shall be complete access to the file.~~ A member's access to his/her file maintained in the Department of Human Resources shall be on the same basis as above.

Following such examination, and upon written request and at his/her own expense and at cost, a member shall be provided with a copy of his/her personnel file or of any of its contents.

IV.8.2.2 A member is entitled to:

- (a) request correction of personal information contained in the member's personnel file where the member believes there is an error or omission;
- (b) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made.

- IV.8.2.3 Any material shall be added to the file upon the request of the member, provided that the member declares the manner of solicitation, if any, of the material.
- IV.8.2.4 A member may request, in writing to the Dean, that certain material in his/her personnel file be subject to confidential safeguards beyond those provided for in this Agreement. The denial of such a request shall not be the subject of a complaint or grievance.
- IV.8.2.5 Except at the request of a member, no anonymous material shall be kept in his/her personnel file. ~~Aggregated statistical information based on evaluations of teaching is considered to be anonymous. Except at the request of a member, no anonymous matter shall be used in any decision respecting the terms and conditions of employment, including appointment, of any member.~~ **Statistical information gathered from student evaluations will not be considered anonymous material. Non-statistical information gathered from student evaluations, however, will be considered anonymous.**
- IV.8.3 ~~Each member shall submit to the Dean or the University Librarian a curriculum vitae in the form prescribed by the Dean or the University Librarian, with a copy, where appropriate, to the departmental or program Chair, which curriculum vitae shall be brought up to date from time to time or upon an annual request by the Dean or University Librarian.~~

*Move IV.8.3 to Faculty Terms and Conditions and Librarian Terms and Conditions*

- IV.8.4.1 None of the contents of any personnel file or other employment-related files as referenced in IV.8.1.2, shall be released or made available to any person without the express written permission of the member concerned, except that the President may authorize certain officers or agents of the University or of the Association to have access to these files in the context of grievance and dispute resolution, other official administrative purposes, or for purposes contemplated by the Collective Agreement. In such cases, the authorized officers or agents shall hold these files so as to protect the privacy of the individual member, subject to the purpose for which authorization is granted. The member and the Association shall be informed in writing, at least five (5) days prior to such access, with details of the material to which access has been authorized. The member shall be given the opportunity to add to these files a written statement on the accuracy or adequacy of the material before it is released.

IV.8.4.2

The Dean or University Librarian shall have access without the member's consent to a member's disability status, held in the Department of Human Resources, only if such information is necessary for assessing the member's capacity to carry out his/her workload.

IV.8.5.1

**Retention of Documentation**

Letters of reference **from faculty or colleagues internal or external to Trent University**, assessment, and evaluation of performance of the member solicited for, or used in, career development decisions relating to the appointment, re-appointment, or granting tenure to the member shall, three (3) years from the date of the granting of tenure, be transferred to the Office of the President where they shall remain closed for a period of ninety (90) years from the date of birth of the member.

IV.8.5.2

When a member's appointment terminates under any of the provisions of this Agreement, that member's personnel files shall, three (3) years from the date of termination, be transferred to the Office of the President where they shall remain closed for a period of ninety (90) years from the date of birth of the member.

IV.8.6.1

~~Material less than three (3) years old which was contained in any member's personnel file on February 14, 1997, and which was solicited under an implied or express promise of confidentiality to the author shall be made available to the member, upon request, with the name of the author deleted. Older solicited material shall be destroyed unless the member specifically requests otherwise in writing. Upon such a request, the material remains in the file on the same basis as solicited material less than three (3) years old. Material which was contained in any member's personnel file on February 14, 1997, and which was not solicited shall be deemed not to be confidential and shall be made available in full to the member.~~

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~~IV.8.6.2~~

~~All unsolicited and solicited material produced or requested on a date later than three (3) months after February 14, 1997, shall be made available in full to the member. Solicited material is material solicited for decisions respecting a member's terms and conditions of employment, including letters of reference, assessment, and evaluation of performance.~~

~~I.2.4.9~~

~~Records of disciplinary sanctions imposed on a member under Appendix E which are confined to a warning or reprimand shall be removed from the member's personnel files after a period of three (3) years during which no further records of similar or more serious disciplinary action against the~~

member have been added to the member's files. Records of disciplinary sanctions under Appendix E, more serious than a warning or reprimand, shall be removed from the member's personnel files after a period of five (5) years during which no further records of similar or more serious disciplinary action against the member have been added to the member's files. 1.2.4.8 ~~If the Dean/University Librarian decides under section 7 of Appendix E not to proceed against a member who is a respondent, or if~~ If an arbitration decides in favour of such a member, the University shall remove all documentation relating to the complaint from the member's personnel files and, except for arbitration reports which shall be retained, shall at the discretion of that member destroy the documentation or transfer it to that member.

Documents which are so removed shall be maintained in a separate file in the Dean's/University Librarian's Office, with access on a "need-to-know" basis and only in the context of personnel/employment decisions involving disciplinary action. Notice of access shall be provided to the member and to the Association