

Proper maintenance of and access to personnel files is critical for a number of reasons, including the tenure and promotion process.

Departments and/or Divisions maintain *some* documents that are properly part of the general personnel file (or, as designated in the PSC/CUNY CBA, the “personal personnel file”), and maintain *all* of the documents that are properly part of the file associated with tenure and promotion (the “administration personnel file”).

The following guidance is provided to assist in the maintenance of all personnel files maintained in the Departments/Divisions. Reference is made below to documents that must also be shared with HR when they are generated. If you have any questions, please contact QC HR (Reinalda Medina or Oswald Fraser) or the QC General Counsel’s Office (Meryl Kaynard).

According to the terms of the PSC/CUNY CBA (Article 19.3), there are to be two components of each employee’s personnel file. The “**personal personnel file**” and the “**administration personnel file.**” The contents of these files are described below.

In general, documents that are appropriate for inclusion in the “**personal personnel files**” must be initialed/signed by employees/faculty members, and employees/faculty members may review their own files, whereas access to the “**administration personnel files**” is very limited, and precautions (e.g., maintenance in secure locations such as locked rooms or cabinets) should be taken to assure that employees/faculty members do not have access to these files.

As many of the records that are part of the “**personal personnel file**” (such as teaching observations and annual evaluations), are generated at the department level and are generally not forwarded to the HR Department at the time they are created (e.g., because they are voluminous or for other appropriate reasons), the personnel files maintained in the Department/Division must have two parts that are maintained separately - the “**personal personnel file** and the “**separate administration file.**”

CONTENTS OF THE “PERSONAL PERSONNEL FILE”:

As defined in the CBA, the “**personal personnel file**” shall include but not be limited to the following:

- (a) Personnel information;

- (b) Information relating to the employee's academic and professional accomplishments submitted by the employee or placed in the file at his or her request;
- (c) Records generated by the college;
- (d) Memoranda of discussions with the employee relating to evaluations of the employee's professional performance;
- (e) Observation reports of the employee's academic and professional performance.

The CBA specifically provides that "[n]o materials shall be placed in the employee's file until the employee has been given the opportunity to read the contents and attach any comments he or she may so desire. Each such document shall be initialed by the employee before being placed in his or her file as evidence of his or her having read such document. This initially shall not be deemed to constitute approval by the employee of the contents of such document. If the employee refuses to initial any document after having been given an opportunity to read the same, a statement to that effect shall be affixed to the document."

While routine documents such as PAFs are maintained in the HR files without the employee's initials, in general, any document the Department or Division seeks to include in the employee's "**personal personnel file**" must be initialed by the employee.

"**Personal personnel file**" documents that are typically maintained in Department/Division files and must be acknowledged and initialed by the faculty member include:

- Initial appointment letter
- All annual evaluation conference reports
- All peer observation reports and peer conference reports (i.e., teaching observations)
- Third year review reports
- Student Evaluations
- Letters of commendation provided by employee/faculty members for inclusion in their files
- Updated curriculum vitae
- Annual reappointment letters
- Guidance memos, if any (copies of these should be provided to HR)
- Disciplinary memos, if any (copies of these should be provided to HR)

Care should be taken to assure that the proper procedures are followed regarding inclusion of materials in personal personnel (i.e., that materials are acknowledged/initialed by the employee/faculty members where appropriate).

In addition, while grievances should not, as a matter of course, be included in the "**personal personnel file**," settlement agreements, Select Faculty Committee determinations and arbitration decisions should be initialed by the employee/faculty member and included in the

“personal personnel file.”

CONTENTS OF THE CONFIDENTIAL “SEPARATE ADMINISTRATION FILE”:

As defined in the CBA, the “**separate administration file**” shall contain only such materials requested by the unit of CUNY or supplied by the employee in connection with the employee's employment, promotion or tenure, and shall be available only to the committee and individuals responsible for the review and recommendation of the employee with respect to appointment, reappointment, promotion or tenure.

The “**separate administration file**” is often interpreted to mean materials concerning the employee that are provided by third parties at the request of the College or the employee. Thus, the documents in this file are typically:

- Letters solicited as part of the tenure/promotion process and similar peer reviews pursuant to tenure/promotion consideration.
- Letters of recommendation upon hire/initial appointment.
- Forms from previous tenure/promotion/CCE consideration

“**Separate administration file**” documents that should be kept confidential and stored securely, which are shared on an appropriate “need to know” basis consistent with the promotion/tenure process, and which are not available to the faculty member include:

- Promotion, tenure and CCE forms, including the Candidate’s CV and Personal Statement, and Confidential Department Reports. Among the documents usually contained in these Forms, and appropriate for inclusion in the “separate administration file” are:
 - Letters soliciting feedback from third parties that is associated with the promotion/tenure and other related processes (e.g., "Distinguished Professor", "Professor Emeritus" etc.)
 - Letters received from third parties in response to requests that are associated with the promotion/tenure and other related processes (e.g., "Distinguished Professor", "Professor Emeritus" etc.)
 - Chair's Report
 - P&B Report
- Vote tallies and other documents reflecting P&B determinations concerning promotion/tenure and other related processes (e.g., "Distinguished Professor", "Professor Emeritus" etc.)

MAINTENANCE OF OTHER MATERIALS

It should be kept in mind that neither the “personal personnel files” nor the "**separate administration files**" are appropriate locations for informal documents or notes concerning faculty that are not properly included as part of the personnel file. For example, a "Chair's file" which may contain the Chair’s notes that are not intended for inclusion in an individual's file ("personal personnel" or "separate administration") should be maintained separately, and the contents may not be placed in the "personal personnel" or "separate administration" files without meeting the criteria articulated above. Such informal files may be maintained for the limited purpose of serving as a reminder to the Chair of any personnel issues.

If you have questions about maintenance of any other documents (such as student complaints about a faculty member), you should inquire of the Dean or the Provost’s office as to how to proceed.

PROVIDING EMPLOYEE/FACULTY MEMBER ACCESS TO “PERSONAL PERSONNEL FILE”:

When an employee/faculty member seeks to review his/her "**personal personnel file**", HR will notify the Department/Division and either ask that those documents that are appropriate for inclusion in the "**personal personnel file**" that are not already part of the HR file be forwarded to HR or, if the contents of the "**personal personnel file**" maintained by the Department/Division are voluminous, the employee/faculty member may be provided access to the portion of the "**personal personnel files**" maintained by the Department/Division.

Access to Department/Division files should not be provided to the employee/faculty member without discussing the request with HR. Furthermore, it is imperative that the files not leave the premises.