

## University Partners

Office of Diversity and Inclusion

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The United States Department of Labor's Office of Federal Contract Compliance (OFCCP) is a civil rights agency that ensures organizations comply with Equal Employment Opportunity laws, and do not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran. As part of their mission, the OFCCP conducts compliance evaluations with organizations that do business with the federal government. The University of Pittsburgh is one such organization, and in 2016, the OFCCP began a compliance evaluation (audit) of our recruiting practices. Earlier this year, the audit concluded and revealed several record-keeping violations, including violations in our faculty recruiting practices.

The Chancellor has signed a formal conciliation agreement in which we agreed to address the violations. This agreement requires significant changes to the faculty search process, mostly around posting positions and data keeping, from April 30, 2019 (the conciliation agreement effective date) forward and puts us under a strict review of all faculty recruiting processes for the next 24 months.

There are several required substantive changes in the faculty recruiting practices as a result of the compliance review and conciliation agreement. The Office of the Provost (OTP), the Office of Diversity and Inclusion (ODI) and the Office of Human Resources collaborated to identify steps needed to satisfactorily address this issue and secure the required information. Between May and August of 2019, the Office of the Provost faculty team met with all schools and regional campuses to explain the OFCCP audit and its implications, answer questions, and prepare the units for the implementation of specific changes that include:

- Required language in job ads for faculty positions
- Posting all faculty positions, including part-time and visiting positions
- Instituting the use of a centralized electronic data repository to:
  - enable robust, centralized collection of affirmative action data for all applicants for faculty positions across the University
  - apply appropriate disposition codes to faculty applicants in the applicant tracking system throughout the recruiting process
  - ensure filled positions or concluded searches are no longer listed in the tracking system as 'open.'
  - launch onboarding processes for new faculty hires

## **TALENT CENTER FOR FACULTY SEARCHES**

Last year, the University implemented Talent Center in support of staff recruiting and hiring. As a result of the OFCCP audit, the University will also use Talent Center as a centralized electronic tracking system for all faculty recruiting. While faculty search committees are not required to use Talent Center to support their selection processes, the University will use Talent Center as the central repository for affirmative action data for all faculty applicants. In addition, the academic units will need to disposition all faculty applicants in Talent Center. Eventually, onboarding processes for new faculty hires will also be launched from Talent Center.

## **APPLICANTS AND ADVERTISEMENTS FOR FACULTY POSITIONS**

When recruiting faculty, the academic units must be able to identify those individuals who are “applicants.” The OFCCP provides a specific definition of an applicant:

- › The individual submitted an expression of interest in employment through the Internet or related electronic data technologies;
- › The employer considered the individual for employment in a particular position;
- › The individual’s expression of interest indicated that the individual possesses the basic qualifications for the position; and
- › The individual, at no point in the employer’s selection process before receiving an offer of employment from the employer, removed himself or herself from further consideration or otherwise indicated that he/she was no longer interested in the position.

To be able to identify applicants, job advertisements must articulate the required basic qualifications for the position. Each ad must clearly identify the required basic qualifications for a position (e.g., a PhD in a specific discipline).

In addition, the units can no longer advertise for “open rank” positions. However, an ad can indicate that a position can be filled at multiple ranks (e.g., an assistant professor or associate professor level). In that case, the basic qualifications for each rank must be provided in the ad.

The ads should also clearly specify where applications should be submitted.

## **NEW TAG LINE**

The OFCCP has changed the required tag line. The new tag line should read “The University of Pittsburgh is an Affirmative Action/ Equal Opportunity Employer and values equality of opportunity, human dignity and diversity, EOE, including disability/vets.

## **REQUESTS TO ODI AND POSITION POSTINGS**

There are also changes to the way in which faculty positions must be posted. Specifically:

1. The OFCCP requires that the University of Pittsburgh post every open faculty position. This includes part-time faculty positions as well as full-time faculty positions.
2. New part-time faculty positions (including part-time visitors and adjunct faculty) will be posted on Talent Center for a minimum of 5 days. If a part-time faculty member is being rehired within one academic year (e.g., an instructor who teaches one course each fall), no posting is required and the individual can be rehired through the current rehire process.
3. The OFCCP also requires that the University of Pittsburgh post all full-time faculty positions, including hiring spouses or partners through the dual career program and full-time visiting positions.
4. It is expected that the majority of searches for full-time faculty are external searches, drawing from a national or international pool. Once the Provost or the Senior Vice Chancellor for Health Sciences has approved a search, the search process follows our current practices of submitting a pre-audit search form and advertisement to ODI. Once approved, ODI will post the positions to Talent Center, and the academic units can also advertise the positions in relevant outlets.
5. ODI will no longer approve or process waivers in situations where the selected candidate is outside the University community. However, on occasion, an academic unit may have identified a specific external candidate to fill a position (e.g., the partner or spouse in a dual career opportunity). In this case, the unit may request a targeted or directed external hire by submitting a Targeted External Faculty Recruitment (TEFR) request to ODI. Administrators will submit the pre-audit form and indicate that this is a Targeted External Faculty Recruitment. A search committee is not required but the unit must identify a search committee administrator. Administrators should include an ad in the submission. The ad will be posted on Talent Center for five days. The targeted individual must apply for the position. If there is interest in the position externally, the search committee administrator follows the protocol to determine if a candidate is an applicant and disposition the applicant appropriately. The administrator will then be able to proceed with the hiring of the selected candidate.

6. The process previously called a “waiver” is permissible ONLY when the selected candidate is internal. The “waiver” process is now called “Internal Transfers.” Internal transfers are not required to be posted on Talent Center. The administrator will need to complete a Pre-audit form with all of the required signatures, and submit that form along with a letter of justification to the Office of Diversity and Inclusion. ODI will receive the documents digitally, by mail, or by courier.

### **CURRENT PROCESS FOR PART-TIME, ADJUNCT, AND ANY VISITING FACULTY POSITIONS**

This summer the University began using Talent Center to gather the required affirmative action and disposition data for faculty hiring for part-time, visiting, and adjunct positions. In addition, most academic units have applications for part-time positions submitted directly to Talent Center.

Here are the conditions for posting part-time, visiting, and adjunct positions in Talent Center.

1. No position number or search committee is required.
2. The positions will be approved and posted on Talent Center by ODI staff.
3. Opportunities must be posted on Talent Center for five calendar days. Academic units may post the position in other outlets as appropriate.
4. The department administrator must accurately disposition all applicants who express interest in the position.
5. Hiring the selected applicant will take place outside of Talent Center and will follow current practices.

### **CURRENT STATUS FOR FULL-TIME FACULTY POSITIONS**

We continue to work with all academic units to implement the use of Talent Center to support searches for full-time faculty positions. We will keep you informed of progress. When full-time positions are posted in Talent Center, the University will be able to gather the information that is needed to submit to the OFCCP.

In the interim, we will have to gather the information on all of the positions that were accepted after April 30, 2019.

Each faculty position with an acceptance date after April 30, 2019, the departmental or school search administrator will review each expression of interest to determine whether the person expressing interest was an “Applicant.” To reiterate, the OFCCP definition of an Applicant is:

- The individual submitted an expression of interest in employment through the Internet or related electronic data technologies;
- The employer considered the individual for employment in a particular position;

- › The individual’s expression of interest indicated that the individual possesses the basic qualifications for the position; and
- › The individual, at no point in the employer’s selection process before receiving an offer of employment from the employer, removed himself or herself from further consideration or otherwise indicated that he/she was no longer interested in the position.

Until Talent Center is fully implemented for full time faculty searches, the administrator adheres to the current OTP and ODI processes. This includes submitting to ODI a Pre-audit form and ad for their full-time positions. If the position is a replacement position, ODI can post the position after it has been reviewed by the Institutional Equity Manager. New positions must have the position number added to Talent Center, so there will be a delay in posting the position. Once the position has been approved:

1. The administrator will receive a copy of the signed Pre-audit form.
2. The administrator will also receive a link requesting that they register their position.
3. Once the position is registered, the system will generate a link to send to the applicants so that they can complete the EEO form.
4. The administrator will also receive the link to accurately disposition each applicant. To do this, the administrator will choose the appropriate disposition code for each Applicant that accurately describes why that person was not moved forward in the process until arriving at the applicant who was hired.

The target date for implementation of Talent Center for full-time positions is the end of fall term and the beginning of spring term. This interim process will end when Talent Center has been fully implemented, with one exception:

#### **FACULTY DATA COMPILATION PROCESS**

We must gather faculty applicant data for the positions where the acceptance date is after April 30, 2019, but the search began before the signing of the conciliation agreement. So, departments will continue to use Qualtrics to gather the information needed to fulfill the requirements of the conciliation agreement.

To provide the information required in the conciliation agreement, the administrator should register the position. The Faculty Search Registration has the following question:

“Is this an old posting, but you were asked to enter the information for this position into the system by the Office of Diversity and Inclusion?”

Responding yes enables the administrator to disposition applicants without launching an EEO form to the applicants. The Office of Diversity and Inclusion will be providing training for the search committee administrators so that they will be able to compile and submit the information both on the database and through Qualtrics. ODI training will be in person and available on the ODI website.

If you have questions regarding the ODI processes, please contact the Office of Institutional Equity at 412 648-7860 or via email at [cruffin@pitt.edu](mailto:cruffin@pitt.edu) or [pauem5@pitt.edu](mailto:pauem5@pitt.edu).

If you have questions about annual or supplemental faculty recruitment requests or related processes, please contact the faculty team within the Office of the Provost at [faculty@pitt.edu](mailto:faculty@pitt.edu).