University of Wisconsin-Green Bay
Policy and Procedures for Recruitment and Hiring of Faculty

Executive Summary

The University strives to establish a hiring policy that is clear, fair, and effective. The procedures should be consistent, user-friendly, and timely. Searches should provide for equal opportunity and seek diverse pools of applicants. Above all, they should be effective in recruiting highly qualified individuals with the requisite skills, expertise, and commitment to become outstanding scholars, teachers, colleagues, and citizens in the University community.

This document delineates policy and procedures, roles, and responsibilities for faculty hiring. It supersedes and replaces any and all policies and procedures, roles and responsibilities, previously in effect. Forms can be found on the Human Resources website to reflect this policy and will replace all previously required forms.

All faculty searches will be national in scope, equal opportunity, and designed to produce diverse pools of qualified applicants.

Supervisory responsibility for the hiring process resides with the Deans and Provost and Vice Chancellor for Academic Affairs.

The Provost is the Chancellor's designated hiring authority. The Provost oversees the entire hiring process and approves the recommended hire and conditions of appointment. The Provost is authorized by the Chancellor to interpret this policy if questions arise.

The Deans are responsible and accountable for the hiring process within their respective areas of responsibility. Any questions on the part of Search Committees or Interdisciplinary Units should be directed toward their Dean. The Deans supervise searches, review and approve all search documents**,** make the final selection, and negotiate the terms and conditions of employment.

Interdisciplinary Unit Executive Committees define the position responsibilities and qualifications (subject to approval by the Dean and Provost), receives Search Committee recommendations, and formulates the final recommendations (unranked) that are submitted to the Dean.

Interdisciplinary Budget Unit Chair prepares Position Request Form (Form A) in consultation with the Unit Executive Committee. Recommends to the Dean the Chair and members of the Search Committee, and in consultation with the Search Committee Chair, assures that all support functions required for a fair, efficient and effective search are implemented. At the end of the search, provides a written report to the Dean on the Unit's candidate evaluations.

Search Committees are responsible for conducting searches in a timely and professional manner, consistent with this policy, for generating diverse and ample pools of applicants, and for evaluating interviewed candidates.

Search Committee Chair, in consultation with the Interdisciplinary Budget Unit Chair, assures that the search is conducted in accordance with University policies and procedures, including the posting of search committee meetings; schedules and posts meeting and interview times;

documents the search; and submits recommendations and materials to the appropriate parties, as indicated in this document.

Academic Department Associates, in cooperation with the Search Committee Chair, arrange for the placement of ads (other than the Chronicle of Higher Education) through the Purchasing Office. Establish and maintain a system for receiving and logging applications and communicating with applicants, including acknowledging applications, sending required forms, providing additional information about the campus and community, arranging travel and accommodations, etc.; prepare correspondence to candidates; and arrange for reimbursement of interviewed candidates' expenses and payment of other search-related expenses.

The Affirmative Action Officer is advisory to the Deans and the Provost. The Affirmative Action Officer (or designee) assists Search Committees by meeting with committee chairs at the beginning of each search and provides advice on how to generate a diverse applicant pool.

The Human Resources Office assists with the electronic posting and print advertising of vacant positions. Human Resources may contract with Internet job sites (e.g., HigherEdJobs.com) or with an ad service provider for placing print ads.

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I. PURPOSE

The purpose of this policy is to facilitate the recruitment and hiring of highly qualified faculty through searches that are fair, efficient, and effective, that enable units to consider a diverse pool of qualified applicants, that incorporate current best practices and legal requirements, that protect the University's fiscal and personnel resources, and that present the University positively to potential and actual applicants.

As an equal opportunity employer, the University of Wisconsin-Green Bay's procedures and practices in recruiting and identifying candidates for faculty positions are conducted in such a manner as to assure equal opportunity for all potential applicants.

This statement of policy, procedures, roles, and responsibilities supersedes and replaces any and all previous policies, procedures, forms, or guidelines that may previously have been in effect. A Dean, budget unit, or search committee may adopt additional procedures and guidelines provided that those do not contradict or compromise compliance with these guidelines.

These procedures, forms, or guidelines may be updated, revised, or waived only with the express, written approval of the Chancellor.

II. AUTHORITY

The Chancellor is the hiring authority for all positions at UW-Green Bay. The Chancellor has delegated hiring authority to the Provost and Vice Chancellor for Academic Affairs, the Vice Chancellor for Business and Finance, and the Assistant Chancellor for University Advancement. All offers of faculty positions are subject to approval by the Provost per *UWGB Faculty Governance Handbook,* Section 51.02.

III. APPLICABILITY

III. A. Positions Included

This policy applies to all academic units and all University personnel involved in the hiring of individuals into faculty positions in UW System Faculty Title Group (Series C) carrying the titles of Instructor, Assistant Professor, Associate Professor, or Professor.

See Appendix E for answers to commonly asked questions regarding which positions are subject to the search and screen process.

III. B. Exclusions

- The faculty hiring policies and procedures do not apply to instructional academic staff, non-instructional academic staff or limited appointments. Such appointments are covered instead by the University of Wisconsin-Green Bay “Policy and Procedures for Recruitment and Hiring of Academic Staff and Limited Appointments.”

- Faculty hires when salaries are paid from provisional salary lines without FTE assigned to them. These lines can include but are not necessarily limited to: “LTE,” “Additional Instruction’” “Additional Staff’” “Student Help’” etc.

IV. POLICY

IV. A. Authorization to Conduct a Search

Budget Units, Deans, and the Provost should carefully evaluate all new and vacant positions with respect to instructional and programmatic needs, fiscal resources, and unit planning goals. Positions may be redefined or reallocated across classifications or units to meet changing instructional needs, enrollment patterns, or planning goals.

Searches for all faculty positions subject to this policy must be authorized by the Position Review Committee before the search can commence. This Committee is chaired by the Provost and consists of the Provost and Vice Chancellor for Academic Affairs, Vice Chancellor for Business and Finance, Assistant Chancellor for University Advancement and Director of Human Resources.

IV. B. Searches

All searches will be conducted in a manner that is:

- Open and fair to all candidates.

- Efficient and timely.

- Compliant with federal and state laws, UW System regulations, and UW-Green Bay guidelines.

- Effective in generating ample, diverse pools of qualified candidates.

- Effective in generating a pool of finalists who are highly qualified, well suited to the position, and committed to the ideals and mission of public higher education.

The focus of all searches will be to recruit highly qualified individuals with the requisite skills, expertise, and commitment to become outstanding scholars, teachers, leaders, and citizens in the academic community. The Dean, Budget Unit Chair, and Search Committee chair are primarily responsible for the integrity, operation, and successful outcome of their search. Others are available to advise and assist in the search process, but the primary responsibility and accountability resides with the Dean.

IV. C. Waiver of Search Requirement

The Provost, Dean or Interdisciplinary Unit Executive Committee may request that a highly qualified individual be offered a faculty appointment without a search if hiring the individual would significantly advance the educational mission of the University, will contribute positively to the gender and/or ethnic diversity of the unit, and/or bring truly extraordinary expertise or distinction to the unit and the University.

Authorization for such a waiver should be obtained by following the procedure described in Section VI of this document.

V. PROCEDURES

V. A. Authorization to Recruit

The Position Review Committee determines whether a search to fill a vacant faculty position shall be authorized. It receives authorization requests following the procedures below:

- **The Budget Unit Chair**, in consultation with the Interdisciplinary Unit Executive Committee and the relevant disciplinary unit(s), completes a Position Request Form (Form A) and submits it electronically to the Dean.

- **The Dean** reviews the Position Request Form (Form A). If she/he approves, the Form A, along with the appropriate page from the post-merit budget worksheet and organizational chart are forwarded electronically to the Provost. If modifications to the Position Announcement are made by the Dean, the budget unit chair is informed, by the Dean, what changes have been made.

- **The Provost** reviews the Position Request Form (Form A) and attachments and also forwards the materials electronically to a representative of the Human Resources Office for review. The Provost may approve these materials, deny approval, return materials to the Dean for revision, or request more information. All decisions of the Provost are final. If modifications to the Position Announcement are made by the Provost, the Dean is informed, by the Provost, what changes have been made.

- **The Provost** submits the Position Request Form (Form A), appropriate page from the post-merit budget worksheet and organizational chart to the Position Review Committee (electronically prior to the scheduled meeting).

- **The Position Review Committee** may approve or deny the request to begin a search to fill the position. If the request is approved, then the Provost (as Chair of the Position Review Committee) authorizes the initiation of the search, through an e-mail sent to the Dean, budget unit chair and search chair. An approved, Form A is also attached.

- **The Provost** returns a signed, hard-copy of the approved Form A, appropriate page from the post-merit budget worksheet and organizational chart to the Search Chair, c/o the ADA responsible for managing the search.

- **The Provost Office** sends an electronic copy of the approved Form A to Human Resources for preparation of the Position Announcement and placement on the University website and the Internet ad subscription services. If the University elects to use an advertising service provider, the Provost Office will work with the advertising service provider to place any <u>group</u> ads. Placement of all ads in the *Chronicle of Higher Education* will also be the responsibility of the Provost's Office.

- **Human Resources** then sends an electronic copy of the approved position announcement to the Budget Unit Chair and Search Chair, c/o the ADA responsible for managing the search.

  A total of $3,000 is provided to the Dean from the Provost's Recruitment and Retention fund for each tenure-track faculty search. [See Appendix G *Provost's Area Recruitment and Retention Account* for information regarding the use of these funds.] The Dean and/or Budget Unit are responsible for any search related expenses that exceed this amount.

V. B. Launching a Search

All tenure-track faculty searches will be national in scope. Such searches must include a print ad in the *Chronicle of Higher Education* and appropriate disciplinary journals, newsletters and/or websites. If a group ad is the only print ad, it must include the job title, duties, and minimum requirements needed to qualify for the position. Additional informal networking may be employed to ensure a diverse applicant pool.

V. B. 1. Budget Unit Chair Tasks in Launching a Search

The Budget Unit Chair, in consultation with the Search Committee, is responsible for designing a fair, efficient, and effective recruitment process in accordance with the policies stated herein and determining the size and composition of the Search Committee.

The Budget Unit Chair:

- Recommends a Chair and members of the Search Committee to the Dean.
- Provides the Search Committee Chair with assistance, as needed.
- Keeps the Dean informed as to the status and progress of the search.

V. B. 2. Search Committee Tasks in Launching the Search

The Search Committee launches the search using the approved Position Announcement. Early in the search process, the Search Committee, under the direction of its chair:

- Identifies sources of potential applicants.
- Develops and implements a Recruitment Plan (Form B).
- Develops the Applicant Screening Documents (Form C) including the Applicant Review Form (Form C-1), Reference Interview Form (Form C-2), Candidate Interview Plan (Form C-3), On-Campus Interview Questions (Form C-4), Telephone Interview Questions (Form C-5). Each of these must be based on position-related responsibilities and qualifications as indicated in the approved Position Announcement.

V. B. 3. Search Committee Chair Tasks in Launching a Search

The Search Committee Chair:

- Attends a meeting or workshop offered jointly by Human Resources and the Provost Office to review procedures and requirements.

- Meets with the Affirmative Action Officer (or designee), to review recruitment strategies, data-keeping, good practice, and procedural requirements.

- Establishes the search and selection timeline, and schedules meeting times to complete its work according to that timeline.

- Identifies advertising media and venues for seeking applicants.

- Submits the Recruitment Plan (Form B) to the Dean early in the search process.

- After the position is approved for posting, places individual ads in the appropriate publications and web sites, working with the Dean's Office and Purchasing Office. *Note*: *All ads in the Chronicle of Higher Education will be placed by the Provost Office in consultation with the Search Chair. The Provost Office will inform the search committee chair if a group ad will be placed in the Chronicle of Higher Education*.

- Submits the Applicant Screening Document (Form C) with attachments to the Dean well before the committee plans to begin review of applications, and responds or modifies these as needed based on feedback from the Dean. These documents must be approved by the Dean before review of applications begins.

- Distributes Position Announcements.

- Communicates with applicants as applications are received.

- Ensures that the search is conducted in accordance with the Recruitment Plan (Form B) and these policies/procedures.

- Ensures that the support functions associated with the receipt of applications and data-keeping requirements are performed properly.

- Schedules and posts meetings and interview times. Posting of meetings can be local (e.g., unit bulletin board). Search and Screen committee chairs do not need to inform the Secretary of the Faculty and Academic Staff (SOFAS) of meetings, but are obliged to post notice of meetings on the University Calendar. Search Committee chairs should also post a local notice of meetings in the appropriate office area. Scheduled meetings should begin with an open session, then go into closed session, if applicants are to be evaluated or discussed, and then return to open session.

- Ensures compliance with the Wisconsin Open Meetings and Public Records Laws (WOML) including, but not limited to proper notice of meetings and maintaining official committee documents, including minutes. (See Appendix H Legal Issues in the Recruitment Process)

V. B. 4. Dean Tasks in Launching a Search

The Dean is responsible for providing leadership, mentoring, supervision, and assistance to Budget Unit Chairs to enable them to hire highly qualified individuals who will enhance the operation and quality of their units and of the University. The Dean:

- Advises and mentors the Budget Unit Chair and Search Committee Chair about process, strategy, good practice, and needs.

- Approves Search Committee membership and its Chair, position requests, Position Announcements, and may direct or negotiate changes in any of these.

- Reviews and approves the Recruitment Plan (Form B), Applicant Screening Document (Form C) and accompanying documents and may direct or negotiate changes in any of these as needed.

- Administers the recruitment budget for each search.

- Receives any concerns noted by the Provost and negotiates with the Budget Unit and Search Committee Chair as needed to address those concerns.

- Provides the Human Resources Office with the names and email addresses of position finalists that require a criminal background check.

V. B. 5. Affirmative Action Office Tasks in Launching a Search

The Affirmative Action Office:

- At the beginning of the search, advises the Search Committee and its chair about data-keeping, good practice, procedural requirements, and means of building a diverse pool of qualified applicants through appropriate recruitment plans, screening methods, interview methods, etc.

- Reviews and provides advice to the Search Chair regarding the Recruitment Plan (Form B).

V. B. 6. Human Resources Office Tasks in Launching a Search

The Human Resources Office:

- Posts the position on the UW-Green Bay web site and on any electronic posting services the University may choose to subscribe to (e.g., HigherEdJobs.com; AcademicCareers.com; hbcuCareerCenter.com).

- Establishes a Human Resources file for documenting the search.

- Provides the ADA with information received from candidates regarding method of communication and disclosure of name.

V. B. 7 Communication with Applicants

Those involved should be mindful that the hiring process is also a recruitment process and should, at each stage, set a tone of professionalism, congeniality, warmth, and respect for the individual applicant. All communications sent to applicants at each stage of the search process will be individualized, professional, and modeled on samples available on the Human Resources website.

As applications are received, the Search Committee Chair will direct the administrative support person assigned to the search to send applicants, **via email**, the following:

- A letter acknowledging receipt of the application, indicating any missing items, and directing the applicant to the Human Resources website to complete the UW-Green Bay Applicant Information Form.

- A copy of the Position Announcement.

Other members of the Search Committee may not communicate with applicants at this stage.

V. C. Review of Applications

All candidate files must be maintained in a secure, on-campus location. They must remain on University premises at all times and be available for review, by Search Committee members, the Budget Unit chair, the Dean, the Provost, and the Human Resources Office representative. All parties with access to candidate files must exercise strict confidentiality in the review and discussion of candidate files. Community members of Search Committees may be provided a duplicate copy of the file through secure FAX or U.S. Postal Service.

V. C. 1. Screening Applications for Minimum Qualifications

As applications are received:

- The administrative support person, under the direction of the Search Committee Chair, logs applicants on the Applicant Roster (Form D).

- If a file is incomplete, the applicant will be contacted by the Search Chair in an attempt to complete the file. **Applicants whose files remain incomplete should be excluded from further consideration until it is complete**.

- The Search Committee Chair (or search sub-committee) reviews applications and screens out applicants who do not meet the minimum required qualifications. The purpose of this screening is simply to determine which applicants are eligible for consideration (yes/no), not to compare applicants' qualifications. Applicants who do not meet minimum qualifications should be excluded from further consideration and notified to that effect.

At the posted closing date or date of first review, the Search Committee Chair should send a completed Applicant Roster (Form D), electronically, to the Dean. The Affirmative Action Office representative will also inform the Dean of the results of returned Self-Identification Forms and provide a summary of results. If it is determined that the pool is unreasonably small, homogeneous, or of insufficient quality, the Dean will determine appropriate next steps (e.g., to repost, to revise the Position Announcement, to close the search, or other action).

The Dean notifies and authorizes Search Chair to proceed or not proceed with the search depending on the results of the applicant pool review. The Dean determines if the pool is adequate and either authorizes the Search Chair to continue the search, directs the Search Chair to increase or diversify the applicant pool or closes the search.

Other members of the Search Committee may not communicate with applicants at this stage.

Candidates who do not meet the minimum qualifications for the position may be informed that they are no longer being considered for the position.

V. C. 2. Search Committee Selection of Applicants for Preliminary Interview List

The Preliminary Interview List (Form E) is the subgroup of minimally qualified applicants who the Search Committee wants to learn more about through telephone interviews or other means prior to inviting specific individuals to campus for a face-to-face interview.

The Search Committee may begin to review applications to determine the composition of the Preliminary Interview List (Form E) after all of the following conditions have been met:

- The posted closing date or date of first review has arrived.
- Applicant Screening Document Cover Sheet (Form C) and the accompanying documents (Form C-1 through C-5) have been sent to and approved by the Dean.
- The Applicant Roster (Form D) has been sent to and approved by the Dean.

Using the approved applicant screening forms, the Search Committee reviews and evaluates applications of those who meet minimum qualifications in order to select applicants for the Preliminary Interview List (Form E).

- The selection process must include a review of all requested materials. Only applicants with complete files should be considered for the Preliminary Interview List (Form E).
- The Search Committee Chair completes and submits the Preliminary Interview List (Form E) and files of all applicants who were considered to be minimally qualified for the position to the Dean.
- The Dean informs the Search Committee Chair when the Preliminary Interview List (Form E) has been approved.

- The Search Committee Chair and administrative support person maintain records of reasons for non-selection of candidates who are not recommended for the Preliminary Interview List (Form E).

V. C. 3. Dean Review of Preliminary Interview List

The Dean must review the Preliminary Interview List (Form E) before the search can continue. No candidate may be contacted by the Search Committee, either by telephone or in person, before this review. The criteria for this review are:

- Every applicant selected for a preliminary interview must meet the minimum qualifications.

- Applicants selected for a preliminary interview must be well qualified for the position, as defined by the responsibilities and qualifications listed in the Position Announcement, relative to those not selected.

- Qualified minority or female applicants must not have been eliminated prematurely.

- There is compliance with the policy and procedures delineated in this document.

V. C. 4. Reference Checks

The Search Committee determines when to do reference checks for a particular search but they must be done before a candidate is offered at position,

Reference checks can be made to help determine who should be invited to campus for an in-person interview or after individuals are selected for a campus interview but before they are invited to campus. If a decision is made to check references to help determine who should be invited to campus for in-person interviews, then reference checks must be conducted for everyone on the Preliminary Interview List (Form E). If reference checks are made after the on-campus interview pool is determined, then reference checks must be conducted for everyone being invited to campus.

Studies indicate that the best and most reliable predictor of future performance is past performance. Consequently, careful reference checking is a vital step in assuring a successful search. In addition to checking the references provided, search committees are strongly encouraged to seek information from others not identified as references (e.g., counterparts at the candidate's institution, those in leadership positions likely to be aware of the candidate's performance). Before proceeding to do such "secondary reference checking," the candidate should be informed that the search has reached a stage where (because of the strength of the candidate), the search committee now intends to move on to speak with additional individuals not identified as references. The candidate must be provided with the option to withdraw from the search if he or she does not wish to authorize such contacts.

V. C. 5. Selection for On-Campus Interviews

Unless all candidates on the Preliminary Interview List (Form E) will be invited to participate in an on-campus interview, all candidates on the list must be further screened using the same method(s) (e.g., telephone interviews, reference checks). The purpose of this screening process is to select from the Preliminary Interview List (Form E) a subgroup who will be invited to participate in an on-campus interview, typically three.

- The Search Committee Chair informs the Budget Unit Chair of candidates selected for on-campus interviews.

- The Search Committee Chair forwards, to the Dean, the names of the candidates being selected for on campus interviews, along with application files and a completed Request for Authorization to Reimburse Applicant Interview Expenses (Form F) for each candidate.

- Following the Dean's approval of candidates for on-campus interviews and the return of all Form Fs, the Search Committee Chair will perform the following tasks for those candidates selected for on-campus interviews.

    - Negotiate interview times and schedule, including who will transport, accompany, and dine with the candidate. (See Meal Reimbursement Policy in Appendix B.) [Note: Airline tickets should be purchased by the candidate, not the University, after receiving suggested flight information from the administrative support person.]

    - The Search Chair must provide the candidate, prior to coming to campus for an interview, must be provided with a precise and explicit statement of the range in which the salary will fall. It must be made clear to the candidate that this salary range is non-negotiable.

    - Solicits official transcripts (if not already on file).

    - Original, signed Requests for Authorization to Reimburse Applicant Interview Expenses (Form F) are sent to Diane Eastman, Copy Center.

With the exception of the telephone interview process, only the Search Committee Chair (or designee) may communicate with applicants at this stage.

V. D. On-Campus Interview Process

The interview schedule is designed to provide both the University and the candidate the opportunity to determine suitability for the position. The schedule **<u>must</u>** include meetings with appropriate faculty, students, the Dean and others if appropriate, a teaching and/or research presentation <u>in an actual class</u> with evaluation, and a tour of both the campus and the community. Insofar as possible, the interview schedule should be comparable or identical for each candidate. The Search Committee Chair should encourage student involvement in the interview process.

Unless previously submitted, the following completed forms and transcripts need to be provided by the candidate during the on-campus interview:

- UW-Green Bay Travel Expense Report.

- Official Transcripts (if not previously submitted).

V. E. Evaluation of Candidates

After completion of campus interviews, the Search Committee gathers written comments from all those who met with a candidate.

- In closed session, the Search Committee prepares a set of candidate evaluations, including each candidate's strengths and weaknesses, for presentation to the Interdisciplinary Unit Executive Committee.

- In closed session, the Interdisciplinary Unit Executive Committee prepares its candidate evaluations for presentation to the Dean.

- The discussion and comments of both the Search Committee and the Interdisciplinary Unit Executive Committee must be held in confidence.

- The Interdisciplinary Unit Executive Committee's evaluations to the Dean must: (a) identify which candidates are acceptable, and (b) discuss each candidate's strengths and weaknesses, but may not be ranked.

- A faculty appointment cannot be made without the affirmative recommendation of the Interdisciplinary Unit Executive Committee.

- The Budget Unit Chair forwards the recommendations to the Dean along with the files of each candidate considered acceptable.

V. F. Negotiating and Carrying Out the Hire

The Dean may negotiate an offer with any of the candidates determined to be acceptable by the Interdisciplinary Unit Executive Committee, may reject all of the candidates recommended and direct that the search be continued, or may close the search. If the Dean chooses to negotiate with one of the acceptable candidates, then the Dean:

- Secures the Provost's prior, written approval, using the Authorization to Extend Offer Form (Form G) to negotiate with the selected candidate the terms and conditions of the appointment including a tenure decision year.

- Negotiates with the acceptable candidate(s).

- If a verbal agreement is reached, informs the candidate that the formal offer will be provided in writing.

- Informs Human Resources of the selection and provides human resources with the email address of the successful candidate. Human Resources informs the Dean and Provost of any convictions which are substantially related to the circumstances of the particular position. If a criminal convictions report is not obtained before the offer letter is sent, the offer being made should be made contingent on the results of such an investigation.

- Drafts the formal the Letter of Offer and, following one of the approved templates and sends it to the Associate Provost for Academic Affairs for review and approval.

- Sends two copies of the approved Letter of Offer to candidate, along with the W-4 and I-9 forms.

Upon receipt of a signed Letter of Offer, the Dean's Office follows the procedures described in Appendix C *Hiring and Orientation Procedures: What Happens After the Offer is Made?.*

- The Dean informs the Interdisciplinary Budget Unit Chair and the Search Committee Chair that the offer has been accepted and returns the files of candidates who were not offered the position or rejected the offer.

- The Search Committee Chair, with the assistance of the administrative support staff, then notifies <u>all</u> unsuccessful candidates, via personal letter, that the search has been completed.

The Search Committee Chair completes the Appraisal of Applicants Not Selected for Position (Form H), listing all candidates and reasons for their non-selection and submits it, along with all applicant files and original Forms A-G and accompanying documents, to the Human Resources Office within three weeks after the close of the search.

The Secretary of the Faculty and Academic Staff verifies that all necessary personnel file documents have been received, confirms that official transcripts are on file, creates a personnel file for the newly hired faculty member, and notifies the Provost (or designee) of any discrepancies or missing materials.

If a written offer is rejected, the Dean may reopen negotiations, select another acceptable candidate, direct that the search be continued, or close the search.

V. G. Documenting the Search

[Note: If a foreign national is being hired to fill the position please consult Appendix D for a complete description of materials needed to document the search and complete the hire.]

At the conclusion of a search, <u>no documents of any kind related to the search may be maintained outside of the Human Resources Office</u>. For all searches, information documenting recruitment and selection procedures must be retained only in the Human Resources Office**.** The Chair of the Search Committee must submit, within three weeks after being informed that the search is concluded**,** all of the items below to the Human Resources Office. All search materials such as members' personal notes and evaluation forms, should be destroyed. Documents (originals unless otherwise noted) that must be forwarded to the Human Resources Office are the following:

- Approved Position Request Form (Form A).

- Final Position Announcement

- Approved Recruitment Plan (Form B), the names of the Search Committee Chair and members and a copy of all print ads used to advertise the position which includes the name of the publication and date it was published.

- Approved Applicant Screening Document Cover Sheet (Form C) including the Applicant Review Form (Form C-1), Reference Interview Form (Form C-2), Candidate Interview Plan (Form C-3), On-Campus Interview Questions (Form C-4), Telephone Interview Questions (Form C-5).

- Actual Interview Schedules for each candidate brought to campus.

- Approved Applicant Roster (Form D).

- Preliminary Interview List (Form E).

- Authorization to Extend Offer (Form G).

- Copies of Request for Authorization to Reimburse Applicant Interview Expenses (Form F).

- Appraisal of Applicants Not Selected for Position (Form H).

- Search and Screen and Budget Unit Executive Committee memoranda describing candidate qualifications.

- Minutes of Search Committee open meetings.

- Application materials for all applicants not selected.

<u>All other documents related to the search should be destroyed.</u>

V. H. After the Search Has Been Completed

Once a search has been concluded, any questions about reasons for selection or non-selection of specific candidates should be referred to the Human Resources Office. Individual committee members and others who participated in the interview process are not to provide further feedback to candidates. The Office of Human Resources follows through with the selected candidate for new employee orientation, benefits, payroll, etc.

The Dean and Interdisciplinary Budget Unit Chair will be deliberate in welcoming new hires, providing assistance to secure a smooth transition and enhance the probability of success in the new position. The Budget Unit Chair will assign a mentor to the new faculty member to facilitate this process.

VI. REQUEST TO WAIVE SEARCH REQUIREMENT

An Interdisciplinary Unit Executive Committee may request to make a tenure-track faculty hire, without a search, when doing so will (a) contribute positively to the gender and/or ethnic diversity of the unit or (b) bring truly extraordinary expertise or distinction to the unit and the University. Submitting requests to waive the search requirement may also be appropriate when hiring individuals to fill non-recurring, short-term positions or other “emergency” situations such as a failed search.

The procedure for making such a request is as follows:

- The Interdisciplinary Unit Executive Committee makes a recommendation to waive the search requirement by completing and submitting a *Authorization to Waive the Search Requirement Form (Form A-1),* a position description, verification of funding source for the position, and the (including a current resume and official transcript) to the Dean.

- The Dean, if in support, completes an Authorization to Extend Offer Form and forwards it along with the material described above to the Provost.

- The Provost reviews the *Authorization to Waive the Search Requirement* (Form A-1) and may approve the request, deny approval, return materials to the Dean for revision, or request more information.

- The Provost submits the *Authorization to Waive the Search Requirement* (Form A-1, with attachments, and verification of funding source to the Position Review Committee.

- If there are no objections from the Position Review Committee, then the Provost seeks approval to waive the search requirement from the Chancellor.

- If the Chancellor approves, then the Provost will authorize the Dean to proceed by signing the *Authorization to Extend Offer Form,* which will define the position and how it will be funded.

- The Human Resources Office will retain documentation of the waiver, hiring process and candidate’s qualifications.

VII. INTERPRETATION

The authority to interpret this policy rests with the Chancellor, and is generally delegated to the Provost.

Approved:

University Officers on: ____________________________

[Signature on File] [September 24, 2007]

____ ____________

Bruce Shepard, Chancellor

APPENDIX A

List of Forms

All forms associated with the faculty hiring process listed below can be found on the Human Resources website: https://www.uwgb.edu/hr/forms/index.asp?cat=2

Form A: Position Request Form

Form A-1: Authorization to Waive Search Requirement

Form B: Recruitment Plan

Form C: Applicant Screening Documents

Form C-1: Applicant Screening Form
Form C-2: Reference Interview Form
Form C-3: Candidate Interview Plan
Form C-4: On-Campus Interview Questions
Form C-5: Telephone Interview Questions

Form D: Applicant Roster

Form E: Preliminary Interview List

Form F: Request for Authorization to Reimburse Applicant Interview Expenses

Form G: Authorization to Extend Offer

Form H: Appraisal of Applicants Not Selected for Position

APPENDIX B

Meal Reimbursement Policy for Search Committee Members

1. Implementation of this policy and the payment of expenses is the responsibility of the Division Head. The Division Head is also responsible for communicating to the Chair of the Search Committee the total amount of money available to cover interview-related meal expenses.

2. Each Search Committee member is allowed to have no more than two reimbursable meals with a particular candidate. For each candidate meal, no more than two University employees may be reimbursed, without the prior approval of the Division Head.

3. Meal reimbursement for University employees must follow established UW System policy and may not exceed the established reimbursement maximums.

4. Reimbursement for candidate meal expenses is limited to a reasonable cost for the meal) including tax and a gratuity (e.g., no more than $5.00 over the in-state maximum for breakfast and lunch and no more than $10.00 over for dinner). An itemized receipt is needed to receive reimbursement. The cost of alcoholic beverages cannot be reimbursed.

5. A UW-Green Bay employee seeking reimbursement for a candidate and/or other individual's meal must provide an itemized receipt. One Committee member or other University employee may pay for all meals as long as the receipt is itemized. Individuals not employed by the University cannot be reimbursed for meals.

APPENDIX C

What happens after the offer is made?
Faculty and Academic Staff Hiring and Orientation Procedures

1. **Application File Reviewed**. The successful candidate's application file should be reviewed by the Division Head (or designee) before the Letter of Offer is sent to ensure that it includes at least the following documents: letter of application (if applicable), vita, position announcement and official transcripts of highest degree obtained (Note: For new academic staff hires, receipt of official transcripts can be postponed until the person's first day of employment.). If any of these items are missing, the Division Head (or designee) is responsible for obtaining them and sending them to the SOFAS Office for placement in the employee's Personnel File.

   <u>Special Note:</u> If the individual being hired has not completed a required degree at the time that the Letter of Offer is signed, then the file may be forwarded to the Area Leader's Office for processing without official transcripts of his/her postsecondary work. It then becomes the responsibility of the Division Head to follow up with the new hire, obtain a copy of the official transcripts, and send them to the Secretary of the Faculty and Academic Staff for placement in the individual's personnel file.

2. **Letter of Offer Drafted**. The Division Head drafts the formal Letter of Offer following one of the approved templates and sends it (electronically) to the Area Leader (or designee) for review. [Note: The Associate Provost for Academic Affairs is the Provost's designee.]

3. **Offer Sent to Candidate**. Two copies of Letter of Offer are sent to the candidate after the Area Leader (or designee) review and approval along with W-4 and I-9 forms.

4. **Signed Letter of Offer Received**. When the signed Letter of Offer is received by the Division Head the following materials (See attached checklist.) should be sent to the Area Leader's Office (for Provost Area send c/o Judi Pietsch):

   a. A <u>complete</u> candidate application file. (See #1 above)
   b. The original *Authorization to Waive the Search Requirement Form* (if applicable)
   c. The original, signed *Authorization to Extend Offer* form
   d. The original, signed *Letter of Offer* (A copy may also be made and retained in the Division Files)
   e. W-4 form completed by new employee
   f. A completed *Personnel Action Form*

   The I-9, with a completed Section 1, should be forwarded to the new faculty or academic staff member's unit c/o of the lead classified support person for verification when the individual begins employment.

5. **New Employee "Put on the Books"**

   a. The Area Leader's Office will be responsible for:

      - Making a copy of candidate's application file, <u>and</u> the signed *Letter of Offer,* the *Authorization to Waive the Search Requirement Form (if appropriate),* <u>and</u> the

Authorization to Extend Offer form and sending them, along with the completed W-4 forms to the Human Resource Office c/o Jolene Truckenbrod.

- Sending the original, complete candidate file (with the exception of the W-4 and PA forms) to the Secretary of the Faculty and Academic Staff c/o Pat Przybelski. Pat will also set up a Personnel File for the new employee.

b. Human Resources (i.e., Jolene Truckenbrod) will distribute the materials as follows:

- Send to the Benefits Office (Kris Soukup) a copy of the signed Letter of Offer.

- Send the original Personnel Action form, a copy of the signed Letter of Offer and the W-4 form to the Payroll Office (Jean Dickinson) so that the new employee will be placed on the payroll.

c. Payroll Office (Jean Dickinson) will send the original PA to the Controller (Kelly Franz) for encumbrances and a copy to the University Budget Officer if necessary for budget purposes. The Controller then returns the original to the Payroll Office for filing.

6. **Welcome and Orientation**. Division Head (or designee) should notify the new employee's supervisor and the Search Committee Chair when the signed Letter of Offer has been received.

a. Unit Chair/Supervisor (or designee) is responsible for the following:

- New employees can be referred to the following websites for information about the campus, Green Bay Community and benefits:
  http://www.uwgb.edu/hr/Campuscommunity/Campus.htm
  http://www.uwgb.edu/hr/Campuscommunity/CommunityLinks.htm
  http://www.uwgb.edu/hr/newhire/Orientation/index.htm

- Sending the new employee a "Welcome Letter." The letter can be in any format the unit chair/supervisor uses but must include the following information:

  ✓ A copy of the direct deposit card and a reminder that it needs to be filled out and turned in at the time of the benefits orientation.
  ✓ The new employee's office room and telephone number, mailing address and office location.

- Ensuring that the new employee is assigned a clean, appropriate office/work space with a working telephone, networked computer and name plate for office/work space.

- Is provided with office keys and name badge.

- Within three days of the start of employment, verify the employee's employment eligibility by completing Section 2 of the I-9 Form and sending it immediately to Human Resources.

- Welcoming the new employee when he/she arrives on campus and helping her/him obtain an ID card and parking permit.

- Obtaining the necessary information from the new employee for the Employee Information Card and sending it electronically to the appropriate administrative offices.

b. **The Provost's Office** and **Human Resources** will provide additional orientation activities for new employees.

Final Document Effective February 13, 2006
Revised March 7, 2006
Revised June 21, 2006
Revised August 3, 2006
Revised July 31, 2007

NEW UNCLASSIFIED EMPLOYEE CHECKLIST
AND PERSONNEL FILE COVER SHEET

(To be used by the Division Head when transmitting documents to the Area Leader to hire a new unclassified employee or when an existing employee is hired into a different position.)

Name of Employee: ____________________________ Date: __________

Position Title: _____________________________ Position Number: _____

Place a check mark next to the documents that are attached. **All documents should be the original documents unless otherwise noted.** If official transcripts are not included it is the Division Head's responsibility to secure them and forward to the Office of the Provost, c/o Judi Pietsch.

☐ Signed *Letter of Offe*r

☐ Letter of Application (or letter of interest) and any supporting documentation submitted (e.g. letters of reference)

☐ Current Curriculum Vitae or Resume

☐ Copy of *Position Announcement* (or Position Description if the search was waived).

☐ Official Transcript(s) [Not needed if already on file due to previous employment.]

☐ Completed *Authorization to Waive Search Requirement Form* [If the search requirement was waived.]

☐ Completed *Authorization to Extend Offer Form*

☐ Completed *W-4 Form* [Not needed if already employed at UWGB.]

☐ Completed *Personnel Action Form*

Please note that if all necessary documents are not transmitted all together the employee's payroll and the set up of a Personnel File could be delayed.

APPENDIX D

Hiring a Foreign National

Assisting with Immigration Related Expenses

For the period July 1, 2006 through June 30, 2008, UWGB will pay routine filing fees for I-129 and I-140 forms for a foreign national hired into a tenured/tenure-track position or into a continuing lecturer position of at least .50FTE. UWGB will not pay the I485 filing fee. Fees for premium processing may be paid by UWGB only with the explicit approval of the Provost. These guidelines apply for the 2006-2007 and 2007-2008 academic years. They will be reviewed and updated biennially. (Approved by Provost Hammersmith, July 11, 2006)

The following is a list of all documents that need to be gathered by the Secretary of the Faculty and Academic Staff when hiring a foreign national.

1. Tear sheet copy of all print ads along with the paid invoice. This includes the Chronicle of Higher Education print ad or any journal where the ad was placed. The tear sheet copy of the actual ad in the paper or magazine/journal with the date and journal name on the ad is needed, *not the copy of the ad that was sent to them for printing.*

2. The original Recruitment Plan (Form B) and all attachments indicated.

3. A copy of the Position Announcement from the Human Resources home page.

4. If copies of the Position Announcement were sent directly to other universities, include a list of universities and a copy of each cover letter sent.

5. If copies of the Position Announcement were sent to individuals, include a list of the names and addresses of individuals to which it was sent.

6. If someone is sent to a conference or other event to recruit applicants (e.g., Modern Language Association Meeting), include a copy of the conference registration and documentation that the individual paid for a booth or made other arrangements in order to interview potential applicants.

7. If an ad is placed on a free website, include a copy of the ad printed from the website.

8. If ads were placed anywhere else for free, include a copy of the ad and an indication of where it was placed.

9. A copy with attachments of all of the following forms: (1) Recruitment Plan (Form B); (2) Applicant Screening Documents (Form C); (3) Applicant Roster (Form D); (4) Preliminary Interview List (Form E); (5) Request for Authorization to Reimburse (Form F); (6) Authorization to Extend Offer (Form G); (7) Appraisal of Applicants Not Selected for Position (Form H).

10. A copy of the interview schedule for the foreign national and all others interviewed for the position being hired.

Guidelines on Assisting with Immigration-Related Expenses

These guidelines apply for the 2006-2007 and 2007-2008 academic years. They will be reviewed and updated biennially.

Guideline: For the time period July 1, 2006 through June 30, 2008, UWGB will pay routine filing fees for I-129 and I-140 forms for a foreign national hired into a tenured/tenure-track position or into a continuing lecturer position of at least .50 FTE. UWGB will not pay the I485 filing fee. Fees for premium processing may be paid by UWGB only with the explicit approval of the Provost.

APPENDIX E

Q&A
Academic Staff and Faculty Hiring Policies and Procedures

Q. Which academic staff and faculty hires fall under the search policies and procedures?

A. Anytime you want to hire an academic staff or faculty member using a salary line (or lines) that has a position number and/or FTE, then it is subject to the approval of the Position Review Committee. To fill the position you must either follow the established search policies and procedures or seek authorization to waive the search requirement. This standard applies regardless of the percent time and/or length of the appointment. [Comment: Keep in mind that this does <u>not</u> mean that a search must be conducted every time you wish to hire someone to fill a position that has a number and/or FTE associated with it. It simply means that if you want to hire someone to fill the position, without doing a search, you must obtain authorization to waive the search requirement.]

Academic staff hires NOT subject to the search requirement are limited to those whose salaries are paid from provisional salary lines without FTE assigned to them. These lines can include but are not necessarily limited to: “LTE,” “Additional Instruction,” “Additional Staff,” “Student Help,” etc.

Q. Can a person be hired on an hourly basis to perform academic staff duties?

A. An individual can be hired as an unclassified employee on an hourly basis when you want to pay her/him to complete a specific, non-instructional assignment. It should be used only when workloads typically fluctuate and it is not practical to determine a monthly rate of pay, when actual hours worked can be verified by an immediate supervisor, and when the individual is being paid from provisional salary lines with titles such as “LTE” or “Additional Staff.”

Q. What types of academic staff appointments are used at UWGB?

A. Only fixed-term appointments have been authorized by UW-Green Bay administration.

Q. What is a limited appointment?

A. A limited appointment is a special appointment to a designated administrative position and is subject to the provisions of UWS 15. Limited appointments are NOT academic staff appointments, and the person with the limited appointment is only eligible for participation in academic staff governance if there is a concurrent academic staff appointment associated with the limited appointment. Limited appointments apply to those positions designated by the Chancellor and must be so specified during recruitment, in the letter of appointment, in the job description, and in all subsequent notices of renewal. A limited appointment should not be confused with a classified Limited Term Employee (LTE).

Q. What is the difference between a temporary and permanent academic staff appointment?

A. There is no provision in UWS 10 or UWGB policy for a “temporary” versus “permanent” academic staff or faculty appointment. However, a temporary position can be established. A position is temporary if it does not have a position number and/or is established with the understanding that it will no longer exist after a specified amount of time. A permanent position is one that has an assigned position number, a UWS title, specific position description and no predetermined ending point.

Examples of temporary positions include lecturers hired to teach courses while a search is being conducted to fill a tenure-track faculty position; visiting lecturers; individuals hired as interim directors, deans, etc.; and positions established for a year or less using FTE and salary dollars that are budgeted to a vacant, permanent position or positions.

Temporary positions are subject to the search requirement but this requirement can be waived using the “Authorization to Waive the Search Requirement” process.

Individuals hired to fill temporary positions will be given a letter of appointment that specifically states that the position is temporary and will be eliminated at the end of the appointment period.

APPENDIX F

Provost Area Recruitment and Retention Account Policies and Procedures

1. These policies and procedures apply only to GPR funded positions within the Provost area divisions. Positions that are partially GPR funded will receive proportionately less funding.

2. Expenses associated with the search and screening process and new employee moving expenses that exceed the maximums indicated below will be the responsibility of the Division Head.

3. All one-time salary savings in Provost area divisions will be deposited into the Division 12 Recruitment and Retention fund. The current, institution-wide salary savings policy will be used to determine the amount deposited into the fund. Division Heads should complete and submit the Salary Savings Worksheet to the Office of Planning and Budget as soon as possible after all actual replacement costs for a particular position are determined.

4. For all searches to fill administrative, faculty, or staff positions, which are *national in scope*, Division Heads will receive $3,000 from the Recruitment and Retention fund to cover the costs associated with completing each search. This allotment will be transferred to the appropriate Division Head's account when the position is approved for posting by the Position Review Committee and the Provost.

5. For all searches to fill administrative, faculty, or staff positions, which are *regional or local in scope*, Division Heads will receive a maximum of $2,000 to cover the costs associated with completing each search. Division Heads should submit an itemized list of actual search expenses to the Associate Provost for Academic Affairs at the conclusion of the search process. Funds will then be transferred to the account indicated by the Division Head.

6. A moving expense allowance of up to $1,500 may be paid from the fund for each new employee. Only actual expenses, supported by receipts, will be reimbursed. A Division Head may negotiate a higher allowance for a particular individual, but she/he is responsible for identifying the source of funding for the additional amount.

7. The cost of group advertisements approved by the Provost or her/his designee, for faculty and/or staff positions will be paid from the fund.

8. All other expenses associated with the recruitment and retention of a faculty or staff member are the responsibility of the Division Head.

APPENDIX G

LEGAL ISSUES IN THE RECRUITING PROCESS
UWGB Office of Legal Counsel[1]

As an equal opportunity employer, the University of Wisconsin-Green Bay's ("UWGB") procedures and practices in recruiting and identifying candidates for faculty, administrative and staff positions are conducted in such a manner as to ensure equal opportunity for all potential applicants.

Principles to Guide the Process

Search and screen committees should adopt several basic principles to guide the recruiting process. First, the committee should strive to create a process that will provide fairness and consistency for all applicants. No candidate should be subject to any special, different, or additional consideration or process. In order to provide this fairness and consistency to all candidates, committee members should plan well ahead of each step in the process, so that decisions can be made jointly as to the specific procedures that will be used.

Second, committee members should feel free to use their professional expertise and judgment to make informed decisions about candidates. UWGB is encouraged to set high standards and to stick to those standards in the recruiting process. Each committee member's own expertise is an invaluable asset identifying high-quality candidates, so long as the committee members are able to articulate their rationale in making decisions along the way.

A process based upon these principles will produce not only a slate of highly qualified candidates, but it will provide legal justification for the result as well.

Equal Employment Opportunity, Affirmative Action, and Diversity Goals

Federal and state fair employment laws prohibit employers from making employment decisions based upon a person's protected status. Under Wisconsin law, protected statuses include race, age, sex, national origin, religion, disability, marital status, sexual orientation, arrest record, membership in the military or national guard, veteran status, and use of lawful products outside of work (such as tobacco and alcohol). For the same reason, committee members should not solicit information in an application or interview process that would likely reveal a person's protected status in any of these categories. The Wisconsin Department of Workforce Development publishes a guide to "Avoiding Loaded Interview Questions," which is available at: http://www.dwd.state.wi.us/ notespub/dwdpub/212a_28a.htm.

Increasing the numbers of underrepresented groups of people and achieving diversity on campus are two extremely important goals to the UWGB community and throughout the UW System. Nevertheless, because equal employment opportunity laws prohibit discrimination, even benign discrimination in favor of underrepresented groups, there are certain steps that UWGB can and cannot take to achieve its goals.

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[1] Adapted from a document created by the University of Wisconsin-Milwaukee Office of Legal Affairs February 6, 2002.

First, UWGB can and should carefully analyze each position description to ensure that candidates with alternative, but equally valuable, experiences are not excluded from consideration. That is, the minimum qualifications should be stated carefully so as to avoid excluding any individuals who are qualified to perform the responsibilities of the position.

Second, UWGB can and should take steps to broaden the available applicant pool for each position by in creative ways. For example, UWGB staff identifies national professional organizations in which to advertise the position, or take word of the position to national conferences attended by individuals working in that area. Search and screen committees should consider advertising in some non-traditional places that may be more likely to reach minority candidates. Even better, UWGB staff may make direct contact with known qualified individuals to share information about the opportunity with them. UWGB can also reach out to people or organizations who may know qualified individuals.

UWGB cannot, however, make employment decisions such as whom to interview or select for the position based on the candidate's protected status. Instead, search and screen committee members must carefully examine each applicant's qualifications and experiences to determine which one would best serve UWGB's interests, as articulated in the position description, without regard to the applicant's race, sex, age, or other protected status. The argument that an individual of a particular race or sex will be better suited to the position is generally not legally sustainable because it is based on assumptions about the person's experiences that may or may not be valid. Instead, the committee must rely on tangible evidence of the person's actual experiences and qualifications.

My office often receives questions such as, "What if there are two candidates who have equal qualifications? Can the person’s race or sex or disability be used as a tie-breaker?" or "Can’t a person’s particular race or sex or disability be considered a ‘plus factor’?" The clear legal answer to these questions is *no*. Search and screen committees must make their recommendations based on the candidates’ qualifications in relation to the stated requirements for the position, and *not* based on the person’s protected status.

These concepts remain confusing to many in higher education because legal decisions in the area of student admissions tend to allow some use of a person’s diverse status as a "plus factor." However, the area of student admissions is legally distinct from employment decisions.

The bottom line is that hiring qualified employees who add diversity to the UWGB community is desirable and beneficial. It strengthens UWGB as a whole and bolsters its ability to provide students with a quality educational experience. By following the points above, UWGB will be able to enhance its diversity and be able to legally defend its actions.

The Search and Screen Committee's Presentation of Candidates to the Decision-Maker(s)

The ultimate goal of the search and screen committee is to produce a list of candidates whom they recommend for interviews. When a search produces only one candidate, in most instances, this is a failed search and the process should begin again, hopefully with some modifications to draw a large, qualified, and diversified pool. When there are enough candidates to present, my office urges that the committee *not rank the candidates*. Instead, the committee should provide the decision-maker with the names of all qualifying candidates, accompanied by positive and negative observations about each one. This practice affords the decision-maker the opportunity to make her/his own determinations without the possibility of bias that ranking could create. This is also consistent with the concept that the purpose of a search and screen committee is to find and review candidates, while the decision-maker chooses the candidate to hire.

Application of Open Meetings Laws to the Search and Screen Committee

The general rule for all search and screen committees is that when they act, they must do so publicly and consistently with Wisconsin's open meetings laws. This means that each committee meeting must be properly noticed to the public. This may be accomplished by posting the meeting on the all-campus calendar. Second, the committee meetings must always begin in an unlocked room (preferably with an open door) that will be accessible to members of the public who wish to attend. While members of the public may not participate in the discussions, they may listen and have access to any handouts provided to committee members in open session. Third, committee members may not meet or make decisions outside of meetings that are properly noticed. For example, committee members may not decide by email whom to interview because the public has not had the opportunity to be informed of the "meeting" or attend it.

There are times, however, when the search and screen committee may act in closed session. Most commonly, the search and screen committee may meet in closed session when it discusses and/or considers data regarding the individual candidates for the position. The Wisconsin Statutes describe two separate exceptions that allow committees to go into closed session under these circumstances:

[When] considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility. Wis. Stat. § 19.85(1)(c).

[When] considering financial, medical, social or personal histories or disciplinary data of specific persons… Wis. Stat. § 19.85(1)(f).

In order to use these exceptions, however, the meeting must be properly noticed. That is, there must be a statement in the meetings notice that explains the reason for going into closed session and that cites the statute. For example, the following statement would be sufficient:

> "The committee will go into closed session pursuant to Wis. Stat. § 19.85(1)(c),(f) to discuss the individual candidates' qualifications."

Committees must also move into closed session properly. To do so, the chairperson of the committee must announce *both* the nature of the business to be considered in closed session *and* the specific statutory exemption which authorizes the closed session. In addition, of course, the chairperson's statement of the reasons for going into closed session must be consistent with the reasons provided in the open meetings notice. The chairperson may efficiently meet all of these requirements by simply reading the quoted statement found in the above preceding paragraph (assuming this statement was also used in the meetings notice). The chairperson must then seek a motion to go into closed session, which must be carried by majority vote. The announcement, the motion, and the votes of each member on the motion should be recorded.

Once in closed session, committees should take care to avoid discussing any general business or other committee business that is not covered by the exceptions allowing the closed session. For example, committees often will want to discuss planning and scheduling for future meetings at the end of each meeting, when it knows better what is left to be accomplished. In order to do so properly, the committee must provide an additional statement in its open meetings notice to the effect of the following:

> "The committee will reconvene in open session to discuss planning and scheduling for future meetings."

If the committee fails to provide notice to the public that it plans to reconvene in open session after the closed session, it may not do so at this session.

Search and screen chairs should feel free to contact the Office of Legal Counsel or the Secretary of the Faculty and Academic Staff to further discuss the requirements of the open meetings law to ensure understanding and compliance.

Application of Public Records Laws to Committee Paperwork

The open meetings law is only one half of the equation for search and screen committee members. The committee must also bear in mind that all documents officially generated by the committee are subject to public records requests.

For that reason, the chair of the committee and/or the individual providing clerical support to the chair must maintain copies of every document generated as a part of the committee's processes. This would include the applications, any and all correspondence to applicants, any and all correspondence to or between committee members (including email), any forms or procedures generated for use by the group, minutes of meetings, and any other records of official actions.

Because, however, Wisconsin law requires governmental bodies to apply a balancing test analysis prior to releasing public records, and also requires certain protections for any individuals named in public records, all requests for committee records should be referred to University Legal Counsel. No individual committee member should release committee records on their own.

Individual committee members may wish to adopt some form of note-taking to help keep track of their observations regarding individual candidates along the way. Such personal notes are not subject to public records requests, and do not become a part of the official file, as long as they are prepared for the individual committee member's own use and are not shared with anyone else, including others on the committee. The Office of Legal Counsel recommends that as a matter of practice, any worksheets used by individual committee members be treated in the same manner. So long as the notes are only personal, and are not used for any official purpose, they may be destroyed at the conclusion of the search and screen process.

Even though they are not subject to public records requests, committee members should still take care when creating personal notes. Committee members should not write down anything they would not want shared with others. In the (rare and unlikely) event that a lawsuit results from a search and screen process, all individual notes in existence at the time the lawsuit becomes known must be preserved and likely will be subject to subpoena by the parties to the lawsuit.

Candidate Confidentiality

All applicants in the search and screen process have basic, fundamental privacy interests that committee members should take care to protect throughout the process. These rights are based on several legal principles.

First, applicants have the right to indicate in writing that they wish for their identities to remain confidential up to the point they become a "final candidate." Wis. Stat. § 19.36(7). Under UWGB's policies and procedures, the committee chair sends applicants a form on which they can make this request soon after the applications are received. In order to allow all applicants the opportunity to return this form, committee members should simply avoid disclosing in open session or outside committee meetings the identities of any candidates.

Second, references should be contacted only after the committee develops a procedure for doing so that will apply to all candidates who have reached the final level of consideration. If the committee determines that it will contact references that are "off the list," it should plan to do so for all of those candidates. Further, as a matter of fairness, committee members should inform candidates beforehand of their intent to contact "off the list" references and should give the candidates the opportunity to withdraw prior to doing so.

Third, all individuals must be notified of certain legal rights before documents which implicate their privacy or reputational interests are released to the public. This is yet another reason why public records requests, particularly those requesting records which contain information about individuals, should be referred to the Public Records Custodian. The Public Records Custodian will work with the committee to determine whether the candidate is a "final candidate" for the purpose of the open records law.

Can UWGB Employees Be Sued for Participating in the Recruiting Process?

Having discussed all of the legal principles outlined above, committee members may wonder whether they can be sued for participating in the recruiting process. It is true that any UWGB employee may be "named" as a defendant in a lawsuit at any time. However, Wisconsin law provides broad protection for employees who are named in a lawsuit as a result of acting within the scope of their employment.

Wisconsin law states:

If the defendant in any action … is a public officer or employee and is proceeded against in an official capacity or is proceeded against as an individual because of acts committed while carrying out duties as an officer or employee and the jury or the court finds that the defendant was acting within the scope of employment, the judgment as to damages and costs … shall be paid by the state… Regardless of the results of the litigation the governmental unit, if it does not provide legal counsel to the defendant officer or employee, shall pay reasonable attorneys fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employee did not act within the scope of employment. Wis. Stat. § 895.46(1).

Thus, a search and screen committee member will be provided a full legal defense if he or she is sued relating to service on that committee. Further, if any judgment is entered against a search and screen committee member, UWGB will be responsible for that judgment.

One will note from reading the statute that if a UWGB employee acts outside of the "scope of employment," that employee is not protected from legal judgment. What acts are or are not within the "scope of employment" and thus protected is something that has been defined by case law. On the one hand, acts that are obviously not in good faith or within the scope of one's employment (*e.g.*, requesting sexual favors in return for support in the search and screen process) may not be protected. However, over the years, courts have determined that the law *broadly* protects employees who are in good faith performing their job responsibilities, including serving on search and screen committees.

Conclusion

This guide is intended to be a summary of the legal issues impacting search and screen committees, but it cannot substitute for actual legal advice. Search and screen committee members may contact the Office of Legal Counsel to discuss any of these issues further.