

## **ARTICLE 11. PERSONAL FILES**

### **11.1 Contents**

- 11.1.1 Data pertaining to the employment of a Member will be placed in an official personal file within the office of his/her dean/director. These data may include the usual pre-employment materials (such as college transcripts, letters of application, curriculum vitae and letters of reference), evaluation and observation reports, signed letters of reference and evaluations which the Member or the University has solicited, either implicitly or explicitly, correspondence, health and counselling records for the obtaining of which the Member or his/her physician or counsellor has given permission, copies of materials reflecting professional development and achievements and copies of materials reflecting the salary history of the Member. Copies of the data contained in the official personal file in the office of the dean/director may also be kept in department files in the office of the department head.
- 11.1.2 Notwithstanding the above, the parties acknowledge that the University is required by statute to keep certain records which may contain data pertaining to the employment of a Member which may not be in the personal file. The University agrees that such data shall be kept safe and secure and shall be utilized by the University solely for the purposes required by statute and/or to fulfill the University's obligations pursuant to the Collective Agreement. The University may also utilize such data with the informed consent, in writing, of the Member. The Member retains the right, at his/her sole discretion, to withdraw any such consent given to the University.
- 11.1.3 Confidential information shall be signed letters of reference and evaluations which the Member or the University has solicited prior to April 23, 2002, either implicitly or explicitly, unless the author of the letter of reference or evaluation in question has provided written authorization for its release to the Member and any information considered confidential by any other Article of this Agreement.
- 11.1.4 Anonymous material shall not be kept in a personal file. Anonymous material concerning a Member is material of which the authorship has not been disclosed to the Member.
- 11.1.5 Statistical data arising from an approved teaching evaluation pursuant to Article 35 shall not be considered to be anonymous.
- 11.1.6 The original copy of open-ended comments on approved teaching evaluations pursuant to Article 35 shall be provided to the Member by the department head. These comments are solely for the personal use and information of the Member. No copy shall be made of any such comments by the University.
- 11.1.7 Anonymous materials shall include any oral or written comment received by the University related to a Member's performance or conduct where the Member has

not received a copy of the written comment(s) including authorship and/or a detailed summary of the oral comment(s) including authorship within a reasonable period of time of receipt by the University.

- 11.1.8 No anonymous material may be used in any disciplinary or evaluative proceeding or action involving a Member. The University may inquire or investigate into matters raised by anonymous material.
- 11.1.9 Letters of reprimand shall be considered outdated and shall be removed from the file when the dean/director determines that the deficiency giving rise to the reprimand has been overcome or remedied and so advises the Member in writing. A Member may request that the dean/director assess whether the letter should be removed. The removal of a letter of reprimand shall not be unreasonably denied.
- 11.1.10 The Member shall have the right to have included in his/her personal file his/her written comments on the accuracy or the meaning of any of the contents of his/her personal file, including any explanation in defense against any serious indictment of the Member's professional conduct, and to add any relevant third party documents to the file.
- 11.2 **Procedures**
- 11.2.1 Upon written request to the dean/director, the Member or his/her duly authorized representative shall have the right to examine, during regular office hours, the contents of his/her personal file, except for confidential information and information the disclosure of which is prohibited by legislation.
- 11.2.2 Members shall be informed in writing and receive a copy of every addition to his/her personal file within five (5) working days of the addition so as to enable the Member to file any explanation and/or defense to the content of the document.
- 11.2.3 Members shall be advised in writing of the removal of any document from their personal file within five (5) working days of the removal.
- 11.2.4 The Member shall be allowed to examine his/her personal file only in the presence of the dean/director or his/her designate. The Member shall not be allowed to remove his/her personal file or any part thereof from the faculty/school or department office.
- 11.2.5 The Member, upon written request to the dean/director, and at his/her expense, may obtain copies of the documents in his/her personal file which are not considered confidential by this or any other Article.

- 11.2.6 All personal files shall have a log sheet which shall form part of the personal file and the log sheet shall indicate the date that the file was perused and the name of the person perusing the file, provided that no entry as to name or date shall be necessary if the file is perused by the Member or by the dean/director or department head.
- 11.2.7 No information contained in a personal file shall be made available by the dean/director to third parties, except as authorized in writing by the Member or as provided for by any Article of this Agreement. In this context, the Member's department head, and the senior Administrative Officers of the University together with their excluded managerial and confidential staff are not third parties.
- 11.2.8 Contents of personal files, the effective date of which precedes September 26, 1975, may repose within a department or some other location rather than within the office of the dean/director. A Member, upon written request to the dean/director, shall have access as provided for in this Article to such a personal file.