Summary

The University at Buffalo is an affirmative action/equal opportunity employer and will conduct a competitive recruitment for all positions to identify and attract a diverse and qualified candidate pool.

Policy

POLICY STATEMENT

The University at Buffalo (UB, University) is committed to ensuring equal employment opportunity to all qualified individuals. The University believes a diverse workforce will enhance its ability to fulfill the mission of education, research, and public service. The University will conduct a competitive recruitment for all positions, unless there is a compelling justification to make a recruitment exception (see the Recruitment Exceptions Policy).

- The University may recruit from both within and outside its workforce to obtain qualified individuals. The recruitment process must facilitate good faith efforts toward the attainment of affirmative action goals and objectives set forth in the University Affirmative Action Plan. All full time faculty positions must have at least one web-based or print advertisement in a journal of national circulation likely to produce qualified applicants, such as the Chronicle of Higher Education, or another professional journal appropriate to the field.

- The University will comply with applicable laws and regulations in the employment of all non-U.S. citizens.

- UB Jobs is the official source for posting and processing University positions. To comply with the Federal Internet Applicant Rule, all individuals considered for State and Research Foundation positions must apply through UB Jobs. The UB Foundation may also use UB Jobs to post and/or recruit for job vacancies.

- The University will provide reasonable accommodation to applicants with disabilities upon request.

- The University will not administer formal testing instruments aside from resume review and interviewing unless the testing instrument has been validated and approved in advance by University Human Resources.

- The University may require certain credential, criminal and other background information to be verified as a condition of employment for new employees.
BACKGROUND

This Policy supersedes the Guidelines for Affirmative Action Procedures in the Hiring of Faculty and Professional Staff at the State University of New York at Buffalo. This Policy works in coordination with the Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York (SUNY) Policy and U.S. Department of Labor (DOL) guidelines.

The University encourages proactive initiatives to increase diversity and provide equal opportunity to all applicants and employees. A competitive recruitment process promotes equal opportunity by informing potential applicants of job vacancies within the University.

APPLICABILITY

All faculty, professional staff, classified staff, and Research Foundation (RF) positions regardless of full time equivalent (FTE) are covered by this policy. Civil Service rules and regulations also govern classified staff positions.

This policy does not apply to student assistant, work-study student, graduate assistant, teaching assistant, or RF research (student) assistant positions.

DEFINITIONS

Affirmative Action – proactive steps to further the employment of women, minorities, individuals with disabilities, and veterans; aggressive steps that go beyond compliance with equal opportunity laws.

Affirmative Action Plan – a federally mandated report that is used as a management tool designed to ensure equal employment opportunity. A central premise underlying affirmative action is that, absent discrimination, over time an employer’s workforce generally will reflect the gender, racial, and ethnic profile of the labor pools from which the employer recruits and selects.

Competitive Recruitment – the process of sourcing, screening, and selecting employees for positions with an employer.

Equal Employment Opportunity – the concept of providing access to employment opportunities to all persons without regard to race, color, national origin, gender, religion, age, disability, pregnancy, gender identity, sexual orientation, marital status, veteran status, or ex-offender status.

Good Faith Effort – honest intent to act without taking an unfair advantage over another person. It is used as an evaluation tool to determine an employer’s level of commitment to providing equal opportunity to advertised positions.

Internet Applicant Rule – an employer that accepts employment applications submitted electronically must consider an individual as an Internet applicant if they meet all of the following criteria:

- the individual submits an expression of interest in employment via the Internet (only applications via UB Jobs will be considered)
- the employer considers the individual for employment in a particular position
- the person’s application or resume shows that he or she has the minimum qualifications for the position in question
- the person at no point in the process removes himself or herself from further consideration or otherwise indicates that he or she is no longer interested in the position prior to receiving an offer of employment.

**Reasonable Accommodation** – 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.

**Special Handling** – process where employer sponsored labor certification applications are fast-tracked for teaching positions at qualified educational institutions. This is the most frequently used pathway for international teaching faculty to obtain permanent residency.

**Special Handling Request Packet** – packet of forms and documentation submitted by the sponsoring department to UB Immigration Services (UBIS) to request the filing of a permanent resident case with the federal government.

**Testing Instrument** – any standardized procedure for measuring sensitivity, memory, speed, intelligence, aptitude, or personality etc.

**RESPONSIBILITY**

**Hiring Department and Search Committee**
- Consider and select applicants for hire in accordance with laws prohibiting discrimination based upon race, color, national origin, gender, religion, age, disability, pregnancy, gender identity, sexual orientation, marital status, veteran status, or ex-offender status.
- Consult with University Human Resources, UB Immigration Services (UBIS), and Equity, Diversity and Inclusion (EDI) as appropriate for assistance and advice.
- Assist in the implementation of the University Affirmative Action Plan when recruiting prospective employees by exercising good faith efforts for meeting established commitments to equal employment opportunity and affirmative action goals.

**University Human Resources**
- Monitor and enforce this Policy, and assist with compliance.
- Provide consultation, guidance, and assistance to hiring departments with recruitment procedures, position classification, and compensation.
- Manage UB Jobs.
- Approve position classifications and hiring proposals.

**Office of Equity, Diversity and Inclusion**
- Provide consultation and guidance to hiring departments.
- Prepare reports and analyses of recruitment activities and hiring trends.
- Facilitate reasonable accommodation requests concerning the application and interview process.
UB Immigration Services (UBIS)
- Provide consultation and assistance to hiring departments regarding laws and regulations pertaining to the employment of non-U.S. citizens.
- Prepare and submit required documentation to appropriate federal agencies.

Office of Faculty Affairs
- Review and approve faculty hiring.
- Advise and assist with under-represented faculty recruitment and special faculty hiring initiatives.

PROCEDURE
In compliance with state and federal laws and to fulfill equal opportunity obligations, job prerequisites (e.g., education, experience, job performance, references) will be job-related and significant to successful performance and will not disproportionately exclude members of protected groups.

Posting and Advertising Requirements
University Human Resources will automatically post all vacancies through UB Jobs. In addition, the University automatically posts positions to a variety of sources; a current listing is available on the Human Resources website.

Recruitment and Posting Periods
A position may be posted for a maximum of one year, unless it has been determined, in consultation with University Human Resources, that there are extenuating circumstances. A high-quality, diverse applicant pool can also be used to fill additional vacancies of positions identical in title, grade level and with similar responsibilities, as appropriate to the needs of the unit, within this one-year timeframe.

If the department is unable to fill the position(s) within one year of the initial internal posting date, the department may request that the position be reposted prior to the end of the first year. The position will be reposted according to the minimum posting requirements as stated in labor/management agreements and U.S. Department of Labor (DOL) regulations. This will allow the department an additional year to continue the posting. Recruitment for a position beyond the two-year time period will require a new posting.

If a candidate is hired, but leaves the position either voluntarily or involuntarily within a one-year period of the hiring decision, the hiring unit may extend an offer to another highly qualified individual from the candidate pool. However, such a delay in hiring may negatively impact the Special Handling Requirements for teaching faculty. In particular, because the U.S. DOL regulations pertaining to Special Handling require that the labor certification application be filed within 18 months of the issuance of the letter of offer, the department should be mindful that DOL may find that the recruitment process has gone stale in instances involving a second hire.
Minimum Posting Requirements Per Labor/Management agreements and U.S. DOL Regulations

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<thead>
<tr>
<th>Category</th>
<th>Internal Posting Period</th>
<th>External Posting Period</th>
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<tbody>
<tr>
<td>UUP Faculty</td>
<td>20 business days (labor/management agreement)</td>
<td>30 calendar days (U.S. DOL regulations)</td>
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<td></td>
<td>Internal and external posting periods run concurrently</td>
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<tr>
<td>UUP Professional</td>
<td>15 calendar days</td>
<td>30 calendar days</td>
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<td>Internal and external posting periods run concurrently</td>
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<tr>
<td>Competitive Classified</td>
<td>10 calendar days</td>
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<td></td>
<td>Internal and external posting periods run concurrently</td>
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<tr>
<td>Non-competitive/Labor Classified</td>
<td>15 calendar days</td>
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<td>Internal and external posting periods run concurrently</td>
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Minimum Posting Requirements per UB guidelines

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<td></td>
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<tr>
<td>Research Foundation</td>
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<tr>
<td>UB Foundation</td>
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Advertising

Units should develop strategies for attracting high-quality, diverse applicant pools. Advertising is one mechanism for accomplishing this. Advertisements for a specific position should be placed in sources that most potential applicants would utilize. This may include print media and Web-based and electronic communications, and will vary depending upon the position.

External advertising requires the following tagline on each job advertisement contingent on the employer:

- The University at Buffalo is an affirmative action/equal opportunity employer (AA/EOE)
- The Research Foundation of SUNY is an AA/EOE.

All full time faculty positions must have at least one web-based or print advertisement in a journal of national circulation likely to produce qualified applicants, such as the Chronicle of Higher Education, or another professional journal appropriate to the field. This advertisement is required to satisfy U.S. DOL and U.S. Citizenship and Immigration Services requirements if a foreign national is selected for the position and is seeking employment-based permanent residency.

For full time teaching faculty positions, the advertisement must include the UB department name and contact information, position title, job duties (specifically listing teaching duties), and minimum job requirements.

Documentation of the placement of an advertisement in an electronic or web-based national professional journal must include:

- screen prints of the advertisement from the start date and the 31st date of posting
- an invoice documenting the start and end dates.

All such evidence must be preserved by the department for a period of at least five (5) years after the U.S. DOL issues the labor certification. A copy of the evidence must be provided to UBIS as part of the Special Handling Request Packet.
Departments must comply with the following when advertising for full time teaching faculty positions:

- Use web-based professional journals that are recognized by the profession as generally accepted recruitment resources. The web-based journal should be one that is most likely to reach potential job applicants. In the absence of a discipline-specific web-based journal, departments should contact UBIS for suggestions of web-based journals recognized in higher education as legitimate recruitment resources.

- The candidate must meet the minimum qualifications for the job opportunity at the time that he/she is selected. Therefore, the letter of offer can only be issued after the selected candidate meets all of the minimum job requirements, including degree requirement (e.g., All But Dissertation (ABD), Ph.D., terminal degree).

- All advertisements and postings must reference the exact job duties and minimum qualifications.

- On UB Jobs, the position should be listed as open until a specific date and with the following notation “…or until filled.”

- U.S. DOL considers preferred qualifications to be the equivalent of minimum qualifications.

Application Process

The UB Jobs website is the official source for posting and processing University positions. To comply with the Federal Internet Applicant Rule, all individuals considered for state and RF positions must apply through UB Jobs. The UB Foundation and Clinical Practice Plans may also use UB Jobs to post and/or recruit job vacancies.

If an outside search firm is utilized, all candidates invited for interview must apply via a UB Jobs posting.

Resumes are no longer accepted via email, fax, or U.S. mail. All interested applicants must apply for a specific position in UB Jobs. Individuals involved in the hiring process should not consider or interview applicants from unsolicited expressions of interest for University positions (e.g., informally referred resumes, random searches in external job databases).

Applicants with disabilities who require reasonable accommodation in the application or interview process should contact EDI.

Contact Information

University Human Resources
120 Crofts Hall
Buffalo, NY 14260
Phone: 716-645-7777
Email: HRAadmin@buffalo.edu
http://hr.buffalo.edu

Office of Equity, Diversity and Inclusion
406 Capen Hall
Buffalo, NY 14260
Phone: 716-645-2266
Related Information

University Documents:
- Recruitment Exception Policy
- Reasonable Accommodation Policy
- Pre-Employment Background Screening Policy: [http://policy.business.buffalo.edu/Policy%20Library/Pre-Employment%20Background%20Screening.pdf](http://policy.business.buffalo.edu/Policy%20Library/Pre-Employment%20Background%20Screening.pdf)
- Postdoctoral Scholars Policy: [http://policy.business.buffalo.edu/Policy%20Library/Postdoctoral%20Scholars.pdf](http://policy.business.buffalo.edu/Policy%20Library/Postdoctoral%20Scholars.pdf)
- UB Immigration Services Memorandum: [Online Special Handling Procedures for International Teaching Faculty](http://wings.buffalo.edu/intlservices/documents/SPECIALHANDLINGLABORCERTIFICATIONCHECKLIST-ONLINEADS120130.pdf)

Other Documents:
- Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York

Related Links:
- UB Jobs - [www.UBJobs.buffalo.edu](http://www.UBJobs.buffalo.edu)
- Position management and recruitment system
- UB Jobs Hiring Manager's Guide
- Position Posting Sources: [http://br.buffalo.edu/files/phatfile/AdvertisingHROnly.pdf](http://br.buffalo.edu/files/phatfile/AdvertisingHROnly.pdf)
- [Graduate Student Employment Contract, Article 21 – (See UB Career Services)](http://hr.buffalo.edu/files/phatfile/AdvertisingHROnly.pdf)
- International Student & Scholarly Services: [http://wings.buffalo.edu/intlservices/issss_staff.html](http://wings.buffalo.edu/intlservices/issss_staff.html)
- State University of New York Policy #6502: [Equal Opportunity: Access, Employment and Fair Treatment in the State University of New York](http://www.suny.edu/sunypp/documents.cfm?doc_id=533)
- SUNY Board of Trustees Policy: [http://www.suny.edu/Board_of_Trustees/PDF/Policies.pdf](http://www.suny.edu/Board_of_Trustees/PDF/Policies.pdf)
- SUNY Board of Trustees Legal and Financial Support for Immigration Petitions Policy:
- UUP Contract: [http://www.goer.state.ny.us/cna/current/uuppsmu/index.cfm](http://www.goer.state.ny.us/cna/current/uuppsmu/index.cfm)
- CSEA Contract:
  - ASU: [http://www.goer.state.ny.us/cna/current/cseaasu/index.cfm](http://www.goer.state.ny.us/cna/current/cseaasu/index.cfm)
  - OSU: [http://www.goer.state.ny.us/cna/current/cseaosu/index.cfm](http://www.goer.state.ny.us/cna/current/cseaosu/index.cfm)
  - ISU: [http://www.goer.state.ny.us/cna/current/cseaisu/index.cfm](http://www.goer.state.ny.us/cna/current/cseaisu/index.cfm)
- PEF Contract: [http://www.goer.state.ny.us/cna/current/pefpst/index.cfm](http://www.goer.state.ny.us/cna/current/pefpst/index.cfm)
- Council 82 Contract: [http://www.goer.state.ny.us/cna/bucenter/ales/index.html](http://www.goer.state.ny.us/cna/bucenter/ales/index.html)
- NYSCOPBA Contract:
  - SSU: [http://www.goer.state.ny.us/cna/current/nyscopbassu/index.html](http://www.goer.state.ny.us/cna/current/nyscopbassu/index.html)

Revision History

April 2010 - Revised to reflect that the UB Immigration Services office has replaced the Office of International Student and Scholar Services as the office responsible for immigration procedures for faculty, staff, and researchers.

November 2011 - Updated Office of Equity, Diversity and Affirmative Action (EDAAA) department name to reflect the current name of: Office of Equity, Diversity and Inclusion (EDI).

April 2012 - Revised to incorporate changes resulting from the U.S. Department of Labor September 28, 2011 electronic or web-based advertising guidelines pertaining to Special Handling.
Presidential Approval

John B. Simpson 3/1/10

John B. Simpson, President Date