



**Strengthening Academic Excellence
Through
Affirmative Recruiting**

Academic Recruitment and Selection Guidelines



U N I V E R S I T Y O F
SOUTH CAROLINA

Prepared By: The Office of Equal Opportunity Programs

STRENGTHENING

ACADEMIC

EXCELLENCE

THROUGH

AFFIRMATIVE

ACTION

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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 the spirit and intent of federal and state regulations concerning non-discrimination in employment practices.

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 and tenure status.

Good faith also is demonstrated by the university when efforts are made to ensure that all members of search committees have the same standing. This effort at balancing the committee serves to promote equity in committee deliberations. When determining the size of a search committee, the level/responsibilities of the position being filled should be considered. The committee should be representative of the University's community, as described above, however, its size should not impede the efficient functioning of the committee. The Search Committee Composition Analysis Form (*Appendix A*) may prove useful to those who appoint search committees.

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

B. Responsibilities 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 requirements [University of South Carolina Policies and Procedures, ACAF 1.00 Recruitment and Appointment of Faculty; ACAF 1.01 Recruitment and Appointment of Academic Administrators; EOP 1.00 Equal Opportunity and Affirmative Action; EOP 1.02 Sexual Harassment; EOP 1.03 Non-Discrimination and Discriminatory Harassment Policy; HR 1.27 Nepotism].
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 discriminating based on race, religion, color, national origin, disability, sexual orientation, protected veteran status, pregnancy, childbirth or related medical conditions, sex or age, except where sex or age is a bona fide occupational qualification.

In the recruitment of applicants, search committees and hiring officials may be conscious of protected class status if there is reason to believe that qualified members of protected classes,

such as minorities, females, protected veterans or individuals with disabilities, have been subject to the exclusionary effects of past employment practices, or if there is current underutilization of members of that protected class in the department or college in which the vacancy exists.

A search committee is subject to and must comply fully with the South Carolina Freedom of Information Act. Legal advice should be obtained from the University's Office of the General Counsel regarding requirements of the S.C. Freedom of Information Act.

III. RECRUITMENT PROCEDURES

A. Affirmative Action Review of Search Committees

As soon as it is known that a search committee will be formed, the dean/department chair should notify the EOP Office and the Office of Talent Acquisition in the Division of Human Resources, 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 modification of the membership. 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 professional journals in the appropriate field (including the journals' websites) and The Chronicle of Higher Education, search committees should consider publication of position openings in professional journals that reach a predominantly minority or female readership, individuals with disabilities and protected Veterans [i.e., Diverse Issues in Higher Education, The Affirmative Action Register and Diverse Military.]

Other affirmative recruitment techniques include:

- ◆ Recruiting at national conferences may be an effective and economical way to reach potential candidates.
- ◆ Letters or telephone calls to faculty at other institutions requesting recommendations may also be productive.
- ◆ Advertisements in special newsletters, journals, and job listings aimed at females or minorities, and if practicable individuals with disabilities and protected veterans, in a particular field [e.g., "The American Political Science Association," and "The Black Scholar"].
- ◆ Letters written to special organizations for females and minorities in the appropriate field, and if practicable, individuals with disabilities and protected veterans, requesting that the positions be circulated and publicized as widely as possible among its members.

Careful documentation of advertisements and other recruitment efforts must be kept in the search committee's file. The documentation is required to establish the university's

good faith efforts to attract female, minority, disabled persons and protected veterans candidates. **A copy of the advertisement should be provided to the EOP Office.**

C. The Advertisement

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 are those necessary to perform the essential functions of the position without which candidates will not be considered.
- ◆ 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 with application such as curriculum vitae and references
- ◆ Who to contact
- ◆ Application deadline
- ◆ Salary range [optional]
 - Application deadlines should be included in the advertisement when necessary. To avoid the need for re-opening a search, every effort should be made to acquire a representative pool before terminating the search. If a department desires 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 advertisements must include the byline: “The University of South Carolina is an affirmative action, equal opportunity employer.” or “The University of South Carolina does not discriminate in educational or employment opportunities or decisions for qualified persons on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, protected veteran status, genetics, pregnancy, childbirth or related medical conditions.” Inclusion of the phrase “Minorities, women, individuals with disabilities and protected veterans are encouraged to apply” may result in additional applications from these underrepresented groups.

D. Nominated Candidates

Candidates may be nominated by members of the search committee or by others. The committee chair should write the nominated individuals to inform them of the search and of the ability to apply online via <https://uscjobs.sc.edu> on the University's online system.

Prior to the deadline for receipt of applications, a telephone call from the person making the original nomination may be productive. This type of special outreach is especially important in cases in which goals exist and absent such efforts, members of under-represented groups may not be present in the pool of qualified candidates. **All such efforts should be documented.**

E. Receiving and Processing Vitae

All applications and application material must be received via the University job website. Any associated documents received outside the on-line system should be uploaded into the system by the search committee chair.

IV. SCREENING AND INTERVIEWING CANDIDATES

A. Screening Candidates/Uniform Selection Criteria

Review of candidates' files may be conducted in any fair and equitable manner the committee decides, depending on the number of candidates, the time available, and the number of committee members. All committee members should agree upon and use the same screening criteria for all candidates. Any techniques or procedures used to select or screen candidates must be applied uniformly to all candidates.

The first screening should evaluate minimum qualifications. The Applicant Tracking System (ATS) generates emails to applicants, depending upon the applicant's status after the initial screening. ATS allows the hiring authority to release the email immediately after the initial screening, or after the position is filled.

After the first screening, it is desirable for every committee member to rate the candidates meeting the minimum requirements. In cases where a large number of candidates survive the screening, it may be necessary to divide the screening of the remaining candidates among committee members.

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

B. Inviting Candidates for Interview

The dean/department chair provides 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 in People Admin 7.0. The dean or department chair may request an analysis of this data from the Talent Acquisition Office or EOP Office.
- ◆ Copies of advertisements;
- ◆ Curriculum vitae of persons to be interviewed;
- ◆ The status of the department with respect to underutilization of members of specified groups, as indicated in the goals and timetables section of the current Affirmative Action Plan, which is available from the EOP Office.

C. The Interviewing Process

The activities of search committees or hiring officials include selecting applicants for interviews and arranging and conducting the interviews. A hiring official should involve other faculty/staff in the interviewing process, selecting those individuals who are representative of the university community.

A guide to permissible questions during an interview is attached at *Appendix C*. It is advisable for search committees and hiring officials to become familiar with this information to avoid unintentionally violating Title VII of the Civil Rights Act of 1964 or other state and federal laws. Interview questions should focus on the qualifications, skills, and experience necessary for the performance of the essential functions of the job.

D. The Hiring Process

1. In hiring decisions, assignment to a particular title or rank shall be made under explicit and non-discriminatory 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. If it is the policy of a department to consider hiring its own graduates, equal consideration shall be given to all such graduates, without regard to race, color, religion, sex, national origin, disability, sexual orientation, protected veteran status, pregnancy, childbirth or medical conditions related thereto.
4. No preferential appointments shall be made of unqualified persons over qualified persons, nor of less qualified applicants over more qualified persons.
5. Members of a USC employee's immediate family who are under consideration for a university position may be employed, providing 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 review procedures used in recruiting and reviewing applications to ensure that affirmative action and equal employment policies have been followed and shall approve administrative appointments at the level of department chair and above.
7. The President must provide written approval before an offer is extended providing tenure or at the rank of full professor; after Presidential approval, appointment with tenure may be offered, contingent upon approval by the Board of Trustees.

E. 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 Equal Employment Opportunity Commission (EEOC) enforces the employment provisions of the law.

Disability is defined under the ADA as a physical or mental impairment that substantially limits on or more major life activities. The ADA provides the qualified disabled applicant or employee a right of reasonable accommodation and protection against discrimination in the terms, conditions, and privileges of employment.

The EEOC has outlined 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 is not required to provide the employee with the accommodation requested by the employee if a less expensive but effective reasonable accommodation is available. 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; 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 non-disabled employees (e.g., employees who have suffered work-related injuries), refusing such accommodations for disabled workers may be prohibited.

The ADA provides 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.

F. Section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans Readjustment Assistance Act (VEVRAA)

The office of Federal Contract Compliance Programs (“OFCCP”) issued final rules in 2013 to improve job opportunities for individuals with disabilities (“IWDs”) and protected veterans. The new rule prohibits federal contractors, which includes USC, from discriminating in employment against individuals with disabilities (IWDs) and requires them to take affirmative action in employment with respect to these individuals. The Vietnam Era Veterans Readjustment Assistance Act (VEVRAA) prohibits federal contractors and subcontractors from discriminating in employment against protected veterans and requires them to take affirmative action in employment with respect to these individuals as well.

Other laws that may apply to the search process are listed in Appendix B.

OFFERING A POSITION

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

Deans must recommend to the Provost a faculty member for hire with tenure at the rank of associate professor or professor. Deans must also recommend a faculty member for hire at the rank of professor without tenure. For tenure-track/tenured faculty candidates, the Provost will forward her recommendation to the President. The Provost’s approval for clinical professor or research professor is final. Written approval of the President is required before an offer can be extended for a hire with tenure and/or for a position at the rank of professor. For a hire with tenure, the President will forward his recommendation to the Board of Trustees.

For a hire with tenure, offer letters must state that tenure is contingent on the approval of the Board of Trustees.

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

All documentation pertaining to recruitment, including applicants, vitae, and EEO, must be retained by the appointing department for at least three years before deletion. Documentation for an international hire must be retained for 6.5 years from the date of the offer letter. Refer also to University Policies and Procedures ACAF 1.00, ACAF 1.01, and ACAF 1.06, for other applicable university requirements.

The Executive Vice President for Academic Affairs and Provost directs and coordinates hires of academic deans.

V. ROLE OF 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, protected 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: minorities [male and female] and white females. Additionally, the university has established hiring benchmarks for individuals with disabilities and protected veterans.

An affirmative action advocate should be aware of the status of the department's workforce and the degree to which minorities, white females, individuals with disabilities and protected veterans may be underrepresented. Hiring goals are projected based on the underrepresentation. If such goals exist, they will be identified in the university's affirmation action plan. This information is available from the EOP Office.

It is permissible to be conscious of protected class status in recruitment under the following conditions: (1) minorities, white females, individuals with disabilities and protected veterans 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) the protected class status being considered 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 ensure that:

1. The position is advertised in a manner that would ensure it reaches prospective minority, women, disabled and protected veteran 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, minority, disabled and protected veteran 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 provide the EEO data requested in People Admin. 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, 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 perform the essential functions of the job.
8. Persons selected to interview the candidates are aware of interview questions that are not permitted.

9. 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.
10. The EOP Office is informed of offers accepted and rejected.

Affirmative action advocates are encouraged to consult with the EOP Office or Division of Human Resources on any matter requiring clarification.

SEARCH COMMITTEE COMPOSITION ANALYSIS FORM

APPENDIX
A

Search
Committee
Members

AREAS OF EXPERTISE

Names

<u>RACE</u>			<u>SEX</u>		<u>AGE</u>	<u>RANK</u>		
W	B	O	M	F	[]	T.	T.T.	Non T.T.

<u>TEACHING</u>				
RELATED	FACULTY	STUDENT	COMM.	[]
RESEARCH	DVLPMNT	DEVLPMNT	LIASON	OTHER

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

- Legends:**
- Race W=White B=Black O=Other
 - Sex M=Male F=Female
 - Rank T=Tenured T.T.= Non Tenured Track

Laws Related to Employment Practices

Title VII of the Civil Rights Act of 1964 (Title VII)

Title VII prohibits discrimination in employment practices on the basis of race, color, religion, national origin, or sex. Title VII also prohibits retaliation against anyone who complains of discrimination, files a charge of discrimination, or participates in an employment discrimination investigation or lawsuit. The law also requires employers to reasonably accommodate an applicant's or employee's sincerely held religious beliefs, unless doing so would create an undue hardship for the employer.

The Pregnancy Discrimination Act

This act amended Title VII by prohibiting discrimination against females because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also prohibits retaliation because of complaints of discrimination, filing a charge of discrimination, or participating in an employment discrimination investigation or lawsuit.

South Carolina Pregnancy Accommodations Act

This law, which became effective in May 2018, prohibits South Carolina employers subject to the South Carolina Human Affairs law from discriminating against applicants for employment and employees based on pregnancy, childbirth or related medical conditions. The Act also requires employers to provide reasonable accommodations, if requested.

The Equal Pay Act of 1963 (EPA)

The EPA prohibits paying different wages to men and women if they perform equal work in the same workplace. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Lilly Ledbetter Fair Pay Act of 2009

This law overturned the Supreme Court's decision in Ledbetter v. Goodyear Tire & Rubber Co., Inc., 550 U.S. 618 (2007), which restricted the time period for filing complaints of employment discrimination

based upon differences in compensation. Under the Act, each paycheck containing discriminatory compensation is a separate violation of the Act, regardless of when the discrimination began.

The Age Discrimination in Employment Act of 1967 (ADEA)

The ADEA protects people who are at least 40 years of age from discrimination because of age. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Title I of the Americans with Disabilities Act of 1990 (ADA)

This law makes it illegal to discriminate against a qualified person with a disability in the private sector and in state and local governments. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless doing so would create an undue hardship for the employer.

The Genetic Information Nondiscrimination Act of 2008 (GINA)

Effective - November 21, 2009.

This law makes it illegal to discriminate against employees or applicants because of genetic information. Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder or condition of an individual's family members (i.e. an individual's family medical history). The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Title VI of the Civil Rights Act of 1964 (Title VI)

Title VI prohibits discrimination on the basis of race, color, and national origin in programs or activities that receive federal financial assistance.

Title IX of the Education Amendments of 1972 (Title IX)

Title IX states: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Section 503 of the Rehabilitation Act of 1973 (Section 503)

Section 503 prohibits federal contractors and subcontractors from discriminating in employment against individuals with disabilities (IWDs), and requires such employers to take affirmative action to recruit, hire, promote, and retain individuals with disabilities.

Section 504 of the Rehabilitation Act of 1973 (Section 504)

Section 504 states: No otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA) prohibits federal contractors and subcontractors from discriminating in employment against protected veterans, and requires these employers to take affirmative action to recruit, hire, promote, and retain such veterans. VEVRAA protects:

- Vietnam era veterans, those who served in Vietnam between February 28, 1961, and May 7, 1975;
- Disabled veterans who are entitled to compensation from the Department of Veterans Affairs, or who were released from active duty because of a service-connected disability;
- Recently separated veterans (discharged from active duty within the past three years);
- Active duty wartime or campaign veterans;
- Campaign badge veterans; or
- Armed Forces service medal veteran.

South Carolina Human Affairs Law

SECTION 1-13-80 of the South Carolina Human Affairs Law provides:

(A) It is an unlawful employment practice for an employer:

(1) to fail or refuse to hire, bar, discharge from employment or otherwise discriminate against an individual with respect to the individual's compensation or terms, conditions, or privileges of employment because of the individual's race, religion, color, sex, age, national origin, or disability.

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 unions, employment agencies, and others are considered illegal if such practices discriminate against persons because of race, sex, age, religion, color, 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 to be cautious concerning the content of employment application forms as well as questions asked of applicants. This guide is provided to assist in undertaking and applying the law, and to help avoid asking improper questions in the pre-employment process.

This guide is not a complete list of improper questions. It is illustrative and attempts to answer the questions frequently asked. 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 unlawful discrimination.

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 unlawful 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 for satisfactory job performance but require that standards for hiring be applied equally to all persons considered for employment.

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 a manner to accomplish that for which they were conceived. This guide can assist efforts to ensure equal employment opportunity in the higher education setting.

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 regarding change of name, use of an assumed name or nickname necessary to check your work or 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.
2. Marital and Family Status	Whether applicant can meet specified work schedules or has activities, commitment or responsibilities that may interfere with the work attendance requirements. Inquiries to males and females alike, about a duration 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, based on marital and family status.
3. Age	If a minor, require proof of age in the form of a work permit or a certificate of age. 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.	Please note: (The Age Discrimination in Employment Act of 1967 forbids discrimination against persons over the age of 40.)
4. Disability	Applicants may be “invited” to indicate how and to what extent they are disabled. The employer must indicate to applicants that: 1) compliance with the invitation is voluntary;	Federal law forbids employers from asking job applicants general questions about whether they are disabled or asking them about the nature and severity of their disability. An employer must be prepared to prove that any physical and mental requirements for a job are due to “business

	2) the information is being sought only to remedy discrimination or provide opportunities for the disabled; 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.	necessity” and the safe performance of the job. Except n 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.
5. Sex	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.	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 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.
6. Race or Color	General distinguishing physical characteristics, such as scars.	Applicant’s race. Color of applicant’s skin, eyes, hair or other questions directly or indirectly indicating race or color.
7. Address or Duration of Residence	Applicant’s address. Inquiry into place and length of current and previous addresses., e.g., “How long a resident of this state or city?”	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.
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 denominations 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 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.
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 And Work Record	Applicant’s work experience, including names and addresses of previous employers, dates of employment, reasons for leaving, other countries visited.	Salary history or questions related thereto.
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 arrest, or court or conviction record, not substantially related to functions and responsibilities of the job.
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 person to be notified in case of accident or emergency	Name or address of any relative of adult applicant, other than those employed by this company

<p>19. Membership In Organizations</p>	<p>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?”</p>	<p>“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.</p>
<p>20. References</p>	<p>By whom were you referred for a position here?” Names of person willing to provide professional and/or character references for applicant.</p>	<p>Require the submission of a religious reference. Request reference from applicant’s pastor.</p>
<p>21. Miscellaneous</p>	<p>Notice to applicants that any misstatements or omissions of material facts in the application may be cause for dismissal</p>	

**USC SEARCH COMMITTEE
AFFIRMATIVE ACTION CHECKLIST**

_____ Confirm that the job announcement follows established University guidelines.

_____ Determine the extent of underutilization of minorities 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.

_____ Assist, as necessary, in the development of recruiting strategies and establishment of objective job-related selection criteria.

_____ Confirm that USC policies and procedures for the recruitment of academic personnel are followed.

_____ Confirm the procedures to be used by the search committee for screening and reviewing candidates' files do not discriminate based on a protected class status.

_____ Inform the Office of Equal Opportunity Programs of offers accepted or rejected.