NC STATE UNIVERSITY

# **Employment Procedures** for EPA Faculty & Non-Faculty Positions

Revised 2011


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# Chapter One

## AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY AT NC STATE UNIVERSITY: OUR HISTORY, OUR PRESENT, OUR FUTURE

### Our History

NC State University has maintained a longstanding commitment to the principle and practice of equal opportunity wherein all personnel actions are taken without discrimination based on race, color, religion, sex, age, national or ethnic origin, sexual orientation, citizenship status or national origin, marital status, disability, or status as a Vietnam era veteran, disabled or other veteran. Through adherence to this commitment, NC State endeavors to promote diversity and to put opportunity within the reach of all. The University has developed affirmative action plans, including appropriate goals and timetables, to further these objectives and to comply with federal regulations.

NC State University has operated under affirmative action and equal opportunity policies since their inceptions in the 1960's. In 1974, the University administration created a position and office dedicated specifically to these activities and housed the new office in the Provost's Unit. Originally known as the "Affirmative Action Office," the office name changed in 1997 to the Office for Equal Opportunity (OEO) to accurately encompass all of the functions and areas addressed by this office, not just the affirmative action component. In addition to ensuring equal opportunity in recruitment, employment, admissions, and programs, OEO is committed to eliminating individual and system barriers that inhibit individuals and groups from attaining equal access to these benefits of our university.

Affirmative action differs from equal employment opportunity (EEO). The concept of EEO stresses the expectation that everyone with appropriate credentials has the opportunity to be considered for employment fairly, without regard to those personal characteristics that tend to be discriminated against. Affirmative action acknowledges the present effects of past wrongs in the United States and within our institution based on such personal characteristics, whether by policy or institutional practice, which affected people's opportunity for employment, their lives and livelihoods. Both equal opportunity and affirmative action are regulations that provide legal direction for the moral imperative to correct these past inequities.

### Equal Opportunity at NC State University

Effective July 1, 2011, the Office for Equal Opportunity (OEO) merged with the Office for Diversity and Inclusion to form the Office for Institutional Equity and Diversity. The Office for Institutional Equity and Diversity (OIED) envisions NC State University as a community free from prejudice, discrimination, hatred, and ignorance--an intellectually and culturally vibrant community of learning and leadership where all individuals are valued, respected, and unobstructed in their pursuit of excellence.

We are committed to eliminating discrimination and harassment based on race, color, religion, creed, sex, national origin, age, disability, veteran status and sexual orientation. These protections are grounded in federal and state laws and University policies, as well as our commitment to diversity in our community.

**Federal Laws**
As a federal contractor, we are obligated by law to follow the requirements set out in Executive Order 11246, Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, Section 503 of the Rehabilitation Act of 1973, the Vietnam Era Veteran's Readjustment Act of 1974, the Americans with Disabilities Act (ADA) of 1990, the Genetic Information Nondiscrimination Act (GINA) of 2008, and the ADA Amendments Act of 2010.

**State Laws**
Numerous General Statutes of the State of North Carolina provide additional protection to employees and job applicants pertaining to equal opportunity employment practices, discrimination and harassment. For detailed information, contact the Office of State Personnel (OSP) at www.osp.state.nc.us/OSP/ or by telephone at 1-888-926-8677.

**NC State University Policies and Procedures**
In support of and in addition to the federal and state laws mentioned, the Board of Trustees and the Administration of NC State University have also set out the policies and administrative regulations listed below to further our commitment to equal opportunity at our institution.

**Equal Opportunity and Non-Discrimination Policy Statement**
*Board of Trustees Policy, revised November 20, 2009*
http://www.ncsu.edu/policies/campus_environ/non-discrimination/POL04.25.05.php

**Unlawful Harassment Policy Statement**
*Administrative Regulation, issued August 30, 1999*
http://www.ncsu.edu/policies/campus_environ/non-discrimination/REG04.25.4.php

**Affirmative Action at NC State University**
There are four critical steps to affirmative action activities at North Carolina State University:

1. Identification of the groups of persons specifically identified by federal and state legislation (usually women and persons of underrepresented racial groups);

2. Identification of the demographics of the current NC State work force, the number and percentage of persons in each broad occupational group (such as secretarial/clerical, administrative/managerial, instructional faculty, technical/para-professional, skilled crafts, and service/maintenance);

3. Determination of the hiring opportunities at NC State University over a specified time period covered by the affirmative action plan, usually five years. To do this, one must estimate the future number of retirements, turnover, and new positions in each occupational group; and,

4. Consideration of the availability of persons who possess the requisite education and skills for employment in the institution's work force. A mix of factors is involved in this determination. For example, although a supply of needed Ph.D.'s in some disciplines in the United States may be limited, other factors may attract new faculty, such as the marketability of the institution's location, the school's

reputation in a discipline, the institution's or department's financial support, a department's reputation for attracting women and minority graduate students or faculty, or a known climate for diversity and collegiality.

The spirit and the law of affirmative action never ask employers to hire unqualified personnel. Along with equal opportunity procedures, affirmative action practices ask that additional recruitment efforts be made to include qualified women and minorities in the applicant pools for all positions. NC State does not operationalize its commitment to affirmative action by holding aside a number of job positions.

**Our Present: Equal Opportunity and Affirmative Action in Action**
The Office for Institutional Equity and Diversity provides a set of procedures that, if followed, will help ensure that a hiring search meets tests of equal opportunity and affirmative action. Good "affirmative action" is a process, inseparable from good personnel practice, which starts before and extends after the committee's searching is done. Ninety percent of what goes wrong with a search, and what damages equal opportunity, starts not with violations of equal opportunity law but with a flouting of good, intelligent personnel practices.

There are procedural steps that have come to be an expectation for equal opportunity -- advertising a vacancy for all to be able to apply, asking only job-related questions in interviews, selecting candidates on knowledge, skills and abilities, documenting all decisions, and so on -- but are, in fact, just aspects of good practice. Most search committees know and follow these steps comfortably, and are not sued by aspirants who are merely disappointed by their non-selection.

Search committees and NC State University will receive complaints from applicants who believe they were treated unfairly or arbitrarily within a shabby process. Sometimes such complaints are raised by women or persons of color who just cannot believe they were singled out; when the truth is that *all* the candidates had been subjected to the same, shabby treatment. Many complaints really stem from a poor overall process and there is no discrimination involved.

Federal requirements for affirmative action, emanating from Executive Order 11246, oblige a collegiate search committee to make a "good faith effort" -to take a positive step-to develop a talent pool reflecting the availability of minorities and women in the labor force. A search committee's efforts in getting a diverse applicant pool should be at least as rigorous as that expended on getting other valued people into the University, such as the best students. Meeting formal paper requirements is not enough; aggressive recruitment techniques are needed to obtain a diverse applicant pool from which to select new faculty, staff, and administrators.

When the U.S. Department of Labor and the Office of Federal Contract Compliance Programs (OFCCP) review NC State University for evidence of its affirmative action efforts, the issue is not whether "this" or "that" particular step has been followed. It is whether a full, good faith effort has been made and whether those efforts succeeded. The essence of affirmative action is that there be *results.* Are persons of color and women being interviewed? Hired? Promoted? Tenured? That is the test.

The test of "results" also applies to another difficult issue in searches: that of needs for flexibility versus needs for rules and consistency. Consistency should be stressed because it is necessary to the process, e.g., using the same standards of judgment throughout the search. Rules should be applied consistently also; e.g., using a firm application deadline for all applicants. A search committee has flexibility but not when it works to the detriment of women and minority candidates.

Search committees should make every conscientious effort to follow the guidelines provided in this *Hiring Procedures* Manual and to seek guidance from the Office for Institutional Equity and Diversity. These actions will likely result in the search committee meeting the letter of the law and the spirit of affirmative action and equal opportunity. If the hiring official follows through on the good work of a search committee, the process and its result should be something NC State's Office for Institutional Equity and Diversity would be proud to endorse.

**Our Future**

Given the past situation of low availability of qualified candidates, NC State University had done a fair job of recruiting women and minority to tenured/tenure track faculty positions. However, times have changed. Women and minorities are achieving advanced degrees in all academic areas — science, mathematics, engineering, as well as education, humanities, and other traditional fields. NC State can no longer hide behind an argument of unavailability of such persons. In fact, to be a leader, NC State MUST actively recruit these candidates that are competitively sought out by private corporations and other higher education institutions.

Significantly more needs to be done. Departments must commit to recruiting openly for **all** of their positions, and advertising specifically in venues that attract diverse applicants. Search committees must aggressively review their hiring practices to determine if their strategies possess underlying biases that need to be corrected. Equally important, hiring departments must strive to bring diverse applicants to campus for interviews that provide opportunities for their skills, knowledge and abilities to be demonstrated.

As we progress in the 21$^{st}$ century, demographers predict the national labor force will be comprised of 67% women and minorities, while only 15% of the new entrants will be white males. Those organizations that have minorities and females as their mainstay will find intense competition for their services. Many organizations have already anticipated this imperative and have implemented career development programs and vigorous affirmative action plans to enrich their labor force. If the United States is to have a labor force with the skills necessary to keep it a global power, institutions like NC State University must increase their efforts and succeed in the recruitment and retention of women and minority faculty members and all other employees.

Even if our recruitment efforts are successful, NC State must also scrutinize our retention of female and minority employees. It is critical that our efforts to keep all valuable persons at our institution be redoubled. Comparative studies of whites versus each minority group and males versus females are needed to yield critical information on the career progression of employees. We must look closely at the retention rate of each gender and race group, their rate of movement through the academic and employment ranks, their comparative salaries, and their attainment of tenure, if faculty. There are other important areas that must be reviewed as well, such as the placement of dual career couples, available advancement, training, and service opportunities, childcare and leave practices and procedures, and research support.

That there is room for improvement at NC State University is seen in the overall total numbers of faculty (as of September 30, 2010):

- 3.5% blacks (male and female),
- 7.9% Asians
- 0.7% Native Hawaiians/Pacific Islanders (male and female) (male and female),
- 3.0% for Hispanics (male and female),
- 0.5% American Indians/Native Americans,
- 32.6% women (all races), and
- 78.6% white (men and women).

Additionally, 33.0%of NC State administrators are women (all races) and people of color represent 13.6% of all senior level administrators including 16 Blacks (4 men and 12 women), 9 Hispanics, and 2 Asians.

The tag line on University advertisements for faculty and administrative positions declares, **"NC State University is an Affirmative Action and Equal Opportunity Employer."** This means that we are dedicated to the practices outlined in this manual. Hopefully our dedication lives as fervently in the moral responsibilities of these guidelines as it does in their legal obligations.

# **Chapter Two:** Types of EPA Appointments

# Chapter Two
## TYPES OF EPA APPOINTMENTS

### EPA Permanent Full-Time Appointments of 3 Months or More

Such appointments must be made through use of the regular recruitment process, or in special circumstances, via a request for waiver of recruitment procedures.

**Examples**
Lecturer, Instructor, Assistant, Associate or Full Professor, Librarians, Senior Academic & Administrative Officers, EPA Professionals

**Definitions**
Permanent refers to appointments that will be ongoing and not limited to a specific amount of time (that is, those that are not "fixed term").

EPA refers to Exempt from State Personnel Act (EPA) status, as defined in G.S. 126-5(c1)(8). This classification is used to designate employees engaged specifically in instructional, research or administrative functions of the University. Specifically, this encompasses the following categories:

- Administrators (Chancellor, Vice Chancellors, Provost, Deans, Department Heads, and their vice/associate/assistant positions),
- Tenured/Tenure Track faculty,
- Non-Tenure Track faculty, and
- Professionals without academic rank.

Classification as EPA In September 1996, UNC-General Administration and the N.C. Office of State Personnel signed an agreement on the definitions and guidelines to determine if a position should be classified as Exempt from the State Personnel Act (EPA). Generally speaking, EPA positions are, as mentioned above, those positions engaged specifically in the **instructional, research, or administrative functions** of the University. All newly created positions or modified positions must be reviewed to ensure that their classification as EPA meets the standards set out by the Wright/Broad agreement of 2001.

In addition to the requirement of instructional, research or administrative duties, all EPA positions require the completion of an advanced degree, usually a master's degree or above or equivalent independent experience in comparable instructional or educational activities or a comparable record of independent research productivity, as a minimum educational qualification.

Full-Time refers to an appointment of 0.75 to 1.0 full-time equivalency (FTE). While all employment activities for permanent and fixed term, part-time and full-time EPA positions are subject to equal opportunity laws, please note that all positions of .75 FTE and above for a duration of three (3) months or more require review of the recruitment process by the Office for Institutional Equity and Diversity through documentation set out in this manual.

## Part-Time EPA Appointments

### Definition

Part-Time is defined as an appointment of less than 30 hours per week (below 0.750 Full Time Equivalency-FTE).

Units are to advertise part-time positions in the same or similar fashion as advertising for full-time positions.

Departments are required by law to maintain all documentation of their efforts to implement equal opportunity recruitment procedures to recruit, interview and hire women and minority candidates, even for part-time positions. Please see information in Chapter Four pertaining to the federal requirements for maintaining search file records. Search records for part-time employees are subject to the same requirements as those for full-time employees.

## Senior Administrative and Academic Officers (SAAO)

### Definition

In January 1998, the Board of Governors of the UNC-General Administration set out a policy regarding a specific category of exempt employee, the "Senior Academic and Administrative Officer." Academic and administrative officials exempt from the State Personnel Act (EPA) are identified by express statutory reference ("president," "vice presidents," "chancellors," and "vice chancellors") and by action of the Board of Governors pursuant to generic statutory reference (presidential "professional staff members" and "senior academic and administrative officers" of the constituent institutions).

The Board of Governors has further defined "senior academic and administrative officers" to include (1) vice chancellors, provosts, deans and directors of major educational and public service activities (July 7, 1990); (2) associate and assistant vice chancellors and associate and assistant deans (October 12, 1990); and (3) "specific positions as may be designated by the President, subject to confirmation by the Board (October 12, 1990).

The "other officers of the University having significant administrative responsibilities and duties" shall include:

**Category A:** Members of the chancellor's professional staff (e.g., assistant to the chancellor, legal staff, secretary of the university).

**Category B:** Those responsible for the administrative direction of separately designated divisions or departments of institutional activity commonly associated with institutions of higher education (e.g., Director of Administrative Computing, Director of Alumni Affairs, Director of Human Resources, Director of Development, Controller/Comptroller, etc.). The specific positions to be included in this category will be established by the Board of Governors upon the recommendation of the President.

**Category C:** Those positions whose primary responsibility is to attract external funds and/or to market the university.

**Category D:** Other officers holding positions characterized by:

Active, continuing involvement in formulating, interpreting, and implementing institutional policy as it relates to the respective areas of responsibility; and the exercise of substantial independence of administrative authority and discretion in areas such as program planning and design and allocation of resources.

In most cases, persons occupying such positions will function as the director of a specific division or department of institutional activity, reporting at the level of a vice chancellor or dean. However, where circumstances warrant (e.g., in the case of a large and complex department or division), persons functioning as an associate or assistant director may be found to have "significant administrative responsibilities and duties," as defined by the characteristics listed above. In such cases, the position must have substantial responsibility for assisting the primary officer (e.g., director) in formulating, interpreting, and implementing policy within the jurisdiction of the primary officer and must function in a confidential and direct support relationship to the primary officer or have direct responsibility for a specific sphere of operations within the unit.

To qualify, the position must bear one of the approved titles [Category A above], (e.g., dean, associate or assistant vice chancellor, associate or assistant dean, assistant to the chancellor), director of a major division or department [Category B above], have significant responsibilities for fund raising and/or marketing of the institution [Category C above], or be recommended on the basis of an evaluation of job content [Category D above].

**Waivers**

Occasionally, circumstances exist that might allow for regular recruitment procedures to be waived. This permission is granted solely at the discretion of the Vice Provost for Institutional Equity and Diversity. Administrators requesting to “waive” recruitment procedures should discuss the request with the Vice Provost for Institutional Equity and Diversity before submission of the request via the Online Employment System (OES).

Variances from standard procedures may be acceptable in the situations listed below, or similar ones. However, the circumstances that occasioned them and the procedures actually followed must be reported as part of the approval process (EPA Waiver of Recruitment). The Vice Provost retains the right to withhold permission to make such appointments when a waiver does not appear to be justified. In doubtful situations, a dean, department head or other responsible officer should consult with the Vice Provost before selecting the candidate and submitting the request for waiver.

Some situations may arise in which a full search may not be required:

- The requirements for certain positions are sufficiently specialized that they can be filled by only a limited number of scholars, all of whom are known to the professional community;
- An opportunity arises to recruit a scholar of great eminence;
- A department or school wishes to enrich its curricular offerings by temporarily appointing distinguished visitors from other institutions for a semester or year;
- It may occasionally be necessary to offer an appointment to the spouse of a prospective faculty member or officer of research;
- The recruitment of a professor or officer of research may require appointing others because they form an established research team;
- The receipt of a grant may be contingent upon assembling an appropriate research team in advance of its award; and
- The outstanding achievements of some members of the research supporting staff may merit an internal promotion to officer status.

## International Scholars and Employees

The hiring of international employees is a process that involves the coordination of numerous offices. As a service to hiring units on campus, the Office of International Student and Scholar Services (OISSS) and the International Employment Services Unit in Human Resources can assist in ascertaining whether or not applicants and employees from other countries can work on campus. Depending on the nonimmigrant visa status of the applicant, either OIS (for those in F-1 or J-1 status) or HR (for Hs, TNs, Bs, etc.,) can sign and fax to the hiring department a NIVE Certificate, which can be used as back-up documentation for appointments in Peoplesoft. Hiring units should ask their new or pending international employees to complete the first page and then the personnel representative in the hiring unit should complete the top section of Side B. The form (available online at: http://www.ncsu.edu/oisss/pdf/NIVECERT2004.pdf) can then be faxed or mailed to OIS (for F-1s and J-1s) OR Human Resources (for Hs, Bs, TNs, those with non-student or non-exchange types of employment authorization) along with photocopies of any appointment letters, EAD, visa stamp, I-94, I-20, DS-2019, etc., for review. An appointment is often times not necessary to send the documents and for the completion of the NIVE certificate (as long as everything is legible and in order), but please do **not** send a new international employee to either OIS or HR without first making an appointment and sending the necessary supporting documents. New J-1 Scholars have their NIVE certificate completed during their check-in at OIS. International students at NC State University who are working “incident to status” do **not** receive a NIVE certificate and this form is not a part of any back-up documentation for these types of bi-weekly employees.

# **Chapter Three:** Classifying a New EPA Position or Changing a Position Title and/or Duties

# Chapter Three

## CLASSIFYING A NEW EPA POSITION OR CHANGING A POSITION TITLE AND/OR DUTIES

### A. Classifying a New Faculty Position – EPA Personnel Action Form

**When to Create a New Position**

Departments or units requesting to create a new EPA faculty position must complete the EPA Personnel Action Form.

**Definition**

A position is **"new"** if it is not produced by the departure of a person who previously held the job. A newly created position must fill a *bona fide* need within the department.

This differs from a change in title and duties. A change in title and duties is requested when a currently employed person has additional duties added or removed to their current job and/ora new title or when the duties of a vacant position have been changed.

**Classification**

Requests to classify tenured/ tenure track faculty (assistant, associate and full professors) and non-tenure track faculty (lecturers and visiting/extension/teaching/research faculty) must be reviewed by the Vice Provost for Equal Opportunity and Equity. This review is to ensure that the request meets the requirements of being classified as "Exempt from the State Personnel Act (EPA)". The Vice Provost approves the request to create new faculty positions.

**Completing the EPA Personnel Action Form**

Fill in the information regarding:

1. **The position number:** position number goes in the space provided in the upper right-hand corner of the form. The position number is specifically assigned for each individual position. Request this number from the person in the hiring unit whose responsibility it is to keep a record of the sequence of numbers, usually the Unit Affirmative Action Contact (see Appendix B).
2. Report the **department or unit** in which this position will report.
3. Report the **college, school or division** in which this position will report.
4. Report the proposed **position title**. Next, provide the **job code description**. This number represents the code assigned to each EPA title in the PeopleSoft system. If the position is a **new title**, indicate so by checking the box.
5. **EPA Category**: Check the appropriate job classification category of the position:
   - Tenured/Tenure-Track Faculty: assistant, associate and full professors.
   - Non-Tenure Track Faculty: lecturers and visiting faculty.

6. **Functional category**: The form requires that a functional category be designated for each position, either **instructional**, **research** or **administrative**.
7. **Budget line number** (if available) from which the position will be paid. If the position will be grant funded, also write "grant" in the space provided.
8. Initial **salary** (or range) to be paid.
9. Name and title of the **immediate supervisor** for the proposed position.
10. Provide a complete position **job description**, including the *essential and marginal job duties* of a newly created position.
11. Provide a complete listing of the *required* and *preferred* ***qualifications*** (education {master's or doctorate} requirements, experience requirements, knowledge, skills, abilities, licenses, etc.) needed for the position.
12. Attach the **organizational chart** of the department or unit in which the position will be placed. The chart should indicate where the proposed position will fit.
13. **Signatures:** Unit-level approval by the Unit Affirmative Action Officer and the Unit Head are required **prior** to sending the form to the Office for Institutional Equity and Diversity.

Completed EPA Personnel Action Forms for new faculty positions are to be sent to the **Vice Provost for Institutional Equity and Diversity.** The Vice Provost will review the request. The requesting unit will then receive notification of the Provost's final decision from the Office for Institutional Equity and Diversity. Questions regarding the process of creating a new EPA faculty position should be directed to the Office for Institutional Equity and Diversity.

## B. Classifying a New Non-Faculty Position – Personnel Action Form

### When to Create a New Position

Departments or units desiring to create a new EPA position must complete the EPA Personnel Form.

### Definition

A position is **"new"** if it is not produced by the departure of a person who previously held the job. A newly created position must fill a *bona fide* need within the department.

This differs from a change in title and duties. A change in title and duties is requested when a currently employed person has additional duties added to or removed from his/her current job and a new title is named or when the duties of a vacant position have been changed.

### Classification

Human Resources must review all requests for new EPA non-faculty positions to ensure that the request meets the requirements of being classified as "Exempt from the State Personnel Act (EPA)".

All EPA non-faculty positions require possession of post baccalaureate credentials or (a) equivalent independent experience in comparable instructional or educational activities or (b) a comparable record of independent research productivity.

## Completing the EPA Personnel Action Form

Please attach a memorandum of justification for the proposed position to the EPA Personnel Action Form when submitting it to Human Resources. The memorandum should explain the need of the department or unit for the new position and how this position will fill those needs.

Fill in the information regarding:

1. **Position number:** The position number goes in the space provided in the upper right-hand corner of the form. The position number is specifically assigned for each individual position by the HR EPA Coordinator. Report the **department or unit** in which this position will report.
2. Report the **college, school or division** in which this position will report.
3. Report the proposed **position title**. Next, provide the **job code description**. This number represents the code assigned to each EPA title in the PeopleSoft system. If the position is a **new title**, indicate so by checking the box.
4. EPA Category: Check the appropriate job classification category of the position:
   - SAAO (Senior Academic Administrative Officer/ Administrators Only)
   - Professional, without Academic Rank
   - SPA to EPA Reclassification
5. **Functional category**: The form requires that a functional category be designated for each position, either **instructional**, **research** or **administrative**. Descriptions of the requirements to meet a certain category are provided in Appendix I.
6. **Budget line number** (if available) from which the position will be paid. If the position will be grant funded, also write "grant" in the space provided.
7. Initial **salary** (or range) to be paid.
8. Name and title of the **immediate supervisor** for the proposed position.
9. Provide a complete position **job description**, including the *essential and marginal job duties* of a newly created position.
10. Provide a complete listing of the *required* and *preferred* ***qualifications*** (education {master’s or doctorate} requirements, experience requirements, knowledge, skills, abilities, licenses, etc.) needed for the position.
11. Attach the **organizational chart** of the department or unit in which the position will be placed. The chart should indicate where the proposed position will fit.
12. **Signatures:** Unit-level approval by the Unit Affirmative Action Officer and the Unit Head are required **prior** to sending the form to Human Resources.

Completed EPA Personnel Action Forms for new non-faculty positions are to be sent to the **EPA Coordinator in Human Resources.** The requesting unit will then receive notification of the final decision from Human Resources. Questions regarding the process of creating a new EPA non-faculty position should be directed to the Classification and Compensation Department **in Human Resources.**

## C. Changing a Position Title and/or Duties – EPA Personnel Action Form

### When to Change the Title of a Position

Departments or units desiring to change the title of an EPA position must complete the EPA Personnel Action Form.

#### Definitions

A change of title reflects a change in duties and/or responsibilities. A change in title and duties is requested when additional duties have been added to an employee's current job or a vacant position. A change in title is also requested when the duties of a vacant position will change for the next incumbent who will occupy that position.

#### Change of Title

All requests to change the title of a faculty position must be reviewed and approved by the Vice Provost for Institutional Equity and Diversity to ensure that they meet the requirements of being classified as "Exempt from the State Personnel Act (EPA)". Such requests would involve tenured/tenure track faculty (assistant, associate, and full professors) and non-tenure track faculty (lecturers, visiting faculty, and librarians).

All requests to change the title of an EPA non faculty position must be reviewed and approved by Human Resources Classification and Compensation Department to ensure that they meet the requirements of being classified as "Exempt from the State Personnel Act (EPA)".

### Completing the EPA Personnel Action Form

Please attach a memorandum of justification for the proposed change to the EPA Personnel Action Form when submitting to the Office for Institutional Equity and Diversity for faculty positions or to Human Resources for EPA non-faculty positions. The memorandum should explain the reason for the change in title and/or duties of all the requested.

# **Chapter Four:** The Search and Selection Process

# Chapter Four
## THE SEARCH AND SELECTION PROCESS

### A. Introduction

A thorough and affirmative search must be conducted when filling positions of instruction, research and administration. Such a search includes not only widespread publicity of the open position, but also efforts to encourage qualified women and minorities to apply.

NC State University has maintained a longstanding commitment to the principle and practice of equal opportunity wherein all personnel actions are taken without discrimination based on race, color, religion, sex, age, national or ethnic origin, sexual orientation, citizenship status or national origin, marital status, disability, or status as a Vietnam era or disabled veteran. Through adherence to this commitment, NC State endeavors to promote diversity and to put opportunity within the reach of all. The University has developed affirmative action plans to further these objectives and to comply with federal legislation and regulations.

In the following section, we have outlined numerous components of the search and selection process.

### B. EPA Recruitment Process Overview

The recruitment process for compliance with affirmative action and equal opportunity guidelines is a multi-step procedure. While there is flexibility on how each department develops the particulars of conducting their individual searches, the documentation requirements are the same for all.

The search process begins with a vacancy in a department, whether from a separation of an employee, or through the creation of a new position (an old job that was restructured or a job created for new areas or demands). If a new position must be created, the department is required to submit an **EPA Personnel Action Form** to Human Resources (or OIED for faculty positions).

The process then moves to or begins with requesting to advertise the vacancy. To gain approval for advertising, a department submits **Notice of EPA Vacancy** (electronically via the Online Employment System (OES)) to Human Resources (HR). HR reviews the advertisement for compliance with state and federal regulations. HR approval must be obtained prior to any advertisements being distributed through any venue. At this point, departments are strongly encouraged to schedule a search committee orientation meeting with an assistant equal opportunity officer (515-3148) from the Office for Institutional Equity and Diversity and the Employment Specialist from HR.

**After** a department has received final HR approval of the Notice of EPA Vacancy, advertisements may be distributed.

Before a search committee may interview candidates, an **Interim EPA Recruitment Report** (electronically via the Online Employment System (OES)) must be completed, submitted, and approved by OIED. This form reports the candidates who have been eliminated from the search and the specific reasons for their elimination, as well as listing the top candidates who will continue to be considered. **<u>After</u>** receiving final OIED approval of the Interim Recruitment Report, the search committee may proceed with the interviewing stage.

After conducting the interviews and narrowing the applicant to pool to its final candidates, the search committee must complete and submit the **Hiring Proposal** (electronically via the Online Employment System (OES)) to the Office for Institutional Equity and Diversity. This indicates who the finalists are, and specifically names the person to whom the position will be offered. It is only **<u>after</u>** a department has received notification of OIED approval of the Hiring Proposal that they may extend the offer to the chosen candidate.

These are the steps required for equal opportunity compliance when conducting a search for a vacant position. There are circumstances that may be more aptly suited to utilization of a Time-Limited EPA Appointment or Request for EPA Waiver of Recruitment. Please see the individual sections for information on when these would be prudent to use.

HR and OIED are eager to assist departments in their hiring and compliance processes. HR is available to consult on the hiring process and related recruitment reports

## C. Beginning the Search Process

### 1. Search Development and Organization

#### 1.1. Appointing the search committee

The first step in the recruitment process is the appointment by the dean, director, department head or other hiring officer of a **chair of the search committee** to oversee the search process. The hiring officer also designates persons to serve on the **search committee**. The chair, with the assistance of the appointed **support staff**, is responsible for submitting the appropriate electronic forms during the search, corresponding with applicants and the unit hiring official, and maintaining search records.

#### 1.1.a. Committee Chair

The committee's chair should be appointed by the hiring officer, not chosen by the committee itself. It is important that the chair understands the hiring officer's objectives and is in agreement with these objectives. The chair must also be someone in whom the committee will have confidence as a leader.

The chair should not be selected from among the persons who will be representing specific constituencies on the committee. It may be desirable for the chair to come from outside the area in which the new person will report, thus allowing the chair to play a more neutral role. The chair should, in any case, be someone who is familiar enough with the unit's programs to be able to discuss the unit knowledgeably with potential candidates.

#### 1.1.b. Committee Charge

It is imperative for the hiring official to inform the committee chair of the charge: shall the committee forward a certain number of top candidates to the hiring official, or will the committee be responsible for the final selection? If the former, shall the list be submitted ranked or unranked? How many names should be forwarded; 2? 3? What selection criteria are specifically required and which are preferred? Any other special considerations of the search? These items are important for the hiring official to set forth at the outset of the search to avoid confusion and misunderstandings later.

### 1.1.c. Committee Composition

It is recommended that the search committee be composed of *at least* three (3) persons. The hiring officer should try to make the search committee as representative as possible of the groups that have a significant interest in the position to be filled. Consideration for search committee membership should be given to persons with expertise in the particular field, and persons with frequent interactions with the position. It is important to actively include persons who bring diverse representation to the committee. Departments are encouraged to seek knowledgeable members from other comparable departments if necessary in order to promote a diverse and well-rounded search committee.

In the case of a search for a dean, for example, the committee should include representation from the college faculty, the executive officers of the college's academic departments, the college's professional staff, the college's undergraduate and graduate students, and any other relevant campus constituencies (see additional guidance for dean searched at:
http://www.provost.ncsu.edu/admin-searches/deansearches/index.php.

For some searches, it will also be important to include representatives from alumni and/or professional groups outside the university.

### 1.1.d. Committee Staff Support

The hiring officer should provide the committee with staff support to facilitate its work. At a minimum, this should be someone who will schedule meetings, assist with correspondence to the candidates, maintain the search files, and carry out other tasks as needed.

It may also be helpful to have someone from the hiring officer's staff serve as an ex-officio member of the committee, to advise the committee with respect to procedures and issues that may arise and to serve as a liaison to the hiring officer. This person may also record the committee's minutes, which are needed primarily to keep a record of agreements and decisions reached by the committee.

## 1.2. Logistical Considerations of the Search

The hiring officer should make decisions on and then inform the search committee of any logistical considerations or constraints to the search. This would include:

### 1.2.a. Costs

The number of candidates that can be brought to campus at the department's or unit's expense as well as any other search costs that the department will bear. The search process can be expensive in both money and time for everyone involved. The cost increases as more candidates are interviewed. Search committees are urged to conduct screening interviews by telephone or at professional meetings, etc., to narrow the pool of candidates being seriously considered. No prior 'permission' is needed from OIED or HR before conducting screening interviews.

### 1.2.b. Timelines
The timeline or deadline set for completion of the search process.

### 1.2.c. Scope of the Search
National, statewide, regional, local, UNC system, internal to NC State campus, departmental, graduate departments, etc.

### 1.2.d. Open Meetings Requirements
See the Office of General Counsel s website to determine if your search committee is subject to the open meetings requirements of the State of North Carolina (http://www.ncsu.edu/legal/legal_topics/open_meeting.php).

## 2. Search Committee Orientation
The Office for Institutional Equity and Diversity **strongly urges** that all search committees schedule an OIED and HR (Employment Specialist) sponsored orientation to familiarize themselves with aspects of equal employment practices, as well as the mechanics of the search process. This will greatly decrease process errors as well as reduce the potential for unlawful conduct. Contact the Office for Institutional Equity and Diversity (515-3148) for further information and to schedule an orientation as soon as possible after the search committee has been appointed, or at least prior to interviewing candidates.

## 3. Preparing the position description and advertisement
If this is a new position, the job functions, duties, and qualifications should be developed for classification and approval by HR (or OIED for faculty positions) via form EPA 006, Request to Classify a Position. The description provided on the Notice of EPA Vacancy should match the EPA 006 information.

If this is an existing position, then the current job functions, duties, and qualifications as set out in the current job description should be reviewed by the department and modified as necessary. These will be submitted for review and approval by HR via the Online Employment System (OES)

It is critical that the search committee members understand and accept the conditions stated in the description and announcement - especially the qualifications for the position, since these will form the basis for their subsequent review of candidates.

### 3.1. Position Duties and Qualifications
The position description and vacancy announcement must include a clear statement of the essential functions, duties and responsibilities of the position. It must also state the qualifications *required* for the position, as well as qualifications that are *preferred*.

Both the hiring officer and the search committee members should understand that they must follow the required qualifications closely when reviewing candidates. Applicants who do not meet the minimum advertised qualifications should not be considered for the position.

Consider each of the following items when developing a position description:

- Title
- Duties (teaching, advising, program development, supervising, etc.)

- Research and publications
- Fund raising
- Public relations
- Budgetary responsibilities
- Grant writing

The following items should be considered in developing position qualifications:

- Formal education and degree requirements
- Years of experience
- Licensure
- Any specific previous experience (e.g., post-doc appointment, computer skills, writing/ presentation skills, etc.)
- What is REQUIRED? By contrast, what is DESIRABLE or PREFERRED?

### 3.2. Application Information

The job announcement should solicit both applications (resumes) and nominations for the opening.

**3.2.a.** It must inform the reader as to what is to be included in their **application package, i.e.,** letter of application, curriculum vitae or resume, names of references, any work samples, etc.

**3.2.b.** It should clearly indicate that applications and supporting materials are to be submitted via the Online Employment System (OES) before submitting Notice of EPA Vacancy via the OES or placing printed materials in publications such as the Chronicle for Higher Education.

**3.2.c.** It should clearly designate the **date** on which the committee intends to begin reviewing applications. This date should be one that will allow a reasonable amount of time for the position to be announced and for interested persons to respond.

Depending on the position type, vacancies are posted for the period detailed in the "Job Posting and Background Requirements" chart provided as Appendix A. .

### 3.3. Required Language in All Employment Advertisements

**All advertisements must be reviewed by HR to ensure compliance with equal employment opportunity laws <u>prior</u> to their publication.**

#### 3.3.a. Equal Opportunity and Affirmative Action Phrase

North Carolina State University is a federal contractor and as such, all advertisements are **required** by federal law to include the "equal opportunity phrase" in all solicitations or advertisements for employees. It is required that one (1) of these phrases be used in all advertisements:

- "NC State University is an equal opportunity and affirmative action employer. All qualified applicants will receive consideration for employment without regard to race, color, national origin, religion, sex, age, veteran status, or disability," or,

- “NC State University is an Equal Opportunity and Affirmative Action Employer,” or,
- "Equal Opportunity/Affirmative Action Employer,” or,
- “EO/AA Employer,” or,
- “AA/EOE.”

### 3.3.b. Sexual Orientation Policy Statement

Whenever the equal opportunity and affirmative action phrase is used, the following shortened statement on sexual orientation should accompany it: "*In addition, NC State welcomes all persons without regard to sexual orientation."*

### 3.3.c. Reasonable Accommodations Phrase

In addition to the equal opportunity and affirmative action statement mentioned above, advertisements **also must include** a statement regarding whom an applicant with a disability should contact for obtaining reasonable accommodations during the application process.

The ADA (Americans with Disabilities Act) Coordinator, in the Diability Services Office, is available to assist with requests made to hiring departments for reasonable accommodations made by persons disabilities. Should the departmental contact person receive such a request from an applicant, please contact the ADA Coordinator immediately (919. 513.3768).

A statement such as the following, with <u>departmental</u> specifics for the contacts, serves to assist persons with disabilities in receiving equal opportunity to apply for a vacant position:

“Individuals with disabilities desiring accommodations in the application process should contact ________________(departmental contact name, e-mail address, voice phone/fax numbers and TTY number, if available)."

Alternatively, to save space in a paid advertisement, a contact person can be identified by using the following format:

"ADA Accommodations: _______________________ (departmental contact name, e-mail address, and voice phone/fax numbers and TTY number, if available)."

### 3.4. Advertising to “Cast a Wide Net”

Departments are urged to advertise widely to foster the creation of a diverse applicant pool. The key to a search that is successful in achieving a diverse pool of qualified applicants is to advertise widely; that is, “cast a wide net.” In the planning stages of a search, it is important to review methods used in the past to determine if these have resulted in diverse applicant pools and a subsequently diverse workforce. Consider new ways to recruit in order to reach as many individuals as possible.

Electronic media such as list serves and web page postings are available and relatively inexpensive, and are one suggested method. Professional journals within disciplines are also effective methods. Many departments use the *Chronicle of Higher Education* to advertise their positions. *Diverse Issues in Higher Education* and *The Hispanic Outlook in Higher Education* are two other highly visible and effective advertising venues.

Job notices should also be sent to graduate schools and organizations or associations within the discipline. Many organizations or associations maintain job boards or other employment devices at major conferences.

In reviewing past methods, ask the following questions: Will the method chosen reach all areas of the population? Are any groups excluded? {Consider especially those groups that are underrepresented in the current departmental census of where the position will be placed.} If some areas or groups are excluded, then the scope of the recruitment efforts must be broadened.

### 4. Maintaining the Search File

The statutes enforced by the Equal Employment Opportunity Commission (EEOC) require employers to preserve personnel records. These records include, but are not limited to, all records pertaining to hiring, pay or other terms of compensation, records having to do with requests for reasonable accommodations, the results of any physical examination, job advertisements and postings, applications and resumes, interview questions and notes, explanations for eliminating candidates, and any other documents indicating how a search committee arrived at its decision.

The committee should prepare in advance to organize a thorough and complete search file.

**Which records must be kept?**
The search files must contain:

- A copy of all correspondence (including emails) sent to and received from all applicants,
- An original printing of all advertisements (published electronically or printed),
- A list of the criteria used to evaluate candidates and how these criteria were applied;
- A list of the questions asked to all candidates;
- All notes from the search committee, and
- All rating sheets or other selection devices used in evaluation of all candidates.

Hiring officials who seek candidates for time-limited or waiver positions (including for positions such as research assistants and post-docs) through informal procedures, such as professional contacts via mail, email, phone, etc, **must document** these efforts **and preserve** these records. Any "interviewing" or "screening" activities--whether formal or informal--must be documented and the records maintained in the department.

### 4.2. How long should search records be kept?

Search records must be maintained by the hiring department for a period of three (3) years from the date of the record's creation or last action, whichever occurs *latest.* For complete information on maintaining search records after the two-year in-office retention period, see the *University Records Retention and Disposition Schedule.*

### 4.3. What happens if records are not preserved?

Failure to preserve complete and accurate records as outlined above constitutes **noncompliance** with NC State’s obligations under Executive Order 11246, several EEOC statutes, and the State Records Acts. Where the University has destroyed or failed to preserve records as stated above, there is likely to be a presumption that the information destroyed or not preserved would have been unfavorable to NC State. (This information has been adapted from Title 41, Part 60 of the Code of Federal Regulations, US Department of Labor Employment Standards, OFCCP.)

### 5. How should medical records be handled?

By law, any medical records or information about an applicant's or employee's medical history must be kept totally separate from any other personnel information. The medical information must be kept in a **separate and locked location**.

### 6. Other Search Considerations

There are numerous details of a search that must be attended to by the committee. These come into consideration at various points during the process. To assist search committees in managing all of these duties, Appendix H provides a more detailed group of *checklists*. Please review these checklists thoroughly prior to beginning a search, as well as consulting them frequently throughout the search.

## D. Conducting the Search

### 1. Advertising the Position Vacancy

In the previous section of this chapter, strategies for advertising were outlined. As noted there, the planning for advertising must be done in the early part of the search process. Once the development of the job description is accomplished, the best advertising strategy to cultivate top candidates must be laid out.

Departments or units must submit and receive HR approval of the Notice of EPA Vacancy *before advertising* via any medium. Departments or units are notified whether a description has been approved or if it needs modification. After receiving notification of approval, units may proceed with advertising.

Departments are urged to advertise as widely as possible to foster creation of a diverse applicant pool. Each field has its own sources of professional journals, conferences, and other means of advertising. Collegial contacts and networking are part to the recruitment process, but these should supplement, not supplant, published advertisements in trade journals and newspapers. Search committee members must keep a paper record of all contacts they make in the recruitment.

### 2. Sharing Applicant Pools

A department or hiring unit is permitted to use the same applicant pool if more than one of the same kind of position is being filled. For example, departments such as English, Foreign Languages, or Mathematics regularly hire several lecturers at one time or throughout a semester by drawing from a singular pool of applicants generated in response to one advertisement.

Advertisements must clearly distinguish among the positions if the ranks, responsibilities or requirements for each are different.

# 3 Screening and Interviewing

## 3.1. Screening Applications

Committees will need to screen out less-qualified applicants in various stages of the search process.

Before screening applicants, committees must establish **written** criteria that are objective and relate to the requirements or qualifications of the position as stated in that advertised vacancy. This facilitates the committee members in consistently applying these criteria to all applicants throughout the search process—<u>a key component of equal opportunity!</u> Additionally, this will satisfy documentation requests that will be made by the Office for Institutional Equity and Diversity at later stages.

It is expected that all applicants be reviewed on the same criteria. As such, setting forth the selection criteria in advance is imperative. Furthermore, a copy of the selection criteria should be maintained in the search file.

## 3.2. Interviewing Applicants

In order to fill open positions with the best possible candidate, committees will need to ask applicants to participate in interviews. These give the committee members the opportunity to ask direct questions related to each applicant's knowledge, skills and abilities, as well as to gauge the person's abilities to communicate effectively, their responsiveness within the department, their presentation skills, and their ability to "think on their feet." All of these qualities are ones that are sought after in high-caliber employees. Furthermore, when interviews are based on asking <u>**behavior-based questions**</u>, committees are better able to predict a candidate's probability for future success based on their past performance.

As mentioned above, interview questions must be written out in advance in order to demonstrate that all candidates are being evaluated consistently. This proves to be a very helpful tool to interviewers so that they are able to clearly articulate the strengths and weaknesses of every candidate. When the critique of a candidate is based on behavior, not personal characteristics that are irrelevant, the committee can be assured that they are nominating a top candidate for selection, as well as meeting their obligations under the law. Using behavior-based and job-related questions keeps a committee and its department out of illegal territory because the inquiries are not about a candidate's race, color, sex, religion, age, national origin or citizenship, disability, or veteran's status. These are the types of queries that <u>**must be avoided at all times**</u> by all members of the committee.

Interviews also present the opportunity for interaction among community members. Unfortunately, these interactions can sometimes take a wrong turn when questions center around information that is not job related. To stay on the legal track, all questions must be job-related, and should in no way attempt to solicit information that is based in protected categories such as race, color, sex, age, marital status, veteran status, religion or creed, sexual orientation, or disability. The Office for Institutional Equity and Diversity provides Search Committee Orientations to educate committees on lawful lines of questioning and how to conduct lawful interviews. Please contact the Office for Institutional equity and Diversity to schedule an orientation as early as possible in the search process for assistance in this area (919.515.1151).

## 4. Making the offer

It is imperative that an offer not be extended to a candidate until final approval **by the Office for Institutional Equity and Diversity and email confirmation by the Online Employment System( OES)** has been verified. HR will relay approval. Many committees find themselves in a precarious predicament when they realize an offer has been extended before approval is granted, which embarrasses the committee by its oversight and the subsequent delay.

### 4.1. Recommendation or Selection?

When a search committee has narrowed its field and has completed interviews, it will be time to make either a final selection of the number one candidate, or to recommend their top candidate(s) to the hiring official (dean, department head) for that person's final decision. This step is usually laid out at the very outset of a search in the "charge of the committee." Sometimes the committee will be responsible for forwarding the name of the top candidate; sometimes they will be responsible for forwarding a list of the top three candidates to the hiring official, perhaps in rank order and perhaps not ranked. If a committee is unsure of what its charge is for this stage, they are advised to seek clarification before proceeding with their final decision or recommendation.

### 4.2 The Offer

An offer to a candidate must be made only by a **duly authorized person**, usually the department head or the dean, or any person that they specifically designate for this assignment. This person must be mindful of the fact that they are initiating a process of creating a **legally binding agreement** between NC State University and the individual.

Usually, once the recommendation has been forwarded and a final decision of who to hire has been made, the hiring official will make a final phone call to the selected candidate with the purpose of a final discussion of such things as rank, salary, perhaps moving expenses, and other conditions of the position. It becomes obvious as to why the authorized person should be the one to make this phone call: it is only that person who has the latitude to extend and agree upon such negotiations. Once these negotiations have been finalized, the hiring official should notify the candidate that a **formal written offer letter** with the final agreements will be sent shortly.

### 4.3. Elements of the Offer Letter

In order that the terms and conditions of an offer are clearly understood by both parties, it is critical that an offer be extended in writing and that a written acceptance be returned by the candidate. The letter outlines the specific terms of the legal agreement between NC State University and the candidate. There are several elements of a correctly written offer letter.

- Offer of the position. Provide the official title.
- Brief description of the position.
- Salary agreed upon.
- Benefits.
- Conditions of agreement.
- Date appointment begins.
- Dates of the term of appointment.

- Expenses covered by University related to the candidate's move, if applicable (relocation program information can be located at: www.fmrealty.com/site/ncsu.edu).
- Notice of requirement of written acceptance and deadline for returning it.

EPA offer letter templates can be accessed at http://www7.acs.ncsu.edu/hr/employment/epa_letters/.

# **Chapter Five:** EPA Recruitment Steps

# Chapter 5

## EPA RECRUITMENT FORMS

For copies of all forms, see **http://www7.acs.ncsu.edu/hr/forms/#employment**.

### A. Notice of EPA Vacancy

#### 1. When to submit EPA Vacancy Notice

The notice of EPA Vacancy lists the position description and qualifications needed, as well as other pertinent search information, such as the appointment's beginning date, the application deadline, recruitment strategies, and search committee composition. The EPA Vacancy submitted electronically via the Online Employment System (OES), must be ***approved*** by Human Resources ***prior*** to any advertising activities (URL for user guide is www.fis.ncsu.edu/hr/employment/pdf/hiremanguide.pdf).

In addition to the advertising efforts taken by the hiring department, all position vacancies are automatically advertised by Human Resources on the NCSU website. Human Resources also lists vacancies in HigherEdJobs.com and Hotjobs.com (if requested). Additional media sources are required for most vacancies.

#### 2. Vacancy Notice (See instructions for the Online Employment System) at: http://jobs.ncsu.edu/hr

### B. Interim EPA Recruitment Report

#### 1. When to submit Interim Report

The Interim EPA Recruitment Report is to be completed **prior** to interviewing any candidates. This form documents information about the applicant pool, about whom the search committee has identified as top candidates, and the explicit explanations for the elimination and promotion of candidates. Please check with your department's Dean or Vice Chancellor's office for other internal procedures that must be followed. Access the OES to complete the interim report (URL for user guide is www.fis.ncsu.edu/hr/employment/pdf/hiremanguide.pdf).

After obtaining electronic approval of the Interim Recruitment the search committee may begin scheduling interviews.

### C. Hiring Proposal

#### 1. When to use the Hiring Proposal

Recruitment must be closed prior to submitting a Hiring Proposal. The Hiring Proposal must be approved by the University Equal Opportunity/Affirmative Action Officer **prior to** the position being offered to a candidate. This report indicates whom the unit intends to hire, and documents why the other top candidates were not selected. It is the final step required by Human Resources and the Office for Institutional equity and Diversity in the recruitment process. Access the Online Employment System to complete the final report (URL for user guide is www.fis.ncsu.edu/hr/employment/pdf/hiremanguide.pdf).

After obtaining electronic approval of the Hiring Proposal  the hiring official may extend an offer of employment to the selected candidate.

### D. Request for Waiver of EPA Recruitment Procedures

#### 1. When to submit Waiver form

The Request for Waiver of EPA Recruitment Procedures is to be used only in **exceptional** circumstances to hire individuals when the usual search process is not followed. A hiring unit seeking to employ a candidate by requesting a waiver must include a memorandum of justification explaining why recruitment procedures should be waived.

#### 2. Submitting the Waiver Request

The **Request for Waiver of EPA Recruitment** request must be **approved** by the Vice Provost for Institutional Equity and Diversity **prior to** offering the position to a candidate. See instructions for the Online Employment System (URL for user guide is www.fis.ncsu.edu/hr/employment/pdf/hiremanguide.pdf).

After obtaining electronic approval the department may proceed with offering the position to the approved candidate.

# **Chapter Six:** Background Checks

# BACKGROUND CHECKS REQUIRED APRIL 1, 2007

**WHAT:** Beginning April 1, 2007, The University will conduct background checks on applicants who are finalist candidates for hire or for transfer to new jobs. Criminal conviction (including sex offender) checks will be conducted for all faculty and staff positions. Credit checks and motor vehicle/driving record checks will also be conducted for some positions based on the job's duties.

**WHY:** The goal of the program is to help support a safe environment for members of the University community and to protect the institution's funds, property, and other assets.

**WHO:** All regular faculty, special faculty, EPA non-faculty professionals, post-docs, SPA staff, and temporary employees (other than NC State students) are subject to checks.

**HOW:** The hiring department provides a disclosure & release form to its finalist candidate. The candidate completes the form and returns it to HR's background check program manager. A specialized background-checking firm conducts the check. HR's program manager reviews the information provided and provides either an employment clearance or a "disqualification recommended" to the hiring official. Evaluations are based on relevant factors such as the nature of the job to be filled; relevance of any findings to the job duties; seriousness of any findings; information provided by the candidate; the individual's compliance with any imposed sentences or sanctions; post-event activities, work record, and references; and potential risk to the University. (Individual colleges and divisions may require additional steps in the hiring approval process. Please consult with your college/division personnel office.)

**RIGHTS:** Before any adverse employment action is taken based on the background check, HR must notify the individual. The individual has the right to receive a copy of the background report and may follow up with the reporting agency if they have questions or believe the information is incorrect.

**COST:** The cost will vary based on the scope of each background check, but the UNC System has contracted with one vendor to conduct cost-effective background checks for all UNC institutions. The NCSU deans and executive officers have agreed that the colleges and divisions will simply be billed once a year, based on their annual hiring activity volume, which is more efficient and effective than charging each hiring unit a small fee every time a check is conducted.

**QUESTIONS:** If you have questions, please contact Employment Services, 919-515-2135. .

**RESOURCES:**
Processes for complying with the new regulation are included in the Employment Services Background Check Guidelines.

New PRR (policies, rules & regulations; REG 05.55.8)
http://www.ncsu.edu/policies/employment/recruit/REG05.55.8.php

Background Check Disclosure & Release form
http://www.ncsu.edu/hr/forms/employment/background/checkrelease.pdf

# EMPLOYMENT SERVICES
# BACKGROUND CHECK GUIDELINES
# April 1, 2007

**Regular faculty, special faculty, EPA non-faculty professionals, post-docs, EPA time limited, EPA waiver appointments, SPA staff hires & transfers**

| | WHO | WHAT |
|---|---|---|
| 1 | Hiring Department | Makes contingent offer to finalist candidate |
| 2 | Candidate | Accepts contingent offer |
| 3 | Hiring Department | • Completes top section of *Background Check Disclosure & Release* form<br>• Sends form to candidate (by email, fax, US mail, or pick-up by candidate), and<br>• Instructs candidate to return form to HR Background Check Office by specific date |
| *NOTE* | *Departments are* ***strongly discouraged*** *from allowing candidates to start work until the background check has been completed. However, if a department has a compelling need to start the candidate –* | |
| | *Hiring Department* | *Provides the individual with written explanation in the offer letter that the appointment and continued employment are contingent upon acceptable background check results* |
| | *Candidate* | *Signs and returns offer letter to hiring department showing that they understand and accept the contingency before they may start work* |
| 4 | Candidate | • Completes *Background Check* form<br>• Returns form to HR Background Check Office |
| 5 | Candidate | Notifies hiring department that form has been submitted to HR (so dept knows its status) |
| 6 | HR Background Check Manager | Requests appropriate background checks from vendor |
| 7 | Background Check Vendor | Conducts checks and provides results to HR Background Check Manager |
| 8 | HR Background Check Manager | Reviews materials & determines clearance<br>• Sends “employment clearance” notification to hiring department via email, or<br>• If problematic enough to appear appropriate to disqualify candidate, sends “disqualification recommended” email to the hiring official |
| 9 | Hiring Department | If hiring department is interested in employing the candidate after disqualification is recommended, contacts Background Check Manager to discuss |
| 10 | HR Background Check Manager (if candidate has not started work) | If contingent offer cannot be supported, notifies candidate and offer is withdrawn. Also notifies candidate of their rights and recourses available. |
| 11 | HR Background Check Manager (if candidate has started work) | If individual must be disqualified, works with hiring department and HR Employee Relations on separation from employment. |

## Temporary Positions
### *(Includes SPA & EPA temporary appointments)*

| | WHO | WHAT |
|---|---|---|
| 1 | Hiring Department | Makes contingent offer to finalist candidate |
| 2 | Candidate | Accepts contingent offer |
| 3 | Hiring Department | • Completes top section of *Background Check Disclosure & Release* form<br>• Sends form to candidate (by email, fax, US mail, or pick-up by candidate), and<br>• Instructs candidate to return form to HR Background Check Office by specific date<br>• Sends temporary employment application (for SPA) or resume (for EPA) to HR Background Check Office |
| *NOTE* | ***CANDIDATE MAY NOT START WORK*** | |
| 4 | Candidate | • Completes *Background Check* form<br>• Returns form to HR Background Check Office |
| 5 | Candidate | Notifies hiring department that form has been submitted to HR (so dept knows its status) |
| 6 | HR Background Check Manager | Requests appropriate background checks from vendor |
| 7 | Background Check Vendor | Conducts checks and provides results to HR Background Check Manager |
| 8 | HR Background Check Manager | Reviews materials & determines clearance.<br>• Sends “employment clearance” notification to hiring department via email, or<br>• If problematic enough to appear appropriate to disqualify candidate, sends “disqualification recommended” email to hiring official |
| 9 | Hiring Department | If hiring department is interested in employing candidate after disqualification is recommended, contacts Background Check Manager to discuss |
| 10 | HR Background Check Manager | If contingent offer cannot be supported, notifies candidate and contingent offer is withdrawn. Also notifies candidate of their rights and recourses available. |

### * *NOTE on STUDENTS*

- REG 05.55.8 <u>does not</u> apply to undergrad and grad students whose work is incident to their primary role as an NC State University student.

- REG 05.55.8 <u>does</u> apply to individuals whose primary role with NC State University would be characterized as an “employee” rather than primarily as a student, whether working as a temporary or regular employee.

- REG 05.55.8 <u>does</u> apply to individuals who are students at institutions other than NC State University, whether working as a temporary or regular employee.

# **Chapter Seven:** EPA Separations

NC STATE UNIVERSITY

Dear Former NC State Employee:

The NC State Exit Program is designed to collect climate and other qualitative information from separating employees to identify work environment issues that contribute to both retention and turnover and to provide exiting employees an opportunity to voice concerns and make suggestions.

I want to thank you for the contributions you made during your employment with North Carolina State University as a former member of the faculty. The University wants to better understand what our employees value most in their workplace and why they leave. Accordingly, we ask that you participate in our confidential employee exit survey. We would appreciate your honest responses to all of the questions on the enclosed form, but you may choose to respond to only some if you wish. Your feedback is greatly appreciated and all responses will remain anonymous. Your responses, including any personal information you provide, will be kept strictly confidential. You are not required to complete this questionnaire and it will not affect your employment record in any way.

The information you furnish will be used in summary form as a means to identify patterns or trends in the work environment at the University.

If you have access to the Internet, you may complete the questionnaire online by viewing the following URL:

https://ssl.ncsu.edu/equal_op/exitform.html

I ask that you complete the survey which should take no more than 10 minutes by Friday, August 7, 2009. If you do not have access to the Internet or you prefer to share this information with someone in person, please contact Carson Cook, assistant equal opportunity offier at carson_cook@ncsu.edu or (919) 513-2099 to schedule a personal exit interview. Thank you for completing the survey and we wish you continued success in the future.

Sincerely,

Joanne G. Woodard
Vice Provost for Institutional Equity and Diversity

## Exit Interview Procedures for EPA Faculty & EPA Non-faculty Personnel

### 1. The Exit Interview System

The exit interview and exit questionnaire can be two of the University's most informative tools, if designed and used appropriately. It provides the University with useful information about NC State University that no other source can yield. It is conducted when faculty members leave NC State University. It is at this time that people are most likely to be frank about what it is like to work at the University and why they are leaving. Whether obtained from a written questionnaire or during a face-to-face interview, the information gathered can allow the University to be proactive by pinpointing problems early and illustrating the need for action.

An exit interview or questionnaire should focus on both the immediate situation, that is, what brought about the separation, and on more general issues, such as patterns, problems, and issues as viewed by the separating employee. In this way the exit interview or questionnaire aims in two directions: first, at reducing the cost of turnover, and second, at identifying other, broader issues (which are often the underlying causes of turnover) that NC State University's administration can address.

### 2. Keys to a Good Exit Interview System

Some suggestions follow about establishing an exit interview routine, how to choose who does the exit interview, and where and when it occurs.

#### 2.a. Establish A Routine

One of the problems with exit interviews is they often do not happen unless there is a well-established system for conducting them. To facilitate such a system, all separating faculty are asked to complete an online exit interview questionnaire. The Office for Institutional Equity and Diversity maintains the information collected from faculty exit interviews or questionnaires in an online database.

#### 2.b. Provide The Form or Opportunity to be Interviewed to All

Every employee who leaves NC State University should be provided the opportunity to complete an online exit survey or have a face-toface exit interview. Personnel representatives are asked to notify the Office for Institutional Equity and Diversity 515-1151 when faculty are separating form the University. The Office for Institutional Equity and Diversity will contact separating faculty regarding the exit interview program.

#### 2.c. Contact OEO for Interview or Questionnaire

Staff from the Office for Institutional Equity and Diversity should conduct all one-on-one exit interviews, as they are skilled in interviewing and counseling techniques. It is important for the separating faculty member to perceive the person conducting the interview, as objective and that action will be taken on information gathered from the interview or the questionnaire. Centralization of this function allows a person with a perspective on the whole University to perform the exit interview. The Office for Institutional Equity and Diversity makes use of information obtained from an exit questionnaire as it relates to this office's ongoing mission of ensuring equal employment opportunity.

### 2.d. Contact the Separating Employee in a Timely Manner

The exit interview/survey should be conducted in person shortly before a faculty member leaves NC State. This ensures the interview will take place and that it will occur when the person is most likely to be frank. If a personal interview is not possible, the separating employee should complete the online exit survey questionnaire before leaving NC State University.

### 2.e. Distribution of the Exit Questionnaire

An invitation to complete the online exit survey will be delivered to every separating faculty member by the Office for Institutional Equity and Diversity. The department should also initiate a PeopleSoft termination action once informed that an employee is separating from the University.

**For a copy of the Exit Interview Questionnaire, please go to:**
**https://ssl.ncsu.edu/equal_op/exitform.html.**

# Appendices

# Appendix A

***Job Posting and Background Check Requirements***

## JOB POSTING AND BACKGROUND CHECK REQUIREMENTS

*last updated 11/17/10*

| Position Type | Required to Post? | Posting Period | Process | Background Check Required For |
|---|---|---|---|---|
| **SAAO Tier I** | Yes* | 20 business days* | These positions are typically posted and advertised. Post using the Online Employment System process for "Regular EPA Recruitment". Must be advertised with a national publication with broad circulation. Electronic, web and listserv media are acceptable. In order to comply with federal regulations, if a print ad is not done and the department wishes to sponsor a foreign national for permanent residency after employment has begun, the position must be re-advertised (media source and scope of ads to be determined based on the type of green card), and the posting period must be at least 30 days. | • All new hires<br>• Rehires with more than 6 month break in service or if a check had not been done previously<br>• Transfers |
| **SAAO Tier II** | Yes* | 10 business days* | These positions are typically posted and advertised. Post using the Online Employment System process for "Regular EPA Recruitment". Media advertising deemed appropriate for the level and specialization of the position should be used to ensure a qualified, diverse applicant pool. | • All new hires<br>• Rehires with more than 6 month break in service or if a check had not been done previously<br>• Transfers |
| **Federal regulations allow employers to exempt some executive and top management positions (limited at NCSU to positions in JCAT 1XX and 300-308) from Employment Security Commission posting requirements. Exemption from ESC posting must be requested from the AVC for HR. In exceptional circumstances only, a waiver of recruitment must be requested from OEO, in accordance with REG 05.55.2: Hiring Procedures for Faculty and EPA Personnel.* | | | | |
| **Tenured/Tenure-Track Faculty**<br>• **Instructor**<br>• **Assistant Professor**<br>• **Associate Professor**<br>• **Professor** | Yes | 20 business days | Use current Online Employment System process for "Regular EPA Recruitment". Must be advertised with a national publication with broad circulation. Electronic, web and listserv media are acceptable. *[NOTE: In order to comply with federal regulations, if a print ad is not done and the department wishes to sponsor a foreign national for permanent residency after employment has begun, the position must be re-advertised (media source and scope of ads to be determined based on the type of 'green card') -- and the posting period must be at least 30 days.]*<br><br>Only in exceptional circumstances may a waiver of recruitment be requested from OEO, in accordance with REG 05.55.2. The Instructor title/rank is limited to individuals who are being appointed "ABD" (all-but-dissertation, or pending receipt of terminal degree) and who will move into a tenure-track Assistant Professor title/rank upon award of terminal degree. | • All new hires<br>• Rehires with more than 6 month break in service or if a check had not been done previously<br>• Transfers |

## JOB POSTING AND BACKGROUND CHECK REQUIREMENTS

*last updated 11/17/10*

| Position Type | Required to Post? | Posting Period | Process | Background Check <u>Required</u> For |
|---|---|---|---|---|
| **ADJUNCT Faculty (UNPAID)** | No | NOT APPLICABLE | Adjunct appointments are unpaid appointments held by a individuals employed primarily outside the university whose credentials qualify for academic rank and who provide academic services to the university (such as teaching, service on doctoral committees, or an advisory role) on a courtesy or volunteer basis.<br><br>An adjunct role may also be held by NC State University employee whose primary appointment is as EPA or SPA non-faculty and who qualifies for academic rank and provides uncompensated academic (e.g., teaching) services in addition to their primary non-faculty appointment. | Required only if there is direct, individual contact with, or oversight of, underage students or program participants. |
| **Non-Tenure Track (NTT) Faculty (PAID)**<br><br>**Lecturers & Senior Lecturers**<br>**Clinical Faculty**<br>**Extension Faculty**<br>**Faculty of the Practice**<br>**Research Faculty**<br>**Teaching Faculty**<br>**Field Faculty**<br>**Librarians**<br><br>**-- except <u>returning</u> NTT faculty (see below)** | Yes | 10 business days | Use current "Regular EPA Recruitment" process. Interim Recruitment Reports and Hiring Proposals are required. Multiple hires can be selected from the candidate pool. An individual Hiring Proposal is submitted for each selected candidate. The candidate statuses are managed in the main pool. Each selected candidate is given the status of "First Choice." Notify your Employment Consultant with position numbers that are associated with the pool and which candidate will be hired into each position number when you are ready to make an offer.<br><br>Only in exceptional circumstances may a waiver of recruitment be requested from OEO, in accordance with REG 05.55.2: Hiring Procedures for Faculty and EPA Personnel. | • All new hires<br>• Rehires with more than 6 month break in service or if a check had not been done previously<br>• Transfers |
| **<u>Returning</u> NTT Faculty (PAID)** | No | NOT APPLICABLE if employed in consecutive AYs | **If an individual returns to teach on a recurring basis in <u>consecutive academic years (AY) in the same academic discipline/department</u>**, they are considered continuing for this purpose. Follow departmental required process. | Required only if a check had not been done previously |
| **Visiting Faculty & Visiting EPA Professionals**<br><br>**(PAID or UNPAID)** | No | NOT APPLICABLE | Visiting appointments are not true job vacancies. Visiting NTT faculty appointments (eg, visiting Assistant/Associate/Full Professor) -- as well as visiting scholars, scientists, and researchers appointed as EPA non-faculty professionals -- are visiting NC State from a "home organization" to which they are expected to return. Those who will receive some form of payment thru NC State are processed via the Online Employment System by selecting the template for "Visiting Non-Tenure Track Faculty Appointment". The approval process mirrors the current "EPA Waiver" workflow. Visiting appointments cannot exceed 2 years total. | • All new hires (paid)<br>• If unpaid, required only if there is direct, individual contact with, or oversight of, underage students or program participants. |

## JOB POSTING AND BACKGROUND CHECK REQUIREMENTS

*last updated 11/17/10*

| Position Type | Required to Post? | Posting Period | Process | Background Check Required For |
|---|---|---|---|---|
| **EPA Non-Faculty Professional** | Yes | 10 business days | Use current Online Employment System process for "Regular EPA Recruitment". Media advertising deemed appropriate for the level and specialization of the position should be used to ensure a qualified, diverse applicant pool, however, in order to comply with federal regulations, if a print ad is not done and the department wishes to sponsor a foreign national for permanent residency after employment has begun, the position must be re-advertised (media source and scope of ads to be determined based on the type of green card), and the posting period must be at least 30 days. | • All new hires<br>• Rehires with more than 6 month break in service or if a check had not been done previously<br>• Transfers |
| **SPA** | Yes | 5 business days | Use current Online Employment System process for "SPA Recruitment". | • All new hires<br>• Rehires with more than 6 month break in service or if a check had not been done previously<br>• Transfers |
| **Post-Docs (PAID and UNPAID)** | Optional | Optional | If posting, the vacancy notice should be routed to the HR Employment Consultant through the current "Regular EPA Recruitment" process to be posted. Candidates apply via the Candidate Profile with CV/resume and/or other documents. Department uses the Online Employment System to give candidate statuses. Multiple hires can be selected from the candidate pool. Each selected candidate is given the status of "First Choice."<br><br>Interim Recruitment Reports and Hiring Proposals are not required for these searches.<br><br>Department notifies their Employment Consultant when the position has been filled to close out the search in the Online Employment System. | • All new hires<br>• Rehires with more than 6 month break in service or if a check had not been done previously<br>• Transfers |
| **EPA Waiver of Recruitment** | No | NOT APPLICABLE | Positions for which recruitment is waived by OEO such as individuals named in grants and individuals relocating to NC State in conjunction with newly-hired faculty/researchers are processed with current "EPA Waiver" workflow via the Online Employment System. | • All new hires<br>• Rehires with more than 6 month break in service or if a check had not been done previously<br>• Transfers |

**JOB POSTING AND BACKGROUND CHECK REQUIREMENTS** *last updated 11/17/10*

| Position Type | Required to Post? | Posting Period | Process | Background Check <u>Required</u> For |
|---|---|---|---|---|
| **EPA Time Limited Appointment** | NOT APPLICABLE | NOT APPLICABLE | No new or extended (second year) time limited appointments will be endorsed. If current employee was hired in position as a time limited appointment, a "Regular EPA Recruitment" must be conducted. | NOT APPLICABLE |
| **Current Employee Additional Assignment (supplemental pay/overload assignment)** | No | NOT APPLICABLE | Follow departmental required process. | New duties which make a check appropriate such as access to financial assets or accounts (See PRR) |
| **Temporary SPA & EPA (other than student workers) --Including positions that have historically been hired as "flat rate"** | Yes | 5 business days | 1. UTS Full Process: Use UTS to fill the vacancy--http://www.fis.ncsu.edu/hr/uts/job_order.asp<br>2. Department Process: Post via the Online Employment System, route to UTS for posting (no fee), no other approval workflow required. Use "temporary" template to complete vacancy notice. Select "Approve and Send to UTS (Temporary)", bypassing the workflow process.<br>• Candidates apply via Online Employment System using the Staff Application (SPA type) or the Candidate Profile with resume/CV (EPA type). Department uses Online Employment System functionality to give candidate statuses and notifies UTS when position is filled. Multiple hires can be selected from the candidate pool. Each selected candidate is given the status of "First Choice." Department notifies UTS when the position is filled to close out recruitment<br>• **OR**<br>• Candidates apply via hard copy Temporary Application found at http://www.fis.ncsu.edu/hr/forms/employment/tempapp_noutsfil.pdf and hiring department tracks applicant flow using the Temporary Applicant Tracking Form. Department notifies UTS when position is filled to close out the recruitment. Guidelines on how to maintain these searches can be found at http://www.fis.ncsu.edu/hr/employment/pdf/ofccp_campusguide.pdf If using this method, the "Application Materials Required" field must be completed on the vacancy notice with instructions on how to apply. | • All new hires<br>• Rehires if previous check was conducted more than six months ago |

## JOB POSTING AND BACKGROUND CHECK REQUIREMENTS

*last updated 11/17/10*

| Position Type | Required to Post? | Posting Period | Process | Background Check Required For |
|---|---|---|---|---|
| **Temporary Assignment Filled by a Retiree** | No | NOT APPLICABLE | Follow departmental required process.<br><br>If hiring an NCSU retiree returning to a role that they formerly performed and for which they are uniquely qualified, the assignment is considered "internal" and posting is not required.<br><br>NOTE: If hiring a non-NCSU retiree (State of NC, other UNC institution, etc), position must be posted. | • All new hires<br>• Rehires if previous check was conducted more than six months ago |
| **Former Temporary Employee Fulfilling Previous Role in Consecutive Academic Years** | No | NOT APPLICABLE | Follow departmental required process. | • All new hires<br>• Rehires if previous check was conducted more than six months ago |
| **Positions Lasting Three Days or Less** | No | NOT APPLICABLE | NOT APPLICABLE | • All new hires (unless filled by a student)<br>• Rehires if previous check was conducted more than six months ago |
| **NCSU Student Worker (Ex: work study, graduate assistant, resident advisor, etc)** | No | NOT APPLICABLE | Follow departmental required process. For exemption to the posting process, students must be enrolled at least half-time.<br><br>Note: If hiring a student to work in the fall semester who is not enrolled in summer sessions, you do not need to post for summer employment.<br><br>Note: If you want to hire an individual who graduated and is no longer enrolled with NCSU, the temporary employee recruitment process is followed and background checks are required.<br><br>Note: If hiring a student that is not enrolled at NCSU, the temporary employee recruitment process is followed and background checks are required. | Optional; students can be checked at the department's request if access or security issues warrant such |

# Appendix B

## UNIT AFFIRMATIVE ACTION OFFICERS

**As of03/31/2011**

| Unit | Contact | Phone | NCSU Box |
|---|---|---|---|
| Agriculture & Life Sciences (01) | Sheri Schwab<br>Rebecca Zuvich | 515-1381<br>515-2641 | 7917 |
| Design (02) | Dottie Haynes | 515-8305 | 7701 |
| Education (03) | Samuel Snyder<br>Natalie Worth | 513-4328<br>515-5904 | 7801 |
| Engineering (04) | Virginia Teachey<br>Connie Reno | 515-3994<br>515-8521 | 7901 |
| Natural Resources (05) | Don Patty | 513-1254 | 8001 |
| Humanities & Social Sciences (06) | | | 8101 |
| Physical & Mathematical Sciences (07) | Jo-Ann Cohen | 515-7833 | 8201 |
| Textiles (08) | Michael Walker<br>Roxie Shevack | 515-6600<br>515-6642 | 8301 |
| Management (09) | Shannon Davis | 515-3349 | 7229 |
| Veterinary Medicine (B) | Beth Buck<br>Alicia Robinson | 513-6308<br>513-6233 | 8401 |
| Libraries (C-60) | Wendy Scott<br>Laura Blessing<br>Lisa Ruth | 515-3522<br>513-3251<br>515-8590 | 7111 |
| Athletics (C-61) | Christy Scheid | 513-7435 | 8502 |
| Finance & Business (C-62) | Barb Carroll | 515-3443 | 7210 |
| Student Affairs (includes Physical Education) (C-63) | Lisa Zapata | 515-2446 | 7301 |
| Undergraduate Academic Programs (includes Cooperative Education) (C-71) | Roger Callanan<br>Pat Cellini | 513-7204<br>515-4373 | 7105 |
| University Extension (C-76) | Ann Hargis | 515-2144 | 7401 |
| University Advancement (C-92)<br>News Services (C-82)<br>Public Affairs (C-89)<br>University Development (C-92)<br>Alumni Affairs (C-93) | Taylor Jeffries | 0506 | 7501 |
| DELTA (C-99) | Christine Romer | 513-1281 | 7113 |
| Special Units<br>Enrollment Management (C-72)<br>Research Administration (C-83)<br>Water Resources Research Institute (C-81)<br>ITRE (C-84)<br>Sea Grant (C-87)<br>Chancellor’s Office (C-90)<br>Provost’s Office (C-91)<br>Information Technology (C-68)<br>International Programs (C-94)<br>Centennial Campus (C-86)<br>Graduate School (C-96)<br>Legal Affairs (C-97)<br>Extension & Engagement (C-98) | Amy Circosta | 515-4559 | 7530 |

# Appendix C
## AFFIRMATIVE ACTION CONTACTS
**As of 03/15/10**

| Unit | Contact | Ext. | Fax | NCSU Box |
|---|---|---|---|---|
| CALS | Rebecca Zuvich | 5-2641 | 3-2617 | 7917 |
| Design | Dottie Haynes | 5-8305 | 5-7330 | 7701 |
| Education | Natalie Worth | 5-5904 | 3-8083 | 7801 |
| **All Info to Natalie Worth** | | | | |
| Curriculum, Instruction & Couns. Ed. | Irene Armstrong | 5-1772 | | 7801 |
| Math, Science & Technology Ed. | Vicky Grantham | 5-1061 | | 7801 |
| -Dept. of Leadership, Policy & Adult Higher Education | Sharon Walker<br>Patricia Fields | 5-6299<br>3-4449 | | 7801 |
| Dean's Office | Margaret Penny | 5-5990 | | |
| Engineering | Virginia Teachey | 5-3994 | | 7901 |
| **All Info to Connie Reno** | Connie Reno | 5-8521 | 3-1121 | |
| Chemical Engineering | Rajani Verghese | 5-6391 | | 7905 |
| Civil Engineering | Barbara Rowe | 5-7206 | | 7908 |
| Computer Science | Linda Honeycutt | 5-7926 | | 8206 |
| Electrical/Computer Engr. | TBA | | | |
| Industrial Extension Service | Sandy Dugan | 5-3914 | | 7902 |
| Engineering Research | Connie Reno | 5-8521 | | 7901 |
| Other | Connie Reno | 5-8521 | | 7901 |
| Academic Affairs | April Jackson | 5-9952 | | 7904 |
| Industrial Engineering | Debbie Allgood | 5-2362 | | 7906 |
| Material Science/Engr. | | | | |
| Mechanical/Aerospace | Donnie Horton | 5-2367 | | 7910 |
| Nuclear Engineering | Hermine Kabbendijan | 5-1463 | | 7909 |
| Distance Education (Online) | Linda Krute | 5-5440 | | 7547 |
| IES | Sandy Dugan | 5-3914 | | 7902 |
| Mineral Research (Under IES) | Sandy Dugan | 5-3911 | | 7902 |
| Solar System | Steve Kalland | 3-1896 | | 7401 |
| ATEC | Alex Huang | 3-7387 | | 7571 |
| BTEC | Melody Woodard | 3-8095 | | 7928 |
| Biomedical Engineering | Linda Simmerson | 5-5252 | | 7901 |
| Natural Resources | Don Patty | 3-1254 | 5-7231 | 8001 |
| CHASS) **All Info to Amanda Petty** | Amanda Petty<br>Christina Martin | 3-1839<br>3-0699 | 3-8050 | 8101 |
| Psychology | Susie Hunter | 5-2251 | | 7801 |
| English | Debbie Douglass | 5-4109 | | 8105 |
| History | | 3-2240 | | 8108 |
| Foreign Languages/Literature | Debora Godfrey | 5-9275 | | 8106 |
| Dept. of Philos. & Religious Studies | Anne Rives | 5-6101 | | 8103 |
| Communication | Sara Reese | 3-4050 | | 8104 |
| Sociology & Anthropology | Martha Rudisill | 5-3917 | | 8107 |
| School of Public & International Affairs | Lilly Kirby | 3-1839 | | 8102 |
| Dean's Office | Amanda Petty | 3-1839 | | 8101 |
| Social Work | Cheri Hitt | 5-2492 | | 7639 |
| Interdisciplinary DisciplinaryStudies | Marisella Simmons | 5-6964 | | 7107 |
| PAMS **All Info to Pam Long** | | 5-7833 | 5-7855 | |
| Chemistry | Alex Rodgers | 3-1413 | | 8204 |
| Statistics | Felicia Harris | 5-1944 | | 8203 |
| Mathematics | Frankie Stephenson | 3-2294 | | 8205 |
| Physics | Rebecca Savage | 5-2522 | | 8202 |
| Dean's Office & Science House | Pam Long | 5-7833 | 5-7855 | 8201 |
| Marine, Earth & Atmos. Sci. | Tammy Talmage | 5-7773 | | 8208 |

| Unit | Contact | Ext. | Fax | NCSU Box |
|---|---|---|---|---|
| Textiles | Vacant | 5-2438 | 3-0231 | 8301 |
| Management) | Christine Miller | 5-6923 | 5-1078 | 8614 |
| Accounting | Tina Tew | 5-4430 | | 8113 |
| Business Management | Tuesday Cross | 5-6955 | 5-6943 | 7229 |
| Economics | Carolyn Smith | 3-2563 | | 8109 |
| MBA Program | Carol Smith | 5-6942 | | 7229 |
| Veterinary Medicine | Alicia Robinson | 3-6233 | 3-6222 | 8401 |
| Library | Rachel Stinehelfer<br>Laura Blessing | 3-3394<br>3-3251 | 5-3628 | 7111 |
| Finance & Business | Regina Dobbins (Finance) | 5-9232 | 5-7543 | 7206 |
| | Corrinda Watkins (Business) | 5-4271 | 3-1113 | 7563 |
| Student Affairs (includes Phys. Ed) | Nancy Jenkins | 5-2446 | 5-8423 | 7301 |
| University Extension | Ann Hargis | 5-2144 | 5-5778 | 7401 |
| University Advancement | Hilda Renfrow | 5-9085 | 5-7612 | 7501 |
| News Services | | | | 7504 |
| Public Affairs | | | | 7505 |
| Alumni Relations | | | | 7503 |
| Athletics | Christy Scheid | 3-7435 | 5-3624 | 8502 |
| DELTA | Christine Romer | 3-1281 | 3-5058 | 7113 |
| Undergraduate Academic Programs | Pat Cellini<br>Roger Callanan | 5-4373 | | 7105 |
| **Administrative Units** | Amy Circosta | 5-4559 | 3-1428 | 7530 |
| Information Technology | Gail Gregory | 3-0575 | 5-3694 | 7109 |
| Enrollment Management | Teresa Dail | 5-1491 | 5-1494 | 7313 |
| Research Administration | Miriam Hines | 5-2117 | 5-7521 | 7003 |
| Tech Transfer | | | | |
| PDU | | | | |
| ITRE ( | Menda Lambeth | 5-8896 | 5-8898 | 8601 |
| Water Resources Rsch. Inst | Lynne Bridger | 5-2815 | 5-7802 | 7912 |
| Sea Grant | Kim Fogg | 5-9103 | 5-7095 | 8605 |
| SPARCS | Kathy McFadden | 5-1471 | | 7514 |
| Centennial Campus | | 5-7036 | 5-1390 | 7005 |
| Chancellor's Office | Kathy Moritz | 5-2191 | 831-3545 | 7001 |
| Provost's Office | | 5-1151 | 3-1428 | 7530 |
| African American Cultural Ctr. | | 5-5173 | | 7318 |
| DSO | Cheryl Branker | 3-3768 | 3-2840 | 7509 |
| Study Abroad | Ingrid Schmidt | 5-2087 | 5-6021 | 7344 |
| IAA | Kathy Green | 3-3940 | 424-4401 | 7568 |
| Entrepreneurship | Tom Miller | 3-5006 | 3-4237 | 7113 |
| Graduate School | Karen Blackmond | 5-4429 | 5-2873 | 7102 |
| International Programs | Ginger Davis | 5-3201 | 5-6835 | 7112 |
| Legal Affairs | Deborah Harvey | 5-2002 | 5-3060 | 7008 |
| Extension & Engagement | Karen Turner | 3-0388 | 3-0387 | 7012 |

Unit Affirmative Action Contacts are the persons identified as **key points of contact** in each department for the transmittal of information pertaining to the policies, procedures and paperwork related to EPA hiring. Please consult with them before proceeding with any stage of the search process.

Additionally, these contact persons are the people that OEO will contact with information regarding the status of paperwork reviews.
These appointments are subject to change. Please contact OIED if you need assistance.

# Appendix D

## AA/EEO GUIDELINES FOR THE USE OF SEARCH FIRMS

As the job market becomes increasingly competitive, it is becoming more common within the University to retain search firms to locate qualified applicants for vacancies in high demand and/or specialized areas. Use of a search firm, however, often makes it difficult for a hiring authority to document that the recruitment process was in compliance with the University's AA/EEO policies and procedures and to provide the data needed to fulfill the University's AA/EEO reporting requirements. The following guidelines were developed to help hiring authorities avoid this problem.

As a federal contractor and an educational institution, the University is **required by law** (Title VI and Title VII of the Civil Rights Act of 1964; Executive Order 11246; the Americans with Disabilities Act; Title IX of the Education Amendments Act of 1972) to ensure that recruitment for positions within the University is in compliance with federal laws, executive orders, and regulations concerning equal opportunity and affirmative action. To fulfill this requirement, the University has developed policies and procedures governing the recruitment process. It is the responsibility of the hiring authority to ensure that a search conducted by an outside firm complies with NC State University's policies and procedures governing recruitment and hiring. This responsibility includes:

- Notifying the search firm of NC State's Affirmative Action / Equal Employment Opportunity Policy, including use of required EPA Hiring Procedures, University forms, and EEO/AA and reasonable accommodations language in advertisements.
- Instructing the firm to actively seek a diverse pool of candidates who meet all the necessary qualifications.
- Replacing a search firm, or supplementing its recruitment efforts, if that firm fails to produce a representative applicant pool.
- Ceasing to use a firm that fails to produce applicant pools with qualified minority and female applicants.

In order to evaluate the recruitment process and fulfill NC State's AA/EEO reporting requirements, hiring authorities will need information from the search firm. Any agreement with a search firm should require the firm to provide the following information:

- The name, sex, and race/ethnicity of applicants referred to the hiring authority/search committee as most qualified for the position.
- The name, sex, and race/ethnicity of applicants who were considered for the position by the search firm, but not referred to the hiring department/search committee.
- A description of the "good-faith" efforts made by the search firm to locate qualified minority and female applicants.

- Copies of the resumes of all applicants considered for the position, whether or not they were referred to the hiring authority.
- Copies of all advertisements, correspondence, and other search materials.
- The resumes of all candidates must be retained in departmental files for two years in compliance with federal AA/EEO record-keeping regulations.

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# Appendix E

## SAMPLE FORMAT FOR INITIAL APPLICANT SCREENING

**Name of Applicant** ______________________________________________

**Current Position** ______________________________________________

**Current Location** ______________________________________________

**Highest Degree** ________________________ **University** ____________

**Qualification/Criteria** **Rating**
**Comments**

**Education** _____ ________________________
Standard________________________ ________________________
______________________________ ________________________

**Professional or** _____ ________________________
**Scholarly Accomplishments** ________________________
Standard________________________ ________________________

**Administrative Experience** _____ ________________________
Standard________________________ ________________________
______________________________ ________________________

**Personnel Experience** _____ ________________________
Standard________________________ ________________________
______________________________ ________________________

**Budget Experience** _____ ________________________
Standard________________________ ________________________
______________________________ ________________________

**Communication Skills** _____ ________________________
Standard________________________ ________________________
______________________________ ________________________

**General Comments:**

**Overall Rating** (circle one): *Definitely Interested* *Maybe* *Not interested*

**Reviewer** ______________________________ **Date of Review** _________

# Appendix F
## SAMPLE NOTIFICATION OF NON-SELECTION LETTER

All applicants who are not hired must receive notification of their non-selection in a timely manner.

In letters of non-selection, it is prudent to be brief and concise. Employers are under no obligation to expound upon the reasons for an applicant's non-selection at the time of this notification. However, it is also a time to build good will and to represent the University well by extending our gratitude to the candidate for submitting their application materials for consideration. This promotes the image of the department, the college, and the University as a whole in the community.

Hiring departments must keep a copy of the notification letter in the search file and maintain it for a minimum of two years from the date of the last action.

Below is a sample of appropriate wording for this notification.

**************************************************

Dear (Name):

After careful evaluation, the position of (give title) has been filled by a candidate whose education and experience more appropriately match our needs. We appreciate your effort in competing for our position and sharing with us your abilities and skills. We wish you the best of luck in your future professional efforts.

Thank you for your interest in a career opportunity in (your department, college or unit) at North Carolina State University.

Sincerely,

Chair Person

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# Appendix G
## SAMPLE FORM FOR INTERVIEWS WITH REFERENCES

**Candidate** ______________________ **Interviewer** _________________________

**Reference** ______________________ **Title** _________________________

**Date** ______________________ **Location** _________________________

How well do you know the candidate, for how long, and in what capacity?

(Interviewer describes position from attached statement) How well do you think this candidate fits this position?

Comment on the candidate’s specific scholarship and creative achievement. Is this person a leader in the discipline, or have the potential to become one?

Comment on the candidate’s reputation as a teacher, and commitment to education and students.

Comment on the candidate’s administrative skills, including style, management skills and ability to manage a budget.

Comment on the candidate’s leadership skills, including interpersonal skills.

Comment on the candidate’s breadth of national and international perspective.

Comment on the candidate’s commitment to diversity. Cite some examples.

If this person had any critics, what would they probably be concerned about?

Would you hire this person for this position? Why or why not?

# Appendix H

## CHECKLISTS: THINGS TO REMEMBER WHEN CONDUCTING A SEARCH

To help search committees prepare for and conduct a search, these checklists have been prepared to address the various components of this process. Organizing the committee, organizing the search, developing the position description, advertising and announcing the position, communicating with applicants, selecting interviewees, conducting interviews, checking references, evaluating candidates, and documenting the search are all important search committee responsibilities. Making sure each aspect has been satisfactorily addressed will help the work go smoothly and ensures a lawful search that can be defended if challenged.

### Organizing the Committee

- Create and/or review charge to the search committee.
- Identify tasks to be completed by search committee chairperson.
- Identify tasks to be completed by search committee as a group.
- Establish search committee meeting schedule.
- Review expectations of confidentiality and attendance at committee meetings.
- Identify the person(s) responsible for meeting minutes, applicant records, correspondence, travel arrangements, on site and off campus interviews and meetings, candidate itineraries, completing and processing required search and appointment paperwork, budgetary accounting.
- Develop budget, including advertising and travel expenses for candidates and committee members.
- Determine where search records will be kept. Search records must be kept for 2 years from the date of the hire.

### Position Description

- Develop or review position description with the department/unit head and all members of the search committee
    - o Identify essential and marginal job functions for the position.
    - o Identify required and preferred qualifications that reflect performing the job functions.
- Ensure position description contains only job related criteria, and does not reflect bias or unlawful discrimination based on race, color, religion, sex, age, national

origin, sexual orientation, disability, marital status, citizenship, or status as a military veteran.

**Organizing the Search**

- Develop timelines for search, including application deadline, screening dates, interview schedule, and target dates for submitting recommendations.

- Determine materials to be submitted by applicants (not all below are necessary):
    - o Cover letter
    - o Resume or vitae
    - o Letters of recommendation (number required)
    - o List of references (number required; from whom)
    - o Transcripts
    - o Statement of philosophy, goals
    - o Other: ____________________________________________

- Address all affirmative action policies and procedures.

- Review advertisement language, sources, and posting duration.

- Ensure inclusion of AA/EOE and Reasonable Accommodations statements in all postings.

- Identify special outreach strategies to locate and encourage underrepresented persons to apply.

- Submit initial recruitment paperwork (EPA Vacancy Notice) to Human Resources (HR) prior to posting any advertisements or announcements. HR approval is required prior to any postings.

- Send letter of acknowledgment, if desired. This is not required when applicants can check their status on OES.
  [http://www.ncsu.edu/equal_op/epa_resources/oeoform_instructions.html]

- Submit interim recruitment form via OES for OIED approval prior to scheduling or conducting any on-campus interviews. OIED approval is required prior to contacting any candidates.

- Submit hiring proposal via OES prior to making any job offer, conditional or otherwise, to final candidate. OIED approval is required prior to any action.

## Advertising the Position

- Identify the name of the person whom will be responsible for monitoring and entering the position onto the Online Employment System.

- Determine the international, national, regional, and local recruiting market for the position.  EPA positions, particularly administrators and faculty, require national searches, but may include wider markets.

- Develop the advertisement/announcement.  Ensure that the EO/AA Employer and Reasonable Accommodations statements are included in all means of advertisement.

- Identify publications, web sites, institutions, individuals and other sources for the advertisement/announcement.

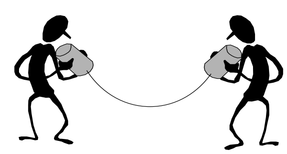
- Identify additional outreach sources to attract underrepresented groups (women, minorities, persons with disabilities, etc.), consulting with the Coordinator of Employment Programs for assistance as necessary.

- Note the publication deadlines for submission of advertisements and announcements and ensure they permit the advertisement to be published for at least one month prior to the date applicant screening is to begin.

- Submit the advertisement/announcement to the identified sources.

- Keep original copies of the advertisements and announcements from all publications (including electronic media) and retain with official search record.

## Communicating with Applicants



- Sending a letter of acknowledgment or email to every applicant is recommended.

- Review guidelines for questions that can and cannot be asked of applicants.  For assistance with this step, please schedule a Search Committee Orientation with one of the equal opportunity officers in the Office for Institutional Equity and Diversity (515-3148).

- Solicit applications / resumes from nominated individuals who have not formally applied via the posted process.

- Be courteous and responsive to all applicants who seek information about the position, the school, department, institution and University community.

- Keep applicants informed on the progress of the search (especially if it is taking longer than expected).

- Take care not to eliminate candidates in target groups until the committee has had an opportunity to consider each applicant and discuss their candidacy.

- Be prepared to offer assistance to spouses / partners of candidates, including concerns about employment and housing. Contact the Vice Provost for Faculty Affairs for assistance with spousal placement for "trailing spouses" seeking faculty appointments. Contact Human Resources (Employment) for assistance with all other spousal assistance requests.

- Do not disclose any reference letters or responses to candidates (by law).

- Take care to maintain confidentiality promised to applicants; adhere to timing and conditions for reference checks.

**Selecting Interviewees**

- Develop a standardized mechanism for screening applications, including record keeping to explicitly document why an applicant was screened out.

- Review materials submitted by the applicants; consider transferability of the applicant's experiences and skills; identify those who do and do not meet minimum qualifications.

- Ensure that all applicants are evaluated on the basis of pre-established criteria related to the position. Avoid extraneous comments, either orally or in notes that are not job related.

- Determine persons to be interviewed. If there are no targeted group members in the top group but one is next on the list of well-qualified candidates, consider ways to add the person to the list if possible.

- Note candidates who may be well-qualified for future positions, or for positions in other areas of the school or division. Maintain their records for future reference and share information with colleagues, as appropriate.

- Note targeted group members that were screened out of the pool and ensure they were given serious consideration.

### Conducting Interviews

- Design the interview process and campus visit to avoid bias or unlawful discrimination.

- Identify all persons and groups to be involved in the interview process.

- Develop specific job-related questions to ask each candidate. All candidates should be asked the same questions, allowing for individualized follow-up questions as needed.

- Design an interview rating sheet. Provide this to each interviewer before the interview and explain the importance of completing it accurately based on job-related criteria.

- Collect rating sheets from all interviewers. Submit the forms to the official search file.

- Collect comments from others who interacted with each candidate. These should be documented and submitted to the official search file.

### Checking References

- Confirm with each candidate that references will be checked, when they will be checked, and from whom (name and/or title) they will be sought. Be sure to obtain candidate's permission to conduct the checks as planned.

- Identify the persons to conduct telephone and written reference checks.

- Determine the questions to be asked each reference. Decide on specific job-related questions to ask each reference. All references should be asked the same questions, allowing for individualized follow-up questions as needed.

- Develop alternative plans for the unavailability of a reference.

### Evaluating the Candidates

- Critically evaluate the applicant pool for representation of underrepresented groups.

- If there are no underrepresented group members on the short / interview list, ensure that the reasons are without unfair bias or unlawful discrimination. If unclear, consider re-evaluating or expanding the pool.

- Evaluate candidates on their qualifications and the full range of their strengths and contributions.

## Selecting the Final Candidate

- Make the selection of the final candidate. Document all decisions, comparing credentials and qualifications of the non-finalists to the finalist.
- The Hiring Proposal submitted via OES must be approved by the Office for Institutional Equity and Diversity prior to contacting the finalist to make an offer.
- Prepare the letter of offer to the finalist, including information about salary benefits, appointment and contract length, leave, and the date by which they must reply. Templates for offer letters are provided by Human Resources.
- Prepare letters of non-selection for the other final candidates. Do not send until your selected candidate has accepted your offer.

## Documenting the Search

- At a minimum, the search file must contain the following materials and must be retained at least 2 years in the hiring department. Items to be retained in the Search File:
- Charge to search committee.
- Names, titles, departments, phone numbers of search committee members, chair and contact person (secretary).
- Copy of all published advertisements and announcements; including a list of all sources used.
- Copy of job description and qualifications.
- Copy of all EEO forms with final signature of Vice Provost for Institutional Equity and Diversity.
- List of all applicants with specified information (name, address, application date, interview date{if applicable}, final disposition) of each.
- Notes, rating sheets, etc. of all search committee meetings and decisions.
- Copy of letter of acknowledgment.
- Information on reference checks made on each applicant, including notes of phone calls.

- Copy of rating sheet used to evaluate applicants.
- Copy of standard questions asked each applicant.
- Copy of standard questions asked each reference.
- Copy of rejection letter sent to each unsuccessful applicant.
- Written comments or written notes of comments from persons who interacted with a candidate, including evaluations of lecture or other on-campus demonstrations.
- Copy of Letter of Offer sent to selectee.
- Copy of Letter of Acceptance signed by the selectee.
- Materials submitted by applicants used to evaluate their candidacies.
- All correspondence to and from applicants, including emails.

# Appendix I
## FREQUENTLY ASKED QUESTIONS

1. **When would I use the EPA Personnel Action Form?**
The EPA Personnel Action Form should be completed and submitted for approval whenever a unit would like to classify or establish a new EPA position. This documented request is needed for early determination of the correct classification, EPA or SPA, as well as to monitor the creation of new positions. Contact the EPA Coordinator in Human Resources for additional information.

2. **Can an interim recruitment report be submitted prior to the application deadline passing?**
It is possible to submit an interim recruitment report using the online employment system (OES prior to the stated application deadline. This will allow units to begin interviewing in order to expedite the process

3. **When can an offer be made to a candidate?**
An official employment offer can only be made once the Hiring Proposal has been submitted to Human Resources using the online employment system (OES) **and the hiring department has been notified that the Hiring Proposal or Waiver request has been approved**. Please do not extend an offer until you have been notified that the proposed offer has been approved by the Office for Institutional Equity and Diversity (OIED).

4. **Can the effective date of an appointment be retroactive?**
**No.** The Office for Institutional Equity and Diversity will not approve a final recruitment report that has an appointment day prior to that of the approval signature date. Departments should plan in advance to meet any other University deadlines (payroll, etc.) as well as take into consideration the time it takes to obtain approval of employment forms.

5. **On the interim report, how many "top candidates" must be identified?**
Each search is different. Some searches have numerous applicants, so a list of 3 to 6 top candidates is not unreasonable. Others may have only 2 to 3 candidates who even meet the specific qualifications for a position. There is not a minimum or maximum number required.

6. **What type of statement about affirmative action or equal opportunity does an advertisement have to have within it?**
As a federal contractor, NC State is required to include in all of its advertisements for employment opportunities the EEO clause. This can be as simple as "NC State University is an equal opportunity/affirmative action employer." It is preferable for advertisements to contain a more affirmative statement, such as "In its commitment to diversity and equity, NC State University seeks applications from women, minorities, veterans, and persons with disabilities." Regardless of

the statement chosen by a department, all advertisements should be reviewed by HR to ensure compliance with federal regulations. Additionally, all advertisements must contain the “reasonable accommodations clause,” which supplies the contact name and information for persons with disabilities who might need an accommodation during the application process.

**7. Can we do an internal search?**

There are circumstances when a department or unit wishes to limit the scope of their search. When these exist, internal searches may be the appropriate route. Regular search processes are still followed using the OES. Simply indicate on the vacancy notice that an internal-only search is being requested. There may be follow-up questions that are asked to determine if it is possible for such a limitation to be used.

**8. How long do search committee and hiring records need to be retained?**

All search records **must** be kept on file in the department for three years from the last date of activity. State and federal statutes set this standard. Additional information may be obtained from the University’s Records Retention and Disposition Schedule.

**9. What constitutes a “sufficient explanation” for eliminating candidates from the pool?**

Providing sufficient explanation for hiring decisions is much simpler than what it must first appear, especially in the early stages of selection. All positions have stated qualifications in the job descriptions. Candidates are to be eliminated or selected based on these criteria. For instance, if a position requires a person to have a master’s degree and five years of relevant experience, anyone not meeting these qualifications would be eliminated from the candidate pool. Therefore, the explanation for eliminating such candidates would be “did not meet minimum qualifications,” or “did not have required experience.” Later in the search, committees must choose a person from among that pool which meets all of the minimum requirements, and so the explanations describe other reasons. If persons were not selected as the final candidate because their experience was not as extensive as the top candidate or not in as relevant an area as that of the top candidate, then these would serve as sufficient explanations.

It is never acceptable to say that candidates were eliminated because they were “overqualified.” This is restricting in that people are free to apply to positions as long as they meet the minimum qualifications. A person might be eliminated if, because of their advanced education or experience, the salary range they expect is not within the salary range the position can afford. This is then explained more accurately by “candidate finds salary range unacceptable” than by “overqualified.” At first look, it might seem a subtle difference, but indeed it is a significant distinction.

**10. Is it permissible to tape record telephone interviews or videotape face-to-face interviews?**

While there is no legal prohibition against tape recording or videotaping employment interviews, search committees should be aware of the complex legal and professional implications involving the usage, storage and copyrights of these tapes.

**Telephone Interviews:** Tape recording telephone interviews is a very common and useful practice. Employers use telephone interviews as a way of identifying and recruiting candidates for employment. Phone interviews are often used to screen candidates in order to narrow the pool of applicants who will be invited for an in-person interview. Telephone interviews are also used as a way to minimize the expenses involved in interviewing out-of-own candidates.

Recording phone conversations is legal in all of the 50 states and the District of Columbia. While state law may vary, Federal law permits electronically recording a telephone conversation with the consent of only one person involved in the conversation. Nevertheless, all applicants should be informed at the onset of a telephone interview that the conversation is being tape-recorded and the reason why.

Most importantly, if a search committee elects to tape record a telephone or on-campus interview, it must do so for all applicants invited to participate in the interview process. Furthermore, in order to comply with the guidelines on records retention, any and all tape recordings produced as a part of the selection process must be retained as a part of the search record.

**Videotaping Interviews:** Videotaping of candidates during employment interviews can create an intimidating environment and add unnecessary discomfort and stress for the candidates who, even if they are asked for permission, do not feel they are in a position to refuse to be taped.

Where possible, candidates should be informed of the decision to videotape their interview(s) in the letter confirming their invitation to campus. Advance notice at least eliminates the *Candid Camera* syndrome, “Surprise!”

On those occasions e.g., the absence of one or more search committee members, where after having arranged a personal interview, the search committee seeks to tape record interviewees, it is recommended that the search committee chair contact the Vice Provost for Institutional Equity and Diversity for advice and guidance. When used properly video recordings can be a powerful and persuasive factor in the selection process. However, given the increase in employment litigation, the procedure is not without legal risk. Like audio tape recordings, videotape recordings of employment interviews must be must be retained as a part of the search record for a period of no less than two years.