

## **University of Illinois Springfield**

#### Office of Access & Equal Opportunity



#### **SEARCH MANUAL AND RESOURCES**

# For Faculty and Academic Professional Appointments

#### Why Diversity?

Because it creates a more dynamic intellectual community

Because it mirrors the reality of the world and, increasingly, the student body

Because research shows heterogeneous groups consistently outperform homogeneous groups

#### Why Diversity?

Because it Supports the Success of the University and its Students, Faculty, Staff and Administrators Because it Supports *Leadership Lived* 





#### Vision

Compliance obligations are a fact of life for public universities like the University of Illinois Springfield. Like compliance obligations governing students' privacy, campus crime reporting, Athletics statistics, and a range of other activities impacted by law, institutional policy, and

external governance, the search process is also subject to external regulation and compliance oversight.

Beyond mandates and procedural integrity, the search process is more than documented evidence of our compliance with applicable regulatory provisions and University policies. The search process is an opportunity to contribute to the vitality of our campus, our mission, our University, our progress, and our institutional commitment to diversity, fairness, and ethical practice. Compliance is **leadership lived!**\*Deanie Brown, J.D., Associate Chancellor for Access and Equal Opportunity

#### **PLEASE NOTE**

#### **HIRING IS A TWO-PART PROCESS!**

- FIRST, APPROVAL IS GRANTED TO **OPEN** A POSITION (HR FRONT-END PROCESS, PRE-SEARCH OR WAIVER REQUEST),
- THEN APPROVAL IS GRANTED TO FILL THE POSITION VIA A SEARCH, OR IN JUSTIFIABLE & EXCEPTIONAL CASES, A SEARCH WAIVER
- AEO Oversees and Advises the Search Process, including Questions and Issues that May Arise
- FOR ACADEMIC PROFESSIONAL (AP) POSITIONS, PROMOTIONS, & INTERIM APPOINTMENTS:
  - FIRST, HUMAN RESOURCES REVIEWS & APPROVES THE POSITION CLASSIFICATION OR POSITION REQUEST
    - VIA A POSITION DESCRIPTION & REQUEST FOR HR, BUDGET, & CAMPUS APPROVAL
  - Next, a Search Plan or Search Waiver Request is Reviewed & Approved by Unit & Division Head & AEO
- FOR FACULTY POSITIONS:

THE DEAN & THE PROVOST APPROVE THE CREATION OF THE POSITION BEFORE THE SEARCH PLAN IS SUBMITTED FOR APPROVAL & THE SEARCH & CANDIDATE ASSESSMENTS BEGIN OR A SEARCH WAIVER APPROVAL REQUEST IS SUBMITTED IN SPECIAL CASES

PLEASE CONTACT HUMAN RESOURCES & THE PROVOST'S OFFICE FOR ASSISTANCE USING THE HIRE TOUCH SYSTEM!

#### **Resource Tool Kit**

#### **UIS AEO Documents**

- The Search Mandate
- Search Guidelines



- **Guidelines for Faculty Search Plans and Search Committees**
- Guidelines for Search Committee Members
- Guidance on Conducting the Screening Stages of the Search Process
- Diversity Recruitment Resources

#### Articles on AA/EEO/Diversity Available for Hiring Units, Search Committees,

#### Discussion

- How to Diversify the Faculty
- o <u>Interrupting Unconscious Bias in Faculty Search Committee Deliberations</u>
- Gender and Racial Unconscious Bias in Hiring
- o <u>Reviewing Applicants: Research on Bias and Assumptions</u>
- What Search Committees See Across the Table
- o The Subconscious Advantage of Whiteness in Hiring
- o <u>Engagement, Retention, and Advancement for Administrators of Color in Higher Education</u>
- Affirmative Action Facts and Myths
- <u>Employment Equity and Institutional Commitments to Diversity: Disciplinary Perspectives from Public Administration and Public Affairs Education</u>



#### SUMMARY GUIDANCE ON THE SEARCH PROCESS

#### WHY SEARCH?

The search process takes effort, commitment, and a willingness to engage a democratic process in the best interests of the University. The benefits of searching to allow qualified persons to apply to join our excellent faculty and academic professional teams are rewarding and vital to our campus and mission.

The search process is a federally mandated tool for ensuring equal access and opportunity to compete for employment or promotions, for qualified applicants. Since U.S. President Lyndon Johnson's 1965 enactment of *Executive Order 11246*, prohibiting discrimination and requiring *affirmative action* in the form of recruitment and outreach efforts to attract applicants for public sector employers receiving federal support, the search process is the means by which employment opportunities are made broadly available to all, as a way to overcome historical barriers to access to employment and promotional opportunities for certain citizens on the basis of race, color, national origin and religion. The Executive Order was later amended to also include provisions for affirmative action for women, regardless of race, and protections for persons with disabilities and veterans of unpopular or designated military conflicts.



To support diversity broadly defined we promote an inclusive approach to purposefully recruit and retain persons covered by the search mandate and also others subject to historical discrimination or barriers to access to opportunity, including members and allies of the LGBTQ community and other diverse groups.

#### **CONSEQUENCES OF DISREGARDING EQUAL OPPORTUNITY POLICIES**

The Federal government periodically audits efforts to comply with its mandate that federally-assisted public universities and other public sector employers take *Affirmative Action* to ensure that equal opportunity is provided in all aspects of employment, including hiring and promotional opportunities. The University's employment processes and practices may also come under scrutiny in response to employment discrimination complaints filed with governmental compliance enforcement agencies. Hiring units and search committees are obligated to avoid exposing the University to adverse impacts.

- Failure to comply may result in loss of federal funding, including federal financial aid or federal research support.
- Failure to comply may result in mandated corrective or remedial action to ensure and demonstrate compliance, including the imposition of targeted hiring plans or supplemental search processes.
- Failure to comply may impact the morale of existing employees, particularly those protected from discrimination, who seek access to compete for employment or promotional opportunities.
- Failure to comply may contribute to a climate considered less than inclusive or welcoming.
- **Failure to comply** can impact the image and reputation of an institution regarding its support for diversity, or if it appears access to compete is determined on bases other than objectively assessed qualifying criteria.

#### ISN'T IT DISCRIMINATORY TO TAKE RACE, SEX OR OTHER ATTRIBUTES INTO ACCOUNT IN EMPLOYMENT DECISIONS?

Campus Diversity While employment decisions should not be made <u>based on</u> race, sex, religion, color, and other identifying or cultural attributes, employing institutions <u>can</u> and <u>should</u> take purposeful steps to enhance the opportunity to apply for qualified individuals who are <u>under-represented</u> or <u>under-utilized</u>. Achieving or enhancing diversity, or remedying under-representation or under-utilization by targeted recruitment efforts, are permissible goals provided non-discriminatory practices are in place and enforced. For more information or consultation please contact UIS Access and Equal Opportunity.

#### **AFFIRMATIVE ACTION DEFINED**

In the employment setting, *Affirmative Action* is a tool for ensuring equal opportunity to all qualified persons - within a region, or on a national or international basis, depending on the scope of the role to be filled. We must create awareness of the opportunity to apply for employment. We are required to take purposeful steps – that is, *Affirmative Action* – to provide opportunities to apply for consideration for employment to qualified persons who are potentially available yet under-represented on campus.

In this sense, *Affirmative Action* is a verb – something search committees, hiring units, and relevant University offices <u>do</u> – rather than a noun – something persons hired <u>get</u>. For example, hiring someone <u>because of</u> their race may be discriminatory; hiring a <u>qualified</u> person whose appointment contributes to diversity or addresses under-representation or underutilization is not discriminatory, provided race or other diversity attributes (which are subject to or protected from discrimination) are not the sole factor. *Affirmative Action* in employment functions differently than *Affirmative Action* in college admissions, where much of the battle has been fought to clarify or confirm its lawfulness and usefulness. In employment, goals and quotas differ, although quotas may result from court-ordered remedies to correct discriminatory practices. **For more information please contact Access and Equal Opportunity**. Equal Opportunity is the legal framework to ensure that qualifications are fairly and lawfully reviewed.

#### THE SEARCH PLAN - BLUEPRINT FOR ACTION AND ASSESSMENT OF CANDIDATES

A carefully crafted position description highlighting core competencies - particularly the minimum and preferred qualifications required to successfully perform in the position - is the heart of the search plan. For faculty positions, hiring units might highlight the ideal set of teaching and scholarly interests in support of current and future curricular goals. For academic professional positions, preferred qualifications might include certain certifications, leadership experience, collaborative abilities, or additional education to best serve current and prospective campus goals and initiatives. A search committee's core responsibility – screening applicants – is greatly aided by clear qualifying criteria.

#### **NOTES ON THE COMPOSITION OF THE SEARCH COMMITTEE**

#### **SEARCH COMMITTEES SHOULD BE DIVERSE**

Search committee composition is subject to scrutiny by federal enforcement officials to assess compliance with affirmative action and equal opportunity law and policy. These officials consider the diversity of the search committee a key tool in taking affirmative action to ensure equal opportunity.

#### Forming a Search Committee



A search committee is a group of at least three individuals selected to serve in an advisory role to a hiring official by recruiting and screening applicants for a vacant academic position. Ideally, at least five members are selected from a a cross-section of campus constituencies to form an effective search committee. Search committees for faculty positions or student-centered positions should include at least one student member with all access and privileges assigned to other members. Also, to honor shared governance goals and obligations, searches for Academic Professional positions should include at least one faculty member with expertise or campus alignment associated with the position to be filled.

An appropriate search committee will strengthen the pursuit of a highly qualified, diverse pool of candidates. Members should understand and be committed to the principles of affirmative action and equal opportunity, including seeking out, soliciting, and recruiting qualified, diverse applicants.

#### Here are some criteria to consider when appointing a search committee:

- The committee chairperson should hold a position at the same level as or a higher level than the vacant position to be filled.
- Include peers and collaborators associated with the position.
- Include a diverse search committee this is imperative and subject to review by regulatory entities.
- Consider including someone who has performed/held the job in the past.
- At least one member of the search committee should be empowered to serve as a diversity advocate.
- Look for a balance of skill, experience and perspectives.
- Consider including alums, community members, or colleagues from other University of Illinois campuses in relevant units to assist in reviewing resumes when that would be beneficial
- Colleagues selected to serve on search committees should have enough time to devote to duties, given the expected time frame for the committee's work
- Colleagues selected to serve on search committees are not eligible to apply for the open position to be filled, or to serve as references or information outlets for other applicants.
- Ensure members' supervisors are notified and approve of members' service on committee.
- Ensure there is enough technical expertise on the committee to make qualitative comparisons between applicants.

PLEASE CONTACT ACCESS AND EQUAL OPPORTUNITY FOR ASSISTANCE!

#### SEARCH COMMITTEES SHOULD BE DIVERSE, CONTINUED

Thus, substantial efforts should be made to appoint a search committee diverse as to race and ethnicity, gender, sex, sexuality, status as person with a disability, national origin, and religion. Committee members' race and gender must be noted in the search plan. Enforcement agencies also recommend committees include members with an ability to articulate and champion equal opportunity principles, with access to diverse networks of qualified potential applicants for the position to be filled and with an eagerness to advocate for diversity and inclusion. To enhance search committee diversity, consider adding external members as diversity ambassadors and advocates.

#### THE BENEFIT OF INCLUDING MEMBERS EXTERNAL TO THE UNIT AND THE DIVISION

At UIS, including at least one search committee member external to the hiring unit is required by policy, as is the inclusion of a student member on search committees charged with recommending finalists for faculty positions; see Guidelines for Faculty Search Committees. Appointing committee members outside the unit or Division can provide both identity diversity and also diverse and objective perspectives as candidates are assessed. One need not be a subject

matter expert in the areas to be covered by the position to be filled to be an effective search committee member, provided outside members commit to understanding the needs of the hiring unit and the demands of the position to be filled. This supports broad assessment of candidates' qualifications. Please also contact the Associate Chancellor for assistance with appointing diverse search committees.

#### ETHICAL CONSIDERATIONS AND STEPS TO AVOID POTENTIAL CONFLICTS OF INTEREST OR COMMITMENT

Hiring units should avoid, through their proposed search committee composition, creating the *appearance* that a search committee has been composed to ensure a preferred outcome, or that the search committee as comprised may not *appear* to be designed to ensure equal opportunity to all qualified applicants due to hiring preferences. While the good faith and integrity of search committee members is absolutely assumed, we must document our good faith efforts via processes designed to withstand scrutiny or concern. Hiring authorities for academic administrative positions should appoint search chairs who are peers or higher to the position to be filled, to avoid the appearance of undue influence by the hiring authority. Supervisors of the position play a direct role in assessing candidates, including interviews and the ultimate selection of the preferred finalist, rather than serving on or chairing search committees. This supports process integrity and avoids concerns of conflicts of interest.

Conversely, except in the case of executive-level searches where the Board, President, Chancellor or Provost selects the administrative appointee, staff reporting to the position to be filled should generally not serve on the search committee, to avoid requiring them to balance their supervisory preferences against the objective assessment required to advance or reject candidates on the basis of qualifications and credentials. However, staff reporting to the position to be filled should absolutely have direct input into the crafting of preferred qualifications for the position as well as dedicated opportunities to participate in campus interviews of finalists for the position, including interview sessions scheduled within the hiring division for the purpose of providing them access to and evaluation of finalists.

#### MUST ALL SEARCH COMMITTEE MEMBERS PARTICIPATE IN CANDIDATE INTERVIEWS?



Ideally, each search committee member contributes directly and meaningfully to candidate assessment, rather than relying on the opinions and comments of others.

#### MUST ALL SEARCH COMMITTEE MEMBERS PARTICIPATE IN CANDIDATE INTERVIEWS? (CONTINUED)

Generally speaking, all search committee members should assess applicants and candidates rather than apportioning responsibilities or proceeding without discussion within committee. When not all committee members are present difficulties may arise during deliberations to achieve consensus on proposed finalists.

The depth and quality of candidates' interview performance form a core component of assessment, and having all members present can also be useful in observing the quality of interaction with committee members, particularly student members of the committee; members who are external to the hiring unit; or members who are diverse as to cultural identity, gender, sexual identity, or campus role. To accommodate schedules we can use our technology-rich resources to make candidates or committee members available electronically. When search committee members are unable to fully assess application materials or candidates' interviews they should refrain from participating in candidate rankings. Please note in narrative requests for approval when not all committee members were present, and what steps were taken as a result.

#### A IMPORTANT NOTE ON RECRUITING RESOURCES AND ADVERTISING VENUES IN THE SEARCH PLAN

The major tool for taking *Affirmative Action* to attract a diverse pool of qualified applicants is a carefully crafted plan for advertising the opportunity to apply that is purposefully geared to diversity. <u>Listing at least one diversity recruitment venue is a required step in the search plan</u>. While it's true that candidates due serious consideration generally apply through the major vehicles in a given field or discipline, we must also take purposeful steps or affirmative action to outreach beyond. Doing so sends a message of <u>intentional inclusivity</u>. Advertising need not be costly and can be as simple as posting notice of the opportunity to apply and our commitment to diversity with targeted institutions. For assistance, please consult Access and Equal Opportunity and see "*Diversity Recruitment Resources*" and other items in the *Tool Kit*, and federal diversity initiatives at www.ed.gov.

#### VIGILANCE AGAINST UNCONSCIOUS PREFERENCES WHEN ASSESSING CANDIDATES



Although research suggests most Americans may be conditioned to unconscious bias and assumptions, we generally don't *intend* to disqualify candidates based on societal identity attributes like race or gender or sexuality or color or nationality or disability. However,

avoiding doing so requires vigilance on the part of search committee members, guided by the chair. We must ask ourselves if we are requiring *more* – or in cases of what one commenter has called "the soft bigotry of lowered expectations"- *less* from candidates we consider diverse. We must also ask if we are looking for comfort rather than competence, which can influence us to advance candidates based on affinity or a preference for the known, even when highly competent and diverse candidates also apply. Please consult the Associate Chancellor for Access & Equal Opportunity for assistance and advice.

#### A NOTE ON PREPARING THE REQUEST TO INTERVIEW

The request for approval to interview should be an instructive document which does not assume that knowledge internal to deliberations within the search committee is apparent or understood. Facts should be summarized clearly and persuasively. This document should relate the story of the search thus far: where ads and notices were placed; how many applicants expressed interest, whether or not qualified; how many semi-finalists were subject to intermediate assessment via phone interviews.



The factors underlying the determination to propose the finalists selected and reject other candidates not advanced for further consideration, based on the required and preferred qualifications noted in the job description and search plan, are <u>required</u>.

Resumes or vitae of all proposed finalists should clearly reflect alignment with qualifying criteria. A brief narrative assessment of each candidate considered qualified is **required**, particularly semi-finalists.

#### A NOTE ON THE RATIONALE FOR SELECTING A PREFERRED FINALIST - REQUESTING APPROVAL TO HIRE

Requests to hire a preferred finalist originate with the hiring authority, in consultation with campus and committee input, and are assessed by the AEO office based on the qualifying criteria in the search plan. Much deference is due the search committee and the hiring unit and the good faith efforts of all parties are assumed, but must be clearly documented at this stage. As a public university, our good faith efforts must be documented through a persuasive and defensible rationale for the selection of the proposed finalist, which answers the "why?" question in such a way that members of the general public, officials



from federal or state compliance enforcement agencies, or an applicant not selected for the position can clearly understand the decision. Assessing candidates' strengths and weaknesses is recommended. Ultimately, as a public university bound to meet the public's trust we must hire the most objectively qualified person, or no one at all.

#### HOW TO PREPARE THE REQUEST TO HIRE THE PREFERRED FINALIST

The most effective way to do this is to relate all candidate preferences to the required and desirable qualifying criteria set forth in the position description and search plan. Ultimately, all *finalists* should be highly qualified. Thus, it is the *preferred* qualifications and the degree to which finalists project them through their application materials and their interview performance which logically dictate search outcomes and the proposed hire. These assessments should be reflected and briefly summarized in the *request to hire* document. Otherwise, hiring decisions may be vulnerable to concerns that they are arbitrary, unfair, unsupported, or biased in favor of a preferred individual or outcome, without objectively clear warrant or rationale. Our obligation is to select the ideal candidate from among those most qualified, based on objective criteria rather than affinity, via a clear, descriptive, and persuasive rationale contrasting all candidates. The factors underlying the determination to propose the finalist selected and reject other finalists, based on the required and preferred qualifications, assessments of interview performance from all constituencies, presentations, and other relevant factors are <u>required</u>.

#### ASSESSMENTS CITING "FIT" SHOULD BE APPROACHED WITH CARE

How is "fit" is defined, based on qualifying criteria? Efforts should be made to overcome any unconscious or well-intentioned tendency to reject otherwise qualified finalists due to cultural, regional, or social <u>assumptions</u> about "fit" related to the comfort of potential appointees or colleagues. In our public university environment, clearly stated and fairly applied candidate assessments should target the best-qualified finalist. The preferred finalist's credentials and interview performance should reflect clear alignment with identifiable qualifying criteria, which may include collaborative or interpersonal skills.

Hiring authorities are not required to appoint a person they deem unsuitable for the position, provided this is a nondiscriminatory assessment. However, finding that the most objectively highly qualified individual, based on stated criteria, is not ideally suited for the position may result in a "failed search," or the closing of the search without an appointment, if the rationale is not defensible or the remaining finalists lack similar qualifications. In some cases, "failed searches" avoid EEO-related vulnerabilities.

#### POTENTIALLY UNLAWFUL INTERVIEW QUESTIONS

Avoid asking applicants and finalists, whether directly or through your interview questions, about their marital status, religious or church affiliation, or age. For example, questions directed solely to some candidates on energy level, adaptability, or genuine interest in certain aspects of the position, such as frequent travel, could be perceived to relate to a candidate's age. Although we may not intend to ask potentially unlawful questions care should be taken to avoid covering certain topics during social interactions, including lunches, dinners, campus tours, and drives from the airport.

Ultimately, all interaction with finalists for positions becomes part of the overall interview and assessment experience. If the candidate asks you may of course answer, but avoid asking candidates for non-job related details or disclosure regarding family status, religion, sexuality, age, or nationality, or general social affiliation. Our questions should generally relate to candidates' alignment with the skills, qualifications, and experiences necessary to perform successfully in the position. Candidates may be asked if they are eligible to work in the U.S., a question generally reserved for hiring authorities.

#### CONSISTENCY OR CREATIVITY? CONSIDER THE DILIGENCE DUE THE SEARCH PROCESS

Generally, consistency of practice is the best evidence that all qualified applicants have equal opportunity to apply for consideration. However, circumstances arise which direct search committees to ask particular questions of particular candidates. For advice and consultation contact AEO.

CONFIDENTIALITY CONCERNS LIMITING ACCESS TO SEARCH FILES AND APPLICATION MATERIALS

Applicants and serious candidates generally expect a significant measure of confidentiality regarding their interest in the position. *Finalists* for positions may be publicly announced, however, with advance notice to finalists, who retain the option of withdrawing their name from consideration prior to public announcement.

Access to candidate information by colleagues not serving on the search committee may impair confidentiality expectations and is generally not advised.

#### **DOCUMENTING DUE DILIGENCE & AVOIDING CONFLICTS OF INTEREST REGARDING REFERENCES**

We rely heavily on endorsements or caveats provided by candidates' references. This reliance must be clearly linked to the academic or professional status of the reference. Thus, references should be, or recently have been, in either academic leadership or professional supervisory roles, in direct relation to the candidate's current or recent and relevant performance and their talents and qualifications. This means references should have supervised or objectively observed the work or academic performance of a candidate, directly related to the position to be filled. Peer or personal references are not sufficient. Also, individuals, including members of UIS, with influence or authority over the hiring decision cannot serve as references, although their independent assessment of candidates can be a legitimate factor.

#### DUE DILIGENCE IN ASSESSING APPLICANTS' PRIOR EXPERIENCE BY TITLE AND ROLE:

A NOTE ON WORKING TITLES FOR REGULAR, TEMPORARY, OR VISITING STAFF

At times, applicants might describe current or prior employment using working titles, either at their own election or through supervisory assignment or agreement. This can be problematic and might potentially raise concerns on the part of the search committee and the hiring authority, and questions from AEO.

#### A NOTE ON WORKING TITLES FOR REGULAR, TEMPORARY, OR VISITING STAFF (CONTINUED)

Use of working titles, particularly when they might convey higher than officially verifiable levels of University employment (i.e., a coordinator lists their title as assistant director, or extra help or visiting staff fail to note that provisional status), can hinder clear and defensible assessment of professional experience and might also convey potentially misleading information related to employment history. The search committee's official review and assessment of candidates and their application materials, and the hiring authority's requests for approval to interview or hire, should therefore be based solely on actual, contractual titles. Applicants are free to describe relevant duties to convey the scope, breadth, and importance of their responsibilities and the independence with which they performed those duties. In doing so, they are clear on contractual titles and also enabled to clearly present qualifying experience.

#### POST SCRIPT:



#### **After the Search: Search File Retention**

Search documents, including completed candidate assessment forms and other notes from committee members, are potentially public documents subject to possible production in response to internal concerns or external complaints of alleged discrimination filed with state or federal agencies, or requests filed under the Freedom of Information Act (FOIA).

Search files should be maintained by the hiring unit at least 180 days from the <u>appointment</u> of a preferred finalist. This is the statutory time period during which a charge of discrimination may be filed with the Illinois Department of Human Rights and the U.S. Equal Employment Opportunity Commission. Ideally, search file documents should be retained longer, up to two years, which may be the applicable time frame for some civil court complaints.

Please consult Access and Equal Opportutinty for additional guidance on search file retention; please also check campus guidelines for other official recommendations and requirements for file retention, including any file retention plans in the hiring unit which may lengthen or augment the time frames noted in this section.

THE OFFICE OF ACCESS & EQUAL OPPORTUNITY IS COMMITTED TO SUPPORTING YOUR SEARCH EFFORTS IN THE MOST HELPFUL AND POSITIVE WAY, TO ENSURE COMPLIANCE, AND ALSO VERY IMPORTANTLY, TO ENSURE ACCESS TO DIVERSE AND HIGHLY TALENTED CANDIDATES FOR FACULTY AND ACADEMIC PROFESSIONAL POSITIONS, VIA A SEARCH PROCESS CONDUCTED WITH DOCUMENTED PROCEDURAL INTEGRITY.

PLEASE CONTACT THE ASSOCIATE CHANCELLOR FOR ASSISTANCE – WE ARE EAGER TO SERVE AND ASSIST YOU!

#### SPECIAL CIRCUMSTANCES

#### SEARCH WAIVERS, VISITING & INTERIM APPOINTMENTS, PROMOTIONS, OPEN SEARCHES

Access and Equal Opportunity works with hiring units, Academic Affairs, and Human Resources to support a range of special circumstances for which creative approaches are vital. Abbreviated, local, or accelerated searches; smaller search committees; virtual rather than in-person interviews; and other strategies have all been approved to support the needs of hiring units. Please contact AEO for advice.



#### A Note on Open Searches...

Open searches may be conducted when the *potential* to fill positions is announced with a call for application materials from qualified applicants *should* opportunities arise to fill the position in the course of a designated period, usually the academic year. Open searches may be conducted with an abbreviated search committee and an expedited search process

on request and approval. Searches for adjunct faculty or seasonal assistant coaches can be conducted in this way.

#### **REQUESTS FOR WAIVERS OF THE SEARCH MANDATE**

The search obligation is <u>always</u> present, and the obligation to provide equal opportunity for qualified applicants to apply is <u>always</u> in place and required, barring special circumstances for which a search waiver is demonstrably justified. Generally speaking, premier institutions like the University of Illinois

are **expected** to conduct searches of national or international scope for many academic positions. A search is a given and not an exception to operational activities, and is thus *normal*, not intrusive, even when candidates we prefer are readily available to us.

Public universities are expected to conduct open searches, even when applicants for whom we already have a preference are qualified and available. Therefore, waivers should not be requested to create a pathway to hire a preferred individual in nonconformance with equal opportunity mandates.

However, special, urgent, unique, challenging, evolving, provisional, or unanticipated circumstances may require a waiver of the search mandate, in the best interests of the institution, with clear, sufficient and defensible warrant, rationale, and justification.

The question is not whether search waivers are sometimes necessary – the office of Access and Equal Opportunity absolutely recognizes the legitimate bases for waivers of the search process, and absolutely supports the unique, urgent, or necessary operational imperatives which underlie such requests. Rather, the question is whether requesting units have clearly, persuasively, and effectively articulated the compelling reasons to forego the search mandate in special circumstances, in order to pursue the best interests of the institution and our student-centered and faculty-driven academic mission.

#### **KEY ELEMENTS OF THE SEARCH WAIVER REQUEST**

Because searches are mandated by federal regulations and institutional policies, search waiver requests must include narrative justification. The written narrative should indicate both why a request to forego a search is being made, and why and how the person proposed for hire has been selected. A copy of the proposed appointee's current resume or vitae must accompany the request for approval of the waiver.

#### **INTERIM APPOINTMENTS**

Interim appointments may be necessary to fill vital operational or leadership roles without delay, pending planned and anticipated searches to fill the position on a regular basis. Such appointments are made by identifying existing staff or administrators whose core functions and duties or special training and expertise logically align with the elevated or additional duties to be performed on an interim basis.

A search waiver request should be submitted to record and authorize this special, interim appointment and acknowledge the need to proceed without conducting the otherwise mandated full search process. In addition to confirming the need for such an appointment, the request must note how and why the proposed appointee has been selected for an opportunity not afforded to other potential candidates. When feasible, acting and interim designations are not assigned to individuals who may potentially be interested in the vacancy, in order to preserve the fairness and equity of a subsequent search process.

#### **SEARCH WAIVERS FOR VISITING APPOINTMENTS**



Generally speaking, visiting status signals the *finite or temporary* nature of the proposed appointment, and, at times, the position to be filled. At stake are either ongoing positions filled on an emergency or temporary basis, due to urgent or unique operational circumstances, or at stake are temporary or niche needs for which a *sunset* or predictable end date is anticipated. In all cases, visiting appointments are generally subject to annual contract renewal for a maximum period of no more than three years. Visiting appointments are not considered a pathway to regular employment outside regular search processes.

#### **VISITING APPOINTMENTS WITH OR WITHOUT A SEARCH**



Visiting appointments should not be requested to bypass the search process or nullify search obligations in order to exercise a preference for a known or affiliated individual. Visiting appointments may be filled following full and open searches, or visiting appointments may be filled on an exceptional basis without a search, by requesting a search waiver for which a strong and persuasive justification is required.

When approval is requested to make an appointment on a visiting basis by identifying a designated finalist without a search a very persuasive justification must be provided, along with information on how the proposed appointee was identified by the hiring unit and how they are qualified, and including a clear indication as to when a search to provide equal opportunity for others to compete will begin.

# SEARCH WAIVERS TO PROMOTE ACADEMIC PROFESSIONALS

#### **SUMMARY BACKGROUND**

Academic Professional employees are a vitally important component of the success of our University and our campus, and much consideration is due their status and their ability to identify and engage promotional opportunities. This consideration must be tempered by search and selection mandates.



#### **Search Waivers to Promote Academic Professionals**

#### SUMMARY BACKGROUND (CONTINUED)

Academic Professionals are specialized, academically trained staff members on annualized contracts, performing in roles related directly to the academic endeavor. Generally speaking, they compete for opportunities with other qualified professionals on a regional, national, and international scale.

These and other considerations place Academic Professional positions within the federally-imposed mandate for conducting open, broadly cast searches, whenever employment opportunities arise. Promotional opportunities may also be subject to fair competition among a broadly cast net of applicants, rather than resulting from the pre-determined selection of a preferred appointee.

Nevertheless, the federally imposed search mandate and this UIS **SEARCH MANUAL AND PROCEDURES** are absolutely not intended to undermine the immeasurable contributions made and the talents available via currently employed UIS Academic Professionals.

Review and consideration of the terms and conditions of academic professional employment status are ongoing, and may result in University-level guidance on the implementation of designated promotional opportunities for already employed, incumbent academic professional staff. Pending such University-level guidance or other recommended process changes or updates, waivers of

the search mandate in order to promote an incumbent academic professional employee without an internal or external competitive search are required, and will be reviewed on a case-by-case basis.

#### **REASONS FOR FOREGOING A SEARCH NECESSARY**

Generally speaking, the office of Access and Equal Opportunity firmly supports the institutional benefits inherent in providing promotional opportunities for high-performing professional staff who contribute significantly to the fulfillment of our academic mission. Because this support must be balanced with the obligation to promote the search process as a tool for ensuring equal opportunity, requesting units should first address the reasons to forego a search in lieu of a preference for an existing employee.

In other words, requesting units should first clarify why the duties to be filled through the promotional opportunity are not subject to a search to cast a net for other qualified applicants. This is a necessary step as well because promotional opportunities are subject to federal scrutiny to assess compliance with equal opportunity law and policy, to determine if promotional opportunities are subject to practices or patterns in place which adversely impact under-represented or under-utilized yet qualified persons.

JOB PERFORMANCE AS A BASIS FOR THE REQUEST GENERALLY NOT SUFFICIENT UNLESS ALSO NECESSARY IN THE BEST INTERESTS OF THE INSTITUTION, PENDING UNIVERSITY GUIDANCE

Offering as a rationale an individual reward for a job well done is not sufficient, considering many existing employees may perform their roles exceptionally, without the benefit of a promotion. This can lead to potential equity-based considerations and concerns in the unit or on campus. Institutional imperatives must be identified and clearly articulated, and they must outweigh competing obligations – including the search mandate – and must go beyond a desire to reward loyalty or a job well done.



#### CONSIDER CONDUCTING A SEARCH INTERNAL TO THE UNIT, DIVISION, OR CAMPUS

Requesting units should consider whether others are similarly qualified, or perceive themselves to be, and whether they should be given the opportunity to compete for the promotional opportunity. Diversity goals should also be taken into account.

If the unit decides an internal search is not warranted based on an assessment of the qualifications of other available staff, the search waiver request should confirm and explain why no other employees internal to the unit, division, or campus possess similar or adequate qualifications.



#### BENEFIT TO THE INSTITUTION RESULTING FROM THE PROPOSED PROMOTION IS KEY

The requesting unit should identify the institutional benefits associated with the proposed promotional action, rather than emphasizing the benefit or reward to the individual. While the opportunity to promote highly qualified and exceptional employees can be fundamental to retaining the best talent, the benefit to the individual is actually the outcome of an ultimate benefit to UIS goals and mission.

<u>For example:</u> what programs; initiatives; current or future curricular or programmatic directives; student-centered goals; or faculty-supportive targets are best served by assigning additional or promotional duties to an existing employee without conducting an internal or external search to allow other qualified persons to compete for promotion?



The obligation to conduct a search, as mandated by federal regulations and University policy, must ultimately be outweighed by demonstrable benefit to the institution. These benefits must be clearly articulated in the request for approval to make a promotional appointment without a search, via a request for a search waiver.

#### EMPLOYEES PROPOSED FOR PROMOTION MUST BE DEMONSTRABLY WELL-QUALIFIED;

The employee for whom a promotion is proposed must meet all minimum qualifications on file for the position and should possess key preferred qualifications as well. The requesting unit should demonstrably outline the qualifications of the proposed appointee, to confirm that the individual for whom a promotion is requested would be competitively qualified were a search to be conducted.

#### **TITLE CHANGES ALSO APPLY**

<u>TITLE CHANGES</u>: Although some units may use the term *title change* in lieu of *promotion*, any personnel action leading to greater pay or a different title reflecting a new role at a higher level or greater scope will be considered a promotion under the guidelines set forth in this **SEARCH MANUAL AND RESOURCES**.

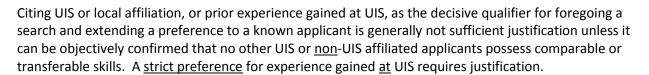
#### **EXAMPLES OF EFFECTIVE AND INEFFECTIVE SEARCH WAIVER JUSTIFICATION**

Adequate and effective justification might include the fact the requesting unit has short-term operational needs; is undergoing restructuring or reorganization; requires a period of review and evaluation before proceeding to conduct a full search; or has a unique and critical need for which only certain individuals are suitably qualified.



However, citing budget challenges or time constraints is generally not a compelling strategy for requesting search waivers, unless budget exigencies are University of Illinois-wide, or the need to fill a position arises suddenly, without notice. Hiring units are expected to plan effectively to conduct searches whenever possible, and budget viability is reviewed at the macro-University of Illinois level when our

practices are assessed and audited by external compliance regulators for AA/EEO purposes.



Citing a desire for alignment with our two much larger and differently resourced research campuses in Chicago or Champaign is not a justification for requests for academic professional title changes or promotions, unless alignment of titles is mandated at the campus or university level so that a campus-wide overhaul of AP titles and status is enacted.

Whenever approval is requested to appoint an individual to a position without a search, a current resume or vitae for the preferred appointee is required. Please see NOTE on Working Titles!

# Please Contact the Associate Chancellor For Access & Equal Opportunity For Clarification, Consultation, and Assistance with Waiver Requests!



#### DIVERSITY RECRUITMENT RESOURCES

#### UNIVERSITY OF ILLINOIS SPRINGFIELD

OFFICE OF ACCESS AND EQUAL OPPORTUNITY

NOTE: These resources are supplemental! Search committees and hiring authorities must make concerted efforts and take *affirmative action* to outreach to a diverse pool of qualified applicants in the discipline or profession. This may include posting notice of our goal of attracting diverse and qualified applicants with institutions whose students, faculty, and staff are diverse, including and beyond peer academic or regional institutions.

POSTING NOTICE WITH TARGETED INSTITUTIONS OF THE OPPORTUNITY TO APPLY AND OUR COMMITMENT TO DIVERSITY AND INCLUSION TAPS INTO THE NETWORKS OF DIVERSE SCHOLARS AND PRACTITIONERS AT THOSE SCHOOLS, IN SPECIFICALLY RELEVANT UNITS.

TAKING AFFIRMATIVE STEPS TO ATTRACT A DIVERSE POOL OF QUALIFIED APPLICANTS CAN ALSO INCLUDE POSTING NOTICE OF YOUR SEARCH WITH HISPANIC SERVING INSTITUTIONS, HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, AND COLLEGES AND UNIVERSITIES WITH A HISTORY OF SERVING WOMEN STUDENTS. PLEASE CONTACT AEO FOR ASSISTANCE AND ALSO SEE THE U. S. DEPARTMENT OF EDUCATION'S SITE, ED.GOV, FOR LISTINGS.

#### **Insight Into Diversity**

**Insightintodiversity.com** 

**DIVERSE** Issues in Higher Education

diversejobs.net

Women in Higher Education

wihe.com

**Hispanic Outlook** 

hispanicoutlook.com

#### Page Two

#### DIVERSITY RECRUITMENT RESOURCES



Asian Pacific Americans in Higher Education

apahe.blogspot.com or facebook.com/group (Enter APAHE)

Association on Higher Education and Disability

ahead.org

Consortium of Higher Education LGBT

Resource Professionals - lgbtcampus.org

American Association of Blacks in Higher Education blacksinhighered.org

<u>Association of International Educators - nafsa.org</u>•

Advancing Women
careers.Advancingwomen.com

National Association of Asian Professionals

naaap.org

<sup>\*</sup> Website Not Designed to Accept Job Postings; Announcements May Be Mailed or Posted To Demonstrate Good Faith and Broad Efforts at Achieving and Sustaining Inclusion and Diversity.

#### DIVERSITY RECRUITMENT RESOURCES



American Indian Higher Education Consortium (AIHEC)
aihec.org

<u>American Association of Hispanics in Higher Education</u>
<a href="mailto:aahhe.org">aahhe.org</a>

National Association for Equal Opportunity in Higher Education - nafeo.org

Illinois Latino Council on Higher Education - ilache.com

Illinois Committee on Black Concerns in Higher Education icbche.org

<u>Hispanic Recruitment Services, Inc.-latinosinhighered.com</u>

FOR INFORMATION AND ASSISTANCE PLEASE CONTACT:

ASSOCIATE CHANCELLOR FOR ACCESS AND EQUAL OPPORTUNITY

AEO@UIS.EDU

217,206.6222





### University of Illinois Springfield Access & Equal Opportunity

#### SEARCH MANDATE: ACADEMIC EMPLOYMENT AA/EEO SEARCH REQUIREMENTS

- Federal Government <u>mandates</u> open employment searches to provide Equal Access and Opportunity for qualified applicants
- This <u>requires</u> undertaking purposeful steps, that is, <u>affirmative action</u>, to generate a diverse pool
  of qualified applicants and provide equal access and the opportunity to compete across a
  diverse spectrum
- Affirmative steps to attract as applicants, or consider for promotion, qualified women, minorities, sexual minorities, persons with disabilities, veterans of designated military service, and other diversity "difference," when opportunities arise
- Efforts to consider other qualified individuals with diversity of religion, culture, gender identity, sexual orientation, nationality, other attributes also encouraged
- Examination and modification of recruitment practices and hiring trends also <u>required</u> to analyze and address historical, lingering, or structural barriers to access.
   THIS IMPACTS PRACTICES IN PLACE, SUCH AS:
  - o Routinely hiring on a visiting basis for ongoing positions, without a search
  - o Filling positions without posting notice
  - Substantially targeting recruitment internally or locally, despite viable external pools, resulting in the maintenance of a homogenous, non-diverse workforce
  - Conducting searches but preferring people already known to us or recommended by our networks.
- At stake→ potential <u>loss</u> of federal dollars in the form of grant support or student financial aid, as a penalty for non-compliance, along with other sanctions, including imposed hiring goals and targets. <u>Also at stake</u>→ potential <u>loss</u> of institutional reputation through loss of public's trust in integrity of UIS search processes, hiring decisions, or commitment to diversity and inclusion.



# University of Illinois SPRINGFIELD



# GUIDELINES FOR SEARCH COMMITTEE MEMBERS



Office of Access and Equal Opportunity

#### The Search Process:

Is integral to the University's commitment to inclusion, transparency, integrity...

Secures the public's trust, through clear, ethical, fair, and documented efforts...

Demonstrates compliance with law and policy, and is generally national in scope.



AFFIRMATIVE ACTION Is the Law!

Equal Employment Opportunity

Is The Goal

AFFIRMATIVE ACTION IS The Tool

Federal and State EEO Regulations Require Additional, Affirmative Steps to Ensure Equal Access and the Opportunity to Compete, for Qualified Applicants

#### ...But not "Quotas" or "Preferences"!

...<u>And Achieving or Contributing to Diversity can be one of Several Factors to be Weighed when Determining and Recommending the Ideal Candidate's Oualifications</u>

<u>GOAL</u>: FAIR AND EQUITABLE SEARCHES SUPPORTED BY CONSISTENT PROCESSES REFLECTING GOOD FAITH, RECORDED EFFORTS AND DEFENSIBLE OUTCOMES

 A SEARCH MAY BE DEEMED IN COMPLIANCE WITH AFFIRMATIVE ACTION REGULATIONS WHEN IT IS DESIGNED TO GENERATE THE MOST DIVERSE POOL OF AVAILABLE QUALIFIED APPLICANTS



We Must Not Take Actions
Which Have The

<u>Purpose</u> or <u>Effect</u> of Erecting

**Barriers to Access and Equal Employment Opportunity** 

**Purpose**: Strategically Wording Ads or Selecting Ad Venues to Limit Pools or

Achieve Predictable or Foregone Outcomes, Resulting in

Appointment of Pre-Determined Finalists

**Effect**: Limiting Ad Placement for Expediency, or in the Belief that We will

be Unable to Attract Viable Candidates Due to Regional or Salary

Considerations

**<u>Key</u>**: Avoid Giving Specific Information to Favored or Preferred

Candidates, Including How to Successfully Manage Interviews and Presentations, or Other Information that Would Have the *Purpose* or *Effect* of Creating Undue Advantage, or of Disadvantaging Others



#### To Achieve These Goals:

- Search Committees should ideally be diverse in composition and
  - ...selected to ensure representation from various constituencies or disciplines within the unit or the campus, and
  - ...able to understand and contribute to different perspectives, institutional and cultural values; and able to be objective and impartial in candidate assessments
- With members who understand and are committed to the principles of AA and EEO



• Search Committees share responsibility for identifying and engaging diverse recruitment resources to ensure compliance with the letter and the spirit of AA/EEO policies...

- Search Committee Members should thus be proactive in appropriately identifying and recruiting qualified, diverse applicants
- To assist this goal, Access &Equal Opportunity maintains active lists of resources and actively assists hiring units and search committees with identifying diverse recruitment venues and candidates
- Search Plans and Narrative Rationale for Interviewing and Recommending Candidates Are Key to Clarity, Integrity, and Consistency of Process, within an EEO Framework!



#### The Value of the Carefully Crafted Announcement

Ideally, the Job Description Should  $\mathcal{N}ot$  Also Serve as the Position Announcement!

Instead, In addition to Telling Potential Colleagues:

- What They Must Do
- Where They Will Do It
- How They Will Do It
- And to Whom They Will Report

The Announcement Should Also Tell Applicants Who They Must Be!

#### In Other Words:

What would it take to be the IDEAL candidate?

What hiring needs or professional qualities will drive or dictate selection of a preferred finalist?

What equivalencies or distinctions would enhance required qualifications?

How will they be evaluated AFTER they get the job? What would best serve UIS?

#### Selection Criteria and Evaluation Instruments...

- Should be objectively measurable and demonstrable
- Should allow for platforms of more comprehensive assessment, including phone interviews, to evaluate minimum and preferred or desirable qualifications
- Should include hypothetical scenarios and questions to assess problem- solving, prioritizing, and collaborative skills and talents
- o Can consider prior UIS service or affiliation as a factor, but not as THE factor

And Please Remember: Process Consistency Demonstrates Process Integrity.

Which Should be Reflected in Search Process Documents!



#### University of Illinois Springfield

#### ACCESS AND EQUAL OPPORTUNITY

#### **Guidelines for Search Committee Members**

- Commit to a fair, equitable, justifiable, and defensible process that does not unduly advantage or disadvantage applicants, including those known or unknown to you
- Value and utilize the diverse perspectives of other committee members to reach consensus on candidate assessments, regardless of institutional role, and commit to uphold, apply and protect AA/EEO regulations, goals, principles, and obligations.
- Committee members, particularly those with a direct stake in the outcome, may have strongly favorable or contrary opinions about applicants and candidates. Seek to balance all perspectives and rely on clearly discernible evaluation criteria and assessments.
- Resist any tendency to act as a career coach to any applicant or candidate
  - Refer all questions about the search or the position; expressions of interest; the status of the search or an individual's status as an applicant; or concerns about search processes or outcomes to the search chair
  - Resist any tendency to serve as a research resource to any applicant or candidate
  - Applicants are free to conduct independent research about the institution itself or specific employee benefits, including salaries, but should not be unduly aided on an individual basis, unless all information is made available to all applicants
  - Resist any tendency to strongly advocate for a particular applicant or candidate –

#### **Guidelines for Search Committee Members, continued**

- If you would like to serve as a strong supporter of an applicant or candidate, plan to
  withdraw from service on the search committee, to avoid the appearance of
  conflicts of interest or potential undue impacts to fairness or equal access and
  opportunity
- Understand that your role is advisory to the hiring authority. As such, the hiring authority may reject or modify the recommendations of the search committee
  - When this happens, the hiring authority should respect the efforts and goodfaith actions of the search committee by providing a rationale for decisions contrary to the committee's recommendations
  - The hiring authority may also recommend additional or alternate candidates to the search committee, for review and consideration
- •Qualified applicants affiliated with UIS, or local residents, should have equal access and opportunities to compete. **Preferring** internal or local status requires legitimate justification
- •All Search Committee members, regardless of institutional role or relationship to individual candidates, <u>must maintain utmost confidentiality of process until the search reaches the stage of public deliberations when finalists are announced and invited to campus</u>



Conduct a Productive and Rewarding Search Designed to Uphold Integrity of Process and Honor Excellence, Diversity, and Inclusion!





#### Office of Access and Equal Opportunity

#### **University of Illinois at Springfield**



#### **Guidance on Conducting the Screening Stages of the Search Process**

#### **Screening Process**

The Search Committee Chair ensures that each Search Committee member understands and uses the screening criteria, rating scales, and evaluation procedures. Discussions among committee members, however brief, provide clear guidance to the committee. The screening process is undoubtedly the most crucial phase of the search process.

#### **Documentation: Announcements, and Justification:**

To ensure public and institutional trust in the fairness of the search process, as well as compliance with AA/EEO regulations and policy, the screening process should not be arbitrary or give the appearance of being so. Required and desirable qualifications should be justified and lawful, and should be clearly and amply reflected in ads and announcements, rather than cited after the fact to chronicle the attributes and experiences of preferred candidates.

Disagreements within the committee and challenges from unsuccessful applicants can raise questions about how the committee reached its ultimate recommendation. Thus, it is important that the screening process be documented. Evaluative instruments and criteria directly support this documentation; record the good-faith efforts of the committee; and provide a consistent basis for the elimination or advancement of (objectively and demonstrably qualified) candidates to the next level of the search process.

<u>Documentation: Screening Applicants to Determine Highly Qualified Candidates and Conducting Due</u> <u>Diligence in Candidate Screenings</u> Documentation of the screening process to determine first-cut candidates (after evaluation instruments, before reference checks) and next-level finalists (after telephone interviews and reference checks) should be committed to a record to provide rationale for not advancing applicants (anyone who expressed an interest in the position through the submission of a letter of interest and resume or vitae, but not yet subject to first-level screening to determine minimum qualifications) and candidates (those deemed minimally or sufficiently qualified based on evaluation criteria, but not yet classified as finalists) to the next stage of the search process.

Also, due consideration should be given to the screening of potential candidates via telephone interviews or emailed questions. Hypothetical questions containing strategically selected scenarios comparable to "real world" work situations or mission-critical issues are recommended, to discern and narrowly identify desirable qualifications not subject to conveyance in letters of interest and resumes or vitas.

This rationale will be useful in preparing the narrative from the search committee to the hiring authority (i.e. Dean or Director) to whom the committee will make its recommendation for finalists. Special attention should also be paid at this stage to providing justification for not advancing qualified members of designated classes (i.e. "minorities," women, persons with disabilities) if that status is known."

Partially Excerpted and adapted from UIUC SEARCH MANUAL, pp. 16-17 (italicized text).

<sup>\*</sup> Definitions contained within parentheses do not appear in original document.