

University of Idaho

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TO: Promotion and Tenure Review Committee Members
FROM: General Counsel Office
SUBJECT: Confidentiality of Faculty Promotion and Tenure Process

The purpose of this memorandum is to provide a legal context and some practical tips for ensuring the confidentiality and integrity of the faculty review process.

Under Idaho law, information regarding employees is confidential. Idaho Code 9-340C(1):

Records Exempt from Disclosure – Personnel Records, Personal Information, Health Records, Professional Discipline. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

Individual members of the promotion and tenure review committees should treat all candidate information with strict confidentiality throughout and following the review process. During the process, the fact that an individual is a candidate for promotion and tenure should be treated as confidential by the committee members though it may be known through participation in college committees or as disclosed by the candidate. Even after the process is completed, discussions regarding what occurred during the process can violate confidentiality and create legal issues.

Requests for information from someone outside the committees, and any announcement related to the outcomes, should be handled or approved by the Office of the Provost and Executive Vice President, who will work with the General Counsel's office to ensure that any disclosure is within the parameters of the law and does not create liability for the University. When requests from the media are involved, the University's Director of Media Relations also should be consulted.

Please contact the General Counsel's Office at counsel@uidaho.edu with any questions.