



The Office for Equal Opportunity and Civil Rights (EOCR)
Recruitment and Hiring Resource Guide

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I. Introduction

The University of Virginia is committed to the spirit and actuality of equal opportunity, affirmative action, and diversity. These guidelines are designed to ensure a fair, consistent, and inclusive process is used for all executive staff and 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 its workforce. With appropriate planning, a search committee/hiring official can conduct an efficient and successful search, which will yield the best candidate as well as leave a positive impression of the University on those not selected. ([See Appendix 1: Equal Employment Opportunity and Affirmative Action Statement](#))

All executive staff and faculty vacancies, including continuing-term lecturer positions, 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 these positions. Full searches, employing nationwide recruitment efforts, are required for most positions. Limited searches that restrict recruitment for executive staff and faculty positions regionally or internally within the University, individual units, or departments are permissible in some circumstances, but must first be approved by the Office for Equal Opportunity and Civil Rights (EOCR).

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 to fill vacant positions. 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, racial minorities, protected veterans and persons with disabilities in the workforce. Affirmative action is not a preference system nor is it designed to exclude 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 principle that guarantees individuals the right to non-discriminatory treatment, and it must be a factor in every phase of the search and hiring process.

III. Role of the Office for Equal Opportunity and Civil Rights

The Office for Equal Opportunity and Civil Rights (EOCR) monitors the University staff and faculty recruitment processes to ensure that all applicants receive equitable consideration, the University's efforts in hiring members of underrepresented groups are strengthened, and the required documentation of good faith efforts to achieve equal opportunity and placement goals are maintained.

EOCR 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.

EOCR's role is to:

- Assist and advise human resource professionals and others on employment equity practices and principles;
- Make sure all hiring officials and search committee members complete the required EOCR Search Committee Training and University Staff Hiring Official Training ([See Appendix 2: Training and Posting Requirements for Faculty and Staff Positions](#));
- Review postings to make sure they are welcoming and contain no discriminatory language or inferences;
- Review and approve diversity recruitment plans, to ensure that they are broad, expansive, and designed to generate an inclusive applicant pool;
- Conduct post-hire compliance reviews to ensure that appropriate processes and procedures were adhered to, there are no barriers to equal opportunity, and all applicants were afforded equitable treatment.

IV. The Search Process

Step 1. The Search Committee

The search committee and its charge will affect the outcome of the search; therefore, appointment of membership is extremely important. The hiring official should keep this in mind when selecting the chair and committee members.

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 their expectation of the committee, such as whether the committee is responsible for identifying one top candidate, or a list of highly recommended candidates, and, if so, how many should be received.

The committee should consist of at least three members, including the chair, who should be distinguished in their department and at the University, who has participated in searches resulting in successful recruitment of highly qualified candidates, and who is familiar with equal opportunity and affirmative action principles. It is recommended that individuals from historically underrepresented groups be included on the committee but there are multiple ways that a committee can ensure equal opportunity in the recruitment and selection process. One practice that school and unit hiring officials can consider is appointing one of the search committee members to serve as the Equity Coordinator. The Equity Coordinator should have extensive training and a deep understanding of equal opportunity, affirmative action, and implicit bias.

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 areas and be qualified to evaluate the candidate in these areas. Committee members should possess strong interpersonal and recruitment skills. Committee members should be aware of and sensitive to equal opportunity and affirmative action principles and be willing to evaluate all steps of its search in these terms.

Before beginning the search, the committee must complete the required training and should review the unit/department's placement goals and consider any underutilization of women and racial/ethnic minorities, persons with disabilities and protected veterans as well as other issues related to conducting an inclusive search.

Each search committee is responsible for creating an inclusive pool of applicants, 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. ([See Appendix 3 - Determining Who Is An Applicant](#))

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. If the chair has a conflict, the chair should inform the hiring official.

Members of search committees must commit to maintaining the confidentiality during and after the search process. In accepting committee membership, each member agrees to preserve and protect the confidentiality of all applicant information. This responsibility includes non-disclosure of the names and/or status of any applicant participating in the search process and/or the deliberations of the search committee to anyone. A breach of complete confidentiality may disqualify a member from service on the committee. The integrity of a search depends on the strict adherence to the principle of complete confidentiality. The chair of the search committee or hiring official should be the only public voice for the search committee; members must refrain from making any public comments about the search process.

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 the University of Virginia. 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.

Step 2. Laying the Foundation – The Position Description

The position description becomes the hiring official/search 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/posting summary, which is prepared by the hiring official/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 comprehensive. 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 that are not specified in the original posting summary cannot be considered when evaluating applicants. The search 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/posting summary will:

- Force the unit/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 executive staff/faculty positions include:

- title (and rank, if for faculty positions)
- 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

Step 3. Developing the Diversity Recruitment Plan

The diversity recruitment plan, developed by the hiring official and/or search committee, delineates the outreach efforts and activities that will be undertaken to identify the pool of applicants. It should include, but not be limited to, the placement of advertisements in publications and/or on list serves, distribution to Historically Black Colleges and Universities, Hispanic Serving Institutions, and others with programs that serve underrepresented groups, use of placement services, and other efforts to increase

the pool of qualified applicants. The plan should list the names of journals, newspapers, professional organization publications, and electronic postings to be used.

In addition, the plan should outline active recruiting strategies such as networking at conferences and professional association meetings, directly contacting academic departments, professional organizations, and colleagues. Informal word of mouth is one of the most successful practices of identifying qualified applicants. However, care should be taken to be as expansive and inclusive as possible and not limit contact only to friends and acquaintances.

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 unit/departmental vacancy occur. Networking efforts should be coordinated by the search committee chair.

Advertisements and Posting Periods

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 an ad or posting summary, the committee should take into consideration the qualifications and criteria it will use to screen applications. The advertisement must be gender-neutral and demonstrate cultural sensitivity. EOCR reviews each ad to ensure that the text is not discriminatory. Positions should be posted for at least the minimum posting period for the position type ([See Appendix 2: Training and Posting Requirements for Faculty and Staff Positions](#)) prior to the screening of applications by the search committee. If there is a placement goal for the job group that position is in, the position must be posted for an extended period of time.

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/Posting Summaries should include:

- Position title and unit/department name
- 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
- 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 and affirmative action employer. Women, minorities, veterans, and persons with disabilities are encouraged to apply."

Application materials should include:

- Letter of application or cover letter citing qualifications relevant to the position
- Curriculum vitae or resume
- Candidate Profile (if posted using the University's applicant tracking system)

In addition, application materials may include:

- Contact information for three references or recommendation letters
- 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 University's applicant tracking system.

Step 5. Screening Applications

If the applicant pool is not diverse in gender, race and/or ethnicity, the committee is strongly encouraged to expand its outreach efforts in order to recruit a more inclusive applicant pool prior to screening.

To evaluate applicants consistently, the selection criteria, screening methods, and evaluation or rating form should 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.

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 predict successful performance as a faculty member? Are there other predictors of future successful 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. Non-traditional scholarship should be evaluated on academic merit.

Eliminate from the screening 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, disability, or family medical and genetic information. 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. ([See Appendix 4: Interview Guide-Illegal Areas of Inquiry](#))

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 and staff diversity, search committees must be committed to hiring women, racial minorities, protected veterans and persons with disabilities, if he/she is the best qualified candidate for the position. ([See Appendix 5: Applicants with Disabilities](#))

Telephone screening interviews are valuable in identifying 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 the attractive vitae. Phone screening can also assess communication skills, clarify questions from the vitae, encourage applicants' continued interest in the position, and respond to inquiries of the applicants.

The committee must be able to support its decision to interview each candidate selected. 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 note 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. ([See Appendix 6: Legal Considerations](#))

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, unit/department, and the University. ([See Appendix 7: Types of Interviews](#))

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, racial minorities, protected 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 the evaluation of the candidates supporting the committee's recommendation to the hiring official. Blanket statements such as "the finalist was the most qualified" are insufficient. Specific experience, expertise, or characteristics of the finalists should 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 thoughts about the position. The candidate should be told when he/she will next hear from the committee.

As part of the interview process, candidates often meet with members of the unit/department, the department head, appropriate administrators, deans, and vice presidents. 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, racial minorities, protected 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. 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 not related to performance of job duties.

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. A consistent and equitable process should be used for all reference checks. The committee may request professional and/or personal references. The advertisement must state whether letters of reference or contact information for references are preferred.

Letters of reference should be sent directly to the chair. Personal reference letters from individuals 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. The correspondence should also include a strong statement emphasizing confidentiality.

The committee/hiring official 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 search file.

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

Step 8. Selecting the Candidate

Search Committee

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.

Hiring Official

If the hiring official does not appoint a search committee, the hiring official should review the merits of each candidate, including feedback from others who may have participate in the interview process. The hiring official should note his/her decision to appoint the selected candidate with a supporting summary.

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:

- Name of the hiring official
- 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
- Screening criteria
- Correspondence to applicants
- Interview questions, notes, summary evaluations, and rating sheets
- Note of outcome of each applicants' application (if unsuccessful at what step and why the applicant did not receive further consideration)
- Information regarding reasonable accommodation, if provided

V. Appendices

Appendix 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, gender identity, marital status, national or ethnic origin, political affiliation, race, religion, sex (including pregnancy), sexual orientation, veteran status, and family and genetic information, and operates both affirmative 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 Number One on Equal Opportunity (2014).

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

<http://eocr.virginia.edu/file-complaint>

Appendix 2: Training and Posting Requirements for Faculty and Staff Positions

Type of Position	Training Requirements			Minimum Posting Periods (By Calendar Days)	
	EOCR's University Staff Hiring Official	EOCR's Search Committee	Provost's Faculty Committee Tutorial	External	Underutilized
University Staff: Operational & Administrative (O&A) and Managerial & Professional (M&P)	✓	✓*		5	10
University Staff: Executive & Senior Administrative	✓	✓		21	30
Professional Research Staff (PRS)		✓		21	30
Professional Research Staff: Research Associate or Post Doc (only)		✓*		10	
Faculty: Administrative & Professional (A&P)		✓	✓*	21	30
Faculty: Teaching & Research (T&R)		✓	✓*	21	30
Faculty Wage		✓*		10	

Operational & Administrative (O&A) and Managerial & Professional (M&P):

- All hiring officials must complete the University Staff Hiring Official training prior to posting a position.
- * A hiring official may appoint a search committee to assist in recruiting and evaluating applicants. If a search committee is appointed all members must complete EOP's Search Committee Training prior to posting of position.

University Staff: Executive and Senior Administrative Positions:

- All hiring officials must complete the University Staff Hiring Official training prior to posting a position.
- Search Committee members appointed to assist in recruiting and evaluating applicants for positions in these categories must complete EOP's Search Committee training prior to posting of position.

Professional Research Staff Positions:

- Search Committee members appointed to assist in recruiting and evaluating applicants for positions in these categories must complete EOP's Search Committee training prior to posting of position.

Professional Research Staff Positions – Research Associate only:

- Individual with hiring authority must complete EOP's Search Committee training prior to posting of position.
- Research Associate positions only require a minimum of one who has hiring authority.
- * *If a search committee is appointed, all members are required to complete EOP's Search Committee training prior to posting of position.*

Faculty: A&P and T&R Positions:

- Faculty appointed to serve on Faculty Search Committees must complete EOP's Search Committee training prior to serving on the search committee.
- * *If a faculty position is tenured or tenure-track, search committee members must complete the Provost's Tutorial.*

Faculty Wage Positions:

- Individual with hiring authority must complete EOP's Search Committee training prior to posting of position.
- Faculty Wage positions only require a minimum of one who has hiring authority.
- * *If a search committee is appointed, all members are required to complete EOP's Search Committee training prior to posting of position.*

Appendix 3: Determining Who Is An Applicant

An applicant is a person who: 1) has submitted an expression of interest in an open positions; 2) meets the minimum qualifications for the position; 3) is considered for employment by the search committee/hiring official; and 4) at no point during the selection process removes himself or herself from consideration or otherwise indicate that he/she is no longer interested in the position.

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 has been selected for interview after initial screening of applicants.

Appendix 4: Interview Guide – Illegal Areas Of Inquiry

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 non-job related 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 Amendments Act (ADAAA) prohibits employment discrimination against qualified individuals with disabilities, as well as those who have a record of disability or are regarded as being disabled. ADAAA 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.

Appendix 5: Applicants with Disabilities

The University of Virginia is subject to both the Americans with Disabilities Act Amendments Act (ADAAA) 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 ADAAA, enabling them to perform the essential functions of a position. Exceptions apply when/if the accommodations would cause undue hardship to the employer.

Revised Section 403 regulations requires federal contractors, like the University of Virginia, to invite applicants to voluntarily self-identify as an individual with a disability at the pre-offer stage of the hiring process, in addition to the requirement that contractors invite applicants to voluntarily self-identify after receiving a job offer. This data collection will be used to assess the effectiveness of outreach and recruitment efforts in reaching people with disabilities.

To request assistance in arranging a reasonable accommodation for an applicant or employee, please contact the UVA Americans with Disabilities Act (ADA) Coordinator at 434-924-3200.

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 ADAAA
- 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 cannot do a job because of an apparent or non-apparent 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 Hard of Hearing:

- 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, please contact the Coordinator of Deaf and Hard of Hearing Services at 434.243.5186 to request an interpreter or other accommodations for the interview.
- 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.

Appendix 6: 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 inquiries, 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, religion, sex or national origin regarding civil rights.

Title VI of the Civil Rights Act of 1964 – prohibits discrimination based upon race, color, and national origin in programs and activities 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, sexual orientation, gender identity, religion, national origin, or sex in institutions with federal contracts. Demands a continuous commitment to affirmative action.

The Genetic Information Nondiscrimination Act of 2008 (GINA) – prohibits discrimination in all employment practices on the basis of a person’s genetic information. GINA also restricts employers from requesting, requiring, or purchasing employee genetic information and prohibits the disclosure of such information.

State laws:

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.

Appendix 7: Types of Interviews

There are several types of interviews a hiring official/search committee can utilize for evaluation candidates.

There are several types of interviews a hiring official/search committee can utilize for screening applicants.

- Telephone Interview
- Video Conferencing (such as Skype)
- On-Grounds Interview
- In-person Interview (offsite location, such as at a conference or airport)
- Stakeholder Interview

Regardless of which type of interview is conducted, applicants should receive the same fair and equal treatment. If the applicant pool is not diverse in gender, race and/or ethnicity, the committee should expand its outreach efforts in order to recruit a more inclusive applicant pool before proceeding with interviews.

Telephone Interview

The hiring official/search chair should consider using telephone interviews as a screening option for all positions. Phone screening can allow the committee to assess valuable knowledge, skills, and abilities in order to screen out applicants.

Video Conferencing

Video conferencing is an option that is available to hiring officials/search committees who want to conduct interviews with potential job applicants, saving travel time and expense. If video conferencing is used as a screening option, all candidates must be given the same opportunity to allow for fair and equal consideration.

On-Grounds Interview

The On-Grounds interview can be 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 hiring official/search committee to evaluate the candidate, while the candidate is assessing the committee, unit/department, and the University.

On-Grounds 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 or hiring official should create an atmosphere of openness during the interview. 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.

Off-site Interview

Off-site interviews usually take place at a neutral location, often at an airport, professional association annual convention, or a hotel lobby/suite. Off-site interviews give search committees and candidates a chance to learn about one another with a minimum of time and commitment expended by either party. If off-site interviews are used as a screening option, all candidates must be given the same opportunity to allow for fair and equal consideration.

Stakeholder Interviews

As part of the interview process, candidates often meet with members of the unit/department, the department head, appropriate administrators, deans, and vice presidents. Women, minorities, 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. A block of time may be set aside during which candidates have an opportunity to meet with other faculty, staff, and students.

For faculty positions, committees usually request that a 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.

Appendix 8: 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 strategic actions 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.

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