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Elmore, Aubrey Logan

From: Lee, Lori **Sent:** Mon 4/2/2007 11:06 AM
To: Elmore, Aubrey Logan
Cc:
Subject: FW: partner hire policy
Attachments: Partner Hire Policy .rtf(18KB)

Aubrey – Please make 5 copies of all of this (attachments with email below on top) and leave on my desk for tomorrow morning. Thank you. - Lori

From: Kirkland, James W
Sent: Sunday, April 01, 2007 3:46 PM
To: Lee, Lori
Subject: Re: partner hire policy

- fixed term fac. being mistreated
- violation of UNCCode w/ # being (300.4.2.1G) given to hire this one person
- selected peo. are not reviewed as critical as others
- inconsistencies among various units

Hi, Lori—At your request, I've included as an attachment the document you requested. As I mentioned to you on the phone, there are two sections: 1) Bruce's explanation/justification for his so-called "partner hire policy," which he states that he has been following since taking office as Chair, and 2) an Appendix listing the names of all the faculty he claims to have hired on this basis during his terms of office.

The first section should be read in conjunction with Bruce's November 22, 2006 email to me and other members of the Personnel Committee, which Provost Smith forwarded to Mark Taggart on December 9, 2006, with the request that Mark "confirm that the English Dept recommendation processes and practices are consistent with Appendix D as we go forward" and to answer specifically the question "is the overall practice of how the personnel committee recommends hires to the chair App D-consistent?" The second section should be examined (by the faculty officers authorized to see this information) in relation to The UNC Policy Manual "Guidelines on Implementing Anti-Nepotism Policy" (300.4,2.1 [G]), which appear to expressly prohibit such preferential hiring practices: "In applying all aspects of the policy, the essential point, as articulated in the basic principles, is that no person shall at any time, receive preferred treatment because of his or her relationship to another employee of the institution" (for the full text of the BOG guidelines, see http://www.northcarolina.edu/content.php/legal/policymanual/uncpolicymanual_300_4_2_1g.htm).

I should mention, too, in closing that the term "partner hire policy" is a misnomer because the department has never discussed (much less voted on) on this issue, nor does this phrase appear in the unit code or any of the personnel-related documents posted on the department web site. I hope that the faculty officers will look closely at the specific arguments Bruce has made both in the cover letter to his November 22 email and in the attachment included with that message because together I believe they have far reaching implications for shared governance at ECU.

If I can be of any further assistance, please let me know. Jim

On 3/29/07 12:00 PM, "Lee, Lori" <LEEL@ecu.edu> wrote:

Jim – Will you please forward to me at your earliest convenience an electronic copy (or fax us a paper copy at 328-6122) of the Partner Hire Policy in its entirety that is being proposed. Thank you. - Lori

LORI LEE

EAST CAROLINA UNIVERSITY, FACULTY SENATE

140 RAWL ANNEX, GREENVILLE, NC 27858

[HTTP://WWW.ECU.EDU/FSONLINE/](http://www.ecu.edu/fsonline/) <[HTTP://WWW.ECU.EDU/FSONLINE/](http://www.ecu.edu/fsonline/)>

252.328.6537 OFFICE

252.328.6122 FAX

Mark and Lori,

Below is the March 19, 2007 email that Bruce sent to Jim. Also, as you requested by email to Debbie (see above) is the description of the procedure used in his department in assisting a partner of an English faculty member to be considered for hire in a fixed term English position—when the partner is qualified and approved by the English personnel committee. Also, Bruce indicates that when faculty members outside of English have a partner who is qualified and approved by the English personnel committee for fixed term, the same process is considered. Please let me know if you need additional information. Henry

Dear Provost Smith et al,

Below is the original memo I sent out concerning a proposed “partner” hire policy; it contains the policy as an attachment. Please note that this proposed policy is very limited in its application, for it applies only to “new” hires for fixed-term positions within the Department of English. I believe that the Department of Mathematics and the Department of English are the only departments within Harriot College that annually search for additional fixed-term faculty, so they are most likely the only departments within the College who might actually use the policy, should it be approved for general use within the university.

Taffye Clayton raises an important point, however: other universities have “partner” hire policies that impact their tenure-track searches as well. I have long believed that ECU should investigate adopting similar policies, so the proposal I sent forward may be an initial step leading to an investigation into that possibility.

Please let me know if you need any additional information.

Regards,

Bruce

Bruce Southard

Chair, Department of English

2203 Bate Building

East Carolina University

Greenville, NC 27858

252.328.6380

Fax 252.328.4889

From: Southard, Bruce

Sent: Wednesday, November 22, 2006 3:37 PM

To: Kirkland, James W

Cc: White, Alan; Clayton, Taffye; Wetherington, Kitty H.; Smith, James LeRoy; Banks, William (BANKSW@MAIL.ECU.EDU); Hecimovich, Gregg A; JamesKirkland; KarenBaldwin; PatrickBizzaro; ReginaldWatson; Smith, Catherine (SMITHCATH@MAIL.ECU.EDU)

Subject: "Partner" Hire Policy

Jim,

Attached is the statement concerning "partner" hires within the Department of English that you asked me to prepare. Because the policy may have implications for units other than our department, I presented a copy of the statement to Dean White for review. He has asked me to inform the Personnel Committee that he endorses the policy.

I am also sending a copy of my policy statement to Provost Smith, to Taffye Clayton (Office of Equal Opportunity and Equity), and to Kitty Wetherington (University Attorney) for their possible review and comment. As I note in the attached document, I believe that the policy does not violate any University or EEO/AA guidelines, but I want to be certain that my belief is correct before any action is taken by the department to adopt the "partner hire policy" officially.

Please let me know if you have any questions.

TO: Jim Kirkland, Chair, English Department Personnel Committee
CC: Personnel Committee

RE: "Partner" Hire Policy

During my meeting with the Personnel Committee of 20 November 2007, you requested that I put in writing my comments concerning the "policy" that I follow in regard to "spousal" or "partner" hires. Because the issue of "spousal" or "partner" hires (I will henceforth adopt the latter term) is an issue that has concerned me as an administrator since at least 2000 (when I made a presentation on the issue at that year's SAMLA meeting), I will try to be as precise as possible in presenting the written statement, as I hope that it might be of use to other units in the university contemplating adopting a partner hire policy.

Briefly, the policy that I described in our meeting is intended for application in the following very limited situation:

- The Department of English annually advertises for "fixed term" positions that will enable us to staff undergraduate courses (primarily composition courses) that we are unable to staff with those filling positions permanently assigned to the department.
- Ads for these positions are typically posted in the university system in the spring semester each year and typically contain the following statements, with dates changing annually (titles will change in the next ad): "Lecturer and/or Visiting Assistant Professor positions anticipated for Fall Semester, August 21, 2006, Spring Semester, January 4, 2007, and/or the 2006-07 academic year. Duties: teaching composition, technical communication and/or possibly literature courses. Salary: competitive; based on qualifications. Minimum Qualification: MA in English; PhD or MFA preferred. College teaching experience preferred. Screening will begin June 15, 2006; positions open until filled. Official transcript required upon employment."
- In recent years the Personnel Committee has served as the search committee for these fixed-term positions, reviewing applications during the summer and identifying acceptable candidates; periodically thereafter, as additional applications are received, the Personnel Committee reviews the new applications and evaluates those applicants.
- When fixed term positions are authorized by the Dean of Harriot College, I consult the list of applicants approved by the Personnel Committee to identify someone to whom I may offer the position. In most instances, these positions are given to the department to handle enrollment fluctuations, though in some cases the department receives additional positions as "restitution" for English faculty being assigned for duties outside the department or for Distance Education teaching duties.
- In some cases, the department has very specific needs. For example, should a faculty member with expertise in technical writing suddenly resign, I might need to hire someone with expertise in that field to take over courses already scheduled. In those instances, I look for a person who has the appropriate

qualifications and, should only one person meet the criteria, offer the position to that person.

- In many cases, however, the sole duty for the person filling a position is to teach one of our composition courses. In those instances, virtually everyone approved by the Personnel Committee as "acceptable" is eligible for employment.

It is in this latter situation that I most frequently follow the partner hire policy that I described at our meeting: Once screening and compliance reports are approved by the administration, if two or more applicants have been deemed "acceptable" by the Personnel Committee and one of the applicants is a "partner" of an English faculty member, I offer the position to the partner.

In thinking about this policy following our meeting, I realized that I had misspoken, however. The following statement is the policy that I actually follow: Once screening and compliance reports are approved by the administration, if two or more applicants have been deemed "acceptable" by the Personnel Committee and one of the applicants is a partner of someone employed at East Carolina University, I offer the position to the partner.

I made this change in wording because I have been contacted in the past by administrators from other units, who have encouraged me to hire a partner should a suitable position become available. Should the partner apply for one of our fixed term positions, be evaluated as "acceptable" by the Personnel Committee, and a position become available, I have followed the described partner hire policy.

In addition, I have contacted administrators in other departments when I was aware of a partner of one of our English faculty who had credentials needed for appointment in another discipline and have requested that the partner be considered for any suitable position. In some cases, fixed term hires were made by other departments.

Please note that this policy is not used for tenure-track appointments. While I believe that East Carolina University should adopt a partner hire policy for tenure-track positions, it has not yet done so.

I know that the Personnel Committee is seeking to develop written guidelines to cover various employment-related issues that have been handled more by tradition than by compliance with written policy statements. While I believe that the policy I have described conforms to all university and affirmative action guidelines, I am sending a copy of this memo to various university officials and requesting that they inform me if I am incorrect in my belief. In the absence of any directive that the policy is in violation of university or affirmative action guidelines, I hope not only that the department will formally adopt a partner hire policy comparable to that which I have described, but that other units of the university will follow suit.

To demonstrate the need for a partner hire policy (or, if not the need, the frequency with which it has been employed), I have attached an Appendix that lists those faculty who have been hired as a result of the partner hire policy during the last decade. While application of the policy may not have been the sole determinant in each of these hires (some of which predate my becoming chair of the department), the "partner" role was a factor in the hiring process.

Should the Personnel Committee require additional information as it considers this matter, I am available to answer questions either in person or in writing.

APPENDIX A

Partner Hires in the Department of English

1996-2006

(Presented in alphabetical order)

<i>English Faculty Member</i>	<i>Partner Hired</i>
Bates, Christine	Bates, Andrew
Egan, Gabriel	Fitzpatrick, Joan
Hutchins, Christine	Armstrong, Stephen
Jacobs, Dale	Jacobs, Heidi
McComiskey, Bruce	Ryan, Cynthia
Memolo, Jennifer	Memolo, Sean
Micciche, Laura	Weissman, Gary
Ratliff, Clancy	Goodwin, Jonathan
Mills, Jerry L.	Mills, Rachel
Sundwall, McKay	Miller, Marilyn

Partner Employed in Other Unit at Time of Hire

Allen, Catherine	Allen, William (Chemistry)
Cerutti, Chandra	Cerutti, Steven (Foreign Languages)
Kathryn Fladdenmuller	Fladdenmuller, Frederick (Foreign Languages)
Horne, Grace	Horne, Phillip (Alumni Relations)
Miles, Gera	Miles, Rhea (Science Education)

Partner Hired in Other Unit

Socolovsky, Maya	Hull, Gordon (Philosophy)
Wilson-Okamura, David	Wilson-Okamura, Tricia (Foreign Languages)

From Jim Kirkland

4-2-07

[also copied & pasted below]

The UNC Policy Manual: 300.4.2.1[G]

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Adopted 04/27/73
Guidelines on Implementing Anti-Nepotism Policy

The following directions concerning implementation of the policy statement are established:

All University employees who have responsibility and authority with respect to personnel recommendations or decisions should have a copy of this policy.

The policy is to be publicized generally throughout the University community, to insure that all employees are aware of its requirements.

Appropriate personnel-action forms, designed to insure effective implementation of the policy, shall be used in screening applicants for appointment, for example:

For candidates for initial employment, the pertinent personnel-action form shall include an inquiry about whether the candidate is related, within the degrees specified in the policy statement, to any incumbent employee within the institution or to any other candidate for concurrent employment at the institution;

For candidates for promotion to a position having responsibility for supervision of other employees, the personnel-action form shall include an inquiry about whether the candidate is related, within the degrees specified in the policy statement, to any incumbent employee within the institution or to any other candidate for concurrent employment at the institution.

In any situation where two or more related persons are to be employed within the same academic department (or other comparable subdivision of institutional employment), the administrative official who has authority to give final approval to the employment shall obtain from the official recommending employment a certification to the effect that no other candidate for the position in question possesses qualifications superior to those of the relative candidate.

Consistent with the requirements of paragraph E of the policy, each chancellor's written report to the Board of Trustees shall treat all cases in which the nepotism question arose during the preceding year:

In all cases where an individual making written application for employment was denied employment because of the requirements of the anti-nepotism policy, the circumstances shall be set forth; for example, (1) the employment would have resulted in one relative supervising another, or (2) an unrelated candidate had demonstrably superior qualifications;

In all cases where concurrent employment of related persons was allowed, the justifying circumstances shall be set forth: for example, (1) the supervisory relationship was not "direct," or (2) there were no other candidates for the available position whose professional qualifications were demonstrably superior to those of the relative.

Interpretations of Substantive Policy

Note should be taken of the following points in connection with administration of the policy.

This policy applies only to EPA personnel; however, the policy of the State Personnel Board for SPA personnel is essentially identical in substance to the policy of the Board of Governors.

Section A.1. of the policy of the Board of Governors predicates its restriction on the concept of "responsibility for direct supervision." This phrase was adopted in the belief that, within the limits of basic guidelines, the policy ought to be so stated as to permit variety of treatment responsive to varying conditions at the campuses.

The question of "directness" or "indirectness" must be interpreted reasonably to accomplish the intent and spirit of the anti-nepotism policy. As a general rule of interpretation, no supervisory relationship between related persons should be permitted to exist where the supervisor effectively controls the terms and conditions of the relative's employment, including promotion opportunities, rates of compensation, work assignments and evaluation of performance. The terms "direct" and "immediate" may be essentially interchangeable, for purposes of evaluating certain types of relationships; however, in certain situations, because the term "immediate" may connote only "first line" supervision, it may be too restrictive a concept to serve as a reasonable guide.

Existence of the following types of relationships would appear, invariably, to violate the restriction against "direct supervision";

Department chairman and a member of the instructional staff of the same department.

Member of instructional or research faculty and his or her teaching or research assistant.

Dean of a school and a chairman of a department included within the school.

Chancellor and a vice chancellor.

With respect to other types of relationships, an exercise of discretion may be necessary, with the possibility of varying conclusions depending on the circumstances. In general, if the relationship between an employee and an official in the line of supervision is sufficiently remote to give rise to no substantial supervisory relationship, it may be appropriate to disregard the fact of family relationship.

In applying all aspects of the policy, the essential point, as articulated in the basic principles, is that no person shall, at any time, receive preferred treatment because of his or her relationship to another employee of the institution. The guidelines established in paragraph A.1. of the policy are designed to preclude situations in which there is a high risk of such subjective favoritism. Accordingly, any interpretation of the "direct supervision" restriction should be consistent with this underlying policy objective.

Of critical importance is the principle that administrative guidelines and practices shall operate consistently. For example, if the policy is invoked in one case to preclude employment of a faculty member because his or her relative is chairman of the department, the same result should apply with respect to all identical cases; conversely, if employment is allowed under

certain factual circumstances, there should be consistent results achieved in all identical cases. In short, an ad hoc, case-by-case approach without the benefit of consistently applied guidelines, is likely to produce variations in result which could prompt charges of discrimination.

[This is a rewrite of Administrative Memorandum #14.]

Last modified: February 7, 2005

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Lee, Lori

From: Taggart, Mark Alan
Sent: Thursday, March 29, 2007 9:44 AM
To: Kirkland, James W
Cc: Lee, Lori
Subject: Re: partner hire policy

Jim:

thanks!

Mark

>HI, Mark--actually the partner hire memo that you received came from
>Jim Smith rather than from me. I do have a copy, though, which I've
>included below. Bruce's November 22, 2006 memo (see last item below)
>included an attachment with a detailed description of what he describes as his "partner"
>hire "policy" but because it includes an appendix listing the names of
>numerous faculty he states that he has appointed to fixed term
>positions during the past ten years on the basis of their relationship
>to another member of the department or university, I haven't included
>the attachment here. However, I do think that the statement itself
>should be a matter of public record since it deals with what he
>describes as a "policy", so I would suggest that you ask Jim Smith if
>he can send you the attachment minus the personnel information
>concerning individual faculty. I'm also hoping that you can address in
>some public way the broader questions of faculty governance raised in
>Bruce's November 22 email and in the Provost's message dated Dec. 9.
>Thanks, Mark--I really appreciate your taking the time to continue
>working on these issues. Jim

>

>

>

>From: "Smith, James LeRoy" <SMITHJA@ecu.edu>
>Date: Sat, 9 Dec 2006 18:21:50 -0500
>To: "Southard, Bruce" <SOUTHARDO@ECU.EDU>, "Kirkland, James W"
><KIRKLANDJ@ECU.EDU>, "Taggart, Mark Alan" <TAGGARTM@ECU.EDU>, "Peel, Henry"
><PEELH@ECU.EDU>, "Cook, Ruth Ann" <COOKRU@ECU.EDU>, "Ingalls, Linda Moore"
><INGALLSL@ECU.EDU>
>Cc: "White, Alan" <WHITEAL@ECU.EDU>, "Clayton, Taffye"
><CLAYTONT@ECU.EDU>, "Wetherington, Kitty H." <WETHERINGTONK@ECU.EDU>, "Banks,
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>James W" <KIRKLANDJ@ECU.EDU>, "Baldwin, Karen" <BALDWINK@ECU.EDU>,
>"Bizzaro, Patrick" <BIZZAROP@ECU.EDU>, "Watson, Reginald Wade"
><WATSONR@ECU.EDU>, "Smith, Catherine" <SMITHCATH@ECU.EDU>
>Subject: RE: "Partner" Hire Policy