

# The Hiring Process: Interviewing, Selection & Retention of Records

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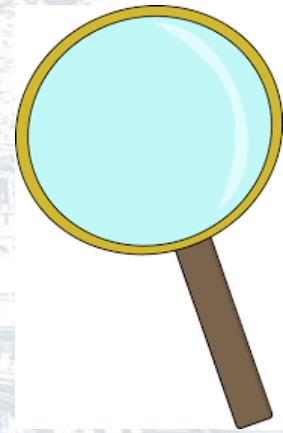
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# Overview of Discussion

- JCU Mission & Laws Related to Employment Process
- Retention of Records
- Review of Applications
- Conducting Interviews
- Deciding on Successful Candidates
- Tools and Resources



# Hiring for Mission and Strategic Plan

Strategic Plan: To welcome all expressions of diversity

Fostering an inclusive, compassionate, and respectful environment

Goal #2: Faith That Does Justice – greater community issues

Goal #3: Engaged Campus Community: dynamic and collaborative **workplace** by embracing the Ignatian ideal of Magis, the greater good.



Diversity Statement: In recruitment – seek to reflect all dimensions of diversity.

Diversity Strategic Plan: Recruit & retain diverse faculty & staff - aware diversity is measure of success and competitiveness

JCU's Mission: Candidates with ability to support and advance mission

# Diversity & JCU Strategic Plan

Some Food for Thought:

- Research shows that diverse working groups are more productive, creative, and innovative than homogeneous groups.
- Developing a diverse faculty will enhance teaching and research (Herring, 2009; Chang et al., 2003; ACE and AAUP, 2000).
- Unconscious biases can impact what is seen as a “good fit” for a given position or work environment.

# Not Selecting Based on Demographics As A General Matter

- Law - not permit hiring based on race, color, national origin, gender, or other similar demographic.
- Generally cannot seek 1 race or national origin or gender, or prefer a subgroup or national origin within a group
- Selection should be based on evaluating the candidates' materials, interview, references, etc. vs. written job requirements.
- Key: Increase diverse applicant pool  
Can consider diversity in all facets

# Assumptions About What is Diversity

- Considering diversity is acceptable.
- Issues: assuming an applicant is diverse, or assuming a particular race/national origin/gender is needed in the department or university
  - Exception: As a federal contractor, the affirmative action plan specifies when the university can consider underutilization at JCU vs. availability in discipline nationally - consider for equally qualified candidates.

# Laws Related to Hiring/Non-Discrimination

- Federal law and Ohio law: prohibits discrimination based on
  - race, color
  - national origin, religion
  - sex, pregnancy
  - disability
  - age
  - veteran status
  - genetic information
- University policy prohibits discrimination on race, color, national origin, sex, sexual orientation, disability, religion, age, veteran status



# Federal/State Law

## Federal



- Title VII: race, color, sex, national origin, religion
- ADEA: age
- ADA: disability
- Pregnancy Discrimination Act: pregnancy, sex
- Laws as federal contractors, i.e., affirmative action plan and underutilization vs. pool

## State



- R.C. 4112.02: race, color, sex, national origin, religion, age, disability, ancestry, military status
- R.C. 4112.05: age in job opening or termination
- R.C. 4112.99: any of these



# Examples in Hiring

## Discrimination

The prejudicial treatment or consideration of a person, racial group, minority, etc. based on category rather than individual merit, excluding or restricting members of one or more categories on the grounds of race, sex, or age

- Discrimination:
  - Not hiring an employee based on ethnicity & English being a second language
- Failure to Accommodate:
  - Not providing reasonable accommodations for disability for applicants who request a sign language interpreter for an interview

# Enforcement for Employment Issues

- Equal Employment Opportunity Commission (EEOC): Title VII, ADEA, ADA
- Ohio Civil Rights Commission: Ohio non-discrimination laws
- Federal and state courts: Civil lawsuits





# Employment Process

- Important to have a standard, consistent employment process:
  - How review candidate applications/resumes
  - What questions ask candidates
  - How arrive at decision

**KEY:** How document entire hiring selection process  
Allows others to determine no discrimination



# Retention of Records – Legal Requirements

- Required to document selection process in some manner
- Must document why selected one over another
- Not required to take notes of those interviewed
- If taken, **decision-makers** MUST retain them.
- Includes: applications, emails, evaluations, handwritten notes, notes jotted on resumes/CVs

# Retention of Records



Know The Rules!

- Chair/hiring supervisor: retain all documents, evaluations, notes
- Collect notes and documents from decision-makers in the search process
- Require all emails be retained
- Federal law (29 CFR 1627): Records **MUST** be retained for **one (1) year** from later of date the record is made or selection is made

# Reviewing Applications



- Document process you will use to review applications
- Review in light of position qualifications/posting
- Document why select certain candidates for interview and not others
- Consistency in review – will they be reviewed by the same individuals? Judged by same standards?
- Will you vote on who comes for interviews?

# Conducting Interviews



- Consistent interview schedule – in writing
- Consistent forms of interactions, i.e. lunch, lecture
- Consistent questions for candidates – in writing
- Planning out major topics/questions in advance
- Using evaluation tool or matrix that can be used and completed during or after interview



# Impermissible Questions

Questions that could seek information on race, color, national origin, age, religion, sex, pregnancy, family status, or disability

- Can lead to an inference that selection was discriminatory

For example:

- “What year did you graduate from high school?”
- “Tell me about your family.”
- “Where are you from and how did you happen to come to the U.S.?”
- “Are you a U.S. citizen?” (Correct: “Are you authorized to work in the U.S. without JCU sponsorship and have you ever been on a J visa?”)



# Deciding on Successful Candidate



- More documentation required of those interviewed
- Review vs. job posting, qualifications, field, specialty, department needs
- Use evaluation summary, matrix, documented group meeting to compare candidates
- Document selection – rationale for why chosen, communications to candidates
  - In addition to People Admin selections
    - i.e. “not as qualified as others - experience”
- Records & notes - consistent with decision; could be publicly reviewed.



# Other Hiring Considerations

# Tools and Resources: PeopleAdmin

[www.jcu.edu/hr](http://www.jcu.edu/hr)

# Tools and Resources: People Admin

- Documentation can be done in PeopleAdmin (in addition to evaluations, recommendations, emails).
- Applicants can view open positions and submit their CV and supporting materials in multiple formats.
- Search members can review and assess candidate information online.
- Can more effectively track and report on the make-up and disposition of all applicant pools
- Require all to utilize same application mechanism (PeopleAdmin vs. submitting only at a conference).



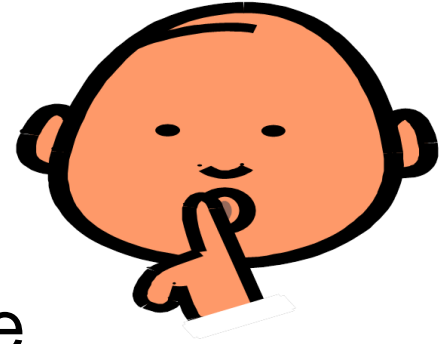


# Communicating with Candidates

- If possible, communicate at the same time with interviewed candidates who are not selected about the outcome.
- Internal candidates may need to be advised earlier.
- Communication with candidates - Example “department is pursuing other candidates”, or “a number of qualified candidates exist, and this candidate was not selected for the position.”
- Avoid discussing with a candidate information about other candidates.



# Confidentiality of Process



- Candidate files, materials and interviews and committee documents/notes should be treated as private/confidential.
- Be clear with candidates if and for how long confidentiality can and cannot be maintained.
- Limit discussion to those involved in the process or as necessary to conduct the search, including comments and votes from decision-makers.

# Questions?

## Thank you

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