UNIVERSITY FACULTY SEARCH COMMITTEES

Conducting a Search
(Eastern Kentucky University, Equal Opportunity Office)

Introduction

Eastern Kentucky University is an equal employment opportunity and affirmative action employer. President Glasser is committed to seeking to achieve diversity among the faculty. Sandra Moore, Special Assistant to the Provost for University Diversity, is available to provide assistance to search committees in this area. In order to further the effective practice of equal opportunity and affirmative action in faculty hiring initiatives, specific faculty recruitment, selection and appointment procedures are to be followed. Should you have any questions regarding these procedures, please contact the appropriate dean’s office, the Provost’s Office, or the Equal Opportunity Office.

As a federal contractor, Eastern Kentucky University is required to engage in outreach and other good faith efforts to broaden the pool of qualified candidates to include groups previously excluded. “The actual selection decision is to be made on a non-discriminatory basis.”

Affirmative action is a set of positive steps that employers use to promote equal employment opportunity and to eliminate discrimination. Equal employment opportunity is the right of individuals to treatment on a non-discriminatory basis. These are proactive concepts that imply aggressive, vigorous, and systematic activities to achieve equality and equity for all.

The following outline will address the role of the Equal Opportunity Office and the Search Committee in the search process.

Equal Opportunity Office:

The Equal Opportunity Office serves two primary roles:

1. To be a resource on all aspects of the recruitment and selection process; and

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1 Under special circumstances, a faculty search may not be required. In these instances, the Equal Opportunity Office will review exemption requests upon receipt of a Request for Exemption and memorandum of justification (where warranted) indicating the reason that the exemption is appropriate. Prior written approval from the Provost and the Equal Opportunity are required for all exemptions.


3 The information in this outline is based in part on the search guidelines from the University of Virginia, Kristine L. Kaplan, “Working with Your Faculty on Faculty Recruitment and Hiring” NACUA 2002, and Christopher D. Lee, PhD, Search Committees: A Tool Kit for Human Resource Professionals, Administrators, and Committee Members (CUPA 2000).
2. To monitor the process for purposes of
   a. reaching a broad pool of candidates,
   b. ensuring qualified candidates are given equitable consideration,
   c. ensuring qualified candidates are given equitable consideration,
   d. strengthening EKU’s efforts in hiring members of underrepresented groups,
   e. maintaining necessary documentation of good faith efforts taken towards attainment of equal opportunity/affirmative action/CPE goals, and
   f. maintaining records of the entire search process.

Please feel free to contact Virginia Underwood in the Equal Opportunity Office to meet with search committees, to answer questions or to otherwise assist in any manner appropriate before or during any stage of the search process.

Search Committees. When forming a search committee, seek to create an inclusive pool of candidates.

The Search Committee is on the front line of the recruiting and selection process and has the opportunity and responsibility to enhance the academic quality and diversity of their departments and the institution as a whole.

- Included among the role of the search committee are the responsibilities to:
  
a. seek to create an inclusive pool of candidates,
   b. to determine duties of and qualification required for the position,
   c. decide how and where to advertise,
   d. maintain confidentiality,
   e. recommend candidates for interviews,
   f. conduct interview (telephone and on-campus),
   g. conduct reference checks,
   h. recommend candidates for consideration to the appointing official,
   i. keep complete and accurate documentation on the search process,
   j. comply with all University policies and laws applicable to the recruitment and selection process\(^4\), and
   k. be good representatives of the University.

- To assist in successfully completing these activities, the Search Committee should establish a proposed time frame in which to:

  ⇒ draft an advertisement and/or announcement of the position;
  ⇒ publish advertisement;
  ⇒ develop a check list of items to be received from applicants (you can notify applicants if incomplete applications-must do for all applicants);
  ⇒ send acknowledgment letter upon receipt of applicant’s materials; may include information about the search committee’s time frame and may be used to request additional information such as copies of papers/publications, statement of

\(^4\) An inadequate or badly run search may a university to increased liability including among others, discrimination, defamation, negligence for conduct during the process, or “negligent hiring” for employees chosen without adequate reference checks.
educational/teaching philosophy; **Affirmative Action Compliance Program Information, Applicant Information Form** should accompany letter together with return postage prepaid business reply envelope; the letter should always include language that completion of the form is voluntary and the information the applicant provides is used for analysis purposes for the University’s equal opportunity/affirmative action program (a sample letter is available from the Equal Opportunity Office upon request);

⇒ receive applications;
⇒ review applications;
⇒ screen and evaluate applications;
⇒ interview; and
⇒ make final recommendation.

With respect to the above, the following provides additional guidance:

**Advertising.**

A good ad/announcement is critical to attracting a well-qualified applicant pool and to the overall success of the search. Please see attached “Job Advertisement Checklist” taken from Christopher D. Lee, PhD, *Search Committees: A Tool Kit for Human Resource Professional, Administrators, and Committee Members* (College and University Professional Association for Human Resources, 2000). (referred to herein as the “CUPA Publication”)

**Recruiting.**

While budgets often limit the placement of ads, good recruitment activities are necessary to ensure an adequate pool of diverse, qualified applicants. Sandra Moore, Special Assistant to the Provost for University Diversity, is available to assist you in this area. Also, see attached “Recruitment Activities Checklist” from the CUPA Publication, and the information available at [http://www.president.eku.edu/EqualOp/recruiting.shtml](http://www.president.eku.edu/EqualOp/recruiting.shtml) including a listing of *Historically Minority and Women's Colleges and Universities*, *Journals, Directories, Websites and Magazines* and other recruiting resources.

**Confidentiality.** The following are recommendations.

The Search Committee should preserve integrity and candor of member-to-member discussions and identity of candidates.

Limit discussions within EKU to those from whom it is appropriate to seek input or who otherwise have a need to know; outside, limit discussions to those who are formally/informally serving as references or recruiting sources. Also, see information under references.

**The Search**

- **Establish Criteria**
  Refer to advertisement; a well-conceived, well-written description provides the criteria on which interview questions are based; all committee members should clearly understand and endorse the qualifications expected and the standards used for judging (all Job-related)
• **Review Applications**
  
  - Use advertisement/criteria to conduct initial screening of applications.
  - Applicants who do not meet the basic requirements should be notified that they are not being considered for this reason. Sample letter available upon request.
  - Evaluate candidates consistently
  - Rate applications based on previously developed selection criteria/screening procedures
  - Written comments showing judgment of each committee member should be made for every candidate (speeds up process of selecting interview list/saves time if you have to go back to the pool)
  - Shows efforts of committee to comply with EOO/AA requirements
  - Keep comments legitimate/job related; all notes, etc. become a part of the search file; not a committee member’s private property; all search materials should be collected and maintained at the close of the search; see, record keeping.

• **Check References**
  
  - The timing of references and maintaining confidentiality are two critical aspects of reference checks.
  - The search committee should designate either the committee as a whole or pairs of members to conduct reference checks in a consistent manner.
  - Use prepared questions; consistent questions should be asked of all references
  - Unfortunately, unsolicited information that is inappropriate or discriminatory may be provided by the reference. Such info should be ignored. (“unring the bell”) Rule of thumb: “Do not discuss anything with references that could not be discussed with applicants themselves.” (See interview outline)
  - Off list references should be conducted prior to an offer. Obtain the consent of the candidate before going off list. Some search committee may prefer conducting off list references prior to selecting finalists for on campus interviews.

• **Conduct Interviews**  
  Interviews, including telephone, video conference and on campus, are one of the most critical stages of recruitment process.
  
  - The search committee should draft a group of core interview questions based solely on job-related criteria.
  - Ask the same questions of all candidates (this provides for comparative judgments and ensures that crucial job-related information is obtained; also, minimizes unconscious biases/preferences)
  - May be useful to print questions on a form with space for committee member to record candidate’s responses and interviewer’s evaluation (all notes become part of search committee file)
  - For on campus interviews, treat all applicants same (i.e. information/information folders provided to candidates; opportunities to meet department members, staff, students, dean, etc.) (Reminder: Good candidates will be interviewing us as much as we’ll be interviewing them.)
  - Concentrate on job-related questions; avoid inquiries with a discriminatory implication
  - Committee members need to know what information may legitimately be sought during the interview (see outline hand-out at Conducting Interviews) and
should avoid any question that could signal an illegal bias or discrimination. What questions can you ask regarding nationality and visa status; what questions can you absolutely **not** ask? Please see the separate sheet at the end of this material for guidance.

- Some questions may be viewed as discriminatory
- Some questions may have potential to elicit information that is improper to use in making a decision (i.e. martial/family status)
- **Volunteered information from the interviewee may become problematic** if it is used in the selection/hiring decision

  - Example: applicant mentions being divorced, talks about children, childcare arrangements, recovering from illness, elderly parent needs, etc. If this information is used to eliminate an otherwise qualified applicant, applicant could later allege discrimination on one or more bases
    - How do you handle this information:
      - Do not write the information down
      - Do not ask follow up questions or make statements to continue in the area of discussion
      - Do not consider the revealed information in evaluation the applicant’s candidacy
      - Refer the applicant to sources that may answer the questions (Faculty/staff handbook, benefits source, information about resources in the Richmond/Madison County community, etc.)
      - Return the discussion to job related issues
      - The question for the search committee is whether the candidate can meet the attendance and time requirements of the position. This should be the focus, not the personal needs or responsibilities of the candidate. Turn any such comments around at the appropriate time by stating the requirements of the position and asking whether the candidate would be able to meet those requirements.

- **Conclude Process**
  - Meet to review merits of each individual
  - Prepare interview summations (each committee member)
  - Identify strengths/weaknesses of the finalists
  - Make recommendations; should be able to articulate clear indication of why the recommended applicant is the most qualified

- **Retain Search Records**

  Adequate records must be maintained at all point in the screening and interviewing processes. These records and the applications and related materials are to be maintained for a period of five years from the date of hire, unless circumstances require a longer period of retention.
I-9 Guidelines and the Recruiting Process

The I-9 process is designed to require employers to verify the identity and work eligibility of individuals who present themselves for employment. At the same time, the form is designed to prevent unnecessary or discriminatory inquiry into the employee’s nationality. As with many employment issues, it is critical for employers to be familiar with the rules and requirements of the I-9 process in order to avoid expensive litigation and possible fines.

There are generally three instances where I-9 and immigration issues arise in a hiring of foreign professionals:

- **Recruitment**: What questions can you ask regarding nationality and visa status; what questions can you absolutely **not** ask.
- **Job Offer**: What visa must be obtained? Prior to making a job offer to a foreign professional, please contact Virginia Underwood, Equal Opportunity Office, to obtain guidance in this area.
- **Hiring Stage**: I-9 process. Human Resources will handle this process during new employee orientation.

Each of these phases has its own rules. This material covers only the recruitment stage. For the job offer stage, please contact the University’s Equal Opportunity Office at 622-8020.

**Recruiting Inquiries:**

“You must treat all job applicants and employees equally—whether they are U.S. citizens or noncitizens. **Citizenship status discrimination** refers to unequal treatment because of citizenship or immigration status. **National origin discrimination** refers to unequal treatment because of nationality, which includes place of birth, appearance, accent, and can include language.”

The EEOC has adopted Guidelines on Discrimination Because of National Origin that contain the following statement: “Because discrimination on the basis of citizenship has the effect of discrimination on the basis of national origin, a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of citizenship; except pursuant to national security requirements by a federal statute of executive order.” Employers are, however, authorized to ask about employment eligibility. An employer is required under IRCA ( Immigration Reform and Control Act 1986) to verify employment eligibility of all employees.

Please note that the following “can” questions, if asked, should be asked of everyone, not just “foreign-looking” or “foreign-sounding” candidates.

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Can:

• Ask if an applicant is "currently authorized to work in the United States on a full-time basis for any employer."

• If the applicant answers "yes," you may then ask “will you require now or in the near future employment visa sponsorship (i.e., H-1B visa).”

• You **MAY NOT** ask what their employment eligibility is based on.

• You **MAY** state that, if hired, applicant must furnish proof of employment eligibility sufficient to satisfy I-9 requirements.

• If the applicant answers "no" to your original question whether they are currently authorized to work in the United States on a full-time basis, you may ask what their current immigration status is.

• You **MAY** assess all candidates regarding ability to communicate sufficient for job and proficiency in English, provided job-related.

**Cannot during recruiting stage:**

• Ask how the person obtained citizenship.

• Ask if the person is a permanent resident alien (i.e., green card holder).

• Ask what kind of work authorization the person has.

• Ask to see the green card.

• Ask what the person's visa status is.

• Ask what the person's home country is.

• Ask when their work authorization expires.

• Ask if the applicant has "unlimited work authorization" or work authorization for an "indefinite period of time."

Under IRCA employers cannot reject "protected individuals" because of time limited employment eligibility, even if the remaining eligibility is short. For example, asylees, refugees, and temporary resident aliens or applicants for temporary residents may have work authorization that is only valid for six to eighteen months from the time that it is obtained. However, all of these people are able to obtain automatic extensions of work authorization and are, protected under IRCA as "intending citizens" of the United States. Thus, the better practice is never even to inquire as to the remaining time left on work authorization, since it is not relevant at the recruiting or interview stage.
• Ask what the person's native language is.

• Ask how the person acquired the ability to read, write or speak in that language.

• Ask if the person intends to become a citizen of the United States.

• Ask if the person intends to remain permanently in the United States.

• Ask about the national origin of other members of applicant's family.

• Ask questions regarding place of birth, “where originally from,” native language, etc.

Note: Persons who would need an employer to petition to obtain an H-1B visa or a green card are not "protected individuals" under IRCA. Therefore, the employer is free to provide this service or not provide this service. However, the employer should not have a policy that has a disproportionate impact on employees of certain national origins. In other words, you may not apply for green cards only for nationals of certain countries and not nationals of other countries.