

Faculty Recruitment Procedures

Constituting a Search Committee

Article Seven, Section Twelve, Subsection C of the College By-Laws

When a vacancy occurs, the instructional line shall remain assigned to the area of expertise unless the Academic Planning Committee (APC) recommends a change to the Faculty Senate. The Senate shall consider the recommendation of the APC and make its own recommendation concerning rank, area of expertise, and salary range to the provost. If the provost rejects the Senate recommendation, the Senate shall make another recommendation. The provost, then, shall announce the final decision to the College community. Following this, a search committee shall be formed, composed of the department chair, one or two faculty members elected by the department faculty, and one faculty member appointed by the provost. The search committee consults with the affirmative action/ equal employment opportunity officer for guidance on conducting a search.

Beginning the Search

1. **Meeting with the Provost.** The chair of the committee should meet with the provost to discuss:
 - a. the provost's selection for the search committee;
 - b. affirmative action aspects of the search and strategies;
 - c. rank, level of experience, and specialist areas;
 - d. whether the terminal degree is required;
 - e. salary range;
 - f. advertising strategies, including affirmative action efforts and deadlines for response or the advisability of no firm deadline;
 - g. any special aspects of the search needing discussion.
2. **Placing the Advertisement.**
 - a. Chair prepares ad and submits to the provost for approval.
 - b. Ads should include the phrases, "a public honors college" and "St. Mary's is an Equal Opportunity, Affirmative Action employer," and include approved description of the College. The ad template is attached (**Attachment A**).
 - c. Ads should be comprehensive but succinct.
 - d. Department chair/search committee meets with EEO/AA officer.
 - e. After ad is approved by provost, department emails ad to afgraves@smcm.edu (Faye Graves in human resources) indicating the publications/websites where the ad should be placed and the cost.
 - f. Please bring to the provost's attention to any unusually high advertising expenses.
 - g. Department places ad. If you prefer, Human Resources will place the ad.
 - h. Department emails ad confirmation placement to afgraves@smcm.edu.
3. **Sample Candidate Letter.** **Attachment B** is an example of a letter you may wish to use when contacting prospective candidates.

Screening for the List of Finalist Candidates

1. **Search Committee Orientation.** The chair should assume that at least some of the search committee members are inexperienced in conducting searches. In particular, inexperienced members may profit from an overview of the complete search process, some suggestions on what to look for in reading dossiers, and guidance on interviewing techniques and questions.
2. **First Mailing.** All candidates responding to an ad should be sent a letter of acknowledgement. Please include as an enclosure in this mailing:
 - a. affirmative action EEO card – obtainable from the human resources office. The card is optional for the applicant to complete.
 - b. a description of the College;
 - c. any additional information you wish to send about your program, the College, or the area.
3. **Pre-arranged Screening Interviews at Conferences.** The most beneficial way to reduce the size of your applicant pool, is to interview in person those 10-20 applicants that appear to be most suitable and most attractive based on applications submitted. These interviews are usually conducted at

professional meetings.

- a. At least two members of the search committee should participate in these interviews. The provost's academic recruitment budget will pay for two department attendees.
 - b. The interviews should be pre-arranged by appointment prior to the start of the conference.
 - c. The search committee should agree on the format of the interview, including the scheduled length of the interview, the set of questions to be posed, and the role of the faculty members conducting the interview. Structured interviews are most effective.
 - d. Interviewees should be given some sense of the timeline for response to the interviews.
4. **Telephone Interviews.** If you are not screening for short-list finalists at a conference, please use telephone interviews to reduce the size of the pool.
- a. Unless you have previously interviewed them, call the final ten or so candidates you are seriously considering interviewing on campus, including your highest ranked minority and women candidate/s.
 - b. The calls should take place several days after the first mailing, so that you can get the candidate's response and determine their level of interest.
 - c. Conference calls by appointment involving all or most of the search committee members are recommended as most informative and reliable. To make such calls, committees can use a conference calling phone available from the provost.
 - d. Committees should discuss in advance what questions will be most useful in these conversations, which can be used to answer candidate's questions as well as ours. The telephone interview should be comprehensive and specific enough to eliminate candidates who are not seriously interested in St. Mary's, are not well-qualified, or are not a good fit for the students or the College.
5. **Decisions on Finalists and Consultation with the Provost.** After the interviews are conducted to identify finalists who might be invited for campus interviews, the search committee should decide on an overall strategy for completing the search. Several issues should be considered depending upon specific information about the potential finalists and the department's staffing needs. The committee might prioritize the top 5-7 candidates, trying to anticipate strategies necessary if certain top ranked candidates withdraw or are lost to other employers. What strengths does each candidate have for the program's needs? What are the potential contributions of candidates to the broader College community? Are there specific factors about the College or area that would make the College especially attractive to some candidates? Since we very much seek to increase minority representation within the faculty, and the representation of women in certain fields, the presence of such candidates in the pool is an important consideration in choosing the finalists for campus visits.

The committee chair should provide the provost with the dossiers of the top group of candidates several days prior to consulting with the provost to settle on finalists to be invited to campus. NOTE: Given the difficulties that the College has encountered because of the H1B visa quotas, it is important that we try to determine the employment eligibility of potential finalists at the time we discuss a potential campus interview. The appropriate way to obtain this important information is to pose this statement and question. *The successful candidate must be able to produce the legal documentation required by the Immigration and Naturalization Service that will allow you to legally work in the U.S. for the duration of this contract. Will you be able to provide the required documentation?* The answer to this question helps us anticipate potential delays or complications in reaching a final employment contract.

- a. For each tenure track position, we will normally invite three finalists for campus interviews. Campus visits for visiting or term positions are decided on a case by case basis.
 - b. The provost expects that search committees have taken affirmative steps to recruit minorities and women and will want to discuss such candidates who were interviewed in the screening round.
 - c. The provost may authorize your bringing in an extra candidate or two if it will facilitate your most careful consideration of women and minority candidates.
 - d. If there are inadequate numbers of women and minority candidates in the pool, the provost may request a pause in the selection process for the use of measures to generate additional candidates.
6. **Subsequent Mailings.** Please use your judgment about keeping candidates informed of their status as the search progresses. All candidates should be notified about the outcome of the search. And all finalists who visited campus should be notified by phone.

On-Campus Visit

- I. **Schedule.** In arranging the campus visit, consider carefully what schedule of meetings and events will:
 - a. put the College's best foot forward;
 - b. enable us to learn the most about the candidate;
 - c. be of most interest to the candidate (You might ask them in advance).

A written schedule for the campus visit should be provided to the candidate upon arrival and to all members of the department. It should identify all meetings and activities by date, time, location, and participant.

Please give special consideration to aspects of the College or other issues of particular interest to women and minority candidates.

2. **Presentation.** In virtually all instances, the candidate should be asked to make a presentation with time for questions or to run a discussion for students.
 - a. When you decide what kind of presentation to have candidates give, you might consider what they will be teaching and what special concerns you may have from reading the dossier and from the earlier interview at a conference or on the telephone.
 - b. It is preferable to have the candidate address students with some faculty present rather than only students.
 - c. It might be that the most appropriate occasion would be a special talk to a group of students selected for the purpose rather than a class. There are at times problems with having candidates take over a class in an ongoing course.
 - d. In all cases where it is practical, please have the students who have seen the presentation provide a written response to the presentation on a form that you give them. A model is enclosed (Attachment C).
3. **Interview and Hiring Process.** St. Mary's College is committed to sound, legal hiring practices. When interviewing candidates it is essential to avoid any form of discrimination, intentional or unintentional. Everyone who interviews must be aware of areas in which even apparently innocent questions, asked in good faith, can leave the College and the interviewer open to costly and time-consuming charges of discrimination.

Discrimination charges can be filed by individuals who feel they have been denied a job because of race, citizenship, color, age, religion, national origin, sex, or disability. When in doubt as to the suitability of a question or action, get clarification from your human resources officer or EEO/AA Officer.

The following are guidelines and information to use when interviewing candidates.

QUESTIONS TO AVOID. DO NOT ask questions regarding an applicant's:

- Race, religion, color, sex, national origin
- Height & weight (permissible after a job offer has been made as part of entrance physical examination)
- Marital status
- Children and child care arrangements
- Arrests
- Type of military discharge
- Age
- Economic status
- Medical condition
- Physical or mental disability
- English language skill

Race and Color. Federal and state laws prohibit discrimination on the basis of race or color. Therefore, questions concerning an applicant's race or color may not be asked. Question aimed at soliciting the candidate's opinion about one race or another, or working with other races should

likewise be avoided.

Religion. Avoid all questions which might solicit information about an applicant's religious background or affiliation. These include questions about the origin of a last name or current or past affiliations, such as college fraternities.

When Friday night, Saturday or Sunday work or weekend overtime is required, it is *appropriate* to ask if the applicant is willing and able to work the days in question.

Sex. There are very few jobs which must be performed by one particular sex only. While an applicant's sex is usually obvious in a face-to-face interview, sex cannot be used as a reason to hire or not hire an applicant. Employers who select candidates on the basis of sex should be prepared to prove that sex is a bona fide occupational qualification. (BFOQ). An applicant's pregnancy, childbirth, and related medical conditions likewise do not automatically disqualify an applicant for employment.

National Origin and English Language Skills. The same comments which were made regarding an applicant's race, color and religion apply here as well.

The Immigration Reform and Control Act (IRCA) of 1986 prohibits the employment of unauthorized aliens. The Act forbids employers from knowingly hiring or recruiting for work aliens who are not authorized to work in the United States. Unauthorized aliens include those aliens who are not either lawfully admitted for permanent residence or authorized by the United States Citizenship & Immigration Services (USCIS), Department of Homeland Security to be employed. An employer must obtain from all new hires documentation proving that s/he is a citizen or national of the U.S., an alien lawfully admitted for permanent residence, or an alien authorized to be employed in the U.S.

The Act makes it unlawful for employers to discriminate based on national origin or citizenship status.

Q.: Can an interviewer specifically ask an applicant to verify eligibility to work in the United States during a pre-employment interview?

A: During the recruiting interview, questions such as, "Are you an American citizen?" may be viewed as discriminatory and should be avoided. However, upon hire, the employee must provide original documentation of evidence of identity and employment eligibility to the personnel office within three (3) business days of the date employment begins or the employer must remove him/her from payroll.

If an employer can prove that certain language skills are required (BFOQ) in order to perform the job, then it is acceptable to ask what languages are spoken fluently. It is not acceptable to ask how or where the candidate learned those languages, or where the applicant or the applicant's parents were born.

Note: An employer is permitted to choose a U.S. citizen over an equally qualified alien, but may not hire a U.S. citizen over a more highly qualified alien who is eligible to work in the U.S.

Height and Weight. Minimum height and weight requirements for a job may be discriminatory under federal law absent a bona-fide occupational qualification defense. Therefore, such requirements must be proven to be a job-related necessity to be permissible. Statistical evidence correlating height and weight requirements with job performance or safety is potentially acceptable according to the EEOC's Uniform Guidelines on Employee Selection Procedures. The evidence must show that an applicant who does not meet these requirements cannot perform the job adequately and safely.

Marital Status, Children, and Child Care. The rule of thumb here is quite simple: do not ask a woman what you would not ask a man. And vice versa. It is *never* permissible to ask anyone whether he or she is married, has children, how their children will be cared for, what the applicant's spouse does for a living or how their family will react to the applicant traveling on the job. If overtime, early hours, or travel is part of the job, it is acceptable to state this and to ask if the applicant will be able to meet those job requirements.

Arrests. The EEOC and the courts recognize that employers have a legitimate right to know whether an applicant has ever been convicted of crimes. It is not permissible to ask an applicant about any arrests. But it is acceptable to ask if the candidate has ever been convicted, and a good interviewer should ask for details. (For example, someone who has been convicted of embezzlement is probably not a good match for a job handling a lot of money.) An arrest without a resulting conviction does not serve as proof that the arrested individual committed an illegal act. Therefore, it is not permissible to ask an applicant about arrests. It is appropriate to ask, "Have you ever been convicted of an unlawful act other than a minor traffic violation?" If the answer is "yes" the crucial question is whether or not the offense relates to performance of the particular job.

"Criminal convictions are not an absolute bar to employment but will be considered only with respect to the specific requirements of the job of which an applicant is applying."¹ Faculty members are asked to sign the "Notice of Employer-Prohibited Behavior" which is included in the employment packet

Military Record. Any information about military experience that relates to a job will surface when the candidate is asked about specific job skills, knowledge or experience. If an applicant was court martialled and served any term in prison as a result, this should surface when the applicant is asked about prior convictions.

Age. Federal law prohibits discrimination on the basis of age (people age forty and over are specifically protected under this law). Therefore, questions directly or indirectly relating to age should be avoided. Questions that might indicate the applicant's age should be avoided, for example, year of high school graduation, ages of children, whether a veteran fought in a specific war, etc.

Economic Status. Questions concerning the financial status of the applicant (e.g., credit history, wage garnishment, home and automobile ownership, bank and charge accounts) may negatively affect certain minority groups and single women. In addition, the relationship of personal finances to some job requirements may often only be tangential. On the other hand, an employer may have a legitimate interest in whether an applicant has the use of an automobile and/or access to reliable transportation. Treating applicants differently on the basis of personal finances may, depending on the circumstances, violate federal or state law. Under the Fair Credit Reporting Act, if employment is denied on the basis of a credit report prepared by a consumer-reporting agency, the employer must advise the applicant of the report's existence and that it was the reason for denying employment. Under the federal bankruptcy code, an employer may not discriminate against an applicant or employee who has filed for bankruptcy. [11 USC§525(b)]

Medical Condition and Physical Disability. It is illegal to eliminate a disabled person or persons suffering from some medical condition (cancer, mental illness, heart disease, HIV and AIDs) from consideration for a job, unless it can be shown that the disability, with or without reasonable accommodation, prevents the applicant from performing essential job functions that will measurably and adversely affect job performance or safety. It is also illegal to discriminate against an applicant regarded as having a disability or an applicant who associates with people with disabilities.

Questions during the interview should focus on the applicant's ability to do the job -- not on disabilities.

Acceptable questions include: The job involves stacking cartons of nails at the end of our packing line. Can you lift 50 pound weights regularly during an eight-hour shift? or, The position involves attending frequent meetings in other states. Overnight travel is involved. Can you perform these functions? or, "Can you perform the essential functions of this position?"

There will be some candidates who volunteer information about one or more of the foregoing subject areas. The appropriate response when that happens is to tell the applicant that the information is not pertinent to the job specifications or performance.

There are practical reasons to avoid these areas of questioning. Even if the answer to an illegal question is not used as part of a hire/no hire decision, the fact that it was asked, and that the applicant was not hired, can be grounds for filing a complaint. Asking these questions is rarely worth the trouble if an applicant chooses to complain.

¹Employment Law, Fourth Edition, Mark R. Filipp, Esq., Thomas L. Boyer, Esq., James O. Castagnera, Esq.

Questioning Techniques

How an interviewer asks a question is as important as what is asked. There are several ways of asking the same question; each method might be appropriate at different times during an interview.

A well-prepared interviewer will have developed an interview plan and have prepared a written list of questions that are related to the knowledge, skills, and abilities required. The plan will list areas of the applicant's background which need further probing, points needing clarification, or "red flags" (possible problems) which need investigating. And there will be some topics of importance about which nothing is stated on a resume or job application. All points in a plan should be covered; some areas will need more time than others to cover.

"Red Flags"

These items alone would not necessarily disqualify a candidate. But they are indicators of possible problems, and should be investigated if the applicant seems otherwise qualified for the position and is worthy of an interview.

Watch for gaps in the job history. Find out the reasons for these gaps, and don't let the lack of job dates slip by unnoticed. Always confirm dates with applicants and investigate the reasons for the gaps. Sometimes they are legitimate: an applicant may have taken time out from a career to raise a family; an applicant may have been careful about selecting a new job, etc.

A lengthy section on classes and seminars attended often is included because the candidate lacks the appropriate education and/or the required minimum experience.

Interviewers should always:

- Ask the same general questions and require the same standards for all applicants;
- Treat all applicants with fairness, equality, and consistency;
- Follow a structured interview plan that will help achieve fairness in interviewing;
- Ask questions that are relevant to the job itself;
- Be professional and consistent in addressing men and women;
- Treat the candidate in a businesslike, yet relaxed way.

After the interviews have been completed:

Review the minimum qualifications, position description, and other items quoted in your advertisement for the position to determine once again the applicant who best matches the position. The use of a "best match" concept is replacing the "best qualified" for a position since several candidates may have equal qualifications. ***An all-important caveat is to be sure candidates are evaluated only against selection criteria.***

- At the time of the interview, let the candidate know when s/he can expect to hear from you and whether it will be by letter or phone. If the date is delayed, let the candidates know of the delay and announce a new decision date.
- Refrain from making a formal job offer until appropriate references have been checked. You should tell the applicant that s/he is one of the final candidates and that you will be calling his/her references.
- Once the selection process is complete, unsuccessful candidates should be informed in writing that they have not been selected.

All applications must be kept on file for three and one-half years after selection of a candidate. This ensures that if a complaint or lawsuit is filed, the College will have all documents that may be relevant to the issues in the case. If a lawsuit or complaint is filed, no documents relating to the search should be disposed of until the Office of Human Resources or the Attorney General's Office advises you the documents will no longer be needed.

4. **Student Interviewers.** Please have some carefully selected students interview the candidate and have them provide a written response on a form given them for the purpose. A model you may want to use is attached (**Attachment C**).

5. **Written Responses.** Faculty and students who interview the candidate or hear a presentation should be asked to provide a brief written response, preferably on a form you give them so that all members of a respondent group address the same questions and are succinct.
6. **Provost's Interview.** Please provide the provost with a full dossier, including letters of recommendation, several days before the interview. If you have picked up anything that the provost should know, or think we have an especially good candidate, please alert the provost (and others).
7. **President's Interview.** The president wants to interview all candidates for continuing positions if her schedule permits. Contact the president's office.
8. **Vital Information.** Search committee chairs should provide the candidates with information about:
 - a. benefits (Attachment D);
 - b. salary range if asked;
 - c. information about the area, the housing market, employment opportunities for spouses, and the like.

Faculty Recruitment Expense Reimbursement

In seeking to recruit the best possible new faculty for the College, we do want to establish the most favorable impression that we can with candidates. But we have a limited budget to support our recruitment efforts. Thus, we should spend our recruitment budget as effectively as we can. The following guidelines and procedures are intended to achieve this end.

1. **Screening Interviews of Faculty Applicants at Conferences.** For tenure track searches, initial prearranged interviews at conferences are encouraged as an effective way to screen applicant pools for finalist candidates. The College will reimburse expenses for interview teams of two faculty members. Reimbursable expenses include: transportation, one or two rooms for up to three nights, meals per diem, and registration fees as appropriate.

Requests for such support must be approved in advance of the meeting. These requests for funds should provide documentation regarding meeting location, dates, convention room rates and registration fees. Requests should identify the department representatives, dates of travel, estimated costs of travel and expected per diem expense. Departments are encouraged to file these requests as early as possible in order to secure best available travel and lodging rates.

2. **Expense Reimbursement for Campus Interviews of Search Finalists.** For reimbursement of candidate and department expenses associated with campus interviews of faculty candidates, prior approval of estimated expenses is required. Campus visits should be planned and scheduled with candidates at least three weeks in advance of the visit. Approval for the visit expenses should be sought at that time.

For each candidate visit, submit a request for funds that includes the dates and total cost of the visit, with estimated spending itemized as follows:

For the candidate: transportation (means of and cost), lodging, all meals, other expenses (explain). For the search committee: meals and other (explain). **Meal expenses will be reimbursed only for search committee members.** A breakfast or lunch in the Campus Center would contribute to the candidate's "feel" for the College. Most meals should be taken on campus. When available use the Alumni Lodge for housing candidates. Only meals will be reimbursed; there is no reimbursement for receptions, etc.

Special rates are allowed for candidates for employment and the hosting employees. Reimbursement for meals under these circumstances **requires the submission of detailed receipts.**

Reimbursement requests must include all the names of individuals that participated in the meal. **Under no circumstances will alcoholic beverages be reimbursed.** The rates are as follows:

Per diem meal allowances for candidates for employment for FY09 (July 1, 2008 through June 30, 2009):

Breakfast	\$12.00
Lunch	\$15.00

Please refer to the College Travel Policy for detailed information.

Selection and Offer Procedures

1. **Preliminaries.** Throughout the search the chair of the search committee should keep in touch with the provost about responses to the candidates by faculty and administrators so that search committee deliberations are based on at least a preliminary response from all parties. If the search committee and the administrative parties to the decision are on divergent tracks, it may be wise for the provost to meet with the committee for at least part of its deliberations.
2. **Committee Report.** Written materials are necessary for future documentation regarding a search in the case of claims by unsuccessful candidates and in the case of non-citizens who are seeking permission to work in the United States. Please provide the provost with:
 - a. a copy of the written responses to the candidates you have received.
 - b. the committee's written recommendation with a report of the vote count, and a ranking of the candidates with an indication of the level of support for each.
 - c. information on visa status for non-citizens.
3. **In Case of Disagreement.** Should the provost disagree with the committee's recommendation, a meeting should be scheduled to try to resolve the disagreement. Should there be no resolution, the provost will ask for a second recommendation.
4. **Offer.** Unless other arrangements are made in advance, the committee chair should make the offer after discussing the terms with the provost. During this offer consultation, the provost and the chair should discuss:
 - a. salary;
 - b. how much time to give the candidate for a response;
 - c. any special terms that might make the offer more attractive, including any equipment needs, in light of discussions so far with the candidate;
 - d. where the person is to be placed in the reappointment schedule considering their previous experience;
 - e. moving expenses—\$500, \$1,000, \$1,500 for distances beyond 500, 1000, and 2000 miles respectively for tenurable positions;
 - f. legal status of candidate with respect to work in the U.S.
5. **Second and Late Offers.** Since time is usually critical, if an offer is rejected, the chair should be in contact with the provost as soon as possible to discuss the next step.
6. **Letter of Contract.** Once a candidate has accepted, the chair should inform the provost as soon as possible and discuss any special terms to be included in the letter. Letters of contract will include items 4a, c, d, e, and f above. The Faculty Hiring Procedures (Attachment E) details the steps that should be taken to complete the hiring process.

Record Keeping

1. Please keep good records and make sure that you are in a position to answer the questions asked for the purposes of federal reporting on affirmative action. If there are problem areas here, please discuss them with the provost.

All applications must be kept on file for three and one-half years after selection of a candidate. This ensures that if a complaint or lawsuit is filed, the College will have all documents that may be relevant to the issues in the case. If a lawsuit or complaint is filed, no documents relating to the search should be disposed of until the Office of Human Resources or the Attorney General's Office advises you the documents will no longer be needed.