

# **Recruitment of Faculty, Limited, and Academic Staff in the University of Wisconsin Colleges**

## **Handbook For Search and Screen Committees 1999**

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### **INTRODUCTION**

This handbook provides information to ensure that the University of Wisconsin Colleges provides equal employment opportunity through non-discriminatory hiring practices.

State and federal law, as well as institutional policies, commit the University of Wisconsin Colleges to provide equal employment opportunity for all, regardless of age, ancestry, arrest or conviction record, color, creed, cultural background, disability, ethnicity, gender, guard or reserve status, marital status, national origin, race, religion, sex, sexual orientation, or veteran status. (See Appendix A, "The Legal Basis for Non-Discrimination," and Appendix B, "Myths and Realities.")

United States statutes and executive orders have addressed this question over the past 25 years. Besides asserting the need for evenhandedness in employment decisions involving women, persons over the age of 40, veterans, and persons with disabilities, federal legislation has singled out four groups of racial/ethnic minorities for special attention: African Americans, Hispanics, American Indians and Alaskan Natives, and Asians and Pacific Islanders.

The UW Colleges commitment is to more than simple non-discrimination. An adequate representation of well-qualified women and minorities, in all fields and at all employment levels, adds cultural richness to the institution and enhances its vitality and reputation. Offering students a

diverse faculty and staff broadens the instructional program, and provides students with a variety of role models to promote their growth and achievement. Diversity and pluralism in the staff attract diversity and pluralism in the student body.

Immediate responsibility for developing faculty talent is vested in the faculty itself. Responsibility for academic staff personnel practices is more varied, reflecting the diversity of academic staff roles. Whatever the mechanism for personnel decision-making, this handbook can strengthen the university's efforts to increase the diversity of our workforce.

## **DEFINITIONS**

The following definitions are used throughout the handbook:

**Employment Inquiries:** Letters received by any office, campus, or department in the UW Colleges from individuals expressing interest in positions that may be available. Employment inquiries are not considered to be applications for specific vacancies.

**Applicant:** An individual who has submitted a formal application for a vacant position.

**Nominee:** An individual who is nominated by someone other than him/herself for a specific vacancy. A person who accepts the nomination becomes a candidate. A person who refuses the nomination shall be called an "uninterested nominee" and shall be recorded as such.)

**Candidate:** An individual who expresses interest in a specific vacancy, either by applying or by accepting a nomination.

**Finalist:** Each candidate who, in the final stages, is seriously considered for an appointment or whose name is submitted for final consideration.

**Search Committee:** A group of people involved in the recruitment, interviewing and hiring decision for a specific vacant position.

**Chair:** The individual who manages the search process.

## **THE SEARCH COMMITTEE AS UNIVERSITY REPRESENTATIVE**

Given the current state of employment in higher education, it is not unusual for a vacancy to generate large numbers of applications. The search committee, being perhaps the only contact many of these individuals will have with the institution, is in a unique position to enhance the reputation and image of the university. While a search committee is evaluating a candidate, the candidate is also evaluating the search committee, the department or campus it represents, and ultimately, the institution.

Most of the candidates for positions will eventually enter academia and will, in turn, work with colleagues and students. The impression that a candidate receives during a search will reach many individuals beyond the candidate and can influence the success of future searches.

In order to ensure that the impression the candidate receives is a positive one, the search committee must pay attention to details of the search process. Specific aspects that may influence a candidate's perception:

- Being candid and forthright;
- Meeting timelines;
- Keeping promises;
- Being warm and professional in correspondence;
- Politely answering telephone inquiries;
- Conducting interviews that are probing, yet cordial; and
- Having campus visits that are well planned and executed.

As a result of these efforts, the search committee will be seen as professional, humane, and sensitive, and the university as a healthy, pleasant and supportive place to work. In a very real sense, it is possible for a search committee to have been thoroughly successful even if it has failed to hire its top candidate.

## **SEARCHES AND THE SEARCH COMMITTEE**

No committee has greater ability to make profound and substantive changes in a department or campus than the search committee. Members of such committees should thoroughly understand the requirements of the position to be filled, and the mission and priorities of the department, campus, or institution.

The search committee should be composed of individuals who bring to it a variety of perspectives and sensitivity to equity and diversity issues. When possible, women and minorities should be represented. Since these individuals tend to be asked frequently to serve on an array of committees, this may not always be possible.

Each member of the search committee shares in the role of ensuring compliance with equal opportunity and affirmative action requirements, as well as promoting diversity and excellence. The committee will want to evaluate all steps of its search in terms of affirmative action, with particular attention to the danger of unintentionally introducing any kind of discriminatory practice into the process.

UW Colleges encourages as broad-based a search as possible. Faculty appointments and major administrative or support positions are generally recruited nationally. Regional, state, and local searches are appropriate for instructional academic staff, and academic staff with professional titles (i.e., advisor).

## **THE CHARGE**

The charge to the search committee 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 that will hamper and delay the selection process at crucial points.

Among other things, the committee should understand exactly how many finalists it is being asked to recommend, whether they should be ranked, and whether it should make any exploration as to their availability. The

major activities of the committee include:

- Planning a search that is sensitive to affirmative action issues and the need for a diverse pool of candidates;
- Drafting recruitment letters and other appropriate letters (e.g., status of application);
- Informing all applicants and nominees that unless confidentiality is requested in writing, information regarding their applications must be released upon request;
- Informing applicants and nominees that finalists cannot be guaranteed confidentiality; establishing job-related criteria and procedures for screening candidates;
- Reviewing and evaluating all candidates, including reference checks and interviews for those under serious consideration;
- Determining or recommending which candidates will be brought to the campus for interviews;
- Completing all documentation on the search;
- Recommending to a designated individual, by a specified date, a specific number of finalists.

## **THE INITIAL STAGE**

At the search committee's first meeting, the appointing authority should discuss the issues facing the campus or department, in addition to the nature and requirements of the position to be filled.

Searches that do not move forward in an orderly manner have a frustrating and negative effect on both the members of the committee and the candidates. Timelines should be established and followed.

Activities for which you may wish to establish dates are:

- When the committee will begin reading dossiers;
- When the first screening will be made;
- When interviews will take place, including visits to the campus;  
and

- When the final recommendations will be made.

It is useful to discuss at the initial meeting of the search committee how records will be kept (see "Documenting the Search") and how candidate dossiers will be made available for committee members' review. The committee may also want to create a checklist of items that it wishes to receive from the candidate so the individual may be contacted if anything is missing.

Generally, all communications from the search committee should come from the chair. The various types of letters to be sent from the search committee (e.g., letters acknowledging receipt of application, letter to nominee, letter to unqualified applicants, and applicants not selected notification) should be developed early in the search process (see Appendix C).

Selection criteria and screening procedures should be established and agreed upon before materials from the candidates are reviewed. Qualifications for the position and the standards for judgment by the committee should be clearly understood and endorsed by its members. The relative weight, for instance, given to publications, teaching, service, community activities, letters of recommendation, and the ability to enhance cultural diversity and richness should be thoroughly discussed at the start of the search process. The committee must also determine how reference information will be collected (e.g., letters, telephone calls, a combination of both.)

## **DOCUMENTING THE SEARCH**

Departments, campuses, and the institution must maintain records documenting the following information for a period of six years from the date the position is filled: information on all individuals who were hired; all individuals who were rejected; and reasons for selection or non-selection. Among the records that must be retained to do this are the following:

- The names of all members of the search committee and who served as chair;
- A copy of the position description and any other forms related to authorization to recruit;
- Publicity information;
- List of applicants and nominees;
- Candidate files (letters of application, resumes/vitae, transcripts, letters of recommendation, and copies of correspondence with individual applicants and nominees);
- Sample letters sent to applicants;
- List of interviewees (see Appendix E, "Slate of Candidates") and examples of questions posed in the interview process;
- Affirmative action data completed and returned by applicants;
- Any personal notes related to the search process (retain for 2 years only).

While search committees are not required to retain minutes of their meetings, these may prove valuable in reconstructing the search process in case a problem arises. The minutes should include the dates the committee met, and the dates when contacts were made with applicants and nominees.

## **THE JOB DESCRIPTION**

The job description should describe the position to be filled, including primary and secondary responsibilities as well as the required/desired preparation, qualifications, and experience. A well-written job description will attract a diverse applicant pool from which the search and screen committee can select candidates.

A job description that clearly specifies responsibilities and expectations will have many beneficial effects:

- It will assist the search committee to focus on candidate qualifications and to articulate its expectations;

- It will provide a framework through which to consistently evaluate candidates;
  - It will allow potential candidates to determine whether they want to apply for the position; and
  - It will encourage a self-selection process among potential candidate
- A well-written job description will also assist the search committee at the interview stage. Interview questions should assess an applicant's ability to perform the responsibilities assigned to the position. If the job description identifies essential job duties, all applicants, whether or not they have a disability, may be asked if they can perform those duties with or without reasonable accommodations.

While job descriptions may vary widely, they usually include the following elements:

- Title of the position;
- Specific duties for which an individual will be responsible;
- Education and experience required and desired;
- Credentials;
- Areas of specialization;
- Duration of position (include when position begins, whether there is a probationary period, whether tenure track, fixed-term, or fixed-term terminal, or limited, academic year or annual appointment).
- Deadline for receipt of applications;
- Name, address, telephone number, fax number, and e-mail address of contact person;
- Reference to the fact that information regarding applicants/nominees must be revealed upon request for finalists and for individuals who did not request confidentiality in writing.

A deadline for receipt of applications is required in advertisements and public postings. The committee should not consider applications that arrive postmarked after this date. If there should be a records request to produce the list of applicants and nominees, that list would have to be provided within two days of the application deadline. A committee may

accept late supporting materials as long as the initial application was received in a timely way.

In developing a job description, it helps to examine the requirements to be certain that they are not simply the result of traditional practices but rather are genuinely job-related and necessary to perform the required duties. Nothing in the job description can be discriminatory (e.g., "applicants under 30 preferred," or "recent graduates preferred").

## **ENLARGING THE POOL OF CANDIDATES**

A critical part of the search process is the effort to create a broad and diverse pool of candidates. The use of hiring goals is designed to achieve greater inclusion of individuals who have been excluded or underutilized by providing information on where efforts should be concentrated. Hiring goals are established in accordance with U.S. Department of Labor regulations.

One often hears the remark that the pool of women or minorities in a specific discipline or for a specific administrative vacancy is meager or even nonexistent. While certain fields may not have large numbers of women and minorities, there is no field in which they are completely unrepresented. Advertising only in traditional publications will often result in a homogeneous applicant pool of traditional applicants. The committee should look for ways to publicize the position in a manner that will bring it to the attention of qualified women and minority candidates. Increasingly, universities are posting vacancies on a myriad of websites, in addition to print media. The Office of Human Resources will assist in identifying appropriate sites.

Direct contact with academic departments, professional organizations, and colleagues is an effective method of expanding the search. The direct and personal approach to recruitment is one of the most successful practices for identifying candidates. Departments and search committees are urged to:

- Encourage faculty and staff who will be attending professional conferences or who will be delivering papers at other universities to combine their visits with recruitment efforts for present and future positions. They can provide institutions and potential candidates with general information about UW Colleges or a specific campus. They should also be encouraged to solicit curricula vitae from promising candidates.
- Establish a working relationship with departments and units at institutions with substantial numbers of women and minorities. This will allow a host of mutually beneficial activities to be undertaken, such as sharing facilities or faculty exchanges.
- Request names of potential candidates from women and minorities in the UW Colleges, as well as from institutions with strong graduate programs in the discipline.
- Request women and minority caucuses within relevant professional and academic associations for the names of potential candidates, and maintain ongoing communication with these caucuses on other issues.
- Keep national higher education associations informed of present and possible future positions.
- Maintain ongoing contact with professional organizations, associations, and agencies that have a job referral service.
- Use a personal approach in recruiting candidates. Often, outstanding potential candidates do not apply for advertised positions, but might be responsive to individual contacts.
- Invite women and minority scholars from other institutions to participate in department-sponsored symposia and similar events.

## **RESPONDING TO APPLICANTS**

A thank you letter should be sent promptly to all applicants upon receipt of their materials. This letter should state that unless confidentiality is requested in writing, information regarding the applicants and nominees must be released upon request. Finalists cannot be guaranteed

confidentiality. The letter may also contain information about the search committee's timeframe, since candidates are always anxious to know when they will be hearing about their status. Additional information may be requested at this time (see Appendix C, sample letter #1). At this time, applicants should be asked to complete the Affirmative Action Data Questionnaire and return it to the Office of Human Resources.

## **EVALUATING CANDIDATES**

Although evaluation procedures vary, the search committee may want to either develop a rating form based on job-related criteria. A rating form may consist of a series of job-related questions or issues that the committee believes are crucial to the position. Written comments reflecting the judgment of each member of the committee should be made for each candidate. Not only will this allow the search committee to determine which candidates are to be interviewed, it will also save time if it becomes necessary to return to the applicant pool at a later date.

The committee should evaluate only bona fide candidates. Nominees who have not made direct contact with the search committee should not be considered.

A first screening determines if candidates meet the minimum criteria for the position. Subsequent screenings become increasingly qualitative - and increasingly more difficult.

In searches that involve a large number of candidates, not all members need to read all dossiers. It is advisable, however, for the chair of the committee to read all dossiers rejected in the initial screening. Polite letters of rejection should be sent at this point to candidates who do not meet the minimum qualifications, rather than waiting until the entire search has been concluded (Appendix C, sample letter #5).

It is not difficult to get a committee to agree that it should hire the best candidate. Determining the criteria for establishing who may be "the

best" is more difficult. The search committee may wish to evaluate its selection criteria in terms of their validity as predictors of future success. For example, in a faculty search, to what degree does publication in research journals predict performance as a faculty member? Are there other predictors of future performance for women and minorities whose educational, social, and cultural background may be significantly different from that of a white male?

The committee should examine a candidate's entire career when applying its criteria. A woman who has earned her degree and entered the academic profession after taking time out to raise a family will undoubtedly have employment gaps and/or fewer publications than a male of the same age whose career has been uninterrupted. However, if one evaluates her publication record in terms of the time period over which it was produced, however, she may well be the stronger candidate.

A search committee should carefully examine all of an individual's accomplishments, his or her potential for growth, the diversity of perspective that he or she will bring, and any unique contribution the candidate will make. Non-traditional career patterns should not exclude nor otherwise inhibit qualified candidates from being considered for administrative or other appropriate positions.

Search committees must also be on guard at all times against biases that may unconsciously intrude into their evaluation of a candidate. Degrees, for example, from women's colleges or southern universities must not be automatically seen as inadequate. Reference letters from individuals not known to search committee members should not be given less credence and importance than letters coming from cronies in the "old boys' network." Scholarship on feminist or minority issues should be evaluated on its academic merits, not devalued because some may believe that it is not "in the mainstream."

Likewise, it is vital to eliminate from the evaluation process any

stereotyped ideas based on the candidate's race, color, religion, national origin, age, sexual orientation, disability, or gender (e.g., the notion that women are more transient than men, or that individuals with disabilities are not interested in or capable of long-term careers). Applicants with disabilities must be evaluated in terms of the actual job requirements with no thought given to accommodations during the hiring process.

## REFERENCES

The committee must determine whether it will check references on a larger group of candidates, or only on those who make it as a finalist.

The committee is not obligated to contact all of the references submitted by a candidate. It may choose to contact only those whom it believes have the most pertinent information. When communicating with a reference, it is advisable to have a copy of the position description at hand, along with the questions the committee wishes the individual to address. The reference should be informed that the recommendation will be treated confidentially only if he/she requests it.

You may not ask questions of a reference that you are not permitted to ask of the candidate at an interview (see Appendix D). Previous employers are often unwilling to give referrals to prospective employers for fear of negligent referral. In these cases, previous employers can:

- get a legal release of liability;
- give no information, or
- give only limited information (title, date of employment, and salary).

It is the prospective employer's obligation to investigate, not the previous employer's obligation to reveal information. To obtain meaningful reference information:

- Get the basics. Verify dates of employment, type of work done, job title, earnings, honesty, who the applicant worked for; and
- Get information on job-related characteristics the prospective

employer is interested in, such as honesty, integrity, work ethic, reliability, etc.; and

- Notify the applicant that references will be checked. Ask the applicant about his or her eligibility for rehire, quality of work, attendance, and what the previous employer will say about the applicant.

Notes should be taken during the conversations with references so that a written record of the conversation can be placed in the candidate's file.

The search committee may request general personal, and work references not relating to race, color, religion, gender, sexual orientation, national origin, disability, or age. If there are select individuals whom the committee would like to contact about the candidate's qualifications, it should inform the candidate of its wishes. It is not necessary, however, to have the candidate's permission to make such calls. All questions asked and issues raised must, as with all references, be job-related and similar for all candidates. In addition, this information cannot be "off the record" or held confidential.

If a member of a search committee receives an unsolicited call about a candidate, it is advisable to ask the caller to restrict the remarks to job-related issues. The name of the individual who provided the information should be retained for the record.

## **INTERVIEWING CANDIDATES**

When the pool of candidates has been narrowed to a small group of individuals in whom the search committee is seriously interested, the campus visit and plans for the interview must be determined.

A detailed and thorough agenda should be established. This will include the individuals and groups the candidate will meet, and determine the faculty or staff who will escort the candidate from place to place. One person should be designated as the primary host or hostess for the visit. The agenda should be sent to the candidate. Since broad exposure of a candidate to potential colleagues is desirable, the agenda should be

posted for the general community as well.

The committee also should send the candidate information about the department and/or campus. This will help acquaint the candidate with the institution and provide background for her or him to prepare. It is advisable to ask the candidate if there are any special circumstances about which the committee should be apprised. If the candidate, for instance, has a disability, it would be useful to know if a van or a full-size car is needed. If the candidate has special dietary requirements, courtesy demands that they be taken into account in planning for interview commitments that include dining.

## **THE INTERVIEW**

The interview is generally the first opportunity for the candidate and search committee to interact. While the interview allows the search committee to evaluate the candidate, it also permits the candidate to judge the search committee, campus, department, and institution. An interview that is carefully planned, that begins on time, that allows the candidate to present himself or herself in the best possible light, and that elicits the necessary job-related information, is a major element in the process.

All members of the committee should review the candidate's dossier and the job description before the interview.

The questions to be asked of a candidate are of paramount importance. The search committee should devise a group of core questions based on the job-related criteria by which candidates are to be evaluated. These questions should be asked of all candidates, thereby allowing comparative judgments to be made while insuring that crucial job-related information is obtained. Beginning with open-ended questions frequently relaxes the candidate and encourages him or her to speak freely.

Care must be taken to avoid asking inappropriate questions in the course

of an interview. The federal Equal Employment Opportunities Commission has made it clear that certain questions or phrases are unacceptable. The test is whether these questions or phrases can be interpreted as (a) soliciting information not pertinent to the person's ability to perform the job and (b) seeking information that could be used to discriminate against the applicant on the basis of race, color, religion, age, sex, national origin, sexual preference, or disability. (Refer to Appendix D for a list of appropriate and inappropriate interview questions.)

Developing questions ahead of time need not be unduly restrictive. Follow-up questions based on the responses to predetermined questions will most likely vary with each candidate. The questions must be examined to ensure that none will have the effect of screening out or discouraging women or minorities.

Time should be allotted for the candidate to ask questions of the committee.

As a part of the interview process, candidates often meet with members of departments, committees, or groups. To obtain the maximum benefit from these interactions, the committee should circulate to all individuals with whom the candidate will meet, his or her dossier, a copy of the job description, and a copy of the interview schedule. Groups may be asked to assess a candidate's record or comment on the potential of a candidate.

The search committee may wish to set aside a block of time for the candidate to meet informally with faculty, staff, and students. Such occasions are intentionally unstructured so that candidate and constituents can become better acquainted. It is in precisely these situations that care must be taken to avoid asking questions or making comments - either directly or indirectly - that relate to race, the derivation of one's name, ethnic origin, religion, marital status, sexual orientation, age, political affiliations, or other personal matters. Such

questions or remarks create a negative impression of the institution.

Simple courtesy, as well as the spirit of affirmative action, demands that all candidates be treated equally during their interview and campus visit. When feasible, similar events should be scheduled, the same groups should be assembled, and an equal amount of time should be allotted to each interview.

### **CLOSING THE INTERVIEW**

Make sure that you have not overlooked any questions. Encourage the candidate to suggest anything that might expand on or clarify his or her training or experience.

Tell applicants your schedule for completing the search.

### **RECOMMENDING A CANDIDATE**

The search committee will be asked by the appointing authority for the names of qualified applicants who have been thoroughly screened, interviewed, and are, in the committee's opinion, the best qualified for the position. The appointing authority may ask for a specific number of recommendations, a range of numbers (e.g., 2-4), and may also ask for ranked or unranked recommendations. A committee should not rank candidates if they have been charged with submitting an unranked list.

The appointing authority (in the case of a faculty member, the dean on behalf of the chancellor; in the case of a campus dean, the chancellor) will meet with the committee when the recommendations are transmitted. At that time, committee members will be able to express their opinions about the strengths and weaknesses of each recommendation.

### **NOTIFICATION OF UNSUCCESSFUL APPLICANTS**

Each candidate, especially those interviewed, has made an investment of time and other resources to the search process. It is important that the search committee treat each of them with courtesy and sensitivity.

Candidates who were not interviewed should be notified of their status as soon as a firm decision has been made, rather than waiting until the entire search has been completed (see Appendix C, sample letter #6).

As soon as possible after an offer is accepted, interviewees not chosen should be notified by letter, or by telephone if they are internal candidates (see Appendix C, sample letter #7).

All unsuccessful candidates for positions should be notified prior to public announcements of appointments.

## **APPENDIX A**

### **THE LEGAL BASIS FOR NON-DISCRIMINATION**

The University of Wisconsin Colleges has long recognized its moral and ethical responsibility to insure equal opportunity in the workplace. University policy strictly prohibits discrimination against any individual for reasons of race, color, creed, religion, sexual orientation, national origin, sex, age, handicap/disability, or Vietnam veteran status. Equal access to employment opportunities, admissions, educational programs, and all other university activities is to be extended to all.

Numerous federal and state laws and executive orders give legal force to the prohibition against discrimination of various types in the workplace. Among the more important pieces of legislation which provide the legal basis for the goals of equal employment opportunity and affirmative action are:

Immigration Reform and Control Act of 1986. This revision of the U.S. immigration law requires employers to verify the identity and employment authorization of EVERY employee, including U.S. citizens, hired after November 6, 1986.

Title I of the Americans with Disabilities Act (ADA) of 1990. This act prohibits employment discrimination against qualified applicants and employees with disabilities and requires employers to provide reasonable accommodations unless undue hardship would result.

Title II of the Americans with Disabilities Act (ADA) of 1990. This act prohibits discrimination against qualified individuals with disabilities and requires that facilities, programs, and activities be accessible.

Title VII of the Civil Rights Act of 1964, as amended. This act prohibits discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, treatment of pregnancy, and other conditions of employment) on the basis of race, color, religion, national origin, or sex.

Title IX of the Education Amendments of 1972, as amended. This act prohibits discrimination on the basis of sex in all educational programs and activities receiving federal funds.

Executive Order 11246, as amended. This presidential executive order prohibits federal contractors and subcontractors from discrimination in employment (including hiring, upgrading, salaries, fringe benefits, training, and other conditions of employment) on the basis of race, color, religion, national origin, or sex.

Equal Pay Act of 1963, as amended. This act prohibits discrimination in salaries (including almost all fringe benefits) on the basis of sex.

Age Discrimination in Employment Act of 1967. This act prohibits discrimination against applicants and employees who are 40 or more years of age.

Vietnam-Era Veterans Readjustment Assistance Act of 1974. This act prohibits discrimination in employment practices (including hiring, upgrading, demotion or transfer, recruitment, layoff or termination, rate of pay, or other forms of compensation and selection for training) on the basis of being either a veteran with a disability or a veteran of the

Vietnam era.

Section 503 of the Rehabilitation Act of 1973, as amended. This act sets affirmative action obligations of federal contractors and subcontractors with respect to employees and for the advancement in employment of individuals with disabilities.

Section 504 of the Rehabilitation Act of 1973, as amended. This act prohibits discrimination against any qualified applicants, students, or employees on the basis of disability in all programs and activities receiving federal funds.

The Retirement Equity Act of 1984. This act is designed to provide greater pension equity for women and for all workers, their spouses, and dependents, by taking into account changes in work patterns and in the status of marriage (child care leave) as an economic partnership.

The Wisconsin Fair Employment Act (Chapter 111, Wisconsin Statutes). This act protects the rights of all individuals to obtain employment and to enjoy privileges free from employment discrimination because of age, race, creed, color, handicap, marital status, sex, national origin, ancestry, sexual orientation, and arrest or conviction record.

None of these statutes, executive orders, and regulations automatically insures equity and equality in employment. That can only be achieved by the full and enthusiastic support of the ideals and goals of affirmative action by all members of the University of Wisconsin Colleges. For more information, contact the Office of Human Resources (608/262-2578).

## **APPENDIX B**

### **QUESTIONS AND ANSWERS THAT ADDRESS MYTHS AND REALITIES ABOUT THE LEGAL BASIS OF EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION (EEO/AA)**

*What are "affirmative action" and "equal employment opportunity," and are they the same thing?*

The ideas underlying affirmative action and equal employment opportunity are similar with respect to selection, employment and promotion, but affirmative action and equal employment opportunity embody different concepts. Equal employment opportunity means that all individuals must be treated equally in the hiring process, training, and promotion. Each person has the right to be evaluated as an individual on his or her qualifications without discrimination based on stereotypical conceptions of what members of minority groups or any other protected class are like. Classifications protected under federal equal employment opportunity (EEO) laws are those of race, color, national origin, sex, religion, age, or disability. State and local governments have identified additional EEO protected classifications (e.g., sexual orientation).

Affirmative action goes further than equal employment opportunity. It means affirming that organizations and individuals in organizations will proactively and aggressively seek to overcome the effects of past discrimination against groups such as women and minorities, disabled persons, and veterans by making a positive and continuous effort in their recruitment, employment, retention, and promotion. Affirmative action also means that organizations must actively seek to remove any barriers that artificially limit the professional and personal development of individuals who are members of protected classes. Affirmative action applies to all job categories and levels.

***Does affirmative action mean that we are applying different standards for white males than for women and minorities?***

Affirmative action was never meant to encourage the hiring of any candidate who is less than qualified. One standard should be applied to all candidates. Assuming that there is a double standard implies that minorities and women are less qualified, generally, than white males. It is important that job-related criteria be used during the search process and that all candidates be screened according to those criteria.

It is important to note here that the term "best qualified" is often very subjective, particularly in the absence of "job-related" criteria. One person's best is someone else's average. Often people are differently qualified to do the job and bring different but equally important assets. Candidates are often described as "best qualified" based on years of experience. That measure of qualification is often not valid, and also works against women and minorities who are frequently newer in their fields but who may be equally or better qualified than candidates who have more years of experience. Qualifications are also often measured by the candidate's degree-granting institution. This emphasis on the top tier schools also tends to work adversely against women and minorities.

***"I feel that affirmative action is a form of reverse discrimination."***

There is no such thing as reverse discrimination. Discrimination is wrong, whether the victim is white or black, male or female. However, the concept of affirmative action includes the idea that there has been historical discrimination against members of minority groups and women, and this discrimination has hampered their full participation in employment. The fact that a qualified candidate is able to provide diversity to a department, campus, and the institution, is able to serve as a role model for other employees and students, and can offer a range of perspectives also are factors in the evaluation and selection process. Affirmative action means reaching out to candidates and giving all candidates fair consideration throughout the process.

***Do we have a "quota" of women and minorities that we must hire?***

The university and its departments have hiring goals, not quotas. The use of goals is designed to achieve greater inclusion of individuals who were previously excluded or underutilized. Ideally, the percentage of women and minorities working in a department, campus, or institution should be

similar to the percentage of women and minorities available for such positions. Hiring goals are established in accordance with the U.S. Department of Labor regulations.

Quotas, as opposed to goals, are legal only when assigned by courts to correct a pattern of discriminatory employment practices.

***Is it true that once we hire a woman or minority, we cannot ever fire him or her?***

According to the principles of affirmative action, the standards for achievement, job requirements, and job expectations must be applied fairly to all individuals. The terms of employment are the same for everyone. The same standards and the same degree of discretion should be accorded all employees.

## **APPENDIX C**

### **SAMPLE LETTERS**

Letters to applicants and candidates should be courteous and brief. A search committee is not obligated to provide reasons for rejecting an applicant, nor is it obligated to give finalists who were not selected reasons for the final decision. The following samples should be adapted to the voice of the committee chair, but should not include details that are unnecessary.

### **ACKNOWLEDGE RECEIPT OF APPLICATION LETTER #1**

This is to acknowledge receipt of your application for the position of [title] in the [department] at [campus/institutional office]. I will notify you of your status after the initial screening of candidates, which I expect to be completed [date].

I would appreciate it if you would take a moment to complete the enclosed Affirmative Action Data Questionnaire and return it. Submission

of this information is entirely voluntary and will not affect your application.

Please note that unless confidentiality is requested in writing, information regarding applicants must be released upon request. Finalists cannot be guaranteed confidentiality. I am enclosing a form for you to complete and return.

## **APPLICATION RECEIVED AFTER DEADLINE/NO LONGER ACCEPTING APPLICATIONS ☞ LETTER #2**

Thank you for your interest in the position of [title] in the [department] at [campus, institutional office]. Because your application was received after the deadline, I am sorry to inform you that it is not among those being evaluated for this vacancy. If the position is announced again in the future, I encourage you to reapply at that time.

## **LETTER TO NOMINEE ☞ LETTER #3**

You have been nominated as an individual who should be considered for the position of [title] (position description enclosed). If you wish to be considered for this position, please send a cover letter to that effect along with a current resume.

Please note that unless confidentiality is requested in writing, information regarding applicants must be released upon request. Finalists cannot be guaranteed confidentiality.

Feel free to telephone me at [number] if you have any questions.

## **REASONABLE ACCOMMODATION PARAGRAPH ☞ LETTER #4**

(If a letter is used as part of the interview scheduling process, the following paragraph should be included.)

It is the policy of University of Wisconsin Colleges to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. If you need assistance or accommodations to interview because of a disability, please contact me at [address, telephone number]. Employment opportunities will not be denied to anyone because of the need to make reasonable accommodations to a person's disability.

**APPLICANT DOES NOT MEET MINIMUM QUALIFICATIONS ☞  
LETTER #5**

We have completed the initial screening of applications for the position of [title] in the [department] at [campus, institutional office]. I am sorry to inform you that you do not meet the minimum qualifications for the position.

Thank you for your interest in employment with us. I wish you success in your job search.

**QUALIFIED APPLICANT NOT SELECTED/NOT INTERVIEWED ☞  
LETTER #6**

The initial screening of applications for the position of [title] in the [department] at the [campus, institutional office] has been completed. I am sorry to inform you that you were not selected as one of the finalists.

We had a number of highly qualified applicants and would like to thank you for your interest in employment with us. We wish you success in your job search.

**QUALIFIED FINALIST NOT SELECTED ☞ LETTER #7**

Thank you very much for interviewing for the position of [title] in the [department] at [campus, institutional office]. I am sorry to inform you

that the position has been offered to and accepted by another applicant.

Thank you for your interest in this position.

#### APPENDIX D APPROPRIATE AND INAPPROPRIATE INTERVIEW QUESTIONS

<b>SUBJECT</b>	<b>APPROPRIATE</b>	<b>INAPPROPRIATE</b>
<b>Age</b>	None	Question about age, request for birth certificate.
<b>Arrest Record</b>	Wisconsin law permits questions on pending charges if related to job (i.e., security or sensitive jobs)	Questions about pending charges for jobs other than those noted.
<b>Citizenship</b>	May ask questions about legal authorization to work in the specific position, if all applicants are asked.	May not ask if a person is a U.S. citizen.
<b>Conviction</b>	May ask about record of convictions of felony or misdemeanor offenses if all applicants are asked.	Questions about convictions unless the information bears on job performance.
<b>Education</b>	Inquiries about degrees or equivalent experience.	Questions about education that are not related to job performance.
<b>Disability</b>	May ask about an applicant's ability to perform job-related functions with or without accommodations.	Whether applicant has a disability.
<b>Marital/Fami</b>	Whether an applicant can	Any inquiry about

<b>ly Status</b>	meet work schedule or job requirements. Should be asked of both sexes.	marital status, children, pregnancy or child care plans.
<b>Name</b>	Current legal name.	Questions about national origin, ancestry, prior marital status.
<b>National Origin</b>	May ask all applicants if they are legally authorized to work in this specific position.	Whether applicant is legally eligible to work in the United States.
<b>Organizations</b>	Inquiries about professional organizations related to the position.	Inquiries about organizations indicating race, sex, religion, or national origin.
<b>Race or Color</b>	None	Comments about complexion, color of skin, height, or weight.
<b>Religion</b>	Describe the work schedule and ask whether applicant can work that schedule. Also suggest that accommodations are possible.	Inquiries on religious preferences, affiliations, or denominations.
<b>Work Experience</b>	Applicant's previous employment experience	Inquiries of protected group members based on generalizations or stereotypes of that group.