

GUIDELINES FOR SEARCH COMMITTEES

Produced by the Office of Equal Opportunity & Diversity

Employment actions, including all aspects of the recruitment process, are guided by the University of California nondiscrimination and affirmative action policy, as well as State and Federal laws and regulations. This brochure outlines the affirmative action obligations and nondiscrimination guidelines in recruitment and is provided to search committees and supervisors to ensure an equitable search process.

AFFIRMATIVE ACTION OBLIGATIONS

The University of California, Irvine — as a federal contractor — is obligated to analyze the composition of its workforce and make good faith efforts to ensure equal opportunity in employment for all qualified candidates, including women and minorities, individuals with disabilities, and protected veterans. The Office of Equal Opportunity and Diversity annually publishes workforce and availability statistics in its Affirmative Action Plan. Availability statistics are posted on the OEOD website at www.oeod.uci.edu/availstats.html (academic) and www.oeod.uci.edu/staffavail.html (non-academic). In addition, UCI's annual AAP lists areas where fewer women and/or minorities are in the workforce than would be expected given the potential candidate pool within the job category. It is incumbent on all members of search committees to be aware of the underrepresentation that exists at UCI, particularly in their school or department.

The Office of Federal Contract Compliance Programs, which has the power to audit the University (and impose sanctions and penalties), expects the University to engage in good faith efforts to remedy the current underrepresentation. Monitoring underutilization patterns and implementing specific action plans are steps the University takes to prevent discrimination in the employment process. Good faith efforts may include expanded efforts in outreach, recruitment, training and professional development of current employees for promotion, and other activities to increase the pool of qualified minorities, females, individuals with disabilities and protected veterans. *Increasing outreach and awareness at the earliest stages of the recruitment process is one of the most important steps UCI can take to enhance its diversity.* Departments and search committees must take an active role in expanding the pool of qualified women, minorities, individuals with disabilities, and protected veterans in all recruitments.

Section 31 of Article 1 of the California State Constitution (Proposition 209) prohibits discrimination against or preferential treatment of any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, education, or contracting. It also contains a provision stating that this does not prohibit actions necessary to establish or maintain eligibility for any federal program, where ineligibility would result in loss of federal funds to the University. Therefore, UCI is still obligated, as a federal contractor, to take affirmative action to ensure equal opportunity in employment.

NONDISCRIMINATION IN SEARCHES

Per State and Federal laws and University policy, search committee members must not discriminate against applicants on the basis of any of the following protected characteristics:

- Age
- Ancestry
- Citizenship
- Color
- Gender
- Gender expression
- Gender identity
- Genetic information (including family medical history)
- Marital status
- Medical condition (cancer-related or genetic characteristics)
- National origin
- Physical or mental disability
- Pregnancy
- Race
- Religion
- Sex
- Sexual orientation
- Service in the Uniformed Services

Statements such as “This is a bright *young* computer scientist” or “This candidate would *fit in well with the group*” may reflect illegal discrimination. Search committees should focus on the skills and relevant experience of applicants during the selection process and refrain from making judgments that are based on one of the protected characteristics listed above. In some cases, women with children may have taken longer to obtain their doctorate than male candidates, or may have temporarily left the workforce, because of pregnancy disability and/or childrearing leaves. ***This fact alone does not reflect a lack of commitment on the part of the female applicant(s), nor does it make them less “qualified.”*** Search committee members should not question applicants concerning their families or their plans to have children.

The following are examples of questions that are **unacceptable** in an interview:

1. Where were you born?
2. Are you a U.S. citizen or permanent resident?*
3. What is your native language/mother tongue?
4. Are you married?
5. Do you have children? Or plan to?
6. Who takes care of your children?
7. Do you have any physical disabilities?
8. Will you require leave time for a disability, religious observances, or family and medical leave?

When a pool of candidates is being established, active and documented efforts should be made to attract qualified applicants, including women, minorities, individuals with disabilities and protected veterans. Once the pool of candidates is established, search committee members may not consider the gender or ethnicity of the individual candidates. However, search committee members should consider whether their own biases or prejudices may be impacting their input into the selection process.

The Office of Equal Opportunity and Diversity, the Office of Academic Personnel, and Human Resources can provide additional information on conducting proper searches and interviews. In addition, ADVANCE and Equity Advisors are available for consultation in academic recruitments.

NOTE: These guidelines do NOT replace the policies and procedures set forth in the Academic Personnel Procedures Manual, the Academic Personnel Manual, or the Personnel Procedures for UCI Staff Members. These guidelines are intended to supplement those documents in order to ensure that searches comply with federal affirmative action laws, as well as state and federal nondiscrimination laws.

We hope these general guidelines highlight the importance of conducting lawful and equitable searches, free from discrimination and designed to achieve inclusive excellence.

If you have any questions concerning affirmative action or nondiscrimination in searches, please contact the

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Nondiscrimination and Affirmative Action Policy. It is the policy of the University not to engage in discrimination against or harassment of any person employed or seeking employment with the University of California on the basis of race, color, national origin, religion, sex, gender, gender expression, gender identity, pregnancy[†], physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services.[‡] This policy applies to all employment practices, including recruitment, selection, promotion, transfer, merit increase, salary, training and development, demotion, and separation. This policy is intended to be consistent with the provisions of applicable State and Federal laws and University policies.

In addition, it is the policy of the University to undertake affirmative action, consistent with its obligations as a Federal contractor, for minorities and women, for persons with disabilities, and for protected veterans.[§] The University commits itself to apply every good faith effort to achieve prompt and full utilization of minorities and women in all segments of its workforce where deficiencies exist. These efforts conform to all current legal and regulatory requirements, and are consistent with University standards of quality and excellence.

* It is necessary for employees to submit proof of their legal right to work in the U.S. However, individuals should not be asked to provide such documentation prior to employment, nor should they be asked questions about their national origin or citizenship prior to being offered employment. Applicants may be asked whether they are authorized to work in the U.S.

† Includes pregnancy, childbirth, and medical conditions related to pregnancy and childbirth.

‡ Includes service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), as well as state military and naval service.

§ Protected veteran includes special disabled veteran, Vietnam era veteran, recently separated veteran (within three years), or any other veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized.