

Confidentiality in the Search Committee Process

Thank you for your willingness to serve as a member of the search committee. This process is important for, our students, faculty and staff, and the community, and your involvement is appreciated.

One of the critical aspects of the search process is ensuring confidentiality of applicants as provided under the law. This outline is intended to assist you in understanding your responsibility in maintaining confidentiality. Any questions about this issue should be directed to the search committee chair.

1. Complete confidentiality in the search process, in accordance with the law, is essential in order to attract qualified candidates who trust that their information will not be prematurely disclosed, and to ensure compliance with applicable laws.
2. Search committee members will have access to private personnel data, and each search committee member must take all necessary precautions to safeguard the information received.
3. The Minnesota Government Data Practices Act (MGDPA) governs "personnel data" collected, created, received, maintained or disseminated by a governmental entity such as Minnesota State Colleges and Universities. Personnel data includes information on both applicants for positions and employees. Minnesota Statutes sections 13.03, 13.43.
4. Under the MGDPA, certain personnel data are private, other information is public. Determination of what is public data will be made by human resources officials.
5. The identity of all applicants is private except for those who become finalists as defined by law. Note that the search committee may use the term "finalist" in a different way than the law defines the term. The search chair, in conjunction with human resources officials, is responsible for determining when an applicant is considered a finalist under the law.
6. Private data on applicants must not be discussed or shared with anyone outside the screening committee except as specifically authorized by the search chair.
7. Identity of applicants is permanently protected, except for those that become finalists as determined by the search chair. Names of applicants must never be released or shared with others, even after the search process is complete.
8. Certain non-identifying information about applicants is public, but must be separated out from information that would identify an applicant. The search chair, in coordination with human resources officials, will determine what information should be released if it is requested by a member of the public.
9. Data privacy violations can create legal liability for both institutional and personal liability: "Any person who willfully violates the provisions of this chapter or any rules

adopted under this chapter is guilty of a misdemeanor. Willful violation of this chapter by any public employee constitutes just cause for suspension without pay or dismissal of the public employee." Minnesota Statutes section 13.09. In addition, the College could be subject to civil damages for violations of the data privacy requirements.

10. Additional considerations in the search process:

- a. Be sure to protect data so that others cannot gain access. For example, take care if making photocopies of search data, safeguard information that you have in your files (including notes, etc.), and avoid discussing information where others might overhear it, such as in hallways, elevators, or open offices.
- b. If you are contacted by someone who wishes to discuss a candidate, refer the caller to the search chair. Do not acknowledge whether the person is an applicant, since that would give information that is private.
- c. The search committee chair will approve any information about the search that search committee members are permitted to share with others.
- d. It's best to avoid statements about precise numbers of candidates or the exact timetable, since those may change.
- e. It is generally recommended that individual search committee members destroy any personal notes on candidates in the search process once the notes are no longer needed for personal reference. Candidates generally have the right to see and obtain copies of data about themselves - including notes of reviewers, along with their identities.
- f. Be careful when taking notes in interviews, filling out evaluation forms, etc. For example, a legitimate concern about the recency of the candidate's scholarship could be interpreted as age discrimination if your notes say something like, "Ph.D. in 1974!!" Consider only information that is relevant to the process-for example, whether the candidate has the necessary experience, education and skills for the position, or where there appear to be gaps in the needed qualifications.

Remember, communication about the search process in general is an important aspect of your role, even though you are limited in providing data about specific applicants. Frequently search committees decide at the end of each meeting what information should be made available to others, to keep the community up to date on the process.

Please do not hesitate to consult with the search committee chair if any questions arise concerning privacy and confidentiality.

Best wishes in the search process!