

Faculty Search and Screen Procedures Using



PeopleAdmin, Inc.
1717 W. 6th Street
Austin, TX 78703

**Virginia Polytechnic Institute
And State University**

**Office of the President
Office for Equal Opportunity
Office of the Provost
Office of the Executive Vice President**

9/01/06

**Office of the President**

210 Burruss Hall (0131)
Blacksburg, Virginia 24061
540/231-6231 Fax: 540/231-4265
E-mail: president@vt.edu
www.vt.edu

Dear Colleagues:

The recruitment of members of the faculty and administrative leadership of Virginia Tech is at the very heart of the university. In many ways, there is no more important task, and that is why we commit so much of our time and energy to the search process. In carrying out each and every search, we need to be as effective as possible so that the best people are hired and that we retain and support them as their careers progress at Virginia Tech.

Our strategic plan is an ambitious one. It is clear that in order to move to the next level of excellence, we must recruit and hire outstanding faculty members and administrators to help us achieve our goals. There will be no compromise to excellence. For us to remain a vital institution, however, we must build an outstanding faculty and administration that attracts students, staff, and faculty from diverse backgrounds. Our conviction then is that excellence and diversity are concepts that go hand in hand.

These procedures guide both academic and administrative searches. They have our full support. The procedures call on search committees to aggressively identify and recruit strong candidates from diverse backgrounds and to fulfill our legal, moral, and ethical obligation to ensure that all individuals competing for positions are fully and fairly considered. The procedures do not require or imply any particular outcome except the most important -- the appointment of truly excellent faculty and administrators who will help build our future.

With assistance from the OEO, we intend to monitor the outcomes of our searches in the coming years and to evaluate the effectiveness and functionality of the procedures in helping us achieve our goal of hiring outstanding faculty and administrators from diverse backgrounds. We welcome your comments and suggestions.

Sincerely,

Charles W. Steger
President

Invent the Future

TO SEARCH COMMITTEE MEMBERS:

The search and screen process outlined in this manual has evolved over time as an approach that helps ensure the selection of the best-qualified candidate and equal opportunity for all applicants. This manual provides step-by-step information on planning the search/screen process, conducting interviews, checking references, and more. This process incorporates the elements of a fair and equitable search process as required by federal and state law and allows for monitoring employee opportunity at Virginia Tech. The procedure also serves to foster positive relationships with our colleagues at other institutions through timely and courteous response procedures.

These procedures simultaneously address the complementary goals of excellence (quality) and inclusion (diversity) in the search process. For VT to reach the goal of becoming a “top 30” institution, it must expand its capacity to attract the best talent from the broadest labor pool available. Progress in attracting and retaining women, people of color, and individuals from other underrepresented groups will help us to achieve both goals. A strong, equitable set of hiring procedures is but one component designed to enhance progress.

The goals of these procedures are to ensure:

- **An Empowered Search Committee** - one that is charged with the knowledge and understanding of university goals for excellence and fair employment practices.
- **Aggressive Recruiting and Advertising Plans** - plans that think “outside the box” using aggressive and varied efforts to reach diverse populations.
- **Compliance with Federal Applicant Tracking Requirements** - procedural steps that ensure data on applicant flow through the search process is kept in accordance with federal mandates.
- **A Thorough Screening Process** – A careful screening process to ensure equal opportunity for consideration and to allow the best candidates to rise naturally and fairly to the forefront.

As you embark on this important effort, we hope that these Faculty Search and Screen Procedures will make your job easier and more fruitful. Please do not hesitate to call the Office for Equal Opportunity 540/231-7500 with any questions or concerns.

Office for Equal Opportunity

TABLE OF CONTENTS

	Page
General Information	2
Responsibility and Accountability	2
Role of the Office for Equal Opportunity	2
The Decision to Search	3
Search Exemptions	4
Search and Screen Committee Checklist	5
Appendix A	
EO Form EX: Faculty Search Exemption/Position Establishment	9
Appendix B	
Sample Faculty Template	10
Appendix C	
Applicant Status Matrix	11
Appendix D	
Questions to Ask and Not to Ask During the Interview	12

GENERAL INFORMATION

RESPONSIBILITY AND ACCOUNTABILITY FOR FACULTY SEARCHES

Primary responsibility and accountability for the conduct of full and fair faculty searches rests with the academic deans and other senior managers of the university (e.g. vice presidents, vice provosts). Each dean and senior manager is expected to actively monitor searches for positions that report to their departments or units to be sure that

- search committees develop and carry out aggressive recruitment plans that incorporate the strategies most likely to result in a pool of highly qualified diverse candidates.
- each candidate is given full and fair consideration; and
- selection processes along the way do not inadvertently eliminate candidates because of inappropriate criteria.

When recruiting and selecting individuals for T&R faculty positions, the advice and experience of the faculty at the department level is essential. Search committees and department heads play a critical role in soliciting faculty input in the decision making process.

While hiring outcomes depend on the involvement of many people, accountability for building an excellent faculty and administration of diverse backgrounds is ultimately the responsibility of deans and senior managers. They are in the best position to determine if good faith efforts have been made.

ROLE OF THE OFFICE FOR EQUAL OPPORTUNITY

The Office for Equal Opportunity (OEO) plays an important oversight role in the faculty search process. As a federal contractor, Virginia Tech must meet the requirements set by the Office of Federal Contract Compliance Programs for recruitment and employment practices that address the underrepresentation of women and minorities in our workforce. The OEO is responsible for monitoring compliance with federal and university policies and procedures related to faculty searches. EO staff members also provide guidance to the committee at the outset of the search, share search tools and strategies more likely to yield a more diverse candidate pool, and monitor the progress of searches.

The OEO staff is aware that market demand will require exceptional responsiveness if we are to be successful with offers to talented individuals in certain fields. If these circumstances are predictable in advance, or arise during the search, it is critical that the dean's office or senior manager and the OEO staff work together throughout the search process to ensure that the search is accomplished in a timely manner.

As we seek to hire the best faculty and administrative talent, we will need to use a variety of recruitment strategies. In some cases, this may mean advertising several openings simultaneously, developing cluster hiring strategies for several positions using one interdisciplinary search committee; developing relations with a full array of national and international professional associations, with international universities, Historically Black Colleges and Universities (HBCU's), Native American and Hispanic institutions, and women's colleges; attending conferences; maintaining on-going listings, or other variations on the standard process. Advance consultation with the OEO on alternative search plans will expedite the eventual review and approval process.

The University has implemented an on-line applicant tracking system, designed to provide more complete information about faculty searches in accordance with federal requirements and to allow departments to initiate

and complete the search process on line. This new data entry and collection system has the benefit of allowing the office to analyze search practices and to provide timely feedback to departments.

THE DECISION TO SEARCH

APPLICABILITY OF THESE PROCEDURES

A search in accordance with these procedures is required for faculty positions that are FULL-TIME, REGULAR (permanent) appointments, whether they are for instructional, administrative, or professional faculty positions. Positions that are RESTRICTED (temporary) for one year or less, or salaried PART TIME, whether they are regular or restricted, may be filled without conducting a full search in accordance with these procedures. Departments are strongly encouraged to conduct at a minimum a local search for such positions whenever reasonable. In instances where a search is not feasible, a search exemption may be requested. Neither searches nor requests for waivers/exemptions are required for employment of faculty members on wages (P-14) – these are typically short-term and/or part-time employment arrangements.

An expedited search process has been developed for SPECIAL RESEARCH FACULTY MEMBERS, such as research associates, post-doctoral associate, research scientists, and so on, who are generally on restricted appointments funded by sponsored grants and contracts. A description of the search process for special research faculty is available from the office of the Vice President for Research. In approved circumstances, special research faculty may be hired on REGULAR appointments; such appointments require a full search; please refer to the Special Research Faculty Handbook for further information on regular appointments for Special Research faculty members.

SEARCH EXEMPTIONS

There are occasions when an exemption to the search requirement is reasonable and acceptable. A request for an exemption along with appropriate justification should be submitted to the OEO for approval. Approval by the Provost, Executive Vice President or President as appropriate, may also be required. Circumstances that might justify an exemption to search are described below. Search exemption requests are not submitted in PeopleAdmin. Exemption requests are to be submitted in paper. When requesting an exemption, please submit a faculty search exemption request form, job description, justification letter and the resume/CV of the individual identified for the position. See Appendix A for a sample search exemption form.

Target of Opportunity for Excellence Positions (TOP): Faculty members are expected to be hired through a normal search whenever a reasonable and appropriate pool of candidates can be developed. But when a unique opportunity for an exceptional appointment presents itself, it may be appropriate to seek an exemption to search so that the individual may be recruited. A Target of Opportunity for Excellence hire may happen in several ways. For example, the Provost may announce that one or more positions would be made available for exceptional, usually senior, scholars whose credentials are stellar and whose appointment would make unique contributions to the university's mission and programs. In this case, the position and discipline may be left open or very broadly defined, with one or more outstanding candidates eligible for appointment. Alternatively, a department may identify someone with exceptional credentials for special recruitment where a national search would not yield a reasonable pool of similarly qualified candidates. Or an exceptional scholar may approach Virginia Tech about joining the faculty when there are no advertised openings at the time. Other examples include the opportunity to attract an exceptionally well-qualified candidate who can make an important impact on programs and students at Virginia Tech, or the case where the university is pursuing the appointment of an intact team of faculty members. While appointments through the Target of Opportunity for Excellence program are expected to be infrequent, they can be critical hires, sometimes transforming a research or instructional program by virtue of the expertise they bring to the university.

Requests for exemptions in support of a target of opportunity for excellence appointment must provide full justification and require advance approval by the Provost as well as the OEO. While most such appointments are expected to be for instructional faculty, there may be a similar compelling rationale for a targeted search for an administrative appointment; any such exemption would require approval of the relevant senior manager.

Departments recruiting through a Target of Opportunity for Excellence exemption are expected to conduct an interview, pursue references, and ascertain the appropriate fit in the department as they would for any other new faculty appointment. The Provost must be consulted before pursuing a TOP candidate.

Other Exemptions Requests:

A search exemption may also be requested in the following circumstances:

- A position in the department is a rotational one among members within the department.
- The identified candidate is the only one possessing the unusual set of experiences and skills required for the position.
- The identified candidate is the leading expert in the field and has no viable competitors.
- An interim position is filled by an internal candidate for a limited period of time.
- A classified staff member's position is approved for conversion to faculty status (usually administrative or professional faculty position). Proposed salary increases greater than 10 percent require the president's approval before an offer is made.
- A reorganization within a department necessitates shifting of employees to different positions.
- A dual career hire. See guidelines on dual career appointments issued by the Office of the Provost available at: <http://www.hr.vt.edu/employment/dualcareer/>
- Search exemptions for reasons other than those above may be approved on an exceptional basis by the Provost or Executive Vice President, and President.

In discussing the particular circumstances for a proposed exemption, the OEO staff may recommend instead a search limited to the local area or internal to the University. These alternatives allow notice of a vacancy and opportunity to develop at least a minimal candidate pool within a relatively short timeframe.

SEARCH AND SCREEN COMMITTEE CHECKLIST

The purpose of this checklist is to provide an overview of the search process. For specific instructions to use PeopleAdmin, please refer to the Hiring Manager's User Guide:

<http://www.hr.vt.edu/supervisorscorner/>

PRE-SEARCH PLANNING

_____ **ESTABLISH SEARCH COMMITTEE.** Search committee membership is usually determined by the department head in consultation with the dean or senior manager. The search committee will include at least one person outside the unit conducting the search. All committee members are expected to fully participate in the search and to be qualified to review the candidates. The committee is expected to be effective in supporting the university's commitment to excellence and diversity.

_____ **INITIATE CHARGE MEETING.** Department head and senior administrator convene the initial meeting to charge the search committee with their responsibilities for achieving institutional and college commitment to excellence and diversity, review expectations for conduct of the search, and to specify the manner in which they wish to receive the committee's final recommendations. The chair is strongly

urged to contact the OEO to send a representative or provide advice on best practices in the conduct of the search.

_____ **WRITE POSITION DESCRIPTION.** Search committee or supervisor reviews and updates the position description, specifying required and desired qualifications. Committee determines if they wish to make use of the supplemental questions feature available in PeopleAdmin. This feature may be used as a screening tool to eliminate candidates who do not meet minimum qualifications or to rank order qualified candidates.

_____ **WRITE JOB AD.** Search committee reviews or writes the job ad to be used in external advertising sources (journals, listservs, etc.). Ads must include appropriate EO statements. Please refer to the pre-search planning section of faculty search manual on the OEO website: http://www.oeo.vt.edu/faculty_search_manual for the allowable EO statements as well as guidance on writing job descriptions and advertisements.

_____ **DEVELOP RECRUITING AND ADVERTISING PLAN.** Search committee develops a detailed recruiting and advertising plan. The OEO will assist in identifying recruiting resources, such as listservs, websites, journals or newsletters for specialized professional associations; directories of recent doctoral recipients; contacts for pursuing targeted outreach; or other resources, as needed. A list of recruiting resources is available on the OEO website: http://www.oeo.vt.edu/faculty_search_resources.htm.

_____ **DEVELOP PLAN FOR SEARCH PROCESS.** Search committee reviews anticipated search-related costs, develops a timetable, determines frequency of meetings, and makes decisions about record keeping, handling of references, and other related topics.

INITIATING THE SEARCH

_____ **COMPLETE THE JOB POSTING IN PEOPLEADMIN.** Hiring manager (department head, search chair, or administrative assistant) prepares job posting by completing position and search plan information fields on the online form available in PeopleAdmin: <http://jobs.vt.edu/hr>. Select one of the pre-existing faculty templates marked by an asterisk (e.g. *Assistant Professor) to start your entry. See Appendix B for a sample template. The completed posting is then forwarded to senior management (Dean/VP) for review.

_____ **FORWARD JOB POSTING FOR REVIEW.** Senior management forwards approved posting to EO for review and approval. OEO may recommend additional search strategies or revisions to the posting. The OEO will forward new A/P positions to Human Resources for review. Committees are encouraged to submit search requests in a timely manner to ensure enough time for processing. The OEO is expected to complete its review and approve the request, or contact the department with questions or concerns, within two working days of receiving a complete draft posting. EO sends approval to the search contact and assigns a position number if appropriate. EO opens the job on PeopleAdmin. Search committee carries out advertising plan by placing ads, making personal contacts and recruiting candidates for the vacancy.

ESTABLISHING & ASSESSING THE APPLICANT POOL

_____ **APPLICANT LIST.** As applicants apply for the vacancy, the online system will provide them with a confirmation number to verify receipt of their application materials. The system also provides applicants with an opportunity to complete voluntary self-identification information. It is no longer necessary to send applicants a letter of acknowledgement or a voluntary survey card. A list of applicants will be

generated by the online system and applicant information can be downloaded to support committee reviews or to prepare mail merge letters.

_____ **APPLICANT MANAGEMENT.** Application materials received in PeopleAdmin are the official record for the search. If applicants send their materials by mail, they must be contacted and asked to apply online to ensure complete search records in PeopleAdmin. If supplemental materials are requested, then a folder should be established for each applicant. Search chairs are encouraged to keep a record of applicant contacts or other official search business.

_____ **RECEIVE CERTIFICATION OF THE APPLICANT POOL.** The dean or senior administrator is responsible for certifying the applicant pool before the committee is authorized to proceed with the search. The OEO will provide information on applicants based upon voluntary self-identification information reported in PeopleAdmin. Estimates of diversity of the applicant pool should be weighed in relation to known availability of women and traditionally underrepresented groups in the relevant pool (such as percentage of earned doctorates in the discipline) and documented proactive search strategies. **The search should not proceed if the committee has not made good faith efforts to reach and attract as broad and diverse a pool of applicants as feasible.**

_____ **CONDUCT INITIAL APPLICATION SCREENING.** The committee may choose to eliminate applicants at this point who do not have the minimum required qualifications. For example, if the position requires a terminal degree by the date of appointment, all those who do not expect to have this minimum credential by the time the position begins would be eliminated. Document these decisions by changing the applicant status of these candidates to: “Not referred/not interviewed” with a not hired reason of “Doesn’t meet minimum qualifications.” Please refer to Appendix C for the Applicant Status Matrix. Candidates identified as not having the minimum qualifications may be notified that they are no longer under consideration.

Alternatively, the committee may review the entire applicant pool as part of the in-depth screening process described below. Committee members will have access to candidate resumes through the guest user password functionality available in PeopleAdmin. Please refer committee members to the PeopleAdmin Guest User Manual available at: <http://www.hr.vt.edu/supervisorscorner/>

_____ **CONDUCT IN-DEPTH SCREENING.** The committee reviews each candidate’s application thoroughly, assessing their credentials in relation to the stated required and preferred job qualifications. The committee may choose to use additional methods of evaluation to further screen the most attractive candidates such as phone or video interviews. Applicants selected for further consideration e.g. short list should have their status changed to short list or as appropriate in PeopleAdmin. After the review date has passed and the committee is comfortable with the pool of candidates, the search chair may contact EO and request the posting be removed from the university’s list of open jobs. Note: It is encouraged that you refrain from using “open until filled” in your position advertisements. When this language is used, it increases your administrative burden as anyone who applies up until the position is filled must be considered an applicant for the vacancy.

_____ **OBTAIN REFERENCES.** Checking references is strongly recommended. This step can occur at several different points depending on the nature of the search. Written references can be requested as part of the initial application packet, or requested later from a subset of applicants of interest to the committee. In searches for higher level administrative positions, it is common to conduct phone references on only the short list in order to protect the confidentiality of applicants. Reference checks with current and past supervisors are critical. If the candidate has not provided such references, be sure you understand why and compensate by making additional calls.

INTERVIEWING

- _____ **NOTIFY DEAN/ SENIOR MANAGER OF PROPOSED CANDIDATES TO BE INTERVIEWED.** *The candidates to be invited to campus for interviews must have the approval of the appropriate dean or senior manager.* Provide the dean/senior manager a concise description of why each individual has been selected for interview. If questions arise about the search at this point, all of the necessary parties involved will seek to obtain resolution in a timely manner. Please change the applicant status of individuals you intend to interview to the interviewing status in the online system prior to notification of interviewees. Review the applicant's response to the question regarding convictions before inviting them to interview. Contact University Legal Counsel's Office if a favored candidate has reported a conviction.

- _____ **NOTIFY CANDIDATES TO BE INTERVIEWED.** Search committee or designated representative notifies the candidates on the interview list. Search committee may request additional information, such as transcripts and additional references.

- _____ **DEVELOP SCHEDULE OF ACTIVITIES.** Search committee develops a schedule of activities for the campus visits of the selected candidates. The basic elements of the schedule should be consistent among all candidates, with an opportunity for candidates to request additional meetings as appropriate to their interests or needs. Committee sets up interviews, makes travel and lodging arrangements, and arranges candidate interviews with relevant parties.

- _____ **DEVELOP INTERVIEW QUESTIONS.** Search committee develops a core set of interview questions that are job related. Please review Appendix D for guidance on appropriate and inappropriate interview questions. The OEO is available to provide advice and review for non-discriminatory language.

FINALIZING A SELECTION & RECORDKEEPING

- _____ **CONDUCT INTERVIEWS AND SUMMARIZE FEEDBACK.** Search committee reviews written feedback from those involved in the interview process. In the case of instructional faculty positions, the departmental faculty is a primary source of feedback and advice. The committee prepares written summaries of the strengths and weaknesses of the interviewed candidates and their overall suitability for the position. If an interviewed candidate is deemed no longer viable by the committee, that should be stated.

- _____ **RECOMMENDATIONS TO DEAN/SENIOR MANAGER.** Department head and search committee chair review the search and interview processes and the recommendations for appointment with the dean or senior manager. Offers will be made only to finalists deemed suitable by the department and search committee, and with due consideration to the committee's recommendations.

- _____ **MAKE THE FORMAL JOB OFFER.** The job offer can be made after approval by the dean or senior administrator; this is usually done by the department head. If the successful candidate is an international candidate, contact the Office of International Research Education and Development concerning visa issues.

- _____ **NOTIFY UNSUCCESSFUL APPLICANTS.** Search committee chair is responsible for notifying unsuccessful applicants and interviewees in writing after an offer is accepted or a decision is made to close the search. All correspondence should be filed in each applicant's folder. Applicant names and addresses can be downloaded from PeopleAdmin to facilitate writing letters to numerous applicants.

_____ **DOCUMENT THE HIRE IN THE ONLINE SYSTEM** Search committee chair or responsible hiring manager changes the applicant status of all individuals who applied for the vacancy to indicate their final disposition in the search. Applicants must be assigned to a code that moves them to an inactive category. Please refer to Appendix C for the applicant status matrix.

_____ **COMPLETE AND MAINTAIN SEARCH RECORDS.** PeopleAdmin will be the official record for search materials collected in the online system. The department should maintain any additional materials collected outside of the system (letters of reference, transcripts, copies of appointment documents for the selected candidate – offer letter, signed contract, etc.) for a period of three years. Additionally, departments should maintain a signed copy of the successful candidate’s application.

APPENDIX A: SEARCH EXEMPTION FORM
VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY
FACULTY SEARCH EXEMPTION/POSITION ESTABLISHMENT

Contact Person _____

E-mail _____@vt.edu

Phone _____

SEARCH EXEMPTION REQUESTED (check applicable category below, explain reason in attached justification letter and attach resume/CV of identified candidate)

- A position in the department is a rotation one among members within the department.
 The identified candidate is the only one possessing the unusual set of experiences and skills required for the position.
 The identified candidate is the leading expert in the field and has no viable competitors.
 An interim position is filled by an internal candidate for a limited period of time.
 A classified staff member's position is approved for conversion to faculty status (usually administrative or professional faculty position). Proposed salary increases greater than 10 percent require the president's approval before an offer is made.
 A reorganization within a department necessitates shifting of employees to different positions.
 Position is one year or less or is salaried part-time.
 A dual career hire. See guidelines on dual career appointments issued by the Office of the Provost available at <http://www.hr.vt.edu/employment/dualcareer/>
 Target of Opportunity for Excellence Positions (TOP). See guidelines in the faculty search manual available at http://www.oeo.vt.edu/faculty_search_manual
 Search exemptions for reasons other than those above may be approved on an exceptional basis by the Provost or Executive Vice President, and President.

POSITION INFORMATIONExisting Position yes no If yes, Position No. _____ Last Incumbent _____

Anticipated Start Date _____ Rank _____

Campus Mail Code - 0 _____

FUNDING CODES

	<u>Org.</u>	<u>Fund</u>	<u>Percent</u>
Working Title _____	0 _____	_____	_____%
Department Name _____	0 _____	_____	_____%
College or VP Area _____	0 _____	_____	_____%
Salary Range _____	0 _____	_____	_____%

Position Type: Regular Restricted Restricted End Date _____ Location of Work (if other than Blacksburg) _____**Appointment Type: (Mark all as applicable)**

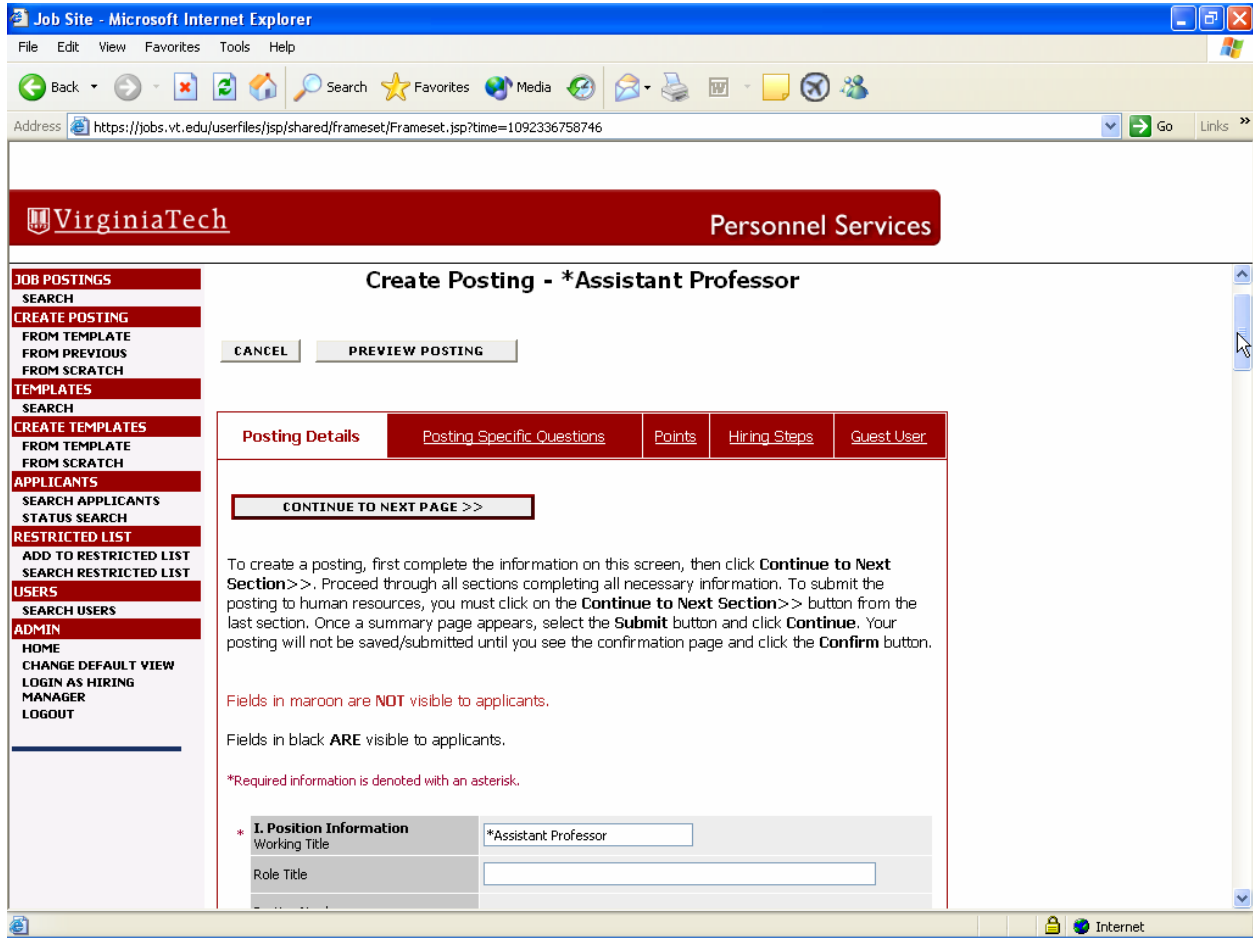
- Tenure Track **OR** Non-Tenure Track Teaching/Research/Extension
 AY **OR** CY Administrative/Professional
 Full Time **OR** Part Time _____%

APPROVAL SIGNATURES_____
Department Head Date_____
Director, Office of Equal Opportunity Date_____
Dean or Vice President Date**POSITION NO.** _____

JOB DESCRIPTION, JUSTIFICATION LETTER, AND RESUME OF IDENTIFIED CANDIDATE
MUST BE ATTACHED

Forward Completed Form to Office for Equal Opportunity
 336 Burruss Hall – 0216 Voice: 540/231-7500 Fax: 540/231-8510

APPENDIX B – SAMPLE FACULTY TEMPLATE



This is an example of the screen you will see when you create a posting from a template. It is recommended that you use a template when creating a posting for the first time.

APPENDIX C: APPLICANT STATUS MATRIX

Applicant Status	Reason	Interview	Offer	Hire	Status
Application received too late					Inactive
Duplicate Application					Inactive
Under review by HR		No	No		Active
Under review by Department		No	No		Active
Short List		No	No		Active
Interviewing		Yes	No		Active
Not Hired	Doesn't meet minimum qualifications	Yes	No	No	Inactive
	Job-related knowledge/skills/abilities insufficient or not as strong as selected candidate	Yes	No	No	Inactive
	Interpersonal or communications skills not suited to the needs of the position	Yes	No	No	Inactive
	No job opportunity for spouse/partner	Yes	No	No	Inactive
	Offered startup package not competitive with candidate's other opportunities	Yes	No	No	Inactive
	Offered salary not competitive with candidate's other opportunities	Yes	No	No	Inactive
	Applicant withdrew	Yes	No	No	Inactive
Hired		Yes	Yes	Yes	Inactive
Application Withdrawn		No	No	No	Inactive
Not Referred/Not Interviewed	Doesn't meet minimum qualifications	No	No	No	Inactive
	Applicant withdrew	No	No	No	Inactive
	Job-related knowledge/skills/abilities insufficient or not as strong as selected candidate	No	No	No	Inactive
Expired from Pool		Yes	No	No	Inactive
Declined Interview	No job opportunity for spouse/partner	Yes	No	No	Inactive
	Potential startup package not competitive with candidate's other opportunities	Yes	No	No	Inactive
	Potential salary not competitive with candidate's other opportunities	Yes	No	No	Inactive
	Applicant withdrew	Yes	No	No	Inactive
Declined Offer	No job opportunity for spouse/partner	Yes	No	No	Inactive
	Offered startup package not competitive with candidate's other opportunities	Yes	No	No	Inactive
	Offered salary not competitive with candidate's other opportunities	Yes	No	No	Inactive

APPENDIX D: QUESTIONS TO ASK AND NOT TO ASK DURING THE INTERVIEW

Please review the following information and questions to help you to develop the appropriate interview questions.

ADDRESS

Lawful

- Applicant's address and length of residence in this city/state.

Unlawful

- Questions regarding foreign addresses which would intentionally or unintentionally indicate national origin.
- Whether applicant owns or rents home or lives in an apartment.
- Names and relationships of persons with whom applicant resides.

AGE/DATE OF BIRTH

The Age Discrimination in Employment Act (29 U.S.C. 621-34) prohibits discrimination on the basis of age against individuals who are over the age of 40. A majority of states also have laws prohibiting age discrimination.

Lawful

- Questions as to whether or not applicant meets minimum/maximum age requirements.

Unlawful

- "How old are you?"
- Birth date

ARRESTS

Consideration of arrest records is almost certainly unlawful. An arrest is no indication whatsoever of guilt, and historically minorities have suffered proportionately more arrests than others. The U.S. Department of Labor has also recognized the potential for discrimination in the consideration of arrest records.

Unlawful

- "Have you ever been arrested?" (An arrest is merely the detaining of a person to answer a crime and has no affect on fitness to perform a particular job.)

CITIZENSHIP

The Equal Employment Opportunity Commission has adopted Guidelines on Discrimination Because of National Origin which contain the following statement: "Because discrimination on the basis of citizenship has the effect of discriminating on the basis of national origin, a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of his citizenship; except pursuant to national security requirements by a federal statute or executive order." At least one federal court has expressly agreed with this analysis (Guzman v. Polich & Benedict Construction Co., 2(CCH) EPD par. 10, 156 (C.D.Calif. 1970), and one has disagreed (Espinoza v. Farah Mfg. Co., (CCH) EPD par. 7835 (5th Cir. 1972).

State and federal courts have recently declared invalid laws in several states which exclude non-citizens from public employment.

Lawful

- "Are you a citizen of this country?"
- "If not a citizen, are you legally eligible to accept work and remain in this country?"

- Statement that, if hired, applicant must furnish proof of citizenship or appropriate visa OR can you, after employment or offer submit verification of your legal right to work in the United States.

Unlawful

- Whether other members of applicant's family are U.S. citizens.
- "Of what country are you a citizen?"
- Require proof of citizenship **prior** to employment.

CONVICTIONS (OTHER THAN FOR TRAFFIC VIOLATIONS)

To the extent that this question implies an absolute bar to the employment of an applicant who has a conviction record, it is probably unlawful. See Carter v. Gallagher, 451 F. 2nd 315 (8th Cir. 1971). On the other hand, an employer probably has the right to exclude persons who have been convicted of job related offenses from consideration.

Lawful

- "Have you ever been convicted of a crime?" (Information obtained must be used only if it relates to applicant's fitness to perform a particular job. Example: Person convicted for embezzlement would be a high risk for a position as cashier in a store.)

EDUCATION

Lawful

- Schools attended.
- Degrees acquired.
- Transcripts, if required of all applicants for similar work.

Unlawful

- Questions regarding national, racial, or religious affiliation of schools attended.

EXPERIENCE

Lawful

- Inquiries regarding previous work experience.
- Foreign countries visited.

FRIENDS OR RELATIVES

This question may reflect preference for friends or relatives of present employees. Such a preference would be unlawful if it has the effect of reducing employment opportunities for women or minorities. It would have this unlawful effect if the present work force differs significantly in its proportion of women or minorities from the population of the area from which workers are recruited. This question may also reflect a rule that only one partner in a marriage can work for the employer. There is a growing recognition that such a rule hurts women far more often than men and that the rule serves no necessary business purpose.

Lawful

- Names and addresses of persons willing to provide character or professional references for applicant.
- Explain conflict of interest rules and ask if these affect applicant.

Unlawful

- Names and addresses of applicant's relatives.

HANDICAP/DISABILITY

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination in employment on the basis of handicap except that a handicapped person must be "qualified" – viz., a qualified handicapped person in the employment context is "a handicapped person who, with reasonable accommodation, can perform the essential

functions of the job in question.” The employer need not hire any individual who, after reasonable accommodation, is not able to perform the essential functions of a job effectively and safely. On July 26, 1990, President Bush signed the Americans with Disabilities Act (ADA) into law. The ADA prohibits discrimination against individuals with disabilities. All employers with 25 or more employees were covered as of July 26, 1992.

Lawful

- If an applicant has an obvious disability, you may ask the applicant to explain how he or she would perform the tasks with or without reasonable accommodations.

Unlawful

- “Do you have any disabilities, physical defects, or on-the-job injuries?”

HEIGHT AND WEIGHT

Some employers have imposed minimum height and weight requirements for employees which are not related to the job to be performed and which have the effect of excluding above-average percentages of women and members of certain nationality groups. Unless height or weight is directly related to the job requirement, these questions should not be asked.

Unlawful

- Questions regarding height and weight are considered unlawful unless based on a bona fide occupational qualification (B.F.O.Q.), and such instances are rare.

IN CASE OF EMERGENCY

Lawful

- Names of persons to be notified in case of emergency.

Unlawful

- Names of relatives to be notified in case of emergency.

MAIDEN NAME

This is not relevant to a person's ability to perform a job and could be used for discriminatory purposes. For example, a woman's maiden name may be used as an indication of her religion or national origin. This item also constitutes an inquiry into marital status which is discussed separately.

Lawful

- First, middle, last name.
- Use of any other names or nicknames necessary for checking previous work experience or education.

Unlawful

- Requirements of prefix Mr., Miss, Ms., Mrs.
- Inquiries about names which would indicate national origin.
- Inquiries regarding names changed by marriage, divorce, court order, etc.

MARITAL STATUS

Some employers have refused to hire a married woman for certain jobs. Most airlines, for example, refused for many years to permit a married woman to be a flight attendant, though other employees could be married. This practice was held to violate Title VII of the Civil Rights Act of 1964 in Sprogis v. United Airlines, 444 F. 2nd 1194 (7th Cir. 1971), and par. 1604.4 (a) of the Commission's Guidelines on Discrimination Because of Sex. Finally, an employer could not refuse to hire a married woman for any job or for particular jobs because of the employer's beliefs concerning morality or family responsibility.

Lawful

- Whether applicant can meet specified work schedules.
- Whether applicant has any additional responsibilities which would interfere with proper attendance.

Unlawful

- Whether applicant is married, single, divorced, separated, engaged, etc.
- Number and ages of dependent children.
- All questions related to pregnancy or methods of family planning.
- Questions regarding child care arrangements.

MILITARY HISTORY

Lawful

- Experience/education in military services which would relate to the job applicant is seeking.

Unlawful

- Type of discharge.
- Military disciplinary record.

ORGANIZATIONS

Lawful

- Names of professional organizations to which applicant belongs.
- Offices held in professional organizations.

Unlawful

- "List all clubs or organizations to which you belong."
- Requesting other information about membership in organizations if this information would indicate race, religion, or national origin of applicant.

RACE

Unlawful

- Questions regarding race.
- Inquiry into color of eyes, hair.
- Other questions which would indicate race.

REFERENCES

Lawful

- Names and addresses of persons willing to provide character or professional references for applicant.

Unlawful

- Require references from pastor, priest, rabbi, or other religious associates.

RELIGION/AVAILABLE FOR SATURDAY AND SUNDAY WORK

This question may serve to discourage applications from persons of certain religions which prohibit their adherents from working on Saturday or Sunday. On the other hand, it may be necessary to know whether an applicant can work on these days. Section 701 (j) of Title VII, as amended in 1972, prohibits discrimination on the basis of religion and defines religion to include "all aspects of religious observance and practice, as well as belief, unless an employer demonstrated that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." If this kind of question is asked, it would be desirable to indicate that a reasonable effort will be made to accommodate the religious needs of employees.

Lawful

- Questions regarding religious denomination or beliefs if based on B.F.O.Q. as in the case of ministers, teachers, or other employees of specific religious organizations.
- Questions regarding availability for work during specific time periods. (Reasonable accommodations must be made for employees whose religious practices interfere with work schedules.)

Unlawful

- Questions regarding religious beliefs if not based on B.F.O.Q.
- Questions such as "What religious holidays do you observe," if asked prior to employment.

GENDER

Title VII prohibits discrimination in employment on the basis of gender except in the few instances in which sex may be a B.F.O.Q. reasonably necessary to the normal operation of the employer's business. There are virtually no jobs that can be performed by only one gender or the other.

Unlawful

- All questions regarding gender of the applicant unless based on B.F.O.Q., which could occur in cases such as men's locker room attendant, etc.

Most of this information was reprinted from U.S. Equal Employment Opportunity Commission Guidelines for Title VII of the Civil Rights Act of 1964. Adapted with permission from Richard D. Howe, Director, Office of Equal Opportunity Programs, Appalachian State University, Boone, North Carolina.