

1 Personnel files, which may consist of paper or electronic records, will be maintained in the  
2 human resources office for all employees as provided by law. The superintendent and all  
3 supervisors are directed by the Transylvania County Board of Education (the “board”) to ensure  
4 that all appropriate employment-related information is submitted to the files. Employees will be  
5 provided with all procedural protections as provided by law.

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7 The superintendent has overall responsibility for granting or denying access to personnel records  
8 consistent with this policy.

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10 **A. RECORDS MAINTAINED**

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12 The following records must be maintained in the personnel file:

- 13 1. evaluation reports made by the administration;
- 14 2. commendations for and complaints against the employee (see Section C);
- 15 3. written suggestions for corrections and improvements made by the administration;
- 16 4. certificates;
- 17 5. employee’s standard test scores;
- 18 6. employee’s academic records;
- 19 7. application forms;
- 20 8. any request to the State Board of Education to revoke the employee’s teaching  
21 license; and
- 22 9. other pertinent records or reports.

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33 **B. CERTAIN EMPLOYEE RECORDS MAINTAINED SEPARATELY**

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35 The following employee information must be kept separate from the employee’s general  
36 personnel information, in accordance with legal and/or board requirements:

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38 **1. Pre-Employment Information**

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40 Letters of reference about an employee obtained before his or her employment  
41 and, for teachers, any other pre-employment information collected, must be filed  
42 separately from the employee’s general personnel information and must not be  
43 made available to the employee.

45           **2. Criminal Record Check**

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47           Data from a criminal history check must be maintained in a locked, secure  
48           location separate from the employee's personnel file. The superintendent shall  
49           designate which school officials have a need to know the results of the criminal  
50           history check. Only those officials so designated may obtain access to the  
51           records.

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53           **3. Medical Information**

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55           Employee medical information, including the following, must be kept in a  
56           separate confidential file and may be subject to special disclosure rules:

- 57  
58           a. health certificates (see policy 7120, Employee Health Certificate);
- 59  
60           b. drug test results, except that drug use or alcohol use contrary to board  
61           policy or law also may be documented in the employee's personnel file  
62           (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle  
63           Operators);
- 64  
65           c. information related to an employee's communicable disease/condition or  
66           possible occupational exposure to bloodborne pathogens (see policies  
67           7260, Occupational Exposure to Bloodborne Pathogens, and 7262,  
68           Communicable Diseases – Employees);
- 69  
70           d. medical information related to leave under the Family and Medical Leave  
71           Act (see policy 7520, Family and Medical Leave); and
- 72  
73           e. genetic information, as defined by the Genetic Information  
74           Nondiscrimination Act of 2008.

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76           **4. Complaints/Reports of Harassment or Discrimination**

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78           The superintendent or designee shall maintain records of all reports and  
79           complaints of harassment and discrimination and the resolution of such  
80           complaints. Allegations of harassment or discrimination must be kept  
81           confidential to the extent possible. Employees involved in the allegations will be  
82           identified only to individuals who need the information to investigate or resolve  
83           the matter, or to ensure that due process is provided to the accused employee (see  
84           policies 1710/4021/7230, Prohibition Against Discrimination, Harassment, and  
85           Bullying, and 1720/4015/7225, Discrimination, Harassment, and Bullying  
86           Complaint Procedure).

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88 If the allegations are substantiated through investigation, the superintendent or  
89 designee shall ensure that the provisions of Section C, below, are followed to the  
90 extent that they do not conflict with the rights of any individual.  
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92 **C. PLACEMENT OF RECORDS IN PERSONNEL FILE**

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94 All evaluations, commendations, complaints, or suggestions for correction or  
95 improvement must be placed in the employee's central office personnel file after the  
96 following requirements are met:  
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98 1. the comment is signed and dated by the person who made the evaluation,  
99 commendation, complaint, or suggestion;

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101 2. if the comment is a complaint, the employee's supervisor has attempted to resolve  
102 the issue raised therein and documentation of such efforts is attached with the  
103 supervisor's recommendation to the superintendent as to whether the complaint  
104 contains any invalid, irrelevant, outdated, or false information; and  
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106 3. the employee has received a copy of the evaluation, commendation, complaint, or  
107 suggestion five days before it is placed in the file.  
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109 All written complaints that are signed and dated must be submitted regardless of whether  
110 the supervisor considers the complaint to be resolved.  
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112 The supervisor is expected to use good judgment in determining when a document should  
113 be submitted to the file immediately and when a delay is justified, such as when there  
114 exists a plan of improvement that is frequently revised. However, all evaluations,  
115 commendations, complaints, or suggestions for correction or improvement should be  
116 submitted by the end of the school year or in time to be considered in an evaluation  
117 process, whichever is sooner. The supervisor or principal should seek clarification from  
118 the director of human resources as necessary to comply with this policy.  
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120 The employee may offer a denial or explanation of the evaluation, commendation,  
121 complaint, or suggestion, and any such denial or explanation will become part of his or  
122 her personnel file, provided that it is signed and dated.  
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124 The superintendent may exercise statutory authority not to place in an employee's file a  
125 letter of complaint that contains invalid, irrelevant, outdated, or false information, or a  
126 letter of complaint when there is no documentation of an attempt to resolve the issue.  
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128 As provided in policy 7900, Resignation, if a career employee who has been  
129 recommended for dismissal under the applicable state law resigns without the written  
130 consent of the superintendent, then: (1) the superintendent shall report the matter to the  
131 State Board of Education; (2) the employee shall be deemed to have consented to the

132 placement of the written notice of the superintendent's intention to recommend dismissal  
133 in the employee's personnel file; and (3) the employee shall be deemed to have consented  
134 to the release to prospective employers, upon request, of the fact that the superintendent  
135 has reported this employee to the State Board of Education. For purposes of this  
136 provision, "career employee" means (1) a teacher or an administrator with career status,  
137 or (2) an administrator or a non-career status teacher during the term of his or her  
138 contract.

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140 **D. ACCESS TO PERSONNEL FILE**

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142 1. Every employee has the right to inspect his or her personnel file, including any  
143 portions of the file maintained in electronic format only, during regular working  
144 hours, provided that three days' notice is given to the human resources office.  
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146 2. The following persons may be permitted to access a personnel file without the  
147 consent of the employee about whom the file is maintained:  
148  
149 a. school officials involved in the screening, selection, or evaluation of the  
150 individual for employment or other personnel action;  
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152 b. members of the board of education, if the examination of the file relates to  
153 the duties and responsibilities of the board member;  
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155 c. the board attorney;  
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157 d. the superintendent and other supervisory personnel;  
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159 e. the hearing officer in a demotion or dismissal procedure regarding the  
160 employee; and  
161  
162 f. law enforcement and the District Attorney to assist in the investigation of  
163 a report made to law enforcement pursuant to G.S. 115C-288(g) or  
164 regarding an arson; an attempted arson; or the destruction of, theft from,  
165 theft of, embezzlement from, or embezzlement of any personal or real  
166 property owned by the board. Five days' written notice will be given to  
167 the employee prior to such disclosure.  
168  
169 3. No other person may have access to a personnel file except under the following  
170 circumstances:  
171  
172 a. when an employee gives written consent to the release of his or her  
173 records, which specifies the records to be released and to whom they are to  
174 be released;  
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- 176           b.       pursuant to a subpoena or court order;
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- 178           c.       when the board has determined, and the superintendent has documented,
- 179                 that the release or inspection of information is essential to maintaining the
- 180                 integrity of the board or the quality of services provided by the board; or
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- 182           d.       the superintendent or designee determines that disclosure to a court of law,
- 183                 or a state or federal administrative agency having a quasi-judicial function,
- 184                 is necessary to adequately defend against a claim filed by a current or
- 185                 former employee against the board or a school official or employee for
- 186                 any alleged act or omission arising during the course and scope of his or
- 187                 her official duties or employment. Such disclosures will be limited to
- 188                 those confidential portions of the personnel file of the employee who filed
- 189                 the claim and only to the extent necessary for the defense of the board.
- 190
- 191       4.       Each request for consent to release records must be handled separately.
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- 193       5.       It is a criminal violation for an employee or board member to do either of the
- 194                 following:
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- 196           a.       knowingly, willfully, and with malice, permit any unauthorized person to
- 197                 have access to information contained in a personnel file; or
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- 199           b.       knowingly and willfully examine, remove, or copy a personnel file that he
- 200                 or she is not specifically authorized to access pursuant to G.S. 115C-321.
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202 **E.       INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS**

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204       The following information about a student's teacher(s) or paraprofessional(s) providing

205       services to a student must be provided upon request to the parent of a student attending a

206       Title I school:

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- 208       1.       whether the teacher has met North Carolina qualification and licensing criteria for
- 209                 the grade level(s) and subject area(s) in which the teacher provides instruction;
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- 211       2.       whether the teacher is teaching under emergency or other provisional status
- 212                 through which North Carolina qualification or licensing criteria have been
- 213                 waived;
- 214
- 215       3.       whether the teacher is teaching in the field of discipline of his or her certification;
- 216                 and
- 217
- 218       4.       the qualifications of any paraprofessional providing services to the student.
- 219

220 **F. PUBLIC INFORMATION**

- 221
- 222 1. The following information contained in an employee's personnel file must be
- 223 open to inspection upon request by members of the general public:
- 224
- 225 a. name;
- 226
- 227 b. age;
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- 229 c. the date of original employment or appointment;
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- 231 d. the terms of any past or current contract by which the employee is
- 232 employed, whether written or oral, to the extent that the board has the
- 233 written contract or a record of the oral contract in its possession;
- 234
- 235 e. current position;
- 236
- 237 f. title;
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- 239 g. current salary (includes pay, benefits, incentives, bonuses, deferred
- 240 compensation, and all other forms of compensation paid to the employee);
- 241
- 242 h. the date and amount of each increase or decrease in salary with the board;
- 243
- 244 i. the date and type of each promotion, demotion, transfer, suspension,
- 245 separation, or other change in position classification with the board;
- 246
- 247 j. the date and general description of the reasons for each promotion with the
- 248 board;
- 249
- 250 k. the date and type of each dismissal, suspension, or demotion for
- 251 disciplinary reasons taken by the board, and if the disciplinary action was
- 252 a dismissal, a copy of the written notice of the final decision of the board
- 253 setting forth the specific acts or omissions that are the basis of the
- 254 dismissal; and
- 255
- 256 l. the office or station to which the employee is currently assigned.
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- 258 2. The name of a participant in the North Carolina Address Confidentiality Program
- 259 is not a public record, is not open to inspection, and must be redacted from any
- 260 records released.
- 261
- 262 3. Volunteer records are not considered public records.
- 263

- 264 4. Unless an employee submits a written objection to the human resources office, the  
265 board also may make the following information available about each employee as  
266 part of an employee directory:  
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- 268 a. address;
  - 269
  - 270 b. telephone number;
  - 271
  - 272 c. photograph;
  - 273
  - 274 d. participation in officially recognized activities and sports; and
  - 275
  - 276 e. degrees and awards received.
  - 277
- 278 5. Employees will be notified of their right to object before any such directory is  
279 compiled or revised.  
280
- 281 6. Under no circumstances will the following be released pursuant to a public  
282 records request or as part of an employee directory:  
283
- 284 a. personal identifying information, as defined in policy 4705/7825,  
285 Confidentiality of Personal Identifying Information; or
  - 286
  - 287 b. the name, address, or telephone number of a participant in the North  
288 Carolina Address Confidentiality Program.
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#### 290 G. REMOVAL OF RECORDS

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292 An employee may petition the board to remove any information from his or her personnel  
293 file that the employee deems invalid, irrelevant, or outdated.  
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295 Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*;  
296 Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A); 34 C.F.R. 200.61; G.S.  
297 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status  
298 teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-931; 16 N.C.A.C.  
299 6C .0313  
300

301 Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy  
302 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy  
303 1720/4015/7225), Confidential Information (policy 2125/7315), North Carolina Address  
304 Confidentiality Program (policy 4250/5075/7316), Confidentiality of Personal Identifying  
305 Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy  
306 5070/7350), Employee Health Certificate (policy 7120), Drug and Alcohol Testing of  
307 Commercial Motor Vehicle Operators (policy 7241), Occupational Exposure to Bloodborne

- 308 Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262), Family and
- 309 Medical Leave (policy 7520), Petition for Removal of Personnel Records (policy 7821),
- 310 Resignation (policy 7900)
- 311
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- 313
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