Search Committee
Equal Opportunity/Affirmative Action Briefing

Office of Human Resources

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The purpose of this presentation will cover a couple of things:

- Provide you with some background on the laws and requirements that govern the areas of Affirmative Action and Equal Opportunity
- Give you an understanding as to why HR asks for certain things during the recruiting process
- Ask for your help in achieving the University’s good faith efforts by providing you with concrete steps that you can take to ensure that the recruiting and selection process is as inclusive as possible
EEO is a term used by the federal government to refer to employment practices that ensure nondiscrimination based on race, color, religion, sex or national origin. In a nutshell, equal employment ensures nondiscrimination.

AA is a management tool designed to measure a federal contractor’s good faith efforts to extend equal employment opportunities to women, persons of color, persons with disabilities and protected veterans. These are essentially the “actions” we are taking to achieve nondiscrimination – things like identifying possible underutilization of women and minorities, developing a plan or action to eliminate underutilization, making good faith efforts to execute the plan, having and abiding by an equal employment opportunity policy, and compiling an annual affirmative action plan are all part of our actions at UD to achieve nondiscrimination.
Equal Opportunity/Affirmative Action Statement

The University is committed to recruiting, supporting, and valuing a diverse workforce. The cornerstone of this effort is our commitment to equal opportunity. The University strives to hire, retain, and promote highly qualified faculty and staff without regard to race, color, religion, sex, national origin, age, disability, veteran status, gender identity and expression, sexual orientation, or other protected status, except when one or more of these factors is considered a bona fide occupational qualification and/or when an accommodation would cause an undue hardship to the University.

We welcome individuals of all backgrounds to our workforce and will not tolerate unlawful or unequal treatment of members of our community. While we take great pride in our policies of equal opportunity and non-discrimination, and believe they are essential to the University’s success in teaching, scholarship, and public service, we recognize that our commitment must go beyond words, and that inclusion must become part of the fabric of everyday University life.
Affirmative Action is NOT

- Quotas which must be met

- A justification to extend a preference to any individual, select an individual, or adversely affect an individual’s employment status, on the basis of that person’s race, color, religion, sex, or national origin

- A set aside for specific groups

- Supposed to outweigh merit selection procedures
These steps should look familiar to you – this is the process of hiring at UD. We’re now going to focus primarily on the second step and then talk about selection and documentation.
Functions of a Search Committee

- Search committee members play a key role in the recruiting, selection and hiring process.
- Each member is responsible for ensuring that fair and equitable treatment is given to all applicants.
- Members may be asked to rank order candidates or provide a recommendation to hire.
- In evaluating qualifications, members should avoid subtle forms of bias and ensure equal opportunity for each candidate.
The responsibility for identifying and recruiting from diverse pools can’t lie completely with the recruiting team in HR – you are the ones who know more about the positions being sought and the organizations, associations, and interest groups that target these types of jobs. These are some steps that ideally every recruiting effort will satisfy.
Select the Most Qualified Candidate

- Use the results of the objective and consistent evaluation process to choose the best qualified candidate.

- The successful candidate is the person who best documented and demonstrated possession of the required knowledge, skills and abilities to perform the duties associated with the position.

- Be careful with “tests” and be sure that all candidates are treated the same.
Ensuring Fair & Equitable Treatment

• Be sensitive to biases in evaluation that can inadvertently screen out candidate:
  – Elitism/prejudice about job titles, schools, organizations
  – Breaks in career paths, paying too much attention to time in previous jobs
  – Interdisciplinary fields of study

• When arranging interviews, explore candidate’s need for reasonable accommodations: ask all candidates “will you need any special accommodations for your interview?”
Ensuring Fair & Equitable Treatment

- Document criteria used to screen applicants beyond minimum qualifications

- You are required by law to keep interview questions job-related

- Be careful not to ask inappropriate questions regarding marital status, age, race, religion, etc at any point during contact with candidate

- Use the same, core questions for each candidate.
# Unlawful Interview Questions

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<thead>
<tr>
<th>CATEGORY</th>
<th>PERMISSABLE TO ASK</th>
<th>DISCRIMINATORY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gender &amp; Family Issues</td>
<td>If applicant has relatives already employed at UD; worked under any other names/nicknames</td>
<td># of children; marital status; spouse's occupation; maiden name; health-care coverage options</td>
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<tr>
<td>Race</td>
<td>No questions may be asked</td>
<td>Ethnic association of names; birthplace of applicant or parents</td>
</tr>
<tr>
<td>National Origin/Ancestry</td>
<td>Whether the applicant has a legal right to be employed in the US; ability to speak/write English (if job-related); other languages spoken (if job-related)</td>
<td>Nationality or lineage; nationality of applicant’s spouse; whether applicant is citizen of another country; applicant’s native language</td>
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<tr>
<td>Religion</td>
<td>Whether applicant is able to work on the days/times as required by the job description</td>
<td>Religious affiliation; religious holidays observed</td>
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<tr>
<td>Age</td>
<td>If applicant is over age 18; if applicant is over age 21 (if job-related)</td>
<td>Date of birth; date of high school graduation; age</td>
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<tr>
<td>Disability</td>
<td>Whether applicant can perform essential job-related functions</td>
<td>If applicant has a disability; nature or severity of disability; past medical problems; recent/past surgeries</td>
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<tr>
<td>Sex</td>
<td>No questions may be asked</td>
<td></td>
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<tr>
<td>Other</td>
<td>Academic/professional schooling; training received in US Military; membership in trade/professional associations; job references</td>
<td>Number &amp; kind of arrests; height/weight (unless job-related); veteran status (appropriate to ask post-hire)</td>
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Tips for Legal Interviewing

• Draft and agree upon specific questions to be asked of all candidates.
• Agree on the format of the interviews for all candidates.
• Ask questions that pertain to the particular position and the experiences/education of the candidate.

• Do not try and gather “personal” information about a candidate.
• If a candidate discloses unsolicited personal information, do not question them about it unless there is a job-related reason to do so.
• Do not make promises you cannot keep.
The last important piece is document, document, document. OFCCP, the agency that oversees that federal contractors are complying with their AAPs, is very active. We have been, currently are, and will continue to be audited at a pretty frequent basis. The more information we have about why a candidate was or was not chosen helps us demonstrate that the University is not engaging in unlawful actions. Also, these documents are necessary if any failed applicant files a claim against the University under any of the numerous statutes that govern discrimination and equal opportunity.
Got Questions?

ASK!

Your HR liaison
HR-Recruitment
HR-Equity & Inclusion