

3065

AFFIRMATIVE ACTION AND EQUAL EMPLOYMENT OPPORTUNITY HIRING

PREAMBLE: This section outlines UI's policy with regard to Affirmative Action and Equal Employment Opportunity hiring and the procedures for implementation. This section combines two sections of the 1979 Handbook. Both were original to that edition and one (section A) has remained unchanged while the other (sections B through C) have been repeatedly changed. All sections are as of July 1996 except where specifically noted as being more recent. Further information may be obtained from the Human Rights Compliance Officer (208-885-4212). [ed. 7-03, 9-06]

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A. POLICY. The University of Idaho is an equal opportunity and affirmative action employer. It is the policy of the regents that equal opportunity be afforded in education and employment to qualified persons regardless of race, color, national origin, religion, sex, ~~age~~, disability, or status as a [disabled veteran or](#) Vietnam-era veteran. [See 2200 III-4, 2300 VII, 3060 A, ~~3210~~, and the "Statement of Nondiscrimination" on page ii of this handbook]. [It is also the policy of the University of Idaho to not discriminate based on sexual orientation.](#)

[A-1. Scope of this policy. This policy specifically applies to faculty, classified, and exempt positions. However, a good faith effort to follow and document affirmative action and equal opportunity procedures for all positions should be made, including student and temporary hires. With the exception of students applying for the work-study program, postdoctoral fellows, or teaching/research assistants, anyone who is seeking UI employment should be directed to Employment Services' website \[www.hr.uidaho.edu/employment\]\(http://www.hr.uidaho.edu/employment\), to view all available openings. \(Applications for work-study are taken at the Student Financial Aid Office. Teaching and research assistant appointments are made in the academic units.\) For more information on postdoctoral fellowships or exceptions to this policy, contact the Human Rights Compliance Officer at \(208\) 885-4212. The Human Rights Compliance Officer approves all job descriptions for postdoctoral fellows, as well as the recruitment, selection, and offer of all postdoctoral positions.](#)

B. DEFINITIONS.

B-1. Open Search. An open search is defined as a search that is open to all applicants and is publicly advertised for an appropriate time period to allow applicants equal opportunity to apply. [Classified searches are posted for a minimum of two weeks and faculty and exempt positions are posted for a minimum of four weeks. The UI has limited criteria for exceptions to open searches or reducing the recruitment period. Hiring departments must contact the Human Rights Compliance Officer to determine if there may be exceptions to the open competitive search process, including UI-only searches. Waivers or exceptions to the open competitive process must be in writing from the Human Rights Compliance Officer and kept in the search file in the event of an audit.](#) ~~If approved by the Human Rights Compliance Officer (HRCO) or Employment Services, as appropriate, a search may be open to UI employees only. The UI has limited criteria for exceptions to open searches. Contact (HRCO) for additional information.~~ [ed. 9-06]

B-2. Affirmative Action. The UI strives to hire qualified employees through open search processes. Affirmative action procedures document the qualifications of applicants, the extra effort made to recruit women, persons of color, persons with ~~disabilities~~, [disabilities, disabled veterans](#) and Vietnam-era veterans, and the objective, job-related justification for the ranking of applicants.

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B-3. ~~Protected Groups Definitions~~ Minorities and Persons of Color.

a. Minorities and Persons of Color. The terms “minorities” and “persons of color” refer to members of certain racial and ethnic groups. Persons who are nonresident aliens of Black, Hispanic, or Asian descent are not included in this definition and are not included among the protected-group applicants listed on forms required by this policy. For the purposes of this policy, minorities and persons of color are further defined as follows:

i. “American Indian or Alaskan native or Native American”—all persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

ii. “Black (not of Hispanic origin)” —all persons having origins in any of the black racial groups of Africa [ed 11/01].

iii. “Hispanic”—all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

iv. “Asian ~~American or Pacific Islander~~”—all persons having origins in any of the original peoples of the Far East (including the Indian subcontinent and Southeast Asia, but not the Middle East). [rev. 11/01].

v. “Hawaiian Native or other Pacific Islander”—all persons having origins in any of the original peoples of the Pacific Islands [rev. 11/01].

B-4b. Persons with disabilities. The term “disability” refers to the condition of a person who (a) has a physical or mental impairment that substantially limits one or more major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment. Federal law may further modify this definition.

B-5e. “Status as a Vietnam-era veteran” refers to a person who served on active duty in the armed forces during the period from August 5, 1964, through May 7, 1975.

~~**d.** All women are included in protected groups.~~

~~**B-4. Job Descriptions and the Americans with Disabilities Act.** The Americans with Disabilities Act of 1990 (ADA) requires job descriptions to identify “essential or non-marginal functions” and “non-essential or marginal functions of positions. When positions are established or vacant, departmental administrators shall consult with Employment Services to ensure that job descriptions are fully in compliance with ADA provisions. This HR review precedes the beginning of the recruitment process.~~

B-65. **Affirmative Action Coordinators.** Each responsibility center has an affirmative action coordinator. The coordinators provide knowledge and expertise to ~~are trained to~~ (a) explain affirmative action requirements to members of search~~screening~~ committees and others who express interest or concern, (b) help screening committees develop the required documentation for recruitment and screening procedures, and (c) brief HRCO the Human Rights Compliance Officer~~or Employment Services, as appropriate~~, on issues that arise during the search process related to affirmative action and equal opportunity employment. The Human Rights Compliance Officer may delegate selected responsibilities to affirmative action coordinators. [9-06]

B-76. **Search ~~or Selection~~ Committee.** The search ~~or screening~~ committee should consist of at least three people, but five to six people are recommended. It is not necessary that all members of the committee be faculty or staff from within the hiring department or unit, but it is important that the search committee be as diverse as possible. Gender balance and racial/ethnic representation are to be attempted if at all possible. The committee composition must be reviewed and approved by the unit/department head and the Human Rights Compliance Officer. Further definition of the scope and responsibility of the committee may be determined by the hiring dean or unit administrator.

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B-87. Forms. Forms related to the affirmative action hiring procedure and those suggested for use in selection are available electronically from Employment Services, ~~the Human Rights Compliance Officer, for faculty positions, and from Employment Services for all other positions.~~ (See [www.http://www.hr.uidaho.edu/employment_hrs](http://www.hr.uidaho.edu/employment_hrs)). [9-06]

C. AFFIRMATIVE ACTION ~~STEPS AND REPORTS~~PROCESS.

C-1. Recruitment. Recruitment for all positions at the UI must be conducted in full compliance with UI's affirmative action and equal employment opportunity procedures (below) and with the requirements of all applicable immigration and naturalization laws (see 3070). To ensure compliance with applicable laws and reporting requirements, all searches must be entered into the applicant tracking system. The chair of every search committee should be familiar with the affirmative action and equal employment opportunity requirements of the UI. The chair should also consult with the Human Rights Compliance Officer for assistance in conducting a search that maximizes the potential for attracting a diverse pool of applicants. ~~All positions subject to this policy shall be filled using an open search process as defined in this policy. The "Report of Recruitment" form, with attachments, including the A signed Position Authorization F form, must be obtained from the President, Provost, or Vice President, as applicable, prior to initiating recruitment. The Human Rights Compliance Officer and Employment Services will review and approve all recruitment materials shall be submitted to and approved by HRCO for faculty positions, and to Employment Services for all other positions, before~~ announcement is made of any position vacancy, including any to be filled on a part-time or temporary basis, e.g., a sabbatical replacement. Failure to secure necessary approvals from ~~either HRCO~~the Human Rights Compliance Officer or Employment Services will result in nullification of the process and attempted hire. ~~Temporary hourly employment and student employment are not included in this requirement. However, if an employee is hired on a temporary basis without an open search, an open search must be conducted to move the employee into a non-temporary position.~~ Employment Services will assist with the development of results-oriented job descriptions, recruiting, advertising, and collection of applications. ~~upon request. Items called for by the "Report of Recruitment" form include: [ed. 9-06]~~Recruitment materials must include:

a. Search Firms. Search firms are required to comply with all state and federal laws, as well as UI and Regents policies regarding affirmative action and equal employment opportunity. The chair of the search is responsible for disseminating the internal policies to the search firm and ensuring they are followed. The positions are recruited in the same manner as similar positions and are subject to the same approvals and documentation.

b. Salary Range. An appropriate salary range is defined initially, but ~~This must be defined initially for internal record keeping, but~~ need not be advertised to potential applicants.

cb. Text of Announcement and Advertisement. Vacancy announcements appear in the Idaho Register and/or on the Human Resources' (HR) website in the applicant tracking system, as well as in other media and websites. The announcement is made available to each applicant. It documents that UI has communicated to applicants the qualifications on which they will be judged. It is also the basis for the selection screening forms. The form of the announcement may vary, but it must include the basic components that are noted on the vacancy announcement outline (See the Employment Services website at www.hr.uidaho.edu/employment_hrs) and shall be consistent with the job description. The

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~~“minimum required” or “essential”~~ qualifications ~~referred to in ADA regulations as “non marginal” or “essential”~~ must be the absolute minimum that would be acceptable in an applicant; once defined, they are inflexible. An applicant who does not possess these qualifications cannot be hired. “Preferred” or ~~“non-essential desirable”~~ (or “marginal”) qualifications include any and all attributes believed to be desirable for the position. A candidate may not possess all of the “preferred” characteristics; nevertheless, any specific attribute that might be a reason for preferring one candidate over another should be included as a basis for ranking. When applicants self-identify as disabled under the definition of ADA and indicate they can, with ~~assistance~~ reasonable accommodation, perform the essential ~~or non-essential~~ functions of the position, UI has a duty to attempt reasonable accommodation under the ADA. The announcement must include the statement, “To enrich education through diversity the University of Idaho is an equal opportunity/affirmative action employer.” If a background ~~_~~check, education verification or post offer medical screen is required for the position, it must be stated in the announcement. The advertisement is an abbreviation of the vacancy announcement and, at a minimum, must contain the job title, closing date, contact information, and the tagline “AA/EOE.” [rev. 7-97].

de. Statement of Distribution of Announcement and Advertisement. ~~Departments may~~ This section documents the publicity efforts undertaken by the department or committee. Some departments place paid advertisements in newspapers and journals, ~~_~~and/or ~~others rely primarily on~~ mailing announcements to institutions that grant degrees to potential applicants or posting on professional society websites or listservs. The hiring department ~~also~~ shall send announcements to any known protected-group organizations within the discipline or field, e.g., Women in Science. Employment Services ~~or HRCO~~ can assist with the identification of such groups and ~~Employment Services~~ can ~~also~~ assist with the placement of advertisements. Due to the quantity of advertisements placed by the University of Idaho, many times savings can be realized by centralizing the placement of advertisements with Employment Services. Employment Services will provide a standard description of the university and its setting to ensure consistency in advertising. See A-2. [rev 7-97, ed. 9-06].

ed. Dates of Recruitment. The period of recruitment should be discussed with the Human Rights Compliance Officer ~~or Employment Services~~ to ensure that reasonable time is allowed to recruit a diverse pool of candidates. The recruitment period may be ~~somewhat~~ shortened, provided that the departmental administrator furnishes the reasons for doing so and assurance that any extra efforts necessary to recruit thoroughly in the time available will be made. [9-06]

fe. Job Description. ~~All positions require an up-to-date position description. Standard electronic forms are available for this purpose.~~

ia. The position description for non-faculty positions must be created using the Results Oriented Job Description (ROJD) form available for downloading at the Human Resources website at www.hr.uidaho.edu. If a description of and the qualifications for the position have not been established, the departmental administrator in consultation with Employment Services will define these and the salary range. An Employment Services approved ROJD is required prior to the initiation of search proceedings. Faculty positions must have a position description using the format set forth in FSH 3050.

iib. The Americans with Disabilities Act of 1990 (ADA) requires job descriptions to identify “essential or non-marginal functions” and “non-essential or marginal functions” of positions. When positions are established or vacant, departmental administrators shall consult with Employment Services to ensure that job descriptions are in full compliance with ADA provisions. This HR review precedes the beginning of the recruitment process.

~~Standard forms are available for this purpose. Employment Services will provide a standard description of the university and its setting to ensure consistency in advertising. Note remarks on qualifications above.~~

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fg. Application Form. The standard UI application form for classified positions is available [through the applicant tracking system on the referenced HR website](#). Those not completing their application materials electronically may submit the equivalent information to the contact listed on the announcement via hard copy, by the closing date. The Required Applicant Disclosure Form and Affirmative Action Form are available from the Affirmative Action Coordinators for those not completing their application materials on-line.

from Employment Services and on the HR website (www.uidaho.edu/hrs).

hg. Affirmative Action Form. The chair of the search committee must ensure that all applicants [have access to complete on-line or](#) are given or sent the Affirmative Action form inviting applicants to identify themselves as members of protected groups. Applicants may choose not to provide such information, but UI has a responsibility to request it.

~~**h. Selection Forms.** Report of Recruitment, Report of Screening Procedures for Interview Candidates, and Report of Interview Procedures for Final Selection forms (available on the HR website) are used to document the comparison of candidates. They are based on the criteria specified in the announcement. A member of the committee, or other person designated by the committee, may conduct a preliminary screening based on required qualifications that can be readily and unquestionable assessed on a yes or no basis. The disqualified applications should be made available for review by members of the search/screening committee. In addition, the applications of known protected group members that are disqualified in the preliminary stage should be reviewed by the affirmative action coordinator of the hiring unit, and HRCO for faculty searches and Employment Services for all other searches. As a result of preliminary screening, the pool of candidates who meet minimum qualifications is established. Intermediate screening is conducted to make distinctions among the qualified candidates in this pool in an equitable manner. Forms used for this purpose should show the basis for numerical values assigned to weighting and judgment factors. Both the required and the preferred criteria should be evaluated, but the weights assigned to various criteria may vary. Selection forms document the date of the evaluation, the signature of the evaluator, and comments that supplement or explain numerical scores and should be completed in ink. Questions and discussions during interviews must be confined to clearly job-related topics; consistency in interviews is important and there must be a procedure for documenting the re-evaluation of candidates on the basis of the interview. Members of the search or screening committee should document their evaluation of each candidate interviewed. Telephone interviews may be conducted provided that they follow a structured outline that provides for rating of the applicant's responses; conference calls should be arranged so that more than one person can take part in evaluating the applicant; also, some of the same evaluators should be involved in all of the interviews. [ed. 9-06]~~

~~**i. Approval of Planned Procedures.** Written approval of the recruitment and selection procedures, as reflected on the "Report of Recruitment" form and attachments discussed above, must be obtained from HRCO for faculty positions and Employment Services for all other positions. [ed. 97-06]~~

C-2. Selection. [Screening forms are used to document the comparison of candidates. They are based on the qualifications specified in the announcement. As a result of preliminary screening, the pool of candidates who meet minimum qualifications is established. Forms used for this purpose should show the basis for numerical values assigned to weighting and judgment factors. Both the required and the preferred qualifications should be evaluated, but the weights assigned to various criteria may vary. Selection forms document the date of the evaluation, the signature of the evaluator, and comments that supplement or explain numerical scores and should be completed in ink. The hiring unit may conduct other job-related evaluations, after consultation with Employment Services. The Director](#)

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for Employment Services or designee is responsible for reviewing any supplemental application evaluation material the hiring department wants to use in the screening process.

a. Preliminary Screening. Employment Services conducts preliminary screening for classified positions. All other searches may designate a member of the committee, or other person designated by the committee, to conduct a preliminary screening based on minimum/required qualifications that can be readily and unquestionably assessed on a yes-or-no basis. The disqualified applications should be made available for review by members of the search committee. In addition, the applications of known protected-group members that are disqualified in the preliminary stage will be reviewed electronically by the Human Rights Compliance Officer.

ba. Intermediate Screening. Intermediate screening is conducted to make distinctions among the qualified candidates in this applicant pool in an adequate manner. Each committee member should complete a **selection screening** form for each applicant retained in the pool so that meaningful comparisons can be made. Comments explaining the ratings should be entered on the form. Committee members should work independently without access to the evaluations completed by others and should be cautioned to refrain from making any written comments on the applicants' resumes, reference letters, or other application materials. ~~In the case of a large pool of candidates, the applications may be divided among subcommittees for screening.~~ Following the independent evaluations, it is appropriate that the selection committee meet as a group to compare and discuss the candidates. Because individual committee members' numerical ratings vary greatly, scores should not be ~~added together or~~ averaged. The final ~~recommendation forms~~ should reflect committee consensus rather than a mere collection of individual opinions. If new interpretation or insight has resulted from committee discussions, a committee member may change his or her rating forms and such changes should be entered in ink, initialed, and dated on the same form with the original ratings. It is important to record and keep minutes of the committee discussion of applicants.

cb. Review of Preliminary and Intermediate ~~Selection-Screening~~ Procedures. The Human Rights Compliance Officer will review and ~~sign-off on~~ approve electronically all screening procedures (see C-1,h) ~~for all faculty searches~~ prior to the interview phase. In the case of faculty hiring, the Human Rights Compliance Officer cannot approve proceeding to interviews until the Office of the pProvost has had an opportunity to review the credentials of all finalists. ~~Employment Services in HR will review and sign-off on all non faculty searches.~~ Completion of these procedures form provided for this purpose will constitute a record of the applicants considered and reasons for having eliminated protected-group members. Reasons given for the rank ordering or elimination of applicants should be directly related to the qualifications listed on the announcement. Though numerical scores or numerically based rank-order are a part of the explanation, they should be supported by additional narrative. Reasons should be stated in comparative terms so that differences between candidates are readily apparent. Comments in the applicant tracking system ~~The Report of Screening Procedures for Interview Candidates~~ should be complete and detailed so that theyit will stand alone as an explanation for the results in selection, apart from applicants' folders, which are retained in the hiring department. The completed ~~commentsreport~~ shall be submitted electronically to the Human Rights Compliance Officer and Employment Services through the ~~unit A~~ Affirmative A ~~action C~~ oordinator. ~~for faculty positions and Employment Services for all other positions.~~ It is recommended that the files, including preliminary and intermediate selection forms, for all finalists and protected-group members be available for reference for five years. [ed. 9-06]

d. Interviews. Questions and discussions during interviews must be confined to clearly job-related topics; consistency in interviews is important and there must be a procedure for documenting the re-evaluation of candidates on the basis of the interview. Members of the search or screening committee should document their evaluation of each candidate interviewed. Telephone interviews may be conducted provided that they

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follow a structured outline that provides for rating of the applicant's responses; conference calls should be arranged so that more than one person can take part in evaluating the applicant; also, some of the same evaluators should be involved in all of the interviews. For a list of acceptable and unacceptable interview inquiries visit <http://www.webs.uidaho.edu/hrc>. [7-97]

ge. Reference and Background Checks. The committee is responsible for checking references and contacting the potential employee regarding conducting criminal history background checks, education verification and post-offer medical screens, when appropriate. (See APM 50.16 & 50.17). ~~HRCO or~~ Employment Services will work with the appropriate resources to conduct the criminal history background checks and education verifications and provide the information necessary for the potential employee to complete a post-offer medical screen. If a criminal history background check and/or education verification and/or a post-offer medical screen is necessary for the position, the potential employee may not begin the job until Human Resources has received satisfactory results. ~~provide guidelines for the proper procedures to follow in conducting these checks.~~

fd. Report of Interview Procedures for Final Selection. Completion and on-line submission of the ~~“Report of Interview Procedures for Final Selection”~~ to the Human Rights Compliance Officer for faculty searches and to and Employment Services ~~for all other searches~~ precedes receipt of approval ~~“sign-off”~~ to offer the position. ~~The instructions for completing these forms are the same as those for the “Report of Screening Procedures for Interview Candidates” explained above. [ed. 9-06]~~

ge. Offer of Position. ~~When the “Affirmative Action approval~~ Sign-Off by the Human Rights Compliance Officer on Selection” is completed, the original is sent to the departmental administrator with a copy to the coordinator. This sign-off indicates that, affirmative action procedures have been completed. After receiving approval to offer from Employment Services, Authority to offer the position and to make the offer is approved by the hiring college or unit administrator following established procedures in the college or unit.

C-3. Retention of Files. Hiring records, including job advertisements, applications and resumes, selection forms, minutes of meetings in which applicant qualifications are discussed, letters of reference, and interview notes, are to be retained by the hiring department for ~~three~~ five years from the effective date of hire or close of the search when no hire is made.