Changes in & Clarifications of the Search Process for Tenure-System Faculty
Revised February 6, 2015

Background

In recent months, the Provost’s Office has reexamined the search process for tenure-system faculty, has identified areas where we believe the process can be improved, and has worked with the Office of Equal Opportunity & Diversity to ensure that changes do not cause us to fall out of compliance with applicable laws or university policies. The first changes, implemented in September, dealt with the processing of requisitions and approvals at the various search checkpoints. More recently, we learned that some practices prevent the full participation of a department’s faculty in the final evaluation of search candidates and that some misunderstandings prevail across the campus regarding acceptable practices.

Effective Date

The terms of these guidelines take effect immediately.

Process Change: Access to Short-listed Applicant Materials

Past guidance from EO&D has strongly encouraged hiring departments to limit access to applicants’ letters of recommendation to search committee members and appointing authorities (with some exceptions). They have done so not just because of confidentiality concerns, but also because the search committee members generally have greater expertise in the area of the position that’s being searched and have received recent training on maintaining impartiality and objectivity and on what kinds of information (related to affirmative action/equal opportunity protections) can’t be used to inform hiring decisions.

Nonetheless, the Provost strongly believes that restricting access to vital short-listed applicant materials contravenes the academy’s strong tradition of democratic faculty processes and runs the risk of hiring a faculty member who does not ultimately enjoy the support of most of a department’s faculty. Such a risk could set up a faculty member for failure. None of us wants that. Therefore, we believe that all application materials should be available to the department’s faculty who are at or above the rank of the proposed position.

To accomplish this goal while maintaining appropriate confidentiality, departments must adhere to the following guidelines:

1. The department will maintain in a secure online location a copy of previously “off-limits” application materials, including (to the extent applicable but not limited to)
confidential letters of reference, application letters, CVs, teaching and research statements, transcripts. The online location (such as a U-Drive) should be accessible only to faculty authorized to view the materials.

2. The search committee members, department chair/head, and any departmental faculty who wish to view the online documents may do so only after first signing a confidentiality statement that specifies the following:
   • She or he will not disclose or distribute the contents of such confidential information to anyone outside the department’s faculty or academic administration.
   • She or he will not disclose or distribute the contents of such confidential information to any of the candidates, including the candidate who may be ultimately employed.
   • She or he will not make a physical (including printed) or electronic copy of any of the materials. (We acknowledge that downloading online materials is a necessary element of viewing online documents and for these purposes does not constitute making a copy.)
   • She or he will not contact any of the parties who have provided confidential references.
   • She or he will abide by university policies in using the information disclosed in the materials. In particular, she or he will adhere to the university’s guidelines on impartiality/objectivity in the university’s non-discrimination policy.

3. If a search underway at the time of these guidelines’ implementation (February 2015) has already solicited reference letters with a promise of confidentiality that would be violated by that implementation, then those materials should not be made available.

Process Clarification: Participation in Final Candidate Selection

In recent years, the search process at the department level has revolved around the search committee and the department chair/head. Search committees, acting as delegates of the department’s faculty, provide extremely valuable service in screening applicants—sometimes hundreds of them—and developing shortlists of candidates to be interviewed on campus. Other department faculty typically participate in the on-campus interviews to a limited extent, attending job talks and open meetings and sometimes providing feedback to the search committee, but their limited access to application materials and their typical exclusion from directly influencing the search committee’s final recommendations mean that a small minority of the department faculty (the search committee) enjoys a privileged position over the large majority of department faculty.

The current process for selection of faculty candidates typically calls for the search committee to describe their understanding of the strengths and weaknesses of the acceptable finalists at the end of the process, for the department chair/head to rank the candidates and forward that ranking, and for the dean to endorse or revise the ranking and request the provost’s approval. The provost believes that the search committee analysis should clearly express the views of the department’s faculty at large based on robust discussion, that votes should be taken by all departmental faculty at or above the rank
under consideration, indicating a rank order of preference and excluding candidates deemed to be unacceptable.

**The Role of the Search Committee.** Following the completion of all campus interviews, the search committee should attend a meeting of the department faculty to present (orally or in writing) the committee’s assessment of the candidates to the department faculty and to receive the assessments of the faculty, students, and other stakeholders. (For example, the search committee should actively solicit the assessments from other programs or interdisciplinary groups with which the new position will be affiliated.) At that meeting, the committee should hear and capture the sense of the faculty and observe the faculty vote. The committee’s members should debate and vote alongside all faculty of the appropriate rank. Based on that meeting and other assessments received, the committee should then prepare a written report that represents the faculty at large rather than the committee’s independent point of view. The report should:

- summarize the departmental discussion (including the diversity of views expressed);
- describe the strengths and weaknesses of each candidate;
- report the faculty vote; and
- communicate the reasons for the rank order (unless the hiring authority has asked for an unranked list of acceptable candidates).

The committee provides this report to the department head/chair.

**The Role of the Department Head/Chair.** The head/chair (note that with regard to authority, the two titles do not differ) also writes a report to convey the sense of the faculty and, if the head/chair’s perspective differs from that of the faculty at large, to convey her/his own independent assessment. In exceptional circumstances, the head/chair may recommend a rank order that differs from that of the faculty.

**The Role of the Dean.** In most colleges, the dean serves as the authority for hiring tenure-system faculty. The dean evaluates the available application materials and the department-level reports and conveys her/his judgment to the provost. If the hiring authority’s view differs from that of the department, she/he should explain that view to the provost in detail.

**The Roles of Junior Faculty, NTT Faculty, and Graduate Students.** Questions have arisen about the engagement of non-tenure-system faculty and graduate students on search committees for tenure-system faculty and in subsequent votes. These are matters that should be debated within the departments and need not follow universal practice. Unless a department has already formally addressed these questions through its bylaws or policies, the provost asks that each department consider the following principles of participation and should democratically determine and codify its position.

1. Junior faculty should be fully involved in search committees and the evaluation of junior candidates, including votes. Where tenured appointments are concerned, they should participate in search committees. Their opinions should be canvassed as to the strengths and weaknesses of short-listed candidates. They should have access to confidential materials. They should not be asked to vote on appointments that are beyond their seniority. This is to ensure that no member of
the junior faculty is in the position of having voted on a candidate who might later have a say in their tenure.

2. NTT faculty represent a special and important case. They are not subject to the evaluation process for tenure and are not required to contribute to the research mission of the department. In this sense, the department may determine that they should not evaluate tenure-track candidates’ research profiles. Yet NTT faculty play a vital role in the life of departments and are key participants in the teaching mission. In some departments, NTT faculty play an additional, critical role because they have practice expertise (e.g., as working journalists) and should be asked to comment on the practice capacities of candidates if that is relevant. However, the provost believes that NTT faculty should not vote on tenure-track appointments, but should be invited to participate in interviews, attend job talks, and their opinions should be carefully solicited as to the quality of teaching (or practice work) the department could expect from short-listed candidates, based on the available evidence.

3. Graduate students benefit from participating in a department’s evaluation of candidates. They learn what makes for a competitive track record, how important “job talks” are, and how candidates comport themselves through the interview process. That said, graduate students’ participation in hiring committees can expose them to uncomfortable and sometimes inappropriate pressures from faculty, which should be avoided.
   a. Departments should debate the wisdom of involving graduate students in search committees. From the provost’s perspective, it is not a healthy practice because it puts those students in awkward positions vis a vis faculty sponsors/advisors/mentors.
   b. All graduate students should be invited to job talks and their representatives should take responsibility for canvassing graduate student opinion about the candidates who visit the campus. This does not involve voting on short-listed candidates. And it engages all members of the grad student community equally rather than privileging one or two serving on a committee. Graduate student representatives should provide to the search committee a report evaluating the strengths and weaknesses of each short-listed candidate; that report should reflect their community’s discussion, not just the views of those on the search committee or those composing the report.
   c. Confidential materials, most especially letters of evaluation, should not be open to graduate students. They are not generally written with a view toward such quasi-public exposure.

Process Clarification: Off-List Reference Checks

Search committees and faculty who have served on search committees have often expressed the conviction that they are prohibited from contacting individuals whom applicants have not listed as references. Such “off-list” reference checks, used at most universities, often provide insights into the qualifications and experience of applicants. Such checks are not prohibited—provided they comply with university policies and
applicable laws. Despite the popular understanding, the EO&D’s “Search Procedures” and supplemental search instructions explicitly allow off-list reference checks, as evidenced by this excerpt from the section of the “Search Procedures”:

Telephone reference checks are encouraged because they enable the committee to secure specific information about the applicant. The committee develops a standardized protocol of questions and includes those questions necessary to the individual applicant's situation. Notes of the reference call are included in the applicant's file. Interviewed candidates should be notified that phone calls may be placed to persons who are not identified as references but who may also be knowledgeable about the candidate. When conducting reference checks by telephone, references must be informed whether the candidate has waived or not waived his/her right to have access to reference materials.

The “Supplemental Search Instructions” that all search committee chairs receive and that are available online further explain:

If the search committee makes telephone calls to references, the committee should develop a standardized protocol of questions, record the answers, and include the notes in the candidate’s file. Finalists should be notified that phone calls will also be placed to others knowledgeable about the candidates. Telephone calls to friends or colleagues at other institutions from which the candidate comes are discouraged unless the candidate has given permission. As a courtesy, the request to not contact the current supervisor may be honored until the committee is ready to select those finalists to interview on campus. At that time if permission is not granted to contact the supervisor, the candidate may be eliminated from further consideration and notified of same.

Indeed, UMass legal counsel believes that due diligence requires the search process to go beyond what applicants volunteer. We strongly encourage off-list reference checks for a limited number of candidates and will be looking to ensure that this due diligence has been performed.

Important: These off-list reference checks may not be conducted casually by random members of the department without appropriate safeguards or without notification of candidates. We advise that the search committee chair or the department chair should conduct these checks and must adhere to these guidelines:

1. Candidates must be advised that the committee plans to contact people who are not on the candidate’s reference list and that the individual’s candidacy may not be otherwise advanced. If the candidate objects, the committee may decline to further consider that candidate.

2. The reference checks must be conducted for all applicants still under consideration at that stage of the search. The check may not be
made of only select candidates among those still under consideration. For this reason, and to preserve the confidentiality of the search process, doing off-list reference checks is often best restricted to all candidates tentatively selected for the shortlist before the shortlist is finalized and campus invitations are issued. These reference checks may then influence whether each candidate moves from the tentative to the final shortlist for campus interviews.

3. Any person conducting the reference checks should do so only in an official capacity, acting with explicit authorization by and on behalf of the committee.

**Process Clarification: Interview Questions**

Among the most important principles underlying the university’s search procedures is that of equity: All candidates should be treated similarly and equitably in the search process. That principle has led to a set of “best practices” for conducting searches, and among them is the use of scripted questions for all candidates. Such a script avoids idiosyncratic consideration of the candidates. Nonetheless, the promotion of equity through the use of some scripted questions should not be interpreted to mean that a search committee cannot or should not venture beyond them. The search committee should pursue questions that help them understand the intellectual direction of each candidate in specific ways make sense to them—provided such questions do not venture into prohibited areas.

**Process Clarification: Faculty Disclosures & Recusals**

The September 18, 2014 guidelines on tenure-track faculty searches prescribes the following:

Faculty who have mentored, published with, written grants with or enjoyed a personal friendship with applicants should disclose these relationships to the search committee, department chair, and dean. The dean will notify the Provost’s Office of the relationship and ask for guidance. If a faculty member has mentored, published regularly with, written multiple grants with and/or enjoyed a close personal relationship with the applicant, they should be prepared to (or will be asked to) recuse themselves from the search process; such faculty should never participate in evaluative discussions of such applicants.

However, we wish to modify that guidance slightly, leaving the handling of such disclosures in the hands of the dean rather than the Provost’s Office, with whom deans may consult if they wish.

The principles underlying the above prescription are simple:

1. Neither professional nor personal relationships between applicants and evaluators should influence the selection decision.
2. Neither professional nor personal relationships between applicants and evaluators should appear to influence the selection decision.
3. When such relationships exist, the evaluator must disclose the relationship.
In this year’s searches, a few such disclosures have occurred. Past or present professional relationships between search committee members and applicants should not mean that the members are entirely excluded from the search process, but the potential conflict of interest must be disclosed and eliminated, mitigated, or managed. Generally, that means that:

- Search committee members engaged in a *personal* relationship with an applicant must disclose the relationship to others involved in the evaluation of the candidate and must recuse him/herself from any deliberations involving that particular applicant. In most cases, a search committee member with a personal relationship with an applicant who has reached the shortlist should recuse him/herself from the committee’s work, including deliberations over other applicants.

- Search committee members engaged in a *professional* relationship with an applicant must disclose the relationship to others involved in the evaluation of the candidate and must recuse him/herself from any deliberations involving the applicant. A search committee member with a *close* professional relationship with an applicant who has reached the shortlist need not recuse him/herself from the committee’s work but should remove him/herself from all discussions of that applicant but may vote along with other department faculty on all applicants.

- A search committee member with a *distant* professional relationship (few collaborations or collaborations older than five years) with an applicant who has reached the shortlist need not recuse him/herself from the committee’s work and may participate in all discussions of that applicant and need not abstain from voting on any applicant.