Medical University of South Carolina

FACULTY RECRUITMENT, HIRING AND REPORTING PROCEDURES

Revised 02/01/07
FACULTY HIRING PROCEDURE

PURPOSE

It shall be the goal of the Medical University of South Carolina to recruit, hire, and retain the highest quality employees, and to promote diversity during the search and selection procedure. The Search Committee, Office of EEO/AA Compliance representative, appropriate Dean, College Diversity Officer and Administrative Officials will be involved in the search process to ensure this commitment is maintained. This procedure challenges us to affirmatively seek qualified candidates of protected classes without regard to race, color, religion, sex, national origin, age, disability or veteran status.
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I. POLICY

All University appointments and employment decisions shall be made strictly on the basis of merit.

It is the policy of the Medical University of South Carolina (MUSC) to select the best-suited applicant for a job opening without regard to race, color, religion, sex, national origin, age, disability, or veteran status. To ensure a fair and nondiscriminatory hiring procedure, vacancies are to be filled from qualified applicants who have submitted an application, curriculum vitae, or other notice or request for consideration and three letters of reference to the hiring department. External and internal applicants must apply through the formal application process to be considered a viable candidate. The application process requires that all applicants apply for specific vacancies through the hiring department utilizing the People Admin On-Line Recruitment System. An applicant cannot be hired into a position for which he or she did not specifically apply.

II. INTRODUCTION

This booklet has been developed by the MUSC Office of Equal Employment Opportunity / Affirmative Action Compliance (EEO/AAC) as a reference manual for search committees and other individuals responsible for academic recruitment and selection. Its intent is to provide guidance and assistance to those involved in the academic hiring process.

The highest priority of every college at MUSC is to maintain the excellence of its teaching, clinical and research activities. A co-existent priority identified by our president is to carry out an effective equal opportunity and nondiscriminatory employment program. Both of these needs can be met by advance planning and by insuring each search is legally sound each time a new faculty or academic administrator appointment is made. By following this course of action, efforts made to locate and attract outstanding minority and female candidates will greatly increase the likelihood of identifying other excellent candidates as well.

We believe this document will serve to heighten the awareness and the importance that our recruitment decisions have upon our equal opportunity / affirmative action posture at MUSC. The procedures outlined herein conform to the university’s policies and procedures on academic hiring and reflect our commitment to both the spirit and intent of federal and state regulations concerning nondiscrimination in employment practices.
III. DEFINITIONS

**Academic Administrator**

Includes all those unclassified employees whose assignments include primary responsibility for management of the institution, or of a customarily recognized department or subdivision thereof. Includes those who work in academic administrative support positions requiring work directly related to management policies or general business operations of the institution, department or subdivision, etc. Includes officers holding such titles as Vice President/Academic Affairs, Dean, and Executives of academic departments (chairperson, head, or the equivalent) if their principal activity is administration.

**Academic (Faculty) Ranks**

Faculty ranks and status are fully described in Section 4 of the Faculty Handbook.

**Applicant**

An individual who has submitted a letter of intent to apply, complete Curriculum Vitae, and three letters of reference.

**Candidate**

An applicant who meets the minimum and preferred criteria for consideration, and who has completed an interview process is a candidate.

**Disparate Impact**

Disparate Impact is discrimination that happens to groups of people in protected categories even though we don't intend to discriminate. It can happen even though our policies and procedures seem to be fair and nondiscriminatory. It occurs when our seemingly fair policies screen out one or more protected groups at a rate that is substantially higher than the rate at which other groups are screened out. This type of discrimination is proved through the use of statistical analysis.

**Bona fide Occupational Qualification (BFOQ)**

A narrow exception to state and federal antidiscrimination laws that permits discriminatory treatment in those instances where age, sex, religion or national origin is a legitimate factor to be considered by an employer. The BFOQ must be reasonably necessary to the normal operation of the employer’s business or the discriminatory treatment will be held unlawful.
Faculty

The faculty of MUSC is composed of the President, the vice presidents, the deans, and the directors of university programs, any officers of the University who hold academic rank, and the members of the teaching, research, service, and administrative staff who hold academic rank at MUSC or its affiliated programs.
IV. PEOPLE ADMIN FACULTY RECRUITMENT PROCESS

1. Hiring Department:
   - Identify need for position.
   - Prepare necessary documents for approval (by the Dean’s office).
   - Develop Position Description and submit to Dean, Diversity Officer, and/or designee for review and approval. *
   - Complete the MUSC Request for Exemption from the Hiring Freeze form and obtain necessary approval to post the position (http://www.musc.edu/hrm/forms/)

2. Office of the Dean:
   - Approve the Position Designation and notify hiring department of approval.

3. Hiring Department:
   - When approval has been obtained, create the Requisition using the People Admin on-line recruitment system.
   - **People Admin**
     - Go to the Human Resource Management (HRM) website
     - Click on: Manager’s Toolkit
     - Select On-Line Tools
     - Click on: Manager’s Login
     - Login using your approved User ID and password (or create a User ID)
     - (Once your request for an ID is submitted, it may take 24 hours for the request to be approved).
     - **Create a Requisition** (from a template)
     - Select either the Class Code OR Job Title (and click search)
     - **A “template” will appear** (click create)
       - Application Type: Application Profile
       - Requisition ID will populate automatically. You will see this number after you complete the process.
       - Hiring Manager – person who posts the position (usually you)
       - Hiring Manager phone/pager: please enter the easiest way to contact you
       - (Applicants will not see this data. It is for EEO/AAC and HRM purposes only.)
       - Position/Functional Title – this will populate (but may be amended by EEO/AAC)
       - Position Type: Faculty
       - Is position vacant? (Yes or No)
       - If yes, please indicate incumbent’s social security number or NA
       - Proposed Start Date

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• State Position Number (if none, indicate NA)
• Slot (if a State Position Number is available)
• Typical Duties and Responsibilities and Minimum Training and Education will be in gray. You cannot add text to these fields in the faculty module.
• Additional Duties and Responsibilities and Additional Knowledge, Skill, Ability: (Use the criteria formerly on the Announcement of Faculty Vacancy or as stated on the Exemption from the Hiring Freeze Form)
• Viewable comments: This should include information as to the contact person (Ex. For more information, contact Dr. Jones at 792-0000 or Please view our website)
• Please identify all necessary approvals: Dean, Financial Oversight Committee, etc.
• Please contact Mike Vanderhurst, EEO/AAC, by e-mail IF a waiver to post will be requested! A requisition should still be created. (See Section VI E.)

**Additional Information for HR**

The following information should be noted in this section. This information is NOT visible to candidates:

- Search Committee composition (Name/Race/Sex, etc.)
- Advertising Sources
- Functional Title (Ex. Assistant/Associate Professor)
  (This information may be amended later if changes are made to the search committee or additional advertising is done.)
- Justification for Waiver Request

• At this time, you may set up a Guest User Account, by selecting “Guest User” on the blue tab above the requisition. Members of a search committee should access the academic profiles using the guest user number (GU) and the password created by the Hiring Manager.
• The Requisition should be saved and submitted. The Faculty Hiring Consultant (FHC) in EEO/AAC will receive it. (You may want to notify them via e-mail that you have submitted a position.)

4. Faculty Hiring Consultant:

- Review the posting for content and appropriate approvals.
- The position will be approved for posting and opened for recruitment. The FHC will note the “Open Date”. There will be no closing date for faculty postings.
- Contact the hiring department and inform them of approval of the posting and whether the position is in an underutilized job group and has an established affirmative action goal.
5. **Hiring Department:**
   - Form the Search Committee or determine the person who will recruit and follow the search process and notify the Diversity Officer and EEO/AAC.

6. **EEO/AAC and/or Diversity Officers:**
   - Brief the Search Committee on compliance issues regarding faculty recruitment, selection and hiring process.
   - Provide assistance and resources as requested.
   - Monitor the process and provide guidance to ensure that MUSC is consistently in compliance with all federal, state, and local requirements respecting nondiscrimination and affirmative action in employment.

7. **Search Committee** and Diversity Officer(s):
   - Prepare Position announcement for external advertising (*Appendix A*).
   - Develop and implement a recruitment plan to include available potential applicant pools, objective and job-related selection criteria, publications advertising the position and special efforts to attract female applicants and applicants of color (*Appendix B*).

8. **Diversity Officer(s) or designee:**
   - Review and approve announcement, potential applicant pools, and recruitment plan.

9. **Search Committee**:
   - Send copy of completed announcement, potential applicant pool, and Recruitment Plan to the FHC.

10. **Hiring Department:**
    - Faculty Academic Profiles will be received electronically by the Hiring Manager.

11. **Search Committee**:
    - Contact the FHC to assess the diversity of the applicant pool.

12. **Faculty Hiring Consultant:**
    - Review the composition of the applicant pool and determine if sufficient minorities and females are included, or whether the search should be extended. Report results of the review to the Search Committee**.

13. **Search Committee**:
    - Decide whether to close or extend the search based on information received about the applicant pool from the FHC.
    - If the search is closed, change the position status from Open to Closed. At that time, no more candidates will be permitted to apply
    - Reduce the initial pool of applicants to a short list on the basis of predetermined and advertised position “minimum” qualifications.
    - Inform applicants not on short list that they are no longer under consideration and update their status on the People Admin System. (Procedure may be repeated for “preferred” qualifications.)
• Check employment references of those on the short list and select candidates to be interviewed.
• Interview final candidates (see Pre-Employment Inquiry Guide, Appendix C).
• Notify the Dean and/or the Department Chair and the FHC of the candidate recommended for hire.
• Sign the Search Committee Checklist (Appendix G), and forward to the HFC.

14. Hiring Department:
• After the candidates have been interviewed, the status of each application and candidate is to be updated, i.e.
  • Selected for Interview
  • Not Selected for Interview (Reason Code must be indicated from drop-down menu)
  • Recommended for Hire
  • Not Recommended for Hire (Reason Code must be indicated from drop-down menu)
• Please notify the FHC via telephone or by e-mail when candidate is recommended for hire.

15. Faculty Hiring Consultant:
• The FHC will update the position status to “Final HR Review” and will review the demographics of the candidate pool and the credentials of each candidate.
• When the approval to hire has been granted by the FHC, the candidate’s status will be changed to “Hired” and the position status will be changed to “Filled”.
• The FHC will notify the Hiring Manager of the approval.
• If there are any concerns about the hiring decision the Hiring Manager, the Dean, and the Director, EEO/AA Compliance will be notified.

16. EEO/AAC:
• Discuss with the Dean, Hiring Manager and/or Search Committee Chair any questions and/or concerns about the hiring decision.
• Once the proposed hiring decision is approved, the candidate can be notified.

17. Hiring Department:
• The Hiring Manager may print information from the People Admin system noting the candidate has been approved for hire, as well as the Requisition that was posted. This information may be attached to the faculty hiring “packet” that is submitted to the Dean’s Office in the appropriate college.
• Post Hire Details must be completed for the candidate who is approved for hire. These details include: tenure track, proposed salary, career track, etc.
• Notify candidates of their selection or non-selection.
• Maintain all materials considered in the selection process on file for at least three years.

*Searches at the level of Dean require approval of the Provost; the President’s approval is required for Vice President and Provost level faculty searches.

**or person who will recruit and follow search process.
V. SEARCH COMMITTEES

A. Composition of Search Committees

Although there are no legal requirements governing the composition of search committees, we feel it is imperative that we ensure such committees are representative of the university community’s diversity as it relates to race, gender, and tenure status. The diversity of the search committee reduces the possibility of a discrimination charge and acts as an affirmative action safeguard for individual committee members who, in their official capacity, may be liable for their decisions.

The university demonstrates good faith when efforts are made to insure that minority and female members of search committees have the same standing as other committee members. This effort at balancing the committee serves to promote equity in committee deliberations. The size of the committee may vary, but experience indicates that committees should be no smaller than three or larger than 10 members. Include community members and alumnae to diversify committee membership. The Search Committee Composition Analysis Form at Appendix D may prove useful to those who appoint search committees.

If a search committee is not being used for a particular search, the guidelines set forth for a committee is to be used as a guide for the individual responsible for the search.

B. Responsibility of Search Committee and Hiring Officials

The main responsibilities of search committees and hiring officials are:

1. To comply with federal and state equal employment opportunity laws and university regulations.
2. To formulate clear guidelines, procedures, and criteria for regulating the performance of faculty and staff duties while they are serving on search committees or acting as hiring officials.
3. To select the best-qualified applicant for available positions without discrimination because of race, color, religion, sex, national origin, age, disability, or veteran status, except where sex, religion, national origin, or age is a bona fide occupational qualification.
4. To demonstrate good faith efforts in carrying out their tasks. This is the affirmative action component of equal employment opportunity – taking positive steps to provide equal opportunity for those persons who may have been discriminated against in the past and who may continue to suffer the effects of that discrimination.
5. University search committees are subject to the South Carolina Freedom of Information Act. Pursuant to state law, it is permissible to go into Executive, “Closed Door” session to discuss candidates and contractual matters. This can be done by appropriate motion of a committee member. While in executive session, no vote or decision can be made. All decisions must be made upon return to open session.
VI. GENERAL RECRUITMENT PROCEDURES

A. Affirmative Action Review of Search Committees

The dean/department chair should notify the Diversity Officer that a search committee is being formed and of its proposed composition. The EEO/AA Compliance Office and/or Diversity Officer will review the proposed composition of the committee and, if necessary, suggest alternate or additional appointees. The EEO/AA Compliance Office and/or Diversity Officer may meet with the entire search committee or its chair to review procedures for the search.

B. The Advertising Process

After the search committee prepares the position announcement (Appendix A) and the Diversity Officer has approved it, they must begin the process of advertisement. In addition to advertising through traditional means such as The Chronicle of Higher Education, search committees should consider publication of position openings in professional journals that reach a predominantly minority or female readership [i.e., Black Issues in Higher Education], or professional journals in the appropriate field [including ads placed in professional journals or on organization’s web sites, i.e. The American Society of Women Accountants].

Other affirmative recruitment techniques include:
- Recruiting at national conferences – an effective and economical way to reach potential candidates, especially if minority and women search committee members are there to participate in the recruitment process.
- Letters or telephone calls to prominent minority or female faculty at other institutions requesting recommendations and nominations.
- Advertisements in special newsletters, journals, and job listings aimed at women or minorities in a particular field.
- Letters written to special organizations of women and minorities in the appropriate field requesting that the position opening be circulated and publicized as widely as possible among its members.

Careful documentation of advertisement and other recruitment efforts should be kept in the search committee’s file since such documentation is required to establish the university’s good faith efforts to attract female and minority candidates.

C. The Advertisement – Needed Information

The following information should be included in the position advertisement:
- Name of the university, college, department
- Title of the position

When the rank is not known in advance or when the rank will depend upon the credentials of the selected candidate, the opening should be posted with a statement to that effect or with multiple ranks.
- Responsibilities of the position
- Minimum and preferred skills, experiences, and education
  The minimum qualifications are those that are absolutely essential to the performance of the position in question and without which candidates will not be considered.
- Contingencies associated with the position
  If applicable, contingencies associated with the position such as degree earned by a specific date in order to attain a particular rank, should be included.
- Salary range [optional]
- Description of materials to be submitted in application such as curriculum vitae and references
- Statement that all applications must be submitted on-line at www.musc.edu/hrm (career opportunities)
- Application deadline [optional]
  Application deadlines should be included in the advertisement ONLY when necessary. Deadlines will be determined in part by evaluation of the applicant pool. To avoid the need for re-opening a search, every effort should be made from the outset to acquire a representative pool before ending the search for candidates. If a department wants to accept applications until a selection is made, language to that effect should be included in the initial advertisement.
- Affirmative action/equal opportunity byline
  All advertisements must include the byline “The Medical University of South Carolina is an affirmative action, equal opportunity employer.” Inclusion of the phrase “Minorities and women are encouraged to apply” is viewed as a good faith effort that may further solicit additional applications from these normally underrepresented groups.

D. Nominated Candidates

The names of candidates may be put into nomination by members of the search committee or by other individuals. The committee chair should write the nominated individuals to inform them of the search and to invite the nominees to submit a vita and other required materials through the on-line system.

If, upon receipt of replies, it is found that the minorities or women who have been contacted have declined to apply for the position, consideration should be given to making a special approach to these candidates. A telephone call from the search committee, department chair, or person making the original nomination might be productive. This kind of special outreach is especially important in cases where goals exist and where the absence of these candidates means that no other minorities or women are likely to be in the pool of qualified candidates. All such efforts should be documented for the record.
E. Request for Waiver of the Recruitment Process

In limited circumstances, a waiver of the requirement to fill an approved faculty position through the recruitment and selection process outlined in this procedure manual may be granted upon request of the Dean or Executive Administrator of the hiring unit. Waiver requests may be made only where there is sufficient justification for not following the competitive recruitment process. These exceptions must be approved by the Director, EEO/AA Compliance, prior to extending an offer of employment.

Waivers may be requested in the following instances:

- In emergency situations when there is insufficient time for a national search because someone must be performing the necessary functions within days or where there are no back-up personnel.
- In situations where special training or expertise is required and such an individual has been identified and is available.
- For temporary assignments to replace individuals on Leaves of Absence.
- In situations where there truly is no opportunity for another individual to fill the position.

In order to record and maintain data for regulatory and compliance purposes, all waiver requests must be processed utilizing the PeopleAdmin System.

When a waiver is requested, a position must be created in the PeopleAdmin system by the Hiring Manager. A statement of justification for the waiver must be included in the requisition in the last box which states “additional information for HRM”. (See Appendix E.)

The job open date will be coordinated between the hiring department and faculty hiring consultant, so that the applicant who is being considered for the position can go on line and apply within 24 hours of the job posting. The faculty hiring consultant should be notified that the applicant has applied on line and the posting will be closed at that time.

The Post Hire Details must be completed by the hiring department for the candidate who is approved for hire. The Applicant Review List and a copy of the on-line requisition, including the approval of the waiver will be printed and sent to the hiring department for your records.
VII. THE SELECTION PROCESS

A. Disparate Impact

Applying selection criteria uniformly and in a manner that does not adversely impact on the employment opportunities of a race, sex, or ethnic group is an important responsibility of search committees and hiring officials. Selection procedures that are used to make employment decisions include the screening of applications, interviewing applicants, and selecting the successful candidate.

Disparate impact is a substantially different rate of selection in employment, promotion, or other personnel decisions that works to the disadvantage of members of a race, sex, or ethnic group. Federal and state compliance agencies use what is referred to as the “4/5” or “80 percent” rule to determine adverse impact. The rule is that the selection rate for minorities and women should be at least 4/5 or 80 percent of the selection rate for majority group members. If, for example:

Of 80 white applicants, 48 or 60% pass the first screening.
Of 40 black applicants, 12 or 30% pass the first screening.

The selection rate for blacks is only 50% of the selection rate for Whites; therefore, adverse impact for blacks is indicated since their selection rate is less than 80% of the white selection rate.

When disparate impact is indicated, the federal government may require the selection method to be validated.

B. Screening Applicants

Review of applicants’ files may be done in whatever manner the committee wishes, depending on the number of applicants, the time available, and the number of committee members. Whatever procedure is chosen, it is important that all committee members agree upon and use the same screening criteria for all applicants. Not only is it essential that all search committee members apply the same criteria to the applicants, but also it is critically important that all applicants be treated in an equal manner. Any techniques or procedures used to select or screen applicants must be applied uniformly to all candidates.

The first screen is for minimum qualifications; any applicant not meeting the posted minimum qualifications is excluded. Letters should be sent to the individuals who did not survive the first cut, thanking them for applying and letting them know that they are not among the finalists. At subsequent steps in the screening process, the committee should notify the other applicants of their status. This is a matter of courtesy and good public relations.

After the first screen it is desirable for every committee member to read and rate the files of those applicants meeting the minimum requirements of the position. In cases where hundreds of applicants survived the first cut, it may be necessary to divide the screening of the remaining applicants.
When the review process has been completed, the top applicants will have been identified, and the interview process will begin.

C. Inviting Applicants for Interview

The dean/department chair gives approval to the search committee to invite applicants for interview. Prior to doing so the committee should review (or have the Diversity Officer review) the search documentation for the following information:

- Number of applicants for the position by race, sex, age, disability, veteran status
- Number of applicants to be interviewed by race, sex, age, disability, veteran status

(The above information may be requested from the People Admin Coordinator in EEO/AAC.)
- Copies of advertisements
- Curriculum vitae of persons to be interviewed
- Curriculum vitae of the highest ranked minority or female applicant if not included in the above
- The affirmative action status of the department with respect to underutilization of minorities and females as indicated in the goals and timetables section of the current Affirmative Action Program
- If applicable, written justification for the noninclusion of the highest ranked minority or female applicant among those to be interviewed should be made a part of the committee record

D. The Interviewing Process

The activities of search committees or hiring officials include determining which applicants are to be interviewed, and arranging and conducting the interviews. A hiring official should attempt to involve other faculty/staff in the interviewing process, selecting those individuals so that they are representative of the university community by race and sex. All interviewers must be carefully selected and trained or experienced in interviewing skills.

A guide to questions that are permissible during an interview is shown in Appendix C. It is advisable for search committees and hiring officials to become familiar with this information so as to reduce the possibility that in interviewing applicants they might unintentionally violate Title VII of the Civil Rights Act of 1964 or other state and federal laws aimed at achieving equal employment opportunity. Interview questions should focus on the qualifications, skills, experiences, and other relevant factors that are necessary for the performance of the essential functions of the job for which the candidate is being interviewed.

It is recommended that interview questions be written, objective, probative and behavioral in nature. To ensure fairness and avoid a charge of discrimination, all applicants must be asked the same questions in the same manner. The use of
an interview rating form by each member of the search committee is strongly recommended. See (Appendix F). The skills and traits listed on the interview rating form should be established and agreed upon by the search committee.

The “good” interview is characterized by:

1. Reliability: two or more interviewers agree on their evaluations of the same applicant.
2. Validity: interview findings predict job performance. In other words, the interview measures what it is intended to measure.

These dual conditions are best met when you ask questions that will stimulate answers that help you evaluate the applicant’s skills for a particular job. One method of doing this is to review the job description, pull key phrases out of it and insert them into the interview questions.

E. Americans with Disabilities Act (ADA)

Title I of the Americans with Disabilities Act prohibits discrimination in employment against a qualified individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the job. The employment provisions of the ADA became effective for public employers on January 16, 1992. The Equal Employment Opportunity Commission (EEOC) enforces the employment provisions of the law.

Disability is defined under the ADA as a substantial impairment of a major life activity. A disability under the ADA may have been incurred on or off the job. The ADA provides the qualified disabled applicant or employee with the right of reasonable accommodation and protection against discrimination in the terms, conditions, and privileges of employment. Other than the determination of disability there is no eligibility required for ADA protection. Thus, applicants as well as employees are protected.

Actions which constitute discrimination include the following:

- Limiting, segregating, or classifying a job applicant or employee in a way that adversely affects employment opportunities for the applicant or employee because of his or her disability,
- Participating in a contractual or other arrangement or relationship that subjects an employer’s qualified applicant or employee with a disability to discrimination,
- Denying employment opportunities to a qualified individual because s/he has a relationship or association with a person with a disability,
- Refusing to make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability, unless the accommodation would pose an undue hardship on the business,
- Using qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability unless they are bona fide occupational qualifications
- Failing to use employment tests in the most effective manner to measure actual abilities. Tests must accurately reflect the skills,
- aptitude or other factors being measured and not the impaired sensory, manual, or speaking skills of an employee or applicant with a disability, (unless those are the skills the test is designed to measure).

- Discriminating against an individual because s/he has opposed an employment practice of the employer or filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing to enforce provisions of the Act.

The EEOC has outlined the procedures and factors to consider in the reasonable accommodation process. Reasonable accommodation is a critical component of the ADA’s assurance of nondiscrimination. Reasonable accommodation is any change in the work environment or in the way things are usually done those results in equal employment opportunity for an individual with a disability.

An employer must make a reasonable accommodation to the known physical or mental limitations of a qualified applicant or employee with a disability unless it can show that the accommodation would cause an undue hardship on the operation of its business.

Some examples of reasonable accommodation include:
- Making existing facilities used by employees readily accessible to, and usable by, an individual with a disability;
- Job restructuring to remove marginal functions;
- Modifying work schedules;
- Reassignment to a vacant position;
- Acquiring or modifying equipment or devices;
- Adjusting or modifying examinations, training materials, or policies;
- Providing qualified readers or interpreters.

An employer is not required to provide an accommodation if it will impose an undue hardship on the operation of its business. Undue hardship is defined by the ADA as an action that is:

“Excessively costly, extensive, substantial, or disruptive, or that would fundamentally alter the nature or operation of the business.”

In determining undue hardship, factors to be considered include the nature and cost of the accommodation in relation to the size, the financial resources, the nature and structure of the employer’s operation, as well as the impact of the accommodation of the specific facility providing the accommodation.

In all cases, reasonable accommodation must be determined on a case-by-case basis.

Legal obligations concerning nondiscrimination in the hiring process include the following:
- an employer must provide an equal opportunity for an individual with a disability to participate in the job application process and to be considered for a job;
- an employer may not make any pre-employment inquiries regarding disability, but may ask questions about the ability to perform specific job functions and may, with certain limitations ask an individual with a
- disability to describe or demonstrate how s/he would perform these functions;
- an employer may not require pre-employment medical examinations or medical histories, but may condition a job offer on the results of a post-offer medical examination, if all entering employees in the same job category are required to take this examination;
- tests for illegal drugs are not medical examinations under the ADA and may be given at any time;
- a test that screens out or tends to screen out a person with a disability on the basis of disability must be job-related and consistent with business necessity;
- tests must reflect the skills and aptitudes of an individual rather than impaired sensory, manual, or speaking skills, unless those are job-related skills the test is designed to measure.

A careful review of all procedures used in recruiting and selecting employees is advisable to assure nondiscrimination in the hiring process. Reasonable accommodation must be provided as needed, to assure that individuals with disabilities have equal opportunities to participate in this process.

Questions regarding disability discrimination, reasonable accommodations or legal obligations under the ADA should be directed to the Office of EEO/AA Compliance.
VIII. DIVERSITY OFFICERS

The role of the Diversity Officer is primarily that of representing the interests of candidates who fall within the following categories: minorities, women, and persons with disabilities, Vietnam Era veterans and disabled veterans. These are protected classes for which the university must take affirmative action to employ and advance in employment. In addition, there are two groups for which hiring goals are protected: minorities [male and female] and white females.

A Diversity Officer needs to be aware of the status of the college’s workforce in terms of its composition by race and sex and the degree to which minorities [male or female] and/or white females may be underrepresented. Hiring goals are projected based on this underrepresentation and if such goals exist, they will be identified in the university’s affirmative action plan. This information is available from the EEO/AA Compliance Office.

The Diversity Officer will educate and monitor search committees and the recruitment and selection processes regarding the following elements of an affirmative search:

1. The position is advertised in a manner that would insure it reaches prospective minority and women applicants. The EEO/AA Compliance Office may be consulted for recruitment resources.
2. Objective and job-related selection criteria are established early in the process.
3. The selection criteria does not adversely affect the protected class members, i.e., does not cause a disproportionate number of them to be eliminated. If there is adverse impact on protected classes, then the selection criteria may need to be validated.
4. Proper consideration is given to persons with disabilities who apply in determining the accommodations necessary to enable them to be qualified to perform the essential functions of the job.
5. Persons are selected to interview the candidates are aware of interview questions that are not permissible.
6. Diversity Officers must sign the Diversity Officer Checklist and forward it to the FHC.

Diversity Officers are encouraged to consult with the EEO/AA Compliance Office on any matter needing clarification.
Medical University of South Carolina
Announcement of Faculty Vacancy

Position # _________________________  Date _____________
College/Department __________________________________________
Rank/Title __________________________________________________
Salary Range ________________________________________________
Date Recruitment Began ______________________________________
Planned Hiring Date _________________________________________

Brief Position Description:
   Academic and Other Qualifications Required
   __________________________________________________________________
   __________________________________________________________________
   __________________________________________________________________
   __________________________________________________________________
   __________________________________________________________________
   __________________________________________________________________
   __________________________________________________________________

Name, address and telephone number of contact person:
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________

Signature of Department Chair/Dean _________________________________

This form, when approved, must be attached to the Recruitment Plan
(Appendix B) and sent to the EEO/AAC Office.
Recruitment Plan

Position # ______________________________ Department __________________

Title ________________________________________________________________

A. Brief description of the potential source of the pool of applicants: (i.e. Universities, Medical Schools, Industries, etc.)
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________

B. Selection Criteria (Must be objective and job related)
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________
__________________________________________________________________

C. List of publications advertising the position and any special efforts to attract female applicants and applicants of color.
__________________________________________________________________
__________________________________________________________________
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__________________________________________________________________
__________________________________________________________________

(Appendix B)
## PRE-EMPLOYMENT INQUIRY GUIDE

<table>
<thead>
<tr>
<th>SUBJECT</th>
<th>PERMISSIBLE INQUIRIES</th>
<th>INQUIRIES THAT MUST BE AVOIDED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name</td>
<td>“Have you worked for this company under a different name?” “Is any additional information relative to change of name, use of an assumed name or nickname necessary to enable a check on your work and educational record? If yes, explain.”</td>
<td>Inquiries about the name that would indicate applicant’s lineage, ancestry, national origin, or descent. Inquiry into previous name of applicant where it has been changed by court order or otherwise. Indicate: Miss, Mrs., Ms.</td>
</tr>
<tr>
<td>2. Marital and Family Status</td>
<td>Whether applicant can meet specified work schedules or has activities, commitments, or responsibilities that may hinder the meeting of work attendance and requirements. Inquiries, made to males and females alike, as to duration of stay on job or anticipated absences.</td>
<td>Any inquiry indicating whether an applicant is married, single, engaged, etc.; number and age of children; information on child care arrangements; any questions concerning pregnancy; any similar question that directly or indirectly results in limitation of job opportunity in any way.</td>
</tr>
<tr>
<td>3. Age</td>
<td>If a minor, require proof of age on the form of a work permit or a certificate of age. Require proof of age by birth certificate after being hired. Inquiry as to whether the applicant meets the minimum age requirements as set by law and indication that, on hiring, proof of age must be submitted in the form of a birth certificate or other forms of proof of age. If age is a legal requirement: “If hired, can you furnish proof of age?” Or statement that hire is subject to verification of age.</td>
<td>Requirement that applicant state age or date of birth. Requirement that applicant produce proof of age in the form of a birth certificate or baptismal record. (The Age Discrimination in Employment Act of 1967 forbids discrimination against persons over the age of 40.)</td>
</tr>
<tr>
<td>4. Handicaps</td>
<td>For employers subject to the provisions of the Rehabilitation Act of 1973, applicants may be “invited” to indicate how and to what extent they are handicapped /disabled. The employer must indicate to applicants that: 1) compliance with the invitation is voluntary, 2) the information is being sought only to remedy discrimination or provide opportunities for the handicapped /disabled; 3) the information will be kept confidential; and 4) refusing to provide the information will not result in adverse treatment. All applicants can be asked if they are able to carry out all necessary job assignments and perform them in a way that is consistent with the requirements of the job.</td>
<td>The Rehabilitation Act of 1973 forbids employers from asking job applicants’ general questions about whether they are handicapped or asking them about the nature and severity of their handicaps. An employer must be prepared to prove that any physical and mental requirements for a job are due to “business necessity” and the safe performance of the job. Except in cases where undue hardship can be proven, employers must make “reasonable accommodation” for the physical and mental limitations of an employee or applicant. “Reasonable accommodation” includes alteration of duties, physical setting, and provision for auxiliary aids and services.</td>
</tr>
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<tr>
<td>5. Sex</td>
<td>Inquiry as to sex or restriction of employment to one sex is permissible only where a <strong>bona fide occupational qualification</strong> exists. (The courts and the EEOC interpret this BFOQ exception very narrowly.) The burden of proof rests on the employer to prove that the BFOQ does not exist and that all members of the affected class are incapable of performing the job.</td>
<td>Sex of applicant. Any other inquiry that would indicate sex. Sex is <strong>not</strong> a BFOQ because a job involves physical labor (such as heavy lifting) beyond the capacity of some women; neither can employment be restricted just because the job is traditionally labeled “men’s work” or “women’s work.” Sex cannot be used as a factor for determining whether or not an applicant will be satisfied in a particular job. Avoid questions concerning applicant’s height or weight unless you can prove they are necessary requirements for the job to be performed.</td>
</tr>
<tr>
<td>6. Race or Color</td>
<td>General distinguishing physical characteristics, such as scars.</td>
<td>Applicant’s race. Color of applicant’s skin, eyes, hair or other questions directly or indirectly indicating race or color.</td>
</tr>
<tr>
<td>7. Address or Duration of Residence</td>
<td>Applicant’s address. Inquiry into place and length of current and previous addresses, e.g., “How long a resident of this state or city?”</td>
<td>Specific inquiry into foreign addresses that would indicate national origin. Names or relationships of persons with whom applicant resides. Whether applicant owns or rents home.</td>
</tr>
<tr>
<td>8. Birthplace</td>
<td>“After employment (if employed by this institution) can you submit a birth certificate or other proof of U.S. citizenship?”</td>
<td>Birthplace of applicant. Birthplace of applicant’s parents, spouse, or other relatives. Requirement that applicant submit a birth certificate or naturalization or baptismal record before employment. Any other inquiry into national origin.</td>
</tr>
<tr>
<td>9. Religion</td>
<td>An applicant may be advised concerning normal hours and days of work required by the job to avoid possible conflict with religious or other personal convictions.</td>
<td>Applicant’s religious denomination or affiliation, church, parish, pastor, or religious holidays observed. Applicants may not be told that any particular religious groups are required to work on their religious holidays. Any inquiry to indicate or identify religious denomination or customs.</td>
</tr>
<tr>
<td>10. Military Record</td>
<td>Type of education and experience in service as it relates to a particular job.</td>
<td>Type of discharge.</td>
</tr>
<tr>
<td>11. Photograph</td>
<td>Indicate that this may be required after hiring for identification.</td>
<td>Requirement that applicant affix a photograph to his or her application. Requests that applicant, at his or her option, submit photograph. Requirement of photograph after interview but before hiring.</td>
</tr>
<tr>
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<tr>
<td>12. Citizenship</td>
<td>“Are you a citizen of the United State?”</td>
<td>“Of what country are you a citizen?”</td>
</tr>
<tr>
<td></td>
<td>“If you are not a U.S. citizen, have you the legal right to remain permanently in the U.S.?”</td>
<td>Whether applicant or his or her parents or spouse are naturalized or native-born U.S. citizens. Date when applicant or parents or spouse acquired U.S. citizenship. Requirement that applicant produce his or her naturalization papers. Whether the applicant’s parents or spouse are citizens of the U.S.</td>
</tr>
<tr>
<td></td>
<td>“Do you intend to remain permanently in the U.S.?”</td>
<td></td>
</tr>
<tr>
<td></td>
<td>“If not a citizen, are you prevented lawfully from becoming employed because of visa or immigration status?”</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Statement that, if hired, applicant may be required to submit proof of citizenship or authorization to work.</td>
<td></td>
</tr>
<tr>
<td>13. Ancestry or National Origin</td>
<td>Languages applicant reads, speaks, or writes fluently. (If another language is necessary to perform the job.)</td>
<td>Inquiries into applicant’s lineage, ancestry, national origin, birthplace, or mother tongue. National origin of applicant’s parents or spouse.</td>
</tr>
<tr>
<td>14. Education</td>
<td>Applicant’s academic, vocational, or professional education; school attended. Inquiry into language skills such as reading, speaking, and writing foreign languages.</td>
<td>Any inquiry asking specifically the national, racial, or religious affiliation of a school. Inquiry as to how foreign language ability was acquired.</td>
</tr>
<tr>
<td>15. Experience</td>
<td>Applicant’s work experience, including names and addresses of previous employers, dates of employment, reasons for leaving, salary history. Other countries visited.</td>
<td></td>
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<tr>
<td>16. Conviction, Arrest, and Court Record</td>
<td>Inquiry into actual convictions that relate reasonably to fitness to perform a particular job. (A conviction is a court ruling where the party is found guilty as charged. An arrest is merely the apprehending or detaining of the person to answer the alleged crime.)</td>
<td>Any inquiry relating to arrests. Ask or check into a person’s arrest, court or conviction record if not substantially related to functions and responsibilities of the particular job in question.</td>
</tr>
<tr>
<td>17. Relatives</td>
<td>Names of applicant’s relatives already employed by this company. Name and addresses of parents or guardian of minor applicant.</td>
<td>Name or address of any relative of adult applicant, other than those employed by this company.</td>
</tr>
<tr>
<td>18. Notice in Case of Emergency</td>
<td>Name and address of persons to be notified in case of accident or emergency.</td>
<td>Name and address of relatives to be notified in case of accident or emergency.</td>
</tr>
<tr>
<td>19. Experience (Organizations)</td>
<td>Inquiry into the organizations of which an applicant is a member providing the name or character of the organization does not reveal the race, religion, color, or ancestry of the membership. “List all professional organizations to which you belong. What offices held?”</td>
<td>“List all organizations, clubs, societies, and lodges to which you belong.” The names of organizations to which the applicant belongs if such information would indicate through character or name the race, religion, color, or ancestry of the membership.</td>
</tr>
<tr>
<td>20. References</td>
<td>Who referred you for a position here? Names of persons willing to provide professional and/or character references for applicant.</td>
<td>Require the submission of a religious reference. Request reference from applicant’s pastor.</td>
</tr>
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<tr>
<td>21. Miscellaneous</td>
<td>Notice to applicants that any misstatements or omissions of material facts in the application may be cause for dismissal.</td>
<td></td>
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</tbody>
</table>

**NOTE:** Any inquiry should be avoided which, although not specifically listed among the above, is designed to elicit information as to race, color, ancestry, age, sex, religion, handicap, or arrest and court record unless based upon bona fide occupational qualifications.
**This section of the form should reflect important aspects of the job description for the position being filled.**

**Legends:**
- Race: W=White; B=Black; O=Other
- Sex: M=Male; F=Female
- Rank: T=Tenured; T.T.=Tenure-Track; Non-T.T.=Non-Tenure Track

<table>
<thead>
<tr>
<th>Members Names</th>
<th>Race</th>
<th>Sex</th>
<th>Age</th>
<th>Rank</th>
<th>Areas of Expertise**</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>B</td>
<td>F</td>
<td>40-70</td>
<td>Non</td>
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**These areas of expertise are merely examples.**
### Employer Fail Msg

Your responses to this application indicate that you do not meet the minimum state training and education qualifications for the position and/or any departmental preferences. We hope that you will consider other job opportunities at the Medical University of South Carolina.

### Employer Pass Msg

Thank you for your interest in career opportunities at the Medical University of South Carolina. The selection process is currently underway and will continue until a successful candidate is chosen. Following an initial review, selected candidates will be contacted directly for an interview.

### Additional Information for HR

(to include Functional Title, Search Committee Info, Advertising)

QuickLink: [www.jobs.musc.edu/applicants/Central?quickFind=1036727](http://www.jobs.musc.edu/applicants/Central?quickFind=1036727)

*Required information is denoted with an asterisk.*
INTERVIEW RATING SHEET

POSITION: ____________________________ NAME OF CANDIDATE: ____________________________

DATE: ____________________________ NAME OF INTERVIEWER: ____________________________

The performance skills to be evaluated include:

<table>
<thead>
<tr>
<th>Anchors</th>
<th>Very Strong evidence skill not present</th>
<th>Strong evidence skill is not present</th>
<th>Some evidence skill is present</th>
<th>Strong evidence skill is present</th>
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<th>Insufficient evidence for or against skill</th>
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<td>Skill Unmeasured</td>
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<td>Skill Unmeasured</td>
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</tbody>
</table>

The Technical/Job Skills to be evaluated include:

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<th>Some evidence skill is present</th>
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</tbody>
</table>

RECOMMENDATION: Hire/Promote ____________ Not Hire/Promote ____________

REASON FOR RECOMMENDATION: ____________________________________________________________

______________________________________________________________

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Search Committee Chair Checklist

College/Department ________________________
Position Title ____________________________
Posting Number __________________________
Committee Chair __________________________

Tasks to be completed:

☐ Read the Faculty Recruitment, Hiring and Reporting Procedures Manual.

☐ Appoint a committee of diverse members (race, gender, tenure, community members, alumni, students, etc.).

☐ Review the responsibilities of the search committee with the members.

☐ Request that the Diversity Officer and/or Faculty Hiring Consultant (FHC) brief the members on compliance issues regarding the recruitment, selection and hiring process.

☐ Prepare a position announcement for external advertising.

☐ Develop and implement a recruitment plan to include available potential applicant pools, objective and job-related selection criteria, publications for advertising the position and special efforts to attract female applicants and applicants of color.

☐ Review the position announcement and recruitment plan with the Diversity Officer, and after approval, send a copy of each to the FHC in the EEO/AAC Office.

☐ Contact the FHC to assess the diversity of the applicant pool.

☐ Decide whether to close or extend the search based on information received about the applicant pool from the FHC.

☐ If the search is closed, change the position status from Open to Closed and update the People Admin System.

☐ Screen and reduce the initial pool of applicants to a short list on the basis of the predetermined and advertised “minimum” qualifications of the position. All committee members must agree upon and apply the same screening criteria uniformly to each applicant. It is critically important that all applicants be treated in an equal manner.

☐ Inform the applicants not selected for the short list that they are no longer under consideration and update their status on the People Admin System.

☐ Repeat the last screening process for “preferred” qualifications, if necessary.
☐ Check the employment references of those on the short list and select candidates to be interviewed.

☐ Have the Dean/Department Chair approve the list of applicants to be invited for an interview.

☐ Arrange for training through the EEO/AAC Office in nondiscriminatory interviewing skills for inexperienced committee members, or those whose skills may be rusty.

☐ Invite applicants for interview and conduct objective, probative and fair interviews using the guidelines in Section VII, D and Appendix C of the Faculty Hiring Manual.

☐ Interview final candidates, and update their status on the People Admin System.

☐ Notify the Dean and/or the Department Chair and the FHC of the candidate recommended for hire.

☐ Once the hiring decision is approved, thank, debrief and dismiss the committee.

☐ Sign this checklist and forward it to the FHC.

Search Committee Chair ___________________________             Date _____________

            Signature
Diversity Officer Checklist

College/Department ____________________________
Position Title __________________________________
Posting Number ________________________________
Diversity Officer _______________________________

Tasks to be completed:

☐ Read the Faculty Recruitment, Hiring and Procedures Manual.

☐ When requested, brief the members of the Search Committee on compliance issues regarding the recruitment, selection and hiring process.

☐ Assist the Search Committee Chair (SCC) in preparing a position announcement for external advertising.

☐ Assist the SCC in developing and implementing a recruitment plan to include available potential applicant pools, objective and job-related selection criteria, publications for advertising the position and special efforts to attract female applicants and applicants of color.

☐ Review and approve position announcement, and recruitment plan with the SCC.

☐ Provide assistance and resources to the Search Committee and hiring department as requested.

☐ Monitor the process and provide guidance to ensure that MUSC is consistently in compliance with all federal, state and local requirements respecting nondiscrimination and affirmative action in employment.

☐ Sign this checklist and forward it to the FHC.

Diversity Officer ____________________________       Date ________________
Signature