

## **DOCUMENTATION OF SEARCH PROCESS**

Affirmative action requires the Upstate Medical University to do more than ensure employment neutrality with regard to the various classes covered under federal nondiscrimination laws. As the phrase implies, affirmative action requires the campus to make additional efforts to recruit, employ and promote qualified members of groups formerly excluded, even if that exclusion cannot be traced to particular discriminatory actions on the part of the employer. The premise of affirmative action is that unless positive action is under taken to overcome the effects of systemic institutional forms of exclusion and discrimination, benign neutrality in employment practices will tend to perpetuate the status quo ante indefinitely.

In accordance with the Upstate Medical University Affirmative Action Program and Equal Employment Opportunity laws and regulations, the result of each search and selection effort for professional staff positions must be documented. The “search” process begins when the position is posted on the Jobs at Upstate/Job Opportunities of the SUNY Upstate web site. The Documentation of Search process ensures that all qualified applicants and employees receive equal opportunity for recruitment, selection, and advancement.

### **Diversity Recruitment**

Diversity recruitment is affirmative action to expand outreach and increase the diversity of applicant pools. At the onset of the recruitment process, the Office of Diversity and Inclusion (ODI), notifies the department and the recruitment staff if underutilization exists via email. Underutilization exists if women, minorities, Veterans, and individuals with disabilities (IWD) are not being employed at a rate to be expected given their availability in the relevant labor pool.

Diversity, equality and inclusion are essential aspects of an affirmative action strategy that continuously improves campus efforts to increase diversity and inclusion in the areas of recruitment, development of the applicant pool, and hiring decision-making for campus leadership, faculty and staff.

Therefore, all hiring managers are required to demonstrate good faith efforts to recruit diverse applicants, including women, minorities, Veterans and individuals with disabilities (IWD’s).

### **Applicant’s Self-Identification Documentation**

Federal law requires employers to request, maintain, and summarize the sex, race, ethnicity, Veteran and disability information related to each search and selection process. This information is utilized for affirmative action tracking purposes only. This information is confidential and should not be used in any way during the selection process for filling the position.

### **Search Committees**

Search committees are strongly recommended for the selection of candidates at all levels of Professional service. SUNY Upstate is less vulnerable to potential discrimination lawsuits if the screening and selection process includes a search committee, each of whom independently screen and evaluate each candidate.

The first committee meeting is the most appropriate time to request to meet with the Chief Diversity Officer or designee. The Chief Diversity Officer or designee will explain affirmative action and equal employment opportunity as outlined by law and will provide a thorough

understanding of the committee's compliance obligations in terms of utilization goals, recruitment options, advertising sources for expanded outreach, applicant screening and interview documentation, permissible and illegal interview questions, and selection documentation and approval process.

The Chief Diversity Officer or designee will also explain the SUNY policy and commitment to diversity, equality, and inclusiveness, in accordance to the campus and University-wide system strategic diversity plan, beyond the required mandatory elements noted above.

For additional information relating to the search committees, please refer to:

[http://www.upstate.edu/hr/document/intra/hiring\\_unclassified.pdf](http://www.upstate.edu/hr/document/intra/hiring_unclassified.pdf)

### **The Process for Documenting a Search**

There are seven steps involved in documenting a search. Upon completion of the search, each of these documents must be submitted to the Office of Diversity and Inclusion. The documents are listed below with a brief description and example of each. Documenting these four steps allows for consistency in the search process and assists a department in providing equal opportunity to all applicants throughout each phase/step of the search process.

Samples of forms and Lawful and Unlawful Interviewing Questions are available on the ODI website: [www.upstate.edu/diversityinclusion/recruitment/index.php/](http://www.upstate.edu/diversityinclusion/recruitment/index.php/)

- 1. Advertising** - Copies of advertisements placed in newspapers, journals, etc.
- 2. Outreach** - A description or evidence of diversity outreach efforts.
- 3. Applicant Screening Tool** - The applicant screening tool explains the method used to determine which candidates of those meeting the minimum qualifications are invited for an interview. Screening criteria must be job related. The screening process can begin as soon as applications are received.
- 4. Interview Questions** - All interviewees should be asked the same core questions, keeping in mind that in-depth questioning may vary slightly depending on the interviewee's background. All interview questions must be job-related and must pertain to the position being recruited. Federal and State laws prohibit certain questions that are used to find out personal information.
- 5. Interview Evaluation Tool** – It is best to evaluate a candidate right after the interview while the results of the interview are fresh in one's mind. Some hiring managers rate each interview question, while others use an evaluation similar to the sample below. An Interview Rating Tool assists a hiring manager in determining which candidates had the best experience and qualifications related to the requirements for the position.
- 6. Interviewed** - Candidates interviewed need to be coded on the online system (or copies of the resumes of these candidates submitted with DOS packet for offline searches.)
- 7. Justification** - A detailed explanation of why the selected candidate is being recommended for hire over other qualified candidates must be supplied. It is important to complete this section of the Documentation of Search process, as it supports the decision for the recommendation for hire. This explanation should indicate any specific skills

and/or experiences that the recommended candidate possesses that other candidates do not. (Should candidates who are invited for an interview withdraw after the interview, please indicate this in your Justification.)

### **Explanatory Report Example**

Although two other candidates (of the five interviewed) had similar skills/experience as Ms. X, Ms. X excelled above all other candidates in demonstrating the necessary supervisory skills needed for this position. Additionally, although a preferred qualification, Ms. X has experience in an acute care setting, which none of the other candidates possess.

### **Records Retention**

Federal and State laws require applicant records to be maintained for at least three years from the date of the making of the record or the personnel action involved, whichever is later. It is the responsibility of the hiring official to maintain search and selection documentation for this period. In the event that the Office of Federal Contract Compliance Programs conducts a compliance review, these records may be requested from the hiring official.

### **Confidentiality**

It is critical that confidentiality is maintained throughout the entire Search process. The essence of good recruitment and personnel practice is that candidates are assured privacy.

### **Affirmative Action Review/Approval**

The Chief Diversity Officer will review each of the above-mentioned documents to determine if affirmative action and equal employment opportunity were offered throughout the search and selection process. If questions arise during the review, the Chief Diversity Officer will contact the hiring department or a member of the search committee for clarification and additional information as may be warranted.

Once approved, the HR Recruiter will be notified via email and the recruiter will contact the hiring department.

## **WAIVER OF SEARCH PROCESS**

In the rare instance where a Waiver of Search is requested, the hiring department must inform the Recruiter immediately in order to prevent the vacancy from being posted. As soon as the vacancy is posted, the search process begins. As a result, a request for Waiver of Search will not be approved if the position has been posted.

Once the hiring department has contacted the Recruiter, the Waiver of Search form must be submitted to the Chief Diversity Officer for review. There are several criteria that may be considered in determining if a waiver will be granted, including but not limited to:

- The transfer of an employee from one funding source to another. (i.e. RF to State)
- The reinstatement of an employee to a formerly held position
- Positions that are for a limited duration of one year or less
- Post-Doctoral Associate training positions
- Employee had prior relevant experience in another capacity in the same department
- Legal contract or agreement

The waiver of search form must be completed and submitted to support a waiver request, along with an approved F-1 form, candidate's resume and a detailed explanation for the request.

Requests for a waiver of search are reviewed on a case-by-case basis.