

Guidelines for Visitor and Adjunct Staffing
Lewis & Clark College
of Arts & Sciences

Bruce Suttmeier, Dean of the College
Daena Goldsmith, Associate Dean of Faculty Development
Scott Feickert, Director of Operations and Finance

Updated May 2022

Contents

INTRODUCTION	3
OVERVIEW OF THE SEARCH PROCESS	3
SEARCHING FOR EXCELLENCE AND DIVERSITY	5
Advertising and Outreach	6
Search Committee Membership and Preparation	6
Handling Search Materials	7
Zoom/Phone Interviews	7
Actions Not Required for an Adjunct or Visitor Search	8
JOB OFFERS	8
APPENDIX A: Advertisement Template	9
Appendix B: Example Job Posting in Interfolio	10
Example One: Chemistry/Biochemistry	10
Example Two: Economics	11
APPENDIX C: What Not to Ask	13
APPENDIX D: Americans with Disabilities (ADA) Guidelines	15

Guidelines for Adjunct and Visitor Staffing

INTRODUCTION

Before contacting possible candidates, please discuss your needs with the Director of Operations and Finance in the CAS Dean's Office. You'll be asked to explain why a course (or courses) must be taught this year or in the next academic year, and why regular staff cannot cover. This conversation should determine a strategy for replacement. In general, we prefer to hire additional staffing rather than authorizing overloads of tenure-line positions. (Our research and service expectations are predicated on a five-course load.) In those circumstances in which an overload has been authorized for a tenure-line faculty member, the CAS Dean's Office will coordinate the addition of the overload by completing a Personnel Action Form (PAF).

Should you need to hire visiting or adjunct faculty, the Department Chair or Program Director should read this manual carefully prior to beginning any faculty search. The Chair, in turn, has the responsibility of ensuring that those department members involved understand the procedures. Provide them with relevant sections of this document, or refer them to the online edition of this manual, rather than giving an oral summary, which can be misunderstood. Administrative support staff involved with faculty searches must also be familiar with these guidelines, as must any faculty or staff member who is asked to screen and comment on the qualifications of applicants or to interview candidates.

OVERVIEW OF THE SEARCH PROCESS

Our [Faculty Handbook](#) defines an adjunct position as follows:

“An adjunct position is created to meet a specific need on a course-by-course basis. Appointments are for a specified period of one year or less, and may be renewed provided the College needs the adjunct's services and performance meets the College's standards. Adjunct appointments may be made at any appropriate rank.”

In contrast, a “visiting” appointment is defined as follows:

“Visiting faculty generally occupy a full-time (or full-time for one-half year) position that is temporarily vacant.... Visiting faculty will be appointed at the appropriate rank from instructor through professor. Visiting appointments are not normally renewed beyond three years and in no case may be renewed beyond six years.”

An adjunct or visitor search can take one of two paths. Following is a brief overview of each process; please see detailed instructions for each step in the pages that follow. If a department needs to depart from this schedule, they should work with the Dean's Office.

Path One: You or a member of your department know a proven, successful teacher who is available, and (if they have taught at Lewis & Clark in the last two years) is up-to-date on their adjunct or visitor reviews.

Mid Fall Semester

- Identify the need for an adjunct or visitor during the development of next year's proposed course schedule and your department's 4-year plan.
- Provide the Director of Operations and Finance with any additional information regarding your request for visitor and/or adjunct hires. Decisions regarding visitor and adjunct hires will be made and communicated during the schedule review process.

Early Spring Semester

- Connect with candidate and confirm availability, interest, and collect an updated CV.
- Once confirmed, complete contract request form, attach CV, and submit packet to the Dean's Office.
- Stay in communication with your candidate. The Dean's Office will process the request form, send a contract to the candidate, and initiate any hiring processes with Human Resources.

For most one semester or one-to-two course adjuncts, Path One is an efficient and reasonable approach. Visiting appointments are more variable--sometimes, Path One may produce an excellent candidate but sometimes it is appropriate to advertise the position more widely and engage in a more in-depth search.

Path Two: You begin a search process to identify a suitable candidate to fill the need in your department or program.

Mid Fall Semester

- Identify the need for an adjunct or visitor during the development of next year's proposed course schedule and your department's 4-year plan.
- Provide Director of Operations and Finance with any additional information regarding your request for visitor and/or adjunct hires. Decisions regarding visitor and adjunct hires will be made and communicated during the schedule review process.

Late Fall Semester

- Develop job description, including catalog copy for the course or courses you are looking to cover.
- Send job description to Director of Operations and Finance for review.

Spring Semester

Once position request is approved, request an Interfolio account from the Dean's Office.

- Post the job on Interfolio and send job ad to HR to add to the LC website.
- Begin direct marketing to graduate programs and local contacts.
- Review applications.
- Choose diverse pool of candidates to interview.

- Conduct interviews.
- Make recommendation to Dean's Office who will authorize an offer to a candidate. In some instances, the negotiations will be with the Department Chair or Program Director whereas in other instances, it may make sense for the Director of Operations and Finance to negotiate.
- Once an offer has been accepted, complete contract request form, attach CV, and submit packet to the Dean's Office.
- Stay in communication with your candidate. The Dean's Office will process the request form, send a contract to the candidate, and initiate any hiring processes with Human Resources.

Should your department decide to take Path Two, the following sections detail procedures and best practices.

SEARCHING FOR EXCELLENCE AND DIVERSITY

If a search takes the second path described above, it will proceed through the following steps:

1. Obtain approval for the visiting position
2. Develop a job advertisement that will attract a diverse group of candidates
3. Get approval of your ad from the Director of Operations and Finance
4. Advertise the position in appropriate venues and do outreach to generate applications
5. Determine who will review files and develop shared criteria for review
6. Receive and review search files
7. Narrow the candidate pool to a list of top candidates for a phone/zoom interview
8. Coordinate with the Dean's Office to make an offer

Confidentiality is essential throughout the process.

Confidentiality is paramount in every search. The best candidates may be employed elsewhere when they hear about opportunities at Lewis & Clark, and we do not wish to compromise a candidate's current employment status. Moreover, sometimes the College is not able to hire its first choice for a position but is successful in hiring another strong candidate. We do not want to bring in a new faculty member under the cloud of being "second choice." For these and other reasons, all members involved in the search and support staff must adhere to these confidentiality protocols:

- Do not discuss the search or the status of candidates with anyone outside of the search process. Direct all inquiries concerning the search to the Director of Operations and Finance.
- Be a responsible custodian of all search related documents, records and information. Nearly all search materials are submitted electronically, and care should be taken to keep this information secure. When dealing with electronic files through Interfolio, do not leave them open on your monitor where others may see them nor distribute them via electronic mail or other digital means. For paper/printed materials, please do not leave the files on printers or in common areas where they can be read by people who are not members of the search committee.

- If anyone involved in the search discovers that confidential information related to the search has been compromised, that person should contact the Department Chair or Program Director immediately.

Advertising and Outreach

- As you create an ad for the position, think about how you can attract a diverse pool of candidates. What can you tell them about LC, our students, and your departments that communicates that qualified applicants (including those from historically under-represented groups) are welcome here? What may be especially attractive about this position? Note that position advertisements which require candidates to address diversity can improve the chances of generating a diverse pool (see Appendix A for examples).
- Submit the advertisement to the Director of Operations and Finance.
- After the position ad is approved by the Director of Operations and Finance, the department should send an electronic copy of the advertisement to Human Resources for posting to the Lewis & Clark College web page. HR maintains institutional subscriptions to the following job posting services: HigherEdJobs, DiversityJobs.com, Higher Education Recruitment Consortium, and The Chronicle of Higher Education.
- The home department should post the advertisement on their own web page.

Search Committee Membership and Preparation

- A search committee is not required but may be useful, depending upon the area of need and the chair or head's own expertise. When appropriate, a search committee of two is likely sufficient.
- The chair and/or search committee members should be mindful of best practices regarding: confidentiality; practices to combat implicit bias and support diversity, equity, and inclusion; criteria in judging applicants; and do's and don'ts of interviews (see, for example, Appendices C and D).
- BEFORE you begin reviewing files, identify the criteria for a successful instructor. Is there anything a candidate MUST have? What attributes contribute to success as a teacher at Lewis & Clark? As you develop criteria, consider how you will determine from applications (and eventually interviews) to what degree a candidate has those attributes. Many committees find it useful to create a "rubric" for use as they review files so that they can stay focused on only the relevant criteria (and not irrelevant and potentially biased considerations).

Handling Search Materials

- The department admin sets up an account on Interfolio to receive applications, establish candidate files, and acknowledge receipt of materials. Interfolio will direct the candidate to an online Voluntary Information form to collect demographic data. This data is confidential, but aggregate totals of the applicant pool are available to the Dean's Office through Interfolio.
- The department admin sets up a search database on Interfolio containing specific fields determined in consultation with the Search Chair (e.g., B.A. institution, Ph.D. institution, etc).
- Those who will read files should record notes relevant to search criteria on separate paper or electronic forms (do NOT record any notes or other information in the Interfolio platform). All those charged with reading files should use the same medium, if feasible, to ensure uniformity of search records. Be aware that any written comments are part of a legal record of the search and should comply with current laws and college policies. Comments should only contain factual material about how a candidate does or does not meet criteria the search committee has identified for evaluating applications.
- You may have applicants who are not citizens or permanent residents of the United States. Sometimes, the applicant will reveal this information. There are constraints about what and how you may inquire about this. As you move toward the interview stage, consult with the Director of Operations and Finance regarding how to handle eligibility to work in the US.
- All applicant materials should be treated as confidential, and stored or viewed in ways that prevent their being seen by unauthorized individuals.

Zoom/Phone Interviews

- The Chair (and, if relevant, the other member of the Search Committee) should conduct interviews with the top candidates by telephone or videoconferencing. It is suggested that you do not decline any candidate from the pool until the very end of the process in case you need to find an alternative candidate.
- It is preferable to have the same people present at each of these interviews.
- The interviews should be conducted from a standard script of questions to ensure that uniform information is obtained from all candidates. Each question should be clearly connected to one or more of the criteria that have been developed for evaluating applicants. Follow-up questions that encourage a candidate to elaborate upon a question may be useful but the interview should not pursue quite different topics with one candidate and not all others. It is also courteous to allow time for the candidate to ask questions of the search committee. See Appendices C and D for information on cannot be asked of a candidate during an interview.

- We do not typically hold campus interview visits for visiting and adjunct positions, and the Dean's Office does not provide funding for visits. If campus interviews are planned instead of or following zoom/phone interviews, they must be equally available and accessible to all top candidates.

Actions Not Required for an Adjunct or Visitor Search

- While searching for the right Adjunct or Visiting faculty member is important, we must remember that these positions are often temporary. Below is a brief list of items that we **do not** include in these types of searches:
 - Flying candidates to Portland to visit campus.
 - Paying for any costs associated with travel to campus for interviews should in-person interviews take place.
 - Having candidates meet with students.
 - Having candidates conduct a guest lecture.
 - Having candidates present on their research.

Because these positions are, by definition, temporary, we do not sponsor applications for long-term visas (e.g., H-1B). There are a variety of work arrangements that are appropriate for short-term appointments; if this becomes relevant in your search, consult with the Director of Operations and Finance.

JOB OFFERS

- When you have decided on the best candidate for your position, make a recommendation to the Dean's Office and provide the finalist's CV. Once approved, negotiations with the candidate may occur, either with the Department Chair or Program Director or, in some instances, with the Director of Operations and Finance.
- Confirm that the course times work for the candidate and attempt to accommodate any changes requested.
- If the candidate is going to be moving to Portland, it is helpful to know when they intend on arriving, even if it is an estimated time. This is important due to Human Resources (HR) paperwork that must be completed in person.
- Once the schedule is confirmed, complete the [Contract Request Form](#) and send it to the Dean's Office. The Dean's Office will then create the contract and work with the candidate and HR to fully hire them to the College.
- Once the candidate has signed their contract, the Dean's Office will inform the department/program administrative support so they can close out Interfolio.

APPENDIX A: Advertisement Template

Lewis & Clark College, a private liberal arts college with 2,000 undergraduates, invites applications for a **[length of term]** **[visiting/adjunct]** position in the Department of **[DEPT]** beginning **[semester and year]**. Teaching responsibilities will include **[list course names/subjects]**. Ph.D. or terminal degree in **[discipline]** **[required/preferred]** at the time of appointment.

A complete application must include: (1) cover letter of application which includes statements of the candidate's suitability for this position and a description of how they would contribute to campus diversity and a culture of inclusion; (2) curriculum vitae; (3) statement of teaching philosophy and evidence of teaching effectiveness; (4) three references who may be contacted for a letter of recommendation. All materials should be addressed to **[name]**, **[Chair/Director]** of **[DEPT]** and must be submitted via Interfolio **[specific url for department posting]**. Click "Apply" to create your free account. Review of applications will begin on **[date]** and continue until the position is filled.

Lewis & Clark College is an equal opportunity employer and adheres to a nondiscriminatory policy with respect to educational programs, activities, employment, and admission. We do not discriminate on the basis of actual or perceived race, color, sex, religion, age, marital status, national origin, the presence of any physical or sensory disability, veteran status, sexual orientation, gender identity, gender expression, or any other basis prohibited by applicable federal, state, and local laws. The Associate Vice President of Human Resources has been designated to handle inquiries regarding employment- and disability-related non-discrimination policies. Title IX inquiries may be directed to the Title IX coordinator or deputy Title IX coordinators (https://www.lclark.edu/about/title_ix_compliance). Lewis & Clark College will conduct a background check on the finalist.

Appendix B: Example Job Posting in Interfolio

Example One: Chemistry/Biochemistry

Basic Information

Position Title	Position Type
Visiting Assistant Professor of Chemistry - Biochemistry	Faculty
Location	Position URL
Portland, OR	apply.interfolio.com/86521

Position Description

The Department of Chemistry at Lewis & Clark College invites applications for a one-year (9 month) visiting assistant professor position for the 2021-2022 academic year. Teaching responsibilities (all expected to be in-person) will include Structural Biochemistry, Metabolic Biochemistry, and a nutrition course for non-science majors. The appointment starts August 15, 2021 and ends May 15, 2022.

Qualifications

Applicants should have a Ph.D. and have experience teaching biochemistry.

Application Instructions

Application materials, consisting of a letter of application, curriculum vitae, a statement of teaching philosophy, and three references, should be submitted electronically to: <http://apply.interfolio.com/86521>. The cover letter should include an explanation of the applicant's suitability for this position and a description of how they would contribute to campus diversity and a culture of inclusion. Review of applications will begin May 3 and continue until the position is filled. Lewis & Clark College is an Equal Opportunity Employer.

Equal Employment Opportunity Statement

Lewis & Clark College is an equal opportunity employer and adheres to a nondiscriminatory policy with respect to educational programs, activities, employment, and admission. We do not discriminate on the basis of actual or perceived race, color, sex, religion, age, marital status, national origin, the presence of any physical or sensory disability, veteran status, sexual orientation, gender identity, gender expression, or any other basis prohibited by applicable federal, state, and local laws. The Associate Vice President of Human Resources has been designated to handle inquiries regarding employment- and disability-related non-discrimination policies. Title IX inquiries may be directed to the Title IX coordinator or deputy Title IX coordinators (https://www.lclark.edu/about/title_ix_compliance).

Reasonable Accommodation

Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. Please tell us if you require a reasonable accommodation to apply for a job or to perform your job. Examples of reasonable accommodation include making a change to the

application process or work procedures, providing documents in an alternate format, using a sign language interpreter, or using specialized equipment.

Background Check

Lewis & Clark College will conduct a background check on the finalist, which will include a criminal record check. If a conviction is discovered, a determination will be made whether the conviction is related to the position for which the individual is applying or would present safety or security risks before an employment decision is made. A criminal conviction does not necessarily automatically bar an applicant from employment.

Eligibility to Work

In order to comply with US Homeland Security Department regulations, all employees must complete an I-9 form in Workday prior to or no later than the first day of work and bring originals (no photocopies) of their supporting documentation to Human Resources no later than the 3rd business day of employment. Failure to have a completed I-9 form on file with the College will result in immediate termination of employment.

Example Two: Economics

Basic Information

Position Title	Position Type
Visiting Assistant Professor of Economics	Faculty
Location	Position URL
Portland, Oregon	apply.interfolio.com/95222

Position Description

Visiting Assistant Professor of Economics: Lewis & Clark College invites applications for one-year position beginning in Fall 2022, with the possibility of extension. The standard teaching load is five courses a year. Primary teaching responsibilities include Principles of Economics, Statistics, Macroeconomics, and the opportunity to develop additional courses in related fields.

Qualifications

A successful candidate must demonstrate potential for teaching excellence in an undergraduate liberal arts environment. Funding for conference travel and other research expenses is available. A Ph.D. is required at the time of appointment. Lewis & Clark College is a private liberal arts college located in Portland, OR. Lewis & Clark College is an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to status as a protected veteran or a qualified individual with a disability, or other protected status, such as race, religion, color, national origin, sex or age. Candidates with the potential to contribute to the diversity and excellence of the academic community are strongly encouraged to apply.

Application Instructions

All materials should be addressed to Moriah Bostian, Chair of Economics. Applications must be submitted via Interfolio <http://apply.interfolio.com/95222>. Click “Apply” to create your free account. Review of applications will begin on November 30, 2021 and continue until the position is filled. A complete application must include: (i) cv, (ii) cover letter which includes a statement

of teaching experience and effectiveness, and a description of how the applicant's teaching and/or work in the campus community will contribute to a culture of inclusion and campus diversity, (iii) graduate transcripts, and (iv) three letters of recommendation.

Equal Employment Opportunity Statement

Lewis & Clark College is an equal opportunity employer and adheres to a nondiscriminatory policy with respect to educational programs, activities, employment, and admission. We do not discriminate on the basis of actual or perceived race, color, sex, religion, age, marital status, national origin, the presence of any physical or sensory disability, veteran status, sexual orientation, gender identity, gender expression, or any other basis prohibited by applicable federal, state, and local laws. The Associate Vice President of Human Resources has been designated to handle inquiries regarding employment- and disability-related non-discrimination policies. Title IX inquiries may be directed to the Title IX coordinator or deputy Title IX coordinators (https://www.lclark.edu/about/title_ix_compliance).

Reasonable Accommodation

Federal law requires employers to provide reasonable accommodation to qualified individuals with disabilities. Please tell us if you require a reasonable accommodation to apply for a job or to perform your job. Examples of reasonable accommodation include making a change to the application process or work procedures, providing documents in an alternate format, using a sign language interpreter, or using specialized equipment.

Background Check

Lewis & Clark College will conduct a background check on the finalist, which will include a criminal record check. If a conviction is discovered, a determination will be made whether the conviction is related to the position for which the individual is applying or would present safety or security risks before an employment decision is made. A criminal conviction does not necessarily automatically bar an applicant from employment.

Eligibility to Work

In order to comply with US Homeland Security Department regulations, all employees must complete an I-9 form in Workday prior to or no later than the first day of work and bring originals (no photocopies) of their supporting documentation to Human Resources no later than the 3rd business day of employment. Failure to have a completed I-9 form on file with the College will result in immediate termination of employment.

APPENDIX C: What Not to Ask

Questions that imply preferences as to race, religion, age, sex, marital status, national origin, sexual orientation and disabled status are violations of federal and state laws. In the left-hand column below are topics of discussion, which are of questionable legality and should not be asked, in any form, during the interviewing of a candidate. In the right-hand column are notes, which may be acceptable relating to the particular area in question. (Courtesy of Creative Recruiting Strategies – HR Northwest)

SUBJECT	UNLAWFUL INQUIRIES	PERMISSIBLE INQUIRIES
Age	Birth date or age, asked before hiring.	If at least 18 years of age, you may ask birth date after hiring.
Criminal History	Any inquiry as to criminal history	None; HR conducts background check after conditional offer is made
Citizenship	Any direct inquiry as to citizenship.	Whether candidate is legally eligible to work in the U.S
Family	Specific inquiries concerning spouse, spouse's salary, or employment, children, childcare arrangements or dependents.	Whether candidate has any outside commitments, which would conflict with work requirements. If asked at all, the question should be posed to all candidates, regardless of gender.
Marital Status	Any inquiry into present or past marital status or name, which would divulge marital status.	None.
Military	Type of discharge, request for discharge papers, inquiries as to experience in other than U.S. Armed Forces.	Education, training experience in U.S. Armed Forces.
National Origin	Inquiries into birthplace, ancestry, mother tongue, etc.	Inquiry as to candidate's ability to read, write, and speak a foreign language when based on job requirements.
Religion or Creed	Inquiries concerning candidate's religious denomination, religious affiliations, church, parish, pastor, or religious holidays observed.	None.
Residence	Whether candidate rents or owns home; names of persons with whom candidate resides.	Inquiry on address needed to facilitate contacting candidate.
Memberships	Inclusive list of organizations to which candidate belongs.	Inquiry as to memberships in organizations excluding those which would reveal race, religion, sex, marital status, national origin, or disability status. The scope of the question should include only academic

		societies and organization that are related to the job in question.
Relatives	Names and addresses of any relative other than those listed as references.	Names of candidate's relatives already employed by this company or by any competitor.
Race or Color	Any inquiry concerning race or color of skin, hair, eyes, etc.	None.
Sex	Any inquiry regarding the applicant's gender, unless it is a bona fide occupational qualification (which probably would not apply in our College setting.)	None.
Name	Inquiry into original name where it has been changed by court order or marriage. Inquiries about a name, which would divulge marital status, lineage, ancestry, national origin or descent.	Whether candidate has worked for the College or a prior employer under a different name; if so, what name. Name under which candidate is known to references if different from present name.
Photograph	Request that candidates submit a photograph mandatory or optionally, any time before hiring.	May be requested after hiring for identification purposes.
Pregnancy	All questions as to pregnancy and medical history concerning pregnancy and related matters.	None.
Disability	All questions relating to physical or mental health.	None.
Workers Compensation	Any inquiry regarding past claims, injuries, etc.	None.
Sexual Orientation	Any inquiries concerning sexual orientation	None.

APPENDIX D: Americans with Disabilities (ADA) Guidelines

WHAT IS THE ADA?

The Americans with Disabilities Act is a federal law that prohibits discrimination against the disabled in employment and in their access to the facilities, goods and services of most public places, including all colleges and universities and other educational institutions, and many businesses.

WHO IS PROTECTED AGAINST EMPLOYMENT DISCRIMINATION?

Employment discrimination is prohibited against "qualified individuals with disabilities." Persons discriminated against because they have a known association or relationship with a disabled individual are also protected. The ADA defines an "individual with a disability" as a person who has a physical or mental impairment that substantially limits one or more major life activities, a record of such an impairment, or is regarded as having such an impairment.

The first part of the definition makes clear that the ADA applies to persons who have substantial, as distinct from minor, impairments, and that these must be impairments that limit life activities such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working. An individual with epilepsy, paralysis, a substantial hearing or visual impairment, mental retardation, or a learning disability would be covered, but an individual with a temporary, acute condition, such as a sprain, infection, or broken limb, generally would not be covered.

The second part of the definition would include, for example, a person with a history of cancer that is currently in remission or a person with a history of mental illness.

The third part of the definition protects individuals who are regarded and treated as though they have a substantially limiting disability, even though they may not have such an impairment. For example, this provision would protect a severely disfigured qualified individual from being denied employment because an employer feared the "negative reactions" of others.

WHO IS A "QUALIFIED INDIVIDUAL WITH A DISABILITY"?

A qualified individual with a disability is a person who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks, and who can perform the "essential functions" of the position with or without reasonable accommodation. Requiring the ability to perform "essential" functions assures that an individual will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform those functions with a reasonable accommodation. If a written job description has been prepared in advance of advertising or interviewing applicants for a job, this will be considered evidence, although not necessarily conclusive evidence, of the essential functions of the job.

WHAT IS "REASONABLE ACCOMMODATION"?

Reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has the same rights and privileges in employment as non-disabled employees.

WHAT ARE THE ESSENTIAL FUNCTIONS OF A JOB?

The essential functions of a job are those functions that an individual who holds the position must be able to perform unaided or with a reasonable accommodation. The basic EEOC definition is that the term essential functions means "the fundamental job duties" of the employment position as contrasted with "the marginal functions of the position." The regulation provides that a job function may be considered essential for many reasons, including but not limited to:

- the reason the position exists is to perform that function;
- there are a limited number of employees available among whom performance of that job function can be distributed and/or;
- the function is highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

DOES PREFERENCE HAVE TO BE GIVEN TO A QUALIFIED APPLICANT WITH A DISABILITY OVER OTHER APPLICANTS?

No. An employer is free to select the most qualified applicant available and to make decisions based on reasons unrelated to the existence or consequence of a disability. For example, if two persons apply for a job opening as a typist, one who is a person with a disability who accurately types 50 words per minute, and the other is a person without a disability who accurately types 75 words per minute, the employer may hire the applicant with the higher typing speed, if typing speed is needed for successful performance of the job.

INTERVIEWING GUIDELINES

PRE-EMPLOYMENT: Application forms and the interview are only two facets of the hiring process. Civil rights law does not prohibit any specific questions from being asked of an applicant, but it does forbid the discriminatory use of information when making hiring decisions. Questions asked on applications or in interviews could lead an applicant to believe he or she was denied a job illegally. Thus, the employer should be prepared to show why the information requested was needed, and how it was used in the hiring decision.

To lessen the likelihood that discrimination might occur in hiring, it is important for the employer to remove inappropriate inquiries from application forms and to refrain from using them as interview questions. Inappropriate inquiries are those that elicit information about someone's protected class status. There are three main types of inappropriate inquiries:

- 1) those asking for direct information about an individual's race, sex, age, marital status, etc.

- 2) those asking for information usually evaluated differently for men and women; and
- 3) those asking for information that could be used to screen out disproportionate numbers of a particular group protected by law.

NECESSARY INFORMATION: Civil rights laws allow employers to seek full information about an applicant's ability to do the job. If there are certain characteristics about a person that need to be known in order to determine if he or she can perform the duties of the job, then it is legal to ask for such information. The relationship between the information sought and the abilities necessary to perform the job is the key to deciding if an inquiry is appropriate. When designing or evaluating an application form, an employer should decide if the information requested is necessary, and is directly related to the duties of the job.

QUESTIONS AFTER: Some questions may be better asked after hire. For example, an employer may need to request information about mental or physical history for use in a health insurance program. This information can be obtained after the hiring decision has been made. If there is a need, because of the type of job, for an employer to require proof of age or citizenship, the job can be offered on the condition that the person furnish such proof.

CAMPUS RESOURCES: The ADA Coordinator is in Human Resources. Any questions about a candidate's disability or reasonable accommodation request should be directed to the ADA Coordinator.