TO: Academic Deans  
Department Chairs  

FROM: Walter D. Wales  

DATE: September 16, 1994  

SUBJECT: Requests for Evaluations for Faculty Appointments and Promotions  

Late last fall, the Provost’s Office distributed a memorandum noting that recent rulings on Pennsylvania law had made it impossible to honor the assurances on confidentiality that had in the past been routinely provided to external reviewers. I have enclosed a copy of that memorandum.

During the course of the past spring it became obvious that some schools and departments were still providing very strong assurances on confidentiality to external reviewers. Since the University will not honor those assurances, they should not be given. If your letters address the issue of confidentiality at all you must also tell the prospective reviewer that the person for whom the review is requested will be allowed to read the review if he or she requests.

The letters from internal reviewers and department chairs and the reports form departmental committees on appointments and promotions (standing or ad hoc) and from school personnel committees are subject to disclosure in the same fashion as are letters from external reviewers. It is important that you inform those who write such letters and reports that the candidate may be granted access to them.

I sent you a memorandum nearly identical to this one earlier this summer. If you still have that one, I apologize for unnecessary overkill. If you have lost it (or if it never reached you during the summer) I hope you will use this one as a convenient reminder of the need to refrain from promising confidentiality to those from whom you solicit letters of evaluation.

cc: Stanley Chodorow  
Shelley Z. Green  

Enclosure
The Pennsylvania Personnel Files Act, 43 P.S. §§ 132 et seq. requires that all employers permit employees or former employees to inspect their own personnel files. The General Counsel of the University has informed us that the Commonwealth Court has ruled, in a case involving Lafayette College, that evaluations written by internal or external peer reviewers must be included in the materials made available for inspection. Summary letters from department chairs and from chairs of personnel panels must also be made available. Our compliance with the Act will require a change in the assurances commonly given to potential reviewers and a new mechanism to insure orderly and uniform procedures for inspection of personnel files.

I. Letters to Potential External Reviewers

The most recent “recommended” statement warned potential reviewers that although it was the University’s policy that their letters would be held in confidence, in the event of “litigation or a governmental investigation, the candidate or other may become privy to the information therein contained.” This limited assurance, under the current law of the Commonwealth, can no longer be justified. Letters to potential reviewers should either be completely mute on the subject of confidentiality or provide a statement that “Professor Smith, should he so request, will be permitted to read your letter.” I think it is obvious that some potential reviewers will be reluctant to be as candid as they might have been with assurances of confidentiality.
II. **Inspection of Personnel Files**

Faculty member or former faculty members are permitted, by the terms of the Personnel Files Act, to inspect their personnel files. The files maintained in the Office of the Provost are generally incomplete, while the files maintained in department offices are not always well-organized and often contain irrelevant random information. The most complete and reliable personnel files are those maintained in the dean’s offices of the schools. It seems reasonable to provide the material in these files in response to requests from disaffected faculty members. The procedures outlined below are intended to regularize, insofar as possible, the process of providing faculty members with access to their own personnel files.

A. Faculty members or former faculty members who wish to have access to their personnel files will make a formal request, in writing, to the Deputy Provost. That request should specify the specific materials to which access is requested.

B. The Deputy Provost will procure the requested files from the school office and review them to determine what information, if any, is not subject to the access requirements of the Personnel Files Act.

C. The Deputy Provost will write to each person who wrote on behalf of the faculty member to inform them that his or her letter is being made available for the faculty member’s review.

D. The material will be made available for inspection by the faculty member in the Office of the Provost. Notes may be taken, but no materials may be copied.

Compliance with the Act will undoubtedly make the task of personnel evaluation more difficult. More potential reviewers will decline our requests for evaluations, and many others will be less candid in their assessments. While some reviews will continue to be willing to provide the honest judgments on which we have come to rely, we will have to depend much more on the few objective measures of scholarship that we have available. The task of documenting excellence will clearly be more challenging than in the past.

Cc: Neil J. Hamburg