

Diversity in Faculty Hiring

Best Practices for Search Committees

Written by **Kristin Lane, Associate Professor of Psychology**

General Principle: Effective decision-making happens when decision-makers have ample time, when procedures and criteria are transparent, and when decision-makers are accountable for processes and outcomes.

Before Beginning the Search (To be considered by PAC)

- Define positions as broadly as possible while meeting the Program's needs.
- Consider how language in job advertisements might make members of certain groups more or less likely to apply to your position.
- Clearly articulate the criteria on which candidates will be evaluated at all stages (application, phone/ conference interviews, campus visits).
- Be creative in advertising so as to reach the broadest possible audience. (e.g., <http://jobs.diversejobs.net>, <http://minoritypostdoc.org>, Ford Foundation Fellows, disciplinary-specific listservs, word of mouth, etc.)
- Structure a search committee that will have variety in opinion.
- Amend current boilerplate search language from:

“Bard College is an equal opportunity employer and we welcome applications from those who contribute to our diversity.”

to:

“Bard College is an equal opportunity employer and is especially interested in candidates whose record of achievement will contribute to the diversity goals of the institution.”

- Consider appointing a committee member to serve as “advocate” for candidates close to the threshold of consideration (for members of underrepresented and non-underrepresented groups alike). THE PAC-APPOINTED MEMBER?

While Reviewing Applications

- Evaluate applications using the criteria defined before beginning the search. If they change, ensure that all committee members are using the updated criteria.
- Read materials – especially reference letters and teaching evaluations – in context, recognizing that the same adjectives might mean different things for different social groups (e.g., a woman might be described as “assertive” for exhibiting a behavior that might not count as assertive when done by a man).
- Collect demographic information from candidates. Ask HR to provide demographic breakdown of a long short list or short list.

Phone/ Conference Interviews and Campus Visits

- Provide consistency in candidates' experiences.
- Use the committee's articulated criteria in candidate evaluations.
- Query each candidate as to how he or she would contribute to campus diversity.
- Consider using a standardized form to solicit feedback about candidates.
- Where appropriate, have candidates meet with members of the Diversity Committee

Deliberations and Final Decisions

- Review the ways in which each candidate meets the articulated criteria.
- Consider appointing a "devil's advocate" on the committee to prevent premature consensus.
- Encourage all faculty – especially junior faculty – to share candid feedback.
- Be mindful of the need to cultivate heterogeneity.

Following Hiring

- Search committee chairs should provide continued mentorship for all new faculty hires.
- Members of underrepresented groups may have unique concerns (e.g., challenges in teaching, heavy demand from students for advising, particularly heavy service loads).

Illegal Interview Practices

The following section is sourced from the [Equal Employment Opportunities Commission](https://www.eeoc.gov/)¹ website.

Prohibited Employment Policies/Practices

Under the laws enforced by EEOC, it is illegal to discriminate against someone (applicant or employee) because of that person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. It is also illegal to retaliate against a person because he or she complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

The law forbids discrimination in every aspect of employment.

The laws enforced by EEOC prohibit an employer or other covered entity from using neutral employment policies and practices that have a disproportionately negative effect on applicants or employees of a particular race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), or national origin, or on an individual with a disability or class of individuals with disabilities, if the policies or practices at issue are not job-related and necessary to the operation of the business. The laws enforced by EEOC also prohibit an employer from using neutral employment policies and practices that have a disproportionately negative impact on applicants or employees age 40 or older, if the policies or practices at issue are not based on a reasonable factor other than age.

Job Advertisements

It is illegal for an employer to publish a job advertisement that shows a preference for or discourages someone from applying for a job because of his or her race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

For example, a help-wanted ad that seeks "females" or "recent college graduates" may discourage men and people over 40 from applying and may violate the law.

¹ <https://www.eeoc.gov/laws/practices/>

Recruitment

It is also illegal for an employer to recruit new employees in a way that discriminates against them because of their race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

For example, an employer's reliance on word-of-mouth recruitment by its mostly Hispanic workforce may violate the law if the result is that almost all new hires are Hispanic.

Application & Hiring

It is illegal for an employer to discriminate against a job applicant because of his or her race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. For example, an employer may not refuse to give employment applications to people of a certain race.

An employer may not base hiring decisions on stereotypes and assumptions about a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information.

If an employer requires job applicants to take a test, the test must be necessary and related to the job and the employer may not exclude people of a particular race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, or individuals with disabilities. In addition, the employer may not use a test that excludes applicants age 40 or older if the test is not based on a reasonable factor other than age.

If a job applicant with a disability needs an accommodation (such as a sign language interpreter) to apply for a job, the employer is required to provide the accommodation, so long as the accommodation does not cause the employer significant difficulty or expense.

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Reasonable Accommodation & Disability

The law requires that an employer provide reasonable accommodation to an employee or job applicant with a disability, unless doing so would cause significant difficulty or expense for the employer.

A reasonable accommodation is any change in the workplace (or in the ways things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.

Reasonable accommodation might include, for example, providing a ramp for a wheelchair user or providing a reader or interpreter for a blind or deaf employee or applicant.

Terms & Conditions Of Employment

The law makes it illegal for an employer to make any employment decision because of a person's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. That means an employer may not discriminate when it comes to such things as hiring, firing, promotions, and pay. It also means an employer may not discriminate, for example, when granting breaks, approving leave, assigning work-stations, or setting any other term or condition of employment - however small.

Pre-Employment Inquiries (General)

As a general rule, the information obtained and requested through the pre-employment process should be limited to those essential for determining if a person is qualified for the job; whereas, information regarding race, sex, national origin, age, and religion are irrelevant in such determinations.

Employers are explicitly prohibited from making pre-offer inquiries about disability.

Although state and federal equal opportunity laws do not clearly forbid employers from making pre-employment inquiries that relate to, or disproportionately screen out members based on race, color, sex, national origin, religion, or age, such inquiries may be used as evidence of an employer's intent to discriminate unless the questions asked can be justified by some business purpose.

Therefore, inquiries about organizations, clubs, societies, and lodges of which an applicant may be a member or any other questions, which may indicate the applicant's race, sex, national origin, disability status, age, religion, color or ancestry if answered, should generally be avoided.

Similarly, employers should not ask for a photograph of an applicant. If needed for identification purposes, a photograph may be obtained after an offer of employment is made and accepted.

Pre-Employment Inquiries and:

- [Race](#)²
- [Height & Weight](#)³
- [Financial Information](#)⁴
- [Unemployed Status](#)⁵

² https://www.eeoc.gov/laws/practices/inquiries_race.cfm

³ https://www.eeoc.gov/laws/practices/inquiries_height_weight.cfm

⁴ https://www.eeoc.gov/laws/practices/financial_information.cfm

⁵ https://www.eeoc.gov/laws/practices/unemployed_status.cfm

- [Background Checks](#)⁶
- [Religious Affiliation Or Beliefs](#)⁷
- [Citizenship](#)⁸
- [Marital Status, Number Of Children](#)⁹
- [Gender](#)¹⁰
- [Disability](#)¹¹
- [Medical Questions & Examinations](#)¹²

[The policies surrounding these inquiries are expanded upon in the following section]

⁶ https://www.eeoc.gov/laws/practices/background_checks.cfm

⁷ https://www.eeoc.gov/laws/practices/inquiries_religious.cfm

⁸ https://www.eeoc.gov/laws/practices/inquiries_citizenship.cfm

⁹ https://www.eeoc.gov/laws/practices/inquiries_marital_status.cfm

¹⁰ https://www.eeoc.gov/laws/practices/inquiries_gender.cfm

¹¹ https://www.eeoc.gov/laws/practices/inquiries_disability.cfm

¹² https://www.eeoc.gov/laws/practices/inquiries_medical.cfm

Legality of Discussing Specific Subjects During the Hiring Process

Compiled from the [Betterteam](https://www.betterteam.com/illegal-interview-questions)¹³ Illegal Interview Questions and EEO Guidelines article and the [Skidmore Guide to Legal and Illegal Pre-Employment Inquiries](https://www.skidmore.edu/hr/documents/Legal-Illegal-Interview-Questions.pdf)¹⁴.

Subject	Permitted	Not Permitted	Notes
Address	How long have you been at your current address? What is your current address? What was your previous address and how long did you live there?	Do you own your own home or rent? Who do you live with? How are you related to the people you live with?	
Age	For some roles age is a legal requirement (working in a bar) so it is acceptable to ask a candidate their age directly and ask for proof. Are you 18 years of age or older? If not, state your age.	What year were you born? When did you graduate high school? Cannot require that applicant state age/date of birth unless under 18. Cannot require that applicant submit proof of age in the form of a birth certificate, naturalization papers, or baptismal record. Any question that may tend to identify applicants over 40 years of age (e.g., what year did you graduate high school/college?). How old are you? What is your date of birth? What are the ages of your children, if any?	

¹³ <https://www.betterteam.com/illegal-interview-questions>

¹⁴ <https://www.skidmore.edu/hr/documents/Legal-Illegal-Interview-Questions.pdf>

Subject	Permitted	Not Permitted	Notes
Arrest Record	Usually only law enforcement agencies can ask and exclude based on their arrest record. Have you ever been convicted of a crime, other than minor traffic violations? If yes, please describe (No applicant will be denied a position because of a conviction for an offense unless there is a direct relationship between the offense and the position, or unless hiring would be an unreasonable risk).	Avoid any questions relating to arrests if it is not directly related to the job or in states where it is illegal to ask. (i.e., they have not been convicted yet so could be innocent): Asking about arrests. Have you ever been arrested? Have you ever spent a night in jail?	See convictions below for arrests that have lead to convictions. Also, rejecting applicants based on arrest record has been shown to impact some racial groups.
Availability	What days and shifts can you work? Are there shifts you cannot work? Are there any responsibilities you have that could make it difficult for you to travel for work? Do you have a reliable way of getting to work?	Directly asking about weekend work could be seen as a proxy question for religious observance. Also, questions about evening work or childcare arrangements can impact females who have childcare responsibilities. Asking if they own a car could be seen as racially discriminatory unless it is a requirement of the job.	Ask all candidates the same questions on this subject. Asking only women about evening work can be discriminatory as it ties into questions about family status.

Subject	Permitted	Not Permitted	Notes
Citizenship, Birthplace, Residence, or National Origin	Are you legally eligible to work in the United States? Can you show proof of citizenship/visa/alien registration if we decide to hire you? Place of residence. Length of residence in this city. About foreign language skills (reading, speaking, and/or writing) if relevant to the job.	Are you a US citizen? Do you intend to become a US citizen? Can you provide a birth certificate? What country are your parents/siblings/spouse from? Of what country are you a citizen? Whether an applicant is naturalized or a native-born citizen, the date when the applicant acquired citizenship. Requirement that applicant produce naturalization papers or first papers. Whether applicant's parents or spouse are naturalized or native-born citizens of the U.S., the date when such parent or spouse acquired citizenship. What is your background? Where were you born? How did you learn Portuguese?	Asking about other languages is fine if it is a job requirement such as a translator or Spanish speaking phone operator.

Subject	Permitted	Not Permitted	Notes
Convictions	If the role the candidate applied for is security sensitive then it should be fine to ask questions about convictions (not arrests). Candidates dealing with large sums of money (cashier, treasurer, money transfer agent) or aligned roles where the candidate is working unsupervised such as janitor, custodian, or truck driver could all be considered security sensitive.	Don't ask questions about convictions for roles that are not security sensitive or ask about convictions that have no connection to the role. For example asking a receptionist about speeding convictions.	Rejecting candidates purely on conviction record has been shown to disproportionately impact some racial groups. If this question is important then best to ask it later in the interview process so candidates can be excluded for legal reasons first.
Credit Inquiries	In general do not ask questions about this unless you are sure it is permitted under the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996.	Do you have a bank account? Do you own a home or rent? Have your wages ever been garnished? Were you ever declared bankrupt?	
Disabilities	Accurately describe the job then ask the candidate if they can perform all of the functions.	Do you have a disability? Have you ever suffered a workplace injury or filed a workers comp claim? Have you ever been treated for any of the following diseases . . .? Do you need a reasonable accommodation? What is your medical history? How does your condition affect your abilities?	

Subject	Permitted	Not Permitted	Notes
Driver's License	Do you possess a valid NYS driver's license? (if necessary to perform duties of the position)	Requirement that an applicant produce a driver's license.	
Education	Applicant's academic, vocational attainment. Inquiry into applicant's academic, vocational or professional education and the public and private schools attended. What is your educational background? Do you have licenses and certifications for this job? Do you have a high school diploma or equivalent? What university or college degrees do you have?	What year/dates did you graduate high school or college? (reflects age)	
Emergency Contact Name	Only after employment is confirmed.	Do not ask this as part of any pre-employment interview questions as this could be seen as a question about national origin or sexual orientation.	
Employment	How long did you stay at your last role? What was start and finish titles? What is your current and expected salary?	When did you first start working? (age discrimination)	Some states prohibit questions about current salary.
Experience	Inquiry into work experience. What experience qualifies you for this job? Inquiries that explore a	How has your race/gender/national origin affected your work experience?	

	<p>candidate’s diversity experience. How have you supported a prior employer’s commitment to diversity? Tell me about your participation in diversity events/and or organizations at other employers. How have you integrated multicultural issues as part of your professional development?</p>		
Subject	Permitted	Not Permitted	Notes
Family Status or History	<p>Do you have any commitments that might prevent you from working the assigned shifts? This is the typical schedule for this position. Would you be able to work this schedule? Note: These inquiries are permissible provided they are made for both male and female applicants.</p>	<p>Are you married? Are you single? Do you have or plan to have children? Marital status or number of dependents. Name, age, job, address, or other information about spouse, children, or relatives. Any inquiry into an applicant’s caregiving responsibilities (e.g., what childcare arrangements would you make if offered this position?). Do you wish to be addressed as Mrs.? Miss? Or Ms.? Are you married? Are you single? Divorced? Separated? Widowed? Do you have a boyfriend/girlfriend? What is your maiden name? Child care arrangements. What is your heritage? What language do you speak at home?</p>	<p>Ask all candidates about outside commitments, not just women, or it will be seen as discriminatory.</p>

Subject	Permitted	Not Permitted	Notes
Financial Status	Do you own a car? (only if a requirement of the job)	Do you own your own home? Do you own a car?	Due to the relationship between poverty and some minorities, questions on this subject can be very sensitive.
Garnishment Records	No acceptable inquiries.	Have your wages ever been garnished?	
Height or Weight	Accurately describe the job then ask the candidate if they can perform all of the functions.	What is your height? How much do you weigh?	If you can definitively prove a specific height and/or weight is required for the job, then it is fine to ask, but this is usually unlikely.
Language	Inquiry into languages applicant speaks and writes fluently if needed for the position.	What is your native language? Inquiry into how applicant acquired ability to read, write or speak a foreign language.	
Marital Status	None	Are you married? Are you single? Do you have any children?	
Military Service	What experience and training did you receive while serving that would be beneficial to this job?	Any question into applicant's general military experience. Direct questions about discharge or non-U.S. military service.	

Subject	Permitted	Not Permitted	Notes
Name	Whether the applicant has worked under another name: Have you ever worked for this college under a different name? Is any additional information relative to change of name or use of an assumed name or nickname necessary to enable a check on your work record? If yes, explain. What name(s) are your work records listed under?	Inquiries about the name that would seek to elicit information about the candidate's ancestry or descent (e.g., what nationality is your last name?). Inquiries about name change due to a court order, marriage, or otherwise. Maiden name of married women.	
Organizations	Inquiry into applicant's membership in organizations that the applicant considers relevant to his/her ability to perform the job.	Asking what organizations, clubs, and societies the applicant belongs to that are not relevant to his/her ability to perform the job (political, social, religious, etc.) List all clubs, societies and lodges to which you belong. Are you a member of the local country club? What sorority did you join?	Avoid all questions about non-professional organizations that could be seen as a proxy question about race, age, sex, etc.
Overtime	This position may require overtime. Are you available for overtime?	<ul style="list-style-type: none"> • Since you have children, does that mean you won't be able to work overtime? 	
Personal Information	Have you ever worked for us before under any other name? What are the names of your personal references?	Did you ever change your name through marriage or court application? What is your maiden name?	

Subject	Permitted	Not Permitted	Notes
Photograph	May not be requested prior to hire.	Requirement or option that applicant affix a photograph to employment form at any time before hiring.	
Pregnancy	No acceptable inquiries.	Are you pregnant? Are you trying to have a family? Any question concerning pregnancy, birth control, or capacity to reproduce. Advocacy of any form of birth control or family planning.	Even if a candidate is obviously pregnant, it is not acceptable to ask any questions about this subject. You can still describe the job and then ask if they can perform all functions.
Race, Color, or Physical Features	Voluntary submission of Equal Employment Opportunity (EEO) information made directly via Human Resources' EEO card. Otherwise almost always not acceptable unless it is a bona fide occupational qualification.	All questions about color and race, including but not limited to: Inquiry as to applicant's race, color of skin, eyes, or hair or other questions directly or indirectly indicating race or color. Applicant's height or weight when it is not relevant to the job. What race are you? Are you a member of a minority group? What is your national origin?	This is a hot topic question and best to get legal advice on if you are unsure.
Relatives	Do any of your relatives currently work for us or our competitors? Can you provide the names of your relatives who work for us?	What is the name of your relatives who work for our competitors? Names, addresses, ages, number or other information concerning applicant's spouse, children or other relatives not employed by the college.	This does become discriminatory if your company has issues hiring minorities as it could look like you have a preference against hiring them.
Religion or Creed	No acceptable inquiries.	Any question requesting the applicant's religious denomination, religious affiliations, and church,	

		parish, pastor or religious holidays observed. Applicant may not be told “This is a (Catholic, Protestant, or Jewish) organization.” What religion are you? Which religious holidays will you be taking off from work? What church do you attend? Do you attend church regularly? What denomination are you? Who is your pastor?	
Subject	Permitted	Not Permitted	Notes
Sex, Orientation, or Gender Identity	Inquiry or restriction of employment is permissible only when a Bona Fide Occupational Qualification (BFOQ) exists.	Applicant’s gender cannot be used as a factor for determining whether an applicant will be “satisfied” in a particular job (e.g., because the job involves physical labor, travel away from home, or is traditionally labeled “men’s work” or “women’s work”). Any inquiry that would indicate gender of applicant. Questions about sexual identity, orientation, or preference. What is your sexual orientation?	
Travel	This position requires travel, are you willing to travel?	Since you have children will you have trouble getting the time to travel? Do you own a car? Mode of transportation.	

Additional Materials

[Hiring as Cultural Matching](#)¹⁵ by Lauren A. Rivera

Abstract: This article presents culture as a vehicle of labor market sorting. Providing a case study of hiring in elite professional service firms, I investigate the often suggested but heretofore empirically unexamined hypothesis that cultural similarities between employers and job candidates matter for employers' hiring decisions. Drawing from 120 interviews with employers as well as participant observation of a hiring committee, I argue that hiring is more than just a process of skills sorting; it is also a process of cultural matching between candidates, evaluators, and firms. Employers sought candidates who were not only competent but also culturally similar to themselves in terms of leisure pursuits, experiences, and self-presentation styles. Concerns about shared culture were highly salient to employers and often outweighed concerns about absolute productivity. I unpack the interpersonal processes through which cultural similarities affected candidate evaluation in elite firms and provide the first empirical demonstration that shared culture—particularly in the form of lifestyle markers—matters for employer hiring. I conclude by discussing the implications for scholarship on culture, inequality, and labor markets.

Pages of the text *Search Committees: A Comprehensive Guide to Successful Faculty, Staff, and Administrative Searches* [are available](#)¹⁶ regarding the following topics:

- Advertising and Recruitment Sourcing Options
- Eliminating Bias From Selection
- How to Write an Ad
- Interviewing
- Recruiting
- Examples of Selection Criteria

¹⁵ <http://journals.sagepub.com/doi/pdf/10.1177/0003122412463213>

¹⁶ <http://bit.ly/BardSearchResources>