

Hobart and William Smith Colleges
Faculty Recruiting and Hiring Handbook
2010

Revised November 2010

The entire Hobart and William Smith College community appreciates the investment of time and energy departments put into the search process. Predictable, consistent and fair faculty recruiting and selection procedures are essential to fulfill the Colleges' commitments to diversity and equal opportunity, and to ensure that the Colleges, like any large organization, operate efficiently and in a manner that is both internally and externally transparent. While some of the procedures and requirements discussed in this Handbook may seem burdensome, please be assured that they all contribute to a well-documented, fair and thorough process of recruitment, selection and hiring. The purpose of any one component may be unclear, but if viewed as a whole, the process delineated here achieves our goal of clarity, consistency and fairness, while simultaneously pursuing the Colleges' policy of diversity and equal opportunity consistent with applicable law. Although the Dean of Faculty and Provost is ultimately responsible for hiring decisions, this office is committed to a hiring process that values the input and contribution of all those involved.

In working to create an intellectual environment that benefits students, faculty and staff, the Colleges must build an educational model that addresses the needs of a pluralistic and democratic society. As we work to establish this model, it is critical to remember the importance of establishing a campus community that reflects the diverse society in which we live. Our campus must make acknowledging and understanding differences in race, religion, gender, ethnicity, sexual orientation, and abilities a top priority. We concur with the statement by the American Council on Education's that states: "One of higher education's essential functions is to broaden the perspectives of students by exposing them to individuals from different backgrounds and to a variety of disciplines, cultures, and points of view."¹ Americans are no longer a homogeneous population or an insular one and we are committed to making our campus an inclusive community. In order to achieve this goal, we have prepared this handbook on faculty recruiting and hiring.

¹ *Statement on Affirmative Action and Diversity Adopted by the Board of Directors of the American Council on Education* (May 25, 1995).

Faculty

Office of the Provost and Dean of

Revised November 2010

TABLE OF CONTENTS²

Overview: The Search Process at HWS and its Goals

Initiating the Search

The Roles of the Search Committee and the Dean of Faculty and Provost's Office

The Colleges' Commitment to Diversity and Equal Opportunity

Diversity Liaison Guidelines

Authorization to Conduct a Search

Announcing the Position and Creating an Advertising Plan

Screening at the Application Stage

Forms: Search Checklist

#1 Request for Authorization to Conduct a Search

#2 Resource List for Advertising a Position

#3 Advertising and Search Plan

#4 Initial Screening Checklist

The Interview Process

Bringing a Candidate to Campus

Creating an Interview Schedule

Guide for Interview Questions (what to ask, and what *not* to ask)

Additional Resources

--Sandler, Bernice, et al. "It's All in What You Ask: Questions for Search Committees to Use." Association of American Colleges, Project on the Status and Education of Women. Feb. 1998.

--Stanford, Ray. "Interviewing Liability for Employers and Supervisors." Society for Human Resource Management.

The Hiring Decision

Checking References and Credentials

Role of the Search Committee

² The contents of this Handbook draw heavily from material created by various individuals and committees associated with HWS and others. Special thanks are extended to Terri Conroy, Esq. and the members of the HWS Faculty Committee on Diversity, Equity and Social Justice for their contributions.

Role of the Dean of Faculty and Provost
Form #5 Diversity and Equal Opportunity Search Report

Overview: the Search Process at HWS and its Goals

At HWS, the responsibility for faculty hiring is shared by faculty search committees and the Office of the Dean of Faculty and Provost (hereafter Provost), with ultimate decision-making responsibility resting in the hands of the Provost. With the participation and guidance of the Faculty's Committee on Diversity, Equity and Social Justice³, the Provost's Office has created this Handbook, and the enclosed forms and checklists, to assist search committees in carrying out their duties in a manner that is both time efficient and consistent with Colleges' policies. Each step in this process targets one or more essential aspects of the Colleges' policies and/or the legal requirements that relate to hiring decisions. These policies do not dictate who should be hired for any given position; rather, they provide guidance to ensure that the ultimate hiring decision is appropriate and consistent with the Colleges' goals of excellence and equity.

The full text of the Colleges' policies and procedures for faculty searches are contained in the Faculty Handbook, and are discussed in detail below. The goals of these policies can be summarized, however, as follows:

Fairness: All applicants should be treated the same to the extent possible and applicants with similar qualifications given the same opportunity to compete.

Consistency and efficiency: By implementing a predictable and consistent process, search committee members, candidates and the College community as a whole will be able to follow the process with a minimum of confusion. Standardized procedures will focus participants' attention on those aspects of the process that are directly related to their function, thereby facilitating the best hiring decision.

Managing legal risk: All screening and search committees and all interviewers act on behalf of the Colleges. Thus, what members of such committees say to and about candidates may bind the Colleges. The morass of legal requirements and prohibitions in

³ While the phrase "Affirmative Action" appears in various documents, Hobart and William Smith Colleges are not "Affirmative Action" employers, as the term is used in the law. Rather, the Colleges pursue a policy of equal opportunity and seek to promote academic and educational quality through diversity both in the faculty and student body.

the area of employment can be overwhelming even for seasoned practitioners of the law. For non-lawyers, however, legal liability “traps” seem to arise at every step of the hiring process and can feel extremely constricting, if not outright threatening. For example, the Colleges might be held legally liable if: interviewers ask questions prohibited by law; interviewers invade applicants’ privacy rights; relevant facts are misrepresented; or if a hire turns out to be a threat to others (“negligent hiring”). A major goal of this Handbook is to provide search committee members with clear guidelines by which they may tailor their conduct so as to reduce the legal risks associated with hiring decisions.

To this end, accurate and thorough record-keeping and consistent processes used by all search committees help the Colleges ensure that the hiring procedures in this manual are followed. Procedures have been designated to facilitate the best hiring decisions while managing the attendant legal risks. Scaling, numerical ratings and handwritten notations on the interview sheets (as used in the enclosed forms) provide “documented” support to ultimate hiring decisions, even years later when the people who participated in the decision- making process may no longer be with the Colleges.

Keeping full and accurate records of the hiring process is particularly crucial in cases where the successful applicant is a foreign national. Such records are necessary to expedite the candidate’s application for permanent residence in a timely and effective manner.

Finally, this documentation helps the Colleges to review hiring histories and trends to measure their success in achieving positive results in the realm of diversifying the faculty.

Increasing faculty diversity: The Colleges are committed to the goal of achieving academic and educational excellence through, among other avenues, cultivating and retaining an inclusive faculty. Achieving faculty diversity, however, does not happen by chance or good luck. Rather it is the result of a concerted effort to identify qualified diverse candidates and to create an inclusive environment that is attractive to a diverse faculty.

Procedural and substantial oversight: All search committees devote substantial time and energy to the hiring process. The procedures described here seek to streamline the hiring process, and thereby minimize the investment of time required

for search committee members, while, at the same time, providing clear and easily accessible guidance and documentation of that process. Without centralized monitoring of hiring committee progress through a standardized set of steps, the Provost cannot accurately implement this responsibility. The reporting requirements contained in the Colleges' procedures provide an efficient way to ensure that the Provost's Office is well informed about the progress of each search, and they allow for intervention in that process if necessary to ensure compliance with the Colleges' policy.

Budgetary clarity: Many of the procedures here also relate to documenting and processing of the financial requirements for conducting searches (e.g., search authorization, recruiting plan and advertising approval, etc.).

Image of the Colleges: A first impression that shows the Colleges as organized, clear, consistent and fair in the hiring process helps to attract high quality candidates who may see these qualities as reflective of the Colleges' level of fairness and organization overall.

If the search process is effectively and consistently carried out, the Colleges will benefit from stronger applicants, clearly supportable hiring decisions, and a richer faculty environment.

Initiating the Search

The Roles of the Search Committee and the Dean of Faculty and Provost's Office

Ultimate authority and responsibility for recruitment and hiring decisions rests with the Provost of the Colleges. Search committees are composed of faculty, students and other members of the HWS committee, as determined by the Provost in consultation with the Committee on Diversity, Equity and Social Justice (DESJ), a subcommittee of the Committee on Faculty (CoFac). The membership of any given search committee should be designed to form a representative and knowledgeable group, while not being so large as to become unwieldy and inefficient. To achieve the goal of reflecting the diversity of the campus community as a whole, it may be necessary to include members from other departments, students or other constituencies to reflect as much as possible our inclusive community. Each search committee shall also have a designated non-voting process observer from the Committee on Diversity, Equity and Social Justice from the list provided by that Committee.

Revised November 2010

The activities of the search committee must be undertaken only with the approval and in consultation with the committee chair. The chair of each search committee is charged with keeping complete records and documenting every aspect of the search process, and with ensuring that all procedural and documentary requirements of the process are met. It is also the responsibility of the chair to ensure that a copy of this Handbook is provided to all members of the search committee and that relevant portions of it be given to non-committee interviewers prior to their contact with any candidate(s). At the end of the search, the committee chair must provide the Provost with a complete copy of his or her file(s) containing all documentation related to the search process and all forms used.

As the person ultimately responsible for hiring decisions, at each stage of the recruiting and hiring process, the Provost has the authority to ensure that all requirements have been met with regard to the search process. If at any time the Provost determines that necessary steps have not been taken, or that the goal(s) of the search are not being adequately addressed, the Provost may require that the search committee re-initiate some individual step or aspect, or all of the search process. Nonetheless, the Provost is committed to working closely with faculty search committees to identify, recruit and select candidates who will enrich the HWS environment through their professional and personal excellence.

The Office of the Provost is responsible for all search expenses, including the cost of advertising; interviewing; candidate travel, food and lodging; and campus hospitality. Prior authorization from that office is required before incurring any of the first three categories of expense. Faculty traveling for the purpose of interviewing should follow the same guidelines that govern conference travel; any exceptions will require written justification. We encourage departments/programs to use preliminary screening such as phone interviews whenever possible in selecting their finalist list. Search committees are expected to show good judgment and restraint with regard to campus hospitality costs, such as using the faculty dining room and College catering services when possible and appropriate.

The Colleges' Commitment to Diversity and Equal Opportunity

Hobart and William Smith Colleges value diversity. We actively seek applications from all groups and do not discriminate on the grounds of race, color, religion, sex, marital status, national origin, age, disability, veteran status, or sexual orientation. Numerous aspects of the procedures delineated here are aimed at ensuring that these goals are kept in mind as an integral part of the recruiting, selection and hiring process for faculty at HWS.

Diversity Liaison Guidelines

The Committee on Diversity, Equity, and Social Justice sees the role of the Diversity Liaison on search committees as focused and limited. The Liaison does not vote, nor is she/he involved with interviews. The following guidelines define that role.

Before screening applications

1. The Diversity Liaison requests of the chair of the committee the demographic profile of the profession.
2. The Diversity Liaison is attentive to the use of the screening instrument for all applicants regarding diversity criteria. (See Initial screening checklist #4).
3. The Diversity Liaison reviews the Anonymous and Voluntary Self-Identification Forms in the Provost's Office and assists the committee in its evaluation of the pool compared to the national one.

Screening applications and interviews

The Diversity Liaison:

1. The Diversity Liaison is involved in every step of the hiring process including the screening process, deliberations with the committee on candidates to interview by phone or at National Conferences, and on the final hiring recommendation to the Provost.
2. Screens qualified applicants for the following:

- a. Institutions where candidates received their degrees (BA/BS, MA/MS, PhD. See list of colleges and universities provided by the Provost's Office)
 - b. Places where they taught
 - c. Membership organizations such as the affinity caucus of the professional organizations and organizations that support diverse populations
 - d. National Conferences paper presentations
 - e. Special groups they have advised
 - f. Committee work
3. Reports to the Committee and to the Provost on compliance with diversity procedures and status of the pool (self-identification and demographic information) which includes the pre-screen and screening of applications outlined above.
 4. Participates in the drafting of the questions concerning the candidates' interest or active participation in fostering diversity.
 5. Reports to the Provost that the committee is ready to move forward with interviews at the semi-finalist and finalist stage.

Authorization to Conduct a Search

Preparing for a search provides an opportunity for the department to reflect upon its curriculum, the expertise of current faculty, its future direction, and the potential for increasing not only the professional breadth, but also the gender or ethnic diversity of its faculty. How well does the department reflect not only the diversity of the subject matter, but also the diversity of the society within which the Colleges exist and for which the Colleges seek to prepare their students? Are there substantive academic and research areas that the current curriculum and faculty do not address?

Before the search process can begin, the Provost must authorize all faculty positions.

All position requests must be accompanied by:

- (a) an assessment of the department's position relative to the Colleges' diversity and equal opportunity plan;
- (b) a report on the department's efforts to recruit and retain faculty from under-represented groups in its recent searches; and
- (c) a search plan which includes:
 - (i) a proposed position announcement/advertisement;
 - (ii) a list of publications, organizations and other resources through which the department plans to circulate the position announcement; and
 - (iii) a description of the steps to be taken to maximize the identification and recruitment of qualified candidates for the position from under-represented groups. This aspect of the search plan will also be submitted to the Committee on Diversity, Equity and Social Justice for its approval.

A form for use in requesting authorization to search is included at the end of this section.

Upon receiving authorization for a search, the chair of the search committee will consult with the Office of the Provost, and a representative of the Committee on Diversity, Equity and Social Justice to review the search plan and to discuss departmental and institutional objectives with regard to the individual search, the language of the position

announcement, and strategies for identification and recruitment of a qualified and diverse applicant pool.

Announcing the Position and Creating an Advertising Plan

Hiring strong faculty members begins long before an offer is made. Professional involvement on the part of the faculty and search committee members, including participation in professional organizations and attendance at professional conferences and other gatherings, can be important sources of information useful in faculty search and offer connections to a variety of qualified candidates.⁴ Similarly, graduate schools offer rich pools of qualified candidates. It is important to consider how to reach not only traditional candidates, but also under-represented groups who might be left out of populations reached by the usual methods by which positions are announced and advertised.

Prior to placement, all position announcements and advertisements must be approved by the Office of the Provost. The forms included at the end of this section are to be used for this purpose. Note that these forms include a position description, required qualifications, as well as preferred qualifications. The position description can be useful for developing the job advertisement, guiding the search committee, and providing information to candidates. Once thought of only as a good management practice, a written job description is also an effective legal tool. Thus, it “provides legal protection by defining, *ahead of time*, the job requirements and essential functions of the job, as required by the [Americans with Disabilities Act], making it more likely that the selection will be based on job-related criteria,”⁵ and providing guidance if a request for accommodation is made. While creating a job description can be difficult and time consuming, it is a crucial aspect of any search. For this reason, we provide a list of items to consider below. For examples of recent job ads, see the Colleges’ web page: <http://www.hws.edu/offices/hr/employment/Faculty.aspx>

⁴ Smith, Daryl G. *Achieving Faculty Diversity: Debunking the Myths*. Association of American Colleges. 1996.

⁵ Vander Waerdt, Lois. *Affirmative Action in Higher Education: A Sourcebook*. The Employment Partnership. 1997.

If the search committee, after reviewing these materials, still has questions or difficulties, its chair is strongly encouraged to confer with the Provost's Office, who may in turn consult with the Colleges' counsel.

How do you determine what are the "essential job functions" of a position? Essential job functions are those which must be performed in the position, *with or without* reasonable accommodation. An essential functions checklist tailored to higher education employment was developed by Lois Vander Waerdt in *Affirmative Action in Higher Education: A Sourcebook*. The following questions are especially germane to developing academic job descriptions:

What are the disciplinary or substantively academic requirements?

What level and type of research and publications are required?

Is teaching experience necessary? What level? What amount?

Is grant-getting ability required?

What about past record of service to the department? The institution?

Leadership in the discipline?

What sub-discipline(s) expertise is/are required?

Once the essential job functions have been identified, they can be incorporated into the job description for inclusion in the position announcement and advertising. Such announcements and advertisements should capture the essence of the position succinctly, yet completely. Those qualifications/skills that are essential should be listed as "Required," while secondary qualifications/skills should be identified as "Preferred." A form of position announcement is included at the end of this section.

A position description should be crafted to attract a group of applicants who are the best available people for the job. It should also be designed to attract as diverse a pool as possible. The position announcement and/or advertisement should provide potential applicants with a view of the Colleges beyond simply listing the position-specific information. For example, the announcement or advertisement should reflect the Colleges' commitment to equity and diversity in the hiring procedures. At a minimum, the Colleges' statement of nondiscrimination should be included: "**Hobart and William Smith Colleges are committed to attracting and supporting a faculty of women and men that fully represent the racial, ethnic, and cultural diversity of the nation**"

and actively seek applications from under-represented groups. The Colleges do not discriminate on the basis of race, color, religion, sex, marital status, national origin, age, disability, veteran's status, or sexual orientation or any other protected status.” But the committee should also include other kinds of statements to convey the Colleges’ commitment to inclusiveness, subject to the approval of the Provost and the Committee on Diversity, Equity and Social Justice. For example, **committees are strongly encouraged to include such phrases as: “potential to work with a culturally and socially diverse population,” “demonstrated commitment to diversity,” or “experience working effectively in diverse environments” as a “Required” qualification for the position.**

Some examples of position announcements/advertisements that can serve as guides can be viewed on the Colleges’ web page:

<http://www.hws.edu/offices/hr/employment/Faculty.aspx>

The form entitled “Advertising/Recruiting Plan” (#3) should be used both to facilitate the search committee’s development of the search plan and to document its efforts for review by the Office of the Provost in the course of its required oversight duties. That form includes discussion of what resources the committee will use to disseminate and advertise its position announcement, and focuses attention on ways to ensure that this information is distributed to a diverse pool of potential applicants. A list of suggested resources for this purpose is included at the end of this section, but is not meant to be exhaustive; search committees should think creatively to communicate the position announcement to a diverse population. Personal and professional contacts can be extremely effective in exploring avenues for reaching diverse applicant populations. Not only print media, but also electronic bulletin boards, organizational web sites, professional newsletters and conferences should be used for this purpose. So, too, graduate schools can provide a direct link to qualified and diverse candidates who are completing their education; **of special focus should be those schools that have historically served under-represented groups.**

Screening at the Application Stage

Once the (approved) position has been advertised, the search committee should meet to establish its procedures and plan for receiving and screening applications. All applicants for faculty positions at HWS are asked to submit an anonymous and voluntary self-identification form, which is intended to enable both the search committee and the Office of the Provost to gauge the demographics of the applicant pool. These documents are maintained in a file separate from the application materials in the Provost's Office. Before the screening process begins, the search committee is charged with reviewing the composition of the applicant pool, and comparing the make-up of that pool with data regarding the generally available candidate pool. If the Provost, in consultation with the Committee on Diversity, Equity and Social Justice, determines that the applicant pool is not sufficiently diverse, he/she may require that the application process be re-opened and appropriate steps taken to increase the number of qualified candidates from under-represented groups for the position. In such circumstances, the search may be suspended until such time as the Provost is satisfied that reasonable efforts have been made by the committee to identify and reach qualified and diverse candidates for recruitment into the applicant pool.

Each committee must design a screening instrument to be used for all applicants, which is tailored to include the required and preferred qualifications stated in the position announcement and advertising. All screening checklists must be approved by the Provost prior to use. A sample Initial Screening Checklist is included at the end of this section. By using standard, comprehensive procedures for screening, everyone involved in the process, from committee members to applicants, knows that the process is being carried out fairly, predictably and consistently. Further, as mentioned before, keeping full and accurate records of the hiring process is particularly crucial in cases where the successful applicant is a foreign national. Such records are necessary to expedite the candidate's application for permanent residence in a timely and effective manner.

During the screening process, candidate files may not be removed from campus, and each search committee chair should ensure that candidate files are kept in a

confidential and secure manner. After the screening process, the candidates should be ranked in three categories:

(1) applicants found to possess the required minimum qualifications and who are recommended for interview;

(2) applicants found to possess the required minimum qualifications and who are not recommended for interview (*Note*: in such cases, the committee chair must ensure that the reason for the recommendation of no interview be clearly documented on the Initial Screening form); and

(3) applicants who do not meet the minimum required qualifications.

Forms: Search Checklist

#1 Request for Authorization to Conduct a Search

#2 Resource List for Advertising a Position

#3 Advertising and Search Plan

#4 Initial Screening Checklist

The Interview Process

Bringing a Candidate to Campus

After the deadline for applications has passed and after the initial screening, the search committee must submit a prioritized list of candidates to the Provost for authorization to conduct on-campus visits and interviews. **No on-campus interviews can be scheduled without prior authorization.** At this same time, the committee must also submit the categorized listing of all applicants described above, all applicant files, and all Initial Screening Checklists. It must also report to the Office of the Provost with regard to the diversity of the applicant pool, to the extent such information is available to the committee. The Provost may direct the committee to identify the application files/dossiers of any or all minimally qualified diverse candidates who were not recommended for interview, to the extent such identifying information is available, and may direct that additional candidates from this group be brought to campus for interviews.

Revised November 2010

Here, too, if the Provost, in consultation with the representative of the Committee on Diversity, Equity and Social Justice, determines that the interview pool is not adequately diverse, he or she may require the committee to re-open the application process or take other steps to increase the number of qualified candidates from under-represented groups. The search may be suspended until the Provost and Committee are satisfied that reasonable efforts have been made to identify and recruit a qualified and diverse interview pool. Among other things, the Provost may consider the number and strength of the candidates, the expense of bringing the most desirable candidates to campus, and the current status of the recruiting budget in making these determinations.

After the candidates to be interviewed are identified, all applicant files shall be returned to the search committee chair for safekeeping until the completion of the search. At this time, all applicants who did not meet the minimum qualifications (Group #3 above) should be sent a standard letter indicating that their qualifications were not appropriate for the position. Internal candidates identified for interview should be notified that they will not be interviewed prior to those applicants being brought to campus from elsewhere.

Creating an Interview Schedule

The search committee chair initiates all interviews and arranges for candidates to meet with both committee and non-committee interviewers. Prior to the interview visits, the search committee, together with the department head and the Provost or Associate Dean of Faculty, should determine what will be expected of the candidates during their interview visits (e.g., teach a class, solve a technical problem, etc.) and advise all candidates of these expectations with adequate lead time before their visit to allow them to be prepared. The committee should ensure that the candidates spend sufficient time with the personnel with whom they would work and those to whom they would report. Additionally, arranging for candidates to meet with diverse campus constituencies is appropriate so that candidates can experience the HWS community as a whole, rather than just the one department where they would be working. As noted above, consistency is crucial, and all candidates should have similar interview schedules and meet with comparable individuals and/or groups during their on-campus visit.

Keep in mind that while the committee is seeking to identify the best candidate for the position, the candidates are also critically scrutinizing the HWS campus and community to determine whether he or she is interested in this position. Thus, interviews are also recruiting efforts, and such things as campus tours, driving tours of the Geneva/Finger Lakes area, and meetings with members of the HWS community who are not associated with the hiring decision can be useful in this process. A clearly outlined schedule for the visit is important to guide the candidate and to convey to them the feeling that the Colleges are both professional and collegial. Candidates may also express interest in meeting with certain individuals or groups, or may request information about the Colleges and/or the Geneva area, in order to gather more information for their own employment decision process. Such requests should be complied with if reasonably possible and practicable.

Guide for Interviewing (what to ask, and what *not* to ask)

A majority of committee members must interview each candidate, and, whenever possible, all committee members should interview all candidates. During interviews, including candidate presentations, all interviewers must record their comments regarding *all* candidates in writing.

Revised November 2010

During the interview, it is important to temper the desire to obtain a complete “picture” of the candidate with a respect for the limitations upon interviewing and inquiry that are imposed by law. The following are examples of acceptable and unacceptable inquiries for candidates; if the committee has any doubts about areas of inquiry, it is strongly encouraged to consult with the Office of the Provost, who may in turn consult with the Colleges’ attorney.

(1) **Name(s)**: if the applicant worked under other names, they are needed in order to check work and educational records.

(2) **Birthplace**: to determine citizenship is acceptable, but not for other purposes of regarding the applicant’s spouse, parents or other relatives.

(3) **Citizenship**: acceptable to determine work eligibility, but not for other purposes or whether the applicant intends to become a U.S. citizen.

(4) **Residence and nationality**: acceptable to ask about where the applicant currently resides and the length of that residency, but not inquiries that indicate national origin/nationality of applicant or applicant’s spouse or relatives. It is not acceptable to ask if the applicant rents or owns their home.

(5) **Age**: acceptable to determine whether candidate meets any relevant age requirements, but not for other purposes, and cannot require that an applicant provide proof of age before hiring. Committees cannot ask questions that may tend to identify applicants over 40 years of age.

(6) **Sex or Gender**: cannot inquire regarding gender of applicant, and gender cannot be used as an indication of whether the applicant will be “satisfied” with the position, whether the applicant will remain in the position for any length of time, or whether the applicant is more or less likely to take/request leave(s) of absence (e.g., pregnancy or family medical leave).

(7) **Marital status, family status, sexual orientation**: can only ask whether the applicant can meet specific work schedules. It is not acceptable to ask about the applicant’s marital status; the existence or number of children; identity of spouse, family or children; sexual identity or orientation.

(8) **Race, color or physical characteristics**: may not inquire regarding applicant’s race, skin or eye color, hair color, or otherwise about applicant’s physical

characteristics, such as height or weight unless these are directly relevant to the essential functions of the job.

(9) **Disabilities:** may ask questions about the applicant's ability to perform job-related functions, so long as the questions are not phrased in terms which seek to elicit information as to whether the candidate has any disability. An employer can also ask an applicant to inform the employer of any reasonable accommodation needed to take a pre-offer examination, interview or job demonstration. Moreover, an employer can ask: "How many days were you absent from work last year (without asking the reason for the absence)?" "Are you currently using, or within the past six months have you used, illegal drugs?" "This job requires an employee to prepare written reports containing detailed analysis, often within tight timeframes. Can you perform this function with our without reasonable accommodation?" An employer may also ask an applicant to demonstrate physical abilities if such activities are essential job functions.

Conversely, interviewers cannot ask "Are you disabled?" or other questions that would tend to reveal disabilities, the extent of any disability or health conditions that do not relate to fitness to perform the job. Unacceptable questions include: "Do you ever get ill from stress?" "Have you ever been unable to cope with work related stress?" "How much alcohol do you drink?" "How many days were you sick last year?" "What medications are you taking?" "Have you ever received counseling or medical treatment for mental illness or depression?" Also, an employer cannot ask questions about prior job related injuries or past worker's compensation claims.

(10) **Education:** may ask about the applicant's vocational or professional education, as well as any schools attended. Search committees should require written confirmation of degrees received.

(11) **Work experience or military service:** may ask about an applicant's work experience, including the names and addresses of prior employers, dates of employment and reasons for leaving. Committees may ask about the type of military discharge.

(12) **Conviction, arrest and court records:** may ask about actual convictions (not arrests) that reasonably relate to the applicant's fitness to perform the particular job. Committees may not ask about arrests, court records or convictions if not substantially related to functions and responsibilities of the particular job.

(13) **Photographs:** can only be required after hiring.

(14) **Religion:** may not ask about the applicant's religious denomination or affiliation, parish, religious leader, customs or religious holidays observed.

(15) **Stereotypical language:** should be aware of the language used and the messages word choices can convey; stereotypical language can be offensive to many candidates.

Additional Resources:

Sandler, Bernice, et al. "It's All in What You Ask: Questions for Search Committees to Use." Association of American Colleges, Project on the Status and Education of Women. Feb. 1998.

Stanford, Ray. "Interviewing Liability for Employers and Supervisors." Society for Human Resource Management.

The Hiring Decision

Checking References and Credentials

The search committee is also charged with evaluating each applicant's references and credentials. Transcripts and/or other relevant documentation should be obtained prior to the interview, and telephone calls should be made to confirm employment and attendance at educational institutions.

References are important not only to determine whether the applicant is qualified for the position, but also as a screening tool for applicants who might misrepresent their experiences, qualifications and scholarship and those who might pose a threat to others if hired. An incomplete history may result in hiring a faculty member who is not a good fit, who is unqualified or who may engage in conduct for which the Colleges could be held liable. References should include people well-situated to evaluate the applicant's past performance and/or their future potential. Even if they are not listed as individual references, an applicant's previous employer(s) should be contacted to collect additional information.

Keep in mind, however, that many organizations have policies prohibiting professional references beyond dates of employment. These policies are typically based upon risk management decisions by the particular entity, and such a response should not be taken as a negative reference regarding the applicant. If the committee feels that it has not received adequate information from the references provided, it may ask the candidate for additional references. Reference checks must be thoroughly and clearly documented; the enclosed form entitled "Questions for Candidate References" is a suggested format.

Role of the Search Committee

Upon the conclusion of the interview process, the search committee will meet to discuss the candidates' comparative strengths and weaknesses and to determine what recommendation to make to the Provost with regard to the hiring decision. Members of the search committee may only discuss candidates, their qualifications and the search process with other members of the department/program and College administrators

directly involved in the search. The search committee will then make its written recommendation to the Provost.

Candidates should *not* be informed that they have been recommended for hiring by the search committee or any member of that committee; formal offers of employment and salary come from the Provost. After a hire has been made (that is, an offer has *both* been extended and accepted) unsuccessful candidates should be notified by way of a standardized letter. Once an individual has been hired, departmental or program faculty should be encouraged to welcome the new member of the HWS community, to ensure that he or she is introduced to new colleagues, and smoothly introduced to the procedures and practices of the Colleges.

After the committee has made its hiring recommendation, the chair of the search committee is charged with collecting the complete search file(s) for appropriate storage of these materials. Committee chairs and members should take care to ensure the continuing confidentiality of search-related records. At this time, the search committee must also submit to the Provost, and to the Committee on Diversity, Equity and Social Justice, a report containing a numeric analysis of the final applicant pool and candidates. This report shall also contain a narrative description and assessment of the search committee's efforts to identify and recruit candidates from under-represented groups, as well as copies of the position announcement and advertisements. A suggested format for this report is enclosed at the end of this section. Failure to submit this report, or failure to submit an adequate report, may be taken into consideration regarding future requests for position and search authorizations.

Role of the Dean of Faculty and Provost

Upon receipt of the search committee's written recommendations, the Provost shall make the final hiring decision. Ultimate authority in this area rests with the Provost, who is free to reach a different decision from that of the search committee, and can also decide that the search should be re-opened and re-advertised. It is the sole responsibility and authority of the Provost to make offers of employment and to negotiate salary and other benefits.

Form: #5 Diversity and Equal Opportunity Search Report

Revised November 2010