

ARTICLE 12 - Dossier du membre

Section 12.3 - Confidential section of the file

- *12.3.1 The confidential section of the file consists of the following:
- ~~of~~ recommendations and evaluations requested by the employer or the FTPC and authored by persons who are not members of the regular staff at the University of Ottawa, and the letters requesting such evaluations and recommendations,
 - complaint letters pursuant to article 12.3.3, and
 - reports submitted by Teaching Evaluators in accordance with article 24. ~~Signed complaints against a member by a student or a group of students shall also be placed in the confidential section of the file, except where a copy is available to the member and the member requests that it be placed in the open section of the file.~~
- *12.3.2 Recommendations, évaluations et rapports : Lorsqu'il verse du matériel à la partie confidentielle du dossier du membre, le doyen ou son délégué doit envoyer au membre une copie de ce matériel en n'y enlevant que les passages pouvant servir à identifier l'auteur de l'évaluation ~~ou de la plainte~~, selon le cas. Le membre intéressé a le droit de verser à la partie confidentielle et ouverte de son dossier une réplique écrite au matériel ainsi ajouté à son dossier.
- 12.3.3 **Complaints:** Any anonymous complaints received by the Employer concerning or citing a member will be automatically deleted and trashed. Signed complaints concerning or citing a member, pursuant to article 9.2, shall be placed in the confidential section of the file, except where a copy is available to the member and the member requests that it be placed in the open section of the file. Members may deposit, in the open and confidential sections of their file, a written response to any material so added to the file. The written response of the member is to be attached on top of the complaint.
- 12.3.3.1 **Student complaints:** If the signed complaint is from a student or group of student of the University, the Dean or her delegate shall forward to the member a copy of that material, deleting only passages which could identify the author or authors of the complaint.
- 12.3.3.2 **Internal complaints:** If the signed complaint is from an employee or group of employees of the University - the Dean shall firstly determine if the member is in a position of direct authority over the complainant(s). If such a relationship exists, the Dean or her delegate shall forward to the member a copy of that material, deleting only passages which could identify the author or authors of the complaint. If such a relationship does not exist, the Dean or her delegate shall forward to the member a copy of that material without deleting any passages or any identifying information.
- 12.3.3.3 **External complaints:** If the signed complaint is from a person external to the University, the Dean or her delegate shall forward to the member a copy of that material without deleting any passages or any identifying information.
- 12.3.3.4 If a complaint is not acted upon by the Dean pursuant to article 39, the complaint will be deleted and trashed.

12.3.3.5 It is understood that the employer cannot pursue complaints on issues that are protected by the principle of academic freedom as per article 9.

12.3.4 Members have the right to have material that is false, inaccurate, unsubstantiated or irrelevant from the existing confidential section of her file removed. The member must make application in writing to her Dean who decides within 20 working days whether the impugned material is false, inaccurate, unsubstantiated or irrelevant. Requests cannot be unreasonably denied. If the removal is refused by the Dean, reasons must be provided in writing to the member and a copy must be sent to the Association. Where the Dean amends the file, she will notify all persons who received a report based on inaccurate or incomplete information. The Dean will provide members concerned and the Association with a list of all persons to whom such correction has been transmitted.

*12.3.35 Un inventaire des documents contenus dans la partie confidentielle du dossier est inclus dans la partie ouverte du dossier, en précisant la date et le sujet des documents.

*12.3.46 Apart from the employer and its representatives, only the FTPC and the Joint Committee shall have access to the confidential section of the file of the member regarding whom they must make a decision or a recommendation. If the member agrees, the APUO Liaison Officer will have access to the entire confidential section of the file.

*12.3.57 A member may request, by writing to her ~~dean~~Dean, that certain documents in the member's file be subject to confidentiality safeguards (relative to disclosure to the member) beyond those provided for in this agreement. Notwithstanding 12.3.2, where such a request has been forwarded to the ~~dean~~Dean, the ~~dean~~Dean shall not forward to the member a copy of any such document, with or without the deletions prescribed by 12.3.2. Once the member has formally requested in writing that such documents remain confidential, she is not thereafter entitled to request copies.

Section 12.4 - Partie ouverte du dossier

*12.4.1 La partie ouverte du dossier comprend tout autre matériel relatif à la carrière du membre, y compris le matériel qui précède l'engagement (sauf les lettres de recommandation), la correspondance, le dossier salarial et l'inventaire du matériel contenu dans la partie confidentielle. Le doyen envoie au membre copie de tout le matériel ajouté à la section ouverte de son dossier et le membre a de plus le droit de faire ajouter à son dossier tout matériel, y compris ses commentaires écrits ou provenant de tierces parties, pourvu que le mode de sollicitation, s'il y a lieu, soit dévoilé.

12.4.2 Members have the right to have material that is false, inaccurate, unsubstantiated or irrelevant from the existing open section of her file removed. The member must make application in writing to her Dean who decides within 20 working days whether the impugned material is false, inaccurate, unsubstantiated or irrelevant. Requests cannot be unreasonably denied. If the removal is refused by the Dean, reasons must be provided in writing to the member and a copy must be sent to the Association. Where the Dean amends the file, she will notify all persons who received a report based on inaccurate or incomplete information. The Dean will provide members concerned with a list of all persons to whom such correction has been transmitted.

*12.4.23 Upon reasonable notice, a member or her delegate may consult the open section of her file at the office of the ~~dean~~Dean during business hours and may obtain at her own expense copies of any documents therein. Access to a member's file, by the member or her delegate, shall be in the

presence of the ~~dean~~Dean or her delegate. Under no circumstances can the file itself nor any part of the file be removed from the ~~dean~~Dean's office by the member or her delegate.

*12.4.34 Mis à part l'employeur et ses représentants, et le membre lui-même ou son délégué, seuls le directeur du département, le CPED, le CPEF et le Comité mixte ont accès à la partie ouverte du dossier du membre, lorsqu'ils ont une recommandation à faire ou une décision à prendre concernant ce membre. Nonobstant ce qui précède:

- a) les données salariales ne sont communiquées ni au CPED ni au CPEF;
- b) un CPE peut demander au doyen de lui fournir tout document pertinent provenant de la partie ouverte du dossier des autres membres, et le doyen ne pourra pas refuser sans raison valable;
- c) lorsqu'une réunion pré-grief ou de première étape est convoquée à la suite d'une lettre de désaccord ou d'un avis de grief, et que l'agent de liaison de l'Association le demande, le doyen lui fait parvenir une copie de la documentation pertinente contenue dans la partie ouverte du dossier.

ARTICLE 9 - *Academic Freedom

9.3 The parties agree that any complaint received by the Employer concerning or citing a member that relate to Academic Freedom issues are non-receivable, cannot be used in potential disciplinary measures pursuant to article 39 and will be automatically deleted and trashed.