

Article 16: Confidentiality and Access to Personnel Files

- 16.5 (a) No anonymous material shall be kept by the Employer concerning any employee. If introduced, such material shall be sufficient in and of itself to invalidate the proceedings. Statistical information gathered pursuant to Article 26 shall not be considered anonymous material. Non-statistical information gathered pursuant to Article 26, however, shall not be exempt from the provisions of this article.
- (b) ~~Where the Employer places a signed student comment on an employee's file:~~
- (i) ~~the employee shall be promptly advised of the substance of the complaint in such a form as will preserve the confidentiality of the complainant(s);~~
 - (ii) ~~the employee shall be given an opportunity to place a comment or rebuttal on the file;~~
 - (iii) ~~the student's names shall only be disclosed with their consent;~~
 - (iv) ~~the Employer may only use the complaint in a career decision if the student's names are disclosed to the employee;~~
 - (v) ~~if the students do not consent to the disclosure of their names, then upon completion of final grade reports the document, along with the employee's rebuttal, shall be removed from the file and destroyed;~~
 - (vi) ~~if the students' names are disclosed, the employee shall, at that time, be given an opportunity to place a further comment or rebuttal on the file.~~
- (c) ~~When written student comments are retained copies shall be placed in the employee's file in accordance with Article 16.5(b), and shall be forwarded to the employee.~~
- (d) ~~Where a document pertaining to an employee's performance or to a disciplinary matter, and which has not already been sent to the employee, is to be added to the employee's file held in the office of the Vice President (Academic), the relevant Dean or Director, or the University Librarian, a copy shall, subject to any confidentiality restrictions set out in this Collective Agreement, be sent to the employee.~~
- (e) ~~Except for student complaints under Article 16.5 (a) (c), when~~ **When** the university receives a signed written complaint filed with the Employer against a CUASA member ~~that results in a formal inquiry or investigation,~~ the employee will be notified within fifteen (15) working days of the receipt of the complaint and advised to notify CUASA. A copy of the letter advising the member to contact CUASA shall be sent to the Association. **The employee shall be given an opportunity to place a comment or rebuttal on the file.**
- (f) For any formal inquiry/investigation, the Employer shall notify the employee of any additional steps before they occur throughout the process and inform the employee when the process is concluded.
- 16.8 (a) ~~Letters or assessments in relation to promotion shall be solicited by the appropriate Dean, University Librarian or their designates (hereafter in this clause the Dean). The Dean~~

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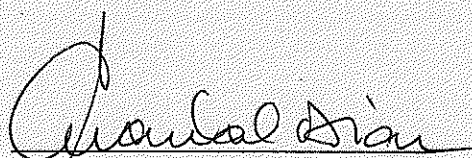
~~shall request a list of possible referees from the candidate. If the Dean desires to solicit additional references or assessments, they shall so inform the candidate and submit the names of the proposed referees to the candidate who shall have the right to comment in writing on the names suggested and to have such comments included in their official dossier. In submitting letters of reference or assessments to the Promotion Committee whether the referees or assessors were suggested by the candidate, the Chairperson or the Dean shall be indicated. Such letters and assessments in connection with promotion shall be confidential and shall not be shown to the candidate except where the candidate proceeds to arbitration under Article 4 (Academic Freedom) or Article 5 (No Discrimination) 10.10 of the Collective Agreement. Letters or assessments in relation to promotion shall be solicited by the appropriate Dean, University Librarian or their designates (hereafter in this clause the Dean). The Dean shall request a list of possible referees from the candidate. If the Dean desires to solicit additional references or assessments, they shall so inform the candidate and submit the names of the proposed referees to the candidate who shall have the right to comment in writing on the names suggested and to have such comments included in their official dossier. In submitting letters of reference or assessments to the Promotion Committee whether the referees or assessors were suggested by the candidate, the Chairperson or the Dean shall be indicated. Such letters and assessments in connection with promotion shall be confidential and shall not be shown to the candidate except where the candidate proceeds to arbitration under except where the candidate proceeds to arbitration under Article 4 (Academic Freedom) or Article 5 (No Discrimination) 10.10 of the Collective Agreement. Article 10.10 of the Collective Agreement.~~ All letters and assessments in relation to promotion shall be destroyed at the end of the relevant period **but not prior to the expiration of any deadlines for appeals or grievances**. Such letters or assessments, if maintained contrary to this policy, shall not be submitted as evidence in any subsequent proceeding involving any employee.


16.9

The employee shall have the right to submit names of referees to the appropriate Chair/Director and Dean, or in the case of professional librarian employees the University Librarian, who shall solicit letters or assessments from the names provided in regard to renewal of a preliminary appointment or to the confirmation of appointment or to the granting of tenure. Letters or assessments or any other written material presented as evidence in regard to the renewal of appointment, confirmation of appointment, or the granting of tenure shall, in the event of a tentative negative recommendation, be made available as a true copy to the employee concerned prior to any final decision by the department or by a faculty review body or by the Peer Evaluation Committee or by the University Librarian. At the level of the **Senate Tenure and Promotions Appeal Committee** as applicable all written assessments in regard to a negative recommendation shall be made available to the employee concerned at the time they are presented to the committee or, at the discretion of the Employer at any earlier date.

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16.10 Letters of reference and/or assessments shall be made available in their entirety when called for by the provisions of this agreement, to the relevant departmental, faculty, or library committees and, in the case of appeal or grievance, to the ~~Senate Tenure and Promotions~~ **Senate Tenure and Promotions** Appeal Committee, ~~the Promotions Appeal Committee~~, as appropriate. The members of such committees shall treat such letters and assessments as confidential.


Charital M Dion - Chief Negotiator
CUASA/the Union
23 Nov 2017
Date


Wayne Jones - Chief Negotiator
Carleton University/the Employer
Nov. 23, 2017
Date