

CALIFORNIA STATE UNIVERSITY, LONG BEACH
POLICY STATEMENT

RECEIVED

DEC-8 1977

Academic Senate Office

This policy superseded by
Article 11 of Unit 3 and
4 MOU's

NUMBER: 77-28

FILE: Personnel

SUBJECT: PERSONNEL POLICIES

The following revised policy statement, recommended by the Academic Senate at its meeting of October 20, 1977, and approved by the President on November 22, 1977, is as follows:

PREAMBLE

This document is subject to all applicable laws of the federal government and the State of California, regulations of the Board of Trustees, and directives of the Chancellor. All laws, rulings, and interpretations relative to Affirmative Action apply.

Personnel issues are among the most critical issues on any University campus. Because of this, great care should be exercised and good common sense should be practiced when dealing with highly sensitive personnel matters. This document is intended to regulate the procedures for dealing with personnel issues that are considered to be of major importance and consequence. Those issues considered minor or trivial in nature are not the subject of this document and as such should be resolved at the department level.

INFORMAL RESOLUTION OF PERSONNEL MATTERS

All persons and parties concerned are strongly urged to make good faith efforts to resolve informally matters relative to personnel issues and disputes, but if a satisfactory adjustment does not result, the persons and parties concerned have the right to seek relief -- pursuant to Systemwide Disciplinary Action Procedures for Academic Personnel, or Systemwide Grievance Procedures, as appropriate.

ACCESS TO EMPLOYEE RECORDS

An academic/academically related employee (hereinafter referred to as academic employee) shall have access to all material, reports, documents, and correspondence in his/her personnel file and Retention and Advancement file except letters of recommendation received prior to initial appointment. Each academic employee shall have the right to have another person of the employee's choosing (hereinafter referred to as observers/advisors) accompany the employee to inspect the employee's records.

In addition to the employees directly concerned and their duly authorized observers/advisors, only personnel committees, appropriate academic administrators and their clerical/support staff, shall have access to personnel records.

Scope and Application

If letters of recommendation concerning the initial appointment are considered in personnel actions subsequent to the individual's employment, it is required that those records be disclosed to the academic employee in the exact form in which they were considered.

The following are not employment records, unless retained as such, and are not subject to disclosure except in accordance with other applicable federal or state law:

- (1) Academic records dealing with an academic employee who is also a student;
- (2) Campus medical records;
- (3) Public Safety Department records;
- (4) Criminal offender records.

Information becomes an employment record subject to access by the academic employee when:

- (1) it pertains to the employment relationship and
- (2) any CSULB academic employee, committee, or administrator with responsibility for making personnel decisions respecting the academic employee named becomes aware of the existence of the material and
- (3) the material is kept by the department, school or University administrator and committee and used in making employment decisions.

Personal notes or other materials used as evidence or considered in making personnel decisions shall become a part of the official employment records.

Copying Records

Following submission of a written request to the Associate Vice President for Academic Affairs--Academic Personnel for a copy of all or any portion of a file, the academic employee shall, within ten calendar days of the request, unless the employee agrees in writing to an extension of time, be provided an exact copy of all or any portion he/she desires of any of the items as definable. The employee may be assessed a minimal reproduction fee.

When materials are received from off/on campus by individuals, committees, administrators, agencies, etc., which are to be considered for placement in the official employment file, a copy

shall be provided to the academic employee concerned within seven calendar days. The campus administration shall bear the cost of duplicating such items. The academic employee shall be advised that the material will be placed in the academic employee's file unless the academic employee objects. In the event that the academic employee objects to the materials being placed in his/her file and the Associate Vice President for Academic Affairs--Academic Personnel does not concur with the academic employee's objections, the employee should refer to CONFRONTATION.

CORRECTION OR DELETION OF MATERIAL IN FILES

If, after examination of the record of his/her file, an academic employee believes any portion of any of the material is not accurate, relevant, timely or complete, he/she shall request in writing correction of the record or deletion of the offending portion, or both. Such written request shall include a statement by the academic employee as to the corrections and deletions that he/she believes need to be made. The academic employee may also submit a statement rebutting any item in the record. These statements, and the material challenged, except material in question which is subsequently deleted and destroyed, shall become part of the file.

Within 23 working days of the request for correction of the record or deletion of the portion of the record objected to, or both, the Associate Vice President for Academic Affairs--Academic Personnel shall either accede to the academic employee's recommendation or notify him/her in writing of the refusal to grant the request. If the Associate Vice President for Academic Affairs--Academic Personnel refuses to grant the request, he/she shall state in writing the reasons for the refusal and inform the academic employee of the appropriate procedure that must be followed if the academic employee wishes to appeal the decision. If the Associate Vice President for Academic Affairs--Academic Personnel fails to respond within 23 working days, the academic employee concerned shall have access to the appropriate systemwide grievance procedures.

Any item specified in ACCESS TO EMPLOYEE RECORDS which an academic employee has requested to inspect shall not be destroyed or altered prior to the academic employee's inspection. The University shall not ask or permit an academic employee to waive his/her right to inspect any item listed in ACCESS TO EMPLOYEE RECORDS.

Personnel Decisions

Personnel decisions relative to hiring, retention, promotion, termination or any other personnel decisions shall be based only on material contained in the academic employee's personnel and/or Retention and Advancement file located in the Office of the Associate Vice President for Academic Affairs--Academic Personnel, which file is open to the inspection of the academic employee. Only material related to an academic employee's qualifications or performance shall be included in his/her records. If a personnel

recommendation or decision is based on any reasons not contained in the academic employee's personnel/Retention and Advancement file, the party making the recommendation or decision shall commit those reasons to writing, and the written statement of those reasons shall become part of the employee's personnel file.

Anonymous information, either supportive or derogatory, may not be placed in any employment record or be used in any personnel action or decision. Statistical data derived from authorized formal student evaluations shall become a part of the employment record through the normal consultative processes. Nonstatistical portions of formal student evaluations placed in employment records prior to September 1, 1977 may remain a part of the employment record if the faculty member requests that they be included as part of the employee record. Effective with the Fall 1977 semester, student evaluation forms that yield other than statistical data shall be used for personnel considerations only with the consent of the faculty member and then shall become part of his/her employment record.

OFFICIAL FILES

The personnel and Retention and Advancement files located in the Office of the Associate Vice President for Academic Affairs--Academic Personnel are the only designated official files. If any other materials are to be used in University personnel actions, they must be forwarded to the Associate Vice President for Academic Affairs--Academic Personnel through the appropriate channels. Material determined to be too insignificant in nature to place in the personnel file should not be kept at all.

CONFRONTATION

In seeking an early resolution on derogatory information, the accused has the right to confront the accuser with regard to the alleged evidence. If either party so desires, a third party agreeable to both may be present. When the person(s) who initiated the allegation refuse(s) to be confronted when such confrontation is physically possible, the materials shall be ignored unless, after consultation with the Panel on Professional Standards and Ethics, the Associate Vice President for Academic Affairs--Academic Personnel decides that the materials are of such a substantive nature that they stand as valid evidence without the necessity of confrontation. When a confrontation does not result in a satisfactory resolution, the academic employee may follow the procedure outlined in CORRECTION OR DELETION OF MATERIAL IN FILES.

This Policy Statement supersedes Policy Statement 77-26, dated 7/7/77.

Effective: Immediately

DEG:bjp
11/29/77