

Policy Title: Guidelines for Filling Faculty, Administrative, and Clerical/Support Vacancies

Policy Type: Human Resources **New/revised:** Revised

Old Policy #: PPP-35; 5:01:00:00, P-010, G-070

Approval level: Board of Trustees
 President
 Vice President
 Other (specify here)

Purpose: The purpose of this policy is to provide guidelines for an efficient and consistent competitive hiring process that promotes equal employment opportunity and a highly effective workforce.

Policy:

I. General Provisions

A. The Search Committee

1. The structure of a search committee is vital to the success of the committee's objective. Search committees should be composed of individuals having a vested interest and direct knowledge of the position (faculty/administrative professionals from within the same school, college or department), and individuals having diverse backgrounds (faculty/administrative professionals from various departments across campus). Individuals from diverse backgrounds provide the committee with a broad knowledge base and a variety of perspectives. Committees may also include students, clerical/support staff, retirees (professor emeritus, dean emeritus, etc.), and community members.
2. The individual supervisor is responsible for the coordination of all activities involved with the selection of new clerical/support staff. A supervisor may choose to enlist the assistance of a search committee, and a search committee chair.
3. A well-structured committee and a carefully selected chairperson will enhance the capabilities of the search committee and insure a commitment to affirmative action issues.
4. The composition of search committees for department chair and academic dean vacancies are outlined in the ETSU Faculty Handbook (www.etsu.edu/senate/facultyhandbook).

B. Access

Search committee members who are ETSU employees automatically have access to the electronic *Jobs at ETSU* system, hereafter referred to as *eJobs*, to view electronically stored candidate applications and support documentation. Search committee members who are not ETSU employees will be granted access to eJobs as a "Guest User". The *eJobs* system is accessible on and off-campus through the Internet.

II. Search Committee Procedures

A. Recruitment Plan

The chair of the search committee/supervisor is responsible for the coordination of all activities involved with the selection of new personnel. The chair or supervisor conducting the hire will submit the electronic recruitment plan through the *eJobs* which includes:

1. Proposed advertisement.

2. Composition of the search committee and responsibilities of the members, i.e., direct contacts, reference checks, interviews, etc.
3. An advertising plan, which provides the following:
 - a. For Administrative/Professional and Faculty
 - i. advertisement of the position in appropriate professional journals, minority publications, regional newspapers and Internet sites;
 - ii. requests for nominations from organizations devoted to leadership training (American Council on Education Office of Leadership Development);
 - iii. participation by diverse members on search, selection or advisory committees and,
 - b. For Clerical/Support
 - i. If a committee will be used, the composition of the committee and the responsibilities of the members must be determined.
 - ii. Obtain and review the vacant position's current position description. The position description should list "essential" and "secondary" functions (see Part IX - Americans With Disabilities Act and the Search Process). Position advertisements are required to include a list of the position's "essential functions." Secondary functions may also be listed in the advertisement; however, selection criteria (minimum qualifications) must be based on the requirements needed to perform the essential functions.
 - iii. Develop the advertising and recruitment plan, including the advertisement of the position in appropriate regional and local newspapers, and *eJobs*.

B. Correspondence with Applicants

1. No direct correspondence with an applicant is required. By applying through *Jobs at ETSU*, applicants will receive a confirmation message and number, and may view the status of their application electronically.
2. Nominations should be acknowledged to the nominator and an email sent to the nominee inquiring of his/her interest in the position, and directing the applicant to *Jobs at ETSU* (www.etsu.edu/jobs) to officially apply for the position.

C. Confidentiality of the Search

All search committee members must treat candidate information with confidentiality. Human Resources strongly recommends that the chair of the search committees use the Search Committee Confidentiality Form (Appendix O) to insure all committee members are aware of the confidentiality of searches, and the ramifications of violating that confidentiality. It is recommended the chair of the search committee have each member of the search committee sign the form and keep the originals in the search file.

D. Maintenance of Candidate Files

ETSU applications, curriculum vitas and other requested materials are maintained in *eJobs*. To store additional information, search committees should maintain:

1. A file should be developed for each candidate to house all additional correspondence and materials related to that candidate.
2. Finalists may be requested to send transcripts and letters of reference to the search committee (maintain as hardcopy or through *eJobs*). Files should be secured to insure confidentiality.
3. Copies of the ETSU application, resume, curriculum vitae and other materials may be accessed through *eJobs*, or circulated via hard copy to members of the search committee as appropriate.
4. After the position has been filled, all physical files should be maintained within the department as required by the Disposal of Records policy.

E. Hints for Screening of Applicants

1. Members of a search committee may find the candidate rating form (Appendix A) to be useful when screening applicants. A checklist provides each committee member a quick reference as to why individual candidates are preferred.
 2. It is important to keep the position description in mind when reviewing applications.
 3. Search committee members might find it helpful to request copies of publications from selected applicants.
 4. Letters of reference should be carefully examined.
 5. The Senate Joint Resolution 211 adopted by the 1984 General Assembly seeks assurance that all faculty at institutions are proficient in oral and written English. Procedures for review and evaluation of oral and written English are described in Appendix B. When recommending a candidate for hire, the appropriate approving authority will be prompted in *eJobs* to certify the candidate's communication proficiency.
 6. After the pool is reviewed for diversity by Human Resources, applicants who are not among the finalists do not need to be notified through a personal letter. *eJobs* will automatically notify the applicants at the close of the search that the position has been filled.
 7. One of the most productive approaches to enhancing the employment success and long-term retention of persons hired for positions offered at ETSU is to determine that the candidate is fully qualified and suited to the position offered. A key element in this hiring process is the checking of references, employment histories, and prior employers. References are required in the candidate's application or letter of interest for all ETSU positions. Supervisors are requested to ensure that employment histories are reviewed carefully. Further reference checks can be conducted on the finalists (with the finalists' consent) through focused telephone interviews of references (Appendix C, Form for Recording Reference Checks/Telephone Conversation Notes), SkillSurvey, or letters of reference. These methods allow for comprehensive coverage of significant data. It also allows for follow-up on interesting or unclear responses.
- F. Contact should be made with prior supervisors, along with the references offered by the candidate. The purpose of this check is to determine if the applicant's skill level, his/her

work habits, attendance and ability to work as a productive member of a team. Your questions should be aimed to discern these characteristics.

- G. Supervisors should be particularly thorough in evaluating local records of applicants who previously worked at ETSU. Records are available in the Office of Human Resources and contact should be made with supervisors in the candidate's previous work center. You are entitled to information pertaining to quality of work and reasons for resignation or termination from departments within the University.
- H. A statement must be included in the electronic hire request certifying that employment history and local records checks have been conducted for candidates who are recommended for hire for University positions.
- I. A good reference check can take only ten minutes to conduct. A sample follows:
 - 1. How would you evaluate his/her academic experience and scholarly achievements?
 - 2. Probes (if not mentioned spontaneously): National recognition through scholarly publications, research grants, creative activities; teaching experience and evaluations; appreciation of the role of scholarship; understanding of what constitutes legitimate research and other creative activities.
 - 3. How would you describe him/her as a person?
 - 4. Probes (if not mentioned spontaneously): personal and professional integrity; ability to stimulate enthusiasm among others (i.e., subordinates, colleagues); consideration, support, equitable treatment of others; effective communication skills.
 - 5. What are his/her principal strengths for this position?
 - 6. What are his/her principal limitations for this position?
- J. These questions are only samples, and will vary according to information included in the candidates' resume.

III. Recommendation of the Search Committee

A. Deliberation and Recommendations of Search Committee

- 1. For faculty and chair positions, the search committee will seek the advice of the entire faculty in the department and others as desired. An interview rating sheet may be developed to gather this input and provide a consistent format.
- 2. Discussions/deliberations of the search committee should remain confidential. Lists of applicants should not be released without authorization from the director/dean and/or vice president/chief.
- 3. Recommendations submitted by the search committee should follow agreed upon procedures between the search committee, chair, and dean or director. Some chairs/deans/directors may prefer a priority ranking of candidates, and others may only wish to know whether the search committee finds each finalist acceptable or unacceptable.
- 4. Recommendations should be made to the appropriate administrator. When necessary, negotiations concerning faculty rank and salary will be conducted between the dean and the vice president/chief, prior to submission of the

electronic request to hire; or for administrative positions negotiations concerning salary will be conducted between the director, vice president/chief and the Office of Human Resources.

5. At the end of the search, the chair of the search committee/supervisor is responsible for entering each applicant's status into eJobs.

B. Offer of Position and Follow-Up Activities

1. Only the University President is authorized to offer a position to a faculty or administrative/professional candidate.
2. The Chief Operating Officer is authorized to offer a position to a clerical/support candidate.
3. The department director/chair uses *eJobs* to submit their request to hire a candidate. The electronic submission will be routed through the approval process. The electronic online system will prompt users to complete all required data fields and comments required to process the request.
4. NOTE: ETSU employs only U.S. citizens and aliens authorized to work in the United States. Recommended candidates must possess the required documents, as listed on an official employment application, for employment in the United States. Contact the Office of Human Resources for additional information.
5. When recommending a salary for administrative/professional and clerical/support positions, salaries requested for new employees must conform to standard university policy, *East Tennessee State University Compensation Plan Guidelines*. An entry salary for newly hired administrative/professional employees may range from the minimum salary of each pay/grade level up to 90% of each level's midpoint. Newly hired clerical/support employees are normally paid at the minimum rate up to 90% of each level's midpoint in the skill level corresponding to their job classification. Grant funded positions must also comply with these guidelines.
6. The University President's or Vice/ President/Chief Operating Officer's electronic approval of a *Request to Hire*, *initiates correspondence with the candidate concerning the official offer and contract. When a Request to Hire has been approved and the employment contract is ready for signature, the Office of Human Resources will contact the candidate.*

7. After the decision is made by the President/Vice President/Chief Operating Officer to offer the position to a candidate and the department has been notified, the Office of Human Resources will move the position advertisement in eJobs to a "Filled" status. eJobs will then send an automatic e-mail to all "Not Hired" applicants noting that the position they applied for has been filled.
8. In accordance with the University President's memorandum, dated June 22, 1990, no employee is to be allowed to begin work prior to notification from the Office of Human Resources that the appointment has been approved. At that time, the department should contact the employee and set a starting date. Employees who begin work prior to the approval will not be paid by East Tennessee State University for the time worked. Department heads that allow potential employees to begin work prior to formal approval may be personally liable for wages due during the period prior to formal approval being obtained.
9. Contracts for all regular budgeted positions will be generated by Human Resources (excluding Faculty Appointment Letters & Contracts for College of Medicine and Family Medicine, which will be generated by the college and sent to Human Resources). All employees will be required to visit Human Resources to sign their contract and complete their W-4, I-9 and direct deposit information upon initial hire. Offsite locations should contact Human Resources to coordinate the proper submission of paperwork.
10. All physical files should be maintained within the department as required by the Disposal of Records policy.

IV. Legal Basis of Equal Employment Opportunity

A. Affirmative Action

1. East Tennessee State University is fully in accord with the belief that educational and employment opportunities should be available to all eligible persons without regard to race, creed, color, sex, religion, age, national origin, physical or mental disabilities, veteran status, or sexual orientation/gender identity.
2. The university fully complies with Executive Order 11246, as amended; the Rehabilitation Act of 1973, as amended; the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; the Pregnancy Discrimination Act; the Age Discrimination Act of 1967 and as amended in 1975; Titles VI and VII of the Civil Rights Act of 1964, as amended, and the CRA of 1991; the American with Disabilities Act (ADA) of 1990, the ADA Amendments Act of 2008 (ADAA); Title IX of the Education Amendments of 1972; all applicable Federal and State statutes and regulations; and all ETSU Board policies and/or guidelines.
3. The university will not permit discriminatory employment practices or behavior, and will take affirmative action to ensure equal employment opportunity and equitable treatment in all areas of employment which include, but are not limited to: Recruitment; hiring practices; promotion; tenure or retention; termination; layoff and rehiring; leave policies; salary and fringe benefits; job classification; job assignments; lines of progression and seniority; anti-nepotism policy; condition or privilege of employment.

B. Equal Employment Opportunity/Affirmative Action Program

Responsibility for overall development, implementation, coordination, and monitoring of academic and non-academic affirmative action programs rests with the University President. He has appointed the Affirmative Action/Equal Employment Opportunity Officer for both academic and non-academic employees. The Affirmative Action Officer has been delegated authority to represent the University President in matters assuring that the university, through the vice presidents/chiefs, the deans, and the Office of Human Resources, is meeting Affirmative Action requirements.

V. Affirmative Action Procedures/Guidelines

- A. ETSU specifically finds that diversity of faculty, administrators and staff is a crucial element of the educational process and reaffirms its commitment to enhancing education through affirmative action to increase diversity at all levels. ETSU will take affirmative action and document good faith efforts to identify and employ diverse applicants. The following procedures should be followed for all searches, and should be incorporated into the search committee's electronic recruitment plan:
 1. Advertisements/job descriptions that are distributed, must clearly describe criteria for selection.
 2. Faculty advertisements should be placed in at least: discipline specific journals and/or publications, and listed on higheredjobs.com and HERC. Advertisement with diversity focused list serves, websites, publications, and/or associations is encouraged.
- B. All full-time and one year temporary administrative positions (with benefits) will require at least regional advertisement, and/or national advertisement (listed above) as determined by Human Resources.
- C. Professional journal advertisements are encouraged.
- D. Exceptions to any of the above must have prior approval of Human Resources.
- E. A list has been developed of on-line Diversity Links to assist search committees in advertising and diversifying job search pools. (Appendix L, *DiversityLinks*)
- F. Nominations can be solicited from professional organizations, institutions, groups, and/or individuals likely to generate diverse applicants by: Direct contacts with professional organizations; mailings/contact with appropriate counterparts at other colleges and universities including Historically Black Colleges and Universities (HBCU'S), institutions with high minority enrollment, and/or institutions with high Hispanic enrollment; mailings/contact with professional organizations; review of minority data banks; and, telephone calls/contact with counterparts at other institutions.

- G. Include diverse individuals in search/selection process.
- H. The interviewee pool should be representative of the applicant pool. (The question to ask in determining whether to invite a diverse applicant for an interview is whether or not the individual meets the minimum qualifications.)
- I. *eJobs* will prompt search committee chairs/supervisors to verify the completion of all necessary affirmative action procedures. Search Committee chairs/supervisors should follow the “Check List for Affirmative Action Procedures” (Appendix F) and maintain any additional hard copy documentation within the search files.

VI. Procedures for Advertising

- A. There are several basic steps to advertising a position through *eJobs*. A vacancy exists when the division's vice president/chief authorizes a position to be filled. The receipt of a letter of resignation does not necessarily establish a vacancy in a particular department. The need for a line replacement must be established with approval from the dean and the vice-president/chief. This approval is documented through the submission of an advertising request through *eJobs*.

B. Position Advertisements

1. A position advertisement (Appendix G, Advertisements Short and Long Examples) is submitted through *eJobs*. For all current regular budgeted positions, the system will download basic data about the position as noted in the ETSU Banner system. Changes to this data can be made as needed to note current or requested changes to a position. *eJobs* will require all pertinent information be entered before saving or submitting the request to advertise. Job advertisements for newspapers, journals, internet sites, etc. should include the following information:
 - a. **College and Department where vacancy exists;**
 - b. **Position Title;**
 - c. **Description of Position** (search extended, re-advertisement, part-time, contingent upon grant funds, etc., see Advertising Definitions);
 - d. **Effective/Starting Date** (Fall 2010; Spring semester 2011; etc.);
 - e. **Description of Essential Functions;**
 - f. **Minimum Education and Experience Qualifications Required;**
 - g. **Application Deadline Date** (if the pool of potential candidates is small, a deadline date is not appropriate or required);

- h. **Application Review Date/Statement** (Review of applications will begin immediately and continue until the position is filled; Review of applications will begin September 2011 etc.); and
 - i. **Affirmative Action Statement.** Additional information may also include:
 - j. **Rank and Salary** (a noncommittal statement such as "commensurate with education and experience" allows for negotiation);
 - k. **Brief Description of the College and Department; Brief Description of the University and Community.**
2. NOTE: *Because ETSU uses an Electronic Application System, all applicants for ETSU positions must complete and submit an application through eJobs at www.etsu.edu/jobs Suggested language for newspaper and journal advertisements: Apply at www.etsu.edu/jobs*
 3. The Office of Human Resources presently uses the following standard description of the university and community:
 - a. East Tennessee State University is a regional state-supported institution serving approximately _____ students yearly, and is located in a beautiful, prosperous, Southern Appalachian Mountain community. The northeast corner of Tennessee, which surrounds Johnson City (population _____) is metropolitan in population (a million people within a seventy-five mile radius) but provides a friendly, small town atmosphere. The area abounds in scenic beauty and in places of historical interest.
 4. The Office of Human Resources will review all advertisements for proper content and will make any necessary changes. Major changes/problems in advertisement content, will be discussed with the department chair, or appropriate authority.
 5. Reminders:
 - a. Designate a deadline date for receipt of applications (unless your pool of applicants is expected to be small). When calculating a deadline date allow enough time for your request to be processed and consider lead times and publishing schedules for regional and national journals and publications.
 - b. Keep in mind that all faculty and administrative positions must remain open for a minimum of 30 days (calculated from the date the advertisement appears in national journals); all clerical/support positions must remain open for a minimum of 14 days.
 - c. All external advertisements must contain the following affirmative action statement: **East Tennessee State University is an Equal Opportunity/Affirmative Action Employer (or AA/EOE)**
 - d. All positions are required to be advertised on *Jobs at ETSU*, (www.etsu.edu/jobs).
 6. Full-time and one year appointment faculty positions, must be advertised appropriately. Advertisements may be placed in local and regional newspapers (Appendix H, Newspaper and Journal Listings).

7. Regular full-time and one year temporary administrative positions will require advertisement.
8. Clerical/support positions are required to be advertised on *Jobs at ETSU*. Additional advertisement is optional.
9. Exceptions to advertising in appropriate publications will be made after consultation with Human Resources.
10. The university has an annual agreement with HigherEdjobs.com to provide unlimited Internet advertising for vacant positions. Advertising on this site is free of charge to all university departments.
11. There is no requirement to advertise one-semester temporary faculty positions or less than one-year temporary administrative positions. But, to advertise such positions, the same advertising steps must be completed; advertisement in national journals and minority publications would not be required.
12. Temporary one-year positions with benefits must be advertised.
13. Advertisements to be used at conferences, conventions, professional meetings, etc., must also be submitted to the Office of Human Resources (hr@etsu.edu) for approval.
14. All applicants must apply through ETSU's Electronic Online Position and Employment System. All advertisements must direct applicants to "*Apply at www.etsu.edu/jobs*".
15. Advertisements for Internet advertisement sites (free or paid sites) must also be submitted to the Office of Human Resources for approval. When purchasing access to a position listing site through eBucs, please remember that all applicable university search procedures remain in effect. Any changes to current advertisements and any new advertisements must be reviewed and approved through signatory channels before they can be listed on the Internet.

C. Advertising Definitions

Advertisements must contain a thorough description of the position. The following is a list of commonly used terms which, if apply, must be included in the job advertisement:

1. **Contingent upon Grant or Extramural Funding:** A position which is funded in any part through a grant is Contingent upon Grant Funding. If funded in any part through outside funding (contract with local hospital) it is Contingent upon Extramural Funding.
2. **Search Extended:** If you have advertised a position within the past 12 month period, stating a deadline for receipt of applications, and then decide to re-advertise the position to obtain additional applicants, the new ad must state that the Search is Extended.
3. **Temporary:** Temporary employees are appointed for periods of less than one-year. Such positions must be designated as Temporary. Faculty who are not tenure track and have a one year appointment are also designated as Temporary.
4. **Part-time:** Academic and/or administrative personnel who are employed on a continuing basis, expected to exceed one year and who have a regular work week of less than 37.5 hours or who are scheduled to carry less than a full teaching load or its equivalent are part-time employees. Such positions must be designated as Part-time.

D. Employment Opportunities

1. Effective October 1, 2009 all regular budgeted university positions are posted to East Tennessee State University's Electronic Online Position and Employment System, *Jobs at ETSU*.

2. eBucs Electronic Requisition System

3. Effective in 2007, all requisitions are processed through the university's eBucs electronic purchasing system.
4. eBucs Tips: All advertisements must be processed on the eBucs system's Advertising Employment Screen. Requisitions must include start and end dates. Advertisements must be attached to the electronic requisition as a Word document.
5. Advertisements to be placed "free of charge" in professional journals, newsletters, etc., should be noted on the electronic recruitment plan.
6. No advertisement should be posted prior approval by the Office of Human Resources. Please do not contact vendors directly to post advertisements. Vendors should be contacted for price quotes only.

E. Background Checks

1. Effective in October 2011, hiring departments must conduct background checks for new employees and volunteers in the positions listed below:
 - a. Positions with master key access
 - b. Cashiers and/or other personnel paying or receiving monies
 - c. Staff assigned the business, human resources, and procurement offices
 - d. New employees in housekeeping and maintenance who have access to student rooms and/or apartments

- e. New employees in information technology who have direct access to student rooms and/or apartments
 - f. New staff hired in student housing with access to student rooms and/or apartments
 - g. Critical positions as identified by the University President
 - h. Candidates for any position that self-identify on employment application that they have committed a felony
 - i. Additional state and/or federally mandated background checks or screenings
2. The requirement to conduct a background check must be stated in the position advertisement. Those hiring departments that conduct employee background checks through state registries and/or the TBI in accordance with state and/or federal law must also state such requirement in the position advertisement. See PPP-77, Background Checks.

VII. The Applicant Pool

- A. In accordance with the university's Affirmative Action Plan the search committee/supervisor must create a broad and diverse pool of applicants. The applicant pool must generally reflect the availability data for the defined vacancy, as determined by the appropriate job group in the university's Affirmative Action Plan.
- B. To enlarge the pool of applicants, position advertisements should be placed in a variety of diverse publications; direct contacts should be made with qualified diverse individuals; and nominations may be sought from institutions, groups, and/or individuals likely to generate diverse applicants.
- C. Human Resources must review and approve through *eJobs*, all applicant pools prior to the scheduling of interviews. After reviewing all candidate applications/resumes/vitas, the search committee chair/supervisor will choose those applicants they wish to interview, and note why other candidates were not chosen for interview. This information is inputted into the electronic system, i.e., *Recommended for Interview*, *Not Recommended for Interview*, etc. The chair/supervisor will then submit an email through their appropriate chain of command to Human Resources requesting to certify the pool of candidates and conduct interviews.
- D. All candidates *Recommended for Interview* must be interviewed. Committees have the option to recommend additional candidates as alternates to be interviewed if necessary. Denote alternates as *Recommended Alternate for Interview*.
- E. The Affirmative Action Officer must approve the use of telephone or electronic interviewing methods prior to the interview. In *eJobs* note that a candidate is *Recommended for Phone/Electronic Interview*, and advise the Affirmative Action Officer in your e-mail that you wish to use telephone, *Skype*, video conferencing, etc., methods to interview candidates.
- F. For the Divisions of the Chief Financial Officer, Chief Operating Officer, University Advancement, and Health Sciences**
 - 1. An email must be sent directly to Human Resources (hr@etsu.edu) asking for the pool to be reviewed and certified. The email (Appendix I, Sample E-mail for Pool Certification) should include the posting number, title of the position, and contact information for questions.. You will receive approval to begin interviews via email from Human Resources. Only

applicants with a status of *Approved for Interview* may be interviewed.

G. For the Division of Academic Affairs

1. In the College of Arts and Sciences, College of Education, College of Business and Technology, School of Continuing Studies and Academic Outreach, School of Graduate Studies, University Libraries, and Honors College an email must be sent to the Chair asking for the pool to be reviewed and approved. The email (Appendix I, Sample E-mail for Pool Certification) should include the posting number, title of the position, contact information for questions, and certification that professional and personal references have been checked on the recommended candidates. The Chair must forward his or her approval to the Dean, and the Dean must forward his or her approval to Human Resources (hr@etsu.edu), who will review and certify the pool.
2. All other areas within Academic Affairs should verify with their Vice Provost whether or not the pool must be reviewed before submission to Human Resources. If no review is required, the pool should be submitted directly to Human Resources (hr@etsu.edu) for certification.

H. Please see the *eJobs Information Page* (www.etsu.edu/humanres/hiring/ejobsinfo.aspx) for additional information.

VIII. Campus Visits and Interviews

A. Coordination of Campus Visit

1. For faculty, executive, upper level administrative and certain professional positions university recruitment accounts **may** be used to cover the costs of the campus visits. Contact the dean or vice president/chief's office for the account to be used. Search committees who are recruiting candidates for positions not covered under university reimbursement accounts, should extend to out-of-town candidates similar courtesies as those mentioned below. All search committees must remember that a candidate's first impression of the university comes from their interaction with the search committee.
2. The number of candidates a search committee decides to interview is dependent upon the uniqueness of the position and the size and quality of the applicant pool. Usually three to five candidates are invited to visit the campus for personal interviews. Positions should not be filled, as a rule, with only one person interviewed.
3. The committee should seek approval from the dean/director and/or the vice president/chief on the number of candidates to be brought to campus for interviews.
4. For accounting purposes, it is preferred that candidates pay their own hotel and transportation costs for which they will be reimbursed. Travel advances are not available, but the Office of Financial Services provides quick

turnaround on reimbursement. Encourage candidates to submit their travel reimbursement forms as soon as possible.

5. Transportation costs for spouses who accompany the candidates will not be reimbursed, except under special circumstances approved in advance by the vice president/chief.
6. Hotel reservations should be made for the candidate. The reservations clerk may need to be told that the university will guarantee late arrivals.
7. Each candidate should be transported to and from the airport by a search committee member.
8. Local transportation should be provided by a member of the search committee to transport the candidate to and from the university for dining occasions. These arrangements should be made prior to the candidate's arrival in Johnson City.
9. Each candidate should be given a name and home telephone number of a search committee member to contact in case of emergency.
10. Candidates should be mailed an information packet about ETSU and the Tri-Cities area prior to their visit. Include such items as an Accent and Catalog, and specific program information related to the position which is vacant. The Office of University Relations may have additional items to be included in the packet. Contact the Chamber of Commerce for additional information concerning Johnson City and the surrounding area.
11. The "Compensation Calculator" allows search committee chairs to calculate a candidate's proposed total compensation, including university payments for retirement, health/life insurance, FICA, FICA-Med, 401K, and longevity. This calculator may be valuable when discussing salaries and benefits with potential candidates. You may access the calculator here, <http://etsupws.etsu.edu/CompensationCalculator/>.

B. Coordination of Campus Interview Appointments

1. For faculty, executive, upper level administrative and certain professional position, members of the search committee should accompany the candidate to lunch and dinner. In order to minimize expenses, discretion must be used in determining the number of committee members who will accompany the candidate to meals. Should the candidate bring his/her spouse, the spouses of the committee members would also be welcome. Retain receipts for all meals and indicate on the expense voucher the names of all people dining with the candidate. Turn in all expense vouchers with receipts to your vice president/chief's office via the office of the dean. (Prior approval should be obtained from the appropriate vice president/chief regarding payment of meals for spouses of committee members.)
2. Candidates and committee members should know that tips and alcohol are not reimbursable.
3. An "Interview Schedule" (Appendix J, Sample Interview Schedule) and a listing by name and title of search committee members should be developed for the candidate's visit, and distributed to the candidate and those participating prior to the visit.
4. A hard copy of the candidate's curriculum vitae/resume and application (or access to *eJobs*) and the Interview Schedule should be made available to those persons on campus involved in the interview.

5. Persons to include in the Interview Schedule should be determined in consultation with the department chair/director and dean. All faculty in the department should have an opportunity to meet each candidate.
6. The Provost/Vice President for Academic Affairs is usually not involved in the interview process except for candidates at the level of professor, department chair or equivalent positions, or executive/upper level administrative positions. However, if such an interview is deemed necessary by the dean, it should be arranged.
7. The Vice President for Health Affairs and the Associate Vice President interview all dean candidates. The Associate Vice President interviews all faculty and chair candidates.
8. Note: Check with the appropriate vice president/chief to determine their requirements to be involved in the interview process.
9. Candidates are easier to compare if the same questions are used in each interview. Search committees need to keep in mind the position description and the needs of the department.
10. There are questions or inquiries that must be avoided in the interview process, including those during the informal time spent with the candidate. The *Pre-Employment Inquiry Guide*, Appendix K, has a list of permissible inquiries, and a list of inquiries which must be avoided.
11. A time for informal conversation should be a part of the interview schedule. The candidate should also be given an opportunity to ask questions; an interview is a mutual exchange of information.

IX. The Americans with Disabilities Act and the Search Process

- A. The Americans with Disabilities Act (ADA) of 1990 was signed into law on July 26, 1990 and amended through the ADA Amendments Act of 2008 (ADAA). The Act gives civil rights protection to individuals with disabilities similar to those rights provided to individuals on the basis of race, color, religion, national origin and sex (Civil Rights Act of 1964). To be protected under the ADA, an employee or an applicant for employment must meet the definition of the term "disability," as stated in the law. Under the ADA, an individual with a disability is a person who has: (1) a physical or mental impairment that substantially limits one or more major life activities; (2) a record of such an impairment; or (3) is regarded as having such an impairment.
- B. The ADA makes it unlawful to discriminate in all employment practices such as: recruitment, hiring, promotion, training, lay-off, pay, firing, job assignments, leave, benefits, and all other employment related activities. Search committee members and search chairpersons must not discriminate against applicants with disabilities during the advertising, interviewing and hiring processes.
- C. The law prohibits using qualification standards, employment tests or other selection criteria that screen out an individual with a disability unless the qualification standard, test or other criteria, is shown to be job-related for the position.
- D. **Advertisements**
 1. Position advertisements are required to include a list of the position's "essential functions." As stated in the Equal Employment Opportunity Commission's rules and regulations (29 CFR, Part 1630, Equal Employment Opportunity for Individuals With Disabilities; Final Rule), the determination of

which functions are essential can be critical to the determination of whether or not the individual with a disability is qualified. A job's essential functions are those functions that must be performed by an individual unaided or with a reasonable accommodation. A job function may be determined as "essential" when one or more of the following apply: (1) The position exists primarily to perform the function(s) and the absence of the function(s) would alter the job; (2) The number of other employees among whom the performance of the job function(s) can be distributed is limited; (3) The function(s) requires a highly specialized skill, expertise or ability to perform the function(s).²¹

2. Secondary position functions may also be listed in the advertisement; however, selection criteria (minimum qualifications) must be based on the requirements needed to perform the essential functions.

E. Pre-Employment Testing

1. Under the ADA, employers may use pre-employment tests as selection criteria. The tests must be administered to all applicants seeking similar employment. If the tests tend to screen out applicants with disabilities, the employer must demonstrate that the test is job related and consistent with business necessity.
2. The Office of Human Resources discontinued the administration of mandatory typing tests for all clerical positions effective October 1, 2008. Departments are discouraged from independently administering any pre-employment tests. Those departments desiring to administer pre-employment tests, i.e., computer software application, typing tests, etc., must seek prior approval in writing from Human Resources.

F. Interviewing

1. Pre-employment questions regarding the nature or severity of disabilities may not be asked during the interviews or throughout the search process. The following interviewing guidelines are adapted by permission from the authors of *College and University Personnel Association ADA Compliance Manual for Higher Education; A Guide to Title I*, 1992 (Chapter 6), and should be applied throughout the entire search process.

G. Inquiries You Cannot Make

1. These are examples of questions that cannot be asked in interviews or during reference checks.
2. DO NOT ask questions about whether the individual has a current disability or a past disability.
3. DO NOT ask whether the individual has any serious illness (such as AIDS), back problems, a history of mental illness or any other physical or mental condition.
4. If the individual has a disability that is obvious to the interviewer (such as an applicant that is missing a limb or uses a wheelchair),
5. DO NOT inquire how the individual became disabled or the prognosis for the applicant.
6. DO NOT ask questions about the nature or severity of the applicant's disability.
7. DO NOT comment in any way on the individual's physical condition except as described below.

8. DO NOT ask whether the individual wears a hearing aid or needs to wear glasses while on the job.
9. DO NOT ask questions about the applicant's past-on-the-job injuries.
10. DO NOT ask about the applicant's medical problems by requesting the applicant to identify if he or she has or has ever suffered from a list of ailments, such as: diabetes, ulcers, back problems, heart conditions, hearing problems, hepatitis, arthritis, migraines, visual problems
11. DO NOT ask whether the applicant has ever been treated for any mental condition.
12. DO NOT ask applicants to list any conditions or diseases for which they have been treated in the past.
13. DO NOT ask whether the individual has ever been hospitalized and, if so, for what condition.
14. DO NOT ask whether the individual has ever been treated by a psychiatrist or psychologist and, if so, for what condition.
15. DO NOT ask whether applicants have had a major illness in prior years, or whether they have any current illnesses.
16. DO NOT ask whether the applicant has ever been treated for drug addiction or alcoholism.
17. DO NOT ask how many days the applicant was absent from work last year because of illness.
18. DO NOT ask whether applicants are taking or have been taking any prescribed drugs.
19. DO NOT ask whether the applicant has a sexually transmitted disease, such as the HIV virus.
20. DO NOT ask whether an applicant has ever requested and/or received assistance or assistive devices in performing past jobs.
21. DO NOT inquire about an applicant's past or current need for or receipt of medical or disability benefits.
22. DO NOT ask about an applicant's past drug use or alcohol use.
23. DO NOT ask any questions regarding whether an applicant is or ever has been a drug addict or an alcoholic.
24. DO NOT ask whether the individual has ever filed a workers' compensation claim.
25. DO NOT ask whether the individual has ever received an award of workers' compensation benefits.
26. DO NOT ask whether an individual has ever been found to be disabled.
27. DO NOT ask whether the individual has a spouse, children or other friends with disabilities.
28. DO NOT ask about problems the individual has had because of a disability.
29. DO NOT ask questions of applicants with disabilities that you do not ask of other applicants, except as described below.
30. DO NOT ask whether the individual has any disabilities or impairments that may affect performance in the position.
31. DO NOT ask whether the applicant has any physical defects that preclude the applicant from performing certain kinds of work, or ask the applicant to describe such defects or specific work limitations.

H. Inquiries You Are Permitted To Make

1. These are questions you may ask in interviews or during reference checks if they are asked of all persons applying for a particular category of job, regardless of disability.
2. YOU MAY ask whether the individual needs any reasonable accommodations or assistance during the hiring or interviewing process.
3. YOU MAY ask about the individual's ability to perform essential job functions.
4. YOU MAY give the individual a copy of the job description that identifies all essential functions and ask whether the individual is able to perform all of those essential functions with or without a reasonable accommodation. (ETSU Note: It is not however permissible to ask anything else that relates to reasonable accommodation except in situations described in "Final ADA Guidance on Interviews", see below)
5. YOU MAY describe the job and ask whether the individual can perform those functions.
6. YOU MAY ask about current use of illegal drugs or current alcohol use.
7. YOU MAY state the institution's standards and expectations and ask if the individual can meet those standards. For example:
8. YOU MAY state the drug policy;
9. YOU MAY state the standards against on-the-job alcohol consumption;
10. YOU MAY state the smoking policy;
11. YOU MAY state the standards for attendance, including the availability or lack of availability of leave for newly hired employees;
12. YOU MAY state the expectations for a particular position.
13. YOU MAY ask questions about any of the qualifications that are required for the position, including: Education; Experience; Licenses; Training; Basic reading and writing skills; mathematical skills; and other minimum qualification standards determined to be defensible that do not expressly relate to physical or mental conditions.
14. YOU MAY ask about the individual's attendance at prior jobs, if the question is limited to days off or number of days late for any reason, and is not limited to days missed due to illness.
15. YOU MAY ask whether the individual has ever been involved in an accident on-the-job that injured co-workers or members of the public.
16. YOU MAY ask about an individual's accident record, especially accidents involving injury to property (such as traffic accident history for persons who will do driving) if you avoid questions about the individual's own injuries.
17. YOU MAY ask an individual how he or she could perform tasks, and with what accommodations, if the applicant indicates that he or she can perform the tasks with an accommodation.
18. YOU MAY ask an individual to voluntarily disclose whether he or she has a disability.

I. Questions You May Ask

1. If the individual has an obvious disability or another disability known to you that you believe may interfere with or prevent the individual from being able to perform the essential functions of the job:

- a. YOU MAY ask the individual to explain or demonstrate how he or she can perform the essential functions of the job, with or without a reasonable accommodation.
- b. If an applicant has a known or obvious disability that would not interfere with or prevent performance of the job, you CANNOT ask or require the applicant to demonstrate performance of a job function, unless all applicants for those positions are required to do so.

J. Inquiries You Must Make During the Hiring Process

1. If the individual indicates that he or she has a disability and may require a reasonable accommodation during the application and hiring process; or at the pre-offer stage, an otherwise qualified individual indicates that he or she may require a reasonable accommodation to perform essential job functions:
 - a. YOU MUST inquire about the types of accommodations the individual believes may be necessary.
 - b. YOU MUST make inquiries with the individual and, if necessary, with others, as to the nature and costs of the accommodations that may be necessary.
 - c. If the individual has an obvious disability or a disability known to you that you believe will interfere with the *applicant's ability to complete the pre-employment procedures, including pre-employment testing*,
 - d. YOU MUST raise that concern with the individual and inquire whether the individual will require any reasonable accommodation during the hiring process.

K. Final ADA Guidance on Interviews

1. Final guidance regarding pre-employment interviews was issued by the Equal Employment Opportunity Commission on October 10, 1995. Two pre-employment questions may be asked by employers to applicants:
 - a. Will you need a reasonable accommodation to perform the functions of the job?
 - b. What type of accommodation will be needed?
2. **Important:** These two pre-employment questions may only be asked if the employer becomes aware of the possible need for an accommodation under one of the following circumstances:
 - a. The applicant enters the interview and has an obvious disability. Obvious disabilities are considered to be mobility, visual, hearing, speech and amputees.
 - b. The applicant voluntarily discloses during the interview that they have a hidden disability.
 - c. The applicant voluntarily discloses that he/she needs reasonable accommodation during the interviews.

L. Reasonable Accommodation

1. An applicant is considered a "qualified individual with a disability" if the applicant can perform the essential functions of the position with or without reasonable accommodation. An accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.
2. Standards for determining whether an accommodation to an otherwise qualified disabled applicant or employee is "reasonable" or imposes an

"undue hardship" are adopted from the principles and considerations *outlined in the College and University Personnel Association ADA Compliance Manual for Higher Education: A Guide to Title I, 1992 (Chapters 9 and 10)*.

3. For the accommodation to be "reasonable":
 - a. It must be effective.
 - b. It reduces barriers to employment related to the person's disability.
 - c. It need not be the best accommodation available, as long as it is an effective accommodation.
 - d. It is not primarily for personal use.
 - e. An accommodation which exceeds ADA's requirements will not set an adverse precedent. It is made with respect to the known limitations of an otherwise qualified individual with a disability.
 - f. Some examples of "reasonable" accommodations:
 - i. Reassigning a disabled employee to a vacant position.
 - ii. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities.
 - iii. Allowing part-time or modified work schedules.
 - iv. Acquiring or modifying equipment or service. For the accommodation to impose an "undue hardship":
 - g. The cost of providing the accommodation would have a significant impact on the financial resources of the institution.
 - h. The accommodation would fundamentally alter the way the job is performed and have a detrimental effect on the operation of the university in that it would substantially disrupt the provision of services.
 - i. The cost of providing the accommodation would jeopardize the institution's ability to continue to provide essential services and academic programs to students and employees.
 - j. Some examples of accommodation which would impose an "undue hardship" to the university:
 - i. Providing the accommodation would render an economic blow resulting in the layoff of other employees.
 - ii. Providing the accommodation would result in the closure of essential academic programs or services for students and employees.
 - iii. Providing the accommodation would necessitate reallocating essential functions of the position to other employees.
4. The following steps will be taken to ensure adequate documentation of any decisions regarding refusal to hire or promote due to undue hardship:
 - a. The supervisor will submit through supervisory channels to the Office of Human Resources a detailed statement of justification for the decision regarding refusal to hire or promote due to undue hardship. It will include, as a minimum, the following information:
 - i. Job description (including essential functions of the position).
 - ii. Description of the disability.
 - iii. Type of accommodation requested by the employee/applicant.
 - iv. Estimated cost of the requested accommodation.
 - v. Description of any non-cost effects of the requested accommodation.

- i. Justification of why the accommodation should not be provided.
 - ii. Impact on financial resources, programs, and services if the requested accommodation is provided.
 - iii. Alternative accommodation proposed, if any, and whether it would be effective.
- b. The Office of Human Resources will review justification and consult with the supervisor, the
- c. Affirmative Action Officer, the employee/applicant, and other university officials as appropriate.
- d. A written recommendation on the supervisor's request will be submitted to the Chief Operating Officer and/or the President, as appropriate, for final decision.

X. Moving Allowance

- A. Newly hired full-time employees who relocate from their former residence to a new residence within the first 12 months of employment may be issued a one-time moving allowance, if deemed appropriate through the approvals of the Moving Expense Allowance Request Form (See Attachment M).
- B. If the institution recruits and hires more than one person from the same family, only one moving allowance is permitted.
- C. To be eligible to receive a moving allowance and to comply with the current guidelines published by the Internal Revenue Service (IRS), the move must meet the minimum IRS distance test of 50 miles from the location of the former residence.
 - 1. For example, if the location of the former workplace was 3 miles from the employee's former home, the location of the employee's new workplace must be at least 53 miles from the employee's former home.
 - 2. If the employee did not have a former workplace, the new workplace must be at least 50 miles from the employee's former home.
 - 3. The distance between the two points is the shortest of the more commonly traveled routes between them.
- D. Arranging for Moving and Payment**
 - 1. The moving allowance is paid directly to the employee, reported as taxable income, and is subject to all tax liability at the time of payment. The amount of the moving allowance will be included in boxes 1, 3, and 5 of the employee's W-2.
 - 2. The employee will make all arrangements for the move without the involvement of the institution.
 - 3. The employee does not submit moving expense receipts to the institution, but is advised to keep them for personal tax return purposes.
 - 4. The employee may be able to recover the income tax withheld by filing the appropriate IRS forms with their tax return (IRS Form 3903 Moving Expenses).
 - a. This recovery is dependent on the IRS regulation in force at the time of payment.
 - b. The employee receiving the moving allowance will be responsible for documenting expenses on their federal tax return required by IRS Publication 521 Moving Expenses.
 - 5. Advance approval from the Supervisor, Chair, Dean and Vice President/Chief is required for moving allowances through the completion of the Moving

Expense Allowance Request Form. Once approval is granted, the potential employee is also required to sign the Moving Expense Allowance Request Form before the hiring process is begun. This is to provide knowledge of the tax implications to all parties if the allowance is approved through the hiring process and the potential employee is made an official position offer by the University.

6. Other Provisions

- a. Moving allowances will be paid only after a Moving Allowance Agreement is executed between the employee and the institution. (See attachment B, which is completed by the Office of Human Resources when the contract is generated.)
- b. All required forms for new employees, including fully executed employment contract, moving allowance agreement and the ETSU employment application, I-9 (plus documentation), Tennessee Lawful Employment Act documentation, copy of Social Security card, W-4, and direct deposit, must be received in the Office of Human Resources, as appropriate, by the 10th or the last working day prior to the 10th for the end of the month payroll, (by the 3rd or the last working day prior to the 3rd in December), and by the 25th of the previous month or the last working day prior to the 25th for the 15th payroll to ensure payment.
- c. Payments authorized by the actions completed after the cut-off dates will be included on the next regular payroll for that person.
- d. All payments must be made within twelve (12) months of the date employment begins for new employees or relocation occurs for relocated employees.
- e. The agreement on the amount of the moving allowance to be paid should be clearly understood in writing between the employee and the institution.
- f. The institution shall assume no liability whatsoever for personal injuries, property damages, or other losses which may be sustained in connection with any moves undertaken pursuant to these regulations.
- g. In consideration for the Institution paying a moving allowance, the employee agrees to remain employed by the Institution for a period of at least one year. For faculty appointed on an academic basis, one year is defined as one regular academic session (Fall and Spring Semesters, nine months). For all other annual faculty and employees, one year is defined as twelve months. Should the employee voluntarily leave employ prior to completion of that year, the employee will be liable to the Institution for all moving expenses which the Institution has paid (to or on behalf of the employee), together with the reimbursements and all payroll taxes withheld by the Institution in connection with such expenses. If the employee is terminated for cause during the first year, the Institution may seek reimbursement of the moving expenses.

XI. Immigration Expense Allowance

- A. New employees may receive reimbursement for immigration expenses when considered to be in the interest of the institution and when such payment is a part of the employment negotiation with a new employee or the relocation of a current

- employee from another employer or institution. Reimbursement/fee allowance for immigration fees must be approved in advance by the President or his/her designee.
- B. This provision applies only to candidates who are required to pay immigration fees to work and live in the U.S. No employee may receive reimbursement more than once.
 - C. No payment shall be made unless the employee agrees in writing to remain in the service of the institution for a period of twenty-four (24) months following the effective date his/her employment agreement, unless separated for reasons beyond his/her control and acceptable to the institution. The service agreement statement should be maintained in the employee's personnel file. In case of a violation of such an agreement, any funds expended by the institution for such allowance shall be recoverable from the employee as a debt due the institution in the same manner as educational allowance payments. (Service Agreement is prepared by the Office of Human Resources.)
 - D. Reimbursement shall be in the maximum amount of \$4,500 and shall not exceed the employee's actual, documented expenses. The allowance cannot be used to defray nonimmigration-related costs or any costs not associated with the individual employee's immigration expenses.
 - E. Reimbursable fees include: fees charged by a licensed immigration attorney retained in connection with the application, filing, permanent residence fee, fee for any application to enter the U.S., fee for application to remain in the U.S., and associated fees required in the application process, such as medical examinations, fingerprinting, photo identification, postal/courier fees, and costs of evaluating foreign academic credentials or translations of foreign documents.
 - F. The employee is responsible for making arrangements for representation, completion of paperwork, assistance in the immigration process, and submission of all bills and/or invoices for which reimbursement is sought. Faculty may submit a claim for reimbursement by sending a request with original receipts to the Provost/Chief Academic Officer or Vice President/Chief.

XII. Hiring of Temporaries and Adjunct Faculty

- A. Temporary employees are generally hired for emergency and/or peak period situations, i.e., registration, school opening, etc. Temporary positions are defined as those positions expected to last one calendar year or less. Due to the nature of temporary positions, most will not require advertising. Temporary appointments are approved for a maximum of one calendar year. If a limited continuation is necessary, a break in service of 14 calendar days must occur before a continuation can be approved.
- B. Temporary employees are paid on the 15th and last working day of the month - they are not paid current. For example, work between the 1st and 15th of the month will be paid on the last working day of the month.
- C. Adjunct Faculty are defined as all faculty whose temporary appointments are based on demand each semester.
- D. **Procedures for Hiring Temporary Employees and Adjunct Faculty**
 - 1. When an employee is hired on a temporary or adjunct basis, a "Request to Hire," or "Faculty Appointment" accompanied by an application form* is forwarded through proper signatory channels prior to the date the employee is needed.
 - 2. All hire packets must include the employee's I-9, W-4, and direct deposit information found on the Human Resources website - and forwarded

- separately from the Request to Hire or Faculty Appointment and Application for Employment directly to Human Resources.
3. Newly hired temporary employees should be paid at the minimum entry rate up to 90% of the midpoint in the pay level corresponding to their job classification. Hourly wages for students hired as temporaries should be consistent with student wages authorized by the Office of Financial Aid. Grant funded positions must also comply with these guidelines.
 4. In accordance with the University President's memorandum, dated June 22, 1990, no employee is to be allowed to begin work prior to notification from the Office of Human Resources that the appointment has been approved. At that time, the department should contact the employee and set a starting date. Employees who begin work prior to the approval and completion of their required paperwork in the Office of Human Resources will not be paid by East Tennessee State University for the time worked. Department heads that allow potential employees to begin work prior to formal approval may be personally liable for wages due during the period prior to formal approval being obtained.
 5. **Temporary employees must complete an application. Adjunct Faculty must complete a Faculty Profile and attach a curriculum vita. The application or faculty profile should be printed and signed by the applicant and given to the department to submit with the Request to Hire or Faculty Appointment.**

Appendices

- A. Candidate Rating Form
- B. Evaluation of Oral and Written English Proficiency
- C. Reference Checks/Telephone Conversation Notes
- D. Historically Black Colleges and Universities
- E. Personal Contact Log
- F. Check List for Affirmative Action Procedures
- G. Advertisements Short and Long Examples
- H. Newspaper and Journal Listings (
- I. E-mail Request to Certify Applicant Pool for Interview
- J. Sample Interview Schedule
- K. Pre-Employment Inquiry Guide
- L. Diversity Links
- M. Moving Expense Allowance Request Form
- N. Moving Expense Agreement DRAFT
- O. Search Committee Confidentiality