As approved May 6, 2002

The committee recommends:
1) The Equity/Compliance officer send an annual reminder to all departments regarding confidentiality of DPCs and Search Committees,
2) Equal opportunity information be put into an appendix in the Faculty Handbook, and
3) The following changes are made to the Faculty Handbook:

SECTION 4.1 - Departmental Personnel Committees and Departmental Search Committees

4.1.1 Regulations of the Departmental Personnel Committee (DPC) and the Departmental Search Committee (DSC):

The composition, functions, and procedures of Departmental Personnel Committees and Departmental Search Committees as outlined in this section of the Faculty Handbook are the official guidelines for these committees and must be followed in all cases. Each department shall draw up its own specific operating procedures (e.g. size of committee, length of term, etc.) in accordance with the guidelines outlined herein, establish guidelines for the submission of supportive materials, and make these documents available to faculty. The Provost shall be responsible for seeking interpretations of any relevant regulations or policies. No reviewing group or person substitutes its or her/his judgment for the judgment of the Departmental Personnel Committee or the Departmental Search Committee on matters relating to the professional competence of the individual involved. (NOTE)

4.1.2 Composition of Personnel Committees:

A. (4.1.2.1) Each academic department (or other comparable academic subdivision) shall have a personnel committee consisting of at least four faculty members and the chair. When possible, the four faculty members shall consist of three tenured individuals and one non-tenured individual. In addition, when possible there shall be two alternates (one tenured and one non-tenured) who should attend all meetings and who shall, in cases of absences or recusals (see sections 4.1.4.1.1 through 4.1.4.1.5 and section 4.1.4.9), take the place of faculty members in the respective tenure categories, thus preserving the 3/1 tenured/non-tenured ratio. Alternates should attend all meetings and vote in the absences of regular members.

B. (4.1.2.2) The Department Chair is an ex officio nonvoting member.

C. (4.1.2.3) Each department's faculty shall elect the departmental personnel committee using the procedures in Robert's Rules of Order as currently revised, and determine the length of terms on the DPC. In departments with an adequate number of faculty, no faculty member may serve more than three consecutive years on a DPC. Fulltime faculty who hold the academic rank of Lecturer, Instructor, Assistant Professor, Associate Professor, and Professor, whether or not their salaries are from state-appropriated funds, shall be eligible to serve on and vote for the committee.
D. (4.1.2.4) A department may increase the size of its personnel committee by adding tenured and non-tenured faculty on the basis of a 3:1 ratio (when possible), excluding the Department Chair.

E. The voting members and the alternate(s) will elect a Chair of the DPC (each having one vote in this election). The Department Chair may not vote for the Chair of the DPC. Nominees for Chair of the DPC may be any regular member of the DPC, any alternate, or the Department Chair. Duties of the Chair of the DPC shall include: 1) Setting the agenda in conjunction with the Department Chair, 2) Notifying the faculty in the department of the meetings, 3) Acting on compliance issues, 4) Immediately reporting to the Department Chair any decisions made by the DPC, and 5) Acting as Chair of Search Committee(s), if the department has determined the DPC functions as the Departmental Search Committee (see sections 4.8.5 and 4.8.6 and 4.8.7 below).

F. From its membership, the members of the DPC shall appoint a Recorder. The duties of the recorder shall include: 1) Keeping the minutes of the DPC, 2) Distributing the minutes to the DPC members, 3) Conducting the voting of the DPC, and 4) Immediately giving the votes in a sealed, labeled, and dated envelope to the Department Chair to file.

4.1.3 Functions of the Departmental Personnel Committees shall include:

A. Reviewing credentials of all applicants for new or vacant or continuing tenure track positions, including special faculty appointments, tenure track, non-tenure track, part-time, full-time, and adjunct. Interviewing selected candidates, and making recommendations to the Department Chair of two or more qualified persons to fill the position (except in the case of special faculty appointments or when circumstances make only one candidate acceptable), who in turn shall make her/his recommendation to the dean; who in turn shall make her/his recommendation to the provost, who will decide the matter. The personnel committee may or may not submit nominations in rank order of preference. Departmental Search Committees with established procedures may be established to assist or supplant the departmental personnel committee for full time positions. (See Departmental Search Committees, sections 4.8.5 and 4.8.6 and 4.8.7 below.) In extenuating circumstances due to time constraints, Department Chairs may have to hire non-tenure track faculty after unsuccessful attempts to convene the DPC.

B. Drafting a job description for a new, vacant, or continuing position, when using a Search Committee. When a full-time position becomes available in a department (new, vacant, or continuing), the tenured and tenure track faculty in the department will convene to discuss and vote on how best to use this position, assessing current needs and consulting the Unit Plan. Based upon the faculty’s recommendation for position, the DPC will draft a job description for this position, which then must be approved by a majority of the tenured and tenure track faculty.

C. Reviewing, at automatic intervals specified in Section 3.4.2 in the Faculty Handbook, the question of the reappointment of all non-tenured faculty. The committee shall make recommendations to the department chair, who in turn shall make her/his recommendation to the dean; who in turn shall make her/his recommendation to the provost, who will decide the matter.
D. Reviewing the question of granting of tenure, either when a request for tenure is made by a faculty member or at the automatic intervals specified in 3.4.2 of the Faculty Handbook. The committee shall make recommendations to the department chair, who in turn shall make her/his recommendation to the dean; who in turn shall make her/his recommendation to the provost, who will decide the matter.

E. Reviewing the question of granting promotion when a request for promotion is made by a faculty member. The committee shall make recommendations to the department chair, which in turn shall make her/his recommendation to the dean; the dean will make her/his recommendation to the provost, who will decide the matter.

F. Reviewing the question of granting Graduate Faculty membership when such a request is made by a faculty member. The committee shall make recommendations to the department chair, who in turn shall make her/his recommendation to the Dean of the his/her college/school; who in turn shall make her/his recommendation to the Dean of the Graduate School.

G. Reviewing the question of granting emeritus status when such a request is made by a faculty member. The committee shall make recommendations to the department chair, who in turn shall make her/his recommendation to the dean; who in turn shall make her/his recommendation to the provost, who will decide the matter.

H. Providing equal opportunity is the responsibility of the entire DPC, with the Chair of the DPC taking responsibility for acting on compliance issues. (See Appendix ? in the Faculty Handbook for Equal Opportunity information.)

4.1.4 Procedures for the Departmental Personnel Committee shall include:

A. MEETINGS: All meetings of the Departmental Personnel Committee shall be held on campus. Each member of the academic department must be notified in writing or via email in advance of each meeting. This notification shall include the time and place of the meeting as well as the specific agenda items for that meeting, all of which become a part of the DPC’s permanent records. All department members who so desire may present their views before the committee in regard to any item(s) on the agenda, by contacting the Chair of the DPC prior to the meeting.

B. All meetings will be conducted according to Roberts Rules of Order as currently revised.

C. MINUTES: The minutes of the DPC shall record all persons in attendance and all those persons absent. They should state the specific personnel action considered of the particular faculty member (for example Promotion to Associate Professor for Dr. Jane Doe) and the specific action taken (to recommend or not to recommend). The minutes should be devoid of individual comments and become part of the DPC’s permanent record.

In instances of personnel action involving promotion or tenure of a faculty member, the minutes should state specifically that the criteria for promotion as set forth in the Faculty Handbook, section 3.4.2 (add link) or that the items required to be considered in granting tenure as
specified in section 3.4.1 (add link) were considered.

All DPC minutes must be approved and if necessary, modified by a majority of the committee. Such action will normally take place at the next meeting, except that, following the last meeting of the committee in a given academic year, the recorder shall be responsible for gaining the approval of the minutes from the members prior to the end of the academic year.

A permanent file of all minutes of the DPC shall be maintained in each department office. In addition, the paper ballots for each vote should be kept in sealed, labeled, and dated envelopes.

Nothing in these guidelines shall violate the confidentiality of the DPC minutes, except that any individual faculty member shall have access to those portions of the minutes in which personnel actions involving that faculty member were considered.

D. MOTIONS: All motions must be phrased in the affirmative. An affirmative recommendation must be supported by a vote of at least 75% of the voting committee membership.

E. VOTING: In all cases involving a vote on personnel decisions, the full voting membership of the departmental personnel committee must be present (an alternate may fill in for a voting member).

A member of the DPC may not vote on any matter before the committee that concerns that member or any related person (ADD LINK) In such cases, the alternate will vote.

No members may vote by proxy.

No abstention votes shall be allowed in DPC personnel decisions. Instead, if a voting member of the DPC wishes to be recused relative to any of the personnel items on a meeting's agenda, that person must provide the departmental chair with written notification of recusal from both the discussion and the vote on that particular matter. For that one personnel decision, an alternate from the respective tenure category shall then step in for both the deliberation and the vote. This rule shall supersede the rule in Robert's Rules of Order relative to the right of abstention. When possible, this written notification shall be submitted with sufficient promptness to allow the alternate to be notified, before the meeting, that the alternate will become a voting member for that one agenda item.

F. NOTIFICATION: The results of the DPC vote, supporting material, and all documents submitted to the committee, shall be given to the Department Chair, who will forward these along with his/her recommendation to the dean, who will forward these along with his/her recommendation to the provost.

Notification to the faculty member of the results of the DPC vote on tenure or promotion should be made the next working day following the date of the DPC vote, except under extenuating circumstances.
Notification to the faculty member of the Department Chair’s recommendation to the Dean on tenure or promotion should be made in a timely manner as defined by the department, not to exceed five working days, except under extenuating circumstances.

If the dean, and/or the provost disagrees with the recommendation of the DPC, the dean and/or the provost shall inform the department chair and the DPC of his/her decision. If the dean and/or the provost intends to recommend appointment, reappointment, non-reappointment, promotion, or conferral of permanent tenure for an individual in opposition to the opinion of the DPC, then it shall be the obligation of the dean and/or the provost to meet with the voting faculty and discuss the intended recommendation.

G. CONFIDENTIALITY: NCGS 126-24 prohibits examination or inspection of personnel file information other than that made public by NCGS 126-23) by anyone other than the applicant, the individual’s supervisor, members of the General Assembly, a party to a lawsuit pursuant to court order, or "an official of an agency" if the employee’s department head deems such inspection "necessary and essential to the pursuance of the proper function" of the agency. (DPCs may access personnel files for information germane to making their decision.)

Any additional information used by the provost, dean, and/or department chair in making personnel decisions must be shared with the DPC.

Members of the Department Search Committee are advised that until the faculty member (or applicant) authorizes disclosure, the law prohibits anyone other than the committee members from being made privy to confidential information.

4.8.5. Composition of Departmental Search Committees:

A. Each academic department (or other comparable academic subdivision) shall have a search committee consisting of at least four faculty members and the Department Chair, when needed. The Department Chair is an ex officio nonvoting member. This Search Committee may be the Departmental Personnel Committee.

B. Fulltime faculty who hold the academic rank of Lecturer, Clinical Instructor, Instructor, Assistant Professor, Associate Professor, and Professor, whether or not their salaries are from state-appropriated funds, shall be eligible to serve on and vote for the committee.

C. Every three years, all tenure track faculty in the ranks of Assistant, Associate, or full Professor (tenured or untenured) will determine the composition of their Departmental Search Committee by voting until a majority is obtained, for one of the options listed below:

    Option I The DPC is the Departmental Search Committee.

    Option II The DPC is the Departmental Search Committee, augmented with additional faculty to be elected by eligible faculty.

    Option III The Departmental Search Committee(s) consists of faculty in the relevant areas of expertise to the search to be elected by
eligible faculty. The job description written by the DPC and approved by the tenured and tenure track faculty in the department shall be used to determine the relevant areas of expertise.

D. The voting members and the alternate(s) will elect a Chair of the Departmental Search Committee (each having one vote in this election). The Department Chair may not vote for the Chair of the Departmental Search Committee. Nominees for Chair of the Departmental Search Committee may be any regular member of the Departmental Search Committee, any alternate, or the Department Chair. The Chair of the Departmental Search Committee shall provide leadership in carrying out the functions and procedures of the Search Committee.

E. From its membership, the members of the Departmental Search Committee shall appoint a Recorder. The duties of the recorder shall include: 1) Keeping the minutes, 2) Distributing the minutes to the members, 3) Conducting the voting, and 4) Immediately giving the votes in a sealed, labeled, and dated envelope to the Department Chair to file.

4.8.6 Functions of the Search Committee shall include:

4) Reviewing the credentials of all applicants for a specific new, vacant, or continuing full time position.

5) Making reference calls to solicited and unsolicited parties.

6) Interviewing selected candidates.

7) Receiving input from faculty in the department on the interviewed candidates.

8) Recommending one or more qualified persons to fill the position to the Department Chair, who in turn shall make her/his recommendation to the dean; who in turn shall make her/his recommendation to the provost, who will decide the matter.

9) Providing equal opportunity is the responsibility of the entire Departmental Search Committee, with the Chair of the Departmental Search Committee taking responsibility for acting on compliance issues. (See Appendix ? in the Faculty Handbook for Equal Opportunity information.)

10) Collecting and archiving pertinent materials used in the search will be the responsibility of the Chair of the Search Committee. For example: CHECK WITH ATTORNEYS AS TO WHAT THESE DOCUMENTS ARE)

4.8.7 Procedures of the Search Committee shall include:

A. All meetings will be conducted according to Roberts Rules of Order as currently revised.

B. Receiving a job description for the position from the DPC, which has been approved by the tenured and tenure track faculty in the
department. If the Search Committee desires to revise the job description, it will need to have the revision approved by the tenured and tenure track faculty in the department. The final job description is forwarded to the Department Chair, Dean, Provost, and Equity and Compliance officer.

C. Establishing a tentative timeline and an outline for conducting the search. To provide ample flexibility consider wording the deadline, "Review of applications begins January 1st and continues until the position is filled, with preference given to candidates applying by this date. Only complete applications will be considered."

D. Advertising the position in one or more national publications.

E. Screening the pool of candidates, to identify all incomplete applications and applicants not meeting the minimum requirements as advertised. Sending compliance card to all applicants. (See Appendix ? in the Faculty Handbook for Equal Opportunity information.)

F. Identifying a list of candidates to consider.

G. Conducting phone interviews of these candidates, if desired.

H. Identifying a list of candidates from whom information from references will be sought.

I. Having the Search Committee Chair call the candidates on this list for their permission to contact references and make available their application materials to the entire department.

J. Making the application materials of the remaining candidates available to the entire department.

K. Calling and reporting in writing the responses from indicated and non-indicated references in a format consistent with that agreed to by the Search Committee.

L. Soliciting input from all department faculty.

M. Creating a list of candidates to be invited to campus for interviews.

N. Planning and facilitating campus visits to provide the department (and other units/individuals as appropriate) with maximum exposure to each candidate. Insuring that each candidate is formally interviewed by the Search Committee.

O. Soliciting input from all department faculty.

P. Recommending one or more candidates to the Department Chair, who in turn shall make her/his recommendation to the dean; who in turn shall make her/his recommendation to the provost, who will decide the matter.
If the dean and/or the provost disagrees with the recommendation of the Departmental Search Committee, the dean and/or the provost shall inform the department chair and the Departmental Search Committee of his/her decision.

Q. NCGS 126-24 prohibits examination or inspection of personnel file information other than that made public by NCGS 126-23) by anyone other than the applicant, the individual’s supervisor, members of the General Assembly, a party to a lawsuit pursuant to court order, or "an official of an agency" if the employee’s department head deems such inspection "necessary and essential to the pursuance of the proper function" of the agency. Any information used by the provost, dean, and/or department chair in making personnel decisions must be shared with the Departmental Search Committee. (HAVE ATTORNEYS CLARIFY THIS STATEMENT.)

R. Members of the Department Search Committee are advised that until the applicant authorizes disclosure, including the contacting of references, the law prohibits anyone other than the committee members from being made privy to confidential information concerning the individual’s application for employment.

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Faculty Senate
Appalachian State University