



NC STATE UNIVERSITY

**CHANCELLOR SEARCH PROCESS
OVERVIEW FOR THE SEARCH
ADVISORY COMMITTEE**

September 10, 2024

AGENDA

- Search Process Governance
- Related Legal Requirements
- Search Process Operations
- Questions



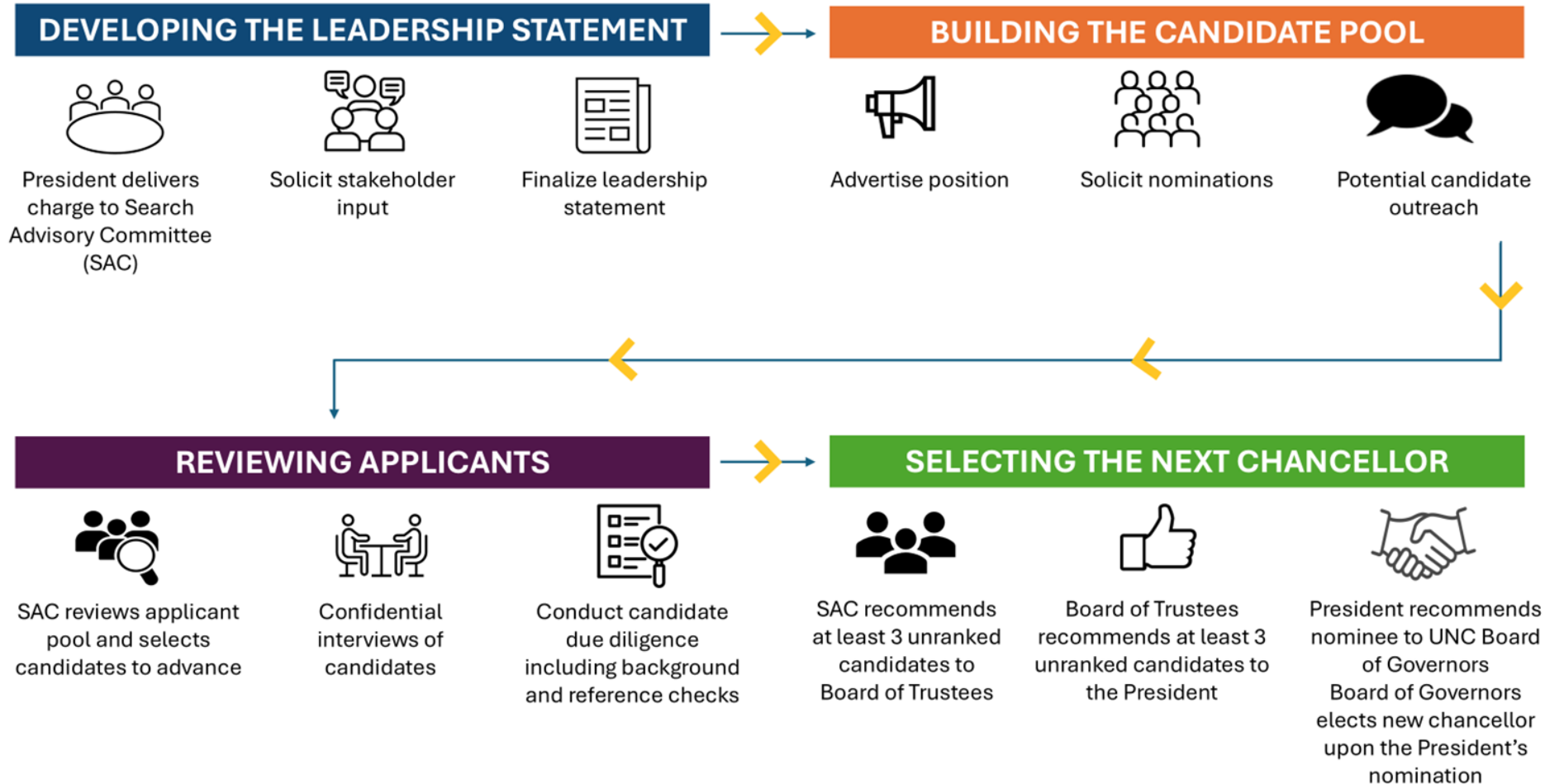
SEARCH PROCESS GOVERNANCE

Role of the Search Advisory Committee

“It is essential that members of the search advisory committee see themselves and function not as representatives of particular special interest groups, but as **members of a team dedicated to a single objective**: the identification and recommendation of the strongest possible candidates for the chancellorship of the institution.”

UNC Policy Manual 200.8.II.D.8

Search Process Overview



Governance

- In selecting a new chancellor, **State law** requires:
 1. Board of trustees recommend finalists to the president
 2. President submits nominee to the UNC Board of Governors
 3. UNC Board of Governors elects the chancellor and approves compensation (G.S. 116-11(4))
- Other aspects of the chancellor search process are governed by UNC Policy. (UNC Policy 200.8; 300.1.1.II.A.5)

Governance (cont'd)

- Within the UNC System, chancellors report directly to the president (G.S. 116-34) and the president is held accountable by the Board of Governors for the performance of chancellors.
- To ensure alignment between authority and accountability, the president has the primary responsibility for ensuring there is a **thorough and reliable process** that reflects the needs of the institution, the System, and the state, resulting in a pool of exceptionally qualified candidates, and culminates in the election of the chancellor by the Board of Governors. (UNC Policy 200.8.1)
- Other constituencies including the Board of Trustees, the Board of Governors, and the Search Advisory Committee perform distinct roles and functions in the chancellor search process.

UNC POLICY 200.8

- **Sets out roles** of the board of trustees, the chancellor search advisory committee, the president, and the Board of Governors.
- Establishes **parameters** that the search process must follow.
- Provides that qualified System Office staff will offer administrative and logistical **support and training** to the chair and search advisory committee.
- Sets forth the nomination and election **process**.

UNC POLICY 200.8 – Search Advisory Committee

- The president in consultation with the chair of the board of trustees shall appoint a **search advisory committee** (SAC) that consists of no more than 13 voting members.
- The members of the search advisory committee shall consist of individuals **knowledgeable** of the duties and responsibilities of the chancellor position and **broadly representative** of the interest of students, faculty, staff, administrators, alumni, and the UNC System.

UNC Policy 200.8.II.D

Search Advisory Committee (cont'd)

In addition to representatives of the board of trustees, the faculty, the student body, the staff, and the alumni, the **SAC voting membership must include:**

- a **sitting or retired chancellor** from another UNC System university.
- as ***ex officio*, 3 voting members** are the president (or their designee), the Chair of the Board of Governors (or their designee), and a member of the Board of Governors designated by the Committee on University Governance to serve as the liaison to the constituent institution.

UNC Policy 200.8.II.D

Engagement of Key Stakeholders

- The SAC Chair shall ensure that the search process **engages a broad cross-section of stakeholders** to obtain well-rounded input on the leadership statement and candidates. At the discretion of the SAC chair, such engagement could involve students, faculty, staff, alumni, community members, and other stakeholders familiar with the needs of the institution, region, and state.
- The SAC chair is **encouraged to engage selected members of the Board of Governors** who may live within proximity to the institution or otherwise have a particular interest in or knowledge of the institution and its mission to attend constituent forums, candidate receptions, or other events at which candidates are present.
- To ensure compliance with state law, all individuals provided the opportunity to meet with chancellor candidates on campus will be expected to sign **confidentiality agreements** equivalent to that signed by members of the search advisory committee.

Board of Trustees Recommendation

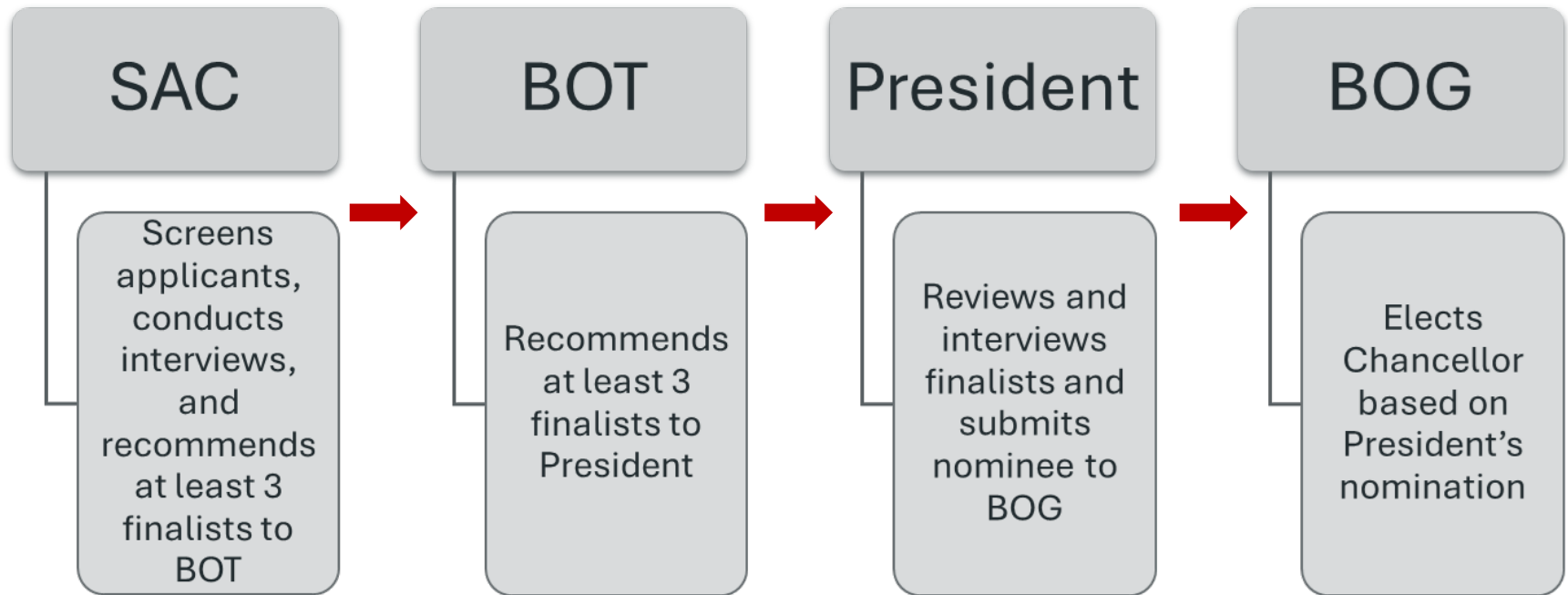
The board of trustees, following receipt of the report of the search advisory committee shall, subject to the direction of the president, **recommend an unranked slate of no fewer than three (3) candidates for consideration** by the president in designating a nominee for the chancellorship.

UNC Policy Section 200.8.IV

PROCESS SUMMARY

- The search advisory committee (SAC) is tasked with sourcing, reviewing, and narrowing down the candidate pool, and recommending **at least 3 finalists** to the Board of Trustees.
- The Board of Trustees is responsible for nominating **at least 3 finalists** to the president.
- The **President** nominates one candidate to the Board of Governors
- The final decision to elect a chancellor rests with the **Board of Governors**, upon the nomination of the president.

Process Summary





RELATED LEGAL REQUIREMENTS

Related Legal Requirements

- The search advisory committee functions as a **public body** and is subject to university policy and federal and state laws governing:
 - **Compelled Speech**
 - **Equal Employment Opportunity**
 - **Open Meetings**
 - **Public Records**
 - **Confidentiality of Personnel Records**

UNC Policy 300.5.1(II)(5), Prohibition on Compelling Speech

- **The University shall neither solicit nor require an applicant for employment to ascribe to or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate.....**
- Prohibited: statements of commitment to particular views on matters of contemporary political debate or social action.

Federal and State Law Prohibit Discriminatory Hiring Practices

Equal employment opportunity (EEO) is a fundamental principle of the UNC System and is required by state and federal law.

“All State agencies, departments, and institutions and all local political subdivisions of North Carolina shall give **equal opportunity** for employment and compensation, **without regard to** race, religion, color, national origin, sex, age, disability, or genetic information to all persons otherwise qualified.”

G.S. 126-16; see also *The Code* of the University, Section 103

EQUAL EMPLOYMENT OPPORTUNITY

- UNC is subject to **state and federal EEO laws and regulations** throughout the entire search:
 - Job posting/leadership profile
 - Sourcing/advertising strategy
 - Initial applicant screening
 - Interviewing and communicating with candidates
 - Evaluating candidates
- Search consultant and General Counsel will provide guidance on these matters for all SAC members.

PUBLIC RECORDS

- All records (**paper, electronic, or other forms**) made or received in connection with the search – i.e., “the transaction of public business” – will be **public records**, including e-mails or text messages among committee members.
- Unless records are covered by an exception (e.g., personnel files), the public has a right to inspect and copy them.
- Committee members should refer any **public records requests** to the search committee chair and campus legal counsel.
- The System Office will maintain all records of the search.

See G.S. Chapter 132

PUBLIC RECORDS EXCEPTION

- G.S. 126-22 provides that “*personnel files*” are not subject to inspection under the public records law.
- “*Personnel file*” means “any employment-related or personal information gathered by an employer...”
- “**Employment-related information** contained in a personnel file includes information related to an individual’s application, selection...”

OPEN MEETINGS

- The chancellor search advisory committee is a “public body” subject to the **Open Meetings Act**.
- As such, the committee must:
 - give **public notice** of the time and place of meetings,
 - allow the public to attend open session portions of meetings,
 - enter into **closed session** only for permissible purposes, and
 - keep full and accurate meeting minutes.

See G.S. Chapter 143, Article 33C

CLOSED SESSIONS

- G.S. 143-318.11(a) provides two relevant purposes for closed session:
 - (1) “To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States...”
 - (6) “To consider the qualifications, competence... character, fitness, conditions of appointment, or conditions of initial employment of...[a] prospective public officer or employee.”
- **Reviewing applications, narrowing the pool, interviewing applicants, and deciding on finalists will be done in closed session.**
- All meetings must start in open session, even if most of the business must be conducted in closed session.

CONFIDENTIALITY

- Under NC law, **applicant information is confidential and any discussions or deliberations about applicants in closed session must remain confidential.**
- UNC Policy also provides that candidates' identities will be kept confidential **throughout the search process.**
- The committee must be able to discuss candidates with complete candor therefore, what happens in closed session stays in closed session.
- **Confidentiality** does NOT end when the search is complete; it **lasts forever.**
- Each search advisory committee member and stakeholder involved will be asked to sign a confidentiality agreement.
- An intentional breach will result in removal from the committee and potential criminal charges. (G.S. 126-27)

Confidential Searches and Confidentiality continued

- State law: searches for **chancellors of the UNC System shall be conducted as “confidential searches,”** (the identity of candidates, semi-finalists, or finalists shall not be disclosed to the general public).
- Intended to maximize the quality of the candidate pool (some may not apply in the event of a publicly disclosed candidate pool).
- **Any individual involved in the search process**, including but not limited to members of the Board of Governors, the search advisory committee, the board of trustees, and staff, shall keep confidential all search-related records and information that are required to be kept confidential.
- Confidential information includes, but is not limited to, personnel records and information of candidates, attorney-client communications, and closed session deliberations and information.

See G.S. Chapter 126, Article 7, G.S. 126-22 et seq.

OPEN ASPECTS OF SEARCH

- Search process
- Search timeline
- Community and stakeholder input on the search
- Leadership statement, job description, and advertisement
- Advertising and sourcing
- Records of any business related to the search process that does not identify individual candidates

CLOSED ASPECTS OF SEARCH

- Any discussions in closed session, including candidate interviews
- Any personally identifying information about candidates
- All candidate materials
- Notes, texts, emails about candidates



SEARCH PROCESS OPERATIONS

EXECUTIVE SEARCH FIRM

Provides support for chancellor advisory committee including:

- Executive search services and consulting support for the search advisory committee
- Manages candidate sourcing including advertising and outreach
- Tracks applicant files and maintain other search records
- Provides best practices and guidance on policies and procedures
- Manages candidate communications, travel, and vetting process

SEARCH WEBSITE AND SURVEY



Website: [https://chancellor.ncsu.edu/search-process/
Stakeholder input survey](https://chancellor.ncsu.edu/search-process/Stakeholder%20input%20survey)

SURVEY OVERVIEW

Survey Structure:

- Three questions where respondents are asked to select from a list of options:
 - Top three priorities in supporting the mission of NC State
 - Top three current strengths or "points of pride"
 - Top three leadership characteristics and qualifications of the next chancellor
- Respondents are also asked about their affiliation with the university
- Respondents are also given the option leave qualitative comments

NEXT STEPS (Sept-Dec)

- Executive search firm will be selected
- Continue to accept constituent feedback surveys
- Schedule constituent feedback forums
- Develop chancellor leadership profile
- Advertise the position and recruit candidates

QUESTIONS?

THANK YOU