# ARTICLE X

# PERSONNEL FILES

~~A. Unit members shall have the right to inspect examine his/her their personnel files records at any time when the administrative office of the Moorpark Unified School District is open and the teacher unit members are not fulfilling teaching their work assignments.~~ (See C)

Pursuant to Education Code Section 440311, information of a derogatory nature shall not be entered or filed unless and until the unit member is given written notice and an opportunity to review and comment ~~thereon~~ on the information. A unit member shall have the right to enter and have attached to any such derogatory statement, his/her own comments thereon, as the sole remedy. Derogatory materials which might serve as a basis for adversely affecting an employee's employment status must have been placed in the official personnel file of the employee pursuant to this provision. An employee, at the employee's request, shall receive reasonable released time to review, inspect or examine ~~derogatory~~ any material to be placed in the employee's personnel file. The review, inspection, or examination shall take place during normal business hours. The employee shall not have the right to inspect personnel records at a time when the employee is actually required to render services to the district.

B. Among the expected types of material to be placed in unit members” files are evaluations, observations, copies of contracts, ~~health clearances~~, transcripts, record of assignments, certifications, and other documents related to knowledge, skills, and abilities.

C. No ~~unsigned~~ complaint shall be placed in the official personnel file of a bargaining unit member without their knowledge.

E. A member of the unit shall have the right to authorize, in writing, an attorney or representative to examine those parts of his/her personnel file which such employee has a right to examine and shall obtain one copy of the items at no expense.

F. The District acknowledges that Education Code Section 44944 in part, requires that

no decision relating to the dismissal or suspension of any certificated employee

shall be based on charges relating to matters occurring more than four years prior

to the filing of the notice proposing the discipline, except in one of the following

circumstances:

1. Testimony or evidence regarding allegations of behavior or communication of a sexual nature with a pupil that is beyond the scope or requirements of the educational program, which may constitute misconduct, or an act described in Section 212.5, but not amounting to conduct described in clause (ii), may be introduced in a disciplinary proceeding based on similar conduct, where such allegations have been substantiated through an investigation or proceeding, or for which the employee was subject to discipline or other form of penalty.

2. Testimony or evidence regarding allegations of an act described in Section 288 of the Penal Code with respect to a pupil of any age, Section 288.3 of the Penal Code, Section 44010 of this Education Code Section 44944, or Sections 11165.2 to 11165.6, inclusive, of the Penal Code may be introduced in any disciplinary proceeding.