



NC Central
UNIVERSITY

OFFICE OF HUMAN RESOURCES
EQUAL EMPLOYMENT OPPORTUNITY

EEO REQUIREMENTS AND GUIDELINES FOR EHRA SEARCH PROCESSES



THE EHRA SEARCH PROCESS IS COMPRISED OF THE FOLLOWING INCLUSIVE COMPONENTS:

INTRODUCTION

COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY

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EEO REQUIREMENTS AND GUIDELINES FOR EHRA SEARCH PROCESSES

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EEO COMPLIANCE REPORT CHECKLIST

"Truth and Service"



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COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY (EEO)

North Carolina Central University is committed to Equal Employment Opportunity. We are required, by law, to recruit and hire persons without regard to race, color, creed, national origin, sex, religion, disability, age, sexual orientation or status as a veteran. These procedures have been established to ensure non-discrimination during the recruitment and selection process.

A principal objective of the University's Equal Employment Opportunity Program and Plan is the discovery, termination, and prompt remedy of formal or informal policy or practice that discriminates against individuals or groups of individuals. The second principal objective of the EEO Program is to ensure the appropriate full utilization of women, members of racial minority groups, veterans and individuals with disabilities within the EHRA administrative/faculty/staff of North Carolina Central University. To ensure compliance with both objectives, recruitment and selection efforts will be monitored by the EEO Director.

- Data regarding all recruiting efforts must be recorded in PeopleAdmin.
- In filling all EHRA vacancies, whether attributable to the creation of new positions, vacancies in established positions, opportunities for promotion or upon initial faculty appointment, each department or school is required to ensure compliance with equal opportunity policies.
- No offer of employment will be extended unless the person recommending employment has received EEO Compliance or EEO Waiver approval from the EEO Director.
- If the EEO Director concludes that inadequate fair and consistent employment practices were used, the EEO Director may require that the recruitment process be reopened and extended with alternative methods. If disagreement between the EEO Director and the respective senior administrator exists, the matter shall be referred to the Chancellor for final resolution.

In order for our university to remain in compliance with the guidelines mandated by state and federal law, the Office of Federal Contract Compliance Programs (**OFCCP**), all departments must adhere to the enclosed Office of Human Resources "EEO Requirements and Guidelines for EHRA Search Activities". Following the required guidelines will ensure that we are able to collect the required statistical information for our annual EEO Program and Plan compiled by the Equal Employment Opportunity Office.

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PROGRAM OBJECTIVES

A principal objective of the University's Equal Employment Opportunity Program is the discovery, termination, and prompt remedy of formal or informal policy or practice that discriminates against individuals or groups of individuals. The second principal objective of the EEO Program is to ensure the appropriate full utilization of women and members of racial minority groups within the EHRA administrative/faculty/staff complement of North Carolina Central University. To ensure compliance with both objectives, recruitment and selection efforts will be monitored by the EEO Director.

FACULTY AND EHRA NON-FACULTY RECRUITMENT

It is the policy of the State of North Carolina to provide equal opportunity in employment for all qualified persons and to prohibit discrimination because of race, color, national origin, religion, creed, sex, age, veteran's status or disability.

North Carolina Central University is dedicated and committed to equality of opportunity within its community. Accordingly, the University does not practice or condone discrimination in any form against employees or applicants on the grounds of race, color, national origin, religion, creed, sex, age, disability, veteran's status or sexual orientation. NCCU's equal opportunity and non-discrimination policy extends to recruitment, selection, hiring, compensation, promotion, training, and all other aspects of employment. [Note: Applicants or employees that allege discrimination based on sexual orientation are limited to the university's internal grievance process.]

The University's policy is in keeping with Title VII of the Civil Rights Act of 1964 as amended by the Equal Employment Act of 1972 and the Pregnancy Disability Act of 1978, Equal Pay Act of 1963, Age Discrimination in Employment Act of 1967 as amended in 1974, 1978, and 1986, Executive Order 11246 as amended by Executive Order 11375, the Rehabilitation Act of 1973, the Civil Rights Restoration Act of 1988, the Americans with Disabilities Act of 1990, the ADA Amendments Act of 2008, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act of 2008 (GINA), N.C. General Statutes Section 126-16 as amended, and other applicable Federal and State laws. North Carolina Central University supports the protection available to members of its community as provided in The Code of the University of North Carolina (Section 103).

The University further ensures that all personnel actions such as compensation, benefits, performance and evaluation, promotion, transfer, layoff, termination, sponsored training, tuition assistance, social and recreational programs are administered without regard to race, color, national origin, religion, creed, sex, age, disability, veteran's status or sexual orientation.

In implementing this policy, NCCU prohibits retaliatory action against any employee or applicant for employment who makes a charge of employment discrimination, or who testifies, assists, or participates in any manner at a hearing, proceeding or investigation of employment discrimination. North Carolina Central University will, when necessary, provide reasonable accommodations for applicants and/or employees with disabilities when doing so will enable them to successfully perform the essential functions of a job or benefit from training.

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ADVERTISING RECRUITMENTS

ADVERTISING

Any faculty and non-faculty position that carries an FTE of 75% or more, and which is for a stated term of twelve (12) months or more (in the case of faculty positions, for a stated term of one academic year or more) must be advertised. This requirement also extends to “at will” hires which are appointments with no set length of employment.

VACANCY ANNOUNCEMENT

The hiring official is required to submit the vacancy announcement to the Office of Human Resources via PeopleAdmin for approval prior to placing advertisements or opening positions for recruitment. The vacancy announcement must include the essential functions of the position, the required qualifications, desired qualifications (if any), application deadline, and application process. Each announcement must carry the notation, “North Carolina Central University is an Equal Employment Opportunity Employer” in clearly distinguishable type and include the non-discrimination statement.

WAIVERS (INTERIM APPOINTMENTS)

- Upon request and approval by the EEO Director, advertising and search requirements may be waived in the case of unforeseen emergency personnel appointments (i.e., where academic departments and administrative units need to make an appointment to meet an unforeseen personnel emergency, e.g., death, medical incapacitation or immediate resignation of a current employee).
- Such appointments may be made only where the individual proposed as an emergency appointee otherwise meets all the requirements for the position in an academic or administrative unit.
- The request and recommendation **must** contain sufficient information to demonstrate that the appointment of the candidate is not inconsistent with the University’s equal employment opportunity commitment.
- A request must be approved by the EEO Director, upon approval the request will be forwarded for further approval to the Provost, Dean or Director of the respective college, school, institute or administrative unit; and the Vice Chancellor or the Chancellor, as appropriate.
- All waivers must be approved by the EEO Director prior to an offer of appointment.

CERTIFICATION OF RECRUITMENT AND SELECTION EFFORTS



- Data regarding all recruiting efforts must be recorded in PeopleAdmin.

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- In filling all EHRA vacancies, whether attributable to the creation of new positions, vacancies in established positions, opportunities for promotion or upon initial faculty appointment, each department or school is required to submit EEO compliance documentation in PeopleAdmin.
- No offer of employment will be extended unless the person recommending employment has received EEO approval or EEO Request for Waiver approval from the EEO Director.
- If the EEO Director concludes that inadequate fair and consistent employment practices were used, the EEO Director may require that the recruitment process be reopened and extended with alternative methods. If disagreement between the EEO Director and the respective senior administrator exists, the matter shall be referred to the Chancellor for final resolution.

EEO GUIDELINES FOR SEARCH COMMITTEE ACTIVITIES

GOALS:

To ensure an equitable recruitment/selection process

To develop a documentation file in compliance with Executive Order 11246

(See: Retention of Records)

Advisory Note Concerning Nondiscrimination

- Every person involved in screening, interviewing, and selecting applicants must exercise judgment at each step in the process to ensure that no applicant is discriminated against on the basis of race, religion, color, creed, national origin, sex, age, political affiliation, disabling condition or honorable service in the armed services of the United States. The screening of applicants must be based on the qualifications listed in the advertisements. All individuals selected for interview (or hired when interviews are not conducted) must meet the required qualifications advertised. If a specified degree is listed as required, only candidates who are expected to have completed all requirements for that degree before the appointment begins may be considered.
- Only those individuals who have submitted all application materials, required by the application deadline, may be considered for interview. No campus interviews, formal or informal, may be held before the application deadline date. Specific job related reasons must be provided for all applicants not recommended. “Does not meet qualifications” and “not a good fit” are not acceptable reasons.

Advertise all jobs unless advertising and search requirements are waived by the EEO Director and/or the Chancellor

- Position descriptions must be free from textual and/or illustrative material which implies that preference will be given to applicants on the basis of race, religion, color, creed, national origin, sex, age, political affiliation, disabling condition or honorable service in the armed services of the

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United States unless one or more of these is a bona fide occupational qualification (BFOQ) for the position.

- Position descriptions must reflect bona fide occupational qualifications and must not establish artificial barriers to employment.
- Identical applicant information should be required and submitted by all candidates.

Bona Fide Occupational Qualifications (BFOQ)

- In a few very narrowly defined circumstances, a hiring official can consider creed, national origin, sex, religion, age, or honorable service in the armed services of the United States (but not race, color, or disability) in employment decisions. This exemption from federal law applies to a bona fide occupational qualification (BFOQ) reasonably necessary to the normal operation of that particular business. Courts closely scrutinize any employer's claim of a BFOQ.

Accept no unsolicited resumes or applications from either external applicants or internal applicants.

Use job-related criteria for the review and evaluation of all resumes and other requested materials.

Job related questions must be asked of all candidates during the interview process. Every candidate must be asked the same interview questions.

Guidelines for Interview Questions

The interviewer must be careful not to violate an individual's privacy or other rights. If a question is not job-related, don't ask it. Questions that are not necessary to judge an applicant's qualifications, level of skills, and overall competence to perform the specific job should be avoided in interviews.

The table on the following page outlines some of the things that may and may not be asked during a selection interview. **Consult the EEO office to ensure your questions are acceptable and legal.**

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CATEGORY	PERMISSIBLE - MAY ASK	DON'T DO IT!!! – ILLEGAL QUESTIONS <small>Discriminatory/Potentially Discriminatory</small>
Age	<ul style="list-style-type: none"> • If applicant is over age 18 • If applicant is over age 21 if job-related (e.g., a bartender) 	<ul style="list-style-type: none"> • Date of birth • Date of high-school graduation • Age
Disability	Whether applicant can perform essential job-related functions	<ul style="list-style-type: none"> • If applicant has a disability • Nature or severity of disability • Whether applicant has ever filed workers' compensation claim • Recent or past surgeries and dates • Past medical problems
Gender and family issues	If applicant has relatives already employed by NCCU	<ul style="list-style-type: none"> • Number of children/child-care arrangements • Marital status • Spouse's occupation • Health-care coverage through spouse • Maiden name (of married woman)
National origin or ancestry	<ul style="list-style-type: none"> • Whether applicant has a legal right to be in the U.S. • Ability to speak/write English fluently (if job-related) • Other languages spoken (if job-related) 	<ul style="list-style-type: none"> • Ethnic association of surname • Birthplace of applicant/applicant's parents • Nationality, lineage, national origin • Nationality of applicant's spouse • Whether applicant is citizen of another country • Applicant's native tongue
Other	<ul style="list-style-type: none"> • Convictions ◊ • Academic, vocational, or professional schooling • Training received in U.S. military • Membership in trade or professional association related to the position • Job references 	<ul style="list-style-type: none"> • Number and kinds of arrests • Height or weight except if a bona fide occupational qualification (BFOQ) • Veteran status, discharge status, branch of service ◊◊ • Contact in case of emergency (appropriate to ask at post-hire)
Race	No questions may be asked. NOT PERMITTED	<ul style="list-style-type: none"> • Applicant's race or color of skin • Photo to be affixed to application form
Religion	Whether applicant is able to work on the days/times required by the job	<ul style="list-style-type: none"> • Religious affiliation • Religious holidays observed

◊ Disclosure of a criminal record does not automatically disqualify an applicant from employment consideration. Each case must be judged on its own merits, based on the job-relatedness, nature, and severity of the conviction and how long ago it occurred.

◊◊ The Uniformed Services Employment and Reemployment Rights Act regulations include types of discharges and separations that render an employee unprotected by the act. Employers can ask applicants if they have a discharge that would render them ineligible for re-employment.

NCCU Office of Equal Employment Opportunity, 10/23/2018 Hubbard-Totton Building, Suite 308, 919.530.6681

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Ensure the validity of any test given. All tests must be forwarded to the Chief of Human Resources for review and approval before administering.

Maintain one search file for each selection. The search file should include but is not limited to the following documents: (See Section 2, Documenting the Search Checklist)

At the end of the selection process, forward the completed documentation, via PeopleAdmin, to the EEO Director. (The completed report must be submitted to and approved by the EEO Director prior to an offer of employment or an appointment).

Retention of Records

The statutes enforced by the Equal Employment Opportunity Commission (EEOC) require employers to preserve personnel records. Search records must be maintained by the hiring department for a period of not less than three (3) years from the date of the record's creation or last action, whichever occurs later.

Office of Human Resources Contacts

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Director of Employee Relations
and Affirmative Action Officer
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ITEMS TO BE RETAINED IN THE SEARCH FILE



With regard to recordkeeping responsibilities, OFCCP regulations require that federal contractors maintain for a period of three (3) years from the making of the record or the personnel action, all job postings and advertisements, applications received, any interview notes, test and test results, records of job offers, and the applications themselves.

- Charge to search committee
- Names, titles, departments, phone numbers of search committee members, chair and contact person (secretary)
- Copy of all published advertisements and announcements; including a list of all sources used
- Copy of job description and qualifications
- List of all applicants with specified information (name, address, application date, interview date {if applicable}, final disposition) of each
- Complete application packet (cover letter, resume, references, etc.) of each applicant
- Notes, rating sheets, etc. of all search committee meetings and decisions
- Information on reference checks made on each applicant, including notes of phone calls
- Copy of rating sheet used to evaluate applicants
- Copy of standard questions asked each applicant
- Copy of standard questions asked each reference
- Written comments or written notes of comments from persons who interacted with a candidate, including evaluations of lecture or other on-campus demonstrations
- Copy of Letter of Offer sent to selectee
- Copy of Letter of Acceptance signed by the selectee
- Materials submitted by applicants used to evaluate their candidacies
- All correspondence to and from applicants, including emails

REMEMBER THESE

1) Ensure your hiring documentation is complete. It should include the:

- Resumes of all candidates and any evaluation data
- Copy of the job advertisement
- Authorization to Conduct Background Check on recommended candidate

2) Do NOT make a job offer until approved by the Chief Human Resources Officer.

3) Carefully complete rejection rationales. See examples below:

- Acceptable Rejection Reasons
 - Application submitted after deadline
 - Applicant accepted other employment
 - Applicant did not respond to attempts to contact
 - Applicant does not meet education requirement
 - Applicant does not meet experience requirement
 - Applicant meets all requirements and preferences; however, applicant has less directly related experience in...
- Incomplete Rejection Reasons
 - Not as good as selected candidate
 - Not a good fit (if “fit” means match between applicant and job requirements)
 - Not competitive
- Unacceptable Rejection Reasons
 - Overqualified (Never an acceptable rejection reason)
 - Doesn’t demonstrate maturity (Might imply age discrimination)
 - Would not fit in (Might imply discrimination)

4) If you have questions, CALL 530-5214 or 530-6681.



POINTS TO REMEMBER WHEN CONDUCTING A SEARCH

To help search committees prepare for and conduct a search, these checklists have been prepared to address the various components of this process. Organizing the committee, organizing the search, developing the position description, advertising and announcing the position, communicating with applicants, selecting interviewees, conducting interviews, checking references, evaluating candidates, and documenting the search are all important search committee responsibilities. Ensure each aspect has been satisfactorily addressed will help the work transition smoothly and constitutes a lawful search that can be defended if challenged.

Organizing the Committee

- Create and/or review charge to the search committee.
- Identify tasks to be completed by search committee chairperson.
- Identify tasks to be completed by search committee as a group.
- Establish search committee meeting schedule.
- Review expectations of confidentiality and attendance at committee meetings.
- Identify the person(s) responsible for meeting minutes, applicant records, correspondence, travel arrangements, on site and off campus interviews and meetings, candidate itineraries, completing and processing required search and appointment paperwork, budgetary accounting.
- Develop budget, including advertising and travel expenses for candidates and committee members
- Determine where search records will be kept. Search records must be kept for three (3) years from the date of the hire.

Position Description

- Develop or review position description with the department/unit head and all members of the search committee Identify essential and marginal job functions for the position. Identify required and preferred qualifications that reflect performing the job functions.
- Ensure position description contains only job related criteria, and does not reflect bias or unlawful discrimination based on race, color, religion, sex, age, national origin, sexual orientation, disability, marital status, citizenship, or status as a military veteran.

Organizing the Search

- Consult with the Office of International Affairs regarding Visa sponsorship (530-7712).
- Develop timelines for search, including application deadline, screening dates, interview schedule, and target dates for submitting recommendations. (See Section 2 - Documenting the Search)
- Determine materials to be submitted by applicants (*not all below are necessary*):
 - Cover letter
 - Resume or vitae
 - Letters of recommendation (*number required*)
 - List of references (*number required; from whom*)
 - Transcripts
 - Statement of philosophy, goals
 - Other: _____
- Address all affirmative action policies and procedures.
 - Review advertisement language, sources, and posting duration.
 - Ensure inclusion of EEO and Reasonable Accommodations statements in all postings.
 - Identify special outreach strategies to locate and encourage underrepresented persons to apply.
 - Submit initial recruitment paperwork via PeopleAdmin prior to posting any advertisements or announcements. HR approval is required prior to any postings.
 - Submit final recruitment paperwork via PeopleAdmin prior to making any job offer, conditional or otherwise, to final candidate. EEO approval is required prior to any action.

Advertising the Position

- Identify the name and address of the person to whom applications / nominations will be submitted. Determine mode of application. Consider if faxes or electronic vitae/resumes be accepted by your committee.
- Determine the international, national, regional, and local recruiting market for the position. EPA positions, particularly administrators and faculty, require national searches, but may include wider markets.
- Develop the advertisement/announcement. Ensure that the EEO Employer and Reasonable Accommodations statements are included in all means of advertisement.
- Identify publications, web sites, institutions, individuals and other sources for the advertisement/announcement
- Identify additional outreach sources to attract underrepresented groups (women, minorities, persons with disabilities, etc.). Contact EEO for assistance.
- Note the publication deadlines for submission of advertisements and announcements and ensure

they permit the advertisement to be published for at least one month prior to the date applicant screening is to begin.

- Submit the advertisement/announcement to the identified sources.
- Keep original copies of the advertisements and announcements from all publications (including electronic media) and retain with official search record.

Communicating with Applicants

- Review guidelines for questions that can and cannot be asked of applicants. For assistance with this process contact the EEO Director (530-6681).
- Solicit applications/resumes from nominated individuals who have not formally applied via the posted process.
- Be courteous and responsive to all applicants who seek information about the position, the school, department, institution and University community.
- Keep applicants informed on the progress of the search (*especially if it is taking longer than expected*).
- Take care not to eliminate candidates in target groups until the committee has had an opportunity to consider each applicant and discuss their candidacy.
- Do not disclose any reference letters or responses to candidates (*by law*).
- Take care to maintain confidentiality promised to applicants; adhere to timing and conditions for reference checks.

Selecting Interviewees

- Develop a standardized mechanism for screening applications, including record keeping to explicitly document why an applicant was screened out.
- Review materials submitted by the applicants; consider transferability of the applicant's experiences and skills; identify those who do and do not meet minimum qualifications.
- Ensure that all applicants are evaluated on the basis of pre-established criteria related to the position. Avoid extraneous comments, either orally or in notes that are not job related.
- Determine persons to be interviewed. If there are no targeted group members in the top group but one is next on the list of well-qualified candidates, consider ways to add the person to the list if possible.
- Note targeted group members that were screened out of the pool and ensure they were given serious consideration.

Conducting Interviews

- Design the interview process and campus visit to avoid bias or unlawful discrimination.
- Identify all persons and groups to be involved in the interview process.

- Develop specific job-related questions to ask each candidate. All candidates should be asked the same questions, allowing for individualized follow-up questions as needed. (See Section 3 - EEO Hiring Tips)
- Design an interview rating sheet. Provide this to each interviewer before the interview and explain the importance of completing it accurately based on job-related criteria.
- Collect rating sheets from all interviewers. Submit the forms to the official search file.
- Collect comments from others who interacted with each candidate. These should be documented and submitted to the official search file.

Checking References

- Confirm with each candidate that references will be checked, when they will be checked, and from whom (name and/or title) they will be sought. Be sure to obtain candidate's permission to conduct the checks as planned.
- Identify the persons to conduct telephone and written reference checks.
- Determine the questions to be asked of each reference. Decide on specific job-related questions to ask each reference. All references should be asked the same questions, allowing for individualized follow-up questions as needed.
- Develop alternative plans for the unavailable reference.

Evaluating the Candidates

- Critically evaluate the applicant pool for representation of underrepresented groups.
- If there are no underrepresented group members on the short/interview list, ensure that the reasons are without unfair bias or unlawful discrimination. If unclear, consider re-evaluating or expanding the pool.
- Evaluate candidates on their qualifications and the full range of their strengths and contributions.

Selecting the Final Candidate

- Make the selection of the final candidate. Document all decisions, comparing credentials and qualifications of the non-finalists to the finalist.
- Approval by EEO and Office of Human Resources must be obtained prior to contacting the finalist to make an offer.
- Prepare the letter of offer to the finalist, including information about salary benefits, appointment and contract length, leave, and the date by which they must reply. (Consult with HR Administration)
- Prepare letters of non-selection for the other final candidates. Do not send until your selected candidate has accepted your offer.