

# EQUAL OPPORTUNITY/AFFIRMATIVE ACTION HANDBOOK

This handbook offers guidelines for those conducting interviews and checking references to ensure equal opportunity hiring. These guidelines are designed for activities in the formal selection process, but are just as legally binding in social settings. Voluntary information given by applicants in social settings does not justify follow-up questions to seek further non-job related information.

The objective of an Equal Opportunity/Affirmative Action Program is to hire the best qualified individual based on objective, relevant information. Selection procedures should be equivalent for all candidates. Questions, interviews, and interview meetings need to remain consistent throughout the selection process.

Please review the information in this handbook carefully before conducting job interviews.

## Introduction

Cornell College is fully committed and dedicated to a policy of equal opportunity for all applicants. The college employs and promotes personnel without discrimination because of race, religion, sex, sexual orientation, national origin, age, or disability. (The Americans with Disabilities Act defines a disability as “a physical or mental impairment that substantially limits one or more of the major life activities of an individual.” Employers must make reasonable accommodations to allow a qualified individual with a disability to perform essential job functions.)

Cornell College is committed to the realization of equal opportunity and nondiscrimination and is actively involved in an Equal Opportunity/Affirmative Action Program.

The intent of equal opportunity/affirmative action is not to limit the capacity for selecting the best candidate for the position, but to ensure that all candidates have a fair opportunity and access to all positions. Successful candidates are selected through predetermined criteria and an unbiased, uniform process.

This handbook is intended for use by department managers, supervisors, and interviewing committees during the interview, reference, and selection process. The information provided is not intended to be all-inclusive but should give basic guidelines for the evaluations and selection of prospective employees. These guidelines should help departments obtain an open and fair selection process for all candidates.

## The Employment Process

To strengthen the recruitment and selection process and to ensure equal employment opportunity, all relevant facts concerning the vacancy must be known. A job description listing the responsibilities and duties assigned to the position and the qualifications necessary to perform the job should be used as a basic reference document for recruiting and screening prospective employees.

The function of department interviews should be to gather pertinent information about the candidate’s work experience, education, skills, and abilities to determine their suitability for vacancies. The following guidelines are not intended to restrict your ability to select the most qualified individual for a position, but rather to ensure that unlawful discriminatory criteria are not used in the employment process.

Pre-employment inquiries about an applicant concerning race, religion, sex, sexual orientation, national origin, age, or disability are unacceptable either when asked of the applicant or of others regarding the applicant. All pre-employment inquiries, including application questions, interview questions, and background for reference checks, must be job-related.

The concept of what is “job-related” has taken on a particular meaning in light of various federal and state laws. It means that all inquiries should be based on specific requirements and demands of the job as set forth in the position description. Specifically, inquiries about factors that may form the basis of illegal employment discrimination (or questions that may be perceived as leading to discrimination) must be avoided. Thus it is important that everyone comply with the guidelines on the following pages.

The following list provides illustrations of unacceptable pre-employment inquiries. If it is necessary to make inquiries about one of these subjects for some reason, examples of acceptable inquiries are provided. As a general rule, questions about race, national origin, sex, sexual orientation, age, religion, and disabilities of applicants should not be asked.

## PRE-EMPLOYMENT INQUIRIES

<u>Subject</u>	<u>Unacceptable Inquiries</u>	<u>Acceptable Inquiries</u>
Name	What is your lineage, national origin, ancestry, or descent?	Is your name other than that which is listed on the application?
Age	What is your age and date of birth? (The Age Discrimination Act of 1967 forbids discrimination against persons between the ages of 40 and 70.)	
Birthplace	Where were you born or where were your relatives born?	
Marital/ Family Status	Are you married, single, divorced, or engaged? How many children do you have, and can you make adequate child care arrangements? Are you pregnant? Do you plan to start a family or increase the size of your family?	Can you meet the specified work scheduled? How long do you plan to stay on the job? What are your anticipated absences?

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<u>Subject</u>	<u>Unacceptable Inquiries</u>	<u>Acceptable Inquiries</u>
Disabilities	Are you disabled? Do you have any chronic illnesses? What is the nature and severity of your disability? Do you have a disability that will prevent you from performing this job? Will you need to leave work for treatment?	Do you know any reasons that you cannot perform the essential functions of the job? (This question may be asked because the person may not be able to perform these functions for reasons unrelated to a disability.) Can you meet the attendance requirements for this job?
Sex	What is your sex? Will you be satisfied in a particular job (i.e. woman plumber, male secretary)?*	The sex of an applicant may only be discussed if it is a bona fide documented occupational qualification.
Race/Color	What color are your skin, eyes, and hair? What is your race?	

\*Sexual harassment is considered a form of sex discrimination. Interviewers should be careful not to make inquiries that might be considered by an applicant to be “sexually” suggestive.

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<u>Subject</u>	<u>Unacceptable Inquiries</u>	<u>Acceptable Inquiries</u>
Address	What are the names or relationships of persons with whom you reside? Do you rent or own a home? Do you live, or have you ever lived in a foreign country?	What is your address? How long have you resided at that address or previous addresses?
Religion	Any inquiry to indicate or identify religious denomination or customs. Applicants may not be told that any particular religious groups are required to work on their religious holidays.	An applicant may be advised concerning normal work hours and days of work required by the job to avoid possible conflict with religious or other personal convictions.
Military Record	What type of discharge do you have?	Did you gain any job-related work experience while in the military?
Photograph	A photograph prior to employment.	May require after hiring.

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Citizenship	Of what country are you a citizen? Are you naturalized or a native born U.S. citizen? Will you produce naturalization papers?	Are you a U.S. citizen, permanent resident of the U.S., or a non-resident with Immigration Authorization to work in the U.S.? If hired you must submit proof of citizenship or eligibility to work.
Ancestry/ Nationality	What is your lineage, origin, ancestry national origin, descent birthplace, and mother tongue? What is the national origin of your relatives?	What languages do you read, speak, or write?
Education	What is the nationality, or racial affiliation of schools you have attend?	What are the academic, vocational, or professional schools you have attended?
Experience		What is your work experience? What are the names and addresses of previous employers, dates of employment, reasons for leaving? What is your salary history?

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<u>Subject</u>	<u>Unacceptable Inquiries</u>	<u>Acceptable Inquiries</u>
References	Will you supply a religious reference?	Who referred you? What are the names of persons willing to provide professional/character references for you?
Relatives	What are the names of relatives employed by Cornell College? What are the names and addresses of non-college affiliated relatives?	Do you have a relative employed at Cornell in the department for which you are an applicant for a position?
Conviction, Arrest, and Court Record	Any inquiry into arrests. Asking or checking into a person's arrest, court, or conviction record if not substantially related to functions and responsibilities of the particular job in question.	Inquiry into actual convictions that relate reasonably to fitness to perform a particular job. (A conviction is a court ruling where the party is found guilty as charged. An arrest is merely the apprehending or detaining of the person to answer questions about the alleged crime.)

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Organizations	To what social organizations, clubs, societies, and lodges do you belong?	What are the <u>professional</u> organizations to which you belong? What offices have you held?
Credit	What is your financial status? What past due loans, charge accounts, or other debts do you have?	Credit questions may be asked only if they are job-related.
Pregnancy	Are you pregnant? Do you intend to become pregnant?	Can you perform the physical requirements of the job satisfactorily?
Appearance	(Standards that have disproportionate impacts on women and minorities cannot be required.)	(Reasonable standards may be required for business necessity.)

**Miscellaneous:**

It is permissible for interviewers to give notice to applicants that any misstatements or omissions of material facts on the application may be cause for dismissal.

In addition to refraining from inquiries which the applicant might view as discriminatory against him or her, the interviewer should be careful not to make any inquiries or statements which suggest a “discriminatory” attitude.

**Testing**

The Equal Employment Opportunity Commission requires that all tests be valid. Any test used as a screening or selection device must be proven to predict successful job performance. When tests are required, they must be administered uniformly to all applicants for the position. A test should not be administered without approval of the director of Human Resources, and copies of the test and test results should be filed with the director of Human Resources. The Affirmative Action Officer should be notified in advance of any use of tests.

**The Structured Interview**

The purpose of the structured interview is to establish consistency in the information collected from candidates in preparation for the hiring decision. The abilities, knowledge, and skills required to perform the job should be identified prior to the interview. The following suggestions are intended to provide helpful guidelines for a structured interview.

1. Established rapport with the candidate. A friendly atmosphere establishes confidence and allows communication to develop.
2. Explain the agenda of the interview. The applicant will more relaxed when knowing how the interview will be structured.
3. Gather information through a variety of questions and comments that can move the interview along at a desired pace. Ask open-ended questions such as: “why,” “how,” “what,” and “describe,” which provide more information.
4. Describe the position and its specific duties. The applicant needs to know about the position and the college in order to make a decision.
5. Conclude the interview and advise the candidate of when he or she will be notified about the selection decision.

For further information on interviewing, please contact the Human Resources Office.

**References**

It is important to contact references from previous employers and others with knowledge of the candidate’s qualifications prior to making employment decisions. References can provide specific information about previous job performance and job-related abilities. References can also verify information provided by a candidate. Pre-employment reference checks are subject to the same restrictions that govern inquiries made of candidates. Inquiries about race, ethnic background, marital status, disabilities, etc. are prohibited.

References may be provided through written letters, telephone inquiries, or face-to-face interviews. Although the law does not require that employers obtain permission of candidates to contact references, it is good practice to do so. If a candidate does not provide a reference from a previous employer, it is acceptable to inquire as to why she or he is unable to do so. A prospective employer may also ask a candidate to provide additional references during the process of candidate screening.

In assessing information provided by references, avoid making decisions based on vague or unsubstantiated statements. Information and judgments provided by a reference about a prospective employee should be based on performance evaluations, attendance records, and/or direct and specific experience with an individual. Follow-up contacts seeking specific information on which general assessments are based may sometimes be advisable.

Reference letters and information provided by telephone inquiries may be made available to all individuals involved in making employment decisions. However, the information collected should be held in strictest confidence by these individuals. No information obtained from references should be made available to the applicant.

For further information on reference checking, please contact the Human Resources Office.