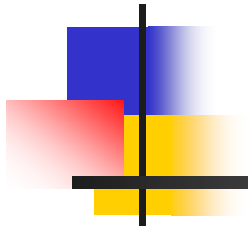


# Faculty Search Committees



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## Legal Considerations and Best Practices



# Legal Considerations

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- Federal and State Law
  - Civil Rights Act, 1964 (Title VII)
  - Pregnancy Discrimination Act, 1978
  - Family and Medical Leave Act, 1993
  - Americans With Disabilities Act, 1990
  - Age Discrimination in Employment, 1967
- University Regulations, Policies and Procedures
  - Governing Regulations Part I, Part X and Part XIV
  - HR Policy and Procedure 2.0
  - Administrative Regulations 3:5 and 6:1



# Legal Considerations

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- Governing Regulations Parts I, X and XIV
  - The University is committed to diversity as a vital characteristic of an optimal education and workplace.
  - The University of Kentucky complies with the federal and state constitutions, and all applicable federal and state laws, regarding nondiscrimination.
  - The University provides equal opportunities for qualified persons in all aspects of University employment.
  - All appointments shall be made strictly on the basis of merit.



# Legal Considerations

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- UK HR Policy & Procedure 2.0: Equal Opportunity, Discrimination & Harassment:
  - All employment decisions shall be made uniformly on the basis of merit.
  - Equal opportunities shall be provided for all persons throughout the University in recruitment, appointment, promotion, payment, training, and other employment practices.
  - No discrimination based on protected status.



# Legal Considerations

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- UK Administrative Regulation 6:1: Policy on Discrimination and Harassment
  - Discrimination is an action or behavior that results in negative or different treatment of an individual based upon protected status.
  - Discrimination and harassment are prohibited between members of the University community.



# Legal Considerations

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- Based on GR XIV.B.1, the university does not discriminate on the basis of:

Race

Color

National/ethnic origin

Religion

Creed

Age

Disability

Military service

Political belief

Sex

Sexual orientation

Gender identity

Gender expression

Pregnancy

Marital status

Genetic information

Social/economic status

Smoker/non-smoker



# Record Retention

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According to the state's records retention schedule:

U0645 - This series documents the process and criteria used to select a candidate to fill a position. The series documents the decision-making process; how the candidates were screened and selected for an interview; the interview questions and answers; and other factors used in the selection process.

These materials may be used to defend the agency's hiring decision in the event of a grievance, appeal or legal action as a result of the hiring process and decision.



# Record Retention

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This series applies to all information that directly relates to the hiring process, including but not limited to:

- all written comments
- interview questions
- copies of evaluations
- written recommendations for hiring
- personnel applications
- resume file (for persons not hired)





# Record Retention

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Series U0645 records related to faculty hires records must be maintained for five years after the search has concluded.

<http://kdla.ky.gov/records/recretentionschedules/Documents/State%20Records%20Schedules/KYUniversityModel.PDF>



# Best Practices

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The hiring process must be:

- Fair
- Consistent
- Legal

The burden of proof is on the employer.



# Best Practices

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- Early in the process define:
  - the committee's charge
  - timeline
  - individual responsibilities
  - expectations for committee meetings
  - records retention plan



# Best Practices

## Faculty Search Evaluation Tool

Candidate Name:	5 excellent	4	3	2	1 poor	N/A	Notes
Evidence of potential for scholarly impact							
Evidence of potential for research productivity/ funding							
Fit with department priorities							
Ability to make positive contributions to the department, college, university, commonwealth, and beyond							
Demonstrated ability and potential to attract and supervise graduate students							
Demonstrated ability and potential to teach and supervise undergraduates							
Demonstrated ability and potential to be a conscientious university community member							



# Best Practices

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## Reference Checks:

- confirm and verify general information
- gain insight on candidate's strengths and weaknesses
- obtain information to help validate a committee's recommendations



# Best Practices

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- Determine an appropriate time to conduct reference checks
- Decide who will conduct the checks
- Determine what will be asked and ask questions consistently