

FAYETTEVILLE STATE UNIVERSITY

**RECRUITMENT AND SELECTION OF
SENIOR ACADEMIC AND ADMINISTRATIVE OFFICERS
AND OTHER EPA NON-FACULTY EMPLOYEES**

- Authority:** Issued by the Chancellor. Changes or exceptions to administrative policies issued by the Chancellor may only be made by the Chancellor.
- Category:** Employment – EPA Non-Faculty
- Applies to:** ●Administrators ●Staff
- History:** Revised – September 3, 2009
Revised – December 5, 2007
Approved - April 16, 2007
First Issued – July 1, 2007
- Related Policies:**
- * *Employment Background and Reference Checks*
 - * *Policy on Employees Exempt From the State Personnel Act*
 - * *Reimbursement of Moving Expenses*
 - * *Sponsorship of Foreign Nationals for H-1B Visas*
 - * *Evaluations of Positions for Designation as Senior Academic and Administrative Officer [UNC Policy #300.1.2]*
 - * *Employees Exempt from the State Personnel Act [UNC Policy #300.2.1]*
 - * *Guidelines on Interpreting General Statute 126-5(c1)(8): Instructional and Regulations on Recruitment of Employees from Other Campuses within the University of North Carolina [UNC Policy #300.2.7[R]]*
 - * *Research Staff Exempt from the State Personnel Act [UNC Policy #300.2.5[G]]*
 - * *Senior Academic and Administrative Officers [UNC Policy #300.1.1]*
- Contact for Info:** Division of Academic Affairs (910) 672-1460
Office of Legal Affairs (910) 672-1145
Office of Human Resources (910) 672-1146
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I. PURPOSE

The purpose of this policy is to provide guiding principles for the recruitment and selection of all permanent non-faculty EPA staff positions at Fayetteville State University (FSU). The policy is applicable to both full-time and part-time positions that are exempt

from the *State Personnel Act* and involve “at will” appointments. Such positions are defined as follows:

A. EPA Senior Academic or Administrative Officers (SAAO) Tier I or II

1. SAAO (Tier I)

The appointments of these senior officers are subject to the approval of the Board of Governors or a Board of Trustees delegated such authority by the Board of Governors. Such officers do not have tenure in their administrative positions. Individuals in these positions serve at the discretion of the chancellor and are not appointed to serve for specified periods of time. They are eligible for retirement and medical benefits and accrue leave. Positions classified as SAAO Tier I at FSU include vice chancellors, general counsel, deans and the director of library services.

2. SAAO (Tier II)

The authority to make appointments and determine salaries for positions within this category has been delegated by the Board of Governors to the chancellor and the Board of Trustees of the constituent institutions. The FSU Board of Trustees has delegated to the chancellor the authority to make appointments and determine salaries for this category of employees. Such officers do not have tenure in their administrative positions. Individuals in these positions serve at the discretion of the chancellor and are not appointed to serve for specified periods of time. They are eligible for retirement and medical benefits and accrue leave. Positions classified as SAAO Tier II at FSU include associate and assistant vice chancellors; associate and assistant deans; and other administrative positions within the university, other than those identified in Section A.1. above.

B. EPA Instructional (non-teaching)

The authority to make appointments and determine salaries for positions within this category has been delegated to the chancellor. Individuals in these positions serve at the discretion of the chancellor and are not appointed to serve for specified periods of time. The duties must be associated with the regular academic and educational experiences provided by the university, or be uniquely supportive of those academic and educational experiences, and must involve significant and independent interaction with participants in the university’s instructional and educational program. Positions classified as EPA Instructional (non-teaching) at FSU include those involved with academic advising, academic preparation and enhancement, co-operative education, laboratory management, instructional technology, continuing education, coaching, academic standards, student support services, professional librarians and clinical and developmental counseling or psychological services.

C. **EPA Research**

The authority to make appointments and determine salaries for positions within this category has been delegated to the chancellor. Individuals in these positions serve at the discretion of the chancellor and are not appointed to serve for specified periods of time. Positions classified as research at FSU require the following: (a) substantial independence in creative or research efforts and in the interpretation and dissemination of research results; (b) duties that are an integral part of the University's instructional or research activities and represent an extension of the regular academic and education experience provided by the University; (c) a substantial portion of the total work commitment be devoted to the research activities; and (d) possession of post-baccalaureate credentials or a comparable record of independent research productivity. Positions classified as EPA Research at FSU include those involved with academic research, research administration, institutional research, academic computing, community service and technology transfer.

II. **ESTABLISHMENT OF A NEW POSITION**

A. **Request to Establish an SAAO Position**

Units desiring to establish an SAAO position must complete an *Authorization to Establish or Review a Position* form (CL-001) and submit it through their vice chancellor to Human Resources (HR) for determination that the request meets the requirements of being classified as SAAO. A detailed description of the position's duties and responsibilities and a current organizational chart must accompany the request. If the position title is not on the current General Administration (GA) approved list, HR will analyze the position's duties against the EPA guidelines established by GA and communicate with the requesting department as necessary. If the position is not on the approved GA list, HR will forward it to GA for consideration for SAAO status at the next Human Resource Advisory Board (HRAB-EPA) meeting. The chancellor will be notified of the action taken by the President.

B. **Request to Establish a Non-Faculty EPA Instructional or Research Position**

Units desiring to establish a non-faculty EPA instructional or research position must complete an *Authorization to Establish or Review a Position* form (CL-001) and submit it through their respective vice chancellor to HR. A detailed description of the position's duties and responsibilities and a current organizational chart must accompany the request. The primary function and duties should be instructional or supportive of academic and educational experiences, and constitute at least 50% of the position in order to be considered for EPA status. Using the guidelines established by GA, HR will review the request to determine whether or not the position may be classified as instructional or research and

communicate with the requesting department accordingly. If the position title and responsibilities have not been approved previously by GA, HR will forward it to GA for consideration for exempt status at the next HRAB-EPA meeting. The chancellor will be notified of the action taken by the President.

III. REVIEW OF AN EXISTING POSITION

When a vacancy occurs in an existing EPA staff position, the head of the unit shall review the position description to ensure that the description aligns with the duties and responsibilities associated with the position. Assistance with this review may be obtained from HR.

IV. RECRUITMENT PROCESS

Once authorization to establish a new position or to review an existing position has been received, the head of the unit shall **begin the recruitment process as outlined below.**

A. Advertising

The head of the unit shall be responsible for ensuring that the advertising of the vacant position is in accordance with this policy.

1. Advertising Media

Positions may be advertised in electronic or print media which have a national, state or local audience. A search that is national is generally advertised in *The Chronicle of Higher Education* and journals or newsletters (online or print) published by national professional organizations. All positions shall be advertised on the university's web site.

2. Duration of Advertisement

Positions shall be advertised for a minimum of five (5) business days for internal or external searches.

3. Non-Discrimination Statement

All advertisements should include the following non-discrimination statement:

Fayetteville State University (FSU) is committed to equality of educational opportunity and employment and does not discriminate against applicants, students, or employees based on race, color, national

origin, religion, gender, sexual orientation¹, age, or disability. Moreover, Fayetteville State University values diversity and actively seeks to recruit talented students, faculty, and staff from diverse backgrounds.

4. Content

At a minimum, all advertisements must include the title of the position, name of the recruiting unit, position description, educational requirements (minimum and preferred), qualifications (minimum and preferred) application deadline (if any), affirmative action statement, employment background check statement, instructions for applying (to include application materials that must be submitted) and the names/addresses/telephone numbers of at least three (3) individuals who are familiar with the applicant's **employment** history.

5. Background check

All advertisements for EPA positions shall include the following statement:

This position is subject to the successful completion of an employment background check. An employment background check includes a criminal background check, employment verification, reference checks, license verification (if applicable) and credit history check (if applicable).

6. Advertising Cost

The cost of the advertisement(s) shall be paid from the hiring department's budget.

B. Search Committee

1. Search Committee Chair

The head of the hiring unit shall appoint a chair of the search committee and designate persons to serve on the search committee. The chair of the search committee, with the assistance of the appointed support staff, is responsible for overseeing the search process, corresponding with applicants and maintaining search committee records.

2. Search Committee Duties and Responsibilities

¹ FSU recognizes that sexual orientation is not a protected category under federal or state laws; and, thus recognizes sexual orientation as a protected category only as it relates to internal university matters that do not contravene federal or state law.

The Search Committee is responsible for conducting an active search for qualified applicants, receiving, reviewing, and evaluating the applications of the candidates, conducting interviews of the top candidates for the position and recommending the final candidate(s) to the head of the unit.

3. Confidentiality

The State of North Carolina prohibits the releasing of information by a public employer from personnel files of applicants for employment. The term personnel file is defined very broadly to include “any information in any form gathered by the [employer} . . . relating to [the applicant’s] application, selection or non-selection.”

Courts have held that no information about applicants can be disclosed. Thus, all information maintained by a North Carolina public employer about applicants for employment is confidential. Not even applicant names are subject to disclosure.

The *Personnel Records Act* makes it a criminal offense for any public official or employee to knowingly and willfully release information pertaining to an applicant. An individual who knowingly or willfully releases such information shall be guilty of a Class 3 misdemeanor (maximum punishment is 30 days or less imprisonment) or only a fine not in excess of five hundred dollars (\$500.00).

4. Interviews

After screening the application files, the Search Committee shall produce a short-list of the top candidates (usually from 10-12) to interview initially by telephone. Once telephone interviews are complete, the Search Committee should invite the top 3-5 candidates to campus for interviews.

Interview questions should be planned in advance in order to demonstrate that all candidates are being evaluated consistently. The same questions should be asked of every applicant allowing for individualized follow-up questions to be asked as needed. **A list of acceptable questions and questions to avoid are listed in Attachment A of this policy.**

At the time of the interview, all candidates will be required to complete a university application and employment authorization form that authorizes the university to conduct a criminal background check and/or a credit history check as part of pre-employment background investigation.

5. Finalists

Normally, at least two (2) finalists shall be recommended to the head of the unit for consideration. The head of the unit shall consult with the Search Committee prior to making a decision on the final candidate. The method of consultation shall be determined by the head of the unit.

6. Final Recruitment Report

Once the Search Committee has made its recommendation(s) to the head of the unit, the Search Committee shall provide a letter in the form of a search report signed by the chair of the search committee that details the recruitment process. The letter must be on letterhead (two originals with original signature). One original shall be maintained by the search committee chair and the other by the head of the unit. The letter must include the following:

- a. specific recruiting and screening procedures followed by the department;
- b. total number of applicants for the position;
- c. any other recruitment procedures followed, such as letters sent to other universities and efforts made at conferences to recruit. Attach evidence, such as copies of letters,

C. Selection of the Final Candidate

1. Background and Reference Checks

Prior to selecting the final candidate, the head of the unit shall ensure compliance with the university's *Background and Reference Check* policy which requires an employment background check. An employment background check shall include one or more of the following: verification of academic credentials; verification of prior employment including position, longevity, salary, and job performance; license verification; criminal background check; and credit history check.

2. Final Candidate Employed at Another UNC Institution

If the final candidate is currently employed at a UNC campus or entity, the following procedure must be followed in accordance with *Regulations on Recruitment of Employees from Other Campuses Within The University of North Carolina* [UNC Policy #300.2.7[R]:

- a. Prior to making a formal written offer of appointment to an intended employee, the hiring campus shall give notice of intent to the campus at which the appointee is currently employed. The notice from the hiring campus shall be provided by the Vice

Chancellor supervising the programmatic area making the offer. The notice to the campus at which the appointee is currently employed shall be provided to the Vice Chancellor supervising the programmatic area in which the employee is assigned. In those cases, where positions being recruited for or the employee being recruited report directly to a Chancellor, the Chancellor shall be responsible for providing to the Chancellor at the employing institution the notice required by this regulation.

- b. The recruiting campus may, simultaneously with notifying the campus at which the finalist is currently employed, tender an offer to the finalist. The campus at which the finalist is currently employed may, within five (5) days of the notice, request the terms of the offer. If a request for terms is not made within the five-day period, then after that time, the recruiting campus may finalize a contract. In the event that the campus at which the finalist is currently employed requests the terms of the offer, the recruiting campus shall provide information on any and all recruiting inducements, financial or otherwise and regardless of fund source, the proposed salary, stipends, summer salary, appointment to an endowed chair, teaching responsibilities, start-up funds and other recruitment incentives.
- c. In response to the offer, the campus at which the finalist is currently employed may make an equivalent counter offer to that of the recruiting campus. Neither campus shall engage in negotiations that might result in a “bidding war” between UNC campuses. In instances in which more than one campus or entity of the UNC system, along with external employers, have extended an offer either campus or entity may compete with the external offer and the other UNC campus may match the offer of the UNC campus or entity.

2. Review of Visa Status of Non-Resident Aliens

If the final candidate is not a U.S. citizen or permanent resident, the head of the unit shall consult the university’s *Sponsorship of Foreign Nationals for H-1B Visas* policy.

V. REQUEST FOR A WAIVER OF RECRUITMENT

Circumstances may exist that allow for regular recruitment procedures to be waived. This permission is granted solely at the discretion of the Vice Chancellor or Chancellor and the university’s Affirmative Action officer.

A. Request by the Head of a Hiring Unit

1. All requests for waivers shall be sent to the respective Vice Chancellor using the *Request for a Waiver of Recruitment* form (Attachment B). A justification that explains the legitimate nondiscriminatory reasons for a waiver shall be included..
2. The Vice Chancellor shall review the completed form, and if the Vice Chancellor approves the request, the Vice Chancellor shall forward the request to the university's Affirmative Action Officer. If the Vice Chancellor denies the request, the Vice Chancellor shall inform the head of the hiring unit.
3. If the Vice Chancellor approves the request, the Affirmative Action Officer shall review the request and notify the head of the hiring unit and the Vice Chancellor of the Affirmative Action Officer's decision. If the Affirmative Action Officer approves the request, the head of the unit shall follow the appointment process as outlined in Section VI of this policy.
4. If either the Vice Chancellor or Affirmative Action Officer denies the request, the head of the hiring unit shall begin the recruitment process as outlined in Section V of this policy.

B. Request by a Vice Chancellor

1. A request for a waiver by a Vice Chancellor shall be submitted to the Chancellor using the *Request for a Waiver of Recruitment* form (Attachment B). A justification that explains the legitimate nondiscriminatory reasons for a waiver shall be included. The Chancellor shall review the completed form, and if the Chancellor approves the request, the Chancellor shall forward the request to the university's Affirmative Action Officer. If the Chancellor denies the request, the Chancellor shall inform the Vice Chancellor of the decision.
2. If the Chancellor approves the request, the Affirmative Action Officer shall review the request and notify the Vice Chancellor and the Chancellor of the Affirmative Action Officer's decision.. If the Affirmative Action Officer approves the request, the Vice Chancellor shall follow the appointment process as outlined in Section VI of this policy.
3. If either the Chancellor or Affirmative Action Officer denies the request, the Vice Chancellor shall begin the recruitment process as outlined in Section V of this policy

C. Request by the Chancellor

1. A request for a waiver by the Chancellor shall be submitted to the Affirmative Action Officer using the *Request for a Waiver of Recruitment* form (Attachment B). A justification that explains the legitimate nondiscriminatory reasons for a waiver shall be included. The Affirmative Action Officer shall review the completed form, and notify the Chancellor of the Affirmative Action Officer's decision. If the Affirmative Action Officer approves the request, the Chancellor shall follow the appointment process as stipulated by the UNC Board of Governor's *Senior Academic and Administrative Officers* policy [UNC Policy #300.1.1].
3. If the Affirmative Action Officer denies the request, the recruitment process as outlined in Section V of this policy shall be followed.

VI. APPOINTMENT PROCESS

SAAO – Tier II appointments shall be made in accordance with the provisions of the university's *Policy on Employee Exempt From The State Personnel Act* (hereinafter, the Personnel Policies).

A. Selection of the Candidate to be Offered an Appointment

Prior to the final candidate being offered a position, the head of the unit shall ensure that an employment background check has been completed and reviewed in accordance with the university's *Employment Background and Reference Checks* policy.

B. Negotiation of Salary and Other Terms and Conditions of Employment

The Vice Chancellor or his or her designee shall be responsible for negotiations with the candidate regarding salary and other terms and conditions of employment. Prior to negotiating a salary with a candidate, the Vice Chancellor shall consult with the university's Director of Budget on the amount of salary available for the position.

No offer of employment (including a salary offer) shall be made without the approval of the appropriate Vice Chancellor. Other terms and conditions of employment must be approved by the appropriate Vice Chancellor. An offer to pay moving expenses must be in accordance with the university's *Reimbursement of Moving Expenses* policy.

C. Recommendation for Appointment

The head of the unit shall prepare the *EPA Non-Teaching Positions Recommendation for Employment (Form OP-003E)*, and forward it with the final

candidate's complete file to the appropriate Vice Chancellor. If the Vice Chancellor is making the recommendation, then the file should be forwarded to the Chancellor. The final candidate's file should include a resume, FSU's *Faculty or Non-Faculty EPA Application* three (3) letters of recommendation, an official transcript, and visa documentation (if required).

If the Vice Chancellor approves the recommendation for appointment, s/he shall submit the final candidate's complete file to the EPA Contract Administrator. The Contract Administrator shall forward copies of the appropriate documents to the Budget Office and HR.

D. Offers of Appointment/Appointment Letters

Offers of appointment are issued in the form of letter signed by the Chancellor. The Office of Legal Affairs is responsible for drafting letters of appointment for SAAO-Tier I final candidates and the Division of Academic Affairs is responsible for drafting letters of appointment for SAAO-Tier II final candidates. All letters of appointment must be signed by the Chancellor.

The appointment letter shall contain the following terms and conditions of employment:

1. the title of the position;
2. the initial salary;
3. a provision for periodic review of compensation;
4. when a covered position is funded in whole or substantial part from sources other than continuing State budget funds or permanent trust accounts, the letter of appointment shall state the following:
 - a. that continuation of the employee's service in that position is contingent upon the continuing availability of funds from such other sources to support that position;
 - b. the source of such funds, and
 - c. that the effect of such contingency may apply without any additional notice
5. annual leave entitlement of the employee; and
6. notice that the employment conferred is an "employment at will" subject to continuation or discontinuation at the discretion of the chancellor; and,
7. notice that the employment is subject to the Board of Governors' *Senior Academic and Administrative Officers Policy* (SAAO-Tier I only) or *FSU's Policy on Employees Exempt From The State Personnel Act* (SAAO-Tier I only), as they were originally adopted and as they may periodically be revised from time to time.

A copy of the university's *Policy on Employees Exempt from the State Personnel Act* must be provided to an SAAO – Tier II final candidate with the candidate's appointment letter. A copy of *Sections I and II* of the Board of Governors'

Senior Academic and Administrative Officers policy must be provided to an SAAO – Tier I final candidate with the candidate’s appointment letter

E. **Accepted Offers**

When an offer of appointment is accepted and the appointment letter is signed and returned, the Vice Chancellor shall forward a copy of the accepted appointment letter to the Vice Chancellor for Business and Finance, the Office of Human Resources, the Budget Office and the EPA Contracts Administrator.

VII. STORAGE OF APPLICANT FILES

The university is required to keep the files of all applicants for EPA staff positions for three (3) years after the date of receipt, if no charge of discrimination has been filed. If a charge has been filed, the file should be kept for one (1) year after the resolution of the charge.

The official personnel files of *successful applicants* are maintained in the Division of Academic Affairs. The files of *unsuccessful applicants* are stored in the department which conducted the search until the files are scheduled to be destroyed.

ATTACHMENT A

Guidelines on Employment Interview Questions

Any question asked during the interview process must be related to the job and the performance of that job. The following are examples of acceptable and unacceptable interview questions by subject matter. Any inquiry should be avoided that, although not specifically listed among these, is designed to elicit information as to race, color, ancestry, age, sex, religion, disability, or arrest and court record unless based upon a bona fide occupational qualification.

Subject	Acceptable	Unacceptable
Name	<ul style="list-style-type: none"> • Have you worked for this company under a different name?" • Is any additional information relative to change of name, use of an assumed name or nickname necessary to enable a check on your work and educational record? If yes, explain. 	<ul style="list-style-type: none"> • Do you prefer Miss, Mrs. or Ms.? • What is your maiden name?
Marital & Family Status	<ul style="list-style-type: none"> • Is there any reason you could not meet the specified work schedule? • How long do you plan to stay on this job? 	<ul style="list-style-type: none"> • How many children do you have? • Who takes care of your children while you work? • Do you plan on having children/family?
Age	<ul style="list-style-type: none"> • If hired can you provide proof of age to verify you are at least age 18 or over? 	<ul style="list-style-type: none"> • How old are you? • What is your date of birth? • How do you feel about working for a person younger than you?
Disabilities	<ul style="list-style-type: none"> • Are you able to perform the essential functions of this job with or without reasonable accommodations 	<ul style="list-style-type: none"> • Do you have any physical or mental disabilities? • What is the nature and severity of your disability?

	<p>(provide list of essential job functions)?</p> <ul style="list-style-type: none"> • After making a conditional job offer, an employer may conduct a health or medical evaluation and ask about medical history. 	<ul style="list-style-type: none"> • Have you ever been treated for any of the following conditions or diseases (followed by a checklist)? • Have you ever filed a worker's compensation claim?
Gender		<ul style="list-style-type: none"> • What are your marriage plans? • What does your spouse do • How would you feel working for a woman/man? • Any inquiries concerning an applicant's sexual orientation.
National Origin	<ul style="list-style-type: none"> • If hired, can you provide proof of your legal eligibility to work in the United States? 	<ul style="list-style-type: none"> • Where were you born? • Where were your parents born? • Of what country are you a citizen?
Race or Color		<ul style="list-style-type: none"> • Do you feel that your race/color will be a problem in your performing the job? • Are you of _____ heritage/race?
Religion	<ul style="list-style-type: none"> • Inquiry into willingness to work required work schedule. 	<ul style="list-style-type: none"> • What is your religion? • What church do you attend? • Do you hold any religious beliefs that would prevent you from working certain days of the week?

Conviction, Arrest and Court Record	<ul style="list-style-type: none"> • Inquiry into actual convictions that relate reasonably to fitness to perform a particular job. • If the applicant answered yes to a criminal history question on the application – you may ask about the nature of the offense, the date of the offense and the disposition. 	<ul style="list-style-type: none"> • Have you ever been arrested?
Organizations	<ul style="list-style-type: none"> • List all professional organizations to which you belong and list offices held. 	<ul style="list-style-type: none"> • List all organizations, clubs, societies and lodges to which you belong. • To what political party do you belong?
Military Record	<ul style="list-style-type: none"> • What type of education or experience do you receive? 	<ul style="list-style-type: none"> • Do you have any foreign military experience? • What type of discharge did you receive?

ATTACHMENT B

Request for a Waiver of Recruitment (EPA Personnel Only)

Waivers are to be requested only under exceptional circumstances. Requests for waivers must be approved by a Vice Chancellor or the Chancellor (if the requestor is a Vice Chancellor) and the university's Affirmative Action Officer.

- ◆ *Requestor* – Complete the form and request approval from the respective Vice Chancellor or Chancellor (if the requestor is a Vice Chancellor). If approved by the Vice Chancellor or Chancellor, the form shall be forwarded to the Affirmative Action Officer for review. Please attach to this form the following:
 - A completed *Authorization to Establish or Review a Position* form
 - A detailed description of the position's duties and responsibilities
 - A current organization chart which includes the position
 - A resume of the individual proposed for selection, as well as a completed application
- ◆ *Vice Chancellor or Chancellor* – Review and respond. If approved, forward to the Affirmative Action Officer for review. If the Chancellor is requesting the waiver, this form and the above attachments should be forwarded to the Affirmative Action Officer only..
- ◆ *The Affirmative Action Officer* shall send the response to this request and all relevant attachments to the department and simultaneously notify the Chancellor or Vice Chancellor whether the waiver has been approved.

Please check one: *SAAO (Tier I or II)* *EPA-Instructional* *EPA-Research*

Position Title: _____ Date Submitted: _____

Div/Department: _____ Unit: _____

Requestor: _____ Phone Number: _____

Name of Candidate: _____ Race/Ethnicity: _____

State reason(s) for requesting a waiver (attach additional pages if needed).

Recommendation of Vice Chancellor

Disapproved

Approved

Signature

Title

Recommendation of Chancellor
[required only if request is from a Vice Chancellor]

Disapproved

Approved

Signature

Title

Affirmative Action Officer

Disapproved

Approved

Signature

Date