

# The University of Wisconsin System UPS OPERATIONAL POLICY: TC 1



**SUBJECT:** Recruitment Policies

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**Original Issuance Date:** July 1, 2015  
**Last Revision Date:** January 1, 2019

## 1. POLICY PURPOSE:

The purpose of this policy is to provide a framework for UW System institutions to use in the development of merit-based recruitment, selection, and hiring processes that produce a talented, effective workforce and that reflect UW System's commitment to the principles of equal employment opportunity, non-discrimination, and diversity.

## 2. POLICY BACKGROUND:

[Wis. Stat. § 36.09\(1\)\(e\)](#) authorizes the Board of Regents to appoint the requisite number of limited appointees, faculty, academic staff, and other employees. Several Regent actions have served to delegate much of the appointment authority to the System President, who in turn further delegates this authority to the chancellors.

[Wis. Stat. § 36.115](#) requires the Board and the UW-Madison Chancellor to establish and maintain personnel systems separate and distinct from Wisconsin's civil service system as established under [Chapter 230 of the Wisconsin Statutes](#). After the Board of Regents adopted Resolution 11038 (adopted June 7, 2018) for all UW System institutions regarding employee personnel files and reference checks, this policy was modified to address concerns related to sexual violence and sexual harassment.

Faculty and academic staff recruitment policies are outlined in [UWS 3.02](#) and [UWS 10.02\(1\)](#) of the Wisconsin Administrative Code, respectively. The majority of limited appointee recruitments follow established university recruitment policies. However, recruitment procedures for chancellors, senior vice presidents or vice presidents are outlined in [Regent Policy Document 6-4, Search and Screen Procedures for Chancellors, Senior Vice Presidents or Vice Presidents](#).

## 3. POLICY DEFINITIONS:

Please see UPS Operational Policy [GEN 0: General Terms and Definitions](#) for a list of general terms and definitions.

**Definitions specific to this policy:**

“Employee” means any individual who holds a faculty, academic staff, university staff, or limited appointment with any UW System institution.

“Equal opportunity and affirmative action” means an active effort to improve the educational and employment opportunities of members of minority groups and women.

“Merit” means the qualifications, experience, standard of work performance, and capabilities of those persons that are relevant to the performance of those duties.

“Sexual harassment” means the same as in [Regent Policy Document 14-2: Sexual Violence and Sexual Harassment](#).

“Sexual violence” means the same as in [Regent Policy Document 14-2: Sexual Violence and Sexual Harassment](#).

“State agency” means a department or independent agency as defined under Wis. Stat. [§15.01\(5\)](#) and [§15.01\(9\)](#).

“UW System institution” means any of the following: UW-Eau Claire; UW-Green Bay; UW-La Crosse; UW-Milwaukee; UW-Oshkosh; UW-Parkside; UW-Platteville; UW-River Falls; UW-Stevens Point; UW-Stout; UW-Superior; UW-Whitewater; UW System Administration.

“Misconduct” means a violation of law, malfeasance, or improper behavior.

“Final Candidate” means the candidate who will be offered the position.

**4. POLICY:**

It is the policy of the University of Wisconsin System to use merit-based principles in the recruitment and selection process. Recruitment must be an active process consistent with sound personnel management practices and done in a manner to recruit a diverse, highly qualified group of applicants. Selection must be made according to merit selection principles through a competitive process. As appropriate, internal recruitment may be utilized if consistent with equal employment and affirmative action objectives as well as UW System institutional policies or practices.

UW System institutions must consider affirmative action principles and inclusive excellence in all recruitments to ensure that equal employment opportunity, diversity, and affirmative action goals are addressed. Depending on institutional policies or practices, this may include, but is not limited to, activities such as participation in review and/or approval of a recruitment plan which includes consideration of affirmative action goals and targets for advertising to increase diversity of pools, appointment and orientation of search and screen committee members, development of position descriptions, development of interview questions, and review of finalists.

UW System institutions provide equal employment opportunity by ensuring that all personnel actions including hire, promotion, tenure, and any term, condition, or privilege of employment are based on the ability to perform the duties and responsibilities assigned to the particular position without regard to age, race, creed or religion, color, disability, sex, national origin, ancestry, sexual orientation, gender identity or expression, or political affiliation.

## **Responsibilities**

UW System institution human resource departments are responsible for providing oversight and guidance during the recruitment process. UW System institutions may also delegate recruitment responsibilities to other appropriate departments and designate who is authorized to respond to reference checks on behalf of the institution.

## **Required Questions for the Final Candidate**

At a minimum, a final candidate must be asked prior to hire whether they:

- were ever found to have engaged in any sexual violence or sexual harassment
- are currently under investigation or have ever left employment during an active investigation in which they were accused of sexual violence or sexual harassment

Sample questions can be found in [Appendix 4](#).

## **Obtaining Employment References**

Job related reference information is required as part of the recruitment and selection process for all prospective employees.

### **When to ask:**

Reference checks must be performed, at a minimum, for a final candidate for any UW System institution position prior to hire.

### **What to ask:**

When checking references, it is a good practice to ask whether disciplinary problems were encountered. At a minimum, reference check questions must be asked about a final candidate prior to hire as to whether they:

- were ever found to have engaged in any sexual violence or sexual harassment
- are currently under investigation or have ever left employment during an active investigation in which they were accused of sexual violence or sexual harassment

Additional guidance on reference check questions can be found in [Appendices 2-4](#).

### **Who to ask:**

Reference checks must be conducted at a minimum with a final candidate's most recent employer and with all previous UW System institution and state agency employers from the past seven years.

[Appendix 2](#) contains general guidance on conducting reference checks and [Appendix 3](#) provides sample reference check questions.

**Other considerations:**

The application process must include a requirement for applicants to disclose any prior UW System or other Wisconsin state agency employment.

Depending on the specific facts, past misconduct is not an automatic disqualifier. Reference information that reveals past misconduct (including any violation of sexual violence or sexual harassment policies) must be reviewed on a case-by-case basis prior to making any hiring decisions, and when appropriate, legal counsel should be consulted.

**Providing Employment References**

UW System institutions must follow certain minimum procedures when a potential employer makes a reference check regarding a current or former employee.

The potential employer should receive an objective evaluation of the candidate's training, experience, skills, abilities, and job performance as they relate to the duties and responsibilities of the job for which the candidate is being considered.

When a supervisor or agent of management is contacted by a potential employer for a reference check of a current or former employee, the supervisor or agent must notify the potential employer, even if they do not ask, of the appropriate UW System institution contact for any questions related to employee misconduct (including any violation of sexual violence or sexual harassment policies). The appropriate UW System institution contact must disclose whether the employee has ever been found to have engaged in, is currently under investigation for, or left during an active investigation in which they were accused of sexual violence or sexual harassment.

When the potential employer is another UW System institution or state agency, the personnel file of the current or former employee must be shared upon hire (see [UPS Operational Policy HR 13: Personnel Files](#)).

Sample language and procedures can be found in [Appendix 4](#).

**Special considerations under the Wisconsin Public Records Law**

[Wis. Stat. § 19.36\(7\)\(b\)](#) provides that applicants for positions may indicate in writing that their identity should be kept confidential. Except for certain high-level positions described below, only the identity of the individual who is hired for the position may be the subject of a public records request.

The following confidentiality language should be included in all UW job announcements (except for those for high-level positions described below):

*The University of Wisconsin System will not reveal the identities of applicants who request confidentiality in writing, except that the identity of the successful candidate will be released. See [Wis. Stat. §. 19.36\(7\)](#).*

For the positions of President, Vice President, or Senior Vice President of the University of Wisconsin System; Chancellor, and Vice Chancellor, who serves as deputy at each institution (usually the Provost), the following confidentiality language should be included in the UW job announcement:

*The University of Wisconsin System will not reveal the identities of applicants who request confidentiality in writing, except that the identities of finalists must be revealed upon request. See [Wis. Stat. §. 19.36\(7\)](#).*

### **Letters of Appointment**

The terms and conditions of an appointment should be specified in a written letter of appointment. The appointment letter must be signed by an authorized official of the UW System institution and should contain details regarding the following:

- type of appointment (e.g., fixed term, probationary, or expectation of continued employment);
- duration of the appointment (starting date, ending date);
- salary (hourly for nonexempt; salary for exempt);
- general position responsibilities;
- definition of operational area;
- duration of the probationary period (if appropriate); and
- recognition of prior service as part of the probationary period (if appropriate).

Accompanying the appointment letter must be an attachment or link detailing the applicable UW System institution employment regulations, rules, and procedures. If the appointment is subject to the approval of the Board of Regents, a statement to this effect must be included in the letter.

If the Criminal Background Check (CBC) or reference check process cannot be completed before an offer is made, the appointment letter must state that the offer will be withdrawn, or the employment terminated if the individual's CBC or reference results are unacceptable. The following statement must be used in the appointment letter:

This offer of employment is conditional pending the results of a criminal background check and a reference check process that includes questions regarding sexual violence and sexual harassment. If the results are unacceptable, the offer will be withdrawn or, if you have started employment, your employment will be terminated.

### **5. RELATED DOCUMENTS:**

Appendix 1 – Options for Staff Recruitment and Assessment

Appendix 2 – Reference Check Guidelines

Appendix 3 – Reference Check Questions

[Appendix 4 – Sample Language Recommendations for Questions and Disclaimers](#)

[UPS Operational Policy HR 13: Personnel Files](#)

[Regent Policy Document 14-2: Sexual Violence and Sexual Harassment](#)

[UW System Administrative Policy 420: Travel & Expense – Meal and Incidental Expense \(M&IE\) Per Diem allowance Reimbursements](#)

### **6. POLICY HISTORY:**

Reviewed by the Board of Regents, December 7, 2012

Board of Regents Resolution 11038 adopted, June 7, 2018

## Options for Staff Recruitment and Assessment

### Recruitment and Assessment Options

It is the Board of Regent's policy to promote the development of university personnel systems that allow UW System institutions to attract, develop, and retain a diverse and highly qualified workforce that will effectively and efficiently pursue the missions of all UW System institutions. These university personnel systems must include merit-based recruitment and assessment policies and practices.

Each UW System institution is responsible for its recruitment and assessment processes consistent with applicable laws and policies. These processes may include:

- Criteria for determining the scope of recruitments (internal v. external)
- Vacancy posting criteria (how, where and how long should vacancies be announced)
- Establishment of screening or assessment criteria (what knowledge, skills and abilities are essential to the specific vacancy)
- Choice of assessment tool(s) (which recruitment tool or combination of tools provides the most effective/efficient screen of the applicant pool)

### Scope of Recruitment (Internal and External)

At the beginning of the recruitment process institutions will determine if the recruitment will be an internal or external recruitment as described below.

- **Institution level (internal):** consideration is available only to employees (both those employees with an expectation of continued employment and temporary employees) within the UW System institution.
- **UW System level (internal):** consideration is available to employees (both those employees with an expectation of continued employment and temporary employees) across all UW System institutions.
- **External posting:** consideration is provided to all applicants internal to the UW System as well as outside the UW System.

The recruitment options may occur simultaneously. The order of applicant consideration is determined by each UW System institution's process including determining if a more qualified and diverse applicant pool may be found by broadening the recruitment area. Consistent with equal opportunity and affirmative action goals, an external search would be recommended if the job category is underutilized within the UW System institution.

### Staff Assessment Options

Numerous options are appropriate for assessing applicants. For example:

- **Written Assessment:** Develop a short screening tool which includes criteria based on position duties and responsibilities. Per instructions, applicants would detail their experience/training related to the identified criteria. More than one individual who is familiar with the job responsibilities or knowledgeable about the critical aspects of the position would screen the applicant pool.
- **Observational Assessment:** Applicants perform a hands-on task to demonstrate their skill level. Computer-based simulation or manual demonstration may be appropriate, depending

on the position. Examples include a typing test, a customer service phone call scenario, a file organization task, memo composition, software application tests (such as developing an excel spreadsheet), etc.

- **Oral Assessment:** A preliminary phone interview/assessment is conducted which incorporates behavioral interview questions that reveal the extent to which a candidate possesses the core characteristics or competencies desired. Questions are pointed, probing, and more specific than traditional interview questions and geared towards exploring the candidate's demonstrated behaviors in their previous work experience. Instead of asking how a candidate *would* behave, the interviewer would ask how a candidate *did* behave. Behavioral interview questions should be the preferred method of assessment for all interviews – preliminary and final.
- **Security (Police Officer) Candidate Assessment:** Applicants would be required to demonstrate minimum qualifications by obtaining a Law Enforcement Standards Board certification. Additional assessment options might include background checks, personality tests, and physical agility tests.

**Continuous Recruitment (suitable for positions with a high turnover rate):**

Job vacancies may be posted continuously on the UW System institution website. Applicants complete an initial screening questionnaire, and those applicants considered minimally qualified are interviewed, preferably by a minimum two-person panel. The panel evaluates these applicants further based on job related criteria to determine whether they should become active members of the applicant pool. They may remain in the pool for the next six months (or until it is determined that the applicant pool needs replenishment) at which time the pool expires and the process may be repeated.

**Secondary Screens:**

If the applicant pool is still large after an initial assessment, secondary screens may be developed and used prior to a final interview process. Examples of secondary screens could include a brief phone interview or utilizing a job expert to rate application materials based on important job requirements in the position description.

**Temporary Appointments:**

UW System institutions will develop their own recruitment and assessment method for hiring temporary staff.

**WiscJobs:**

WiscJobs registers may be utilized, at an additional cost to the UW System, for vacancies at UW System institutions. The registers may be 'polled' to obtain interested, eligible candidates. The expanded certification rules within WiscJobs regarding veterans, minorities, women, and handicapped eligible individuals will not be utilized.

**Training**

Education and training on recruitment and assessment practices will be offered to all human resources staff, supervisors, and appointing authorities. Topics include: development of position descriptions; development of a recruitment plan that ensures diversity of applicants and consideration of affirmative action goals; and interview and assessment processes and criteria. Orientation also will be provided to search and screen committees relevant to their roles in the recruitment and assessment process.

### Reference Check Guidelines

Reference checks are an important part of the selection process. At a minimum, prior to hire reference checks must be performed for a final candidate for any UW System institution position. Reference checks must include the candidate's most recent employer and any previous UW System institutions or state agencies where the candidate was employed in the past 7 years.

Checking multiple references demonstrates that reasonable care was used in the hiring process. Information from references through telephone calls or letters of recommendation is likely to prove very useful in evaluating a candidate's skills, training, experience, and ability to perform position duties. Multiple references allow supervisors to look for consistency among comments.

When seriously considering a candidate, who is a current or former UW System employee, hiring administrators, supervisors, or HR staff should conduct a reference check that would include current or former supervisors. Hiring administrators are encouraged to check relevant HR systems, such as Human Resources System (HRS), to access a finalist's available historical employment data.

The most useful references generally come from former supervisors. Peers and subordinates are also excellent references.

Telephone references are the most effective means of covering specific topics and asking follow-up questions to get more information about a candidate. However, letters of reference or questionnaires can also be effective. Take notes during the reference check and place them in the candidate's recruitment folder.

You can modify the Sample Reference Check Questions form ([Appendix 3](#)) to use as a guide to meet your particular needs. Remember to give candidates advance notice that you will be checking their references, which may include contacting people they did not identify as a reference. Hiring administrators, supervisors, or HR staff should contact current or former supervisors even if the finalist did not provide supervisory references. Use the following guidelines to conduct all telephone reference checks, regardless of whether the candidate is an internal employee or an external candidate:

- Introduce yourself and explain why you are calling.
- Ask whether it is a convenient time to talk.
- Briefly describe the position the candidate applied for.
- Confirm the relationship between the person giving the reference and the candidate.
- Verify basic information such as job title, duties, and dates of employment.
- Be consistent. Ask the same questions about all final candidates and weigh the information equally; what disqualifies one candidate should disqualify any candidate.
- Don't request information about race, color, religion, gender, sexual orientation, national origin, disability, age or any other legally protected status.
- Avoid or at least limit asking questions that can be answered with "yes" or "no." Questions should be open-ended and relate directly to job performance.
- Don't ask a reference any questions that you're not permitted to ask the candidate.

One of the most common résumé deceptions is claiming to hold a degree that was never conferred or a license that was never issued. If a license or degree is important to the position, verify it's been conferred. If appropriate, call the state licensing board or the college or university registrar's office for confirmation that a critical degree or license was granted.

### SAMPLE REFERENCE CHECK QUESTIONS

Date: \_\_\_\_\_  
Candidate's Name: \_\_\_\_\_  
Reference Check provided by: \_\_\_\_\_  
Organization: \_\_\_\_\_  
Title: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Employment Dates: \_\_\_\_\_

#### Required Questions:

- Was the candidate ever found to have engaged in any sexual violence or sexual harassment?
- (current employer) Is the candidate currently under investigation for accusations of sexual violence or sexual harassment?
- (previous employer) Did the candidate leave your employment prior to the completion of an investigation in which they were accused of sexual violence or sexual harassment?

#### Other Potential Questions

1. What was the nature and length of your relationship with the candidate?
2. What were the candidate's beginning and ending employment dates?
3. What position(s) did the candidate hold?
4. What were the candidate's most recent job duties?
5. How would you describe the candidate's institutional and personnel leadership skills?
6. Please describe the candidate's ability to make good judgements and work with senior leadership.
7. Why did the candidate leave the position? (if relevant)
8. Describe how the candidate reacted in stressful situations. Be specific.
9. How does the candidate handle difficult people and work to resolve conflict?
10. What balance does the candidate achieve between working independently and checking in with stakeholders and supervisors?
11. Does the candidate always interact with others in a tactful manner? Explain.
12. What are the candidate's key accomplishments or impacts on the organization?
13. What can you tell me about the quality and quantity of the candidate's work?
14. How would you describe the candidate's ability to meet deadlines?

15. What kind of supervision did the candidate require?
16. How well did the candidate get along with management and peers?
17. In what ways is the candidate a team player?
18. How would you describe the candidate's attitude toward work?
19. How would you describe the candidate's overall performance?
20. How would you describe the candidate's attendance and punctuality?
21. Would you rehire the candidate if you had the opportunity?
22. Is there any more job-related information you would like to add?

**Optional questions to ask when the candidate has applied for a professional or managerial position:**

23. How would you describe this candidate's leadership, managerial, or supervisory skills?
24. Describe the quality of this candidate's written and verbal communication skills.
25. How do you rate this candidate's ability to plan short-term? Long-term?
26. Provide examples in which the candidate had to make sound and timely decisions. What were the results?
27. Did the candidate plan and administer a budget? If so, what was the size, and how did the candidate manage it?
28. How would you describe this candidate's technical skills?
29. How well did the candidate manage crisis, pressure, or stress?
30. How many people did the candidate directly supervise, for how long, and what were their roles?
31. What area of development could the candidate focus on?
32. If you were to offer advice on how best to guide the candidate, what would it be?
33. Would you hire or want to work with the candidate again? \_\_\_\_ Yes \_\_\_\_ No (If no, then why?)

## **Sample Language Recommendations for Questions and Disclaimers**

### **Required Questions for a Final Candidate**

All final candidates must be asked, prior to hire, whether they have been found to have engaged in, are currently under investigation for, or left employment during an active investigation in which they were accused of sexual violence or sexual harassment.

To satisfy this requirement, UW System institutions could ask final candidates the following sample questions prior to hire:

- In any previous employment, have you ever been found to have engaged in any sexual violence or sexual harassment?
- Are you currently under investigation for or have you ever left employment during an active investigation in which you were accused of sexual violence or sexual harassment?

Each UW System institution is responsible for creating a process to ensure these questions are asked of final candidates before hire. Possible solutions include a supplemental questionnaire, inclusion of the questions on the criminal background check, or asking the questions during an interview.

### **Obtaining Employment References**

UW System institutions must ask whether a final candidate has been found to have engaged in, is currently under investigation for, or left during an active investigation in which they were accused of any sexual violence or sexual harassment.

To satisfy this requirement, UW personnel conducting a reference check could ask the following sample questions about a final candidate:

- Was the candidate ever found to have engaged in any sexual violence or sexual harassment?
- (current employer) Is the candidate currently under investigation for accusations of sexual violence or sexual harassment?
- (previous employer) Did the candidate leave your employment prior to the completion of an investigation in which they were accused of sexual violence or sexual harassment?

### **Providing Employment References**

A UW System institution contacted by a potential employer for a reference check regarding a current or former employee must notify the potential employer of the appropriate UW System institution contact for any questions regarding employee misconduct (including any violation of sexual violence or sexual harassment policies), even if the potential employer does not specifically ask. The appropriate UW System institution contact must disclose whether the employee has ever been found to have engaged in, is currently under investigation for, or left during an active investigation in which they were accused of sexual violence or sexual harassment.

To satisfy this requirement, a UW System institution must mandate the use of a disclaimer by the supervisor or designated individual responding to a reference check regarding a current or former employee. The disclaimer could be disclosed either at the beginning or the end of the reference check, as long as the potential employer has been notified of the option to obtain information regarding any misconduct. A UW System institution could use the following sample disclaimer:

All questions related to employee misconduct including sexual misconduct are addressed only by our human resources department, which can be contacted [by email] at [insert contact information]. This isn't meant to imply that this candidate has committed any misconduct but is something we are required by policy to tell all potential employers.

The UW System institution may also, although discouraged, satisfy this requirement by referring all reference checks to the designated UW System institution contact.

In either case, when contacted by the potential employer, the appropriate UW System institution contact will review the current or former employee's personnel file and disclose to the potential employer if the employee has ever been found to have engaged in, is currently under investigation for, or left during an active investigation in which they were accused of any sexual violence or sexual harassment.

### **Providing Advanced Notice of Required Questions**

Because questions about sexual violence and sexual harassment are not yet standard industry practice, it is recommended that you provide notice early and often that these questions will be asked (similar to a criminal background check).

### **Announcing a Vacancy**

All vacancy announcements (including advertisements) should contain the statement:

Employment will require a criminal background check. It will also require you and your references to answer questions regarding sexual violence and sexual harassment.

### **Appointment Letters**

If a check cannot be completed before an offer is made, the appointment letter must state that the offer will be withdrawn, or the employment terminated if the individual's criminal background check or the reference check process results are unacceptable. The following statement must be used in the appointment letter:

This offer of employment is conditional pending the results of a criminal background check and the reference check process that includes questions regarding sexual violence and sexual harassment. If the results are unacceptable, the offer will be withdrawn or, if you have started employment, your employment will be terminated.