

Article 12
PERSONNEL FILES

- 12.0 Material in personnel files of unit members, which may serve as a basis for affecting the status of their employment, shall be made available for inspection by the unit member involved in accordance with 12.2 below.
- 12.1 Every unit member shall have the right to inspect ratings, reports, records and all materials placed in his/her official personnel file which may serve as a basis for affecting the status of his/her employment, except as follows, and in accordance with Education Code Section 44031.
- 12.1.1 Materials, such as ratings, reports or records which were obtained prior to the first date of District service.
- 12.1.2 Materials prepared by identifiable examination committee members.
- 12.1.3 Materials which were obtained in connection with a promotional examination.
- 12.2 Upon 24 hours notice to the District, every unit member shall have the right to inspect such material upon request, provided that the inspection is made at a time such person is not actually required to render instructional service to the District.
- 12.3 Prior to placing derogatory material in a unit member's file, he/she shall be given notice and an opportunity during normal business hours to review the material. Notice to the unit member will be within thirty (30) days of the District's receipt of the derogatory material. If the unit member has not filed a response within ten (10) working days of notification, the District shall file the derogatory material. Any response filed after the ten (10) workday period shall be attached to the derogatory material. Material placed in a unit member's personnel file, which is subsequently proven to be untrue or incorrect, shall have no impact upon a unit member's evaluation or employment status and shall be removed from the personnel file and destroyed in accordance with the provisions of the law.
- 12.4 Any complaints about a unit member which are withdrawn or are shown to be false shall not be placed in the unit member's personnel file nor utilized in any evaluation or disciplinary action against the unit member.
- 12.5 A unit member may have another person accompany him/her to assist in the examination of his/her personnel file. A unit member may obtain copies of materials made available for inspection in his/her personnel file at his/her expense.
- 12.6 Any representative designated by the unit member shall have the right to review the unit member's personnel file and other records dealing with the unit member when accompanied by the unit member or on presentation of a written authorization signed by the unit member.
- 12.7 All personnel files will be considered confidential and will not be available to persons other than the unit member or his/her designee. Members of the District administrative staff shall be limited in their access to personnel files. Such individuals should review files only on a need-to-know basis which is directly associated with the responsibilities of their job functions.
- 12.8 Members of the Board of Trustees may request a review of a unit member's file at a scheduled meeting of the Board.

- 12.9 The District shall maintain the unit member's official personnel files in the Personnel Services Office located in the District Office. Site level or work location files kept on unit members are subject to the same notice provisions contained herein which includes unit member's rights to receive, review and respond to derogatory materials before decisions are made or conclusions drawn regarding the material. Derogatory items kept in unofficial files at the school site or other location must be destroyed by June 30th of the year or be sent to the personnel file in accordance with the appropriate notification procedure.
- 12.10 No derogatory information regarding a unit member received or originated from an unidentified source shall be retained or placed in the unit member's personnel file.
- 12.11 Unit members shall be entitled to all rights afforded employees in Board Policy and Regulation 1312.1 (Parent/Guardian Complaints Regarding Employees dated November 13, 1990).
- 12.11.1 Parent and Public Complaints
- 12.11.1.1 Any complaint about a unit member (which is deemed serious enough to adversely affect the unit member's evaluation) shall be reported to the unit member within ten (10) days following the District's receipt of the information.
- 12.11.1.2 Administrative responses to unit members about whom complaints have been made which may adversely affect a unit member's evaluation, or in those instances where the response is to be placed in the official personnel file, shall be set forth in writing and provided the unit member within ten (10) days after conferencing with the individual. In all instances the unit member shall be provided with an opportunity to respond both orally and in writing.
- 12.11.1.3 In those instances where the unit member or complainant believe that the allegations involved in a complaint are sufficiently serious to warrant a meeting to discuss the matter, the unit member or complainant may request that the District schedule a conference for a mutually convenient time and date as provided for in Board policy. During such conferences unit members shall be afforded rights to representation when requested.
- 12.11.1.4 If the matter giving rise to the complaint is not resolved at the meeting to the satisfaction of the complainant, he/she shall submit the complaint in writing with the original being sent to the unit member and a copy being sent to the unit member's immediate supervisor. If no written complaint is filed the matter shall be considered closed.
- 12.11.1.5 If the allegations set forth in the complaint are later found to be untrue and incorrect, all references to the matter shall be dealt with in accordance with Sections 12.3 and 12.4 of this Article.