

Proposal for Amendment to the University Handbook

November 14, 2006

All faculty members have a permanent personnel file. All files are located in the Office of the Provost. Throughout my tenure at Christopher Newport College and Christopher Newport University, every faculty member has been granted unlimited and unquestioned access to his or her permanent personnel file at any time for any reason. This file holds a number of rather mundane documents. These generally include, but are not limited to:

1. Completed Commonwealth of Virginia Application for Employment form with original signature
2. Letters offering/accepting employment
3. Information regarding Workers' Compensation claims
4. Copies of all contracts offered for the regular academic year
5. Copies of professional development grants and dean's office grants
6. Completion reports of the abovementioned grants

This file also includes:

7. Letters of complaint

The current *University Handbook* does not explain in detail the nature of items included in a faculty member's permanent personnel file, *nor any published standards for their inclusion, corroboration, or removal*. Currently, items included in this file are placed there entirely at the discretion of the Provost.

Faculty members do **not** enjoy the more specific standards established by the State of Virginia for its classified employees. These are outlined in Policy No.:6.10 of the Department of Human Resources Policies and Procedures Manual, available at:

<http://www.dhrm.state.va.us/hrpolicy.htm>

This document indicates that "Supervisors' Files" may include employment-related documents for each employee. Supervisors' files include, but are not limited to, documents such as:

1. Documentation regarding employees' work performance
2. Documentation of counseling sessions with employees on such matters as performance or behavior problems or department policies and procedures
3. Interim and annual evaluations

4. Letters or memoranda from other sources regarding employees' job performance such as letters of commendation or complaint

Policy 6.01, created for classified employees, also indicates that with respect to Number 4 above, "Employees normally should be given copies of the information at the time it is placed in the file." Further, this policy also asserts that "Employees may attach rebuttals to information in supervisors' files." This policy became effective September 16, 1993. Faculty members at Christopher Newport University do not currently enjoy these courtesies and protections.

The current *University Handbook* includes no similarly helpful language with respect to faculty permanent personnel files. Over the course of my career at this institution:

1. I have never been informed of the inclusion of any letter of complaint in my permanent personnel file. Three have appeared there.
2. I was never informed of the identity of the person or people who made an administrative decision to place such documents in the file.
3. There has *never* been included in the file *any* evidence or documentation that the administration had investigated the veracity of the complaint with a view to its corroboration. No corroboration has appeared.
4. I was never informed of my right to write a rebuttal to any letter of complaint in the file.
5. In two instances, documents were included in the file in which administrators made specious, incorrect, moot, and legally inconsequential assertions. Yet the fact that the documents remained in the file could create the impression that the administrators' claims were correct, when, in fact, they were nugatory.

Recommendations

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| Recommendation 1 | Every faculty member must be informed when letters of complaint, reprimand, admonition and/or commendation are placed in his or her permanent personnel file. |
| Recommendation 2 | The identity of the individual(s) placing said document in the permanent personnel file must be made known to the faculty member affected. |
| Recommendation 3 | All letters of complaint placed in the permanent personnel file must be corroborated in writing by the Provost of the University. |

A written record of all investigative procedures and findings must accompany all letters of complaint.

Recommendation 4

Faculty members must have the right of rebuttal to all letters of complaint included in their permanent personnel file.

Recommendation 5

Letters of complaint which have not fulfilled the requirements of Recommendations 1-4 above will be removed from the permanent personnel file and returned to the faculty member in their original form. ***Copies*** of said complaints will not be included in the permanent personnel file.

Recommendation 6

These policies will ***also*** apply to faculty files which may reside in the Office of the President of the University, the Office of the Dean of the affected faculty member, the Office of the Director of Human Resources, and the Office of the Chair of the affected faculty member.

Respectfully submitted,

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