Faculty Search Committees

Legal Considerations and
Best Practices
Legal Considerations

- 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

- 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

- 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

- 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

- 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

According to the state’s records retention schedule:

UO645 - 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

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

Series UO645 records related to faculty hires records must be maintained for five years after the search has concluded.

http://kdda.ky.gov/records/recetentionschedules/Documents/State%20Records%20Schedules/KYUniversityModel.PDF
Best Practices

The hiring process must be:

• Fair
• Consistent
• Legal

The burden of proof is on the employer.
Best Practices

- 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

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

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

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