

NOTES ON NOTES

Documenting the Interview Process

1. NOT TAKING NOTES IS NOT AN OPTION

Without notes from the search committee or interview panel, Baylor has no documentation of the interview process. Should an adverse claim be made against the University, interview notes as well as all documents related to a search may be subpoenaed. Without this critical form of documentation, the University is exposed to a great liability and possible claims of discrimination.

2. INTERVIEW NOTES SHOULD NOT MAKE REFERENCE TO ANY OF THE PROTECTED CLASSES ESTABLISHED UNDER FEDERAL LAW

Federal law has created a minimum of 9 protected classes in employment law. The 9 protected classes are: religion, race, ethnicity, national origin, gender, pregnancy, age, disability, and veteran or active guard status. The fact these 9 classes are protected means employment decisions cannot be made based on these 9 factors, nor can we ask questions about these classes. The law says they do not matter, and they do not tell us if a person can perform a job. Baylor is only exempt from the prohibition of asking about or using religion as a factor. Baylor is constitutionally protected and may ask questions about a candidate's faith and religious practice.

3. INTERVIEW NOTES SHOULD FOCUS ON A CANDIDATE'S KNOWLEDGE, SKILLS, ABILITY, EXPERIENCE, AND EDUCATION.

Proper interview documentation should record observations relative to these topics. These are the factors that tell us if someone can perform a job. Interviewers should also note any inappropriate behavior a candidate displays during an interview such as the use of foul language or inappropriate comments. These behaviors are not protected under Federal law.

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4. PROPER INTERVIEW NOTES SHOULD PROVIDE CLEAR DOCUMENTATION OF OUR HIRING DECISIONS

If proper documentation of the interview process is made, it should be obvious to an impartial third party (such as an EEOC investigator) why we made the hiring decisions that we made. For example, if we interviewed a candidate who did not clearly communicate their qualifications for a position, or did not answer questions directly, this should be captured in the interview documentation. If a candidate demonstrates strengths or attributes in an interview that make them a particularly strong fit for the University, this should be indicated in the interview notes as well.

5. DOCUMENTATION MAY BE BRIEF, BUT MUST BE SUBSTANTIVE

Copious interview notes are not required. An ideal standard would be concise and substantive notes. Substantive notes are observations that speak directly to a candidate's qualifications for a position.

6. ALL INTERVIEW NOTES SHOULD BE RETURNED TO HR AT THE END OF THE INTERVIEW PROCESS

The standard practice is for the search chair to collect all the interview notes at the end of the search and to forward them to HR. The University must retain the notes for a minimum of three years per Federal regulations.