

# Promotion and/or Tenure Guidance

## #2: The Waiver



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## #2: The Waiver

By Oregon law, promotion and/or tenure evaluation files are considered to be part of the candidate's personnel file and must be made available to the candidate upon request unless the candidate specifically waives access. *Prior to solicitation of reviewers* for promotion and/or tenure files – either internal or external to the UO, the candidate must decide and communicate in writing, signed and dated, his/her decision regarding access to the evaluation file. Sample waiver statements are provided on the following pages.

If a candidate asks for guidance in choosing which waiver option to declare, he/she may be provided with factual information but cannot be pressured to choose a particular option. It is a fact that most candidates choose the full waiver, but some do choose to retain full access, and others choose to retain partial access – most often to evaluations prepared by evaluators affiliated with UO. It is also a fact that some individuals occasionally decline to review files for which access has not been waived, and it is for this reason that the waiver status *must* be communicated to the reviewers; details will be provided in a later guidance document.

Guidance document #3 will address the selection of external reviewers.

### Sample Full Waiver Letter

Dear *[whoever is assembling the file]*:

I have been informed of my rights of access, pursuant to Oregon Revised Statute (ORS) 351.065, to the full evaluative file being prepared for consideration of my case for promotion *[and/or indefinite tenure, as appropriate]*. However, it is my view that such evaluations should be kept confidential.

Consequently, I hereby waive in advance my legal right of access to see the evaluative materials submitted by all reviewers in conjunction with my promotion *[and/or indefinite tenure]* review. I make this waiver with full knowledge of my legal rights under Oregon Law and without duress.

You should feel free to inform prospective reviewers that I have submitted this waiver and agreed voluntarily to forego any legal rights of access to these materials which I possess under Oregon Law.

Sincerely,

*[Candidate]* *[Date]*

### Sample Non-waiver Letter

Dear *[whoever is assembling the file]*:

I have been informed of my rights of access, pursuant to Oregon Revised Statute (ORS) 351.065, to the full evaluative file being prepared for consideration of my case for promotion *[and/or indefinite tenure, as appropriate]*, and of the possibility of waiving this right for certain categories of material.

I wish to retain my legal right of access to all materials in my file.

Sincerely,

*[Candidate]* *[Date]*

## Sample Partial Waiver Letter

Dear *[whoever is assembling the file]*:

I have been informed of my rights of access, pursuant to Oregon Revised Statute (ORS) 351.065, to the full evaluative file being prepared for consideration of my case for promotion *[and/or indefinite tenure, as appropriate]*. It is my view that external reviewers' evaluations should be kept confidential.

I hereby waive in advance my legal right of access to see the evaluative materials submitted by all reviewers external to the University of Oregon in conjunction with my promotion *[and/or indefinite tenure]* review. I make this waiver with full knowledge of my legal rights under Oregon Law and without duress.

I wish, however, to retain my legal right of access to all evaluative materials submitted by individuals affiliated with the University of Oregon.

You should feel free to inform prospective external reviewers that I have submitted this partial waiver and have agreed voluntarily to forego any legal rights of access to these materials which I possess under Oregon Law.

Sincerely,

*[Candidate]* *[Date]*