



THE UNIVERSITY OF
TENNESSEE
HEALTH SCIENCE CENTER™
The Office of Equity & Diversity

SEARCH PROCEDURES:

Guidelines for Conducting Academic and Staff- Exempt Searches

(Updated June 28, 2018)

Introduction

The University of Tennessee Health Science Center strives to be a University of Choice by creating a positive learning environment for its total campus community. To help create such an environment, the University seeks to recruit, hire, train, and promote qualified administrators, faculty, and staff from diverse backgrounds, cultures, and ideas into its various job vacancies. The University takes affirmative steps to identify and encourage qualified applicants to apply, consider, and accept positions at the University and become a part of the growing campus community. Achieving this goal requires efforts and the total commitment of every individual and department within the campus community. In addition to these institutional goals, employment decisions must be "open, fair, and competitive." The *UT Search Procedures: Guidelines for Conducting Academic and Staff Exempt Searches at The University of Tennessee, Health Science Center*, was designed to provide procedures and forms to be used for conducting faculty and staff-exempt and administrative searches at the Memphis Campus, the graduate school - Knoxville and the College of Medicine - Chattanooga. The procedures provide a uniform and consistent means of conducting searches, ensure compliance with all federal affirmative action regulations, and that all applicants will receive equal consideration for employment without regard to race, color, national origin, religion, sex, pregnancy, marital status, sexual orientation, gender identity, age, physical or mental disability, or covered veteran status..

Please review the materials carefully. Any questions may be directed to the **Office of Equity and Diversity (OED), 920 Madison Avenue, Suite 420, (901) 448-2112 (telephone); (901) 448-7382 (TTY) or (901) 448-1120 (fax)**. Forms and envelopes needed to conduct a search will be provided at the search committee meeting by a representative of the Office of Equity and Diversity, or may be obtained by request to the Office of Equity and Diversity, hereinafter, referred to as OED.

TABLE OF CONTENTS

<u>SECTION</u>	<u>TOPIC</u>	<u>PAGE</u>
Section 1	Types of Searches	1
Section 2	Search Procedures for External Searches	2
	Search Committees and Position Descriptions	3
	<i>Request to Search</i> form	5
	Advertising and Recruiting	6
	<i>EEO Self-Identification</i> forms	7
	Screening and Evaluating Applicants	7
	Principal and Alternate Candidate Pools	9
	<i>Narrative Summary</i> form	10
	Interviewing Candidates	11
	<i>Request to Make an Offer</i> form	11
	Make an Offer of Employment	11
Section 3	Internal Searches	13
Section 4	Upper Level (Executive Exempt) Searches	14
Section 5	Positions with Limited or Exempted Search Requirements	15
	A) Acting Appointment	15
	B) Restricted Account (“soft money”) positions	15
	C) Promotion in Place	16
	D) Post-Doctoral Research Associate	16
	E) Special Faculty Appointments	16
	F) Lecturer and Instructor	16
	G) Coaches	16
	H) Limited Duration Appointments	16
Section 6	Problems that May Arise During a Search	17
Section 7	Interviewing and Reference Checks	19
Section 8	Record Keeping Requirements	23

Resources Available from OED (call 448-2112)

EEO/AA Statement and Tagline for Advertisements available at www.uthsc.edu/oed

UT EEO Self-Identification Form (to send to applicants)

Narrative Summary Form (to be completed before interviews) available at www.uthsc.edu/oed

Contact Log (to be distributed to all search committee members)

Forms are available on the OED website (www.uthsc.edu/oed):

Request to Search ([interactive](#))

Narrative Summary ([interactive](#))

Request to Make an Offer ([interactive](#))

EEO Self-Identification [form](#)

Section I

TYPES OF SEARCHES

1) External Searches - External searches may be conducted on a **national, regional, or local** scope, depending on the appropriate level of recruitment. Procedures for conducting external searches provide the standard method for the advertisement and recruitment of applicants for positions which are:

- 1) Faculty;
- 2) Administrative;
- 3) Staff exempt; or
- 4) "Other academic" vacancies.

The term "other academic" includes staff exempt employees whose primary appointment involves instruction, research, or service, but who do not hold faculty rank.

2) Internal Searches - An internal search may be appropriate when the department can identify a sufficient pool of qualified applicants from current UT faculty or staff to be potential applicants for a vacant position in the department or program. An external search would then be required to fill the vacated position remaining as a result of selecting an internal candidate.

NOTE: Additional upper level requirements apply to internal upper level (Executive Exempt) searches.

3) Executive Exempt Searches – In accordance with the search guidelines, review and approval from UTHSC's Office of Equity and Diversity is required for any academic administrative position at the department chair level and above, and other academic or administrative position titles in the EEO job groups of chief executive and managerial or executive and managerial. Further, approval from the Assistant Vice Chancellor of Equity and Diversity and UTHSC's Chancellor is required at various stages of the search process.

Specific requirements of **executive exempt level** searches are noted throughout this manual. These procedures apply whether an external or internal search is conducted for the upper level position. These searches follow UT campus procedures with the additional requirements noted throughout.

4) Positions with Limited or Exempted Search Requirements - Limited or exempted procedures may be available for the recruitment and hiring of personnel for acting (also called “interim”) appointments, restricted account positions, promotions in place, postdoctoral research positions, lecturer and instructor positions, coaches and limited duration positions *provided that* all criteria are met. Any other exceptions to the search procedures will be reviewed for approval by OED and will be approved only after consultation with all appropriate administrators. Please consult with OED regarding any request for a [search exemption](#).

Note: As chief affirmative action officer for the University of Tennessee Health Science Center, exceptions may also be granted by the Assistant Vice Chancellor of the Office of Equity and Diversity, Executive Vice Chancellor and/or the Chancellor, or their designees.

Section II

External Search Procedures

There are 10 Basic Steps for conducting an external search at the University of Tennessee Health Science Center:

Step 1- Form a Search Committee and develop a Job Description

Step 2- Submit a *Request to Search*

Step 3- Advertise for and recruit applicants

Step 4- Acknowledge applications. *Send EEO Self-Identification Form*

Step 5- Screen and evaluate candidates
(Consideration of the EEO Self-Identification form)

Step 6- Evaluate and select candidates for the Principal and Alternate Pools

Step 7- Prepare *Narrative Summary* form; submit for approval along with a letter or request to interview principle candidates

Step 8- Invite candidates to interview; Conduct Interviews

Step 9- Select Top Candidate(s); Submit *Request to Make an Offer* form

Step 10- Make an Offer of Employment

These steps will be explained in detail in the following pages as are steps in the [Faculty Search Process](#) with some variation.

Step 1 Formation of a Search Committee

The Chair of a Department¹ of a unit in which a vacancy has occurred recommends a Search Committee to the Dean or Director for approval. Every effort must be made to secure diversity in the composition of the search committee unless it is impractical to do so. There is no required number of members. Standing search committees may be created to serve the recruitment and selection needs of a department.

As a general rule:

1. The members of the search committee should reflect the commitment to diversity and the affirmative action initiatives of the UTHSC and thereby should be comprised of a combination of persons including women and ethnic minorities.
2. Persons outside the hiring department unit may be appointed or invited to serve on an internal search committee.
3. For all internal searches, the search committee shall be chaired by a person from outside the department for which the search is being conducted.
4. **All Upper Level Administrative searches must have a racially diverse search committee.**

Developing a Position Description

A properly constructed position description establishes the criteria to be used for advertising, and the evaluation of applicants. The position description will be used as the basis for the [Request to Search](#) form (discussed in Step 2), and must include all **required and desired** qualifications. As an example, if an advanced degree, specific field of expertise, professional certification or experience in a particular field is necessary to perform the job, the position description should so indicate. At the same time, narrowly-focused requirements that are not critical for the performance of the job should be avoided as they tend to unnecessarily exclude applicants who might otherwise be qualified for the position.

Position descriptions should generally include the following:

1. Title for the proposed position.
2. Employment classification of the position, i.e., administrative (with/without faculty rank), faculty ("Assistant", "Associate" professor), or staff exempt.

¹Titles of the administrator initiating the search may vary from unit to unit. The titles "department head", "director", "dean", are not meant to be exclusive. All units, including the Provost's office and the various Vice Presidents' offices are also governed by these procedures.

3. Anticipated starting date and duration of the appointment (if applicable).

4. Salary range or notation stating competitiveness.

5. *Required** and *Desired* qualifications for the position. In cases where advanced degrees are expected, a hiring unit may designate time parameters for receipt of the degree (i.e., “Successful candidate must have Ph.D. at the time of appointment”).

***Applicants who do not meet the stated required qualifications cannot be considered for Principle or Alternate candidate status². Stated “required qualifications” cannot be waived without re-advertising the position and inviting all former applicants to reapply.**

6. Specific job duties, as appropriate.

7. Preferred deadline for receipt of applications. It may be useful to include the statement that “Review of applications will begin on (DATE) and will continue until the position is filled.” This allows the committee to consider applications received after the preferred deadline, while identifying a target date for submission by interested applicants.

8. Request for a cover letter, resume or vitae, and references (either names or written references).

9. Contact person with name, address, and telephone number (usually the Search Committee chair is listed as the contact person).

10. **Upper Level Searches** must also include in the job announcement the following statement: “Applicants should have a demonstrated commitment to and knowledge of equal employment opportunity and affirmative action.”

Common problems with position descriptions include:

- A designation of a set number of years of experience such as 5 years. This requirement would mean that an applicant with 4 years and 11 months of experience would be unqualified under the terms of the description.
- Extremely limited degree requirements (although this may be appropriate, depending on the position). In one instance, the type of degree program required was so limited it would have disqualified graduates from programs at Harvard and Stanford.
- Failure to indicate whether “experience” includes student or graduate-level work.

² As a general rule, this document uses “applicants” to refer to persons who submit application for a position while “candidate” is used to refer to applicants in principal or alternate pools selected by the search committee for consideration for the position.

Step 2

Submit a *Request to Search* form and contact OED.

Request to Search - The *Request to Search* is used to obtain permission to open a search and advertise the position. The letter should be addressed to the Assistant Vice Chancellor of Equity and Diversity for UTHSC. Along with the letter of request, a copy of the position description should be included. All related position announcements, advertisements, and other information disseminated about the position must mirror the wording for the desired and required job qualifications. (Additional information about the UT campus, the Memphis/Shelby County area, and/or the college/department may be included in position announcements and website listings without also being included in paid advertisements.)

Advertisements and announcements of the position vacancy may be placed in publications immediately upon approval of the *Request to Search*. Ad placement may occur prior to the required search committee meeting with OED.

The date of approval by OED serves as the beginning of the requirement that a position be open for at least 4 weeks, unless a reduced time period is approved by OED. *Requests for a reduced time period must be in writing and must set forth justification to support the request.*

NOTE: Human Resources (HR) will post all open positions on the website, this information is updated regularly to insure accuracy of information. Contact HR for deadlines for positing position to the website.

Required Meeting with OED - After the *Request to Search* is approved, the Search Committee Chair, Department Chair, Dean, Director or Vice Chancellor must contact OED to schedule a search meeting with OED and the Search Committee. Contact OED at 901-448-2112 to schedule the meeting and request any additional information.

For search without formal search committees, the requisition review and approval serves as the required meeting.

Step 3

Advertise for and Recruit Applicants

From the time that the “Request to Search” is approved, a search must remain open to applicants for a minimum of **four weeks**. The Search Committee will determine where and how it will advertise a position. Search Committees are not required to advertise in any particular publication or to contact any particular group; rather, committees are encouraged to spend their time and advertising dollars on publications and methods relevant to the position that will yield a diverse pool of applicants. Each Search Committee member should maintain individual **contact logs** to record recruiting efforts during the search, including, but not limited to, letters, e-mails, and telephone calls. Contact logs are available on the OED website or may be requested by contacting OED at 901-448-2112.

The Office of Equity and Diversity maintains lists of *potential* recruiting resources, including lists for:

- Advertising and Recruiting resources for Academic and Service Disciplines
- Historically Black Colleges and Universities
- Women's Colleges and Universities
- Native American Colleges and Universities
- Local and State Colleges and Universities

Additional recruiting sources include:

1. Placement of position announcements in professional journals, websites, or vitae bank services.
2. Contact with Departments at other colleges and universities offering relevant degrees, in an effort to solicit applications or nominations of qualified individuals.
3. Promotion of the position via UT and other websites, list serves, e-mail lists, some examples are: www.chronicle.com; www.higheredjobs.com; www.diverseeducation.com; www.academic360.com
4. Promotion of the position through professional associations and local/regional organizations.
5. Contact with prospective applicants identified through referrals or as a result of recruitment efforts, including other UT departments and campuses and current UT employees.
6. Promotion of the position by contact with local and campus-based groups and individuals such as Office of International Affairs, as well as local community-based agencies, if appropriate.

Step 4

Acknowledge applications.

Send Equal Employment Opportunity Self-Identification form

**Form(s) Required: Letter of Acknowledgment (produced by department.)
Equal Employment Opportunity Self-Identification form**

As resumes and curriculum vitae are received, the Search Chair should:

1. Send a letter to each applicant acknowledging the application (each letter should be identical);
2. Send UT's [Equal Employment Opportunity Self-Identification form](#) along with the acknowledgement letter. It is **mandatory** that a form be sent to each applicant, and its return should be encouraged; however, failure to return the form cannot be used as a reason to reject an applicant;

Note: A copy of the *EEO Self-ID* form will be provided to the Search Committee by OED. Additional copies should be made by the Department. The return of the forms to OED by applicants is voluntary. OED will then compile the information received from the applicants, and upon request provide the information to the Search Committee Chair in order for the Committee to consider whether the applicant pool adequately reflects the Committee's efforts to recruit. Information from this data will be required for the *Narrative Summary* form.

The Committee Chair may contact OED at 901-448-2112 to request the information.

Step 5 Screening and Evaluating Applicants

Each Search Committee will devise its own methods for review of applicant files. *The process and criteria used must be consistently applied to all applicants.*

1. The Chair of the search (or a subcommittee) may make a preliminary review of files to determine whether the applicant meets the qualifications specified in the position announcements. Files of applicants who do not meet minimum qualifications may be separated from those who meet minimum qualifications; however, the files should still be available for all committee members to review if they so choose.

Note: Even applicants who do not meet the minimum qualifications must be included in the statistics for the *Narrative Summary* form and on the *Request to Make an Offer* form.

2. Search Committees may elect to develop scoring sheets or screening forms. If scoring sheets or other forms are used, they need to be kept as part of the department's search records. OED *does not* need copies of such sheets. Scoring sheets or other evaluative forms, if used, do not need to be signed.

3. Search Committees may select a range of top applicants and develop written questions for their response. This may be particularly helpful in narrowing a very large pool of applicants.

4. Search Committees may elect to develop a rating system that assigns weights to particular "required" or "desired" criteria.

5. Search Committees may require writing samples, such as copies of journal articles, or other documents as a means of evaluation of applicants.

Any criteria used must be applied to *all applicants* at each appropriate level. **Applicant pools may be used to fill more than one position if the requirements of the positions are identical. Please consult with OED if this issue arises.**

Consideration of the Self-Identification Form

Information from the *EEO Self-Identification* forms will provide a profile of the applicant pool. This profile will be provided to the Search Committee Chair by OED. The Search Committee or Chair should review the composition of the candidate pool to evaluate the adequacy of representation of women, African Americans, and other minority groups. If the committee believes that the applicant pool does not adequately represent the composition of available candidates, the committee may consult with the Dean, Director, Provost/Vice Chancellor or OED for additional ideas to augment or extend recruiting efforts. Other options include:

1. If the search has been advertised without a cut-off date for receipt of applications, additional efforts may be made to broaden the applicant pool.
2. If a cut-off date has been stated in the job announcement, the position may need to be reevaluated and reopened for application via advertisement in all sources used previously.
3. If the committee determines that reopening the search is appropriate, all applicants should be notified in writing of the reopening and asked to affirm/withdraw their application. Even if an applicant does **not** respond to the request for affirmation, he or she must be considered for the reopened position and must be included in the narrative summary for statistical purposes.

Step 6

Principal and Alternate Candidate Pools

An attachment must be made to the Narrative Summary form.

1) Principal Candidate Pool

When the Search Committee is comfortable with the quality and composition of the applicant pool, it should devise a list of **Principal Candidates**. The pool should provide a selection of qualified candidates who will be invited for a campus interview and considered for the position. All Principal Candidates **must** be invited to interview (although a candidate may turn down an invitation to interview). The Search Committee must identify, in the **Narrative Summary** form, each Principal Candidate's relative strengths and weaknesses.

Note: *If females have applied for the position, but none of the female candidates were selected for the Principal or Alternate pools, the committee must include a brief description of the strengths and weaknesses of each excluded female applicant.*

Likewise, if self-identified minorities have applied for the position, but none of the minority candidates were selected for the Principal or Alternate pools, the committee must include a brief description of the strengths and weaknesses of each excluded minority.

In an Upper Level search, strengths and weakness statements must be provided for all African American applicants.

2) Alternate Candidate Pool

A list of **Alternate Candidates** may also be developed. Alternate Candidates should be those candidates who are under further consideration for the position in the event that none of the Principal Candidates are selected for the position. These candidates must also meet the minimum qualifications for the position. *If no one is selected from the Principal pool following interviews or offers of interviews, the Search Committee may elect to interview one or more candidates in the Alternate pool. Alternate pool candidates may be interviewed one-by-one, in no particular order.*

Strength and weakness statements for each Alternate Candidate must also be included as an attachment to the *Narrative Summary* form.

Step 7 **The Narrative Summary Form**

Form(s) Required: *Narrative Summary* form

The [Narrative Summary](#) form must be approved before candidates can be invited for on-campus interviews. The *Narrative Summary* documents the activities of the search committee, and the methods and actions taken to advertise the position, recruit applicants, and select the Principal and Alternate candidate pools. This documentation is required to show that diligent efforts have been made to insure that all appropriate equal employment opportunity and affirmative action, and diversity initiatives have been taken.

Note: The Narrative Summary form has been developed to simplify the Narrative Summary process. Contact OED (901)448-2112 or visit our website to access a copy.

Information to be included in the Narrative Summary form:

- 1) General Search information (department, position, OED File Number);
- 2) Search Committee composition;
- 3) Recruiting and advertising efforts;
- 4) Professional organizations, caucuses and referral sources with which the vacancy was listed, dates of the listings;
- 5) Explanation of *extraordinary efforts* used to contact and encourage applications from qualified women and minority candidates;
- 6) A list of all candidates and EEO Self-Identification information (obtained from OED) using the format similar to the example contained in the *Narrative Summary* form;

7) All required signatures and date of review lines (department chair, dean, Provost/Vice Chancellor, OED, **Upper Level: Systems Administration**);

8) Required attachments to the *Narrative Summary* form:

- a) Copy of the *Request to Search* form,
- b) Copies of completed *Summary of all Individual Contacts* forms,
- c) List of all candidates with principal and alternate pool candidates identified,
- d) Strength and weakness statements for principal and alternate candidates,
- e) list of strength and weakness statements of excluded female or minority applicants **only** if women and/or minorities have applied, but were excluded from the principal and alternate pools (**Upper Level: strengths and weaknesses of all African American candidates**);
- f) Curriculum vitae or resumes of all principal or alternate candidates.

Step 8

Invite Candidates to Interview; Conduct Interviews

Upon approval of the *Narrative Summary* form by all appropriate parties, identified principal candidates may be invited for interviews.

The Search Committee or Chair should determine who should be involved in the interview process. Ideally, this planning should take place shortly after the search has begun. Information on conducting interviews appears in **Section 7**.

Step 9

Selection of Top Candidate(s); Submit *Request to Make an Offer* form

Form(s) Required: *Request to Make an Offer form*

After the interview process is complete, the Search Committee will evaluate and recommend the top candidate(s) for consideration by the Department Chair or Director of the hiring unit. Top candidates do not have to be submitted in any ranked order *unless* so requested by the Department Chair or Director.

The Department Chair or Director will prepare a *Request to Make an Offer* form and forward to the Dean, Director, or Vice President for review and approval. The approved form is then forwarded to OED for review and approval. **Upper Level: the approved form is also submitted to the UTHSC Chancellor for approval. Following the Chancellor's approval, the offer will be reviewed and endorsed by OED for compliance with the UTHSC's Search Procedure.** Official offers of employment can only be extended by the appropriate Vice Chancellor, Chancellor or Dean.

If the offer is rejected, please see **Initial Offer is Rejected**.

Step 10
Making an Offer of Employment

The offer of employment is made by the Vice Chancellor or Vice President after approval of the recommendation of the Department Chair and Dean. **Only the Provost/Vice Chancellor or Chancellor may extend the formal offer of employment.**

The process of making a formal offer of employment involves several steps.

While some of the processes below do not specifically involve Search Committees or OED, the entire process is provided in response to suggestions from Department Chairs that it be included for information. **Non-Faculty Staff Exempt and Staff Non-Exempt positions require direction from HR.** The steps are:

1. **Staff Exempt Employees:** (initiated by the Department Chair or Director)
 - a) Once a candidate is selected from the applicant pool, the Department Chair initiates electronic employment authorization naming selected candidate and all other candidates with justification for non-selection for approval by Dean, and OED; by Department Chair, Dean/Director, Business and Finance, OED, respectively, in that order.
 - b) The HR Office will complete the recruitment process and make the formal offer of employment. Further, HR will make the necessary changes in the selection.
2. **Faculty and “Other Academic”:**
 - a) The Department Chair initiates the electronic personnel requisition;
 - b) The Dean or Director reviews the form, signs for approval;
 - c) Business and Finance reviews and signs for approval;
 - d) OED reviews and signs for approval. If waiver of national search is requested, it should be noted in the Departmental Comments section, along with the generic job description and advertising information;
 - e) Department Chair conducts interviews of qualified applicants, and submits electronic employment authorization naming selected candidates and all other candidates with justification for non-selection for approval by Dean and OED;
 - f) Offer of employment is made upon affirmation of acceptance by the selected candidate. The Faculty Appointment Agreement and other related documents are prepared and submitted to the appropriate officials for review and approval.

Section 3

INTERNAL SEARCHES

Internal searches must follow the same procedures as external searches (outlined in Section 2) except that:

- 1) the department must make a written request which includes a rationale for conducting the search outside of the standard search procedures;
- 2) the request must be approved by the Dean, the Vice Chancellor or Vice President, and the Director of OED. **Upper level:** must also receive approval from the appropriate system administrator;
- 3) such searches are open only to current UT employees;
- 4) advertising is **not** required; however, the position must still be placed on the Human Resources job vacancy list with a designation that it is an internal search, and appropriate steps should be taken to notify potential qualified applicants within the University or department; **and**
- 5) position vacancies need only be open for **two weeks** (rather than four weeks) from the date of full signatory approval of the *Request to Search*.

An internal search is not an appropriate mechanism to effect a promotion. Internal searches are an exception to the standard search process and will be carefully considered by OED. Requests for internal searches should be able to identify the existence of a *potentially qualified applicant pool* that already exists at the University.

Note: Upper level searches approved as internal searches must still follow the additional requirements set out on page 14.

Section 4

QUICK REFERENCE FOR CONDUCTING UPPER LEVEL SEARCHES

“Upper Level” searches include searches conducted for the following positions:

- 1) Vice President or Provost
- 2) Associate or Assistant Vice President or Provost
- 3) Dean
- 4) Associate or Assistant Dean
- 5) Academic Department Chair

Additional Requirements: Upper Level searches must follow the procedures outlined in Section 2, along with the following additional requirements. These additional procedures apply whether an external or internal search is conducted for the upper level position:

- 1) Pre-approval to conduct an upper level search must be obtained from the UTHSC Office of Chancellor *before* the search begins;
- 2) Search committees must include women, members from underrepresented groups, or members from underutilized groups as identified in the affirmative action plan;
- 3) The *Request to Search* must contain the following statement: "Applicants should have a demonstrated commitment to and knowledge of equal employment opportunity, affirmative action, and diversity and inclusion;"
- 4) The Assistant Vice Chancellor and Director for Equity and Diversity must review an upper level search at all levels (*Request to Search, Narrative Summary, and Request to Make an Offer*);
- 5) Minutes must be kept for all upper level Search Committee meetings and submitted along with the *Narrative Summary* form;
- 6) Strength and weakness statements must be submitted for **all** women and underrepresented candidates regardless of any representation of underrepresented groups including women in the Principal or Alternate pools of an upper level search.

Section 5

POSITIONS WITH LIMITED OR EXEMPTED SEARCH REQUIREMENTS

A) Acting Appointments - Acting appointments (also sometimes referred to as “interim” appointments) are filled with internal candidates and normally continue for a period of *up to one year*. Any acting appointment extending beyond the one year limit must be approved by the Provost, the appropriate Vice Chancellor or Chancellor, and by the Assistant Vice Chancellor for OED. A written request seeking the extension of an acting appointment must include a rationale as to why a search for a permanent appointment cannot be made during the year. *If the acting or interim appointment will involve an **upper level** position, approval must also be obtained from the Office of Equity and Diversity.*

Because the University recognizes the unequal opportunity that an acting appointment creates to train, expose, and enhance the credentials of candidates for future permanent positions, such appointments should be made only after careful consideration of **all** potential appointees.

Acting appointments may only be filled with internal candidates.

B) Restricted Account (“soft money”) positions - A standard search is not required for positions funded by soft money; however, the hiring department must follow these steps:

- 1) The department must identify the restricted account information in the requisition. Approval by OED will occur electronically;
- 2) The vacancy must be posted for a minimum of one week on the University’s vacancy list (contact HR regarding posting);
- 3) Applicants for the position should be sent a letter of acknowledgment and a copy of the University’s EEO Self-Identification form;
- 4) The department must maintain all records that substantiate information regarding the search. These records include all applicant files, and all records of the selection of an individual for ten calendar years after the effective date of appointment of the individual. These records may be sent to Records Management or held within departmental files.

C) Promotion in Place - A search conducted in accordance with standard search procedures is not required provided that:

- 1) The promotion, if effected, does not leave a residual vacancy to be filled, **and**

2) The promoted individual does not move to another office, organizational structure or location, **and**

3) The request to effect a promotion is justified in writing and receives approval from the appropriate budgetary unit and OED **prior to** the effective date of the promotion.

Examples of “promotions in place” include such actions as reclassification of an individual from Assistant Dean to Associate Dean, or the reclassification of an individual from Computer Programmer Analyst to Senior Computer Programmer Analyst.

D) Post-Doctoral Research Associate - Regular search procedures are not required for Post-Doctoral Research positions of three years or less duration if the following criteria are met:

1) The individual must have an earned doctorate or equivalent; **and**

2) The purpose of the appointment must be to assist faculty in their research and provide an opportunity for the individual to broaden his or her knowledge, training, and experience in preparation for a significant research career.

E) Lecturer and Instructor – The procedures for filling Lecturer and Instructor positions are under revision. Please contact OED if you have questions about filling such a position.

F) Limited Duration Appointments - This procedure may be available for short-term (12 months or fewer), non-recurring, project-specific staff exempt positions. Please contact OED or HR for information regarding the applicability of this procedure for the vacancy in question.

Section 6

PROBLEMS THAT MAY ARISE DURING A SEARCH

Occasionally, problems will arise during a search. Listed below are a few situations that may require special attention.

Inadequate Candidate Pool

If a search committee is not satisfied with the applications received for a position, it may wish to consider:

- 1) revising the job requirements - the search committee may wish to change the stated required qualifications for the position. If this occurs, the new job description must be reviewed by OED and must be re-advertised. Additionally, applicants for the former position must be contacted and invited to reapply. This can be accomplished through correspondence.
- 2) advertising the position in different publications (second round of ads) - the committee may wish to consider expanding its advertising efforts to include a wider range of regional or national publications.
- 3) increasing personal contact efforts - the committee may wish to consider participating in regional or national conferences as part of its recruitment efforts.

Placing a Search on "Hold"

Sometimes a department will begin a search that cannot be filled as expected. In such situations, the department should submit a request to place the search on "Hold". The request should identify the search, the status of the search, and the reasons why the "hold" is requested. The request should be submitted to all appropriate parties (Dean, Vice Chancellor or Chancellor and OED) for review and signature.

Extension of a Search Beyond a Period of One Year

Usually, a search is approved for a period of one year beginning with the approval of the *Request to Search* form. If a search goes beyond the expected one year period, the Department Head must submit a letter to all appropriate parties explaining the status of the search and the reason for the requested time extension. Extensions are typically granted for an additional 6-12 month period. If an extension is granted, applicants for the existing search should be notified of the status and asked whether they still wish to be considered as applicants for the extended search.

If it is determined by OED that the length of the extended search may compromise the applicant pool, OED may recommend that the existing search be closed and that a new

search be opened. If this occurs, the existing applicant pool should be notified of the status of the search and asked whether they wish to reapply for the position.

Candidates Who Apply After Approval of the *Narrative Summary* (“late” applicants)

It is recommended that all searches be advertised with open dates for applications (see # 7, page 4). If a search has been advertised in this manner, the Search Committee can continue to consider applications until the job has been filled. If it is the opinion of the Search Committee that a “late” applicant should be considered a **principal** or **alternate** candidate, the committee chair may consult with OED and add the applicant to the *Narrative Summary* form.

To add an applicant to the principal or alternate pool, the requesting department should write a memo to the appropriate Dean or Department Chair explaining the circumstances. The memo should include signature lines for the Provost/Chancellor and OED. A copy of the applicant’s resume/vitae should be attached to the memo.

Initial Offer is Rejected

If an offer is made to a candidate who then rejects the offer, the department chair or director can mark through the name of the “proposed employee” on the [Request to Make an Offer](#) form, write in the name of the new proposed candidate, and update the “proposed employee” information. The new proposed candidate must be someone identified in the approved search. The department forwards the amended *Request to Make an Offer* form to the Dean or Director, Provost or Chancellor, and OED. Upon approval by OED, the offer process can again be initiated.

If the position is not accepted by any candidate, the Department Chair should provide written notification to all appropriate offices and consult with OED.

Section 7

SCHEDULING AND CONDUCTING INTERVIEWS

Principal candidates may be contacted and interviews scheduled as soon as the *Narrative Summary* has been approved. The interview process can be time intensive. Careful, advanced planning on the part of the search committee can help make the process as productive as possible. The interview process provides the department an opportunity to further assess a candidate's credentials; additionally, it provides an opportunity to promote the position and the campus to the candidate. **Note:** *It may be helpful to start arranging potential interview schedules and time frames even before candidates to be interviewed have been identified. It is especially helpful to prearrange blocks of time for interviews with campus administrators whose schedules are often full well in advance.*

Scheduling the Interview

1. Pay attention to detail. The candidate's first impression of the campus may come from the scheduling of the interview. Lack of proper planning may indicate a lack of real interest in the candidate.
2. Make arrangements for meeting the candidate at the airport and transporting him or her to the pre-arranged hotel or housing. Confirm all arrangements as far in advance as possible. Fax or send a copy of the itinerary, transportation and housing arrangements to the candidate. Be sure to include the name of the person(s) who will provide transportation to and from the airport, and to and from the interview sessions.
3. Determine who should participate in the interview (faculty, staff, administrators, students). Consult calendars and schedule interview appointments as early as possible. Be sure to include those campus constituents with whom the candidate will interact. It can be very helpful to candidates if the relevance of each person involved in the interview process is explained. **Upper level** searches: OED must be included in the interview process for candidates in an upper level search.
4. Be consistent with the interview format and questions. Consider preparing a list of questions that will be asked of all candidates. Review the questions in advance and consult "Appropriate and Inappropriate Areas of Interview Inquiries," p. 24.
5. Avoid altering an interview itinerary. Confirm the interview schedule with each person involved in the process prior to the candidate's visit to campus.
6. Consider scheduling breaks during the day(s) for the candidate; however, avoid having large unscheduled gaps of time during the visit.
7. Provide an interview schedule to those involved in the interview process.

Conducting the Interviews

Information Regarding Appropriate/Inappropriate Areas of Inquiry During the Interview, Reference Check stage of the Hiring Process

Interviewing candidates and checking references are critical steps in the hiring process. In an effort to provide guidance to members of search committees, interviewers, and those involved in reference checks, the following suggestions and information are provided:

Age: Avoid questions or inquiries into age. The Age Discrimination Act prohibits discrimination against applicants age 40 and over on the basis of age. This means that **anyone** over the age of 40 is protected by this law. As a general rule, there are **no** acceptable inquiries regarding age.

Disabilities: Under the Americans with Disabilities Act (the ADA), an employer is prohibited from asking about an applicant's disabilities, either directly or indirectly. For example, an employer cannot ask about an applicant's medical history, whether an applicant is disabled, or about the nature of any obvious disabilities. Prior to the ADA, employers often asked applicants whether they had any "physical or mental disabilities that would substantially limit the ability to perform the essential functions of the job". This is no longer allowed under the ADA; **however**, you may still ask whether an applicant has the ability to perform the essential functions of the job (with no reference to physical or mental impairments or disabilities).

Note: The University no longer includes "handicap" or "disability" status on its Affirmative Action Self-Identification form for data purposes. Please check with OED if you have any questions about whether you are distributing the most up-to-date version of the form.

The ADA also limits pre-hire medical exams. With certain types of jobs, an employer can require a medical exam after an applicant has been hired. This issue will come up very rarely in the hiring of exempt staff and faculty at the University; however, if it does, the hiring department should contact HR before instituting such a requirement.

The ADA requires that employers "reasonably accommodate" applicants with disabilities unless the reasonable accommodation would cause an undue hardship to the business. For example, an interviewer might have to provide a guide to a blind applicant who has been invited to interview.

Note: The ADA covers many issues that may arise during the course of employment of an individual with disabilities; it would be impossible to cover all of the potential issues here. Departments with questions should contact OED at 901-448-2112.

Gender: Making employment decisions based on a candidate's gender is illegal (with very few *bona fide* exceptions) under Title VII and the Pregnancy Discrimination Act. Many inappropriate areas of inquiry relate to gender issues:

Availability for weekend or evening work: You may ask whether the candidate is available for weekend or evening work **so long as** both male and female candidates are asked **and** there is a true business need for the information (i.e., performing the job requires weekend and evening hours). Be careful to avoid inquiries into religious practices that might occur during these times.

Children/Marital Status/Family: Avoid inquiries relating to pregnancy, future childbearing plans, or the number or ages of the candidate's children. In the past, some employers have had policies of hiring men but not women who have preschool age children based on an assumption that the woman would be responsible for the care of the children (thus resulting in more absences).

Avoid questions about marital status or a spouse's job. You may ask in general terms whether an applicant has any commitments or responsibilities that would preclude the applicant from regularly meeting work schedules.

Race: Avoid all questions of this nature. Federal and state civil rights laws and University non-discrimination policies make it unlawful to discriminate on the basis of race.

Religion: Avoid all questions of this nature. Civil rights laws make it unlawful to discriminate against an applicant on the basis of religious denomination, beliefs, and practices.

National Origin: As mentioned under "Citizenship," avoid questions about an applicant's national origin. It violates civil rights laws to discriminate against an applicant because of his or her lineage, ancestry, descent, country of birth or national origin. If the job legitimately requires the ability to read, write or speak a foreign language or English, it is permissible to inquire whether the applicant has these skills.

Citizenship: This can be a very confusing area. On one hand, an employer is required by federal law to hire only those who are legally allowed to work in the United States. On the other hand, federal civil rights laws prohibit any discrimination on the basis of national origin (i.e., you can't decide NOT to hire someone only because he/she comes from another country). To be safe, you **may** ask whether an applicant is lawfully authorized to work in the U.S. Avoid all other questions regarding citizenship until after an offer of employment is made. At that point, if the offer is accepted, you are then required to request proof that the employee is legally able to work in the U.S.

Other Common Areas of Concern:

Discrimination Complaints (filed with previous employers): Avoid questions about this possibility. Civil rights laws prohibit retaliation against an applicant because he or she has filed a discrimination charge, or testified, assisted, or participated in a discrimination investigation or proceeding. Do not confuse this prohibition with whether it is proper or improper to consider true information from a previous employer about someone with a record of engaging in discrimination.

Education: Obviously, it is proper to ascertain whether an applicant has the proper educational credentials for the position. You may verify types and dates of degrees earned.

Employment History: You may consider where applicants have worked, length of prior employment, specific jobs held, and actual tasks, skills, and responsibilities performed in previous employment. You may also consider the applicant's record in regard to punctuality and attendance, as well as work quality and quantity. You may consider why the applicant no longer works for the previous employer and whether the termination was voluntary. You may also ask applicants to explain periods of unemployment.

Photographs: Avoid any requirement that a photograph accompany an employment application.

Workers' Compensation Claims: Avoid all questions on this topic.

Reference Checks: Many search committees on campus find that it is most useful to limit reference checks to those candidates identified as being in the "Principal" pool, or in both the "Principal" and "Alternate" pools. When the committee is at the point of checking references, it is a good idea to consider what information the group deems important to receive from the references. Questions should be consistently asked of the references for the different candidates.

Often, a candidate or a candidate's reference will **voluntarily** provide information that may be inappropriate. If this happens, the interviewer or the person checking the reference should include only that information received that is appropriate to consider in determining whether a candidate is qualified for the position.

Section 8

RECORD KEEPING REQUIREMENTS

Records of staff exempt and faculty searches are maintained in two locations: the Office of Equity and Diversity and the departmental office.

Records Maintained by OED: The *Request to Search* form, the *Narrative Summary* materials, and the *Request to Make an Offer* form constitute the official UT record of recruitment efforts. These will be maintained on file by OED.

Records Maintained by the Department: Departments are required to retain all records (i.e. for 10 calendar years) that substantiate information provided on the official UT records. These will include copies of the *Request to Search*, the *Narrative Summary* materials, and the *Request to Make an Offer* form, and any other information substantiating the search. In addition to substantiating documentation, departments must keep all candidate files, all returned EEO Self-Identification forms (as applicable), and all records of scoring or selection.

Records must be kept for ten calendar years after the effective date of appointment of an individual to the position. These records may be sent to Records Management to be held for the required period, or may be maintained in departmental files.