

STEVENS INSTITUTE OF TECHNOLOGY
Guidelines and Best Practices to Conduct a Faculty Search
(Updated November 2022)

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A. SEARCH COMMITTEE RESPONSIBILITIES

1. Search Committee as University Representative

The search committee is in a unique position to enhance the reputation and image of the University. While a search committee is evaluating a candidate, the candidate is also evaluating the search committee, the department or unit it represents, and, ultimately, the institution. Most of the candidates for positions will eventually enter the profession and will, in turn, work with colleagues and students. The impression that a candidate receives of Stevens will reach many individuals beyond the candidate and will influence our reputation and the success of future search committees. To ensure that the impression the candidate receives is a positive one, the search committee needs to pay attention to the details of the search process. The following are specific aspects of the search process that may influence a candidate’s perception:

- being candid and forthright with candidates,
- meeting timelines,
- keeping promises,
- being professional in correspondence,
- politely and promptly answering telephone inquiries,
- conducting interviews that are probing, yet cordial, and
- having campus visits that are well-planned and executed.

As a result of these efforts, the search committee will be seen as professional, humane, and sensitive, and Stevens will be viewed as a professional and supportive place to work. In a very real sense, it is possible for a search committee to have a positive impact even if the candidate ends up not joining Stevens.

2. Searches and the Search Committee

Search committees have the ability to influence some of the most important decisions for the future of a unit. Committee members should thoroughly understand the requirements of the position to be filled and the mission and priorities of the department or unit and Stevens.

Generally, the search committee functions in an advisory role to the departmental executive committee or department chair, or to the dean, recommending one or more candidates for a position. The committee chair typically works closely with the chair of the department or the dean throughout the search process.

The search committee conveys to all candidates the list of materials that must be submitted including: a curriculum vitae (CV), a teaching vision statement and a research vision statement. This may be included in the position description but should also be in the letter sent to persons who respond to the position announcement or who have been nominated for the position.

The search committee should be comprised of individuals who bring to it a variety of perspectives and an understanding of equity and diversity issues. When possible, women and persons with diverse backgrounds from within the unit should be represented on all search committees. However, since these individuals tend to frequently be asked to serve on an array of committees, this may not always be feasible. In this case, faculty from other academic units may be enlisted to serve on the search committee (note that a search committee must include at least one faculty representative from a different academic unit). In addition, candidates should have the opportunity to be exposed to a diverse representation of individuals during the campus interview.

The primary role of the search committee is to identify and bring to campus faculty candidates of the highest caliber, who have the potential to advance Stevens in an impactful way in fields deemed of strategic importance to the University. Each member of the search committee also shares in the role of ensuring compliance with equal opportunity and affirmative action requirements and promoting excellence and diversity. In addition, the committee will want to evaluate all steps of its search in terms of the University's diversity goals, with particular attention paid to the danger of unintentionally introducing any kind of discriminatory practice into the process.

Stevens encourages as broad-based a search as possible. Typically, a national search is conducted for faculty positions. When appropriate, students should have an opportunity to meet candidates in an informal setting or to attend presentations by the candidates. Student reactions may be useful to the search committee in its deliberations.

3. The Charge

The charge to the search committee must be clear and precise: ambiguity in the charge, in the role of the committee, or in the extent of its authority can create confusion that will hamper and delay the selection process at crucial points. Among other things, the committee should understand exactly how many finalists it is being asked to recommend, whether they should be ranked, and whether it should make any inquiry as to their availability.

While the charge to the committee will vary depending on the kind of position being filled, some of the activities that may be assigned to a search committee include:

- writing a job description (in conjunction with the dean, chair and faculty in the unit).
- drafting the position advertisement and deciding where it will be published (see Appendix I).
- planning a search that is sensitive to the need for a diverse pool of candidates.

- collecting names and addresses of persons/institutions to whom recruitment letters will be sent.
- informing all applicants and nominees for which information regarding their applications must be released upon request of federal or state agencies, as required by law.
- informing applicants and nominees that candidates cannot be guaranteed confidentiality.
- establishing job-related criteria and procedures for screening candidates (see Appendices II & III).
- reviewing and evaluating all candidates, including reference checks and interviews for those under serious consideration (see Appendices II & III).
- determining or recommending which candidates will be brought to the campus for interviews.
- completing all documentation on the search for all persons interviewed.
- recommending, by a specified date, a specific number of finalists.
- establishing closure with all candidates who have been under consideration.

In general, it is expected that the interview process for full-time faculty will allow candidates to become familiar with the campus, and that there will be opportunities to engage with other faculty within the department, senior academic leaders, and undergraduate and graduate students, if appropriate. As relevant to the school or college, the interview schedule should include time with the search committee, meetings with faculty and University personnel, a seminar presentation, and a meeting with the Provost or Provost-delegate. Specifically:

- a. Candidates should be interviewed by faculty from the department/school AND by faculty from other departments/schools who have shared or related research and teaching interests.
- b. Candidates should be interviewed by either the Provost or the Provost-delegate.
- c. Sufficient time for interviews to take place must be provided.
- d. Candidates for full-time faculty positions should deliver a seminar. Students should be invited to the seminar, and they may evaluate the candidate.
- e. The search committee chair should solicit a written evaluation of the candidate from all faculty (including the search committee members) who met with the candidate, as well as from all those who attended the seminar including students (see Appendices II & III).

4. Equal Employment Opportunity

Stevens Institute of Technology is an Equal Opportunity Employer. As such, it adheres to an employment policy which prohibits discriminatory practices or harassment against applicants or employees based on any legally impermissible factor(s) including, but not necessarily limited to, race, color, religion, creed, sex, national origin, age, ancestry, marital or domestic partnership or

civil union status, affectional or sexual orientation, gender identity or expression, atypical cellular or blood trait, genetic information, pregnancy or pregnancy-related medical conditions, disability (where the applicant or employee is qualified to perform the essential functions of the job with or without reasonable accommodation), or any protected military or veteran status. All search committees are responsible for abiding by this policy.

B. FACULTY SEARCH COMMITTEE AND DEPARTMENT CHAIR/DEAN BEST PRACTICES REGARDING DIVERSITY

Before the Search

- Clearly articulate Stevens' rationale for support of faculty diversity by making explicit the connections between faculty diversity and educational quality. Include and align commitment to diversity efforts in the institutional and departmental strategic plans, as well as the mission statement.
- Create a diverse search committee that is enthusiastic and genuinely committed to faculty diversity and brings multiple perspectives and fresh ideas to bear.
- Secure resources needed to conduct a comprehensive search – for example, place job announcements in publications that serve underrepresented minorities.

During the Search

- Make sure that the search committee understands its charge from the onset, clearly emphasizing that faculty diversity is a goal and that it is appropriate to actively seek a diverse pool of candidates.
- Educate the search committee and provide opportunities for discussion on diversity and equity issues and regulations, stereotypes, and biases.
- Write a position description that attracts a diverse group of applicants, for instance, using the research-based recommendations developed by the Office of Diversity and Inclusion at the University of Maryland and available at <https://tinyurl.com/jsxqwff>.
- Develop a recruitment strategy including: (see Appendix I)
 - Placing the job announcement on the department or school web page or external sites as appropriate.
 - Identifying a process for the campus community to assist with the marketing (i.e., a nomination process); encourage women and members of underrepresented groups to nominate potential candidates.
 - Mailing/emailing position announcements to listservs, bulletin boards and other organizations that reach women and underrepresented minorities.
 - Incorporating recruitment networking into professional conference attendance by department faculty.
 - Utilizing personal and professional networks, contacts, and recommendations to seek leads to potential candidates of diverse backgrounds.
 - Making personal contact by letter or phone to faculty and staff who have made diversity-related presentations on campus.

- Establish a pool of potential diverse candidates through Visiting Scholars or ABD Fellowship Programs and a vita bank.

Interview the Finalists

Search committees may have difficulty determining what constitutes fair and legal pre-employment inquiries. All inquiries, whether on forms, during interviews, or when requesting information concerning applicants, must comply with federal and state law. **Please review Appendix IV for guidance.**

- Determine whether it is necessary to conduct telephone interviews for the semi-finalists (e.g., as many as 10). If so, develop a consistent set of questions to be asked of each candidate and determine how the answers will be rated.
- Consider interviewing more than one qualified woman and more than one qualified member of an underrepresented group. Interviewers more fairly evaluate women when there is more than one woman in the candidate pool.
- Be sure that all candidates receive equal treatment and that you use inclusive language. For example, don't presume all candidates are heterosexual and be conscious of terms that assume heterosexuality.
- Explain the interview process to the candidates, and give them a timeline for results. Let them know the committee chair's role in the process and that it is okay to call and ask questions.
- Know the procedures for travel expenses and reimbursement. Check with your college or school and review rules for travel.
- Offer all candidates information on whom to contact to discuss any special requirements or circumstances, such as the need for partner job assistance or disability accommodation.
- During the campus visit, make sure interactions with the candidate are honest, genuine, and gracious.
- Offer to make available a person of similar background, interests, ethnicity, or gender to give their perspectives on the campus and local community climate.
- Advise the candidate of any incentives that might be negotiable in the salary package.

After the Search (responsibilities of the department chair and/or dean)

- Work with the Provost's Office to ensure a competitive and fair offer is extended and falls within budget for salary, start-up conditions and, if applicable, relocation money.
- Honor all start-up conditions mentioned in the agreed-upon final offer letter.
- Don't overload the new hire with excessive service demands (e.g., committee memberships, advising).
- Follow-up with the new hire regularly to help with transitions and to answer any concerns that might develop in the first few days/weeks/months.
- Provide mentoring and professional development opportunities.
- Provide the new hire with clearly stated standards and procedures for evaluation and performance.

Wrap-up

- Evaluate the effectiveness of the search process in order to avoid future missteps; acknowledge the successes and failures and share that information with future search committees.
- Call or email all finalists not selected as soon as the candidate selected has accepted the position offer.

C. STRATEGIES TO PREVENT UNINTENDED BIAS

Common Shortcuts

Shortcuts can lead to biased assessments in evaluation if we are not motivated to avoid them and skilled in doing so. These shortcuts can lead to erroneous conclusions that underrepresented candidates are unqualified or a bad fit. The following are listed in order of the most common, easily recognizable shortcuts. When discussing the candidates' qualifications, don't discuss topics that address protected classifications as described in Appendix IV.

- **Cloning** – Replicating oneself by hiring someone with similar attributes or background. Also refers to undervaluing a candidate's research because it is not familiar, as well as expecting candidates to resemble someone whom the search committee is replacing. Cloning limits the scope and breadth of approaches and perspectives in research, teaching and service.
- **Snap Judgments** – Making judgments about the candidate with insufficient evidence. Dismissing a candidate for minor reasons or labeling a candidate "the best" and ignoring positive attributes of the other candidates. Stressing something trivial or focusing on a few negatives rather than the overall qualifications. This may be more likely to occur when the hiring process feels rushed.
- **Good Fit/Bad Fit** – While a determination of whether a candidate is a "good fit" may be about whether the person can meet the programmatic needs for the position, it is sometimes used to convey how comfortable and culturally at ease one will feel in the role. Comfort or cultural fit should not play a major role in hiring decisions.
- **Negative Stereotypes** – Characterized by presumptions of incompetence or stricter scrutiny of candidates in certain protected classes.
- **Positive Stereotypes** – Dominant group members are automatically presumed to be competent. Such a member receives the benefit of the doubt; negative attributes are glossed over, and success is assumed. Also called the "original affirmative action" because dominant group members are automatically presumed qualified and thereby given an unearned advantage.
- **Elitist Behavior** (also called "Raising-the-Bar") – Increasing qualifications for candidates in certain protected classes because their competency doesn't strike committee members as trustworthy or downgrading the qualifications of women and minorities based on accent, dress, and demeanor.
- **Wishful Thinking** – Insisting that racism, sexism, and other forms of prejudice no longer exist.

➤ **Euphemized Bias -**

- Visionary: Members of dominant groups are evaluated based on their potential whereas underrepresented groups are judged on their accomplishments and their track record only. For example: “He has vision” or “She lacks vision.”
- Committed, single-minded focus or hard-worker: These terms could be cloaking a bias against caregivers, those faculty members who may not be able to log long hours in the office on a regular basis due to the needs of family members.¹

D. POSITIVE AND PROBLEMATIC PRACTICES IN FACULTY RECRUITMENT

Positive Practices

- Engagement from the department chair, including hosting of social interactions
- Frequent and prompt attention (by phone and email) from the department chair in the course of negotiations
- Meeting with both graduate and undergraduate students
- For women or underrepresented minority candidates, meeting with faculty and postdocs with similar backgrounds (not meeting with them can lead to unresolved questions about the climate for women or underrepresented minorities in the department)
- Meeting with potential colleagues (in and outside the department) who work in the candidate’s research area
- Receiving information about flexibility that may allow for unique career opportunities (including dual careers) early in the recruitment process
- Receiving information about family-friendly policies and resources (e.g., childcare)
- Having partner or significant other treated with respect, interest, and enthusiasm
- A sense that the department chair is negotiating with the candidate’s long-term best interest as a primary consideration
- Rapid resolution of negotiation, yielding a formal offer quickly

Problematic Practices

- Contradictory information from the chair and other senior faculty members
- Evidence of disorganization or lack of unity in the department’s approach
- Suggestions by department faculty that candidates are not being recruited for their scientific excellence (but based on some personal characteristic, like gender, race, etc.)
- Being asked questions about family issues before any offer is made (marital status, planning for a family in the future, etc.); these yield resentment that such questions are both irrelevant and unlawful and can yield inaccurate information

¹ Note that by New York City Administrative Code, a person’s status as a caregiver is considered a “protected class.” As discussed, *infra*, in Appendix IV questions about whether one provides care to another are strictly prohibited.

- Potential department faculty colleagues interacting with the candidate's partner in a way that suggests that the partner is not valued or desirable on their own terms

E. ADVERTISING AND LANGUAGE FOR ADS & POSITION ANNOUNCEMENTS

- Reputable publications such as the Chronicle of Higher Education or those distributed by national discipline-based organizations can be counted on to actually reach intended audiences. However, to reach a more diverse pool of candidates, review Appendix I.
- The position description should include language that attracts a diverse group of applicants.
- Please refer to this link for research-based recommendations developed by the University of Maryland's Office of Diversity and Inclusion in drafting the position description.
<https://tinyurl.com/jsxqwff>
- All positions need to be posted in Workday.

APPENDIX I: Recruiting Resources

Transforming the search process requires that the committee do more than simply place ads and wait for applicants to express interest. Search committees should use personal and professional networks of existing faculty, post-docs and students, and discipline-based organizations, and take advantage of publications and web sites that specialize in the recruitment of diverse faculty members. The following strategies can help committees transform the search process.

Existing Faculty and Students

Use existing faculty and graduate students to market open positions. Ask faculty and students to take along copies of the job announcement when they travel to academic conferences and meetings. Further, ask that they contact their colleagues and inquire about promising graduate students or new scholars from underrepresented groups. When using faculty and students in this manner, it is important to encourage them to seek candidates beyond those who are most like themselves.

Discipline-based Organizations

All academic disciplines have professional organizations associated with them. Many have subcommittees on underrepresented populations in STEM including women, African Americans, Hispanics, American Indians and Alaska Natives. In addition, most have both national and regional meetings, newsletters, email mailing lists and web sites. These organizational resources can be key in departmental recruiting efforts. Poll faculty members to determine which organizations are active in the discipline area related to the open faculty position. Distribute job announcements to regional contacts or committee chairs. Follow-up with phone calls to discuss the department's needs and how best to identify promising scholars in the field. Typically, benefits of membership in these organizations includes posting job announcements at no or discounted costs.

Ford Foundation Fellowship Directory:

<http://nrc58.nas.edu/FordFellowDirect/Main/Main.aspx>

This directory contains information on Ford Foundation Postdoctoral fellowship recipients Predoctoral and Dissertation fellowship recipients awarded since 1986. The directory was created to serve as a resource for university officials seeking to diversify their faculty, minority students looking for mentors and role models, and scholars interested in establishing collaborative projects.

Appendix II: Sample Candidate Evaluation Rubric: Application

Reach committee consensus on how different qualifications will be weighted (e.g., the weight to be given to research versus teaching experience).

The following offers a method for department faculty to provide evaluations of job candidates' application materials, prior to on campus interviews. It is meant to be a template for departments that they can modify for their own uses.

Candidate's name:

Please indicate which of the following are true for you (check all that apply):

	Read candidate's CV		Participated in phone interview
	Read candidate's research and teaching statements		Read candidate's letters of recommendation
	Read sample of scholarly work		Other (please explain):

Please note if you have any professional or personal connection to the candidate:

Please comment on the candidate's scholarship as reflected in these materials, with specific reference to accomplishments and any perceived weaknesses:

Please comment on the candidate's teaching experience as reflected in these materials:

Please rate the candidate on each of the following:

	excellent	good	neutral	fair	poor	Unable to judge
Potential for scholarly impact						
Evidence of scholarly impact						
Potential for research productivity						
Evidence of research productivity						
Potential for research funding						
Evidence of research funding						
Potential for collaboration						
Evidence of collaboration						
Fit with department's priorities						
Ability to make positive contribution to department's climate						
Fit with institutional priorities						
Ability to contribute to entrepreneurship and innovation at Stevens						
Potential contribution to diversity enhancement efforts						
Evidence of contribution to diversity enhancement efforts						
Potential to attract and supervise graduate students						
Demonstrated ability to attract and supervise graduate students						
Potential to teach and supervise undergraduates						
Demonstrated ability to teach and supervise undergraduates						
Potential to be a conscientious university community member						
Demonstrated ability to be a conscientious university community member						

Other comments (very much encouraged)? Please use back of form for additional comments.

Appendix III: Sample Candidate Evaluation Rubric: Post-Evaluation

Reach committee consensus on how different qualifications will be weighted (e.g., the weight to be given to research versus teaching experience).

The following offers a method for department faculty to provide evaluations of job candidates' application materials, prior to on campus interviews. It is meant to be a template for departments that they can modify for their own uses.

Candidate's name:

Please indicate which of the following are true for you (check all that apply):

	Attended candidate's job talk		Had dinner with candidate
	Meet one-on-one with candidate		Read sample of scholarly work
	Read CV		Read letters of recommendation
	Other (please explain):		

Please note if you have any professional or personal connection to the candidate:

Please comment on the candidate's scholarship as reflected in these materials, with specific reference to accomplishments and any perceived weaknesses:

Please comment on the candidate's teaching experience as reflected in these materials:

Please rate the candidate on each of the following:

	excellent	good	neutral	fair	poor	Unable to judge
Potential for scholarly impact						
Evidence of scholarly impact						
Potential for research productivity						
Evidence of research productivity						
Potential for research funding						
Evidence of research funding						
Potential for collaboration						
Evidence of collaboration						
Fit with department's priorities						
Ability to make positive contribution to department's climate						
Fit with institutional priorities						
Ability to contribute to entrepreneurship and innovation at Stevens						
Potential contribution to diversity enhancement efforts						
Evidence of contribution to diversity enhancement efforts						
Potential to attract and supervise graduate students						
Demonstrated ability to attract and supervise graduate students						
Potential to teach and supervise undergraduates						
Demonstrated ability to teach and supervise undergraduates						
Potential to be a conscientious university community member						
Demonstrated ability to be a conscientious university community member						

Other comments (very much encouraged)? Please use back of form for additional comments.

Appendix IV: Conducting Non-discriminatory Interviews - Acceptable and Inadvisable Inquiries

Adapted from the New Jersey Department of Personnel, *A Guide for Conducting Professional Interviews*, available at http://www.state.nj.us/csc/about/divisions/eeo/pdf/EEOAA_interview_guide.pdf and modified to comply with federal, New Jersey, New York State, and New York City laws as of November 2022

A. Pre-employment Inquiries

Pursuant to N.J.A.C. 13:7-1 et seq. (NJ Law Against Discrimination Regulations), the New York State and City Human Rights laws, and federal law, there are acceptable and prohibited inquiries of which hiring managers must be aware. These guidelines must be strictly adhered to in order to avoid improper questions. What is important is to ensure that the information that is being solicited is not sought for discriminatory purposes against protected category persons. Inquiries that directly or indirectly disclose the applicant's race, creed, color, national origin, ancestry, age, sex, marital/civil union status, familial status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability, may constitute evidence of discrimination. The following is a list of inadvisable inquiries and recommendations on acceptable questions:

Subject Area	Acceptable and Inadvisable Inquiries
Age	<p>Acceptable: Are you over the age of 18?</p> <p>Inadvisable: Asking a candidate how old he/she is; graduation years; how long the candidate plans to work before retiring.</p>
Availability for Overtime	<p>Acceptable: Inquiries about an applicant's availability for evening and/or weekend work, provided that the inquiry is made to applicants of all gender identities and provided that the person now doing the job works evenings and/or weekends, or that a definite change in schedule is being implemented.</p> <p>Inadvisable: Asking this question because you think you may occasionally want the person to work evenings or weekends is not recommended. (Reason: question is likely to have an excessive and therefore discriminatory impact on applicants with families – particularly women.)</p>
Citizenship	<p>Acceptable: Whether the applicant's visa or immigration status will allow them to lawfully become employed in this country. Whether the applicant can provide proof of citizenship, visa, alien registration number after being hired. Note: It is better just to show applicants an I-9 Form and explain that, if hired, they will need to provide documents showing that they can work in the US as required by The Immigration Act.</p> <p>Inadvisable: Whether the applicant is a citizen. Any requirement that the applicant present proof of citizenship, visa, alien registration number <i>before</i> being hired. Rejecting any of the documentation deemed acceptable on the I-9 Form.</p>

Credit Inquiries	<p>Acceptable: Few, unless the inquiry is very specific and related to the job, but even in that case, an authorization to run a credit check would first be required. Since this is a tricky area, check with human resources and do not ask any questions.</p> <p>Inadvisable: Inquiries about charge accounts, bank accounts, etc.</p>
Criminal History	<p>Acceptable: None. This includes inquiring about arrests, convictions, or expunged records on an application for employment or during an initial interview. Posting job advertisements stating that Stevens will not consider anyone who has been arrested or convicted of a crime, unless the advertisement solicits applicants for a position that is exempt (typically law enforcement). If unsure, check with Human Resources. Note that inquiring about an applicant's criminal record may be permitted only in the very limited circumstance the applicant voluntarily and without coercion discloses any information regarding the applicant's criminal record.²</p>
Education	<p>Acceptable: If the individual has the specific education or training required for the specific job.</p> <p>Inadvisable: General questions about high school or college degrees unless you (or your supervisor) can prove the educational degree inquired about is necessary to perform the job. Questions about education dates are also considered age sensitive.</p>
Marital/Civil Union Status	<p>Acceptable: None. This includes any questions designed to discover someone's marital/civil union status.</p>
Military	<p>Acceptable: Inquiries about education, training, or related work experience gained in the US Armed Forces.</p> <p>Inadvisable: Type or condition of military discharge.</p>
National Origin	<p>Acceptable: Inquiries into applicant's ability to read, write, and speak English or foreign languages when required for the specific job.</p> <p>Inadvisable: Questions about applicant's lineage, ancestry, national origin, descent, place of birth, or native language, national origin of applicant's parents or spouse. How the applicant acquired the ability to read, write or speak a foreign language.</p>

² Obtaining the candidate's permission to run a criminal background check is only permissible **after an initial interview** or **after an offer of employment** has been made.

Organizations	<p>Acceptable: Inquiries about membership in professional organizations related to the job – e.g., does the applicant for a Personnel Assistant job belong to Human Resources or Personnel Executive society?</p> <p>Inadvisable: Questions about organizations whose name or character indicates members’ economic or social class, race, color, creed, marital/civil union status, religion or national origin, or sexual orientation – e.g., country clubs, social clubs, religious clubs, fraternal orders. Questions about political activities during non-work hours, legal recreational activities, or support for unions are not permitted.</p>
Personal Information	<p>Acceptable: Whether the applicant has ever worked for your organization. Whether the applicant has ever worked for your organization under another name. Names of character references, if you intend to call upon them.</p> <p>Inadvisable: General inquiries about change of name.</p>
Financial Status	<p>Acceptable: None. Inquiries about an applicant’s financial condition are unprofessional and unrelated to the position.</p> <p>Inadvisable: Questions about car ownership (unless owning a car is required for the job).</p>
Height and Weight	<p>Acceptable: Inquiries about ability to perform the job – without mentioning the applicant’s height or weight unless you are able to prove that a specific minimum or maximum height or weight is required to perform the job.</p> <p>Inadvisable: Any inquiry about height or weight that is not based on the actual job requirements.</p>
Pregnancy/Medical history concerning pregnancy	<p>Acceptable: None. This includes inquiries about the applicant’s anticipated duration of stay on the job or anticipated absences.</p>
Race, Color, or Ethnicity	<p>Acceptable: None</p> <p>Inadvisable: Any questions tending to yield information about race, color, or ethnicity.</p>
Recreational or Medical Marijuana Use	<p>Acceptable: None.</p>
Relatives	<p>Acceptable: Name of applicant’s relatives already employed by your organization or competitor. (This inquiry may become unlawful when hiring preference is given to relatives of employees at a time when minorities are considered underrepresented based on a lawful Affirmative Action Plan.)</p> <p>Inadvisable: Requests for the names and addresses of any relatives other than those working for your organization.</p>
Religion or Creed	<p>Acceptable: None. This includes questions about an applicant’s religious denomination, religious affiliation, church parish, pastor, or religious holidays observed.</p> <p>Inadvisable: Questions about availability for overtime or weekend work (see above).</p>

Residence	Acceptable: Inquiries about the applicant’s address, needed for future contact with the applicant. Inadvisable: Whether the applicant owns or rents their home.
Salary History	Acceptable: Inquiries about an applicant’s desired salary range. ³ Inadvisable: Inquiries about an applicant’s wages, salary, benefits, earnings, or incentive or commission plan. Interviewers also cannot obtain or consider for compensation purposes publicly available salary information. ⁴
Additional Protected Classes under New York City Code (“Other”)	Acceptable: None. Questions about additional protected characteristics are prohibited, such as: status as a caregiver; gender identity and expression (i.e., actual or perceived status as heterosexual, homosexual, bisexual, transgender); sexual and reproductive health decisions; the candidate’s association with another who is in a protected class; or the candidate’s unemployment status.

B. Pre-employment Inquiries under the ADA (Americans with Disabilities Act), New Jersey Law Against Discrimination, and New York State and City Human Rights Laws

“A qualified individual with a disability is one who meets all the necessary job prerequisites and requirements; and, can perform the essential functions of the job with or without a reasonable accommodation.”⁵

The passage of the ADA introduced a new set of restrictions relative to inquiries that may be legally asked of applicants. The ADA permits employers to ask much more specific questions after an offer of employment has been made. The State and City anti-discrimination laws listed above are consistent with the ADA.

In the pre-offer stage, disability-related questions are not permitted, nor are questions that are likely to elicit information about a disability. The following examples are provided to assist you in determining what can and cannot be asked of applicants under ADA requirements.

- Employers may ask whether an applicant can perform the job with or without an accommodation. This kind of question is permissible because an appropriate response will most likely be either yes or no. Generally, employers may not ask an applicant whether a reasonable accommodation is necessary to perform the functions of a job. It is

³ The salary history ban does not apply to internal transfers or promotions or previous knowledge based on prior employment with that employer.

⁴ Note: Only where an applicant voluntarily discloses salary history without prompting or coercion may this information be considered. Requesting salary history may occur **only after** making an offer of employment that includes an explanation of the overall compensation package.

⁵ A reasonable accommodation is a modification or adjustment to a job, the work environment, or the way things usually get done that enables a qualified individual with a disability to enjoy an equal employment opportunity.

impermissible to ask this question because an appropriate response will most likely cause the applicant to disclose a disability. However, if the applicant has made it known that a disability exists and that an accommodation will be required, the employer may ask questions about the accommodation only.

- Employers may ask an applicant to demonstrate how they would perform a job, with or without an accommodation, as long as all applicants for the job are asked to do this.
- Employers may ask an applicant whether an accommodation is needed for the hiring process.
- Employers may request appropriate documentation of a disability when an applicant requests a reasonable accommodation. NOTE: Such documentation should be immediately forwarded to the Division of Human Resources.
- Employers may invite applicants to self-disclose a disability for the purposes of the employer's affirmative action recordkeeping. In such cases, the employer must state clearly in writing or orally, that the information is used solely in connection with the affirmative action plan, that disclosure is voluntary, and that any information collected is kept confidential and separate from the application and will not be used in hiring decisions.

Material for *Guidelines and Best Practices to Conduct a Faculty Search* is adapted and informed by the following sources:

- Moody, J. (2010). *Rising Above Cognitive Errors: Guidelines to Improve Faculty Searches, Evaluations, and Decision-Making*. (Resources for Medical, Law, & Business Schools and Colleges & Universities).
- Northeastern University ADVANCE Office of Faculty Development (<http://www.northeastern.edu/advance/>)
- University of Michigan ADVANCE (<http://advance.umich.edu/>)
- University of Washington ADVANCE <http://advance.washington.edu/resources/facrecruitment.html>
- University of Wisconsin ADVANCE (<http://wiseli.engr.wisc.edu/searchguidebooks.php>)