

**FACULTY**

**RECRUITMENT & HIRING**

**GUIDE**

—

**INCLUDING**

**Procedures for Hiring Academic Administrators**

**This guide provides information for hiring faculty and academic administrators. It is provided to assist those persons involved with recruiting and hiring. The responsibilities of search committee members, interviewing information, and the affirmative action process to be followed are explained.**

Revised 11/03

## **PRESIDENT'S STATEMENT**

The University of Northern Iowa is committed to the principles and implementation of a program of nondiscrimination and affirmative action in all employment and academic matters. The University is further dedicated to making all employment and academically-related decisions on the basis of relevant employment and academic criteria.

Recognizing its unique role as a model for students who will be tomorrow's work force in education, government, and business, the University remains diligent in its efforts to demonstrate affirmative action wisdom and success. As a community, the University encourages the development of a work and academic environment which enhances affirmative action priorities. Blacks, Hispanics, Asians, Native Americans, women, Vietnam era veterans, persons with disabilities, and people of all ages find employment and educational opportunities at the University of Northern Iowa. The University accepts responsibility for compliance with federal and state laws and guidelines concerning civil rights, nondiscrimination, and affirmative action.

The University of Northern Iowa is a diverse community of students and employees with a deep regard for civility. The University is hospitable to all persons regardless of race, religion, national origin, sex, age, disability, or sexual orientation.

# TABLE OF CONTENTS

Departmental Faculty Recruitment Plan ..... page 1

Suggestions for Successful Recruitment ..... page 2

Recruitment Procedures..... page 3  
    Tenure Track, Term, and Full-Time Temporary Positions

Recruitment Procedures..... page 11  
    Part-time Temporary, Emergency Appointment,  
    Visiting Professor, and Artist in Residence Positions

Procedures for selection of Academic Administrators  
    Internal Searches..... page  
    External Searches ..... page

## Appendices:

Departmental Recruitment Plan ..... Appendix A, pages 12-15

Clarification of Racial/Ethnic Groups and  
    Other Protected Class Groups ..... Appendix B, pages 16-18

Request to Fill Form (Sample) ..... Appendix C, pages 19-20

Acknowledgment Letter to Applicant and  
    Affirmative Action Data Card (Samples) ..... Appendix D, pages 21-23

Faculty Interview Pool Approval Form (Sample) ..... Appendix E, pages 24-25

Faculty Search Committee Recommendation Form..... Appendix F, pages 26-27  
    (Sample)

Faculty Employment Selection Record (Sample) ..... Appendix G, pages 28-29

Appointment Letter to Selected Candidate (Sample) ..... Appendix H, pages 30-31

Pamphlet: Successfully Interviewing Job Applicants ..... Appendix I, pages 32-52

## **DEPARTMENTAL FACULTY RECRUITMENT PLAN**

A departmental Faculty Recruitment Plan has been prepared by each department in consultation with the Office of Compliance and Equity Management (see Appendix A – pages 12-15). This plan, with appropriate modifications, should be used for all faculty searches.

The Recruitment Plan includes the following information:

- a. A fully developed statement of action, including recruitment lists, detailing how minority persons, women, and other affected class applicants will be recruited.
- b. A list of newspapers, professional journals, web sites, etc. where announcements and advertisements will be placed.

A copy of the approved departmental Faculty Recruitment Plan is available in each dean's office, departmental office, and in the Office of Compliance and Equity Management. Please maintain an updated version of your departmental Faculty Recruitment Plan in each of these offices.

## **SUGGESTIONS FOR SUCCESSFUL RECRUITMENT**

Included in the Departmental Faculty Recruitment Plan is a list of suggestions to enhance the recruitment process. This is not an exhaustive list. Note that the plan specifically addresses the recruitment of minority persons (American Indian, Asian, Black, Hispanic, Native Hawaiian) and women. In addition, departments are to develop a plan to attract applicants from Vietnam era veterans and persons with disabilities.

### **RECRUIT ON A YEAR-ROUND BASIS**

### **RECRUIT NATIONALLY**

1. Advertise positions in appropriate professional journals, newsletters, and registries specifically designed to attract protected class applicants. Also, post on your department/college and UNI websites.
2. Use the services of local, regional and/or national media for advertising positions when appropriate.
3. Contact academic departments that offer doctoral or terminal degrees and who may have candidates eligible for consideration.
4. Request each member of your department and college to assist in searching for minority and women applicants.
5. Solicit assistance from professional organizations and colleagues, including members of affected classes, for identifying minority and women applicants.
6. Attend professional meetings which may assist in establishing contacts with potential applicants for your department.
7. Contact affected class individuals who are referred to your department as a potential applicants even if a position is not currently available.
8. Maintain a record of affected class applicants, including applicants from previous searches.
9. Contact minority persons and women currently holding positions in research institutions, industry, government, etc.
10. Maintain a current departmental mailing list of affected class applicants.

# RECRUITMENT PROCEDURES: A STEP BY STEP GUIDE

## TENURE TRACK , TERM, AND FULL-TIME TEMPORARY POSITIONS

A **tenure track appointment** is probationary. The probationary period allows for the opportunity to meet the requirements for tenure. A **term appointment** is a multiple-year appointment for a minimum of two (2) and a maximum of four (4) years. The appointment expires as specified by the initial letter of appointment. See item number 12, page 8, in this Step by Step Guide. **Full-time temporary appointments** involve a one (1) academic year service schedule. See item number 13, page 8. (Also see **Emergency Temporary Appointments** on page 11.)

Questions concerning procedures for filling any type of faculty position should be directed to the Dean's Office.

### 1. REQUEST TO FILL (RTF)

When a vacancy occurs within a department (resignation, retirement, promotion, etc.) a request is made by the department head to fill the position. The *Request to Fill Open Faculty Position* form is used to make this request (see Appendix C, pages 19-20).

The *Request To Fill Open Faculty Position* form requires the approval of the dean of the respective college and the Provost and Vice President for Academic Affairs. The approved *Request To Fill* form is returned to the college with copies to the Office of Academic Affairs and the Office of Compliance and Equity Management.

When the Office of Compliance and Equity Management receives a copy of the approved *Request to Fill*, a search number will be assigned. Copies of the *Request to Fill* with the assigned number will be returned to the dean's secretary, the appropriate departmental secretary, and the Provost's office.

### 2. SEARCH COMMITTEES

Search (interviewing) committees are appointed by the Department Head. These committees should reflect the diversity of our campus community and include, when possible, minority persons and other members of affected classes. See Appendix B, page 16-18 for clarification of protected class groups. Students and qualified community members may serve on committees. Although the department heads are involved in conducting portions of the employment process, the deans remain accountable for the entire search process. After the Dean approves the search committee, a copy should be forwarded to the Office of Compliance and Equity Management.

### 3. POSITION ANNOUNCEMENTS/ADVERTISING

Each position search shall be conducted as outlined in the department's Faculty Recruitment Plan. Copies of the proposed position announcement and advertising are to be sent to the Office of Compliance and Equity Management for review and approval. Include a list of publications in which the advertisement will be placed, a copy of the appropriate *Request to Fill Open Faculty Position*, and a list of search committee members. Please allow **two (2) working days** for review and approval of the announcement and/or advertisement.

After the advertising copy has been approved by the Director of Compliance and Equity Management or designee, the position may be advertised. Responsibility for the advertising of an open position resides with the department head and dean.

#### **POSITION ANNOUNCEMENT:**

The position announcement is to include:

- a. The UNI logo should appear in all display ads and in-state newspapers.
- b. The position's University-approved title.
- c. The minimum qualifications of the position. These may be more detailed on the announcement but should not conflict with those listed on the advertisement copy.
- d. Responsibilities of the position.
- e. The following statement regarding deadline for receipt of applications:  
"Applications must be received by date (a minimum of 10 working days) to be given full consideration."
- f. A statement regarding the salary. A minimum salary or the statement "Salary is commensurate with qualifications and experience" is recommended.
- g. A brief description of the University and community. Please consult the Human Resources Office for a suggested, current description.
- h. **Affirmative action/equal opportunity statements:**  
The following statement is to be included in the narrative of the announcement:  
**The department encourages applications from minority persons, women, persons with disabilities, and Vietnam era veterans.**

In addition, the following statement should be placed at the end of the announcement:  
**The University is an equal opportunity employer with a comprehensive plan for affirmative action.**

## ADVERTISING:

The advertisement copy is to include:

- a. The UNI logo should appear in all display ads and in-state newspapers .
- b. The position's University-approved title
- c. The minimum qualifications of the position as outlined on the position announcement.
- d. The responsibilities of the position.
- e. The following statement regarding deadline for receipt of applications:  
"Applications must be received by date (a minimum of 10 working days)  
to be given full consideration."
- f. A statement regarding the salary. A minimum salary or the statement, "Salary is commensurate with qualifications and experience," is recommended.
- g. **Affirmative action/equal opportunity statement:**  
For display and classified advertisements, use the following statement at the end  
of the ad:

**UNI is an equal opportunity employer with a comprehensive plan  
for affirmative action.**

## 4. APPLICATIONS

Applicants are to apply directly to the address indicated in the advertisement. The committee chair is responsible for ensuring that the applications are collected, logged in, assigned an i.d. number, date-stamped, and acknowledged.

The search committee chair is also responsible for ensuring that an affirmative action data card (see Appendix D, pages 21-23) is sent with the acknowledgment letter to **ALL** applicants as applications are received. (Also see Appendix D for a sample acknowledgment letter.) **It is vitally important that the search number for the position and the I.D. number assigned the applicant be printed in the box entitled "Department Use Only" at the bottom of all data cards sent to applicants.**

**Note:** Postage-paid Data Cards (form #06-11116) are available at Campus Supply, 0193, telephone 273-2451.

## 5. SCREENING AND SELECTING APPLICANTS FOR ON-CAMPUS INTERVIEWS

The search committee will review the applications and select a pool of applicants for on-campus interviews. Before arrangements are made for these interviews, the *Faculty Interview Pool Approval* form listing the recommended applicants to be interviewed on campus shall be forwarded to the Dean for review and then to the Director of Compliance and Equity Management for review and approval. **Note:** The application materials for the recommended candidates should be included with the form. (See Appendix E, *Faculty Interview Pool Approval* form, pages 24-25.) Please allow **two (2) working days** for completion of this process.

**Note:** The *Faculty Interview Pool Approval* form and application materials of recommended candidates shall be accompanied by a report outlining the rationale for non-selection of **all** applicants not chosen to interview for the position. The reason(s) for not selecting applicants for the on-campus interview pool must be specific, job related and based on the minimum requirements outlined in the advertisement/position announcement. Statements such as "does not meet criteria" or "not qualified" are insufficient. The criteria or qualifications (experience, training, education, etc.) the applicant lacks are to be indicated. Search committees in departments needing to take affirmative action are to make sure that such goals are attained.

When additional interviewees are proposed, an additional *Faculty Interview Pool Approval* form must be sent through for approval. This form, along with application materials of the applicants selected for on-campus interview and updated rationale for non-selection, must be sent to the Office of Compliance and Equity Management for review and approval.

**Note:** *Faculty Interview Pool Approval* forms (#06-11114) are available at Campus Supply, 0193, telephone 273-2451.

## 6. INTERVIEWS

If you are interviewing job applicants and making hiring decisions for your department, it is important to know the basic requirements of an effective hiring process. See Successfully Interviewing Job Applicants, Appendix I, pages 32-54. While this pamphlet is not intended to answer every question about which hiring procedures are lawful and which are unlawful, it does provide an interviewer with guidance on the basic rules to follow.

All application documents submitted by an applicant or on behalf of an applicant are considered confidential. Once selected for on-campus interviews, limited information may be released at the discretion of the Search Committee Chair and the Department Head. Faculty or staff members whose family or close acquaintances are applicants are expected to refrain from reviewing application materials. Applicants shall not have access to the Search Committee deliberations, notes or application materials.

At the conclusion of the interviewing/search process, the search committee and department head shall submit a list of unranked recommended candidates to the dean for review and

final selection (approval). There are no minimum or maximum number of candidates that can be submitted, however, if only one candidate is recommended and that person declines, an entirely new search would need to be initiated. See Appendix F, *Faculty Search Committee Recommendation* form, pages 26-27. All committee members are required to sign the document. The chair of the search committee shall disburse the copies immediately to the appropriate parties.

In cases of disagreement among committee member(s) the chairperson is to discontinue the search process immediately. The chairperson is to send the *Faculty Search Committee Recommendation* form, a report describing the problem(s), as well as all related application materials (i.e., reference contacts, telephone records, resumes, and supporting documents) for the candidates interviewed, to the Office of Compliance and Equity Management for review.

**Note:** *Faculty Search Committee Recommendation* forms (#06-11113) are available at Campus Supply, 0193, telephone 273-2451.

## 7. SELECTION

After reviewing the search committee recommendations, the dean, in consultation with the department head, shall select a candidate to be offered the position. The department head will prepare the *Faculty Employment Selection Record* (see Appendix G, pages 28-29) and route to the dean for signature and to the provost for review and approval. Attach a separate sheet summarizing results of the on-campus interviews. Reason(s) for non-selection must be specific and job related. (This attachment goes to the Dean's office.)

**Note:** *Faculty Employment Selection Record* forms (#06-11113) are available at Campus Supply, 0193, telephone 273-2451.

## 8. EMPLOYMENT OFFER

A verbal employment offer can be made by the dean or designee when notification of approval is received from the Provost. If the offer is accepted, an appointment letter is promptly sent. (See Appendix H, pages 30-31 for sample letter.) Reference to the Employment Eligibility Verification requirement is to be included in the letter. Letters notifying other applicants that an offer was extended and accepted are sent by the department head/committee chair.

## 9. STORAGE OF APPLICATIONS AND SUPPORTING MATERIALS

All applications and supporting materials are to be kept in the unit in which the search occurs for a period of 36 months beginning with the date the position is filled. Records of searches that are under civil rights review because of a filed complaint are to be retained indefinitely.

## **10. CLOSING OR REOPENING SEARCHES**

For closing or reopening searches, the Office of Compliance and Equity Management is to be notified in writing immediately when such decisions are made. Note that an updated *Request to Fill Open Faculty Position* form is needed for searches reopened in a new fiscal year.

## **11. EXTENDED SEARCHES**

Please notify the Office of Compliance and Equity Management in writing of the decision to extend the search. This means that a deadline for the receipt of application remains open for an extended but specific date. Advertisements/position announcements for extended searches are to be sent to the Office of Compliance and Equity Management for review and approval.

## **12. TERM APPOINTMENTS - DEFINITION AND GUIDELINES**

A term appointment is a multiple-year appointment for a minimum of two (2) and a maximum of four (4) years. Departments are to seek candidates following the search procedures explained in steps 1 through 11, pages 3-8. The appointment expires as specified by the initial letter of appointment. If the budget line for the position changes to probationary status, a full search must be conducted. When a term position becomes vacant (i.e. resignation, expiration of appointment, etc.), a new search must be conducted.

## **13. FULL-TIME TEMPORARY APPOINTMENTS**

Full-time temporary appointments are for one (1) academic year. When departments formally advertise for applicants, the search procedures on pages 3-8 are to be followed. A full-time temporary appointment may be renewed for one (1) additional year upon written request and approval from the Director of Compliance and Equity Management. A full-time temporary appointment may not be continued beyond two (2) consecutive years. If the budget line for the position changes to term or probationary status, a new search must be conducted. (Also see **Emergency Temporary Appointments** on page 11.)

**SUMMARY OF RECRUITMENT PROCEDURES  
FOR TENURE TRACK, TERM, AND FULL-TIME TEMPORARY POSITIONS**

<b>Form or Document</b>	<b>Completed by:</b>	<b>Approved by:</b>	<b>Copies of signed forms sent to:</b>
<b>Faculty Recruitment Plan</b> <i>(Form)</i>	Department	Dean	Dean's Office Department Office Compliance & Equity Management
<b>Request to Fill</b> <i>(Form)</i> <b>Open Faculty Position</b>	Department Head	Dean Provost	Dean's Office Provost's Office Compliance & Equity Management
Listing of Search Committee Members	Department Head	Dean	Department Office Compliance & Equity Management
Position Announcement and Advertising copy	Search Committee Department Head	Compliance & Equity Management	Department Office Compliance & Equity Management
Letters acknowledging receipt of applications are sent with <b>Data Cards</b> <i>(Form)</i> . Print search number and applicant number on each <b>Data Card</b> .	Search Committee Chair		Data cards are pre-addressed to Compliance & Equity Management
<b>Faculty Interview Pool Approval</b> <i>(Form)</i>	Search Committee Chair	Dean Compliance & Equity Management	Search Chair Department Head Dean
<b>Faculty Search Committee Recommendation</b> <i>(Form)</i>	Search Committee Chair	Search Committee Members	Search Chair Department Head Dean Compliance & Equity Management
<b>Faculty Employment Selection Record</b> <i>(Form)</i>	Department Head	Dean Provost	Department Head Dean Compliance & Equity Management



## **RECRUITMENT PROCEDURES: OTHER TEMPORARY APPOINTMENTS**

### **PART-TIME TEMPORARY APPOINTMENTS**

Part-time temporary appointments may be made for one semester only. Within that semester, the faculty member may be hired to work full-time or part-time. These appointments may be made without the usual detailed scrutiny of the Office of Compliance and Equity Management. However, a *Request to Fill Open Faculty Position* form must be completed, approved, and distributed as indicated, with one copy sent to the Office of Compliance and Equity Management. Further, if departments advertise for these positions, the advertisements must be sent to the Office of Compliance and Equity Management for approval. At the time the selection is made, the Provost's Office should be notified in writing.

### **EMERGENCY TEMPORARY APPOINTMENTS**

These appointments are made in situations which require immediate replacement of a faculty member or when a vacancy occurs prior to the beginning of the Fall semester but not earlier than June 1. A *Request to Fill Open Faculty Position* form must be completed, approved, and distributed as indicated, with one copy sent to the Office of Compliance and Equity Management. To highlight the special nature of this type of appointment, include the phrase "Emergency Hire" on the *Request to Fill*. The period of appointment is not to exceed one academic year. The *Faculty Employment Selection Record*, with an attachment detailing an explanation of the emergency, is to be sent to the Provost.

### **VISITING PROFESSOR / ARTIST IN RESIDENCE APPOINTMENTS**

A visiting professor / artist in residence may be hired for a period of up to one (1) academic year on a part-time or full-time basis. A *Request to Fill Open Faculty Position* form must be completed, approved, and distributed as indicated, with one copy sent to the Office of Compliance and Equity Management. If departments advertise for these positions, the advertisements must be approved by the Office of Compliance and Equity Management. The *Faculty Employment Selection Record* for each appointment, accompanied by the appointee's vita, are to be sent to the Provost's Office.

## **PROCEDURES FOR THE SELECTION OF ACADEMIC DEPARTMENT HEAD INTERNAL SEARCH**

If an academic department has approval to do an internal search for a department head, the following guidelines are to be followed:

1. Initiate a Request to Fill for the position
2. The screening and selection process are to comply with equal opportunity in employment laws and guidelines. The Director of Compliance and Equity Management is to be consulted regarding these matters.
3. A screening committee appointed by the Dean will be formed by selecting members from:
  - i. All non-candidate, tenured/probationary faculty members within the department
  - ii. One student or alumnus/alumna, one department head from within the College and one faculty member from another department in the College.
4. The dean and/or the screening committee chair shall develop and publish a position vacancy announcement to all faculty in the department.
5. Candidates should write a detailed letter of application to the screening committee. This letter should address the applicant's administrative philosophy and the applicant's qualifications. Enclosed with the letter should be a current curriculum vitae.
6. The screening committee shall conduct on-campus interviews with the candidate(s) for the position. Confidentiality is to be observed.
7. The screening committee shall forward unranked name(s) of recommended candidates and their credentials to the Dean. The strengths and weaknesses of each candidate will be included in the screening committee's report. In the event of a single candidate, the screening committee may submit its recommendation to the Dean.
8. The selection of the department head will be made by the Provost and Vice President of Academic Affairs upon the recommendation of the Dean.
9. The Dean of the College shall prepare a *Faculty Employment Selection Record* for the Provost and Vice President to review and approve.

## **PROCEDURES FOR THE SELECTION OF AN ASSOCIATE DEAN INTERNAL SEARCH**

If the College has approval to do an internal search for an associate dean, the following guidelines are to be followed:

1. Initiate a Request to Fill for the position
2. The screening and selection process are to comply with equal opportunity in employment laws and guidelines. The Director of Compliance and Equity Management is to be consulted regarding these matters.
3. A screening committee appointed by the Dean will be formed by selecting members from:
  - i. Three to five, tenured/probationary faculty members of the College
  - ii. One student or alumnus/alumna and one department head from within the College
  - iii. One staff person
4. The dean and/or the screening committee chair shall develop and publish a position vacancy announcement to all faculty in the college.
5. Candidates should write a detailed letter of application to the screening committee. This letter should address the applicant's administrative philosophy and the applicants qualifications. Enclosed with the letter should be a current curriculum vitae.
6. The screening committee will conduct on-campus interviews with the candidate(s) for the position. Confidentiality is to be observed.
7. The screening committee shall forward unranked name(s) of recommended candidates and their credentials to the Dean. The strengths and weaknesses of each candidate will be included in the screening committee's report. In the event of a single candidate, the screening committee may submit its recommendation to the Dean.
8. The appointment of the associate dean will be made upon the recommendation of the Dean to the Provost and Vice President for Academic Affairs.
9. The Dean of the College shall prepare a *Faculty Employment Selection Record* for the Provost and Vice President to review and approve.

# PROCEDURES FOR THE SELECTION OF ACADEMIC DEPARTMENT HEAD

## EXTERNAL SEARCH

### Appointments – Academic Department Head Recruitment

1. Academic department head recruiting shall be in accordance with Affirmative Action policy and procedures and other applicable personnel policies. Affirmative Action policy and procedures as well as the Affirmative Action Guide – Faculty are to be reviewed and applied.
2. Membership, Department Head Search and Screening Committees  
The Committee shall be composed of a maximum of five (5) tenured/probationary faculty members selected by the department. One student or alumnus/alumna, one department head from within the college, and one faculty member, also from within the college, may be appointed by the dean if so desired. Any committee member electing to become an active candidate shall be replaced on the committee according to procedures above.
3. The committee will meet with the dean of the college to develop the position description and to discuss the search policies and procedures.
4. Recruitment Procedures. The committee shall pursue applications and nominations from a wide variety of sources including the teaching faculty, administrative staff, professional associations, and other colleges and universities.
5. The committee shall provide comparable opportunities for applications, interviews, etc., for off-campus and on-campus candidates.
6. The committee shall screen the applications and nominations and, in consultation with the dean, make arrangements for interviews by the committee, departmental faculty, and appropriate university officials for a reasonable number of candidates. The candidate list is to be reviewed and approved by the Director of Affirmative Action Programs before arrangements are made for on-campus interviews.
7. The committee will forward the names of at least three candidates whom it endorses to the dean.
8. The committee should submit evaluation comments for each candidate interviewed. The candidates shall not be numerically ranked. The dean will consult with the committee and the department faculty prior to making a recommendation to the vice president and provost. The dean will inform the faculty and others at an appropriate time about the president's recommendation to the Board for an appointment.
8. In unusual circumstances, the dean, in consultation with the department faculty, may request from the provost variance from any or all of the above procedural steps except for Item 1, in which case the Director of Affirmative Action Programs is to be consulted.
10. The dean will prepare a Selection Record for approval by the Vice President and Provost prior to the announcement of the president's recommendation to the Board.

(Academic Affairs 9/89)  
(Affirmative Action 2/90)

# PROCEDURES FOR THE SELECTION OF ACADEMIC DEANS, DEAN OF GRADUATE COLLEGE, DEAN OF CONTINUING EDUCATION AND SPECIAL PROGRAMS, AND DIRECTOR OF LIBRARY RECRUITMENT

## EXTERNAL SEARCH

Appointments – Academic Deans, Dean of Graduate College, Dean of Continuing Education and Special Programs, and Director of Library Recruitment

1. Recruitment and hiring for these positions shall be in accordance with Affirmative Action policy and procedures and other applicable personnel policies. Affirmative Action policy and procedures as well as the Affirmative Action Guide – Faculty are to be reviewed and applied.
2. Membership, Dean Search and Screening Committees

### 2.1 Dean of Academic College

The committee shall be composed of five (5) faculty members, two (2) appointed students, three (3) department heads and a representative of the Council of Deans. The student members shall consist of two (2) students appointed by the Northern Iowa Student Government president with the consent of the Student Senate. The administrative members shall be appointed by the Vice-President and Provost and will include three (3) department heads and one representative from the Council of Deans. The faculty members shall be selected by the College Faculty Senate, or other representative body, by a method to be determined by that body. The committee will select its own chairperson.

### 2.2 Dean of Graduate College

The committee shall be composed of five (5) faculty members, two (2) appointed graduate students, three (3) department heads and a representative of the Council of Deans. The administrative members shall be appointed by the Vice President and Provost and will include three (3) department heads and one (1) representative from the Council of Deans. The faculty members shall be selected by the University Graduate Council. A graduate faculty member from each college is to be selected. The Council shall also appoint two (2) graduate students. The committee will select its own chairperson.

### 2.3 Dean of Continuing Education and Special Programs

In the case of the search for a Dean of the Division of Continuing Education and Special Programs, the Committee shall be composed of one (1) faculty member from each college, two (2) students, three (3) department heads, and one (1) representative of the other deans. The student members shall consist of two (2) students appointed by the Northern Iowa Student Government president with the consent of the Student Senate. The administrative members shall be appointed by the Vice-President and Provost and will include three (3) department heads and one representative from the Council of Deans. The faculty members shall be selected by the College Faculty Senate, or other representative body, by a method to be determined by that body. The committee will select its own chairperson.

**Procedures for the Selection of Academic Deans, Dean of Graduate College, Dean of Continuing Education and Special Programs, and Director of Library Recruitment – External Search Page 2**

2.4 Director of Library

The Committee shall be composed of five (5) faculty members, two (2) appointed students, three (3) department heads and a representative of the Council of Deans. The student members shall consist of two (2) students appointed by the Northern Iowa Student Government president with the consent of the Student Senate. The administrative member shall be appointed by the Vice-President and Provost and will include three (3) department heads and one (1) representative of the Council of Deans.

The faculty members shall be selected by the Library representative body by a method to be determined by that body. The Committee will select its own chairperson.

3. Recruitment Procedures. The Committee shall develop a recruitment plan for review and approval by the Vice President and Provost. Applications and nominations from a wide variety of sources, including UNI faculty, administrative staff, professional associations, and other colleges and universities, shall be solicited.
4. The Committee shall screen the applications and nominations in order to select an interview pool. This interview pool will be reviewed by the Director of Affirmative Action Programs before arrangements are made for on-campus interviews.
5. The Committee will submit a list of at least three (3) candidates to the Vice President and Provost with specific comments or advice the Committee wishes to offer. The Vice President and Provost will inform the faculty and others at any appropriate time about the President's recommendation to the Board for an appointment. The Vice President and Provost will consult with the department heads of the college and with the Dean's Search and Screening Committee prior to making a recommendation to the President.
6. The Vice President and Provost will prepare a Selection Record prior to the announcement of the President's recommendation to the Board.

(Academic Affairs 9/89)  
(Affirmative Action 2/90)



**APPENDIX A**

**SAMPLE**

**DEPARTMENTAL RECRUITMENT PLAN**

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**THE UNIVERSITY OF  
NORTHERN IOWA**

**DEPARTMENT OF PHYSICS**

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**FACULTY RECRUITMENT PLAN**

The University of Northern Iowa and the Department of Physics is committed to recruiting and maintaining a roster of faculty who will continue the school's long standing tradition of excellence. This commitment embraces not only the desirability of achieving and maintaining appropriate diversity of disciplines and backgrounds among the faculty, but to seek faculty representation from minorities, women, Vietnam era veterans, and disabled persons at a pace beyond that which might otherwise occur. This, we believe, enriches the working environment for faculty members and the learning experience for students.

The ensuing list specifies a variety of methods that will be used by the department in soliciting possible candidates for tenure-track faculty positions. The list will also be partially applicable in soliciting candidates for temporary positions depending on the time available for search and hiring.

a. Discipline-specific publications which will be used for advertising:

- a) **Physics Today** American Institute of Physics  
Advertising Division, AIP  
335 East 45<sup>th</sup> St.  
New York, NY 10017  
(212) 661-9404  
Fax: (212) 661-2036

This journal is received by virtually all professional physicists (including educators) in the United States and Canada and many in other countries. A subscription to Physics Today is included in the membership in any of the ten physics professional organizations including American Association of Physics Teachers, American Physical Society, Optical Society of America and seven others.

- b) **American Institute of Physics  
(AIP) Summary of Open Positions** American Institute of Physics  
335 East 45<sup>th</sup> St.  
New York, NY 10017  
(212) 661-9404  
Fax: (212) 949-0473

This publication is widely distributed to all academic physics departments, research laboratories and anyone requesting to be on the mailing list. The AIP is the umbrella organization for the ten organizations for which Physics Today is published. Though the readers would also be likely to see Physics Today the AIP Summary has the advantage that the ads can continue to run for several months at no extra charge. It also has the advantage that ads in the AIP Summary will be on PiNet, the AIP information service available on most academic computer networks.

Advertising in the two places listed above is essential if all physicists are to be reached. The physics profession is fortunate to have such clearly defined places where all positions are listed.

- b. The department may, in some cases, advertise openings in the following publications:

The Chronicle of Higher Education	1255 Twenty-Third St. NW Washington, D.C. 20037 (202) 466-1050 Fax: (202) 296-2691
-----------------------------------	---

- c. Directories or rosters for use as recruiting sources:

- a) The following two rosters are especially valuable for physics and should be used.

Roster of Minorities in Physics and Roster of Women in Physics. These two rosters are on file at the American Physical Society, 335 East 45<sup>th</sup> Street, New York, NY 10017-3483 through which mailings to individuals can be arranged.

- b) The following two directories may be possible recruiting sources.

Minority & Women Doctoral Directory

National Minority Faculty Identification Directory

<http://www.southwestern.edu/natfacid/>

user name – unvniowa

password – 00\$uni (please note these are zeros, note the letter o)

- d. When a temporary person is to be recruited, newspapers may be used to reach persons not currently professionally active who would be qualified for a temporary position. Possibly newspapers which might be used for temporary vacancies are:

New York Times, Sunday Edition	229 W 43 <sup>rd</sup> St. New York, NY 10036 (212) 556-1234 Fax: (212) 556-8828
--------------------------------	---

Chicago Tribune	435 N Michigan Ave. Chicago, IL 60611 (312) 222-3232 Fax: (312) 222-4014
-----------------	---

The Des Moines Register	P.O. Box 957 Des Moines, IA 50304 (515) 284-8000 Fax: (515) 284-8103
-------------------------	---

St. Louis Post-Dispatch	900 N Tucker Blvd St. Louis, MO 63101 (314) 622-7000 Fax: (314) 342-3186
-------------------------	---

Minneapolis Star Tribune	425 Portland Ave Minneapolis, MN 55488 (612) 372-4141 Fax: (612) 372-4359
--------------------------	--

- e. Inform academic departments that offer doctoral degrees in Physics. This may be done via the AIP Summary of Open Positions which is sent to physics and astronomy departments in over 800 universities. It may also be done by sending a letter stating that a search is being conducted and requesting assistance in informing candidates who may be eligible for consideration. In addition to this letter, a copy of the position description will be included.
- f. Department heads, faculty of the searching department, and colleagues who may assist in the recruitment process will be sent an interoffice memorandum explaining that a search is being conducted and requesting assistance. A copy of the position description will also be included.
- g. Individuals within the department will be provided with announcements and job descriptions of open positions. They will be asked to offer any names of colleagues or contacts that may be of assistance in suggesting or informing potential candidates.
- h. Representatives from the department attending professional meetings will post announcements of the position opening in efforts to solicit potential candidates.
- i. Affected class individuals that have been referred to the department will be contacted, even if a position is not currently available (as part of the effort to recruit on a year-round basis). If a position is available the individual will be sent a description of the opening.
- j. Colleagues and associates will be asked to provide names of possible candidates who are minority persons and/or women instructors at colleges and universities, or currently hold positions in research institutions, industry, government, etc.
- k. The department should continuously maintain contacts which could be the basis for recruitment when an opening occurs. This can be done by: keeping abreast of affected class members in the particular fields and how they may be contacted; meeting people through professional meetings; keeping copies of any papers presented and/or business cards on file; any other means of maintaining contact, lists, and sources of potential affected class candidates. By doing this on a year-round basis the University and the department will be promoting the furtherance of the University's overall goal of diversity and the mission of responding to the academic needs of students from the State of Iowa and beyond.

---

Department Head

---

Date

---

Dean

---

Date

**APPENDIX B**

**CLARIFICATION OF RACIAL/ETHNIC GROUPS AND  
OTHER PROTECTED CLASS GROUPS**

## CLARIFICATION OF RACIAL/ETHNIC GROUPS

The following categories for race and ethnic background have been established for reporting to federal government agencies.

**Multi-Racial** — any combination of the following

**American Indian or Alaska Native** — person having origins in any of the original peoples of North or South America and who maintains tribal affiliation or community attachment

**Asian** — person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent

**Black or African-American** — person having origins in any of the black racial groups of Africa

**Hispanic or Latino** — person of Cuban, Mexican, Puerto Rican, Southern or Central American or other Spanish origin

**Native Hawaiian or Other Pacific Islander** — person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands

**White** — person having origins in any of the original peoples of Europe, the Middle East or North Africa

# CLARIFICATION OF OTHER PROTECTED CLASS GROUPS

## Women

### Persons with Disabilities

A disabled individual is defined as a person who has a physical or mental impairment which substantially limits one or more of such person's major life activities or has a record of such impairment.

## Veterans

1. Vietnam Era Veteran - A veteran of the Vietnam era means a person:
  - a. who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or
  - b. was discharged or released from active duty for a service-connected disability if any part of such active duty was performed between August 5, 1964, and May 7, 1975, and
  - c. who was so discharged or released within 48 months preceding the alleged violation of the Vietnam Era Veterans' Readjustment Assistance Act, Affirmative Action Clause, and/or regulations issued pursuant to the Act.
2. A Disabled Veteran is a veteran who has a service-connected disability or is receiving compensation, disability benefits or pension under laws administered by the Veterans Administration. A veteran who has been awarded the Purple Heart for disabilities incurred in action shall be considered to have a service-connected disability.

**APPENDIX C**  
**REQUEST TO FILL FORM**  
**(#06-11136)**

# University of Northern Iowa

## Request to Fill Open Faculty Position

College and Department \_\_\_\_\_

Current Salary for Position \_\_\_\_\_

Budget Number of Position \_\_\_\_\_

Position Previously Held by \_\_\_\_\_

**Justification for Request, Stated in Terms of Needs and Priorities:**

**Approvals:**

\_\_\_\_\_  
**Dean** **Date**

\_\_\_\_\_  
**Provost and Vice President** **Date**

**Distribution of Approved Form:**

- Part 1 – White -- College
- Part 2 – Yellow -- Provost and Vice President
- Part 3 – Pink -- Compliance and Equity Management

**APPENDIX D**

**EXAMPLE OF ACKNOWLEDGMENT LETTER TO APPLICANT  
AND POSTAGE-PAID DATA CARD  
(Form #06-1116)**

## EXAMPLE OF ACKNOWLEDGMENT LETTER TO APPLICANT

Today's date

Applicant  
Street Address  
City, State Zip

Dear Applicant:

Thank you for your interest in the position of \_\_\_\_\_ in the department of \_\_\_\_\_ at the University of Northern Iowa. Enclosed is a complete description of the position for which you submitted your application and information about the University and the surrounding communities.

We request that you complete and return the enclosed postage-paid Data Card. Any information you provide relating to self-identification is strictly voluntary and in no way adversely affects your application. The information will be used to monitor our affirmative action.

Please be advised that, if selected, you must provide appropriate documentation of eligibility to work in the United States.

We appreciate your interest in the University of Northern Iowa. If you have questions concerning the position, please feel free to contact our office at (319)- 273-\_\_\_\_\_ .

Sincerely,

Search Committee Chair  
Position Opening

Enclosures: Position Announcement  
Postage-paid Data Card

Dear Applicant: We have received your recent application for employment. We request that you complete and mail this card at your earliest convenience. The information you provide will be used to monitor affirmative action efforts. These ethnicity/race categories have been defined by the United States Office of Management and Budget. Thank you for your assistance.

Male \_\_\_\_\_ Female \_\_\_\_\_ Name \_\_\_\_\_

**ETHNICITY**

Are you Hispanic/Latino? Yes \_\_\_\_\_ No \_\_\_\_\_

How did you learn of this vacancy?

**RACE**

What Race(s) are you?

01 \_\_\_\_\_ American Indian or Alaska Native

02 \_\_\_\_\_ Asian

03 \_\_\_\_\_ Black or African American

04 \_\_\_\_\_ Hispanic/Latino

05 \_\_\_\_\_ Native Hawaiian or Other Pacific Islander

06 \_\_\_\_\_ White

- \_\_\_\_\_ UNI Website
- \_\_\_\_\_ Personal Contact
- \_\_\_\_\_ Black Issues
- \_\_\_\_\_ Wloo Courier
- \_\_\_\_\_ Job Service of Iowa
- \_\_\_\_\_ UNI Job Line
- \_\_\_\_\_ Professional Journal
- \_\_\_\_\_ The Chronicle
- \_\_\_\_\_ Outlook
- \_\_\_\_\_ DM Register
- \_\_\_\_\_ Websites

Other \_\_\_\_\_

**DEPARTMENT USE ONLY — to be completed by Hiring Department**

Department \_\_\_\_\_

Faculty Search # F \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

P&S Search # \_\_\_\_\_ - \_\_\_\_\_

**APPENDIX E**

**FACULTY INTERVIEW POOL APPROVAL FORM  
(form #06-1114)**

# University of Northern Iowa

Office of Compliance and Equity Management  
Campus Code – 0028

## FACULTY INTERVIEW POOL APPROVAL

Department/School \_\_\_\_\_ Search No. \_\_\_\_\_ - \_\_\_\_\_

Listed below are the names of applicants selected for on-campus interviews. These candidates will be contacted for interview after review and approval by the Office of Compliance and Equity Management. It is necessary to submit with this form a list of all applicants and reasons for non-selection as well as the complete application file for each potential interviewee.

Position Title \_\_\_\_\_

Committee Chair \_\_\_\_\_ Address/Phone \_\_\_\_\_

---

### Candidates to be Scheduled for On-Campus Interview

---


Indicate date by which applications must be received for full consideration \_\_\_\_\_

\_\_\_\_\_  
Search Committee Chairperson \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Department Head/Director \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Dean \_\_\_\_\_ Date \_\_\_\_\_

**Office of Compliance and Equity Management**      Approved \_\_\_\_\_      Not approved \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Director or Designee \_\_\_\_\_ Date \_\_\_\_\_

**Note: In the event additional interviewees are proposed, a new form should be initiated and forwarded to the Office of Compliance and Equity Management, along with complete application files, for review and approval.**

Compliance & Equity Management shall retain a copy of this document.  
Upon review, copies shall be distributed to: Committee Chair, Department Head/Director and Dean.

**APPENDIX F**

**FACULTY SEARCH COMMITTEE RECOMMENDATION FORM  
(form #06-1113)**

# University of Northern Iowa

---

Office of Compliance and Equity Management  
Campus Code -0028

## FACULTY SEARCH COMMITTEE RECOMMENDATION

Department/School \_\_\_\_\_

**This form and application materials of all candidates interviewed are to be forwarded to the Dean for review and selection of candidate to be recommended for appointment to the Provost/Vice President**

---

The search committee for the position of \_\_\_\_\_,  
Search No. \_\_\_\_\_ - \_\_\_\_\_ has carefully implemented the recruitment plan developed by the department/school. Being satisfied that all University Employment guidelines and procedures have been followed, the following candidate(s) were found eligible for the position:

Type or print the names of Search Committee members	Signature	Date
1. _____, Chair		
2.		
3.		
4.		
5.		
6.		

**NOTE: In cases of disagreement among committee member(s), the chairperson is to discontinue the search process immediately. Send this form, a report describing the problem(s) along with all related application materials for candidates interviewed, to the Office of Compliance and Equity Management for review.**

**APPENDIX G**

**FACULTY EMPLOYMENT SELECTION RECORD  
(#06-11115)**

# University of Northern Iowa

Office of Compliance and Equity Management  
Campus Code – 0028

## FACULTY EMPLOYMENT SELECTION RECORD

Department/School \_\_\_\_\_ Search No. \_\_\_\_\_ - \_\_\_\_\_

**This form and application materials of all candidates interviewed are to be forwarded to the Provost/Vice President for final review and approval.**

In compliance with the employment policies and procedures of the University \_\_\_\_\_  
(name of nominee)

is recommended for appointment as \_\_\_\_\_

at the proposed starting salary \$ \_\_\_\_\_, proposed date of employment \_\_\_\_\_.

**This position is:** Tenured \_\_\_\_\_ Probationary \_\_\_\_\_ \*Temporary (full-time) \_\_\_\_\_  
Term \_\_\_\_\_ \*Visiting \_\_\_\_\_ \*Temporary (part-time) \_\_\_\_\_  
\*State termination date \_\_\_\_\_

**All degrees for the candidate were verified by:** \_\_\_\_\_

### Names of Other Interviewees

Names of Other Interviewees	

Number of applications received for this position: \_\_\_\_\_

Prepared by:

\_\_\_\_\_  
Department Head/Director Date

\_\_\_\_\_  
Dean Date

### Final review and approval:

\_\_\_\_\_  
Provost/Vice President or designee Date

A copy of this document shall be retained by the Provost and Deans office.  
Distribute signed copies to: Search Committee Chair, Department Head/Director and Compliance & Equity Management

**APPENDIX H**

**EXAMPLE OF APPOINTMENT LETTER TO  
SELECTED CANDIDATE**

# EXAMPLE OF APPOINTMENT LETTER TO SELECTED CANDIDATE

Today's Date

Selected Candidate

Street Address

City, State Zip

Dear (Selected Candidate):

On the recommendation of \_\_\_\_\_, Head, Department of \_\_\_\_\_, and with the approval of Provost and Vice-President, \_\_\_\_\_, it is my pleasure to offer you the position of \_\_\_\_\_ in the Department of \_\_\_\_\_ at the University of Northern Iowa. The appointment as (title of position) which will be effective at the start of the fall (fill in year) semester, is a (tenure, tenure-track, term) position, with a beginning salary of (salary amount).

In addition to your cash salary, you will be eligible for fringe benefits that involve University contributions to such programs as annuity, life insurance, health and dental insurance, and disability insurance. Forms for application to various benefit programs will be distributed at the new-faculty orientation held immediately prior to the beginning of the fall semester. (name), Benefits Coordinator, is available at (319) 273-2824 to answer any questions you have concerning benefits.

In compliance with federal laws concerning work eligibility in the United States, you must be able to provide documents showing employment eligibility prior to your start date.

We are confident that you will find this position interesting, challenging and rewarding. We look forward to working with you. Please indicate your acceptance of this offer by signing the enclosed copy letters and returning same to me in the enclosed self-addressed envelope.

Sincerely,

Signature

Dean, College of \_\_\_\_\_

Enclosures

cc: Department Head  
Provost and Vice President for Academic Affairs  
Compliance and Equity Management

**I accept the conditions of this contract agreement as outlined above.**

---

Date

Signature

**APPENDIX I**  
**SUCCESSFULLY INTERVIEWING JOB APPLICANTS**

# Successfully Interviewing Job Applicants

---

*Published by*

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# Table of Contents

Introduction.....	35
Before The Interview Begins .....	36
Discovering An Applicant’s Qualifications.....	36
Avoiding Discrimination.....	38
Age, Date of Birth.....	38
Arrests .....	39
Background and Reference Checks .....	39
Child Care Arrangements, Contraceptive Practices .....	40
Citizenship, Immigration, National Origin.....	40
Eligibility to Work, Identity .....	40
Use of Native Language.....	41
Convictions (other than traffic violations).....	41
Disability and Health Questions.....	41
Reasonable and Necessary Accommodations .....	42
Medical Examinations .....	43
Alcohol, Drug Abuse.....	43
AIDS .....	44
Military Service .....	44
Discharge .....	44
Veterans’ Preference .....	44
Dress and Appearance .....	44
Fidelity Bond Ever Refused You .....	44
Financial Status; Own a Home, Car.....	45
Friends or Relatives Working For Us .....	45
Garnishment Record.....	45
Height, Weight.....	45
Marital Status.....	45
Pregnancy and Childbirth .....	46
Salary (lowest will accept) .....	46
Saturday and Sunday Work.....	46
Sex.....	47
Spouse’s Name .....	47
Spouse’s Work.....	47
Testing.....	47
Pre-employment.....	47
Drugs and Alcohol.....	48
Lie Detector (Polygraph).....	48
Bona Fide Occupational Qualification.....	49
Advertising The Job.....	49
Successful Interviews — A Summary .....	50
Guide to Pre-employment Inquiries.....	51

# Introduction

## **“hiring fair . . . hiring qualified”**

Most employers want to treat job applicants fairly and without prejudice. All employers want to hire the most qualified person for the job.

Both goals can be met when the employer is versed in effective techniques for interviewing job applicants.

In regard to fairness, it's easy to recite the reasons why fair and effective interviewing can sometimes seem elusive. Laws and regulations are constantly changing.

A quick review of the “Do's and Don'ts” of equal employment interviewing appears at the end of this booklet. It is titled, “Guide to Pre-employment Inquiries.” Consistent with the guide's placement at the close of this booklet, it is most effectively used after reading the more detailed material preceding it.

The thought provoking questions on Pages 36 and 37 examine the applicant's qualifications, work attitudes and career plans. They will help the interviewer discover the most qualified person for the job.

“Successfully Interviewing Job Applicants” is the result of a joint effort by Iowa Workforce Development and the Iowa Civil Rights Commission. It's also based on the expertise of the Iowa Department of Personnel.

## Before The Interview Begins

Within the framework of the selection interview, your goal is to discover the most capable applicant for the position. To accomplish this, you must communicate accurately and fairly the requirements of the job and the conditions of work to the applicant. Be prepared to provide information and respond to a candidate's questions. When advertising the job opening, clearly identify the following before the interview begins:

- 1) the essential functions of the job;
- 2) the relationship of these functions to the rest of the unit, division, or department;
- 3) the experience, education, or other qualifications required;
- 4) the nature of supervision the applicant can expect, and the reporting relationships which exist for the position;
- 5) the general conditions of work, i.e., the hours of work, environment, travel requirements, uniform requirements, tools or equipment provided, flextime, rotating shifts and/or overtime;
- 6) salary and benefits provided;
- 7) the advancement or promotion potential of the position.

## Discovering An Applicant's Qualifications

For the interviewer, there are several areas of questioning relevant to discovering an applicant's qualifications for a position that are within legal guidelines. These areas of questioning are:

- Past work experience
- Military work experience
- Education and training
- Authorization to work in the United States
- Personal characteristics directly related to the job

Following are some examples of questions that focus on an applicant's experience, education, and relevant personal characteristics that can safely be used in selection interviews.

*What prompts you to consider leaving your present job?*

*Describe a typical day on your present or last job.*

*What particular parts of past jobs did you enjoy most?*

*In what areas of past jobs did you have the most success?*

## Discovering An Applicant's Qualifications (continued)

*What duties of your past jobs did you enjoy least?*

*In what areas of past jobs did you have the most difficulty?*

*How does the job for which you are applying relate to past job experience?*

*Relevant past experiences outside of paid employment?*

*What is your educational background? How have you utilized your education in your past jobs?*

*Why did you select your major? Would you choose the same major today?*

*Describe a difficult (project) (decision) or two you encountered in your past jobs. How did you handle these situations? Were you satisfied with the results? Would you do them differently today?*

*What type of supervision do you prefer — close supervision with specific directions or minimal supervision with general directions? Are you more satisfied in a structured job situation or do you like the flexibility to accomplish responsibilities in your own way? What are the personal qualities you see in yourself that lead you to this preference?*

*Considering the duties of this job, which are you prepared to assume immediately? Which will require some time for you to learn?*

*A type of problem that occasionally comes up in the position is \_\_\_\_\_. How would you handle a situation of this kind?*

*What are the abilities and qualities you see in yourself that will help you to be successful in this position? Where do you think you might have some difficulty?*

*What aspects of this job do you anticipate liking the most? Having the most success with? Dislike? Explain.*

*Career-wise, where would you like to be in five years? In ten years?*

*This position requires \_\_\_\_\_ (days of) travel per week/month. Will this be a problem for you?*

*This position requires occasional (long) (early) days and/or occasional (overtime, emergency/short-notice) duty. Will this be a problem for you?*

*If selected, how much time should be allowed to give notice to your present employer?*

*Is there anything else you would like to express which we have not touched on?*

# Avoiding Discrimination

Discrimination in hiring practices is prohibited in Iowa under several state and federal laws as well as a Governor's executive order. A summary of the most important of these statements follows.

Discrimination on the basis of sex, race, color, religion, or national origin is prohibited by the Civil Rights Act of 1964 under the provisions of Title VII of that Act which deals specifically with employment. Discrimination on the basis of age is prohibited by the Age Discrimination in Employment Act of 1967 (ADEA).

The Americans with Disabilities Act of 1990 (ADA) requires all public and private employers of 15 or more employees to ensure equal employment opportunities to persons with physical or mental disabilities qualified for the jobs they seek.

The Rehabilitation Act of 1973 requires government contractors and subcontractors to ensure equal employment opportunities to persons with physical or mental disabilities *who are otherwise qualified for the jobs* they seek; employers are required to make "reasonable accommodations" to their disabilities.

Specifically in Iowa, employment discrimination on the basis of race, color, age, sex, religion, creed, national origin, and mental or physical disability is prohibited by the Iowa Civil Rights Act of 1965. Iowa's commitment to fair and equal treatment to all persons was established by Governor's Executive Order 15 which affirms the U.S. Civil Rights Act of 1964.

To select employees on the basis of merit and qualifications, a selecting authority would legitimately explore areas of skill, experience, and past achievements *that relate to actual job performance*. There are many areas of inquiry often used by selecting authorities that *do not* relate to job performance. The provisions of Title VII of the U.S. Civil Rights Act of 1964 do not expressly prohibit the use of any question in an interview. Title VII and the Iowa Civil Rights Act *do* prohibit the *use of information* generated by certain non-job related questions because such information can be used to discriminate against different groups of people. It is very difficult for an employer who has included non-job-related questions in an interview to prove the information generated by such questions was *not* a part of a final decision to hire.

Keep in mind that your goal is to achieve the best possible match between the requirements of the position and the experience, skills, and characteristics of the applicant. To do this best, you will want to focus your inquiries on areas of job-related skills and experiences so that you get the information you need to make the best selection. Various federal and state laws do not impede your ability to carry out this part of your job.

**THE FOLLOWING QUESTION AREAS ARE CONSIDERED DISCRIMINATORY AND SHOULD BE AVOIDED.**

## **Age, Date of Birth**

The Age Discrimination in Employment Act (29 U.S.C. 621-34) prohibits discrimination on the basis of age against individuals who are 40 years of age or more.

## Avoiding Discrimination (continued)

In Iowa, the prohibition is stricter than that imposed by federal law. The Iowa Civil Rights Act prohibits discrimination on the basis of age against individuals who are age 18 and older, or otherwise considered by law to be adults.

Asking applicants what years they attended school or what year they graduated could be interpreted as a method of discriminating against them based on age.

## Arrests

An *arrest* is no indication whatsoever of guilt. Historically, persons of color have suffered proportionately more arrests than others and accordingly the courts have held that without proof of business necessity an employer's use of arrest records to disqualify job applicants is unlawful discrimination. See *Carter v. Gallagher*, F.2d 315 (C.A. 8, 1971); *Gregory v. Litton*, 472 F.2d 631 (C.A. 9, 1972). The Equal Employment Opportunity Commission (EEOC) has ruled that, even if an employer does not consider arrest information, simply requesting such information tends to discourage minority applicants and is therefore illegal.

## Background and Reference Checks

Before making a conditional job offer, an employer may not ask previous employers, family members, or other sources any questions about the job applicant. The employer may inquire about job related issues, but should not make any inquiry related to age, sex, national origin, race, color, creed, religion, or physical or mental disability.

If an employer uses an outside firm to conduct background checks, the employer should assure that this firm complies with the Americans with Disabilities Act of 1990 (ADA) prohibitions on pre-employment inquiries. Such a firm is an agent of the employer. The employer is responsible for the actions of its agents. The agent may not do anything through a contractual relationship that the employer may not do directly.

Before making a conditional offer of employment, an employer may not ask previous employers or other sources about:

- an applicant's disability,
- illness,
- workers' compensation history, or
- any subject that the employer may not directly ask the applicant.

A previous employer may be asked about:

- job functions and tasks performed by the applicant,
- the quality and quantity of work performed,
- how job functions were performed,
- attendance record, or
- other job-related issues that do not relate to disability.

If an applicant has a known disability and has indicated the ability to perform a job with a reasonable accommodation, a previous employer may be asked about accommodations made by that employer.

## **Child Care, Contraception**

The purpose of these questions is to explore what the employer believes to be a common source of absenteeism and tardiness. There are a number of common causes of absenteeism and tardiness which affect any employee and which would be worthy of exploration if this is a matter of substantial concern to the employer. The U.S. Supreme Court has ruled that in the absence of proof of business necessity, Title VII prohibits an employer from having one hiring policy for women and another for men — each having pre-school age children. *Phillips v. Martin Marietta Corp.*, 400 U.S. (1971)

## **Citizenship, Immigration**

The EEOC has adopted “Guidelines on Discrimination Because of National Origin” which contains the following statement: “Because discrimination on the basis of citizenship has the effect of discriminating on the basis of national origin, a lawfully immigrated alien who is domiciled or residing in this country may not be discriminated against on the basis of his (sic) citizenship,” except pursuant to national security requirements required by a federal statute or executive order.

### ***Eligibility to Work, Identity***

The Immigration Reform and Control Act of 1986 requires that all employers, and agencies that recruit for a fee, verify the identity and eligibility to work of each person to be hired. Before hiring takes place, the applicants must be required to document their identity and eligibility to work in the United States; records of the documentation must be maintained.

Documenting identity and employment eligibility is not difficult. An applicant who produces a valid driver’s license and an original Social Security card has met the requirements.

**Any one of the following five documents will establish BOTH identity and eligibility to work:**

- U.S. Passport
- Certificate of U.S. citizenship
- Certificate of naturalization
- Alien registration card with photo
- Unexpired foreign passport — with employment authorization attached

Another approach is to use two documents: one establishing identity and the other demonstrating eligibility to work. In this instance, two sources used in tandem meet the legal requirements.

**Documents that establish identity are:**

- State-issued driver’s license
- State-issued identification card with photo
- U.S. military card

## Avoiding Discrimination (continued)

### **Documents that demonstrate employment eligibility are:**

- Birth Certificate
- Original Social Security Card
- Unexpired employment authorization issued by the U.S. Immigration and
- Naturalization Service

A complete list of documents that are acceptable as proof is available from your nearest office of the Immigration and Naturalization Service (INS).

The law recognizes that certain federal, state or local laws, regulations or executive orders may require that certain jobs be filled only by citizens.

### ***Use of Native Language***

Both the EEOC and the courts have interpreted Title VII as barring language policies that require speaking only English on the job, unless the policy can be justified as a bona fide occupational qualification (BFOQ) or by business necessity, such as safety, or communication with customers, co-workers or supervisors. A rule prohibiting speaking of another language on the job may not be valid if the employer fails to establish a business necessity.

A foreign accent that does not interfere with the worker's ability to perform the job duties is not a legitimate justification for an adverse employment decision (*Carino v. Univ. of Okla. Bd. of Regents*, 36 FEP Cases 826.)

### **Convictions (other than traffic)**

Federal courts have held that a conviction for a felony or misdemeanor may not by itself lawfully constitute an absolute bar to employment, but that an employer may give fair consideration to the relationship between a conviction and the applicant's qualifications for a particular job. See *Carter v. Gallagher*, supra.; *Green v. Missouri Pacific RR Co.*, 523 F 2d 1290 (C.A.8, 1975). These decisions indicate that conviction records should be cause for rejection only if their number, nature and recentness would cause the applicant to be unsuitable for the position. If such inquiries are made, they should be accompanied by a statement that a conviction record will not necessarily be a bar to employment, and that factors such as age and time of the offense, seriousness and nature of the violation, and rehabilitation will be taken into account.

### **Disability and Health Questions**

Employers have a legitimate concern in hiring employees who are physically and mentally able to do their jobs. Employers also have a monetary stake in the related costs of health insurance and worker's compensation insurance. At the same time, many persons have been screened out from employment because of real or perceived physical or mental conditions which may not be related to their ability to perform the work.

Under the 1990 ADA, it is unlawful to ask whether an applicant is disabled or about the nature or severity of a disability. This prohibits disability questions on application forms, during job interviews, or in

## Avoiding Discrimination (continued)

background or reference checks. Employers may ask an applicant questions about the person's ability to perform the essential functions of the job. Employers may also ask an applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will perform job-related functions.

An applicant or employee must be **qualified** for the job, that is, must satisfy the job requirements for educational background, employment experience, skills, licenses, or other job-related qualification standards. The ADA does not interfere with the employer's right to hire the best qualified applicant. Nor does the ADA impose any affirmative action obligations. The ADA simply prohibits the employer from discriminating against a qualified applicant or employee because of a disability.

Under the ADA, a disability is defined as a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of such an impairment, or who are regarded as having such an impairment. The Act makes it unlawful to discriminate against a qualified applicant or employee because of the disability of an individual with whom the applicant or employee is known to have a family, business, social or other relationship or association.

An employer may not use a physical or mental condition to disqualify an applicant merely because the employer *believes* the applicant's condition would pose a health or safety threat. The employer must show that the condition poses a "significant risk of substantial harm." An assessment of the condition must be based on valid medical evidence.

### ***Reasonable and Necessary Accommodations***

If the information provided voluntarily by the applicant or the results of a physical examination given after the job is offered and prior to the commencement of employment do indicate a disabling condition, then the employer must consider what, if any, accommodations need to be made so that the person can be employed. The Iowa Civil Rights Act and the 1990 ADA require employers to make reasonable accommodation to the known physical or mental limitation of a qualified disabled applicant or employee, unless the employer can demonstrate that the accommodation would impose an undue hardship on the operation of its business.

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- acquiring or modifying equipment or devices,
- job restructuring,
- part-time or modified work schedules,
- reassignment to a vacant position,
- adjusting or modifying examinations, training materials or policies,
- providing readers and interpreters, and
- making the workplace readily accessible to and usable by people with disabilities.

## Avoiding Discrimination (continued)

### *Medical Examinations*

Under the 1990 ADA it is unlawful for the employer to require an applicant to take a medical examination before making a job offer. After a job offer is made and prior to the commencement of employment duties, an applicant may be required to take a medical examination if everyone who will be working in the job category must also take the examination. The job offer may be made on condition of the results of the medical examination. However, if an individual is not hired because a medical examination reveals the existence of a disability, the employer must be able to show that the reasons for exclusion are job-related and necessary for the conduct of business. Also, the employer must be able to show that there was no reasonable accommodation that would have made it possible for the individual to perform the essential job functions.

While a person is employed, an employer cannot require that an employee undergo a medical examination or inquiry unless it is job related and consistent with business necessity. The need for the examination may be triggered by some evidence of problems related to job performance or safety. When an employee is injured on or off the job, becomes ill, or otherwise disabled, a medical examination may be necessary to determine if the person can continue to perform the essential functions of the job, with or without a reasonable accommodation. The examination may also be necessary to determine the need for or extent of reasonable accommodation.

Employers may conduct periodic examinations and other medical screening and monitoring required by federal, state or local laws. Employers may also conduct **voluntary** medical examinations and screening as part of an employee health and wellness program.

Information obtained from an employee medical examination or inquiry may not be used to discriminate against the employee. All information obtained from employee medical examinations and inquiries must be maintained in secured files separate from personnel files, and must be used in accordance with ADA confidentiality requirements.

### *Alcohol and Drug Abuse*

In dealing with alcohol and drug abuse, a distinction needs to be made between a past history of and recovery from such abuse, and current abuse of alcohol or drugs. Under state and federal law, recovery from alcoholism or drug addiction is considered a covered disability. An applicant should not be rejected from employment solely because of a history of and recovery from drug or alcohol abuse.

Under the 1990 ADA, an individual who is currently engaging in illegal use of drugs is not an “individual with a disability,” and is specifically excluded from coverage under this law. However, someone who currently abuses alcohol is not excluded from coverage under the ADA, and may need accommodation in undergoing treatment. In addition, a person seeking treatment for alcoholism may have leave rights under the Family and Medical Leave Act (FMLA).

The Drug-Free Workplace Act of 1988 requires that employers having federal contracts of \$25,000 or more or receiving federal grants to establish a drug use policy, maintain drug-free awareness programs, and require employees to report to the employer any criminal drug law convictions for violations that occur in the work place.

## **AIDS**

AIDS (Acquired Immune Deficiency Syndrome), ARC (AIDS – related Complex), and testing positive for HIV (Human Immunodeficiency Virus) have become matters of concern for employers because of fear about the communicability of AIDS. Present research shows there is no transmittal of the disease through casual contact, and that where there is slight risk of infection through contact with body fluids, precautions can be taken to reduce that risk.

Persons with AIDS and HIV disease are protected from discrimination under the Americans with Disabilities Act of 1990. The Rehabilitation Act of 1973, as amended, Section 503, prohibits federal government contractors and subcontractors from discrimination against qualified disabled applicants and employees. Several recent court rulings have determined that AIDS is considered to be a disability covered under Federal Law. *Iowa Code*, Section 216.2(11) states that a positive HIV test result, a diagnosis of AIDS, AIDS-related Complex or other condition related to AIDS is considered to be a disability.

*Iowa Code*, Section 216.6(1)d, prohibits requiring as a condition of employment that any employee or prospective employee take a test for the presence of the antibody to HIV, or to use the test or results of such a test to affect the terms, conditions or privileges of employment, or to terminate an employee solely as a result of the test.

## **Military Service**

**Discharge** – A policy which arbitrarily eliminates candidates who have less than honorable military discharges may violate Title VII and the Iowa Civil Rights Act. Evidence demonstrates that proportionately more black males than white males were given dishonorable discharges from the military service. Thus, requiring an honorable discharge or preferring applicants with honorable discharges could have an unfair impact on non-white applicants.

**Veterans' Preference** – Employers granting preferences for military veterans without statutory authorization may violate state and federal civil rights laws because the preference may have an adverse impact on women.

## **Dress and Appearance**

The employer has a legitimate business interest in having employees who represent the company present the employer's desired image and appearance to the public. The courts have ruled that reasonable dress and appearance codes are a proper exercise of management authority, as long as the standards are directly related to the requirements of the position and do not have an adverse impact on any protected class, such as sex or race. Employers should be aware that an appearance requirement based on offensive or demeaning sex stereotypes may be a Title VII violation.

## **Fidelity Bond Ever Refused To You?**

This question presumably represents an indirect effort to find flaws which may exist in an individual's past. The difficulty with this means, however, is that a fidelity bond may be denied for totally arbitrary and discriminatory reasons which the individual does not have an adequate opportunity to know of or challenge. This method of ascertaining an individual's past history should be dropped in favor of some other method which is not so likely to be infected with bias.

## **Financial Status; Own a Home, Car?**

Persons of color and women tend to be adversely affected when financial status (including home and car ownership) is a hiring consideration. This is because, on average, persons of color and women have lower incomes than white males. Therefore, except in cases of business necessity, it is probably unlawful to use these factors when making hiring decisions. A question on car ownership may be considered a job-related question if the person is required to provide their own car for the performance of the job duties. See EEOC Decision 72-0427 (1971). CCH Employment Practices Guide par., 6312. The U.S. Department of Labor has also recognized the potential for discrimination in the consideration of credit records.

## **Friends or Relatives Working for Us?**

This question may reflect a preference for friends or relatives of present employees. Such a preference would be unlawful if it has the effect of reducing employment opportunities for women or persons of color. It would have this unlawful effect if the present work force differs significantly in its proportion of women or persons of color from the population of the area from which workers are recruited. This question may also reflect a rule that only one partner in a marriage can work for the employer. There is a growing recognition that such a rule hurts women far more than men and that the rule serves no necessary business purpose.

## **Garnishment Record**

In *Johnson v. Pike Corporation of America*, 332 F. Supp. 490 (C.D. Calif. 1971), the court ruled that an employer violated Title VII by discharging an African-American employee because his wages had been garnished several times. The district court based its conclusion on the reasoning of the Supreme Court's test ruling, *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971), and on the district court's findings that persons of color suffer wage garnishments substantially more often than do whites, and that wage garnishments do not affect a worker's ability to perform work effectively. *Iowa Code*, Section 642.21(2)(c) prohibits an employer from discharging a worker because the person's wages are being garnished.

## **Height, Weight**

Some employers have imposed minimum height or weight requirements which are not related to the job to be performed and which have the effect of excluding above-average percentages of women and members of certain nationality groups. Unless height or weight is directly related to a job requirement, these questions should not be asked.

## **Marital Status**

Some employers have refused to hire married women for certain jobs. Most airlines, for example, refused for many years to permit a married woman to be a flight attendant, though other employees could be married. This practice was held to violate Title VII of the Civil Rights Act of 1964 in *Sprogis v. United Air Lines*, 444 F.2d 1194 (7<sup>th</sup> Cir. 1971). The Equal Employment Opportunity Commission's Guidelines on Discrimination Because of Sex (P 1604.4a) expresses the same conclusion. It would also violate Title VII for an employer to refuse to hire a married woman, or to pay a married woman less than a married man for the same work on the supposition that a woman's pay represents a second income while the

## Avoiding Discrimination (continued)

man's does not. Finally, an employer could not refuse to hire a married woman for any job or for particular jobs because of the employer's beliefs concerning morality or family responsibility.

Some applications have included questions on whether the applicant is widowed, divorced, or separated. Such inquiries should be eliminated because they are not related to job performance.

Asking an applicant to provide any prior married name, in effect, asks whether an individual has been divorced. By its nature, however, it asks this question only of women because only a woman changes her name upon marrying. Thus the question is discriminatory unless the employer must have the information as a means of identification for purposes of pre-employment investigation. Information needed for tax, insurance or social security purposes may be obtained after making the offer of employment to the applicant.

## **Pregnancy and Childbirth**

A written or unwritten policy or practice which excludes from employment applicants or employees because of pregnancy, childbirth, or related medical conditions is in violation of Title VII of federal law. The same terms apply under *Iowa Code* Section 601 A.6(2).

The basic principle of the Pregnancy Discrimination Act (Public Law 95-955) is that women affected by pregnancy and related conditions must be treated the same as other job applicants and employees on the basis of their ability or inability to work. A woman is therefore protected against such practices as being refused a job, being fired or refused a promotion merely because she is pregnant or has had an abortion.

Under the Iowa Civil Rights Act, the employer of a pregnant woman shall not refuse to grant to the employee who is disabled by pregnancy a leave of absence for that employee's pregnancy, childbirth, or related medical conditions. The leave is for the period that the person is disabled or for eight weeks, whichever is less. The employee must provide timely notice of the period of leave requested and the employer must approve any change in the period requested before the change is effective. Before granting the leave of absence, the employer may require medical verification that the employee is not able to reasonably perform the duties of employment because of the pregnancy.

## **Salary (lowest will accept)**

Women generally have been relegated to poorer paying jobs than men, and have been paid less than men for the same work. As a result of this discrimination, a woman might be willing to work for less pay than a man would find acceptable. It is unlawful, however, to pay a woman less than a man would be paid because of community wage patterns which are based on discrimination. *See Hodgson v. City Stores, Inc.*, 332 F. Supp. 942 (M.D. Ala., 1971).

## **Saturday and Sunday Work**

This question may serve to discourage applications from persons of certain religions which prohibit their adherents from working on Saturday or Sunday. On the other hand, it may be necessary to know whether an applicant can work on these days. Section 701(j) of Title VII, as amended in 1972, prohibits discrimination on the basis of religion and defines religion to include "all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he (sic) is unable to reasonably

accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." If this kind of question is asked, it would be desirable to indicate that a reasonable effort will be made to accommodate the religious needs of employees.

## **Sex**

Title VII prohibits discrimination in employment on the basis of sex except in the few instances in which sex may be a "bona fide occupational qualification (BFOQ) reasonably necessary to the normal operation" of the employer's business. There are virtually no jobs which can be performed by only one sex or the other. For this reason it would be desirable to omit any question asking the applicant's sex from an application form which is intended for general use.

## **Spouse's Name**

To the extent that this question asks for marital status, the comments on marital status apply. A spouse's name may also be used as an indication of religion or national origin. If next of kin information is needed for emergency use, this is more appropriately gathered after the individual is hired.

## **Spouse's Work**

To the extent that this question asks for marital status, the comments on marital status questions apply. In addition, some employers have been reluctant to hire a woman if that would make her the second breadwinner in the family, whereas there is seldom any objection to hiring a man if that would make him the second breadwinner in the family. Such a policy is unlawful under Title VII and other nondiscrimination laws.

## **Testing**

### ***Pre-employment***

The purpose of any pre-employment testing procedure is to help the employer accurately select employees on the basis of their ability to do the job. Testing procedures are more than just paper and pencil tests; other examples include performance testing, training programs, education or work experience requirements, and probationary periods. The test must be job-related and consistent with business necessity.

Under the Americans with Disabilities Act (ADA), employers must also make it possible for a person with a disability to participate in the application process. For example, if an applicant is blind, the employer must provide assistance with the written application and any required written test. The personnel office and testing site should be accessible to persons with disabilities, or alternate arrangements must be available.

The state and federal regulations on test validation and selection procedures are highly technical. But in general, an employer should not use any testing or selection procedure that has an adverse impact on members of a racial, ethnic, age, sex group, or people with disabilities. At a minimum, an employer should review job requirements to be sure that they are job-related and appropriate for the job classification. A uniform scored interview process will also assist the employer in keeping selection

## Avoiding Discrimination (continued)

decisions as objective as possible. Keeping records of applicant flow and selection rates for each job category will enable the employer to determine if any adverse impact is occurring.

For technical assistance in test validation, an employer can contact state or federal civil rights agencies or a professional testing consultant.

### ***Drugs and Alcohol***

Recent changes were made in Iowa's law on drug testing in the workplace, which expanded the employer's role in testing applicants and employees for drug or alcohol abuse.

The law applies only to private sector employees. The state and its political subdivisions, as well as Native American tribes and the federal government are excluded from the definition of "employer." The Act also provides that its requirements do not apply to drug or alcohol tests of employees required to be tested by federal law.

In order to engage in drug or alcohol testing, an employer must have a written policy, available to employees and prospective employees, governing drug or alcohol testing. The policy must also spell out the disciplinary or rehabilitative actions an employer can take following a positive test.

An employer must establish a drug and alcohol awareness program in the workplace before conducting testing. Employees must receive notice of the benefits and services available under an employee assistance program, or information on community services concerning alcohol and drug abuse.

The law permits unannounced drug or alcohol testing of employees selected from the entire employee population scheduled to work at the time of the testing at a particular work site, or from all employees working in a safety-sensitive position. Testing is permitted based on reasonable suspicion of being under the influence, or to investigate an accident at work. Confidentiality of test results is required, except for use of the results as allowed by law.

The Act provides that an employer shall not be liable for actions taken in good faith based on a positive drug or alcohol test. It also establishes that a test conducted in accordance with the Act is presumed valid and that an employer is not liable for monetary damages if the employer's reliance on a false positive test was reasonable and in good faith.

An employer interested in drug or alcohol testing should obtain a copy of the Iowa statute and consult with legal counsel before starting such a program.

### ***Lie Detector (Polygraph)***

Most private sector employers are barred from requiring an employee or job applicant to take a lie detector test. Most also are barred from requesting or suggesting same. This is the law under the federal Employee Polygraph Protection Act (P.L. 100-347). The law does allow some limited exceptions in the private sector and does not apply to the U.S. government or any state or local government or political subdivision.

## Avoiding Discrimination (continued)

Iowa state law (*Iowa Code* Section 730.4) also prohibits employers from requiring job applicants or employees to take a polygraph or other lie detector test, including a voice stress analyzer, as a condition of initial or continued employment. The law does not apply to peace officers and correctional officers.

### Summary List of Questions to Avoid

Age	Garnishment Record
Color	Types of Discharges from Services
Disability, Health	Child Care Arrangements
Race	Contraceptive Practices
National Origin	Plans to have Children
Marital Status	Unwed Motherhood
Religion	Height and Weight
Sex	Transportation, Not Job Related
Arrest Record	Past Workers' Compensation Claims
Credit References	

## Bona Fide Occupational Qualification

Many jobs have acquired the classification of “men’s jobs” or “women’s jobs” based on popular generalizations regarding the strength, size, or apparent preferences of men and women without taking into account individual characteristics. Interpretations of Title VII in the courts have rarely allowed the dividing of jobs on the basis of sex.

Sex is a Bona Fide Occupational Qualification (BFOQ) for positions requiring the physical characteristics possessed only by one sex; this is applied only to such occupations as artists’ models, restroom attendants, wet nurses, or sperm donors. Other than these examples, all jobs and opportunities must be made equally available to both sexes.

Title VII makes no provision for BFOQ on the basis of race or color. A BFOQ on the basis of religion may apply where an educational institution is owned, supported, and controlled by a particular religious group, or if its curriculum is directed toward the promotion of a particular religion.

## Advertising the Job

Basic to providing equal employment opportunity is a practice of open advertising of all available positions.

An employer should indicate in its advertising that the firm is an equal opportunity employer and that all qualified applicants, regardless of race, color, sex, age, national origin, or disability are encouraged to apply.

Advertising openings is subject to a few easily-met legal guidelines. The Iowa Administrative Code prohibits any employment preference, limitation, or specification based on sex, unless sex is a bona fide

## Advertising the Job (continued)

occupational qualification (See BFOQ, p. 49). Also barred is advertising or otherwise publishing any employment preference, limitation, or specification based upon age, except as provided in the Iowa Civil Rights Commission's rules, unless the employer, employment agency, or labor organization files an affidavit with the publication indicating that the age requirement is a BFOQ.

Help wanted notices should not contain terms or phrases expressing an age preference, such as "young," "boy," "girl," "recent college graduate," or "retired person" unless there is a BFOQ for the position.

For jobs which in the past were traditionally typed as "male" or "female," employers should stress that applicants of both sexes are encouraged to apply.

Recruiting a work force that accurately reflects the mix of the community frequently has two major advantages for the employer. First, through the employees, the employer's product or service become favorably known to a wider spectrum of consumers. When both sexes, all racial and ethnic groups, persons with disabilities, and persons of varying ages are familiar with a product, the market for the product expands. Second, customers feel comfortable coming into a business where all segments of the community are represented, including those with which they closely identify. This makes them more likely to return to do business later.

## Successful Interviews –A Summary

The keys to a successful interview are preparation, organization, and planning. Take time to prepare solid, job-related questions – and then ask these questions consistently to all applicants to *insure equal treatment during the interview*. *Organize* your questions into a logical sequence. *Listen attentively* to the answers your questions generate – this is where your well planned questions pay off. *Present information* about the position accurately, clearly and consistently to all applicants.

From a legal standpoint, make sure your questions are:

***Job related***, based on the requirements of the job as stated in the position description.

***Objective***, calling for objective responses and allowing for objective evaluation of answers.

***Consistently applied*** to ALL applicants.

## Guide to Pre-Employment Inquiries

### ACCEPTABLE

### INADVISABLE

		ACCEPTABLE	INADVISABLE
1.	Arrest Records	None. (For convictions, see No. 4)	Number and kinds of arrest.
2.	Availability for Work on Week ends, Evenings	If asked of all applicants and it is a business necessity for the person to be available to work weekends and/or evenings.	Any inquiry about religious observance.
3.	Citizenship, Birthplace & National Origin	<p>The only legitimate concern here is whether the applicant is eligible to work in the United States, under terms of the Immigration Reform and Control Act of 1986.</p> <p>This is a fair and advisable way to obtain this information. The best approach is to ask: Are you EITHER a U.S. citizen OR an alien authorized to work in the United States?</p> <p>The “Yes” or “No” answer that follows provides all needed information while not disclosing which (citizen or alien) the applicant is.</p>	Birthplace, national origin, ancestry, or lineage of applicant, applicant’s parents, or applicant’s spouse.
4.	Conviction Records	Inquiry into convictions if job related.	Any inquiry about conviction unrelated to job requirements.
5.	Creed or Religion	None, except where religion is a bona fide occupational qualification.	Applicant’s religious affiliation, church, parish, or religious holidays observed.
6.	Credit Records	None, unless job related.	Inquiries about charge accounts, bank accounts, home ownership, etc.
7.	Disability	Whether applicant can perform essential functions of the job.	To ask applicant if he/she is disabled and/or to list disability.
8.	Family Status	Whether applicant has responsibilities or commitments which will prevent meeting work schedules, if asked of all applicants regardless of sex.	Marital status, number and age of children, spouse’s job.
9.	Height & Weight	None, unless job related.	Any inquiry unrelated to job requirements.
10.	Language	Language applicant speaks or writes fluently, if job related.	Language used by applicant or family members at home, or how applicant acquired the ability to read, write, or speak a foreign language.
11.	Marital Status	None.	Whether applicant is married, single, divorced, separated, engaged or widowed.
12.	Military Service	Military experience or training.	Type or condition of discharge.

13.	Name	Whether applicant's educational records or past work experience are under a different name.	The original name of an applicant whose name has been legally changed or the national origin of an applicant's name.
14.	Organizations	Applicant's membership in professional organizations if job related.	All clubs, social fraternities, societies, lodges, or organizations to which applicant belongs.
15.	Photographs	None except after hiring.	Photograph with application or after interview but before hiring.
16.	Pregnancy	None.	Any inquiry into pregnancy, medical history of pregnancy or family plans.

**ACCEPTABLE**

**INADVISABLE**

17.	Race or Color	None.	Applicant's race or color of applicant's skin.
18.	References	Name of character references.	Name of applicant's pastor or religious leader.
19.	Relative/friends	Names of applicant's relatives already employed by your organization or a competitor but you may not give preference if women and minorities are underrepresented in your workforce.	Names of friends working for the company or names of relatives other than those working for the company.
20.	Sex	None, except where sex is a bona fide occupational qualification (BFOQ).	Any inquiry except where BFOQ.
21.	Workers' Compensation	None.	Past Workers' Compensation claims.