

THE INSTITUTE FOR ADVANCED STUDY  
Princeton, New Jersey 08540

5/12/86

Telephone call from Mr. Clifford Roberts of  
International Press (Black Press)

213-656-3970 x211

Saw ad for IAS Directorship and would like to know  
if we want to advertise with his news service.

Cost: \$79.64 per column inch

He will send information addressed to Mr. Bradshaw.

Helen



# D: Positions available

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d. Apply to: Dr. Nancy  
son. Search Committee,



## PRESIDENT Morehouse College Atlanta, Georgia

The Presidential Search Committee, established by the Board of Trustees, invites nominations and applications for the position of President of Morehouse College, an all-male predominantly black liberal arts college with additions of a strong business curriculum including ten majors and a cooperative Dual-Degree Engineering Program with Georgia Tech.

The President, who is the chief administrative and academic officer of the College and is responsible for all aspects of its operation, reports directly to the Board of Trustees and its Executive Committee.

The College seeks an experienced educator with the following credentials:

- an earned doctorate in the field of specialization and a distinguished record of scholarly achievement
- demonstrated capacity to play a leading role in the development of the academic program of the College
- proven administrative, fundraising, and public relations talents
- ability to work cooperatively with college constituencies including trustees, faculty, staff, students, and alumni
- ability to represent the College effectively in dealing with foundation, corporation, and government officials, and the general public

Morehouse, which is generally referred to as one of the best of the small private colleges, has a national reputation for academic excellence. The College has a chapter of Phi Beta Kappa, a faculty with more than two thirds of its members holding earned doctorates, and a senior class which annually has at least fifty percent of its members proceeding to graduate and professional schools. Morehouse is outstanding in the production of alumni of have earned Ph.D., M.D., D.D.S., J.D., and M.B.A. degrees. Two years ago 48 members of the Senior Class were accepted at medical and dental schools throughout the United States.

At present Morehouse is enjoying its most successful period of growth and advancement. With four applicants for every position in the Freshman Class, Morehouse has a steadily growing enrollment that now stands at 2,160. Recently the College has conducted two successful national campaigns for \$20 million, has constructed thirteen new buildings, and has increased the endowment to more than \$15.36 million. During the 1970's and 1980's Morehouse has operated without deficits.

Morehouse is a founding member of the Atlanta University Chapter, a consortium of seven independent institutions that conduct cooperative programs, and is closely associated with all-female Spelman College.

The deadline for the receipt of applications and nominations (including résumés and five references) is September 15, 1986. The Search Committee is planning to screen applicants prior to the Fall Meeting of the Board of Trustees. The new President will assume his duties on July 1, 1987.

Nominations and applications should be submitted to:

Dr. Thomas Kilgore, Jr., Chairman  
Presidential Search Committee  
Morehouse College  
830 Westview Drive, S.W.  
Atlanta, Georgia 30314

Morehouse College is an equal-opportunity employer.

## PRESIDENT Union University Jackson, TN 38305

The Presidential Search Committee for Union University invites nominations and applications for the position of President. Union University is owned and operated by the Tennessee Baptist Convention of the Southern Baptist Convention. Candidates will be expected to be a member of this denomination.

Applications and résumés should be sent to: Mr. Bill Cockroft, P. O. Box 12449, Memphis, TN 38112.

## PRESIDENT ORCHARD RIDGE CAMPUS

Oakland Community College seeks qualified candidates for the position of President, Orchard Ridge Campus, who will report directly to the Chancellor.

The President is responsible for the leadership, planning, organizing, implementing and evaluating of the activities of a campus unit serving the municipalities of south central Oakland County, accepting students from all parts of the county/district and utilizing faculty from all college campuses. The ability to integrate this campus with the operation of a multi-campus district of complex dimensions is essential.

QUALIFICATIONS: The college is looking for an innovative leader for all aspects of the Orchard Ridge Campus who has the ability to influence the wider operations of this comprehensive multi-campus community college. A doctorate is preferred. No less than ten years of community college experience is expected, with five of the last ten years in a presidency or senior administrative level of responsibility. Administrative skills in Human Resource Development and collective bargaining contract development and management are expected. Commitment to the comprehensive community college concept is expected to be demonstrated through past performance.

Oakland Community College is a public two-year institution serving 26,000 students in Oakland County, a dynamic growth area of Southeast Michigan in suburban Detroit.

The Orchard Ridge Campus, serving over 7,500 students, is made up of 11 attractive modern buildings on 147 acres of rolling landscape. Students from all parts of the area are enrolled, and faculty from other campuses join the Orchard Ridge faculty in meeting the teaching schedules of the college.

Salary for this position is competitive for the area, experience and responsibilities outlined. Working conditions and benefits are exceptional. Résumés should be sent by June 20, 1986, to:

Personnel Department  
Oakland Community College  
Orchard Ridge President Applications  
2480 Opdyke Road  
P. O. Box 812  
Bloomfield Hills, MI 48013



## OAKLAND COMMUNITY COLLEGE

Oakland Community College is an affirmative action,  
equal opportunity institution.

## Institute for Advanced Study DIRECTOR

The Board of Trustees of the Institute for Advanced Study invites nominations and applications for the position of Director of the Institute, the term of office to begin July 1, 1987.

The Institute for Advanced Study is an independent research and post-doctoral training institution located in Princeton, New Jersey. Founded in 1930, the Institute today consists of the Schools of Mathematics, Historical Studies, Natural Sciences, and Social Science, each of which has a small permanent faculty. There are approximately 160 visiting members each year from universities and research institutions throughout the world.

The Director is the chief administrative officer and is responsible for fiscal planning and for the formulation and recommendation of policy to the Board of Trustees of which he is a member.

Nominations and applications with detailed résumés should be submitted no later than September 1, 1986. All correspondence will be treated confidentially and should be addressed to:

Mr. Thornton F. Bradshaw  
Chairman, Search Committee  
Institute for Advanced Study  
Olden Lane  
Princeton, New Jersey 08540

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ceipt of applications. Search and selection procedure will be closed when a sufficient number of qualified applicants have been identified, but no earlier than June 13th. Send letter of application, résumé and three references to: Robert Klassen, Chairperson, SUNY College at Fredonia, Fredonia, New York 14063. An Equal Opportunity, Affirmative Action Employer. Women and minorities are encouraged to apply.

Theatre Arts: Cameron University is accepting applications for a Professional Staff Position: Costumer/Theatre Technician. Qualifications include: MFA in costuming (minimum) and strong practical and academic background in technical theatre with teaching experience (preferred). Responsibilities include: teach-

tions include: Master's degree or higher in recreation/therapeutic recreation, holding certification at the professional level; knowledge and/or experience in credentialing; and five (5) years' experience in the field with administrative experience highly desirable. Salary commensurate with experience. Send letter of application, complete résumé, and three (3) letters of reference to: Jean Folkerth, Chair, Personnel Committee, NCTRC, 227 Warner, Eastern Michigan University, Ypsilanti, Michigan 48197. Deadline: May 31, 1986. EOE/AA.

Veterinary Medicine: Laboratory Animal Veterinarian. The University of Colorado at Boulder is seeking a highly trained individual who will have the responsibility and authority for all animal care and use pro-

## THE INSTITUTE FOR ADVANCED STUDY

PATRICIA H. LABALME  
Associate Director

April 9, 1986

Mr. Thornton F. Bradshaw  
Chairman of the Board  
RCA Corporation  
30 Rockefeller Plaza  
New York, NY 10020

Dear Brad,

Enclosed please find two different versions of the Search Ad, Draft A and Draft B, sheets showing comments by members of the Search Committee as sent me or telephoned in, and finally, my own worksheet (which may not make sense to anyone but myself).

There seemed general agreement that the deadline, if any, should be September 1 rather than October 1. Don Straus suggests no date. Donna Manning is investigating whether the Committee is "bound" by naming a date or could consider a candidate who applied after that date.

There was some concern--especially from Don Straus--about requiring a record of scholarship. (Harry feels, by the way, it would be a mistake to omit this qualification). Draft B sidesteps that issue by deleting the paragraph on qualifications and going directly to the description of responsibilities.

As we agreed on the telephone, let's now wait for the first meeting of the Search Committee on April 26 to choose between all these options. Then we could still get an ad in the May 4 Sunday New York Times and the Sunday following, May 11.

We will leave the time of the Search Committee meeting at 10 a.m., unless you decide to call it any earlier, with the Board meeting beginning at 11 a.m.

One final question we forgot to discuss this afternoon: the need for a secretary to the Search Committee. I hope very much you will invite Donna Manning to this meeting to take notes and to help set up future meetings.

Sincerely yours,



Patricia H. Labalme

DRAFT A

I N S T I T U T E   F O R   A D V A N C E D   S T U D Y

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The Director is the chief academic and administrative officer. Qualifications for this position include a record of scholarship and academic leadership, successful administrative experience, and the ability to represent the Institute to its various constituencies and outside agencies.

The Director has overall responsibility for the management and administration of an academic community of about 200 people, support staff numbering about 100, and a campus of a square mile which includes offices, libraries, dining facilities, member housing, and extensive grounds. The Director is responsible for fiscal planning and for the formulation and recommendation of policy to the Board of Trustees of which he is a member. The Director must be prepared to raise funds as necessary to the ongoing excellence of the institution.

Nominations and applications with detailed resumes should be submitted no later than September 1, 1986. All correspondence will be treated confidentially and should be addressed to:

Mr. Thornton F. Bradshaw  
Chairman of the Search Committee  
Institute for Advanced Study  
Olden Lane  
Princeton, New Jersey 08540

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DRAFT B

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DONALD B. STRAUS

SUITE 1702

1700 BROADWAY

NEW YORK, N.Y. 10019

(212) 246-1829

March 28, 1958

Dear Patsie

I am typing this in a hurry before we take off for Maine. I have tried several times to reach Mr. Bradshaw, but we have been missing each other.

I am enclosing a marked up copy of the advertisement. I have suggested cutting out some of the wording which I don't think is needed, but of course I don't have any strong feelings about those cuts one way or the other.

I have suggested different wording for the qualifications simply to give us flexibility to select someone who could be deemed without "a proven record of scholarship", and also someone who has the leadership qualifications that we want but perhaps not in the academic arena.

Finally, I have queried the closing date for nominations. This might be important if it precludes our selecting someone whom we discover after that date.

If necessary, I can be reached either through my office here, or (preferably in the early morning or after 5pm) at 207 244 3685. I am of course happy to go along with Brad's decision on these questions and if I am difficult to reach I do not wish to hold up on placing the ad.

Sincerely,

Don

Straus

# THE INSTITUTE FOR ADVANCED STUDY

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The Director is the chief executive and academic officer. Qualifications for this position include a ~~proven record of scholarship and academic leadership;~~ <sup>a capacity for understanding</sup> successful administrative experience; <sup>and</sup> the ability to represent the Institute to its various constituencies and outside agencies.

The Director has ~~overall responsibility for the management and administration~~ of an academic community of about 200 people, support staff numbering about 100, and a campus of a square mile which includes offices, libraries, dining facilities, member housing, and ~~extensive grounds~~. The Director is responsible for fiscal planning and for the formulation and recommendation of policy to the Board of Trustees of which he is a member and with which he is the principal liaison. Additionally, the Director must be prepared to raise funds as necessary to the ongoing excellence of the institution.

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Zeph Stewart

# THE INSTITUTE FOR ADVANCED STUDY

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ad post-doctoral training

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Chairman of the Search Committee  
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# THE INSTITUTE FOR ADVANCED STUDY

Langlands

## INSTITUTE FOR ADVANCED STUDY

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# THE INSTITUTE FOR ADVANCED STUDY

Wafzer

I N S T I T U T E   F O R   A D V A N C E D   S T U D Y

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*Sep 1st*

Mr. Thornton F. Bradshaw  
Chairman of the Search Committee  
Institute for Advanced Study  
Olden Lane  
Princeton, New Jersey 08540

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# THE INSTITUTE FOR ADVANCED STUDY

Dan Bell

## INSTITUTE FOR ADVANCED STUDY

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The Director is the chief <sup>administrative</sup> executive and academic officer. Qualifications for this position include a (proven) record of scholarship and academic leadership; successful administrative experience; the ability to represent the Institute to its various constituencies and outside agencies.

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Chr of  
Bd

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After thought

Nominations and applications with detailed resumes should be submitted no later than October 1st, 1986. All correspondence will be treated confidentially and should be addressed to:

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Sept 1  
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Sept 1  
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earlier

Mr. Thornton F. Bradshaw  
Chairman of the Search Committee  
Institute for Advanced Study  
Olden Lane  
Princeton, New Jersey 08540

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Patricia Labalme's Worksheet

# THE INSTITUTE FOR ADVANCED STUDY

DB = Dan Bell

Z = Zeph Stewart

DS = Don Straus

M = Michael Walter

R = Robert Langlois

## INSTITUTE FOR ADVANCED STUDY

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The Director is the chief ~~executive and academic~~ officer. [Qualifications for this position include a proven record of scholarship and academic leadership; successful administrative experience; the ability to represent the Institute to its various constituencies and outside agencies.] <sup>capacity for understanding (DS)</sup>

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R → [The Director has overall <sup>and has</sup> responsibility for the management and administration of an academic community of about 200 people, support staff numbering about 100, and a campus of a square mile which includes offices, libraries, dining facilities, member housing, and extensive grounds.] The Director is responsible for fiscal planning and for the formulation and recommendation of policy to the Board of Trustees of which he is a member, <sup>and (DS)</sup> ~~and with which he is~~ <sup>the principal liaison</sup>. Additionally, the Director must be prepared to raise funds as necessary to the ongoing excellence of the institution. <sup>delete? (DS)</sup>

(DS) is a date necessary?

Nominations and applications with detailed resumes should be submitted no later than October 1st, 1986. All correspondence will be treated confidentially and should be addressed to:

Sept. 1<sup>st</sup> (M)  
(DB)  
(R)

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Chairman of the Search Committee  
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Olden Lane  
Princeton, New Jersey 08540

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PRINCETON PACKET  
5-27-86

# Institute is seeking a director

By Angela Delli Santi  
Staff Writer

Age has caught up with Harry Woolf, who at 62 will be prohibited from seeking a second term as director of the Institute for Advanced Study.

Dr. Woolf will complete a 10-year term as director of the institute on July 1, and, because of his age, will not seek a second term. An independent research and postdoctoral training facility, the institute mandates that its directors retire at age 65, according to two institute sources wishing to remain unidentified.

Dr. Woolf will not officially surrender his directorship until July 1, 1987 — he was asked to stay on an additional year while a search committee looks for his replacement. According to an advertisement placed in the New York Times recently, nominations for the position will be accepted through Sept. 1.

See DIRECTOR, Page 7A

## Director

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Continued from Page 1A

The director is the chief administrative officer of the institute, and is responsible for fiscal planning, academic matters and daily operations. His role is similar to that of a president of any large educational institution.

Dr. Woolf was out of town this weekend, and could not be reached for comment. Similarly, search committee chairman Thornton F. Bradshaw was out of town and could not be reached at his Manhattan office.

After he steps down, Dr. Woolf will take a one-year sabbatical leave abroad, according to a statement re-

leased Thursday. He will then return to the institute to continue his own research in the history of science and related subjects.

Dr. Woolf was affiliated with The John Hopkins University, and was chairman of the history of science department, before coming to the institute.

He has authored and edited numerous works, including "A Centennial Symposium to Celebrate the Achievements of Albert Einstein."

For nearly 10 years, Dr. Woolf has presided over the institute, which consists of the schools of mathematics,

historical studies, natural sciences and social science. Each school has a small, permanent faculty. Approximately 150 fellowships are awarded annually to visiting scholars from universities and researchers around the world.

Founded in 1930, the institute retains the right to grant graduate degrees — although it has never done so. It is devoted to encourage and support learning, but offers no scheduled courses in instruction. The institute supports many separate fields of study, and welcomes temporary members who wish to further their own scholarly research.

Conrad Snodden  
Associate Provost  
452-5552  
Jim Barber

. . . make clear, either orally or on a written questionnaire, if one is used, that the information is for use solely in connection with the recipient's remedial or affirmative action efforts; . . . states clearly that the information requested is voluntary, that it will be kept confidential, and that refusal to supply it will not subject the applicant or employee to any adverse treatment.<sup>12</sup>

Information as to the medical condition or history of an applicant must be collected and maintained on separate forms and accorded confidentiality as medical records, except that:

. . . supervisors and managers may be informed regarding restrictions on the work or duties of handicapped persons and regarding necessary accommodations;

. . . first aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment;

. . . relevant information must be provided on request to government officials investigating compliance with the Act.<sup>13</sup>

**Note to Personnel:** For further discussion of preemployment inquiries about an applicant's physical condition or handicaps, see ¶ PM-10,639.

¶ EP-18,844. Job advertising; an overview.

Title VII makes it unlawful for an employer to publish an employment ad expressing a preference for applicants based on race, color, religion, sex, or national origin unless one of those factors is a bona fide occupational qualification for the particular position.<sup>14</sup>

Many state fair employment practices statutes also prohibit employers from publishing job advertisements that indicate preferences, limitations, specifications, or discrimination based on race, color, religion, sex, or national origin, unless the preference is based on a BFOQ. Some of the state statutes go even further than Title VII in their prohibitions. For

example, the Alaska statute also prohibits such specifications based on marital status, changes in marital status, pregnancy, or parenthood.<sup>15</sup> California adds physical handicap and medical condition to the list of prohibited specifications, but permits such a specification if it is directly related to the job or involves the health or safety of the employee or others.<sup>16</sup> The District of Columbia statute expands the standard list to include specifications based on personal appearance, sexual orientation, family responsibilities, matriculation, or political affiliation.<sup>17</sup> Finally, the Hawaii statute adds arrest or court records to the standard list of prohibited specifications.<sup>18</sup> Statutory hiring prohibitions are discussed on a state-by-state basis in ¶ EP-18,850 et seq.

¶ EP-18,845. Advertising methods.

Where and how an employment ad is printed can create job discrimination problems if the availability of a position is not sufficiently made known to minorities. However, publication in a widely-circulated professional journal at least two months before the position in question was filled was held to be sufficient in one case.<sup>19</sup>

Failing to advertise a particular vacancy and, consequently, failing to consider a female employee who wanted the job, did not violate Title VII where the vacancy was filled by a male who was transferred from another company division at a substantial cut in salary.<sup>20</sup>

¶ EP-18,846. Sex discrimination in job advertisements.

Under the OFCCP's Executive Order 11246 sex discrimination regulations, advertisements in newspapers and other media for employment must not express a sex preference, unless sex is a bona fide occupational qualification for the job.<sup>21</sup> Both the OFCCP<sup>22</sup> and the EEOC<sup>23</sup> consider the placement of classified advertisements in newspaper columns headed "Male" or "Female" an expression of an illegal preference,

12. 28 CFR § 42.513(b).

13. 28 CFR § 42.513(c).

14. 42 USC § 2000e-3(b).

15. Alas S 18.80.220(a)(3).

16. Cal Deering's Gov C § 12940(d).

17. DC CA § 1-2512(a)(4)(B).

18. Haw RS § 370-2(3).

19. *Kureshy v City University of New York* (1983, ED NY) 561 F Supp 1098, 31 BNA FEP Cas 1264.

20. EEOC Decision No. 80-27 (1980) 26 BNA FEP Cas 1811.

21. 41 CFR § 60-20.2(b).

22. 41 CFR § 60-20.2(b).

23. 29 CFR § 1604.5; EEOC Decision No. 75-021 (1974) 16 BNA FEP Cas 1806, CCH EEOC Dec ¶ 6473.

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limitation, specification, or discrimination based on sex.

Illegal sex discrimination has been found where "help wanted" ads:

. . . stated, "Wanted—Men who desire to be truck operators;"<sup>24</sup>

. . . declared that "career minded men will be interviewed;"<sup>25</sup>

. . . stated that the job was an excellent opportunity for an "attractive lady;"<sup>21</sup>

. . . requested a "personnel trainee" under the heading "Men's Employment Agencies;"<sup>22</sup>

. . . sought stewardesses in the Help Wanted—Female column, although the ad declared that the airline was an equal opportunity employer;<sup>3</sup>

. . . sought managers in "Male Help Wanted" columns and nonmanagerial employees in female columns.<sup>4</sup>

**observation:** The current edition of the Dictionary of Occupational Titles (4th Edition, 1979) and its supplements published by the United States Department of Labor's Employment and Training Administration, reflect revisions designed to eliminate sex-referent language from job titles. The dictionary is available from the Government Printing Office, Washington, D.C. 20402, for \$23.

¶ EP-18,847. Age discrimination in job advertisements.

An advertisement which requests that applicants state their age is not, in itself, a violation of the ADEA. However, because such requests may tend to deter older applicants, they may be closely scrutinized to insure that the request is for a permissible purpose.<sup>5</sup>

Unless one of the ADEA's exceptions applies (¶ EP-12,401 et seq.), job advertisements violate the Act when, in referring to specific job opening, they combine a phrase implying youth with a phrase specifying an educational requirement, such as "college student" or "recent college graduate,"<sup>6</sup> "accountant: new grad,"<sup>7</sup> "recent graduates",<sup>8</sup> "mgr trainee: new grad."<sup>9</sup>

**recommendation:** The ease with which government investigators can detect discriminatory help-wanted ads makes employers particularly vulnerable to this violation. All of the employer's advertising, and all advertising prepared by employment agencies for its job openings, should be checked to make sure it is not illegal under the Act.

¶ EP-18,848. Recruiting methods; an overview.

Title VII requires only that an employer provide equal job opportunities regardless of an applicant's race, color, religion, sex, or national origin. It does not require an employer to consider whether protected group members are proportionately represented in the employer's workforce in comparison with their representation in the community.<sup>10</sup> Thus, Title VII does not impose a duty to adopt recruiting procedures that maximize the hiring of minority employees.<sup>11</sup> For example, an employer's failure to tell black applicants for jobs in a predominantly black department about work available in other departments did not violate Title VII, where the employer treated all applicants, black and white, alike, and where the employer's workforce in the other departments was not statistically imbalanced by race.<sup>12</sup>

24. EEOC Decision No. 71-2048 (1971) CCH EEOC Dec ¶ 6244.

25. EEOC Decision No. 72-0066 (1971) CCH EEOC Dec ¶ 6296.

1. EEOC Decision, Case No. YNO 9-082 (1969) CCH EEOC Dec ¶ 6005.

2. EEOC Decision No. 72-0157 (1971) 4 BNA FEP Cas 254, CCH EEOC Dec ¶ 6298.

3. Hailes v United Air Lines (1972, CA5) 464 F2d 1006, 4 BNA FEP Cas 1022, 4 CCH EPD ¶ 7908.

4. Capaci v Katz & Besthoff, Inc. (1983, CA5) 711 F2d 647, 32 BNA FEP Cas 961.

5. 29 CFR § 1625.4(b).

6. 29 CFR § 1625.4(a).

7. Brennan v C/M Mobile, Inc. (1974, DC Ala) 8 CCH

EPD ¶ 9532, 8 BNA FEP Cas 551.

8. Brennan v Hughes Personnel, Inc. (1974, DC Ky) 8 CCH EPD ¶ 9571, amd on other grounds (DC Ky) 8 CCH EPD ¶ 9679.

9. Brennan v C/M Mobile, Inc. (1974, DC Ala) 8 CCH EPD ¶ 9532, 8 BNA FEP Cas 551.

10. 42 USCS § 2000e-2(j).

11. Furnco Constr. Corp. v Waters (1978) 438 US 567, 57 L Ed 2d 957, 98 S Ct 2943, 17 BNA FEP Cas 1062, 17 CCH EPD ¶ 8401.

12. Lewis v Tobacco Workers' International Union (1978, CA4) 577 F2d 1135, 17 BNA FEP Cas 622, 16 CCH EPD ¶ 8310, cert den 439 US 1089, 59 L Ed 2d 56, 99 S Ct 871, 18 BNA FEP Cas 1430, 18 CCH EPD ¶ 8716A.

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The latter points are telling, however. A disproportionately low number of minority applicants compared with the minority population in the relevant labor market may give rise to a disparate-impact challenge to an employer's recruiting procedures. Furthermore, a failure to treat minority and women applicants in the same way as white male applicants may prompt a disparate treatment case.

Recruiting procedures have been held to violate Title VII where:

. . . the employer gave false, misleading, or incomplete information to blacks, and failed or refused to inform blacks of the procedures and opportunities for obtaining employment;<sup>13</sup>

. . . the employer recruited for skilled personnel at all-white educational institutions only;<sup>14</sup>

. . . a television station recruited its announcers and reporters primarily from sister radio stations that employed virtually no women in those positions.<sup>15</sup>

Paragraph (2) of the Executive Order 11246 equal opportunity clause (¶ EP-10,151 et seq.) obligates the contractor to state in all solicitations or advertisements for employees that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin. Under OFCCP regulations, these requirements are satisfied whenever the prime contractor or subcontractor: (1) states expressly in the solicitations or advertising that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin; (2) uses display or other advertising that includes an appropriate insignia prescribed by the Director of the OFCCP; (3) uses a single advertisement grouped with other advertisements under a caption which clearly states that all employers in the group assure all qualified applicants equal consideration for employment without regard to race, color, religion, sex, or national origin; or (4) uses a single advertisement in which appears, in clearly distinguish-

able type, the phrase "an equal opportunity employer." Unauthorized use or duplication of the insignia referred to in (2) above would be subject to the criminal penalties prescribed in 18 USCS § 701.<sup>16</sup>

¶ EP-18,849. Sex discrimination in recruiting.

Under the OFCCP's Executive Order 11246 sex discrimination regulations, employers must recruit employees of both sexes for all jobs, unless sex is a bona fide occupational qualification.<sup>17</sup> The regulations also require employers to take affirmative action to recruit women to apply for those jobs from which they were previously excluded.<sup>18</sup> This can be done by various methods, such as including women's colleges in recruiting trips where graduates with skills desired by the employer can be found, contacting female students of coeducational institutions, and designing advertisements to indicate that women will be considered equally with men for jobs.<sup>19</sup>

¶ EP-18,850. Religious or national origin discrimination in recruiting.

Under the OFCCP's religious/national origin discrimination guidelines, employers are required to review their employment practices to determine whether members of the various religious and/or ethnic groups are receiving fair consideration for job opportunities, and special attention is to be directed toward executive and middle-management levels, where employment problems relating to religion and national origin are most likely to occur. Based on the findings of such reviews, employers must undertake appropriate outreach and positive recruitment activities to remedy existing deficiencies. These activities could include:

(1) internal communication of the employer's obligation to provide equal employment opportunity without regard to religion or national origin in such a manner as to foster understanding, acceptance, and support among the

13. *United States v Central Motor Lines, Inc.* (1971, WD NC) 338 F Supp 532, 4 BNA FEP Cas 216, 4 CCH EPD ¶ 7624.

14. *United States v Georgia Power Co.* (1973, CA5) 474 F2d 906, 5 BNA FEP Cas 587, 5 CCH EPD ¶ 8460; *Domingo v New England Fish Co.* (1977, WD Wash) 445 F Supp 421, 19 BNA FEP Cas 253, 16 CCH EPD ¶ 8207.

15. *Equal Employment Opportunity Com. v New York Times Broadcasting Service, Inc.* (1976, CA6) 542 F2d 356, 13 BNA FEP Cas 813, 12 CCH EPD ¶ 11205.

16. 41 CFR § 60-1.41.

17. 41 CFR § 60-20.2(a).

18. 41 CFR § 60-20.6(a).

19. 41 CFR § 60-20.6(a) (note).

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employer's executive, management, supervisory, and other employees and to encourage those persons to take the necessary action to aid the employer in meeting this obligation;

(2) development of reasonable internal procedures to insure that the employer's obligation to provide equal employment opportunity without regard to religion or national origin is being fully implemented;

(3) periodically informing all employees of the employer's commitment to equal employment opportunity for all persons, without regard to religion or national origin;

(4) enlisting the assistance and support of all recruitment sources (including employment agencies, college placement directors, and business associates) for the employer's commitment to provide equal employment opportunity without regard to religion or national origin;

(5) reviewing employment records to determine the availability of promotable and transferable members of various religious and ethnic groups;

(6) establishing meaningful contacts with religious and ethnic organizations and leaders for advice, technical assistance, and referral of potential employees;

(7) engaging in significant recruiting activities at educational institutions with substantial enrollments of students from various religious and ethnic groups;

(8) using the religious and ethnic media for institutional and employment advertising.

The OFCCP does not require that employers undertake all of the listed activities. The scope of the employer's efforts depends on all the circumstances, including the nature and extent of its deficiencies and its size and resources.<sup>20</sup>

¶ EP-18,851. Word-of-mouth recruiting.

While word-of-mouth recruiting is not automatically discriminatory under Title VII,<sup>21</sup> the use of referrals from current employees as a source of new hires may violate Title VII if the employer's workforce does not reflect the racial, ethnic, or sexual composition of the relevant labor market, because such referrals tend to perpetuate a discriminatory pattern of employment.<sup>22</sup>

The touchstone is the make-up of the employer's workforce; i.e., the disseminators of job availability information. Word-of-mouth recruiting did not constitute unlawful discrimination against blacks where the employer's workforce was predominantly black and the practice did not have an adverse impact on black employment.<sup>23</sup> However, word-of-mouth recruiting fostered illegal discrimination against:

. . . blacks, where the employer had a substantially all-white workforce;<sup>24</sup>

. . . whites, where the employer's workforce was predominantly black;<sup>25</sup>

. . . women, where the employer historically classified employees on the basis of sex,<sup>1</sup> and where 86% of new hires referred by current employees were men;<sup>2</sup>

. . . adherents of other denominations, where

20. 41 CFR § 60-50.2(b).  
21. *Markey v Tenneco Oil Co.* (1977, DC La) 439 F Supp 219, 17 BNA FEP Cas 1807, affd in part and revd in part on other grounds (CA5) 635 F2d 497, 24 BNA FEP Cas 1675, 25 CCH EPD ¶ 31541.  
22. *United States v Georgia Power Co.* (1973, CA5) 474 F2d 906, 5 BNA FEP Cas 587, 5 CCH EPD ¶ 8460; *Reed v Arlington Hotel Co.* (1973, CA8 Ark) 476 F2d 721, 5 BNA FEP Cas 789, 5 CCH EPD ¶ 8521, 17 FR Serv 2d 122, cert den 414 US 854, 38 L Ed 2d 103, 94 S Ct 153, 6 BNA FEP Cas 607, 6 CCH EPD ¶ 8861; EEOC Decision No. 71-1325 (1971) CCH EEOC Dec ¶ 6214; EEOC Decision No. 77-27 (1978) 21 BNA FEP Cas 1783; CCH EEOC Dec ¶ 6577.  
23. *Williams v Yazoo Valley-Minter City Oil Mill, Inc.* (1978, ND Miss) 469 F Supp 37, 21 BNA FEP Cas 1103, 20 CCH EPD ¶ 30200.  
24. *Clark v American Marine Corp.* (1969, DC La) 304 F Supp 603, 2 BNA FEP Cas 198, 2 CCH EPD 10084,

61 CCH LC ¶ 9320; EEOC Decision No. 70-158 (1969) 2 BNA FEP Cas 238, CCH EEOC Dec ¶ 6070; EEOC Decision No. 70-422 (1970) 2 BNA FEP Cas 460, CCH EEOC Dec ¶ 6127 ; EEOC Decision No. 71-359 (1970) 2 BNA FEP Cas 1104, CCH EEOC Dec ¶ 6172.  
25. EEOC Decision No. 74-31 (1973) 7 BNA FEP Cas 1326, CCH EEOC Dec ¶ 6404.  
1. *Nance v Union Carbide Corp., Consumer Products Div.* (1975, DC NC) 397 F Supp 436, 13 BNA FEP Cas 211, 9 CCH EPD ¶ 10114, cause remanded (CA4) 540 F2d 718, 13 BNA FEP Cas 231, 13 BNA FEP Cas 1810, 12 CCH EPD ¶ 11106, 22 FR Serv 2d 247, vacated on other grounds 431 US 952, 53 L Ed 2d 268, 97 S Ct 2671, 14 BNA FEP Cas 1686, 14 CCH EPD ¶ 7580.  
2. *Kyriazi v Western Electric Co.* (1978, DC NJ) 461 F Supp 894, 18 BNA FEP Cas 924, 18 CCH EPD ¶ 8700.

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93% of the employer's workforce was either Amish or Mennonite.<sup>3</sup>

However, an employee referral system which tends to perpetuate a low percentage of minority employees is illegal only if it is the primary means for recruiting applicants. Such a system survived Title VII challenge where it was an insubstantial element in the employer's recruiting process compared with the use of the state employment agency, newspaper advertisements, and walk-in job applications.<sup>4</sup> Furthermore, the practice of hiring applicants recommended by a male plant manager did not violate the sex discrimination provisions of Title VII, where there was no evidence that the practice was followed to any significant extent or that it was motivated by sexually discriminatory considerations.<sup>5</sup>

**¶ EP-18,852. Using an employment agency for recruiting.**

An employer may be held liable for the discriminatory practices of employment agencies and other recruiting entities whose services it utilizes (¶ EP-18,051 et seq.). To avoid such liability, the employer should:

. . . notify employment agencies and other sources with whom the employer deals each time there is an opening that the position is open to applicants regardless of their race, color, religion, sex, national origin, or age;

. . . make sure that employment agencies are not discriminating, either deliberately or unintentionally, on the basis of race, age, etc.

**¶ EP-18,853. Requiring a completed job application.**

Requiring that job applicants fill out application forms is permissible as long as the practice isn't used unfairly against minority applicants. An employer's denial of a job to a black applicant for refusing to fill out an employment application did not violate Title VII, even

though the applicant claimed that the employer's agent erroneously told him there were no job openings. The court said that the practice of requiring a completed employment application was a fair and reasonable business practice of neutral and nondiscriminatory impact.<sup>6</sup>

However, the fact that another applicant never filled out an application form did not prevent her from claiming a Title VII violation. There were 12 steps in the selection process. The first step was a preliminary interview and the second step the completion of the employment application. The plaintiff had completed the preliminary interview.<sup>7</sup>

 **Note to Personnel:** For a form of an employment application, see ¶ PM-10,664.

**¶ EP-18,854. Reapplication requirements.**

In some instances, employers will require applicants to reapply after a certain period if favorable action hasn't been taken on their previous applications. The validity of such a requirement depends on how it's applied to individual applicants.

A requirement that job applications be renewed every 30 days to remain in continuous effect did not violate Title VII, where there was no evidence of discriminatory treatment against blacks.<sup>8</sup>

But a 90-day reapplication rule was racially discriminatory where, in combination with the employer's failure to provide meaningful notice of the rule to black applicants, it operated to thwart blacks in their attempts to secure employment.<sup>9</sup> Furthermore, an employer's failure to reconsider a five-year-old application was unlawful, where the employer refused to reconsider the application after the company eliminated its discriminatory height requirement, which was a factor that excluded the applicant from a job years earlier.<sup>10</sup>

3. EEOC Decision No. 76-95 (2/18/76) CCH EEOC Dec ¶ 6672.

4. Taylor v Safeway Stores, Inc. (1973, DC Colo) 365 F Supp 468, 6 BNA FEP Cas 556, 6 CCH EPD ¶ 8928.

5. Ross v Jones & Laughlin Steel Corp. (1979, WD Pa) 468 F Supp 715, 19 BNA FEP Cas 877, 20 CCH EPD ¶ 30010.

6. Armstrong v Ryder Truck Rental, Inc. (1978, DC Ariz) 448 F Supp 185, 17 BNA FEP Cas 1089, 16 CCH EPD ¶ 8319.

7. Consor v Occidental Life Ins. Co. (1979, ND Tex) 469 F Supp 1110, 19 BNA FEP Cas 327, 19 CCH EPD ¶ 9162, 27 FR Serv 2d 1016, 28 FR Serv 2d 204.

8. Roman v ESB, Inc. (1976, CA4) 550 F2d 1343, 14 BNA FEP Cas 235, 13 CCH EPD ¶ 11285, 22 FR Serv 2d 834.

9. Neely v Grenada (1977, DC Miss) 438 F Supp 390, 15 BNA FEP Cas 1717, 15 CCH EPD ¶ 8005.

10. Schick v Bronstein (1978, DC NY) 447 F Supp 333, 19 BNA FEP Cas 1246, 16 CCH EPD ¶ 8247.

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