



UNIVERSITY OF MARY WASHINGTON

**Search Procedures for Full-time Teaching
and Instructional Faculty**

Office of the Provost
Office of Human Resources /AAEEO
1301 College Avenue
Fredericksburg, VA 22401-5358
www.umw.edu

***From the Office of Human Resources/AEEO
to Search Committee Members:***

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 our efforts towards affirmative action and equal employment opportunity at UMW.

These procedures simultaneously address the complementary goals of excellence and diversity in the search process. Progress in attracting and retaining women and individuals from underrepresented groups will help us to achieve both goals.

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 of Human Resources/AEEO at 540-654-1046 with questions or concerns.

Office of Human Resources/AEEO

TABLE OF CONTENTS

I. GENERAL INFORMATION

Responsibility and Accountability

Role of the Office of Human Resources/AAEEO

II. SEARCH PROCESS

Search and Screen Committee Checklist

- Pre-search Planning
- Initiating the Search
- Establishing the Applicant Pool
- Interviewing
- Finalizing Selection and Record Keeping

Closed Without Hire/Failed Searches

Search Exemptions

Summary of Recruitment and Hiring Process

III. APPENDICES AND FORMS

Appendix A: Questions to Ask and Not to Ask During the Interview

Appendix B: Recruitment Plan Form

Appendix C: Faculty Search Exemption Form

Appendix D: Faculty Search Closed Without Hire Form

Note: all forms can be downloaded in a Word format from the OHR/AAEEO website or the University S-drive to be filled out electronically.

I. GENERAL INFORMATION

RESPONSIBILITY AND ACCOUNTABILITY FOR FACULTY SEARCHES

Faculty at the University of Mary Washington are committed to and responsible for the recruitment, retention, and development of an excellent, diverse, and productive faculty. These procedures are intended to provide a recruitment process that supports careful planning, describes our practices, and enhances our on-going efforts to conduct full and fair faculty searches. Primary responsibility and accountability for compliance with university policies and procedures rests with the academic deans, provost, and other senior officials of the University, including the Office of Human Resources/AEEO. Deans are expected to play an active role in searches for positions that report to their departments or programs 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;
- selection processes along the way do not inadvertently eliminate candidates because of inappropriate criteria.

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

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

As we seek to hire the best faculty and academic administrative talent at the University of Mary Washington, we will need to use a variety of recruitment strategies. UMW is committed to developing and sustaining relations with a full array of national and international professional associations, with other state, national, and international universities, Historically Black Colleges and Universities (HBCUs), Native American and Hispanic serving institutions, and women's colleges. Academic departments, programs, and other administrative units are strongly encouraged to reach out to their discipline-based colleagues at these and other partner institutions to encourage applicants for our positions and to convey the University's genuine interest in building a high quality and diverse faculty and staff. The university also encourages faculty and staff to consider recruitment while attending conferences, to maintain on-going listings, and other variations on the standard recruitment processes. In some cases, this may mean advertising several openings simultaneously or using an interdisciplinary search committee. Advance consultation with the Office of the Provost, Dean's offices, and the Office of Human Resources/Affirmative Action Equal Opportunity Office (OHR/AEEO) 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 maintain and complete the search process on line. This new data entry and collection system has the benefit of allowing the OHR/AEEO to analyze search practices and to provide timely feedback to departments.

ROLE OF THE OFFICE OF HUMAN RESOURCES/AEEO

The Office of Human Resources/AEEO plays an important oversight role in the faculty search process. As a federal contractor, UMW must meet the requirements set by the Office of Federal Contract Compliance Programs for recruitment and employment practices that address the under representation of women and minorities in our workforce. The OHR/AEEO is responsible for monitoring compliance with federal and university policies and procedures related to faculty searches. OHR/AEEO staff members will also provide guidance to the committee at the onset of the search, share search tools and strategies more likely to yield a more diverse candidate pool, and assist in the progression of searches.

Market demand requires 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 OHR/AEEO staff work together throughout the search process to ensure that the search is accomplished in a timely manner.

II. SEARCH PROCESS

APPLICABILITY OF THESE PROCEDURES

A search in accordance with these procedures is required for all faculty positions that are full-time, regular teaching appointments, whether tenure-track or renewable term contract positions. The Dean's office may approve filling positions that are temporary for one year and adjunct faculty positions without conducting a full search in accordance with these procedures. However, departments are still encouraged to conduct a local or regional search for even temporary and adjunct positions, whenever reasonable, and to make strong efforts to encourage applications and recruit from a diverse applicant pool. In those rare instances where a search for a full-time regular faculty position is not feasible, a search exemption may be requested (see Appendix C for Exemption Form).

SEARCH AND SCREEN PROCESS AND CHECKLIST

All full-time faculty searches must be approved in advance by the Dean and the Provost. This applies to searches for new positions as well as searches for existing positions that become vacant. Once a department has received final approval to search for a position from the Dean and the Provost and notification that the requisition has been approved, the department may begin the search process. Ordinarily, departments/program will receive final approval to conduct a search in late June/early July when the final budget is approved; the ads should be placed by mid-September; candidate campus visits and offers concluded as soon as feasible.

PRE-SEARCH PLANNING:

_____ **ESTABLISH THE SEARCH COMMITTEE.** The hiring department chair/program director in consultation with the Dean will determine the search committee. The search committee for full-time faculty searches must be approved by the Dean and **must include at least one faculty member from outside the hiring department/program.** In special cases, the Dean or Provost may consult with the search chair/committee and elect to ask an individual from outside the University to also serve on the search committee. All committee members are expected to fully participate in the search, review the candidates, and to maintain and adhere to university policies and procedures as these pertain to searches. The committee is expected to be effective in supporting the university's commitment to excellence and diversity. Every effort should be made to establish a diverse search committee.

_____ **INITIATE CHARGE MEETING.** Dean and/or department chair/program director convenes the initial meeting to charge the search committee with its responsibilities for achieving institutional 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 urged to contact the OHR/AAEEO to send a representative or provide advice on best practices in the conduct of the search.

_____ **SUBMIT RECRUITMENT PLAN FOR APPROVAL.** The search committee chair will submit a Recruitment Plan (see Appendix B for Recruitment Plan Form). **The department and search committee may not begin the search process, including placement of ads, until the Recruitment Plan has been approved by the Dean and OHR/AAEEO.** The Recruitment Plan must include the following:

Position information: Attach a copy of the Faculty Personnel Requisition Form

Position Description: search committee or department chair/program director reviews and updates the position description, specifying required and preferred qualifications. Committee members determine if they wish to make use of the supplemental screening feature in careers.umw. This feature may be used as a screening tool to eliminate candidates who do not meet minimum qualifications or to rank order qualified candidates.

Copies of Job Ad: This is the job ad to be used for all external advertising sources (journals, listservs, targeted mailings, etc.). Ads must include appropriate OHR/AAEEO statement.

Recruiting and Advertising Plan: this plan must identify all recruiting resources the committee intends to use 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. The Office of the Provost, Dean's offices, and OHR/AAEEO can also assist in identifying resources. A list of recruiting resources is available on the OHR/AAEEO website: <http://www.umw.edu/hr/default.php>.

List of All Search Committee Members: with their full titles, academic departments/positions, and areas of expertise.

_____ **DEVELOP COMMITTEE SEARCH PROCESS.** Once the Recruitment Plan has been approved, the search committee reviews anticipated search-related costs, creates screening criteria and review sheets, develops a timetable, determines frequency of meetings, and makes decisions about record keeping, handling of references, questions to be asked, and how to address any specific issues pertaining to the position, the hiring department, the University, and other related topics. Any questions about the budget/costs of the search should be resolved with the Dean. Members of the committee should agree in advance on how to handle any difficult questions and/or potentially problematic issues. The committee should also agree on what they believe are the strengths of the department/program/university and what institutional opportunities they want to emphasize to candidates. A successful search not only brings a new colleague to the university but should have provided as positive a campus experience as possible for all candidates. **How a search is conducted is as important as its immediate result; the search process contributes to our reputation as an academic institution and as an employer.**

INITIATING THE SEARCH:

_____ **COMPLETE THE JOB POSTING IN CAREERS.UMW.** The search committee chair or office manager prepares the job posting by completing the position description and search plans on the online form available in careers.umw.

_____ **FORWARD JOB POSTING FOR REVIEW.** The search committee chair or office manager forwards the approved posting to OHR/AAEEO for review and approval. OHR/AAEEO may recommend additional search strategies or revisions to the posting. Committees must submit search requests in a timely manner to ensure enough time for processing. OHR/AAEEO sends approval to the search contact and assigns a position number if appropriate. The search committee then carries out the remainder of the advertising plan by placing any departmental initiated ads, making personal contacts, and recruiting candidates for the vacancy.

ESTABLISHING AND 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 AA/EEEE survey card. A list of applicants will be generated by careers and all applicant information is available to support committee reviews.

_____ **APPLICANT MANAGEMENT.** Application materials received in careers.umw are the official record for the search. **If applicants submit application by mail or to the department, they must be contacted by the chair of the search committee and asked to apply in careers.umw to ensure complete search records.** Only applicants who apply in careers.umw may be considered. Applicants should be required to submit supplemental documents on line, if at all possible. Otherwise, a folder should be established for each applicant. Search chairs are encouraged to keep a record of applicant contacts or other official search business. Applicants may be contacted with application instructions including notice that applications are not complete. All applicants must be treated similarly in this regard.

_____ **RECEIVE CERTIFICATION OF THE APPLICANT POOL.** The Dean's Office is responsible for certifying the applicant pool prior to official applicant screening. OHR/AEEEO will provide information to the Dean on applicants based upon voluntary self-identification information reported in careers.umw. Estimates of expected diversity of the applicant pool should be made 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 Dean may pause the search if the committee has not followed their search plans and/or to work with the committee to address any relevant issues with the applicant pool.

_____ **CONDUCT INITIAL APPLICATION SCREENING.** Once the applicant pool has been certified, official screening/formal decision making may begin. 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 in your department records by indicating the applicant status of these candidates as "Not selected/not interviewed". **Do not make any applicant status changes in careers.umw. All applicant status changes in careers will be made by the Office of Human Resources at the end of the search based on information provided by the search committee.**

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 applications through the guest username and password functionality available in careers.umw. Please refer committee members to careers.umw.

_____ **CONDUCT IN-DEPTH SCREENING.** The committee reviews each candidate's application thoroughly, assessing his/her 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. All candidates in each stage of the process must be treated similarly, for example, all must receive phone interviews if phone interviews are utilized. Applicants are then selected for further consideration e.g. short list.

_____ **CONVICTION INFORMATION REVIEW.** If an applicant selected for further consideration/short list has indicated on the application form a conviction for criminal offense(s) (other than traffic), the search chair must ask that this information be further reviewed/verified by OHR/AEEO. OHR/AEEO will confer with the Dean and, if appropriate, the Provost, as to whether or not the offense is disqualifying for the position. This step must be completed before submitting candidate names to the Dean for campus interviews.

_____ **REFERENCES.** At this point in the screening process, some committees may choose to check references on more than one candidate as a basis for ranking. In all instances, when reference calls are made, they must be documented as they are part of the selection decision. In addition, written references from persons preferred by the candidate can be requested as part of the initial application packet, or requested later from a subset of applicants of interest to the committee. A documented reference check with previous supervisors as indicated on the university application **is required for the finalist** and must be conducted at some point prior to making the final decision (see below). Remember that reference check documentation must be submitted to OHR/AEEO with final paperwork on the selected candidate.

INTERVIEWING:

_____ **SEND INFORMATION ON EACH PROPOSED CANDIDATE FOR A CAMPUS INTERVIEW TO THE DEAN.** *The candidates to be invited to campus for interviews must have the approval of the Dean before those candidates are notified.* The search committee will provide the Dean with requested information on each candidate. If questions arise about the search at this point, all of the necessary parties involved will seek to obtain resolution in a timely manner. Do not make any applicant status changes in careers.umw. All applicant status changes in careers.umw will be made by the Office of Human Resources at the end of the search based on information provided by the search committee.

_____ **NOTIFY CANDIDATES TO BE INTERVIEWED.** Once the Dean has approved the interview list, search committee or designated representative notifies the candidates. Search committee may request additional information such as transcripts and additional references. All candidates at each stage must be treated similarly.

_____ **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 across 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 presentations and interviews with relevant parties.

_____ **REVIEW INTERVIEW QUESTIONS.** Search committee reviews a core set of interview questions that are job related and that will be asked of all candidates. Additional questions will come up in the context of specific interviews, teaching demonstrations, etc. but it is important to be sure that all candidates are asked a same set of questions. Please review Appendix A for guidance on appropriate and inappropriate interview questions. OHR/AAEEO is available to provide advice and review for non-discriminatory language.

FINALIZING A SELECTION AND RECORDKEEPING:

_____ **CONDUCT INTERVIEWS AND SUMMARIZE FEEDBACK.** Search committee reviews written feedback from all those involved in the interview process. In the case of teaching/instructional faculty positions, the departmental/program faculty is a primary source of feedback and advice. The search committee prepares written summaries of the strengths and weaknesses of the interviewed candidates and their overall suitability for the position. Only job-related reasons should be considered and documented. This summary becomes part of final search file in the Office of Human Resources. If an interviewed candidate is deemed no longer viable by the committee, that should be stated.

_____ **OBTAIN SIGNED APPLICATION FORM AND (AS APPLICABLE) SIGNED SELECTIVE SERVICE FORM FROM ALL ON-CAMPUS INTERVIEWEES. (These forms will be submitted for the finalist in the final search file)**

_____ **OBTAIN REFERENCES.** If references on the finalist(s) have not been contacted earlier in the search process, a reference check must be done at this point. A documented reference check with previous supervisors, including immediate past supervisor, as indicated on the university application is required for the finalist. Reference calls must be documented as they are part of the selection decision. In addition, written references from persons preferred by the candidate can be requested as part of the initial application packet. Remember that reference check documentation must be submitted to OHR/AAEEO with final paperwork on the selected candidate.

_____ **RECOMMENDATIONS TO DEAN.** The search committee chair reviews the search and interview processes, and the final search record for the recommended candidate with the Dean. Recommendations to the Dean will be made only for finalists deemed suitable by both the department and the search committee, if these groups are not the same.

_____ **APPROVAL BY DEAN AND PROVOST.** Once the Dean has made his/her decision, this must also be reviewed and approved by the Provost. **No offer can be made to a candidate until it has been approved by the Provost and, as appropriate in certain cases, the President.**

_____ **MAKE THE FORMAL JOB OFFER.** The job offer can be made after approval by the Dean and the Provost (and as appropriate, the President); this is usually done by the department/program head. If further negotiations are necessary, these are ordinarily resolved between the candidate and the department chair/program director, confirming with the Dean as necessary. If the successful candidate is an international candidate, contact the Dean's Office concerning visa issues.

Once the offer has been accepted and approved, the department/program will provide the Dean's Office with all information necessary to generate the offer letter and the finalist's current CV.

_____ **NOTIFY UNSUCCESSFUL APPLICANTS.** The 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 maintained. **The search committee chair should ensure that the auto-letter function in careers.umw is not turned on for the faculty search; all notifications to unsuccessful candidates should come directly from the search committee. Do not make any applicant status changes in career.umw.**

_____ **SUBMIT FINAL SEARCH FILE.** At the conclusion of the search, the department/program will provide the following documents to OHR/AAEEO:

1. Screening sheet for all candidates and summary form.
2. Interview notes for all candidates.
3. Interview summaries for all candidates who were interviewed.
4. Reference check documentation for any candidates whose references were contacted; note that reference checks and documentation are required for the finalist.
5. Letters of reference for finalist.
6. Signed application form and (as applicable) signed selective service form for the finalist
7. Copy of finalist's CV and cover letter

NOTE: These materials must be completed and submitted to OHR/AAEEO before the formal offer letter will be approved and mailed.

CLOSED WITHOUT HIRE/FAILED SEARCHES:

Despite the best efforts of a search committee, department/program faculty, and others, there are legitimate reasons why a search may fail, as well as several possible points in the search process when this might occur. If the initial applicant pool did not produce any applicants the committee believes are strong enough to bring to campus for an interview, if after the campus interviews none of the candidates received sufficient support from the search committee and the department/program to make a supportable recommendation to the Dean, if the Dean, Provost, or President cannot support the recommendations of the search committee, if an offer is made and rejected and there are no other approved candidates—all can lead to the search being closed

without hire. In all cases, before a search is declared closed without hire, the chair of the search committee and the department chair/program director will meet with the Dean to discuss the status of the search and what, if any options may still be available. If the search is closed without hire, the chair of the search committee should notify OHR/AAEEO to close the position on careers.umw and must submit the Faculty Search Closed Without Hire form to the Dean's Office (see Appendix D).

SEARCH EXEMPTIONS

There are rare occasions when an exemption to the search procedures requirement is reasonable and acceptable. A request for an exemption along with appropriate justification should be submitted by the department chair/program director first to the college Dean. All exemptions must also be approved by the OHR/AAEEO, the Provost, and in some cases the President. Some circumstances that might justify an exemption to search are described below. When requesting an exemption, please submit a Faculty Search Exemption Form, detailed justification letter, and the resume/CV of the individual identified for the position (see Appendix C for Faculty Search Exemption Form).

Target of Opportunity Positions: All full-time, regular faculty members are expected to be hired through a national search in accordance with these procedures 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 an individual may be recruited. A target of opportunity hire may happen in several ways. For example, the President or 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 UMW'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 UMW 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 UMW, or the case where the university is pursuing the appointment of an intact team of exceptionally high quality faculty members. While appointments through a target of opportunity hire are expected to be infrequent, they can be critical hires, sometimes transforming an academic program by virtue of the expertise and other resources they bring to the university.

Requests for exemptions in support of a target of opportunity appointment must provide full justification and require advance approval by the Dean, the Provost as well as the OHR/AAEEO. While most such appointments are expected to be for instructional faculty, there may be a similar compelling rationale for a targeted search for an academic administrative appointment which also includes faculty status; any such exemption would require specific approvals.

Departments recruiting through a target of opportunity hire 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 Dean and the Provost must be consulted before pursuing a target of opportunity candidate.

In discussing the particular circumstances for a proposed exemption the Dean, Provost, or OHR/AEEO 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.

SUMMARY RECRUITMENT AND HIRING PROCESS FOR TEACHING FACULTY

- Department Chair/Program Director submits a request to the Dean to create/fill position
- Hiring request approved by Dean and Provost
- Search Committee approved by Dean and charged
- Recruitment Plan approved by Dean and OHR/AAEEO
- Committee finalizes search process including review sheets, timetable, questions, etc.
- Post job in careers.umw
- Ads, recruitment announcements, etc. sent out
- Applicant pool certified by Dean
- Initial screening of applicants; sorting by those who do not meet minimum requirements
- In-depth screening of applicants
- Contact OHR/AAEEO for conviction information review of applicants under consideration
- Dean approves on-campus interviews
- Notify candidates to be interviewed
- Develop schedule for on-campus activities, interview process, and review interview questions
- Conduct interviews and summarize all feedback
- Check any final references
- Search committee chair makes recommendations to Dean
- Dean approves finalist and makes recommendations to Provost
- Provost approves
- Offer made/ initial offer communication
- Once offer is accepted, search committee chair notifies all unsuccessful applicants
- Required search materials/documentation to OHR/AAEEO
- Initial offer letter sent
- If the search closed without hire, the Closed Without Hire Form submitted to the Office of the Dean
- BOV approval of hire: once the BOV formally approves the hire, the official Letter of First Appointment is sent.

APPENDIX A: 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. If you have any questions about what is appropriate or lawful to discuss with a candidate, please contact the Office of the Dean or OHR/AAEEO.

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 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)

Applicants for jobs at the University of Mary Washington must fill out an application that asks the following: Have you ever been convicted* for any violation(s) of law, including moving traffic violations? *Convictions include Virginia juvenile adjudications for Capital Murder, First and Second Degree Murder, or Aggravated Malicious Wounding, if you were age fourteen (14) to eighteen (18) when charged. 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 has the right to exclude persons who have been convicted of job related offenses from consideration. What constitutes a job-related offense will be determined by OHR/AEEO in consultation with the Dean and, if necessary, the Provost. The Search Committee must notify OHR/AEEO for a conviction information review for any applicants the committee chooses for further 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

An applicant's CV must list all post secondary institutions from which he/she has received degrees, the dates of awarding, and the specific disciplines/fields in which those degrees were awarded.

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

Candidates may be asked questions about previous work experience, including their teaching, research, academic advising, and other kinds of academic mentoring or interaction with students. Candidates may be asked to provide specific examples of work that may have involved interaction/experience with diverse student populations.

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.

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.

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.

APPENDIX B: FACULTY RECRUITMENT PLAN

Note: all forms can be downloaded in a Word format from the OHR/AAEEO website or the University S-drive to be filled out electronically.

FACULTY SEARCH RECRUITMENT PLAN

DEPARTMENT:**DATE:****ATTACH FACULTY PERSONNEL REQUISITION FOR THIS POSITION
(Obtain from Dean's Office)****ADDITIONAL APPROVED RESOURCES IF ANY:****POSITION DESCRIPTION** (include all required and desired qualifications):**RECRUITMENT AND ADVERTISING PLAN:**

Provide a recruiting and advertising plan; identify all recruiting resources the committee intends to use 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. The plan must include at least one print ad in a professional/discipline relevant publication—please include the publication date for the print ad; the closing date for the search cannot be any earlier than two weeks after the print ad first appears.

SEARCH COMMITTEE:

NAME	RANK	DISCIPLINE AND DEPARTMENT
Chair of the Committee:		

ATTACH:

COPIES OF JOB AD: Attach copies job ads to be used in all external advertising sources (journals, listservs, targeted mailings, etc.); ads must include appropriate OHR/AEEO statements. Please refer to the pre-search planning section of faculty search manual on the OHR/AEEO website: <http://www.umw.edu/hr/default.php> for the allowable OHR/AEEO statements as well as guidance on writing job descriptions and advertisements.

APPROVED:

Chair of Search Committee _____ Date: _____

Dean: _____ Date: _____

OHR/AEEO _____ Date: _____

APPENDIX C: SEARCH EXEMPTION FORM

Note: all forms can be downloaded in a Word format from the OHR/AAEEO website or the University S-drive to be filled out electronically.

FACULTY SEARCH EXEMPTION

DEPARTMENT:**DATE OF REQUEST:****NEW POSITION (Y/N)****IF EXISTING POSITION, PREVIOUS INCUMBENT:****POSITION/RANK:****TYPE (Tenure Track, RTA):****LENGTH OF APPOINTMENT/CONTRACT:****SALARY RANGE:****START DATE:****REQUIRED TERMINAL DEGREE(S):****AREA(S) OF EXPERTISE:****COURSES TO BE TAUGHT:****OTHER AREAS OF RESPONSIBILITY/EXPECTED CONTRIBUTIONS:****ATTACH POSITION DESCRIPTION (include all required qualifications):****SOURCE(S) OF FUNDING FOR POSITION:**

**JUSTIFICATION LETTER AND CV OF PROPOSED CANDIDATE
MUST BE ATTACHED**

Department Chair : _____ Date: _____

Dean: _____ Date: _____

OHR/AAEEO _____ Date: _____

Provost: _____ Date: _____

President: _____ Date: _____

APPENDIX D: CLOSED WITHOUT HIRE/FAILED SEARCH

Note: all forms can be downloaded in a Word format from the OHR/AAEEO website or the University S-drive to be filled out electronically.

FACULTY SEARCH CLOSED WITHOUT HIRE

DEPARTMENT:**DATE:****ATTACH FACULTY PERSONNEL REQUISITION FOR THIS POSITION****ADDITIONAL APPROVED RESOURCES IF ANY:****POSITION DESCRIPTION** (include all required and desired qualifications):**RECRUITMENT AND ADVERTISING PLAN:**

Summarize the recruitment and advertising plan that was followed including all recruiting resources the committee used (such as listservs, websites, journals or newsletters for specialized professional associations, contacts for pursuing targeted outreach, etc.) Attach copies of all job ads.

NUMBER OF APPLICATIONS RECEIVED:**LIST ANY APPLICANTS INTERVIEWED ON-CAMPUS:**

This manual provides policies and procedures for University of Mary Washington full-time teaching and instructional faculty searches. For additional UMW policies and procedures for the recruitment and hiring of all UMW employees, contact the Office of Human Resources/AAEEO, <http://www.umw.edu/hr/default.php>.