

Resource Materials for Hiring Faculty and Academic Staff



Office of Equity & Affirmative Action (424-2296)
<http://www.uwosh.edu/affirm-act>

Human Resources Office (424-1166)
<http://www.uwosh.edu/hr>

Office of the Provost/Vice Chancellor (424-1410)
<http://www.uwosh.edu/provost>

October 2006

**Equal Employment Opportunity and Affirmative Action
Resource Materials for Faculty and Academic Staff Hiring
Table of Contents**

Definitions of AA/EEO.....3

EEO Policy.....4

The Total Employment Process.....7

Checklist of Process for hiring Faculty/Academic Staff.....8

What the Convener Must know to Execute a Successful Search.....11

What the Chair of the Committee Must know to Execute a Successful Search.....13

What the Search & Screen Committee Must Know to Execute a Successful Search.....16

What the Record Keeper Must Know to Execute a Successful Search.....20

For forms and other materials listed below, see quick forms link at <http://www.uwosh.edu/affirm-act/>

1. Position Announcement
2. Recruitment Plan for Hiring
3. Equal Employment Opportunity Request Form
4. Self-Identity Preference Form
5. Pattern Hiring Process Letters
6. Candidate Record-keeping Form
7. Sample Candidate Evaluation Form
8. Applicant Pool Data Form
9. Candidate Summary Evaluation Form
10. Wisconsin Open Meeting Law
11. UW Oshkosh Meeting Notice
12. Appropriate Interview Questions
13. Sample Applicant Reference Check
14. Affirmative Action Personnel Form (AAPF)
15. Optional Non-selection Reason Codes
16. Search and Screen Records Retention Process
17. Telephone Interview Script
18. Sample Applicant Profile of Excellence
19. Unclassified Position Questionnaire

DEFINITIONS OF AA/EO

Equal Employment Opportunity

- Providing all individuals with an equal chance to become aware of, apply for, and compete for jobs. Those things that interfere with that equal chance are discriminatory.
- Being treated equally in hiring, training, and in subsequent personnel decisions that affect promotion.
- Each person has the right to be evaluated as an individual on his or her qualifications without discrimination based on stereotypical conceptions of members of minority groups or any other protected class.
- Classifications protected under federal and/or state EEO laws are those of age, disability, marital status, national origin, ethnicity, ancestry, prior arrest or conviction record, religion, gender, sexual preference, gender identity or expression, relationship to other employees, and veteran's status.

Affirmative Action

- Represents a step beyond the concept of EEO.
- It means affirming that organizations and individuals proactively and aggressively seek to overcome the effects of past discrimination against groups such as women, people of color, disabled persons, and veterans by making a positive and continuous effort in recruitment, employment, retention, and promotion.
- Organizations must actively seek to remove any barriers that artificially limit the professional and personal development of individuals who are members of protected groups.
- Applies to all job categories and levels.
- These specific efforts may include special advertising designed to reach specific population groups, redesigning tests, and active recruiting of candidates from specific groups.
- It refers to both voluntary and mandatory efforts undertaken by federal, state, and local governments; private employers; and schools to combat discrimination and to promote equal opportunity in education and employment for all (a combination of presidential executive orders, laws and regulations, and court cases).
- Affirmative action does not, and was never meant to, encourage the hiring of any applicant who is less than qualified for the position in question. One standard should be applied to all applicants. It is important that job-related criteria be used during the screening process and that all applicants be evaluated according to those criteria. The University is committed to aggressive development of diverse applicant pools that include well-qualified members of protected groups.

**UNIVERSITY OF WISCONSIN OSHKOSH
AFFIRMATIVE ACTION
AND EQUAL EMPLOYMENT OPPORTUNITY POLICY**

Equal Employment Opportunity and Affirmative Action are a legal, social and economic responsibility of the University. Accordingly, the University is subject to various federal and state laws and rules, including policies that are established by the University System, relating to Affirmative Action and Equal Opportunity. ¹The policies, practices, and procedures of the University, as implemented at all levels, assures the active and positive implementation of federal and state Equal Employment Opportunity and Affirmative Action laws, executive orders, rules and regulations and policies and guidelines of the University of Wisconsin System.

The University is committed to, and reaffirms support for, Equal Employment Opportunity and Affirmative Action and to non-discrimination in employment policies, practices, and procedures. As evidence of this commitment, the University will periodically examine all employment policies, practices, and procedures for impermissible discrimination on the basis of age, ancestry, arrest or conviction record, color, creed, disability, marital status, national origin, political affiliation, race, relationship to employees, religion, sex, gender identity or expression, sexual orientation, veteran's status, membership in the National Guard, or other protected class or status. If the employment policies, practices, and procedures can be improved or if discrimination is found to be present, the University will immediately take such remedial action as is necessary to: (1) strengthen the policies, practices and procedures; (2) remediate the effect of such discrimination; (3) ensure that the discrimination does not recur in the future.

The University's commitment to the policy of Affirmative Action is intended to overcome the present effects of past discrimination and to balance the composition of the work force while providing Equal Employment Opportunities and Affirmative Action for members of groups that are, or have been formerly, under-represented, consistent with the requirements and limitations of federal and state law and regulations. Affirmative Action in all employment policies, practices and procedures is required to be taken for women, racial and ethnic minorities, and persons with disabilities in unclassified, classified, limited term employment and project positions with the University. Affirmative Action efforts are implemented in all employment policies, practices, and procedures including, but not limited to, the following: appointments to committees, certification, classification, compensation, discharges, evaluation, fringe benefits, interviewing, layoffs, non-renewals, placement, promotion, recruiting, retention, screening, selection, terminations, testing, training, and transfers. It is recognized that any form of retaliation in employment, including retaliation against any employee or applicant for employment on the basis that they have filed a complaint, assisted with an investigation, or instituted other proceedings, also constitutes a form of discrimination that is expressly prohibited.

The University maintains an Affirmative Action Plan for the recruitment, employment, and promotion of women and minorities. Consistent with this plan, the University monitors hiring and termination decisions for women and minorities to ensure non-discrimination. Copies of the Affirmative Action Plan are kept on file in all campus

A partial listing of these laws includes the following: The Equal Pay Act of 1963, as amended; Title VI of the Civil Rights Act; Title VII of the Civil Rights Act of 1964; The Age Discrimination in Employment Act of 1967; as amended; Sections 503 and 504 of the Rehabilitation Act of 1973, as amended; Executive Order 11246, as amended; Executive Order 28, Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974; Chapters 36 and 230 of the Wisconsin Statutes. Please note that Executive Orders from the Governor of the State of Wisconsin, directives from other state agencies, and other miscellaneous rules, policies, and guidelines of the Board of Regents of the University of Wisconsin System are also applicable.

libraries and in the University's Equity & Affirmative Action office. Summaries of the Affirmative Action plan are available through campus publications and are also available for distribution upon request. The University will prepare an Affirmative Action Report at least once a year. The Report will include an analysis of the progress made toward the attainment of Affirmative Action goals. The Report will also specify any corrective action(s) that are necessary for the University to meet the Affirmative Action goals.

Equal Employment Opportunity and Affirmative Action are shared responsibilities of the entire University community, including the administration, faculty, academic staff and students. Position descriptions for, and performance evaluations of, University administrators shall include an assessment of their attention to, and support for, Affirmative Action. Managers and other supervisory personnel, who share the responsibility for the implementation of Equal Employment Opportunity and Affirmative Action policies within the University, shall have these responsibilities included on their position description and shall be evaluated each year on the basis of their performance with respect to Affirmative Action. Violations of the University's Equal Opportunity and Affirmative Action policy will result in appropriate disciplinary action, consistent with the applicable disciplinary or personnel rules.

The University has established, and will maintain, a Council for Equity & Affirmative Action that is composed of faculty, academic staff, classified employees and students. Individuals shall be selected on the basis of a genuine interest in Affirmative Action and to represent the concerns of women, minorities and handicapped persons. The committee shall advise the University of Affirmative Action needs and concerns. The Council for Equity & Affirmative Action shall assist the University's Equity & Affirmative Action Director in designing and implementing programs.

Harassment by supervisors or co-workers on the basis of age, ancestry, arrest or conviction record, color, creed, disability, marital status, national origin, political affiliation, race, relationship to other employees, religion, sex, sexual orientation, veteran's status, or other protected class or status is a form of discrimination that constitutes an unlawful employment practice that is expressly prohibited. Therefore, it shall be the goal of the University to present and eliminate all forms of harassment within the University. As used above, "harassment" includes any verbal or physical conduct which does any of the following: hinders access to employment, interferes with an individual's performance at work; or which creates an intimidating, hostile, offensive, or demeaning environment at work.

The University is committed to conducting training and professional development programs to further efforts to promote the career advancement of women, minorities and disabled individuals. The University is committed to sponsorship of community outreach programs with the aim of increasing educational and employment opportunities for women, minorities and disabled individuals.

The University ensures physical accessibility to work stations of disabled individuals. The University will provide reasonable accommodations for any persons with disabilities that submit a request to ensure equal access to employment. The University will provide reasonable accommodations for any person who submits a request relating to religious observances and practices.

The University has established procedures for providing prompt and fair resolution of complaints alleging, discrimination or harassment. These procedures are outlined in the University's Affirmative Action Plan, which is

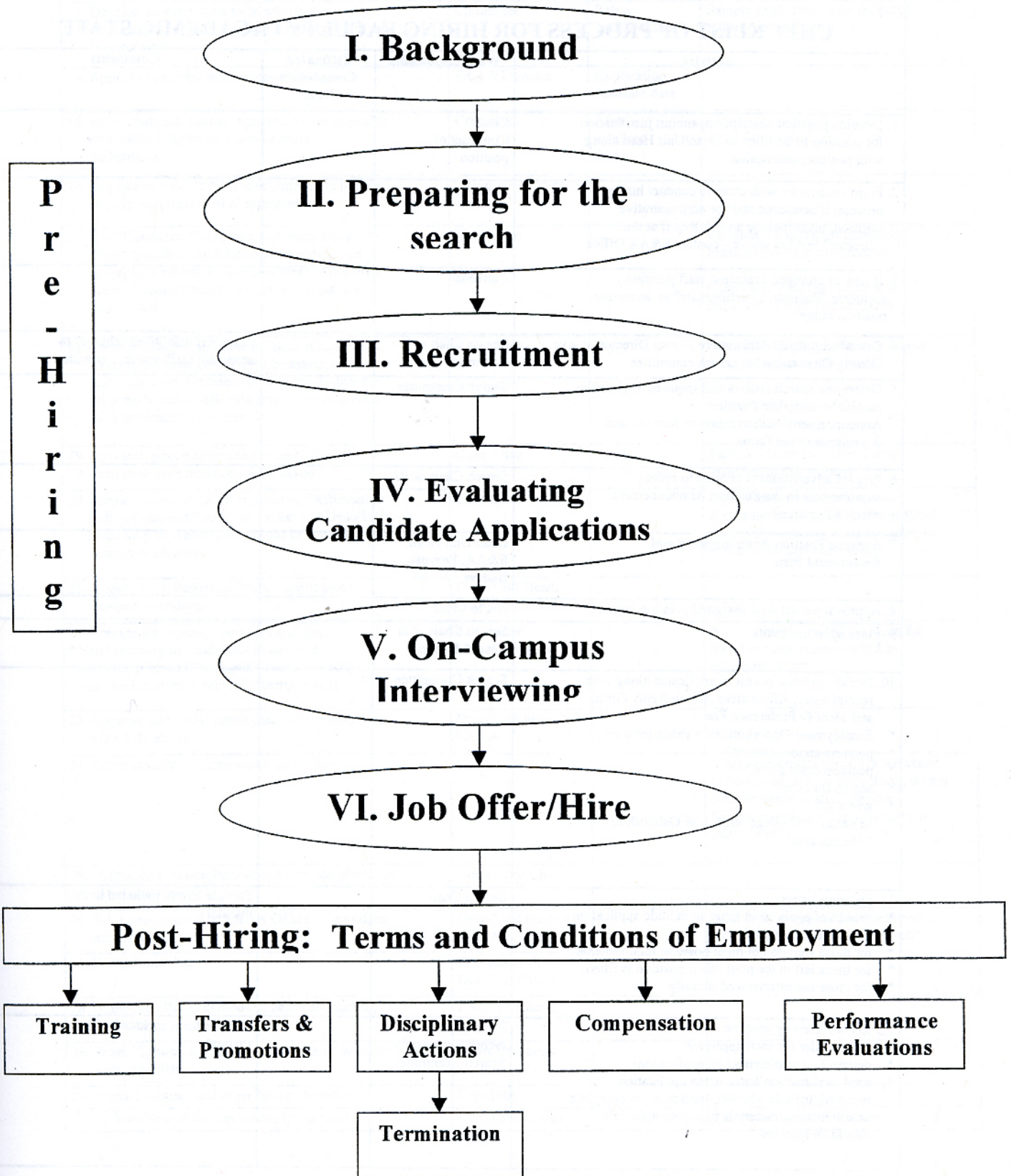
included in employee handbooks and copies of which are available, upon request, from the University's Equity & Affirmative Action Director. Complaints by employees within a bargaining unit alleging discrimination or harassment are to be presented as a complaint or grievance, as applicable, under the procedures that is specified in the appropriate union contract.

The University will appoint a Director of Equity & Affirmative Action and continue to maintain and support an Office of Equity & Affirmative Action. The University Director of Equity & Affirmative Action will report directly to the Chancellor. The Director of Equity & Affirmative Action is responsible for monitoring and evaluating the implementation of the University's Affirmative Action plan. The Director of Equity & Affirmative Action shall also serve as a resource and support person to institutional groups that are concerned with Affirmative Action as it relates to all employees, including unclassified and classified.

Each year, the Chancellor shall submit an annual Affirmative Action progress by the institution toward Affirmative Action goals and compliance with the policies of the Board of Regents of the University of Wisconsin System.

Equal Employment Opportunity and Affirmative Action
are concerned throughout

The Total Employment Process



CHECKLIST OF PROCESS FOR HIRING FACULTY / ACADEMIC STAFF

Activity	Who Responsible	Estimated Completion Date	Comments
Pre-Recruitment:			
1. Develop or update position description; submit justification for position to be filled to Dean/Unit Head along with position description	Convener of position		Consult with Human Resources for assistance with PD
2. Effective January 1, 2007, all new hires require successful completion of a criminal background check.	Convener		Convener may check with HR for language to be included in PD. This must be added to the position description.
2. Form committee with chair to conduct the hiring process; if for academic staff or administrative position at the Director level or above, you must include an AA Rep - contact E&AA Office	Convener		Contact E&AA Office for affirmative action representative
3. If new or changed academic staff position, complete "Unclassified Position Questionnaire" to determine position range	Convener		Form available on HR web site at http://www.uwosh.edu/hr or see HR for assistance
4. Develop draft position announcement	Convener		Form available on E&AA web site at www.uwosh.edu/affirm-act/
4. Contact Equity & Affirmative Action Office to schedule a "Hiring Orientation" to search committee	Search Chair or Convener		Convener also gives "charge" to academic staff search committee
5. Determine search criteria and required application materials; complete Position Announcement/Authorization to Recruit, and Recruitment Plan for Hiring forms	Search Committee/Convener		Person giving AA orientation can assist committee with review and completion of position announcement
6. Prepare advertisement copy to reflect requirements stated in the Position Announcement, attach advertising copy	Search Chair or PA		
7. Approve Position Announcement/Authorization to Recruit and Recruitment Plan for Hiring	Dean/Unit Head, E&AA, Provost, Budget Office		Begin approval process by submitting forms to HR
8. Approval e-mail with assigned position number	HR to Chair		Advertisements should not be placed until e-mail is received
9. Place advertisements	Search Chair with Record-Keeper		HR can assist with language in advertisements
10. Decide on what is sent to applicants along with acknowledgement letter, Equal Opportunity Reply Form, and Self-Identify Preference Form: * Employment Opportunities website location * position announcement? * position description? * search timeline? * web site? * Materials on college, unit, UW Oshkosh & Oshkosh area?	Search Committee		Equal Opportunity Reply Form and Self-Identity Preference Form available on E&AA web site at www.uwosh.edu/affirm-act/

Activity	Who Responsible	Estimated Completion Date	Comments
11. Develop letters: * acknowledgement of application letter (to include application materials not yet received) * for those who do not meet position requirements * for those left in the pool when position is filled * for those not interviewed initially	Search Chair with Record-Keeper		Pattern hiring process letters available on E&AA web site at www.uwosh.edu/affirm-act/
12. Record-keeping process: * make folder for each applicant * determine completeness of applications * send acknowledgement letter when application received, include whether application is complete or still missing materials plus date materials should be received	Person doing record-keeping for Search Committee		Sample Candidate Record-keeping form included on E&AA web site at www.uwosh.edu/affirm-act/
13. Develop an evaluation form used to review applications; reflects Position Announcement job requirements	Search Committee	Before application deadline date	Sample Evaluation Forms for Candidate Applications for faculty, administrator, and professional academic staff positions on E&AA web site at www.uwosh.edu/affirm-act/
14. Develop process to evaluate applications received after first evaluation date or deadline	Search Committee		This is especially important for searches that will accept applications until the position is filled.
15. Approve applicant pool composition	E&AA Director	Application deadline date	This step is necessary only if the position has a hiring goal for women or minorities
16. After applicant pool is approved, begin screening applications; determine how to access applications	Search Committee	After deadline date	Screening of applications should begin only after deadline date or published date of first application review
17. Applicants who do NOT meet minimum position requirements are identified & informed	Committee and/or chair		Sample letter available on E&AA web site at www.uwosh.edu/affirm-act/
18. Use "Sample Evaluation Form for Candidate Applications" to "tier" qualified candidates, include detail on strengths and weaknesses and how position requirements are met or not met. The pool of semi-finalists is established	Committee		Sample Evaluation Form for Candidate Applications" on E&AA web site at www.uwosh.edu/affirm-act/ Candidates must not be ranked, but listed in alphabetical order
19. Determine when and how to check references; develop the core questions to be asked; you cannot talk with those not referenced unless you are granted permission to do so by the candidate; talk with references in groups of 2 interviewers minimum if possible.	Committee		Sample Applicant Reference Check Form on E&AA web site at www.uwosh.edu/affirm-act/
20. Optional: telephone interviews of semi-finalists; determine core questions to be asked, use group of two interviewees minimum if possible.	Committee		Sample Phone Interview Form on E&AA web site at www.uwosh.edu/affirm-act/
21. Prepare summary of all applicants, "Affirmative Action Personnel Form" and submit to Dean/Unit head; includes recommendations of applicants for campus interviews	Committee		Open communication between department/unit and Dean/Unit Head during this process, especially starting at this point and continuing Sample AA Personnel Form available on E&AA web site at www.uwosh.edu/affirm-act/
22. Approve AA Personnel Form - applicants for campus interviews, Section 4	Dean/Unit Head, E&AA Director		Chair submits AA Personnel Form to E&AA Office; interviews may not be scheduled until AA Personnel Form is approved

Activity	Who Responsible	Estimated Completion Date	Comments
23. Send letter to non-finalists informing them they are still candidates for the position but have not been selected as a finalist	Chair/Record-keeper		Sample letter available on E&AA web site at www.uwosh.edu/affirm-act/
24. Prepare for campus visits by candidates: * Send itinerary to candidates in advance * Give candidates a "Campus Liaison" to connect with before, during, and after campus visit	Committee/ Chair/Unit Head		All candidates treated the same for travel expenses; reimbursed by department/unit
25. Campus visits and interviews take place; materials needed for the interviews include core questions, position qualifications, appropriate and inappropriate interview questions, and an evaluation form	Committee		If non-committee members are asked to complete an evaluation form, do not include name of staff member- Candidate Summary Evaluation form and Appropriate/Inappropriate Interview Questions on E&AA web site at www.uwosh.edu/affirm-act/
26. Affirmative Action Personnel Form completed on those interviewed, Section 5	Committee Chair		
27. AA Form returned to E&AA Office - Candidates interviewed	Dean/Unit head or E&AA		Also to be completed and returned to E&AA Office for "Failed Search
28. Select Candidate	Committee & Dean/Unit head		Committee provides hiring recommendation for all interviewed; Convener makes hiring decision
29. Negotiate offer to candidate; negotiate starting date/salary	Dean/Unit head		
30. Share "Spousal & Partner Employment" website with candidate	Dean/Unit head		
31. Prepare contract and other hiring paperwork	Dept/unit		Contact HR if assistance needed with this process
32. Follow-through for candidates left in pool	Convener/Chair		Convener should notify finalists of non-selection, preferably by phone. Chair should notify all candidates not selected by letter. Sample letters on E&AA web site at www.uwosh.edu/affirm-act/
33. Search & Screen records prepared according to Search and Screen Records Retention Process and taken to E&AA Office	Committee Chair		May keep in department/unit if Desired; process is described on E&AA web site at www.uwosh.edu/affirm-act/
34. Hiring paperwork completed and sent to HR	Dept/unit		
35. Welcome new Faculty/Academic Staff (letter/call)	Convener		
36. Obtain and provide office information	Convener		
37. Assign Mentor; develop department/unit new employee orientation	Convener		
38. Calls from candidates with additional questions on why they were not hired	Refer to Convener		Convener may request assistance from E&AA with any questions

(rev. Oct. 2006)

WHAT THE CONVENER MUST KNOW TO EXECUTE A SUCCESSFUL SEARCH

Pre-Recruitment

1. When determining the membership of the search and screen committee, consider that it reflect the interests of various constituencies. It is not always a good idea to include too many members who will “report” to the position being recruited for. Talk with Equity & Affirmative Action or Human Resources for more information.
2. If an academic staff or administrative position, the search committee must include an AA Rep if at the “director” level or above – contact the Office of Equity & Affirmative Action. Otherwise the Chair has primary responsibility for AA/EEO issues.
3. When possible, women and minorities should be represented on all search committees.
4. For academic staff positions, the initial meeting should also include the “charge to the committee” by the convener. The charge should include approximate timeline desired, budget for the search, the number of individuals to invite for on-campus interviews and whether the committee should update the position description.
5. When considering appropriate experience for candidates, do not define a specific number of years of experience. This reduces flexibility for the committee. For example, if you indicate a minimum of 3 years of experience is required in an area, an extremely good candidate with 2 years and 10 months of experience **CANNOT** be considered as he/ she does not meet the minimum requirements. Consider language for the position announcement such as a “demonstrated record of success in” or “a proven record of success at.”
6. Over reliance on traditional criteria may lead to the selection of persons who contribute to stagnation in an area – often referred to as the cloning effect. In addition, it may adversely impact women and persons of color who are well qualified and whose career path, education and experience may be quite different though equally valuable from the more traditional qualified applicants.
7. Include the core competencies for a department or unit when developing the preferred qualifications for the position. If you need assistance with this, contact Human Resources.
8. Once the criteria become finalized for a particular recruitment, the selection criteria cannot be altered. To alter selection criteria after the search has begun is to invite the possibility of inadvertent discrimination.

Recruitment

9. Before an employing unit of one institution of the UW System reaches the point of interviewing for possible employment an unclassified staff member in another UW System institution, the official responsible for initiating such action **must first notify** the appropriate vice chancellor (or UW System Center campus dean) of the other institution.
10. In no case shall a formal offer be extended until the vice chancellors of the home and hiring institutions have conferred and no offer shall be made after **May 1** (for the following fiscal year unless the vice chancellor (or Center dean) of the other institution).
11. Where an offer is being extended under the above protocol and the home institution’s employing unit **has already made** a salary increase recommendation for the person involved

for the subsequent fiscal year, the hiring institution cannot offer the person involved a salary rate exceeding the new rate recommended by the home institution for what is essentially a lateral transfer or a rank promotion. This limitation does not apply where a **major** change in duties and responsibilities is involved (e.g., from teaching faculty position to deanship, from a professional academic staff position to an administrative director position, etc.)

Post-Interview

12. The convener considers the recommendations of the search and screen committee and makes a hiring decision.
13. The convener negotiates the starting salary and date with the candidate.
14. Handling candidate's calls before the hiring decision is made or announced or while the offer is being considered by a candidate can be challenging. A simple response is best. "We are still considering candidates. We will contact you shortly." Do not say, "You are my top candidate, but I am having a hard time convincing the stodgy committee."
15. Share the Spouse & Partner employment website with candidate:
<http://www.neweraonline.org>
16. **Work with the Office of Equity & Affirmative Action to complete a criminal background check of the candidate.**
17. Call finalists in the pool notifying them they have not been selected.
18. Answer calls from candidates searching for feedback why they were not selected by informing the candidate of the difficulty of making a final decision, the quality of candidates in the pool, and nothing more. Do not engage in discussion with the candidate about what they did wrong or the selected candidate did better.

WHAT THE CHAIR OF THE SEARCH AND SCREEN COMMITTEE MUST KNOW TO EXECUTE A SUCCESSFUL SEARCH

PRE-RECRUITMENT

1. Unless an affirmative action representative is appointed by the Office of Equity & Affirmative Action, the chair has primary responsibility for AA/EEO issues. This is typically the case in all faculty recruitments.
2. Choose a person to perform the “record-keeping” responsibilities. It is the responsibility of the Search and Screen Committee Chair to carefully supervise the record-keeping process associated with the recruitment process.
3. Contact the Office of Equity & Affirmative Action at 424-2296 to schedule a hiring orientation to the search and screen committee during its first meeting.

RECRUITMENT

4. The only people authorized to publicly comment about the search are the convener and the chair. The only information you may reveal is the point at which the search is at. No applicant may see the files of other candidates or receive lists of those who have applied (with the exception of the names of the finalists and those candidates giving permission on the Identity Preference Form, and then if requested in writing – refer request to the Office of Equity & Affirmative Action. No information is to be given to anyone not directly involved in the search and screen process. Any questions are to be directed to the Office of Equity & Affirmative Action.
5. Inform candidates as soon as they are definitely eliminated rather than waiting until the end of the search. If there is any doubt about the appropriateness of eliminating and contacting selected candidates, contact the Office of Equity & Affirmative Action.
6. If it appears the applicant pool is not diverse in comparison with the availability data, the Affirmative action Director will contact the committee chair to discuss the situation. It is possible the committee will be asked to re-advertise to obtain a more diverse pool.
7. **Wisconsin Open Meeting Law**

As a public agency the University of Wisconsin Oshkosh is subject to the state’s open meeting law (19.81 et seq., Wis. Stats). This law requires advance notice of meetings (see **UW Oshkosh Meeting Notice**) of the governance organizations and certain University committees. The law also restricts and limits the circumstances under which these governmental bodies may meet in closed session. The law is based on the policy that the public right to attend and observe meetings must be respected consistent with the conduct of governmental business.

Under the Wisconsin Open Meetings Law, committees may conduct a closed meeting (but are not required to meet in closed session) for the purpose of reviewing and voting on the credentials of applicants. However, in order for a committee to lawfully meet in closed session, all of the following conditions must be satisfied:

The committee must provide legally-sufficient public notice of the meeting:

1. The meeting notice must identify the specific subject matter of the anticipated closed session

2. The meeting notice must also specifically identify the statutory basis that authorizes meeting in closed session
3. The meeting must start in open session and then properly reconvenes in closed session
4. The motion to meet in closed session (and the vote on that motion) must be recorded in the official minutes of the meeting

A closed meeting, therefore, can be held only by specific action of the committee

Committee chairs should send notices of all committee meetings to the University News Bureau for possible inclusion within *THE BULLETIN*. Note: The University now provides a form that can be used to provide public notice of meetings. This form also provides information to facilitate compliance with the open meeting law.

Meeting notices may also be posted on the departmental bulletin board. (Academic departments and subunits of departments are exempt from the notification requirements but the meeting notice must be reasonably likely to apprise interested persons and news media who have filed written requests for such notice.) Notices must be published or posted at least 24 hours in advance of the scheduled meeting unless for good cause such notice is impossible or impractical in which case [a notice as short as two hours may be given]. When notices of meetings are sent to the News Bureau or posted, they should also include the statement that it is contemplated that the body will meet in closed session (this statement must also identify the subject matter and the statutory basis of this closed session).

At the meeting, the committee chair should say, "I will now entertain a motion to reconvene in closed session to review credentials and to consider the formation of a recommendation on _____." When a chair entertains this motion to reconvene in closed session, the chair should specifically cite the appropriate sections of the Wisconsin Statutes that authorize this closed meeting [i.e., most likely sections 19.85 (1)(c) and (f)]. See Form 1. The meeting minutes must record the motion as offered and seconded to convene in a closed session. Further, this motion "...shall be carried by majority vote in a manner that the vote of each member is ascertained and recorded in the minutes" (section 19.85). In the event the motion fails, the meeting must be conducted in open session. If the motion passes, the meeting will then be closed, with only members of the committee or individuals invited by the committee being eligible to attend.

Secret ballots may not be cast. Balloting can proceed in the following manner: a show of hands; signed ballots that will be saved and attached to the minutes; or each person's vote can be recorded in the minutes; or a roll call vote, if requested by at least one member, with each person's vote recorded in the minutes. In general, you may not close a meeting and immediately reconvene again in open session. In these instances, section 19.85 (2) applies: "No governmental body may commence a meeting, subsequently convene in closed session and thereafter reconvene again in open session within 12 hours after completion of the closed session, unless public notice of such subsequent open session was given at the same time and in the same manner as the public notice of the meeting convened prior to the closed session."

In cases where a decision is made by an individual such as a chairperson, dean, etc., the Open Meeting Law does not apply since an individual does not constitute a "governmental body."

CHECKLIST – PROTOCOL FOR MEETING IN CLOSED SESSION

- The meeting notice must include notice of contemplated closed session (and identify the subject matter of that closed session).

- A motion must be made in open session to convene in closed session.
- The presiding officer must announce:
- The nature of the business to be considered in closed session and
- The specific exemption(s) claimed to authorize meeting in closed session.
- The announcement of the presiding officer (above) must become a part of the record of the meeting.
 - The motion must carry by majority vote and the vote of each member
 - Must be ascertained and recorded in the minutes.

The only business that may be taken up in closed session is that which related matters contained in the presiding officer's announcement.

8. Prepare a summary of all the applicants using the Affirmative Action Personnel Form. The form is available on the E&AA web site at www.uwosh.edu/affirm-act/ .
 - a. **Complete the Affirmative Action Personnel Form.** Indicate those candidates the committee recommends be brought for on-campus interviewing
 - b. Do not include a numerical ranking system. Alphabetize applicants within tiers on the AAPF.
 - c. According to *UW Oshkosh Faculty and Academic Staff Handbook*, the convener of the committee is able to review all candidates and request to have others included as finalists.
 - d. If there is not strong representation of protected groups, consider re-examining the candidate pool to identify additional qualified candidates (consult with the Director of Affirmative Action).
 - e. Submit AAPF to the Office of Equity & Affirmative Action along with candidate files of those applicants in protected groups after approval of Dean/Unit Head.
 - f. This form is to be completed when the committee has selected a pool of applicants to interview – **before interviews are scheduled.**
 - g. The main purposes of the form are to put in writing the job-related rationale for non-selection of candidates, and to review the interview pool in comparison with the applicant pool and national availability data.
 - h. Optional Non-selection Reason Codes can be used where appropriate as rationale for non-selection of candidates.
9. The Office of Equity & Affirmative Action will call or e-mail the search committee Chair after the form has been signed so that on-campus interviews can be set up with finalists as soon as possible.
10. If, in the process of arranging the on-campus interviews, one or more finalists are no longer interested in the position, the committee may decide to invite additional candidates for on-campus interviews. Since the Affirmative Action Personnel Form has already been completed and approved, the Committee Chair needs to only e-mail the Office of Equity & Affirmative Action to update the situation and indicate the name(s) of those being invited to campus.

POST-INTERVIEW

11. After on-campus interviews, evaluate the final candidates and complete section 5 of the Affirmative Action Personnel Form. Have the convener or Affirmative Action Director sign the form for approval **before** an offer is made to any candidate. The candidates who interviewed should be listed alphabetically by last name with a hiring recommendation and reasons related to the qualifications for the position expressed.
12. The Affirmative Action Personnel Form should also be completed and returned to the Office of Equity and Affirmative Action in the case of a **failed** search. A search may fail for several reasons:
 - a. Budgetary reductions
 - b. Candidates in top tiers withdraw applications. Those candidates brought on campus for interview are not interested in the position, or the committee and convener feel the candidates do not match the requirements for the position.
 - c. Reasons must be given for the failed search on the Affirmative Action Personnel Form.
13. Once a hiring decision is reached, refer all calls regarding the search to the convener.

WHAT THE SEARCH & SCREEN COMMITTEE MUST KNOW TO EXECUTE A SUCCESSFUL SEARCH

PRE-RECRUITMENT

1. Discuss what the deadline for application receipt means so that all candidates are treated equally.
2. Prepare the **Position Announcement** form using the information from the position description.
3. Transcripts and letters of recommendations are often requested with initial applications. This requirement tends to reduce the number of applicants or completed applicant files.
4. Consider asking for a copy of the transcripts and names and contact information of references for academic staff positions.
5. Consider potential bias inherent in qualifications and assumptions that underline them.
6. Review wording of announcement to ensure that it does not contain illegal discriminatory language or reflect unintended bias.
7. Be careful of having too many required criteria so that flexibility for the committee is lost. Consider making some required criteria preferred instead. Selection criteria and screening procedures should be established and agreed upon before materials from the candidates are evaluated by committee members.
8. Transcripts and letters of recommendations are often requested with initial applications. This requirement tends to reduce the number of applicants or completed applicant files.
9. Consider asking for a copy of the transcripts and names and contact information of references for academic staff positions.
10. Once a position announcement is finalized, selection criteria flow from it. Requirements cannot be added or deleted after publication of the position description. Candidates cannot be evaluated on the basis of criteria not directly related to the position description.
11. The University of Wisconsin Oshkosh is committed to actively recruiting women and minorities, particularly in areas where underutilization exists. The University has a responsibility to engage in productive recruitment that maximizes the diversity of the pool of applicants for each position, and it requires the creative development of customized recruitment plans. Search committees may wish to consider advertising in a variety of publications and contacting a variety of professional organizations. Advertising only in the traditional publications will often result in a homogeneous applicant pool of traditional candidates. Committees are encouraged to think creatively about ways to publicize the position in a manner that will bring it to the attention of qualified women and minority candidates. In addition to advertising a position in a variety of publications, the informal word of mouth approach to recruitment is one of the most successful practices for identifying candidates. **Committee members have an obligation to contact people they believe meet the minimum qualifications of the position, especially minority individuals, and encourage them to apply.**
12. Consider what materials should be sent to applicants. Possibilities include the employment opportunities link on the NEW ERA website www.uwosh.edu/neweraonline.org, a position announcement, a position description, a search timeline, and materials on the college, unit, UW Oshkosh and the Oshkosh area.

RECRUITMENT

1. Place advertising per the recruitment plan. Advertising must conform to the position announcement.
2. Keep in mind that all correspondence to candidates should be clean and precise in meaning. Many letters sent to applicants have a legal or quasi-legal significance. Letters that set forth position description, qualifications, employment conditions and/or search and selection timetable may be interpreted by applicants as agreements on both substance and procedure.

3. The only people authorized to publicly comment about the search are the convener and the chair. The only information they may reveal is the point at which the search is at. No applicant may see the files of other candidates or receive lists of those who have applied (with the exception of the names of the finalists and those candidates giving permission on the Identity Preference Form, and then if requested in writing – refer request to the Office of Equity & Affirmative Action. No information is to be given to anyone not directly involved in the search and screen process. Any questions are to be directed to the Office of Equity & Affirmative Action.
4. While the committee is waiting for candidates to apply, determine, prioritize and document search and screen criteria based on position duties discuss criteria and qualifications (both minimum and preferred) as a committee to make sure each individual has the same understanding of each of them, e.g., What is meant by wanting a candidate that is innovative and takes initiative? What things on the resume and cover letter will tell us this is true?
5. It is vital to eliminate from the evaluation process any stereotyped ideas based on the candidate's race, religion, national origin, age, sexual orientation, gender identity or expression, disability, gender, e.g. the notions that women are more transient than men or that individuals with disabilities are not interested in long term careers. As with all applicants, applicants with disabilities must be evaluated in terms of the actual job requirements, with no thought given to potential accommodations.
6. **Evaluating Internal Candidates:** It is often very difficult to evaluate internal candidates in an equitable way because we know more strengths and weaknesses than may be indicated in their application materials. Concentrate on evaluating them strictly using the criteria listed in the position description and advertising and comparing those with the information indicated in their materials. More information will eventually come out if they are part of phone or reference interviewing. If any of the search committee members feel they are too close to this internal candidate and cannot equitably evaluate them, they can abstain from evaluating that one candidate but still remain a member of the search committee.
7. All discussions concerning candidates should be conducted in closed meetings of the committee. Members of the search and screen committee are expected to maintain strict confidentiality regarding the process and candidates.
8. Consult the "Appropriate Interview Questions" link at www.uwosh.edu/affirm-act/ for interviewing references and candidates.
9. Confirm which references will be contacted. Choose a peer, supervisor, and if possible, a direct report of the candidate if applicable to the position. If the candidate hasn't offered the appropriate references, ask him/her for additional references.
10. Information to be solicited via the reference check should be planned beforehand and structured in much the same way as any personnel interview. Pre-employment inquiries that cannot be asked of any applicant also cannot be asked of any references. It is good practice to confirm from more than one reference any information gained through reference checking, whether the information is positive or negative. If the reference becomes part of the basis for rejection of an applicant, it is even more important to contact other sources.
11. References should be checked by committee members in pairs. Information collected from references is more accurate when two people hear what the reference has to say.
12. Should phone interviews of candidates be conducted, please consult the "Appropriate Interview Questions" link at www.uwosh.edu/affirm-act/.
13. Treat internal candidates on an equal basis with other candidates:
 - Make telephone interview appointment in advance
 - Give option of telephone interview in office or at home
 - Ask same core questions as other candidates
 - Conclude with giving timeline and when they should hear next from the committee

14. Do not give a courtesy interview to an internal candidate if they are not seriously being considered for the position and don't meet the qualifications.
15. All applicants who are invited for campus interviews must be informed of the University's policy to provide reasonable accommodations for applicants and employees with disabilities. They must be informed that they can request accommodation for interviews and how to make that request.
16. When candidates visit campus for interview, Please consult the "Appropriate Interview Questions" link at www.uwosh.edu/affirm-act/ to determine interview questions.
17. Avoid violating the Americans with Disabilities Act of 1990 by not asking about or commenting on the following. As with all inappropriate topics, if an applicant begins to volunteer unlawful information, tactfully steer the person back to job-related areas.
 - How the person became disabled
 - The nature of the disability
 - The severity of the disability
 - How the person can get to work
 - How the person will go to the bathroom
 - Conditions or diseases they have or have had
 - Past hospitalization
 - Past or current treatment for a mental condition
 - Past receipt of worker's compensation
18. A general question or statement to each candidate such as, "Is there information we can provide about the position, department/unit, college, University, or community that will help you make a more informed decision?" is appropriate.
19. All questions must avoid any attempt to gather information about the person's minority group status. You must not ask questions that would reveal the person's:
 - Age
 - Sex
 - Religion
 - Ethnic origin or national origin
 - Marital status
 - Race
 - Military veteran status
 - Disabilities
 - Arrest and conviction record
 - Sexual orientation
 - Gender identity or expression
20. Develop an on-campus candidate interview evaluation form (**Sample Candidate Summary Evaluation Form**) based on questions and position description. Review the interview process with interviewers:
 - Provide relevant information about the position, position announcement, essential functions of the position, necessary areas of inquiry
 - Interviewers' responsibility for emphasizing the positive aspects of UW Oshkosh. As candidates are interviewed and evaluated, they are also assessing UW Oshkosh.
 - Structure of the interview
 - Confidentiality expectations
 - Evaluation sheets and timeline for return of evaluation sheets
21. Candidates given a campus liaison to connect with before, during and after campus visit.
22. Provide transportation to and from airport and hotel and a search and screen committee member to escort the candidate to and from interviews.

23. As a general rule, if the committee members talk as much as 50% of the time, they are monopolizing the interview. Ideally, 75% of the comments should come from the applicant. The committee's job in the formal interview is to listen and evaluate.
24. To avoid the appearance of an interrogation, do not focus exclusively on the prepared questions. It is appropriate to make comments interspersed between questions in order to establish the pace of the interview and to encourage a dialog or discussion between the applicant and the committee. For example, the chair may make a statement about student advising and ask the applicant to give the committee his/her thoughts on the subject.
25. Avoid leading questions that have an implied answer. For example, "What aspect of teaching (research) do you enjoy most?" will be more productive than, "Do you like to teach (do research)?"
26. Interviews are a two way process. Not only is the applicant being evaluated, but also the applicant is evaluating UW Oshkosh. At the end of the interview always allow time for the applicant to ask questions and give further information.
27. Collect and synthesize evaluation sheets for all final candidates. Shred afterwards.

POST-INTERVIEW

28. Most paperwork generated during a search and hiring process is a public record and must be retained according to the institution's records retention policy. However, purely personal notes (those not shown or made available to anyone else) are not public records. Nevertheless, search committee members should be cautious when making notes and avoid flip casual comments and comments unrelated to the search process.
29. Committee members must always be aware that their notes are subject to subpoena and review if the search results in litigation. Therefore, committee members should not put anything in their notes that they would not be comfortable having read in open court.
30. The search and screen committee should make a recommendation to the convener about each candidate interviewed by indicating if they recommend the candidate for hire and giving reasons pertaining to the qualifications of the position. The committee shall not rank the candidates.
31. At this point the search and screen committee is disbanded. All confidentiality as it applies to applicant materials and the Wisconsin Open Meetings Law continues to apply to committee members.

WHAT THE RECORD KEEPER NEEDS TO KNOW TO EXECUTE A SUCCESSFUL SEARCH

PRE-RECRUITMENT

1. Contact Jan Keene in the Equity & Affirmative Action Office to become familiar with all forms and sample letters the record keeper uses in a search.
2. Attend all meetings of the search and screen committee and take minutes. When meetings move into closed session, keep a separate set of minutes for the open and closed portions of the meeting.

RECRUITMENT

3. The following should be noted as part of keeping records of applicants:
 - Make a folder for each applicant
 - Determine completeness of applications
 - Send acknowledgement letter when application is received, include whether application is complete or still missing materials plus date materials should be received.
 - Applicant files should be handled carefully and kept in a secure place away from the general office files. Only committee members and others participants in the consultation/selection process have access to the files. Access can be extended to other faculty members who will review the applicant's qualifications as part of the consultation process.
 - A simple checklist should be developed and kept in each candidate folder. As materials arrive, they should be placed into the folder and checked on the checklist. Once the candidate's file is complete, that should be checked on the checklist.
3. Federal and state laws require that both the Equal Employment Opportunity Request Form and the **Self-Identity Preference Form** be sent to candidates. The Equal Employment Opportunity Request Form is available from the Equity & Affirmative Action Office and the Self-Identity Preference Form can be found on the Equity and Affirmative Action web site at www.uwosh.edu/affirm-act/.
4. Record keeper completes the top section of the **Equal Employment Opportunity Request Form** before mailing to candidates. This form must be obtained from the E&AA Office.
5. The record keeper is not responsible for the development of letters sent by the committee, chair or the convener. The record is responsible for sending letters to candidates developed by the convener, chair or committee.
6. No applicant may see the files of other candidates or receive lists of those who have applied (with the exception of the names of the finalists and those candidates giving permission on the Identity Preference Form, and then if requested in writing). No information is to be given to anyone not directly involved in the search and screen process. Any questions are to be directed to the Office of Equity & Affirmative Action. The record keeper may not comment on the search to anyone outside the members of the search and screen committee or the convener.
7. Assist the chair with public notices of meetings.
8. The following paragraph must be added if a letter is used as part of the interview scheduling process or communicated via the phone conversation:

It is the policy of the University of Wisconsin Oshkosh to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. If you need assistance or accommodations to interview because of a disability (physical or mental impairment), please contact the Human Resources Office (920-424-1166) or the Office of Equity & Affirmative Action (920-424-2296). Employment opportunities will not be denied to anyone because of the need to make reasonable accommodations to a person's disability.

POST-INTERVIEW

9. The "Search and Screen Records Retention Process" can be found on the Equity and Affirmative Action web site at www.uwosh.edu/affirm-act/.