

Faculty Recruitment and Hiring Resource Guide

The University of Virginia
Office of Equal Opportunity Programs
July, 2009

The Office of Equal Opportunity Programs (EOP)

Table of Contents

I. INTRODUCTION.....	3
II. BACKGROUND.....	3
III. ROLE OF THE OFFICE OF EQUAL OPPORTUNITY PROGRAMS.....	4
IV. THE SEARCH PROCESS	4
Step 1. Establishing the Search Committee	4
Step 2. Laying the Foundation – The Position Description.....	6
Step 3. Developing the Diversity Recruitment Plan	7
Step 4. Acknowledging Applications.....	8
Step 5. Screening Applications	9
Step 6. Conducting the Interview.....	10
Step 7. Conducting Reference Checks	12
Step 8. Selecting the Candidate.....	13
Step 9. Closing the Search Process.....	13
Step 10. Maintaining the Record of the search	13
V. WAIVER OF STANDARD SEARCH PROCEDURES	13
VI. APPENDICES	14
1. Equal Employment Opportunity and Affirmative Action Statement.....	14
2. Interview Guide	15
3. Determining Who Is an Applicant.....	17
4. Applicants with Disabilities	17
5. Legal Considerations	20
6. Definitions.....	23
7. Sample Equal Employment Opportunity Statements.....	23

I. Introduction

The University of Virginia is committed to the spirit and reality of equal opportunity, affirmative action, and diversity. These procedures are designed to ensure a fair, consistent, and inclusive process is used for all faculty searches, to protect the integrity of the hiring process, and to select the individual who can best fulfill the requirements of the position. Competitive searches, legally and properly conducted, advance the University's goal of diversifying the faculty. With appropriate planning, a search committee can conduct an efficient and successful search, which will yield the best candidate as well as leave a good impression of the University on those not selected.

In order to further equal opportunity and affirmative action in faculty hiring initiatives, the University has adopted specific faculty recruitment, interviewing, and hiring procedures. The objectives of these procedures are to design and conduct a legal and effective search, recruit and hire the best candidate for the position, and efficiently manage each step in the search process.

All faculty openings, including continuing-term lecturer positions that are fifty percent time or greater, must be posted, usually by a public announcement of a search for qualified applicants. Some form of a search is almost always required to fill faculty positions. Full searches, employing nationwide recruitment efforts, are required for most positions. Limited searches that restrict recruitment for faculty positions regionally or internally within the University, individual units, or departments are permissible in rare circumstances, but must first be approved by the Office of Equal Opportunity Programs (EOP).

II. Background

Executive Order 11246 requires the University of Virginia, as a federal contractor, to engage in aggressive outreach with the purpose of including previously excluded groups in the pool of qualified applicants. **Affirmative action refers** to positive steps taken to promote equal employment opportunity and to eliminate discrimination. It is a proactive concept designed to address the underutilization of women and underrepresented groups in the workforce. Affirmative action is **not** a preference system **nor** is it designed to exclude other qualified applicants who are not members of underrepresented groups.

Equal employment opportunity refers to a set of principles and employment practices designed to ensure that no one is excluded from consideration for job opportunities due to their race, color, religion, sex, national origin, or other protected category that cannot be the basis for employment decisions. Equal opportunity is a policy that guarantees individuals the right to non-discriminatory treatment, and it must be a factor in every phase of the search process.

III. Role of the Office of Equal Opportunity Programs

The Office of Equal Opportunity Programs (EOP) monitors the faculty recruitment process to ensure all applicants receive equitable consideration, the University's efforts in hiring members of underrepresented groups are strengthened, and required documentation of good faith efforts to achieve equal opportunity and affirmative action goals are maintained.

EOP and every search committee share the common goal of recruiting and hiring the best candidate for each position, keeping in mind that merit and excellence can be found in both genders, all ages, races, colors, religions, levels of physical abilities, and other protected characteristics.

EOP's role is to:

- Make sure all search committee members complete the required EOP Faculty Search Committee Training;
- Review and approve the diversity recruitment plan, ad posting, and screening criteria;
- Review and approve candidates selected for On-Grounds interviews prior to scheduling of interviews; and,
- Review and approve the candidate selected prior to the offer being extended.

IV. The Search Process

Step 1. Establishing the Search Committee

Because the search committee and its charge will affect the outcome of the search, the careful composition of the committee is extremely important. The hiring official should keep this in mind when selecting the chair and committee members. The committee must consist of at least three members, including the chair, who should be distinguished in her/his department and the University, who has participated in searches resulting in successful recruitment of diverse candidates, and who is familiar with equal opportunity and affirmative action principles. With few exceptions, the committee membership must be diverse in gender and race/ethnicity, bringing different perspectives, expertise, and backgrounds to the group. Ideally, a search committee should be small, yet large enough to include as many interests as possible. Keep in mind that the larger the group, the more difficult it becomes to arrange meetings when all can attend.

Search committee members should also understand the position's substantive area and possess strong interpersonal and recruitment skills. Committee members should be aware of and sensitive to equal opportunity and affirmative action issues and be willing to evaluate all steps of its search in these terms.

The inclusion of women and members of underrepresented groups from other departments or administrative units is acceptable if desired. Before beginning the search, the committee should review the department's goals and consider any underutilization of women and racial/ethnic underrepresented groups within the department, as well as other issues related to conducting an inclusive search.

Each search committee is responsible for creating an inclusive pool of applicants, determining duties of and qualifications required/preferred for the position, deciding how and where to advertise, selecting candidates for interviews, conducting interviews, completing all necessary documentation for the search, and recommending candidates for consideration to the hiring official.

The committee is also required to comply with University policies and procedures, ensure that all applicants are fairly considered, avoid conflicts of interest, and maintain confidentiality throughout the process. Any committee member who may have a conflict of interest (personal and/or professional) with any applicant should make the chair aware of the situation immediately. The chair will then decide how to proceed.

Matters of confidentiality may prove challenging to search members, given the need to protect the integrity and candor of committee deliberations as well as the identity of applicants. In accepting committee membership, each faculty member assumes a responsibility to limit discussion of applicants to those within the institution from whom input is sought, and to those outside the institution who serve formally or informally as references or recruiting sources.

It is not unusual for the committee to be the only contact applicants have with the University, which gives the committee a unique opportunity to enhance the reputation and image of UVA. While a search committee is evaluating an applicant, the applicant is also evaluating the committee, the department and/or unit represented, and, ultimately, the University. Every communication should be answered promptly and in a professional manner.

The charge to the search committee from the hiring official must be clear and precise. Ambiguity in the charge, in the role of the committee, or in the extent of its authority, can create confusion. The hiring official should state his/her expectation of the committee, such as whether the committee is responsible for identifying one top candidate, or a list of highly recommended candidate, and, if so, how many should be received.

Prior to serving on a faculty search committee, all members are required to take the EOP Faculty Search Committee Training. The on-line training can be found at: **www.virginia.edu/eop/searchcommittee.html**

If the search is for a tenure/tenure track position, committee members must also complete the Provost's Search Committee Tutorial available on-line at: **<https://etg14.itc.virginia.edu/provost/jsp/welcome.jsp>**

Step 2. Laying the Foundation – The Position Description

The position description becomes the committee's touchstone for all succeeding acts of recruitment, interview, and selection. Performing a careful analysis of the advertised job is essential to beginning a search. The position description, which is prepared by the department, initiates the recruitment process. The position description must be clearly defined using no discriminatory language. Advice may be sought from the predecessor in the job, supervisor, peers, subordinates, external partners, and others to ensure the position description is complete. The position description will include primary and secondary duties, as well as qualifications and experience applicants must possess.

Special consideration should be given when developing required and preferred qualifications. The position description **must not** include skills and competencies not required to perform position duties, which may eliminate otherwise qualified applicants, nor written qualifications stated in such a way as to give the perception of pre-selection.

Criteria not specified in the original posting cannot be considered when evaluating applicants. The committee must clearly understand and endorse the required and preferred qualifications expected of applicants as well as standards for evaluation of the applicants.

A specific position description will:

- Force the department to focus on exactly what is desired in a candidate and to articulate those expectations;
- Provide guidelines by which candidates will be evaluated and assist the committee at the interview stage, listing criteria on which interview questions are based; and,
- Encourage self-selection among potential applicants by permitting applicants to screen themselves from consideration if they do not possess the required qualifications for the position.

Although position descriptions vary widely, those for faculty positions include:

- title and rank
- appointment period (9 - 12 months)
- primary and secondary duties
- required and preferred qualifications
- education or training (cite major area of study)
- special licenses, registrations, or certifications
- level and type of experience
- reporting relationship

The committee should consider appointing one of its members to serve as an Equity Coordinator. The Equity Coordinator is to act as the primary resource for the search committee by spearheading the development of effective recruitment strategies for attracting women and underrepresented applicants. Faculty serving in this position are also responsible for contacting EOP to verify the applicant pool is diverse and reviewing the procedures with the committee to ensure the recruitment plan is effectively carried out. Even so, diversifying the pool and maintaining equity in the search process remain the responsibility of all committee members.

Before a search is initiated or an advertisement placed, EOP must approve the diversity recruitment plan, screening criteria, ad text and the names of the search committee members.

Step 3. Developing the Diversity Recruitment Plan

The diversity recruitment plan is a compendium developed by the hiring official and search committee, which delineates the outreach efforts and activities that will be undertaken. It should include but not be limited to the placement of advertisements in publications and/or on list serves, networking at conferences and with professional associations, use of placement services, and other efforts to increase the pool of qualified applicants to ensure full participation of women and members of underrepresented groups. The plan must list the names of journals, newspapers, professional organization publications, and electronic postings to be used.

In addition, the plan must outline active recruiting strategies such as distribution of the vacancy announcement to other universities, especially Historically Black Colleges and Universities and others with programs that award most of their degrees to underrepresented individuals. Making direct contact with academic departments, professional organizations, and colleagues is another effective means of expanding the search. Informal word of mouth is one of the most successful practices of identifying qualified applicants. Recruitment is a perpetual process that requires the constant cultivation of future applicants. Search committee and department members should continuously make contact at conferences and professional meetings with those who might be interested should a departmental vacancy occur. Networking efforts should be coordinated by the search committee chair.

Advertisements in publications are prepared by the search committee and include the ad text as well as what items are required for the application package for the position. When composing the ad, the committee should take into consideration the qualifications and criteria it will use in screening the applications. The advertisement must be gender-neutral and demonstrate cultural sensitivity. EOP reviews each ad to ensure that the text is not discriminatory. Positions should be posted for at least three weeks and a day prior to the screening of applications by the search committee.

When deciding on application materials, the committee may choose to limit the material requested of applicants in order to solicit the broadest group of qualified individuals. Making the application package burdensome could exclude qualified applicants from applying. Additional materials can be requested later in the search process if needed.

Advertisements **must** include:

- Position title, department name, and UVA identifier
- Explanation of position's duties
- List of all required and preferred qualifications
- Current URL to department website for further information
- Deadline date for receipt of applications or "Open Until Filled" language
- Date the Search Committee begins review of applications
- Name, title, email, and/or phone number of a contact person who can answer questions about the search
- UVA's mandatory EO/AA statement which is:

"The University of Virginia is an Equal Opportunity/Affirmative Action Employer."

Search committees may create a broader EO/AA statement than this mandatory one, but expanded statements must be approved by EOP prior to use in any ads. (Samples of expanded EO/AA statements can be found in Appendix 7.)

Application materials must include:

- Letter of application or cover letter citing qualifications relevant to the position
- Curriculum vitae or resume
- Contact information for three references or recommendation letters
- Candidate Profile (if a Jobs@UVA listing)

In addition, application materials may include:

- Writing sample, dissertation chapters, or other written materials
- Transcripts (official or unofficial)
- Syllabi or descriptions of proposed courses
- Proof of teaching effectiveness (i.e., letters from colleagues attesting to applicant's teaching ability, examples of student work/student evaluations)
- CD/Tape/Video of previous work or performance
- List of professional memberships in related organizations

Step 4. Acknowledging Applications

Acknowledgement of applications is automatic for searches processed through the Jobs@UVA system.

For information on how to acknowledgement applications for searches processed through the EOP Faculty Recruitment Hiring and Tracking System, please visit: http://www.virginia.edu/eop/faculty_recruitment.html

Step 5. Screening Applications

If the applicant pool is not diverse in gender, race and/or ethnicity, the committee will be encouraged to expand its outreach efforts in order to recruit a more inclusive applicant pool before proceeding with interviews.

The purpose of the initial screening is to determine whether an applicant meets the minimum requirements for the position. To evaluate applicants consistently, the selection criteria, screening methods, and evaluation or rating form must be agreed upon by the committee members prior to the receipt of applications. All members should understand and endorse the qualifications expected of applicants, as well as the standards for evaluating applications.

Applicants who do not meet the required qualifications for the position must be notified by letter immediately. Written comments reflecting committee members' opinions should be made for every applicant and kept as part of the permanent search record. This will allow the committee to determine which applicants to interview and will be useful should it become necessary to return to the applicant pool.

The committee may wish to evaluate its selection criteria to determine if it is useful in predicting the future success of the candidate. Questions to consider may be: To what degree do publications in research journals, for example, predict performance as a faculty member? Are there other predictors of future performance for non-traditional applicants whose backgrounds may differ from traditional applicants? The committee should carefully examine all of an individual's accomplishments, his/her potential for growth, and any unique contributions the applicant could make to the unit/department. Non-traditional career patterns should not exclude or inhibit otherwise qualified applicants from consideration for the position.

Be continually aware of unconscious biases that may impact an applicant's evaluation. Examine biases about qualifications and how often "better qualified" is equated with a privileged background, a prestigious university degree, or traditional forms of scholarship. Degrees from women's colleges or Southern universities should not be viewed as inadequate. Non-traditional scholarship should be evaluated on academic merit.

Eliminate from the evaluation process any stereotypical ideas based on the applicant's race, color, religion, national origin or ancestry, age, marital status, parental status, sexual orientation, veteran status, gender, or disability. Applicants with disabilities must be evaluated in terms of the essential functions of the position, with thought given to reasonable accommodations, if necessary, that might enable the applicant to perform the duties of the position.

Whatever criteria are used, it is important that they be applied consistently and equally to all applicants. To achieve departmental and institutional goals of faculty diversity, search committees must be committed to hiring *both* women and members of underrepresented groups.

Telephone interviews are valuable in screening out applicants who are no longer interested in the position, those who are unable to respond well to questions, or those who prove inappropriate for the position despite an attractive vitae. Phone screening can assess communications skills, clarify questions from the vitae, encourage applicants' continued interest in the position, and answer applicants' questions.

Recording the committee's opinions will assist in completion of the Pre-Interview Requests for each candidate. These must be submitted to EOP for review and approval prior to scheduling On-Grounds interviews. The reasons an applicant was selected for an interview must be specific and relate to the qualifications for the position. It is not acceptable to simply write generalizations such as "met screening criteria" or "best candidate." The evaluation form and committee members' notes provide a permanent record of committee discussions should the selection process be challenged.

Step 6. Conducting the Interview

The interview is one of the most important parts of the evaluation process. It is often the first opportunity for the candidate and the committee to interact. The interview allows the search committee to evaluate the candidate, while the candidate is assessing the committee, department, and the University.

Interviews should be designed with the comfort and needs of the candidate in mind. A designated host should be chosen to escort the candidate to each meeting. The committee should create an atmosphere of openness during the interview. All committee members should greet the candidate when he/she arrives at the interview site, and each candidate should be treated with respect and courtesy.

Candidates, whether hired or not, are likely to talk with hundreds of colleagues over the course of their careers. Even if the search committee is not interested in a candidate, it is important that all contacts remain professional. Ideally, every candidate will leave the interview with a positive view of the University even if not selected, having had a good experience. All candidates should be treated equally during their interview and On-Grounds visit.

After deciding which candidates to interview, provide each one with information about who will participate in the interviews, an itinerary, length of interview, and any other pertinent information. The more the candidate knows what to expect, the better he/she can prepare.

Prior to the interview, committee members should review the position description, candidate's dossier, transcripts (if available), and evaluation form.

All members should be familiar with the candidate's formal qualifications, accomplishments, letters of recommendation, and reports of telephone conversations with references (if they have occurred).

The committee should agree on issues to discuss during the interview, and, when appropriate, assign specific questions to particular members. Because questions to be asked of a candidate are important, the committee should develop a set of core questions based on job-related criteria by which candidates will be evaluated. These same questions should be asked of each candidate. Follow-up questions in response to pre-determined questions will vary. Pre-determined questions will provide comparative data and important information.

All committee members should be aware of inappropriate lines of inquiry. The committee should examine questions to make sure none will have the effect of screening out or discouraging women, members of underrepresented groups, veterans, and/or individuals with disabilities.

A well planned interview has the added benefit of minimizing unconscious biases. It may be useful for the search committee to print questions on a form and provide space to record notes from the candidate's responses and the interviewer's reactions. Written remarks aid in evaluating the candidates and completing the Pre-Offer summaries, which must be submitted to EOP for review and approval prior to an offer being made. Blanket statements such as "the finalist was the most qualified" are insufficient. Specific experience, expertise, or characteristics that led to the finalist's choice must be provided.

Once committee members have completed their necessary questions, the Chair should give the candidate an opportunity to ask questions. The quality of the candidate's questions may be revealing as to his/her feelings about the position. The candidate should be told when he/she will next hear from the committee about a decision.

As part of the interview process, candidates often meet with members of the department, the department head, appropriate administrators, and deans. If a faculty appointment is involved, the department head should discuss with the candidate criteria and procedures for promotion, salary considerations, benefits, and tenure policies.

Women, members of underrepresented groups, veterans, and/or individuals with disabilities may find it reassuring to have an opportunity to visit with others in their demographic. There is no need to limit candidates' interviews or meetings to individuals in their field alone.

A block of time may be set aside during which candidates have an opportunity to meet with other faculty, staff, and students.

In these situations, it is important to avoid asking illegal questions or making inappropriate comments, directly or indirectly, such as those related to race, the derivation of one's name, ethnic origin, religion, marital or parental status, disability, sexual orientation, age, political affiliations, or other protected categories or personal matters.

Committees usually request that a faculty candidate teach a class or seminar or make a presentation to a group of faculty and/or students, providing an opportunity for students and faculty to judge the candidate's ability. Each candidate should be offered a similar opportunity for evaluation and should be told who will attend their job talk. If the candidate is asked to teach a class, the students' current knowledge of the course materials should be included in information provided to the candidate. Timely faculty attendance at the candidate's presentation and interview is expected. Every interviewee should be treated with respect and interest. Committee members, along with others in the department, should attend all events scheduled for each interview.

Step 7. Conducting Reference Checks

Reference checks are important in making a final decision, but can be troublesome if not done correctly. The committee may request professional and/or personal references. The advertisement must state whether letters of reference or contact information for references are preferred. The committee is not obligated to contact all references submitted, but may choose to contact only those they believe will be able to discuss relevant information.

Letters of reference should be sent directly to the chair. Reference letters from individuals not known to the committee should not carry equal weight as letters from professional peers. It is important that recommendations be read carefully, as some may appear to be glowing recommendations, but contain hidden concerns.

If a reference is contacted by written correspondence, include a copy of the position description and the "Equal Employment Opportunity and Affirmative Action Statement" (This Statement can be found in Appendix 1) along with questions from the committee, emphasizing confidentiality.

The committee may prefer telephone interviews with the references as they can be a valuable way to gather information. Specific job-related questions should be developed for the telephone interviews and asked of all references for each candidate. If it is impermissible to ask a question of the candidate, the same is true for references. Notes should be taken during the phone conversation and be included in the candidate's folder.

If the committee decides to contact other individuals about a candidate's qualifications, the candidate should be informed. Occasionally, committee members will receive unsolicited calls about a candidate. When this happens, request the caller restrict his/her remarks to job-related issues. The committee is to keep records of individuals who have provided information about a candidate.

Step 8. Selecting the Candidate

Once interviews are complete, the committee should meet to review the merits of each candidate. Candidates should be rated based upon the notes recorded from the screening, interview process, and information provided by the references. The committee must prepare interview summaries of each candidate's strengths and weaknesses, submitting their recommendation to the hiring official, who will forward it through the appropriate approval steps. EOP must approve the selection prior to an offer being extended.

Step 9. Closing the Search Process

Each candidate should be treated with courtesy and sensitivity. Applicants who were not interviewed should be notified of their non-selection as soon as a firm decision regarding their status is made. When an offer is accepted, interviewees not chosen should be notified by letter or phone. It is important to notify unsuccessful candidates before any public announcement of the appointment is made.

Step 10. Maintaining the Record of the Search

Recordkeeping is the most important part of the search. As a federal contractor, the University is subject to the federal rules and regulations enforced by the Office of Federal Contract Compliance Programs (OFCCP). All search documents **MUST** be retained for three years from the date the person selected begins employment.

Documents which must be retained are:

- Names of the committee chair and members
- Minutes of committee meetings
- Position description
- Advertisements and postings
- Record of efforts to diversify applicant pool
- Letters of application, resume/vitae, and references
- Correspondence to applicants
- Interview questions, notes, summary evaluations, and rating sheets
- Information regarding reasonable accommodation, if provided

V. Waiver of Standard Search Procedures

The University of Virginia is committed to the goals of equal opportunity and affirmative action. In accordance with the University of Virginia Equal Employment Opportunity and Affirmative Action Statement faculty and staff are selected without regard to age, color, disability, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation or veteran

status. Competitive searches are required to fill faculty positions except in special circumstance, such as:

- **Temporary non-renewable appointment** of up to one year, including visiting faculty, visiting summer session appointments, and research assistants.
- **Postdoctoral trainee** appointed as research associate, generally for no more than three years.
- **Research faculty position** in which the individual named **serves as principal or co-principal investigator** of an approved research grant(s) that specifically designates extramural salary support.
- **Appointment to a faculty rank and title**, regardless of the length of term, **without compensation** or with pay that is nominal compared to the compensation of a similar position (e.g., honorific titles).
- **Part-time appointments of up to fifty percent.** A part-time appointment may not be changed from fifty percent or less to greater than fifty percent without conducting a faculty search.
- **An acting or interim appointment made in an exigency.** The person appointed to an acting position must possess the minimum qualifications for the permanent position. An acting or interim appointment may not be changed to a permanent appointment without a search. Acting or interim appointments are typically less than one year in duration. Endorsement by the responsible Vice-President/Provost is required prior to submitting this request.
- **Unique circumstances** that make a search counterproductive. Documentation of the circumstances must be provided. Endorsement by the responsible Vice-President/Provost is required prior to submitting this request to EOP.
- **Unique qualifications** that make a search counterproductive. Documentation of the person's qualifications must be provided. Endorsement by the responsible Vice-President/Provost is required prior to submitting this request.
- **Accompanying spouse appointment** necessary to recruit a successful candidate of a pre-existing search, or to retain a faculty member. The rationale for the exemption and programmatic needs justifying employment of the accompanying spouse must be provided. Endorsement by the responsible Vice-President/Provost is required prior to submitting this request.

(Note: Promotion is advancement in rank and/or salary. Tenure track faculty promotions are not subject to a competitive external search process but are granted pursuant to the University Promotion and Tenure Policy.)

VI. Appendices

1. Equal Employment Opportunity and Affirmative Action Statement

The University of Virginia is committed to equal employment opportunity and affirmative action. To fulfill this commitment, the University administers its programs, procedures and practices without regard to age, color, disability, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation or veteran status, and operates both affirmation action and equal opportunity programs, consistent with resolutions of the Board of

Visitors and with federal and state requirements, including the Governor's Executive Order on Equal Opportunity.

The University's policies on "Preventing and Addressing Discrimination and Harassment" and "Preventing and Addressing Retaliation" implement this statement. The Office of Equal Opportunity Programs has complaint procedures available to address alleged violations of these policies.

2. Interview Guide

Interviewing and evaluating candidates fairly is one of the most important stages of the recruitment process. All search committee members must know what information may legitimately be sought during the interview. Some lines of inquiry could be viewed as discriminatory while others have the potential to elicit information that would be improper to use in making a hiring decision. Examples of these concerns follow. All candidates must be treated equally and questions asked of one must be asked of all. For each candidate to be interviewed, prepare an informational packet about the University, school, department and the Charlottesville community that reflects a variety of subjects and interests. This will avoid the need to respond to inappropriate questions raised by the candidate. A candidate may volunteer information during the interview that could be used to discriminate against him/her. If a candidate begins discussing information/subjects that are not legitimate areas of inquiry, search committee members should:

- Refer the candidates to written resources or an appropriate person who is not a member of the search committee to address the issue
- Return the discussion to job-related matters
- Disregard the information when deciding whether or not to hire the candidate

Accent

A hiring decision cannot be based on foreign appearance or manner of speaking. The only instance in which accent *might* be relevant would be a situation in which there is a direct correlation between job performance and the ability to speak English clearly. (Title VII of the 1964 Civil Rights Act)

Age

Persons age 40 and over are protected from discrimination on the basis of age. Questions that might reveal age, such as year of graduation, should be avoided. Comments such as the need to hire "new blood" or concern about "dead wood" should be avoided as they could be interpreted to imply a bias against older workers. (Age Discrimination Act)

Citizenship

Prior to making an offer, the only discussion about citizenship status that may occur is whether the candidate is currently eligible to work in the United States. If such a question is asked of one candidate, it should be asked of all. Once the successful candidate has accepted the position, documentation of eligibility will be required.

Disability

The Americans with Disabilities Act (ADA) prohibits employment discrimination against qualified individuals with disabilities, as well as those who have a record of disability or are regarded as being disabled. ADA protection extends to all aspects of the hiring process and other employment-related activities.

Military Record

Candidates can be asked questions about their military experience, qualifications, or training if these relate to the actual requirements of the position. Questions that elicit information about an applicant's discharge status should be avoided unless there is a legitimate business reason for requesting the information. Once asked, the question should be asked of all candidates.

Marital and Family Status

Questions that could elicit personal information about candidate's marital status or childcare arrangements should be avoided. Employers can ask if candidates are able to work the hours required in the position or undertake job-related travel. Candidates who ask about the University's leave policies, such as Family Medical Leave, Temporary Disability Leave, and others are to be provided a copy of the Faculty Policies and/or referred to the Executive Vice President and Provost's website at: <http://www.virginia.edu/provost>.

National Origin

Candidates are protected from discrimination based on their national origin. Questions related to candidates' national origin, such as birthplace, ancestry, or origin of name, should be avoided.

Personal Appearance

Except in cases of safety or other work-related matters, employees may wear clothing symbolic of their race, religion, or national origin. Questions about manner of dress should not be asked.

Race and Ethnicity

Candidates should not be asked questions regarding their race or ethnic background during the interview.

Religion

Candidates are protected from discrimination due to their religious denomination, beliefs, customs, or observation of religious holidays. Questions that could elicit religious information should be avoided unless they have a clear correlation to need, such as a requirement to work on Saturdays, Sundays, or during peak periods. If asked, the question should be limited to the fact of the position requirement, and be asked of all candidates.

Sex (Gender)

Candidates are protected from discrimination on the basis of sex/gender. Questions based on stereotypical, sex related notions should be avoided.

Pregnancy

A candidate who is pregnant is protected from discrimination because of her pregnancy, impending childbirth, and related medical conditions. She should be evaluated solely on her ability to perform the position requirements.

Sexual Orientation

The University of Virginia's "Preventing and Addressing Discrimination and Harassment" policy prohibits discrimination based on a person's sexual orientation. Questions and discussions pertaining to sexual orientation should be avoided.

Sick Leave

Questions that elicit information about how many days an applicant was ill in a previous job or other questions pertaining to sick leave should be avoided. If there are job-related concerns about coverage during peak times of need, or a person's dependability, stating the job expectations and asking candidates if they can meet them is permissible. If asked of one, such questions should be asked of all being interviewed.

3. Determining Who Is an Applicant

An **applicant** is a person who has indicated an interest in being considered for an open, available position. This interest must be expressed by completing and submitting all of the application documentation requested as indicated in the position advertisement. A person is not considered an applicant until she/he has submitted all of the required application materials.

A **candidate**, on the other hand, is a person who is being considered for employment. Candidates include those applicants invited for interviews in order to be considered for the position.

4. Applicants with Disabilities

The University of Virginia is subject to both the Americans with Disabilities Act (ADA) and Sections 503/504 of the Rehabilitation Act. Those individuals who have an impairment that substantially limits one or more major life activities, have a record of such impairment, or are regarded as having such impairment, are protected by these laws.

The law requires that the University provide reasonable accommodation for applicants and employees who are covered by the ADA, enabling them to perform the essential functions of a position. Exceptions apply when/if the accommodations would cause undue hardship to the employer.

The ADA also establishes rules for "disability-related inquiries" in terms of when and what questions can be asked of applicants for employment. Disability-related inquiries may only be made at particular stages of the interview and hiring process and in the following manner. Prior to making an offer of employment, all disability-related inquiries are prohibited unless the information is needed to provide accommodation or assistance during the interview. After a conditional job offer is made, but prior to beginning work, an employer may make disability-related inquiries and conduct medical examinations so long as these are required of all entering employees in the same job category. Once employment begins, an employer may make disability-related inquiries and require medical examinations **only if** they are job related and consistent with business necessity.

To request assistance in arranging a reasonable accommodation for an applicant or employee, please contact the UVA Americans with Disabilities Act (ADA) Coordinator at 434-924-7819.

Tips for Interviewing Applicants with Disabilities

Search Committee members should be aware of what questions are allowed when interviewing individuals with disabilities and be familiar with appropriate etiquette for interacting with them. The following guidelines are designed to provide assistance to committees in the interviewing process, and to improve communication skills when interacting with prospective employees with disabilities.

Interviewing a Candidate with a Disability

Do:

- identify advertising venues and develop recruitment strategies to locate and recruit applicants with disabilities
- ensure that the position description identifies the essential functions of the job
- schedule interviews in an accessible location
- ensure compliance with the requirement for providing accommodations according to the ADA
- relax and make the candidate feel welcomed and comfortable
- conduct the interview as you would with anyone
- offer assistance in a dignified manner with sensitivity and respect. NOTE: If the offer is declined, do not proceed to assist. If the offer is accepted, listen to and accept instructions. Do not go beyond the requested assistance

Don't:

- ask whether someone has a disability during an employment interview.
- assume that all reasonable accommodations are expensive and burdensome.
- assume that a person with a disability can not do a job because of an apparent or non-apparent disability.

Before an Offer of Employment is Made, Do Not Ask a Candidate about:

- the existence of a disability
- the nature of a disability
- the severity of a disability
- the condition causing the disability
- any prognosis or expectation regarding the condition or disability, or
- whether the individual will need treatment or special leave because of the disability.

When Interviewing a Candidate Who Uses a Wheelchair:

- Make sure the interview is conducted in a wheelchair-accessible location.
- Do not lean on the wheelchair.
- Do not push the wheelchair unless asked to do so.
- Do not be embarrassed to use words such as “walking” or “running”.
- If the conversation lasts more than a few minutes, put yourself on the same eye level as the candidate.

When Interviewing a Candidate Who is Blind or has a Visual Impairment:

- Immediately identify yourself and others present.
- Cue a handshake verbally or physically.
- Speak directly to the candidate who is blind or visually impaired.
- Inform the person when you are entering or leaving the room.
- Be descriptive when giving directions and orient directional words to the person who is blind.
- Be prepared to read written information aloud or ask the candidate if a reader is needed.
- If a candidate seems to need assistance, offer your help. Let the person take your arm and follow the movement of your body.
- Guide the candidate’s hand to the back of the chair in order to seat them, but do not put the candidate in the chair.
- Do not be embarrassed to use such words as “see” or “observe”.
- Do not touch a candidate’s cane or pet a guide dog.

When Interviewing a Candidate Who is Deaf or Hearing Impaired:

- Give your entire attention when speaking to a person with a hearing impairment.
- If you need to attract the attention of a person who is deaf or hearing impaired, touch the candidate lightly on the shoulder.
- If the candidate lip-reads, look directly at him or her when speaking. Speak clearly at a normal pace.
- Do not shout. Shouting does not help and can be offensive.
- In the United States, most in the deaf community use American Sign Language (ASL). When scheduling an interview, ask the candidate if an interpreter will be needed. If so, find out whether the candidate has a preferred interpreter and schedule the interpreter to attend the interview. Keep in mind that you are obligated to pay the cost of the interpreter.
- Speak directly to the person who is deaf or hearing impaired and not to the interpreter. For example, do not say to the interpreter, “Ask her about her previous job responsibilities.” Instead, look directly at the applicant and say “Tell us about your previous job responsibilities.”
- Don’t engage the interpreter in a separate conversation. The interpreter is there to facilitate communication and should not be consulted otherwise during the interview.

When Interviewing a Candidate Who uses a Service Animal:

Many individuals with disabilities use service animals. Because some disabilities are not obvious, a person who is accompanied by a service animal may not appear to be disabled. Service animals are not required to have any special certification. These are working animals, not pets, and should not be interrupted in their duties. Any animal that has been individually trained to provide assistance to, or perform tasks for, the benefit of a person with a physical or mental disability, which substantially limits one or more major life activities, is considered a service animal. If a candidate requires a service animal for assistance, the animal must be allowed in the interview. The civil right for those with disabilities to be accompanied by their service animal is protected by the ADA and Rehabilitation Act.

When Interviewing a Candidate with a Service Animal:

Do not:

- touch or pet the animal, or the person being assisted, without permission.
- make noises at the service animal or in any way distract it from its job responsibilities.
- feed the service animal.
- ask the person about his/her disability or the assistance being provided by the animal.

Reminder: Even if a candidate discloses the need for accommodation during an interview, the employer may not inquire as to the:

- Nature of a disability
- Severity of a disability
- Condition causing the disability
- Prognosis or expectation regarding the condition or disability
- Whether the individual will need treatment/special leave due to the disability.

5. Legal Considerations

Discriminatory hiring practices have real and immediate costs. It is crucial that search committees and hiring officials understand the importance of equal opportunity and the laws that affect the recruitment and selection process. The primary responsibility of the search committee is to identify the best qualified candidate for a particular position. The committee is bound by the principles of nondiscrimination, which require that each applicant's qualifications be evaluated without regard to race, color, national origin, religion, sex (including pregnancy), sexual orientation, age, disability, or certain veteran statuses. The committee should ensure that each subject covered in an interview be discussed with every candidate. Avoid common interview gaffes, which may give rise to a claim of discrimination, such as:

- Feelings – If you like a candidate, do not attach attributes to the candidate that he/she does not possess.
- Missing Data – Give candidates the opportunity to provide needed information if missing from the application.
- Negative Bent – Avoid attempting to discover information that will automatically disqualify a candidate while overlooking their strengths.
- Snap judgments – Avoid evaluating candidates during the interview, before careful thought and consideration can be given.
- Improper questions – Questions should relate directly to the position criteria, experience, and skills necessary to perform the essential functions of the position. Avoid asking questions that are irrelevant, antagonistic, and loaded.
- Records – Incomplete and inappropriate record keeping can be detrimental to a search, even when committee successfully finds a candidate.
- Stereotyping – Committee members should make every effort to avoid stereotyping candidates.
- Mindset – Committee members must not let their background, attitudes, motives, values, or biases influence the hiring process.

The following equal employment laws cover specific employment practices, including pre-employment inquires, recruitment, selection methods, compensation, promotions, discharge, and post-employment referrals:

- The Age Discrimination in Employment Act of 1967 – prohibits arbitrary age discrimination (age 40 and above) in hiring, discharge, pay, promotions, fringe benefits, and other aspects of employment.
- The Age Discrimination Act of 1975 – prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.
- The Civil Rights Act of 1964, as amended – prohibits discrimination on the basis of race, color, or national origin regarding civil rights.
 - Title VI of the Civil Rights Act of 1964 – prohibits discrimination based upon race, color, or national origin under educational programs receiving federal financial assistance. The applicability of Title VI to employment practices is limited to those programs in which a primary objective of federal financial assistance is to provide employment.
 - Title VII of the Civil Rights Act of 1964 – prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin.
- The Civil Rights Act of 1991 – provides additional remedies to protect against and to deter unlawful discrimination and harassment in employment, and amends sections of Title VII of the Civil Rights Act of 1964.
- Title IX of the Education Amendments of 1972 – prohibits discrimination on the basis of sex in educational programs or activities receiving federal financial assistance.

- The Equal Pay Act of 1963 – prohibits sex discrimination in the payment of wages to women and men performing substantially equal work in the same establishment.
- The Rehabilitation Act of 1973, as amended – ensures equal opportunities in employment for qualified persons with disabilities.
 - Section 503 – requires employers with federal contracts or subcontracts that exceed \$10,000 to take affirmative action to employ, retain, and advance in employment qualified individuals with disabilities. Applies only to employment.
 - Section 504 - provides that no individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits or, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
- The Americans with Disabilities Act Amendments Act of 2008 (ADAAA) – prohibits discrimination in all employment practices against a qualified individual with a disability. The ADAAA also requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship.
- Vietnam Veterans Readjustment Act of 1974, as amended – prohibits discrimination on the basis of Vietnam Era Service and other veteran status.
- Uniform Service Employment and Reemployment Rights Act of 1994, as amended – prohibits discrimination and retaliation of past or present members of the uniformed services.
- Executive Order 11246 (1965, as amended) – mandates nondiscrimination in employment by government contractors and subcontractors. Prohibits discrimination in employment on the basis of race, color, religion, national origin, or sex in institutions with federal contracts. Demands a continuous commitment to affirmative action.

State laws:

- Executive Order Number 1 (2006) – prohibits discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, age, or political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans.
- Virginia Human Rights Act – states that it is the policy of the Commonwealth to protect all individuals in the Commonwealth from unlawful discrimination based on race, color, religion, national origin, sex, pregnancy, childbirth or

related medical conditions, age, marital status, or disability in places of public accommodation, including educational institutions and in employment.

6. Definitions

Equal Opportunity is the right of employees and applicants to be judged solely on their merits and ability to perform the essential functions of the job as defined in the position description.

Affirmative Action refers to a set of specific and result-oriented goals to which a federal contractor commits to apply every good faith effort in order to address underutilization of certain groups in its workforce. These good faith efforts must be consistent with applicable laws and regulations. Affirmative Action is more than employment neutrality.

Diversity is more than demographic variables such as race, religion, color, gender, national origin, sexual orientation and other protected categories. Diversity creates greater opportunities for advanced teaching and learning through the inclusion of persons with different knowledge bases, experiences, strengths, and research interests.

Underutilization is employment of members of a race, ethnic, or sex group in a job or job group at a rate below their availability in the labor force from which applicants are recruited.

7. Sample Equal Opportunity/Affirmative Action Statements

- The University of Virginia does not discriminate against employees, students, or applicants on the basis of race, color, sex, sexual orientation, disability, age, veteran status, national origin, religion, or political affiliation. Anyone having questions concerning discrimination should contact the Office of Equal Opportunity Programs.
- The University of Virginia has a strong commitment to the principle of diversity and, in that spirit, seeks a broad spectrum of candidates, including women, members of underrepresented groups, and people with disabilities. Individuals with disabilities desiring accommodations in the application process or needing this material in an alternate format should notify (name, department, and telephone and TTY number) by the application deadline.
- The University of Virginia is an Equal Opportunity/Affirmative Action employer strongly committed to achieving excellence through cultural diversity. The University actively encourages applications and nominations from members of underrepresented groups.
- The University of Virginia is an Equal Opportunity/Affirmative Action employer committed to excellence through diversity.
- The University of Virginia is committed to enhancing multicultural and gender diversity. It is an Equal Opportunity/Affirmative Action employer and

encourages applications from women, members of underrepresented groups, people with disabilities, and veterans.

- The University of Virginia is an Equal Opportunity/Affirmative Action employer strongly committed to achieving excellence through cultural diversity. The University actively encourages applications and nominations from members of underrepresented groups.

References:

Dowdall, J.A. 2007. Searching for Higher Education Leadership: advice for candidates and search committees. American Council on Education/Praeger Series on Higher Education.

Olson, G.A. 2007. Don't just search, recruit. The Chronicle of Higher Education. 53(8)

NSF ADVANCE Cornell University. Establishing an effective search committee.

NSF ADVANCE, University of Michigan. Handbook for faculty searches and hiring, 2007-08.

NSF ADVANCE, University of Washington. Excellence and diversity in faculty recruitment.

Moody, J. 2004. Faculty Diversity: Problems and Solutions. New York: Routledge.

Interview Guide for Supervisors, College and University Personnel Association, 5th Edition, 1998.

The United States Equal Employment Opportunity Commission: Selected Enforcement Guidance and Other Policy Documents on the ADA, last modified July 2, 2007.

Conducting the Lawful Employment Interview: How to Avoid Charges of Discrimination When Interviewing Job Applicants. Alan M. Korai, Executive Enterprises Publications Co., Inc., 1993

Turner, C. S.V. 2002. Diversifying the Faculty: A Guidebook for Search Committees. Association of American Colleges & Universities.

VCU Search Process Handbook. Virginia Commonwealth University.

Faculty Search & Screen Procedures. Affirmative Action Office, Purdue University, Third Edition, 2004.

Resources for Search Committees: Faculty Search Manual. Virginia Tech, 2004.

Recruitment Checklist for Instructional and Administrative Faculty Positions. Office of Equal Opportunity and Affirmative Action, Old Dominion University. 2005.

Office of Equity and Diversity Services. George Mason University. Faculty Recruitment.

Office of Equal Opportunity Programs. Drexel University. 2003. Search and Selection Handbook for Senior Administrators.

Alger, J. R. 2008 Webinar Series. Recruitment and Retention of Diverse Faculty: A Matter of Excellence and Equity. American Association for Affirmative Action Professional Development and Training Institute.

Smith, D.G. 2006. How to Diversify the Faculty. Academe Diversity on Campus.

The United States Department of Labor, Job Accommodation Network. Fact Sheet Series. Disability Etiquette in the Workplace. 2006.

Schofield, R. disABILITY Bits. Office of Volunteerism & Community Service. Virginia Department of Social Services.