



Strengthening Academic Excellence Through Affirmative Recruiting

Academic Recruitment
and Selection Guidelines

Prepared by the Office of
Equal Opportunity Programs



**STRENGTHENING ACADEMIC
EXCELLENCE THROUGH
AFFIRMATIVE RECRUITING**

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I. INTRODUCTION AND PURPOSE

This booklet has been developed by the USC Office of Equal Opportunity Programs (hereinafter referred to as the EOP Office) as a reference manual for search committees and other individuals responsible for academic recruitment and selection. Its intent is to provide guidance and assistance to those involved in the academic hiring process.

The highest priority of every school and college at the University of South Carolina is to maintain the excellence of its teaching and research activities. A co-existent priority identified by our President is to carry out an effective equal opportunity and non-discriminatory employment program. Both of these needs can be met by advance planning and by ensuring every search is legally sound each time a new faculty or academic administrator appointment is made. By following this course of action, efforts made to locate and attract outstanding minority and female candidates will greatly increase the likelihood of identifying other excellent candidates as well.

We believe this document will serve to heighten the awareness and the importance that our recruitment decisions have upon our affirmative action/equal opportunity posture at the University of South Carolina. The procedures outlined herein conform with the university's policies and procedures on academic hiring and reflect our commitment to both the spirit and intent of federal and state regulations concerning non-discrimination in employment practices.

In addition to providing this reference manual, the EOP Office offers training programs on sexual harassment, the Americans With Disability Act (ADA), EEO history and laws, and diversity in the workplace. A schedule of these programs is outlined on the web at <http://hr.sc.edu/profdevp/subject.html#equal>. The EOP Office welcomes the opportunity to provide any of these training programs for USC departments. To schedule a program for your department please write us at 1600 Hampton Street, Suite 805, Columbia, South Carolina 29208 or telephone us at (803) 777-3854.

II. SEARCH COMMITTEES

A. Composition of Search Committees

Although there are no legal requirements governing the composition of search committees, it is imperative that we insure such committees are representative of the university community's diversity as it relates to race, gender and tenure status. The diversity of the search committee reduces the possibility of a discrimination charge and acts as an affirmative action safeguard for individual committee members who, in their official capacity, may be liable for their decisions.

Good faith also is demonstrated by the university when efforts are made to insure that minority* and female members of search committees have the same standing as other committee members. This effort at balancing the committee serves to promote equity in committee deliberations. The size of the committee may vary, but experience indicates that committees should be no smaller than three nor larger than 12 members. The Search Committee Composition Analysis Form (*Appendix A*) may prove useful to those who appoint search committees.

If a school or college does not use search committees in its recruitment and selection process, the guidelines set forth for search committees are to be used as a guide for the designated hiring official.

B. Responsibility of Search Committees and Hiring Officials

The main responsibilities of search committees and hiring officials are:

1. To comply with federal and state equal employment opportunity laws and university regulations [e.g., University of South Carolina Policies and Procedures, ACAF 1.00 Recruitment; ACAF 1.03 Appointment (Unclassified); ACAF 1.01 Search Procedures; EOP 1.00 Equal Opportunity Policy; EOP 1.01; Equal Opportunity Complaint Processing Procedures; EOP 1.02 Sexual Harassment; EOP 1.03 Discriminatory Harassment; EOP 1.04 Non-Discrimination Policy; and HR 1.27 Nepotism].

*For purposes of affirmative action in employment, ethnic minorities may be those groups that comprise two percent or more of the population of a particular geographic area. In South Carolina, blacks are the only ethnic minority comprising more than two percent of the population. When used in this booklet, the terms "minority" or "ethnic minority" refer to blacks.

2. To formulate clear guidelines, procedures, and criteria for regulating the performance of faculty and staff duties while they are serving on search committees or acting as hiring officials.
3. To select the best qualified applicant for available positions without discrimination because of race, religion, color, national origin, disability, sexual orientation, veteran status, and sex or age except where sex or age is a bona fide occupational qualification [e.g., University of South Carolina Policies and Procedures, EOP 1.00 Equal Opportunity Policy].
4. To demonstrate good faith efforts in carrying out their tasks. This is the affirmative action component of equal employment opportunity – taking positive steps to provide equal opportunity for those categories of persons who may have been discriminated against in the past and who may continue to suffer the effects of that discrimination.

In the performance of official duties, search committees and hiring officials may be race, sex, or ethnic conscious if there is reason to believe that qualified minorities or females have been subject to the exclusionary effects of past employment practices or if there is current underutilization of minorities or women in the department or college in which the vacancy exists.

Finally, search committees when formed are considered as a legal body of the university and as such must comply fully with the Freedom of Information Act. When discussing potential candidates for positions, if the committee desires to protect the confidentiality of its deliberations, a member of the committee may request of the chair that the committee meet in executive session. Remember no notes [which can be subpoenaed] should be taken in executive session; however, in executive session the committee can protect the confidentiality of its deliberations.

III. RECRUITMENT PROCEDURES

A. Affirmative Action Review of Search Committees

The dean/department chair should notify the EOP Office that a search committee is being formed and its proposed composition. The EOP Office will review the proposed composition of the committee and, if necessary, suggest alternate or additional appointees. A representative of the EOP Office may meet with the entire search committee or its chair to review procedures for the search.

B. The Advertising Process

In addition to advertising through traditional means such as The Chronicle of Higher Education, search committees should consider publication of position openings in professional journals that reach a predominantly minority or female readership [i.e., Black Issues in Higher Education, The Affirmative Action Register, etc.], or professional journals in the appropriate field [including ads placed on professional journal web sites].

Other affirmative recruitment techniques include:

- Posting academic positions on the Division of Human Resources web site. Contact the Human Resources' Employment Office for more details.
- Recruiting at national conferences – an effective and economical way to reach potential candidates, especially if minority and women search committee members are there to participate in the recruitment process.
- Letters or telephone calls to prominent minority or female faculty at other institutions requesting recommendations.
- Advertisements in special newsletters, journals, and job listings aimed at women or minorities in a particular field [e.g., “The American Political Science Association Women’s Caucus Newsletter,” and “The Black Scholar”].
- Letters written to special organizations of women and minorities in the appropriate field requesting that the position opening be circulated and publicized as widely as possible among its members.

Careful documentation of advertisements and other recruitment efforts should be kept in the search committee's file since such documentation is required to establish the university's good faith efforts to attract female and minority candidates. **A copy of the advertisement should be sent to the EOP Office.**

C. The Advertisement – Needed Information

The following information should be included in the position advertisement:

- name of the university, college, department
- title of the position

When the rank is not known in advance or when the rank will depend upon the credentials of the selected candidate, the opening should be posted with a statement to that effect or with multiple ranks, i.e., instructor, assistant, associate, or full professor.

- responsibilities of the position
- minimum and preferred skills, experiences, and education

The minimum qualifications [both quantitative and qualitative] are those that are absolutely essential to the performance of the position in question and without which candidates will not be considered [i.e., essential functions of position].

- contingencies associated with the position

If applicable, contingencies associated with the position such as degree earned by a specific date in order to attain a particular rank, should be included.

- description of materials to be submitted in application such as resume and references
- whom to contact
- application deadline [optional]
- salary range [optional]

Application deadlines should be included in the advertisement only when necessary. Deadlines will be determined in part by evaluation of the applicant pool. To avoid the need for re-opening a search, every effort should be made from the outset to acquire a representative pool before ending the search for candidates. If a department wants to accept applications until a selection is made, language to that effect should be included in the initial advertisement.

- affirmative action/equal opportunity byline

All advertisement must include the byline “The University of South Carolina is an affirmative action, equal opportunity employer.” Inclusion of the phrase “Minorities and women are encouraged to apply” is viewed as a good faith effort that may further solicit additional applications from these normally underrepresented groups.

D. Nominated Candidates

The names of candidates may be put into nomination by members of the search committee or by other individuals. The committee chair should write the nominated individuals to inform them of the search and to invite the nominee to submit a vita and other required materials or to apply online via <https://uscjobs.sc.edu> if the vacancy is listed on the University’s online applicant system.

If, upon receipt of replies, it is found that the minorities or women who have been contacted have declined to apply for the position, consideration should be given to making a special approach to these candidates. A telephone call from the search committee, department chair, or person making the original nomination might be productive. This kind of special outreach is especially important in cases where goals exist and where the absence of these candidates means that no other minorities or women are likely to be in the pool of qualified candidates. **All such efforts should be documented for the record.**

E. Receiving and Processing Vitae

In lieu of using the University’s online applicant system, it is acceptable for academic departments to continue using the hiring procedures outlined below.

As vitae are received, **each applicant must be sent the EEO Data Reporting Form** shown in *Appendix B*. Before mailing the form, the hiring department should complete Section C with position title [rank and subject], college and department, and verify that the form is the current version [4/2005] that bears the return address of the EOP Office. Applicant response to the form is voluntary. Returned EEO Data Reporting Forms are held at the EOP Office for statistical analysis and to prevent any appearance of discrimination in the employee selection process.

IV. SCREENING AND INTERVIEWING CANDIDATES

A. Adverse Impact

Applying selection criteria uniformly and in a manner that does not adversely impact on the employment opportunities of any race, sex, or ethnic group is an important responsibility of search committees and hiring officials. Selection procedures that are used to make employment decisions include screening applications, interviewing applicants, and evaluating and selecting the successful candidate.

Adverse impact is a substantially different rate of selection in employment, promotion, or other personnel decisions that works to the disadvantage of members of a race, sex, or ethnic group. Federal and state compliance agencies use what is referred to as the “4/5” or “80 percent” rule to determine adverse impact. The rule is that the selection rate for minorities and women should be at least 4/5 or 80 percent compared to the selection rate for majority group members. If, for example:

Of 80 white applicants, 48 or 60% pass the first screening.

Of 40 black applicants, 12 or 30% pass the first screening.

The selection rate for blacks is 50% of the selection rate for whites, therefore adverse impact for blacks is indicated since their selection rate is less than 80% of the white selection rate.

When adverse impact is indicated, the federal government may require the selection method to be validated.

B. Screening Candidates/Uniform Selection Criteria

Review of candidates' files may be done in whatever manner the committee wishes, depending on the number of candidates, the time available, and the number of committee members. Whatever procedure is chosen, it is important that all committee members agree upon and use the **same screening criteria for all candidates**. Not only is it essential that the same criteria be applied to the candidates by all search committee members, but also it is critically important that **all candidates be treated in an equal manner**. Any techniques or procedures

[i.e., discussions with references or evaluations of written materials] used to select or screen candidates must be applied uniformly to all candidates.

The first screen is for minimum qualifications; any candidate not meeting the minimum qualifications is excluded. Letters should be sent to the individuals who did not survive the first cut, thanking them for applying and letting them know that they are not among the finalists. At subsequent steps in the screening process, the committee should notify the other candidates of their status. This is a matter of courtesy and good public relations.

After the first screen, it is desirable for every committee member to read and rate the files of those candidates meeting the minimum requirements of the position. In cases where hundreds of candidates survive the first cut, it may be necessary to divide the screening of the remaining candidates.

When the review process has been completed, the top candidates will have been identified, and the interview phase of the search will begin.

C. Inviting Candidates for Interview

The dean/department chair gives approval to the search committee to invite candidates for interview. Prior to doing so he/she should review the search procedures for the following information:

- number of applicants for the position by race and sex for EEO purposes,
- number of applicants to be interviewed by race and sex for EEO purposes,
The above information is based on responses to the EEO Data Reporting Forms. The dean or department chair may request an analysis of these forms from the EOP Office.
- copies of advertisements
- curriculum vitae of persons to be interviewed
- curriculum vitae of the highest ranked minority and female candidate if not included in the above
- the affirmative action status of the department with respect to underutilization of minorities and females as indicated in the goals and timetables section of the current Affirmative Action Plan, which is available from the EOP Office.

- if applicable, **written justification** for the noninclusion of the highest ranked minority or female candidate among those to be interviewed should be made a part of the committee record.

D. The Interviewing Process

The activities of search committees or hiring officials include determining which applicants are to be interviewed, and arranging and conducting the interviews. A hiring official should involve other faculty/staff in the interviewing process, selecting those individuals so that they are representative of the university community by race and sex.

A guide to questions that are permissible during an interview is shown at *Appendix C*. It is advisable for search committees and hiring officials to become familiar with this information so as to reduce the possibility that in interviewing candidates they might unintentionally violate Title VII of the Civil Rights Act of 1964 or other state and federal laws aimed at achieving equal employment opportunity. Interview questions should focus on the qualifications, skills, experiences, and other relevant factors that are necessary for the performance of the essential functions of the job for which the candidate is being interviewed.

E. The Hiring Process

University of South Carolina Policies and Procedures, EOP 1.00 Equal Opportunity Policy and EOP 1.04 Non-Discrimination Policy states:

1. In hiring decisions, assignment to a particular title or rank shall be made under explicit and nondiscriminatory criteria and based on the qualifications of the individual being hired.
2. Hiring decisions shall not be governed by assumptions about a particular individual's willingness or ability to relocate because of his or her gender or ethnic origin.
3. Where it is the policy of a department within the university to consider hiring its own graduate, equal consideration shall be given to all such graduates, without regard to race, color, religion, sex, national origin, disability, sexual orientation, or veteran status.

4. No preferential appointments shall be made of unqualified persons over qualified ones, nor of less qualified applicants over more qualified.
5. Members of the same immediate family who are under consideration for a university position may be employed so long as neither member is responsible for the supervision, direction, evaluation, or merit recommendation of the other. All applications involving employment of members of the same family must be discussed with the executive vice president for academic affairs and provost or the campus chief academic officer before a commitment is made.
6. The executive vice president for academic affairs and provost or the campus chief academic officer shall have final approval on all faculty appointments and shall review procedures used in recruiting and reviewing applications to insure that affirmative action and equal employment policies have been followed.

F. The Americans With Disabilities Act (ADA)

Title I of the Americans With Disabilities Act (ADA) prohibits discrimination in employment against a qualified individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job. The employment provisions of the ADA became effective for public employers on January 16, 1992. The Equal Employment Opportunity Commission (EEOC) enforces the employment provisions of the law.

Disability is defined under the ADA as a substantial impairment of a major life activity. A disability under the ADA may have been incurred on or off the job. The ADA provides the qualified disabled applicant or employee with the right of reasonable accommodation and protection against discrimination in the terms, conditions, and privileges of employment. Other than the determination of disability there is no eligibility required for ADA protection. Thus, applicants as well as employees are protected.

The EEOC has outlined the procedures and factors to consider in the reasonable accommodation process; however, there is no precise definition of reasonable accommodation. The employer is entitled to documentation of the disability and need not provide the employee with the exact accommodation requested by the employee if there is a less expensive but effective accommodation. In all cases, reasonable accommodation must be determined on a

case-by-case basis. Reasonable accommodation includes job restructuring to remove marginal functions; temporary, part-time, or modified work schedules; regular reassignment to a vacant position; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examination, training materials, or policies; the provision of qualified readers or interpreters; and other similar accommodations for qualified individuals with disabilities. Reasonable accommodation does not require an employer to alter essential functions to create a job for a disabled worker nor does it require freezing of pay. However, if the employer has a practice of taking these actions for nondisabled employees (e.g., employees who have suffered work-related injuries), then disparate treatment of disabled workers would be prohibited.

The ADA provides nondiscrimination protection to four other classes of applicants and employees: (1) those who are perceived to be disabled; (2) those who have a relationship with a disabled person; (3) those who have a record of a disability; and (4) those who have given testimony in a proceeding under the ADA law.

V. OFFERING A POSITION

The search committee notifies the provost, dean, or department head [depending upon level of hire] of the name of the candidate[s] who has [have] been recommended for the position, with alternate[s] in the event that the offer is not accepted by the recommended candidate.

No offer of employment may be made without prior authorization through normal channels. Sample letters of offer are listed in the University Policies and Procedures ACAF 1.03 “*Appointment of Unclassified Academic Personnel.*”

The provost, dean’s office, or department chair [depending upon level of hire] prepares the Summary of the Process of Recruiting For Unclassified Permanent Position form [*Appendix D*] and forwards it [through normal academic channels] for transmittal to the Division of Human Resources with all other necessary documentation. The hiring official requests the EOP Office to provide the EEO Data Reporting Forms that relate to this position for use in preparing the summary form referred to above. The hiring department must retain the EEO Data Reporting Forms and all other documentation used in the search process for a period of three years.

To make an offer for a “Full Professor,” an individual with tenure, the dean or department head must receive approval from the president and the executive vice president for academic affairs and provost or campus chief academic officer through academic channels utilizing the USC Form A-2 Request to Make An Offer [*Appendix F*] along with the following attachments:

- Approved Form A-1 [*Appendix E*] for a replacement position **or** written approval for a new position.
- Summary of the Process of Recruiting for an Unclassified Permanent Position
- Copy of advertisements, communications, and other good faith efforts for reaching minority and female applicants.
- Curriculum vita of the candidate.
- Three letters of recommendation.

The search committee may be asked to **justify reasons** why minorities and female candidates were eliminated at any stage in the screening process.

The hiring department should inform all unsuccessful applicants that they were not selected for the position.

All documentation pertaining to recruitment, including applications, vitae, and EEO forms, must be retained by the appointing department for at least three years according to government regulations. Refer also to University Policies and Procedures ACAF 1.00, ACAF 1.01, ACAF 1.03, and ACAF 1.06, for other university regulations.

With respect to the hiring of other tenure-track positions, the process should follow the same procedures listed above with the exception that the A-2 form does not have to be utilized.

With respect to the hiring of academic deans, the executive vice president for academic affairs and provost directs and coordinates those hires.

VI. DEFINITION OF ROLE FOR AFFIRMATIVE ACTION ADVOCATES

The role of an affirmative action advocate on a search committee is primarily that of representing the interests of candidates who fall within the following categories: minorities, women, persons with disabilities, Vietnam Era veterans, and disabled veterans. These are the protected classes for which the university must take affirmative action to employ and advance in employment. In addition, there are two groups for whom hiring goals are projected: blacks [male and female] and white females.

An affirmative action advocate needs to be aware of the status of the department's work force in terms of its composition by race and sex and the degree to which blacks [male or female] and/or white females may be underrepresented. Hiring goals are projected based on this underrepresentation and if such goals exist, they will be identified in the university's affirmative action plan. This information is available from the EOP Office.

It is permissible to be race or sex conscious in recruitment under the following conditions: **(1) blacks and/or white females are underutilized in the department and hiring goals are projected in the university's affirmative action plan; (2) the candidate is fully qualified for the position; (3) race or sex is not the sole criterion used in the selection process but merely one of several factors given consideration.**

The affirmative action advocate is expected to monitor carefully the recruitment process to insure that:

1. The position is advertised in a manner that would insure it reaches prospective minority and women applicants. The EOP Office may be consulted for recruitment resources.
2. Adequate and reasonable deadlines are set for the search process conducive to an active search for women and minority candidates.
3. The university's administrative procedures for recruiting academic personnel as described in the USC Policies and Procedures are followed.
4. To the extent possible, affirmative action advocates should encourage applicants to complete the EEO Data Reporting Form. It may be necessary to extend the application deadline based on the composition of the applicant pool.

5. Objective and job-related selection criteria are established early in the process and these criteria are applied equally to all persons.
6. The selection criteria does not adversely affect protected class members, i.e., does not cause a disproportionate number of them to be eliminated. If there is adverse impact on protected classes, then the selection criteria may need to be validated.
7. Proper consideration is given to persons with disabilities who apply in determining the accommodations necessary to enable them to be qualified to perform the essential functions of the job.
8. Special review is given to the credentials of the top ranked black and/or white female candidate(s) if hiring goals are projected for these groups in the affirmative action plan. Written justification for non-selection is placed in the record.
9. Persons selected to interview the candidates are aware of interview questions that are not permissible.
10. The documentation submitted to the executive vice president for academic affairs and provost with a request to make an offer is a thorough and accurate representation of the search process.
11. The EOP Office is informed of offers accepted and rejected.
12. Documentation of the search process is maintained in the department's records for a period of three years.

Affirmative action advocates are encouraged to consult with the EOP Office on any matter needing clarification. To assist the affirmative action advocates, the EOP Office has developed a checklist that covers the above-referenced section [*Appendix G*].

APPENDICES

SEARCH COMMITTEE COMPOSITON ANALYSIS FORM

SEARCH COMMITTEE MEMBERS NAMES	RACE			SEX		AGE		RANK			AREAS OF EXPERTISE**											
	W	B	O	M	F	21-39	40-70	T.	T.T.	NON	TEACHING/	RELATED	FACULTY	STUDENT	COMM.	RESEARCH	DEVLPMT.	DEVLPMT.	LIAISON	OTHER	OTHER	

**These areas of expertise are merely examples. This section of the form should reflect important aspects of the job description for the position being filled.

Legends: Race: W=White, B=Black & Other = Other
Sex: M=Male and F = Female
Rank: T=Tenured, T.T.=Tenure-track, Non-T.T.=Non Tenure-Track
 Feb-05



EEO Data Reporting Form

The federal government requires the following information to be collected for statistical reporting as a part of the University's Affirmative Action Program. All responses are voluntary. Refusal to answer will not result in adverse treatment of any applicant. This information is not used in the employment process nor released in a manner that identifies the individual.

**Return to: Office of Equal Opportunity Programs, University of South Carolina,
1600 Hampton Street, Suite 805, Columbia, S.C. 29208**

Today's Date _____
m/d/yyyy

A. Social Security No. _____

B. Last Name _____ First Name _____

C. Position for which you are applying: Title _____

College _____ Department _____

D. Sex (Check [✓] appropriate box) (1) Male [] (2) Female []

E. Race (Check [✓] appropriate box)

- (1) White/Non Hispanic []
- (2) American Indian/Alaskan Native []
- (3) Black/Non Hispanic []
- (4) Asian/Pacific Islanders []
- (5) Hispanic []

F. Birth Date _____
m/d/yyyy

G. Source of Referral

- [] Professional journal, please list: _____
- [] Local newspaper [] Referral from current employee
- [] National newspaper [] Referral from alumni
- [] USC Job Listing Bulletin Board [] State Office of HR
- [] USC Human Resources website
- [] Other website, please list: _____
- [] Other state agency, please list: _____
- [] Other: _____

The University of South Carolina is an equal opportunity employer and educational institution.

PRE-EMPLOYMENT INQUIRY GUIDE

PURPOSE OF GUIDE

There are a variety of federal laws and executive orders requiring equal employment opportunity and affirmative action. Under these laws certain practices relating to employment on the part of employers, labor union, employment agencies, and others are considered illegal if such practices discriminate against persons because of race, sex, age, religion, color, handicap (*disability*), ancestry, or arrest and court record. The scope of these laws has been expanded by recent court decisions.

These laws and court rulings make it necessary for employers and others who hire workers to take precautions concerning the content of their employment application forms as well as questions sometimes asked of job applicants. This guide is provided to assist in undertaking and applying the law, and to help avoid asking questions in the preemployment process that would give potentially prejudicial information.

It should be understood that this guide is not a complete definition of what can and cannot be asked of applicants. It is illustrative and attempts to answer the questions most frequently asked concerning the law. It is hoped that in most cases the given rules, either directly or by analogy, will guide all personnel involved in the preemployment process of recruiting, interviewing, and selection. This guide pertains only to inquiries, advertisements, etc., directed to all applicants prior to employment. Information required for records such as race, sex, and number of dependents may be requested after the applicant is on the payroll, provided such information is not used for any subsequent discrimination (e.g., upgrade, layoff).

Federal laws are not intended to prohibit employers from obtaining sufficient job-related information about applicants, as long as the questions do not elicit information that could be used for discriminatory purposes. Applicants should not be encouraged to volunteer information forbidden by law. These laws do not restrict the right of employers to define qualifications necessary for satisfactory job performance, but require that standards of qualifications for hiring be applied equally to all persons considered for employment.

It is recognized that the mere routine adherence to law will not accomplish the results intended by the courts and Congress. Employment discrimination can be eliminated only if the laws and regulations are followed in which they were conceived. This guide can assist efforts to ensure equal employment opportunity at any college.

PRE-EMPLOYMENT INQUIRY GUIDE

SUBJECT	PERMISSIBLE INQUIRIES	INQUIRIES THAT MUST BE AVOIDED
1. Name	“Have you worked for this company under a different name?” “Is any additional information relative to change of name, use of an assumed name or nickname necessary to enable a check on your work and educational record? If yes, explain.”	Inquiries about the name that would indicate applicant’s lineage, ancestry, national origin, or descent. Inquiry into previous name of applicant where it has been changed by court order or otherwise. Indicate: Miss, Mrs., Ms.
2. Marital and Family Status	Whether applicant can meet specified work schedules or has activities, commitments, or responsibilities that may hinder the meeting of work attendance requirements. Inquiries, made to males and females alike, as to a duration of stay on job or anticipated absences.	Any inquiry indicating whether an applicant is married, single, engaged, etc.; number and age of children; information on child care arrangements; any questions concerning pregnancy; any similar question that directly or indirectly results in limitation of job opportunity in any way.
3. Age	If a minor, require proof of age in the form of a work permit or a certificate of age. Require proof of age by birth certificate after being hired. Inquiry as to whether the applicant meets the minimum age requirements as set by law and indication that, on hiring, proof of age must be submitted in the form of a birth certificate or other forms of proof of age. If age is a legal requirement: “If hired, can you furnish proof of age?” Or statement that hire is subject to verification of age. Inquiry as to whether an applicant is younger than the employer’s regular retirement age.	Requirement that applicant state age or date of birth. Requirement that applicant produce proof of age in the form of a birth certificate or baptismal record. (The Age Discrimination in Employment Act of 1967 forbids discrimination against persons over the age of 40.)

SUBJECT	PERMISSIBLE INQUIRIES	INQUIRIES THAT MUST BE AVOIDED
<p>4. Handicaps <i>Disability</i></p> <p><i>(Also see Section IV.F The Americans With Disabilities Act.)</i></p>	<p>For employers subject to the provisions of the Rehabilitation Act of 1973, applicants may be “invited” to indicate how and to what extent they are handicapped/<i>disabled</i>. The employer must indicate to applicants that: 1) compliance with the invitation is voluntary; 2) the information is being sought only to remedy discrimination or provide opportunities for the handicapped/<i>disabled</i>; 3) the information will be kept confidential; and 4) refusing to provide the information will not result in adverse treatment. All applicants can be asked if they are able to carry out all necessary job assignments and perform them in a safe manner.</p>	<p>The Rehabilitation Act of 1973 forbids employers from asking job applicants general questions about whether they are handicapped or asking them about the nature and severity of their handicaps. An employer must be prepared to prove that any physical and mental requirements for a job are due to “business necessity” and the safe performance of the job. Except in cases where undue hardship can be proven, employers must make “reasonable accommodations” for the physical and mental limitations of an employee or applicant. “Reasonable accommodation” includes alteration of duties, alteration of physical setting, and provision of aids.</p>
<p>5. Sex</p>	<p>Inquiry as to sex or restriction of employment to one sex is permissible only where a bona fide occupational qualification exists. (This BFOQ exception is interpreted very narrowly by the courts and EEOC.) The burden of proof rests on the employer to prove that the BFOQ does exist and that all members of the affected class are incapable of performing the job.</p>	<p>Sex of applicant. Any other inquiry that would indicate sex. Sex is not a BFOQ because a job involves physical labor (such as heavy lifting) beyond the capacity of some women, nor can employment be restricted just because the job is traditionally labelled “men’s work” or “women’s work.” Sex cannot be used as a factor for determining whether or not an applicant will be satisfied in a particular job. Avoid questions concerning applicant’s height or weight unless you can prove they are necessary requirements for the job to be performed.</p>
<p>6. Race or Color</p>	<p>General distinguishing physical characteristics, such as scars.</p>	<p>Applicant’s race. Color of applicant’s skin, eyes, hair or other questions directly or indirectly indicating race or color.</p>
<p>7. Address or Duration of Residence</p>	<p>Applicant’s address. Inquiry into place and length of current and previous addresses., e.g., “How long a resident of this state or city?”</p>	<p>Specific inquiry into foreign addresses that would indicate national origin. Names or relationships of persons with whom applicant resides. Whether applicant owns or rents home.</p>

SUBJECT	PERMISSIBLE INQUIRIES	INQUIRIES THAT MUST BE AVOIDED
8. Birthplace	“After employment (if employed by this institution) can you submit a birth certificate or other proof of U.S. citizenship?”	Birthplace of applicant. Birthplace of applicant’s parents, spouse, or other relatives. Requirement that applicant submit a birth certificate or naturalization or baptismal record before employment. Any other inquiry into national origin.
9. Religion	An applicant may be advised concerning normal hours and days of work required by the job to avoid possible conflict with religious or other personal convictions.	Applicant’s religious denomination or affiliation, church, parish, pastor or religious holidays observed. Applicants may not be told that any particular religious groups are required to work on their religious holidays. Any inquiry to indicate or identify religious denomination or customs.
10. Military Record	Type of education and experience in service as it relates to a particular job.	Type of discharge.
11. Photograph	Indicate that this may be required after hiring for identification.	Requirement that applicant affix a photograph to his or her application. Request that applicant, at his or her option, submit photograph. Requirement of photograph after interview but before hiring.
12. Citizenship	“Are you a citizen of the United States?” “If you are not a U.S. citizen, have you the legal right to remain permanently in the U.S.” “Do you intend to remain permanently in the U.S.” “If not a citizen, are you prevented from lawfully becoming employed because of visa or immigration status?” Statement that, if hired, applicant may be required to submit proof of citizenship or authorization to work.	“Of what country are you a citizen?” Whether applicant or his or her parents or spouse are naturalized or native born U.S. citizens. Date when applicant or parents or spouse acquired U.S. citizenship. Requirement that applicant produce his or her naturalization papers. Whether applicant’s parents or spouse are citizens of the U.S.
13. Ancestry or National Origin	Languages applicant reads, speaks, or writes fluently. (If another language is necessary to perform the job).	Inquiries into applicant’s lineage, ancestry, national origin, descent, birthplace, or mother tongue. National origin of applicant’s parents or spouse.

SUBJECT	PERMISSIBLE INQUIRIES	INQUIRIES THAT MUST BE AVOIDED
14. Education	Applicant's academic, vocational or professional education; school attended. Inquiry into language skills such as reading, speaking and writing foreign languages.	Any inquiry asking specifically the national, racial, or religious affiliation of a school. Inquiry as to how foreign language ability was acquired.
15. Experience	Applicant's work experience, including names and addresses of previous employers, dates of employment, reasons for leaving, salary history. Other countries visited.	
16. Conviction, Arrest and Court Record	Inquiry into actual convictions that relate reasonably to fitness to perform a particular job. (A conviction is a court ruling where the party is found guilty as charged. An arrest is merely the apprehending or detaining of the person to answer the alleged crime.)	Any inquiry relating to arrests. Ask or check into a person's arrest, court or conviction record if not substantially related to functions and responsibilities of the particular job in question.
17. Relatives	Names of applicant's relatives already employed by this company. Name and addresses of parents or guardian of minor applicant.	Name or address of any relative of adult applicant, other than those employed by this company.
18. Notice in Case of Emergency	Name and address of persons to be notified in case of accident or emergency.	Name and address of relatives to be notified in case of accident or emergency.
19. Experience (<i>Organizations</i>)	Inquiry into the organizations of which an applicant is a member providing the name or character of the organization does not reveal the race, religion, color, or ancestry of the membership. "List all professional organizations to which you belong. What offices held?"	"List all organizations, clubs, societies, and lodges to which you belong." The names of organizations to which the applicant belongs if such information would indicate through character or name the race, religion, color, or ancestry of the membership.

SUBJECT	PERMISSIBLE INQUIRIES	INQUIRIES THAT MUST BE AVOIDED
20. References	By whom were you referred for a position here? Names of persons willing to provide professional and/or character references for applicant.	Require the submission of a religious reference. Request reference from applicant's pastor.
21. Miscellaneous	Notice to applicants that any misstatements or omissions of material facts in the application may be cause for dismissal.	

NOTE: *Any inquiry should be avoided which, although not specifically listed among the above, is designed to elicit information as to race, color, ancestry, age, sex, religion, disability, sexual orientation, or arrest and court record unless based upon a bona fide occupational qualification.*

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ALSO NOTE: Items in this Pre-employment Guide that are indicated by *bold italic* are modifications of the USC Office of Equal Opportunity Programs.

University of South Carolina

**Summary of Recruiting Process 
for an Unclassified Permanent Position**

This form is to be completed and must accompany all academic appointment papers pursuant to federal and University of South Carolina regulations on equal opportunity.

Date: _____
m/d/yyyy

Candidate: _____
(Last, First, Middle Initial)

SSN: _____ Race: _____ Gender: _____

Position Title: _____ Department: _____

Record the number of men and women within each listed category, where known, who applied and were interviewed for this position.

Number of Applicants			Number of Applicants Interviewed	
Male	Female		Male	Female
		White (Non-Hispanic)		
		Black (Non-Hispanic)		
		Hispanic		
		Asian		
		Native American		
		Total Ethnic Groups		
		No Response		

In making this recommendation, this applicant is, in our judgement, the best applicant for employment regardless of race, color, religious affiliation, gender, national origin, age, sexual orientation, veteran status, or disabled status and affirmative action has been taken to ensure that opportunities for employment have been provided without regard to these factors.

Signature: _____

Title: _____

For Human Resources Use Only

Classification: _____ Slot: _____

Form A-1 

Request to Fill Unclassified Position Vacancy

This form requests permission to begin the search process for a tenure/tenure-track position requiring an FTE regardless of the source of funds. This does not apply to non-FTE or classified positions.

[Ref: University Policies and Procedures: ACAF 1.00, ACAF 1.01, ACAF 1.03, and ACAF 1.06]

Date: _____

College/School: _____

Department: _____

Dept. Number: _____ Funding: _____

Position Title: _____

Expected Salary Level for this position: _____ Basis: _____

Justification for filling this vacancy or expected vacancy within the present academic unit:

Approval:

Department: _____ Date: _____

Dean: _____ Date: _____

Provost: _____ Date: _____

University of South Carolina

Form A-2



Request to Make an Offer as Full Professor or With Tenure

[Ref: University Policies and Procedures: ACAF 1.00, ACAF 1.01, ACAF 1.03, and ACAF 1.06]

Date: _____

College/School: _____

Department: _____ Dept. Number: _____

New Position: _____ Replacement: _____ Funding: _____

Title: _____

Person to whom offer will be made: _____

Academic Position: _____ With or Without Tenure: _____

Start Date: _____ Basis: _____ Salary: _____

A satisfactory background check has been completed: Yes: _____ No: _____

Authorized to work in the U.S.: _____ [Submit IS-1 Form to the Office of International Support for Faculty and Staff.]

Terms of Appointment (contingencies/special circumstances appropriate to this offer, equipment, moving expenses, etc.)
A copy of offer letter may be attached.

This applicant is, in our judgment, the best applicant for employment regardless of race, color, religious affiliation, gender, national origin, age, veteran status, sexual orientation, or disabled status. Affirmative action steps have been taken to ensure that opportunities for employment have been provided without regard to these factors.

If offer was made previously and declined by other candidates for this same position, list in chronological order the names of previous candidates. If none, enter N/A.

(1) _____ (2) _____

(3) _____ (4) _____

Items 1, 2, 3 and 4 must be attached before approval can be obtained. Check items that are attached.

- _____ (1) Approved Form A-1 or Request to Increase Existing FTE
- _____ (2) Summary of Process for Recruiting for an Unclassified Position Form
- _____ (3) Copy of advertisements
- _____ (4) Curriculum vitae
- _____ (5) Three letters of recommendation

Approval:

Dean: _____ Date: _____

Provost: _____ Date: _____

President: _____ Date: _____

USC Search Committee
Affirmative Action Check-List



- _____ Confirm that the job announcement follows established University guidelines.
- _____ Determine the extent of underutilization of Blacks and women in the department's workforce in consultation with the Office of Equal Opportunity Programs.
- _____ Contact the Office of Equal Opportunity Programs for recruitment resources.
- _____ Develop recruiting strategies and establish objective, job-related selection criteria.
- _____ Confirm that USC Policies and Procedures for the recruitment of academic personnel are followed.
- _____ Request information from the Office of Equal Opportunity Programs as to whether the EEO Data Reporting Forms indicate the presence of protected classes in the applicant pool (minorities, women, disabled persons, Vietnam Era veterans).
- _____ Establish the procedures to be used by the search committee for screening and reviewing candidates' files.
- _____ If hiring goals are projected in the affirmative action plan for Black males and females and/or White females and these individuals are not selected for interview, then conduct a review of the credentials of the top ranked Black and/or female candidates and place written justification for their non-selection in the record.
- _____ If Blacks and White females are to be interviewed; then include Blacks and women faculty and/or community representatives in the interview schedule.
- _____ Confirm that all individuals who are scheduled to interview candidates are aware of interview questions that are not permissible.
- _____ The search committee's affirmative action advocate reviews documentation on the search process that accompanies requests to make an offer. Documentation should include justification for the non-selection of women and/or Blacks if this is the case and hiring goals were projected.
- _____ Inform the Office of Equal Opportunity Programs of offers accepted or rejected.
- _____ Documentation of all steps in the search process is compiled and retained by the department for a period of three years.

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