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Disclaimer

This NAIS Independent School Guide to Hiring is intended to provide an overview and guidance to independent schools in hiring practices. It is not legal advice. Before adopting any of the samples provided in these materials, schools should consult with legal counsel for advice to discuss specific situations or questions they may have in this area and to inquire about any federal or state-specific laws that may apply.
Acknowledgments

With special thanks to Jada Hebra, Vice Rector for Faculty at St. Paul’s School in Concord, New Hampshire, for her valuable input regarding the practical side of the hiring process and for sharing many of the hiring process templates used by St. Paul’s School. Also thanks to Rachel O’Neil for her assistance in editing this manual. Rachel was an employment specialist with McLane, Graf, Raulerson & Middleton Professional Association while she obtained her law degree from the University of New Hampshire School of Law. She previously had 10 years of experience in the human resource area and is currently a human resource manager in Massachusetts.
An Overview of the Hiring Process at Independent Schools

Hiring the best candidate is the ultimate goal of the hiring process. A well-devised hiring process provides an opportunity for a school to learn whether the candidate is the right fit for the school and for the candidate to evaluate whether the school is the right fit for him or her. It also allows a school to screen out undesirable candidates, such as those with a prior criminal history, fraudulent application information, or poor work record, which would indicate that the candidate may be dangerous or otherwise an inappropriate fit for an independent school setting. Additionally, the hiring process is often an employee’s first opportunity to learn about the school’s mission and culture. These first interactions are the keys to establishing a mutually satisfying employment relationship.

Schools must keep in mind that various federal and state employment laws impact the hiring process. Federal anti-discrimination laws prohibit discrimination in all conditions of employment, including hiring, based on factors such as race, color, religion, national origin, sex, age, and disability. State-specific laws may also add other protected categories, such as marital status and sexual orientation. State laws may also mandate other hiring compliance issues, such as providing written notice to employees about their wages and work benefits. One way for a school to help ensure that its hiring process is in compliance with the law is to have a prescribed search and selection process as well as training and oversight regarding the hiring of new employees.

The following materials, guidelines, samples, and checklists are intended to help heads of schools, deans of faculty, human resource professionals, and others involved in the hiring process understand, develop, and adopt policies and procedures that help ensure a legally compliant and effective hiring process.\(^1\) In addition, schools should keep in mind the **NAIS Principles of Good Practice: The Hiring Process**, which can be found in the Appendix. The Principles outline both the school’s obligations in the hiring process and the candidate’s.

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\(^1\) There are some occasions when a school will use an outside firm to hire for a particular position, such as the head of school. These materials are intended to cover situations when the school itself is conducting the entire hiring process. However, it may provide helpful information even when a third-party search firm is used.
Steps in the Hiring Process

The hiring process is just that, a process. It begins with a vacant position and concludes with the newly hired person starting to work for your school. Briefly, the hiring process starts with recruitment and receipt and evaluation of applications. This is followed by interviews, selection of the final candidates, and then of the top candidate. After pre-employment testing, the successful candidate either receives a job offer or, depending on the position, signs an employment contract. Throughout the hiring process, your head of school and the human resources officer should be kept informed of the status of the process.

The recruitment phase is initiated by appropriate approvals and sources candidates from a wide variety of applicant pools. After the applications are received and reviewed, the interview phase provides the opportunity to learn about the candidates’ skills and work ethic. The selection of a final candidate occurs after the pool of potential matches is narrowed down to the best fit for your school. Next, pre-employment testing and/or background checks are a vetting process to confirm that the candidate is actually suitable for your school. A job offer reduces to writing the employment opportunity the candidate is accepting. Last, an offer letter or employment contract (for certain positions) explains the terms and conditions of employment.

Depending on the vacancy, you may receive hundreds of candidates. Some candidates may progress to the interview phase; others may not progress past the recruitment phase. In either situation, create a straightforward process that treats each candidate consistently. Consistent application of your hiring process is the best defense against claims of improper or biased hiring decisions. Overall, a well-devised hiring process will assist your school in finding the best candidate and starting the employment relationship on a solid ground.

The 10 Steps in the Hiring Process outlined below will help your school develop a workable hiring process it can use for each vacancy.
Steps in the Hiring Process

**STEP 1:** Identify Position Vacancy, Create a Job Description, and Obtain the Necessary Approvals

**STEP 2:** Establish a Search Committee and Recruitment Plan

**STEP 3:** Advertise and Promote the Position

**STEP 4:** Acknowledge All Responses

**STEP 5:** Evaluate and Review Resumes, and Select Candidates to Interview

**STEP 6:** The Interview Process

**STEP 7:** Finalists, Second Interviews, and the Final Selection

**STEP 8:** Conditional Offers of Employment, Background Checks, and Pre-employment Requirements

**STEP 9:** Contracts and Offer Letters

**STEP 10:** New Hire Orientation and Processing

**Step 1: Identify Position Vacancy, Create a Job Description, and Obtain Necessary Approvals**

**Position Vacancy**

The first step in the hiring process is to identify a position vacancy. Position vacancies result when a new position is created in response to business conditions or when an employee leaves the school and must be replaced. In either scenario, you will need to obtain proper approvals during this first step. Approval typically involves getting authorization for the expenses incurred in recruitment and, ultimately, for the salary and benefits offered to the candidate. You may need to provide supporting justification for filling the vacancy, such as an analysis of the business case for filling or creating the position or simply that a person has left and must be replaced. Your head of school, or other authorizing individual, will determine what is required. At this time, most schools also have a salary range that they have set for each position, often
benchmark against comparison groups of similar schools.

**Job Descriptions**

As stated in the *NAIS Principles of Good Practice: The Hiring Process*, a school should have written job descriptions for every position. Whether a replacement or a newly created position, a vacancy creates the ideal opportunity to critically evaluate the position’s job duties and responsibilities of the position. A job description identifies the essential functions of the job and the qualifications required for the position.

A well-written job description will help those involved in the hiring process to appropriately focus on a candidate’s ability to perform the essential functions of the job. In addition, the job description can be a powerful tool in defending against allegations of discriminatory treatment in the hiring process or later on, such as Americans with Disabilities Act accommodation claims.

Writing a job description begins with analyzing the job functions. The Appendix includes a **Job Description Analysis** form that will help schools create appropriate job descriptions. The form has five main sections: (1) the job title and who the employee reports to; (2) an overall job summary; (3) essential duties and responsibilities; (4) other duties; and (5) the qualification requirements including education, experience, and skills.

Once the job analysis is complete, the responses can be used to write a full job description. The Appendix includes two sample job descriptions that a school can use as models: **Job Description: Director of School Stewardship** and **Job Description: Assistant Director of Athletics**.

**Step 2: Establish a Search Committee and Recruitment Plan**

**Search Committee**

Once a job vacancy has been identified and the job description prepared, the school will need to determine who will be involved in the hiring process as a search committee. The *NAIS Principles of Good Practice: The Hiring Process* recommend that “the hiring and interview process [include] the people who will be directly involved with the candidate in his or her new position.” For a highly visible vacancy such as a head of school search, the search committee may include various representatives from inside and outside the school. For most positions, however, the search committee will likely consist of a department head, the human resources director, and the head of school or some other member of the upper administration. Most hiring
decisions in independent schools are ultimately approved by the head of school. One member of the search committee should be appointed chairperson and assume the responsibility for moving the search process forward. In addition, using a checklist can help ensure that all steps in the hiring process are followed and that there is consistent and uniform application of the school’s hiring practices. The Appendix includes two sample checklists: Candidate Tracking Checklist and Faculty Candidate Tracking Form.

The search committee members and all school employees involved in the hiring or interview process should receive proper training on the critical importance of using “job relatedness” as the guidepost for hiring criteria and interview questions. This approach is exactly how it sounds — all questions asked of candidates in interviews (whether formal or informal parts of the interview process), as well as those elements considered in the ultimate hiring determination, should be directly related to the job in question. Proper training and adherence to training objectives in practice increase a successful defense against a claim of an improper or biased hiring process.

When selecting a head of school, schools usually enlist the services of a search consultant to help with candidate sourcing. If your school plans to hire a head of school, NAIS’s Principles of Good Practice: Head Searches is available on the NAIS website.2

The search committee should review and have a working knowledge of legal interviewing guidelines and techniques to be sure that they conduct a lawful and nondiscriminatory screening, interview, and selection process.

A note about privacy: All searches for viable candidates for employment should be conducted in a manner that protects the privacy of the candidate. Access to files should be limited to members of the search committee and others who have a need to know the information, such as the human resources office or upper administrators. Most candidates assume that their candidacy will be held in confidence because they may not want their current employer to be aware of their application to your school. Likewise, members of the search committee should not discuss the hiring process with others outside of the committee. Failure to maintain confidentiality can have extreme consequences for those candidates who do not ultimately get

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2 NAIS’s Principles of Good Practice: Head Searches is online at http://www.nais.org/Series/Pages/School-Search-Committees-and-Search-Consultants.aspx.
the job in question.

**The Recruitment Plan**

The search committee should develop a proposed recruitment plan including a timetable for the steps in the search process. The committee should also decide who will be responsible for what task. A review of the 10 Steps in the Hiring Process and the Candidate Tracking Checklist (in the Appendix) will help set the framework for the recruitment plan. The Appendix also includes a sample Hiring and Recruitment Plan for one school year, covering various job openings at the school.³

**Step 3: Advertise and Promote the Position**

The search committee will evaluate the best advertisement methods, including deciding whether a local, regional, or national search is needed. The advertising goal is to attract the largest pool of qualified individuals. Schools will also advertise in places designed to attract appropriate candidates from diverse backgrounds as recommended by the NAIS Principles of Good Practice. Some schools treat the employee recruitment process in the same way they treat the admissions process for students. One school has a recruitment brochure similar to a student viewbook.⁴

Most advertisements for a job opening will include a statement of the job title, overall responsibilities, summary of essential duties, degrees or certifications required, experience preferred, name of the employer, an EEO (equal employment opportunity) statement, required application packet information, name of the person the information should be sent to, and the deadline for application submission.

The search committee should determine where to place the advertisement, the costs of the advertisement, and the minimum time frame for the advertisement to run. Possibilities include the following:

- On campus
- Professional journals, websites, or online forums

³ The Hiring and Recruitment Plan was provided by St. Paul’s School in Concord, New Hampshire.
⁴ St. Paul’s School, Concord, New Hampshire.
Regional, local, and national newspapers
Mailings to regional trade organizations
Mailings to national trade organizations
Mailings to targeted graduate schools or universities
Other approved advertising sources

Increasingly schools, like other employers, are also advertising on LinkedIn, Facebook, and Twitter.

Search committees may also want to consider these avenues to search for viable candidates:

- Personal contacts with potentially qualified candidates
- Personal contacts with colleagues and department chairs
- Internet sites appropriate to the specific discipline or professional position
- Letters to graduate schools that offer the discipline of the vacancy
- Contact with qualified persons who have written letters of interest for a previous position
- Professional recruiters or placement services

The search committee must keep the human resources office aware of all recruitment and job advertising taking place at your school. Ideally, provide the office with a copy of all advertising and the job description used. Inform the office of the recruitment plans and progress as it occurs.

Advertisements must be carefully worded to comply with federal and state nondiscrimination laws. An improperly drafted advertisement may expose the school to claims of bias or discrimination. Involving the human resources office in crafting the wording of the advertisement will help the search committee find the best candidate for the school. The committee may find it necessary to obtain legal advice to ensure that the wording of the job description does not run afoul of the law. Once the advertising has been approved, it should not be modified without approval or knowledge of the entire search committee and the human resources office.
Most schools also post job positions internally. This serves several good purposes:

1. it invites internal candidates to express an interest in the position;
2. it keeps the school community informed of developments at the school; and
3. it encourages school employees to serve as a resource to help locate qualified candidates.

With the high cost of advertising and recruitment, schools are increasingly offering an incentive bonus to employees for help in locating a new employee. These bonuses are usually paid incrementally with a portion paid on the start of employment and a portion paid after the passage of additional time, such as six months or one year. This can be an attractive employee benefit, and it also helps create a loyal and team-spirited workforce.

Internal recruitment efforts to find candidates should occur concurrently with external efforts. Take care when drafting internal posting policies that there is no language that restricts your school from conducting an external search at the same time as an internal search. Avoid policies that require the school to first look internally for a “qualified” candidate. Disagreements may arise when an existing employee is “qualified” but not the “best qualified” and the search committee recommends an outside candidate for hire. The focus of the hiring process should be to hire the best candidate and that is not always the existing employee.

**Step 4: Acknowledge All Responses**

When initial letters of inquiry and/or application materials are received, the chair (or the assigned person) of the search committee should promptly send a written acknowledgment of the inquiry. You don’t want to lose a viable candidate from consideration just because of an unnecessary delay in acknowledging receipt of the application. If a candidate has taken the time to express interest in a job opening, the school, in turn, should quickly provide feedback.

The search committee will have two possibilities in its initial response to the candidate: either it will send a letter acknowledging receipt of the application, noting whether there is anything missing from the materials, and letting the candidate know that he or she is being considered for the position. Or the committee may send a letter, based on initial screening, letting the candidate know that he or she will not be considered. In addition, the *NAIS Principles of Good Practice* recommend keeping all candidates informed of the hiring schedule and timeline.
In situations where a high volume of applicants is anticipated, a school might send out an automatic response that states, “Due to the volume of applications, only final candidates will be contacted. If you have not heard back from the school by [x date], you were not among the final candidates.”

The Appendix includes two Application Acknowledgment Letters — one for applicants who are being considered and one for those who have been rejected after initial screening.

Here’s what a typical application package might include:

- Application form (see the sample Application for Employment in the Appendix)
- Cover letter of interest
- Resume or curriculum vitae
- List of references with contact information
- Additional information required by the position vacancy

Many independent schools do not use an employment application and rely instead on the candidate’s submission of a resume. While such a procedure might seem to foster a more welcoming and professional application process, it fails to provide schools with some valuable risk management measures that an application can provide, such as the following:

- Obtaining consistent information on all job candidates
- Addressing some legal hiring concerns, such as eligibility to work (minors) and legal right to work documentation that will be required
- Providing an opportunity to reinforce the school’s EEO and nondiscriminatory hiring policy
- Allowing the school to question candidates about information that may not be obtained from a criminal background check, such as disciplinary and termination histories from prior workplaces
- Requiring the candidate to assert to the truthfulness of information provided and indicating that false information will be cause for termination
- Requiring the candidate to acknowledge his or her understanding that any offer of
employment will be conditioned on successful completion of a criminal background check and such other pre-employment tests as may be required for the job

Providing a place for the candidate to indicate agreement that, if hired, he or she will conform to all policies and procedures of the school, and to confirm his or her understanding of the at-will nature of employment (if the candidate is to be employed at will)

The sample Application for Employment in the Appendix can be tailored to your school’s needs.

**Step 5: Evaluate and Review Resumes, and Select Candidates to Interview**

Once the search committee has received the application materials, the committee members should review each candidate’s information to determine his or her relevant strengths and weaknesses. Each candidate submission should be reviewed to determine completeness and to assess factors such as academic achievements, experience, and required qualifications for the job. Search committee members should keep in mind at all times that they are evaluating job-related criteria, and they should be referring to the job description throughout their evaluation.

The purpose of the initial screening process is to develop a short list of candidates whose job skills, experience, and abilities appear to best match the requirements of the position. Candidates selected for further consideration should be contacted to schedule an interview.

If there are a large number of final candidates, the search committee may choose to conduct telephone interviews first to narrow down the number of in-person interviews. The Telephone Interview Guidelines in the Appendix set forth some criteria for preparing and conducting these telephone interviews.

Each rejected candidate should receive a letter indicating that he or she is no longer being considered.

**Step 6: The Interview Process**

The interview is a critical stage in the hiring process and has a dual purpose. It provides the school with a prime opportunity to evaluate whether the candidate will be the best choice for the
position, and it also offers the candidate an opportunity to learn not only about the position but also about the school and its mission and culture.

NAIS highly recommends maintaining a uniform and fair treatment of all candidates. In order to ensure a consistent approach to each candidate, the search committee should develop interview questions in advance and ask every candidate the same or similar questions. Before the questions are used in interviews, however, the human resources office should evaluate whether they are appropriate and avoid a discriminatory perception. In addition, the human resources office can assist the search committee in crafting questions that delve into the core of the position’s requirements.

A letter or email confirming the interviews may be sent to each candidate. To assist the candidate with his or her research efforts, the search committee may send a copy of school brochures or other information. Many candidates conduct independent research to learn about the school during the application phase. Since the interview is a two-way street, the search committee should be prepared to respond to the candidate’s questions. A candidate’s curiosity about your school is a telling sign of future fit with the school’s mission and culture. The lack of questions from a candidate may be an important sign of the individual’s lack of interest in your school.

When possible, the search committee should interview candidates as a whole committee. Alternatively, the same individuals from the search committee should meet with each candidate during the interview. Each member of the committee can play a different role in the process and learn about a different aspect of the candidate’s interest in the school. The Hiring and Recruitment Plan in the Appendix includes a sample Interview Schedule. Providing this agenda to the candidates in advance helps them prepare questions appropriate for the individual interviewer.

To maximize the candidate’s interview experience, you may want to schedule a campus tour, meetings with the search committee members, a meal in the dining hall, and meetings with other parties identified in advance. If the candidate is invited onto campus, be clear about who will pay the expenses involved with the visit. Again, consistency is the best defense to a claim of bias or discrimination in the hiring process. Providing a consistent interview experience for each candidate brought to campus for an in-person interview for the same job opening helps minimize legal risks during the hiring process.
The employment interview is a vital component in the hiring process. In order to hire the most qualified candidate, members of the search committee and others involved in the selection process must be well versed in how to conduct interviews effectively. In addition, all participants in the interview process must be aware of federal and state legislation that precludes individuals from discriminating and/or asking certain questions during an interview. Each person involved in the interview process should receive training regarding the legal side of interviewing. It is not uncommon to have claims brought by a candidate based on inappropriate questions (such as questions about a candidate’s age or children) asked during the interview process.

At a minimum, schools should provide each person involved in the interview process with a copy of the Guidelines for Legal and Effective Interviewing (included in the Appendix) and request that they review them. Additional guidance from the U.S. Equal Employment Opportunity Commission (EEOC) — Interview Questions: The Right Way and the Wrong Way to Ask Questions — can help the school avoid claims of discrimination arising from improperly worded interview questions. A list of Sample Faculty Interview Questions follows this document.

It is important to be candid about the culture and environment at the school, including what an employee can expect by way of job duties, professional development, and participation in school activities. As one dean of faculty explained, she tells applicants that working at an independent school means that they are not just taking a job, they are adopting a lifestyle.5

When you are interviewing, it is best to prepare by taking a careful look at the open job description and requirements and then reviewing the resume or application to evaluate whether the candidate’s education, training, and past experience reveal a good match and the potential for success in the position. If the resume shows a gap in employment, ask the candidate to explain. You will also want to ask why the candidate left or is leaving the current job.

Try to put the applicant at ease at the beginning of the interview. If the applicant feels comfortable, he or she will be more likely to share information with you. If you find that the applicant freezes on a particular question, you may want to go on to the next question. It can take time for some applicants to relax and feel comfortable with the interviewing process.

5 Jada Hebra, Dean of Faculty at St. Paul’s School, Concord, New Hampshire.
Interviewers should spend as much or more time listening than speaking. Listening skills are essential to an interview. It is important to let the applicant speak without being interrupted. Remember that the interview serves a twofold purpose: to learn about the candidate and to allow the candidate to learn about the school and sell the school to the candidate.

Be sure to ask only job-related questions and avoid discriminatory questions. Interviewers should also use a consistent format among all candidates for the same position.

When done correctly, the hiring process can be a vital tool not only for selecting the right individual for a job but also for starting a healthy working relationship between the prospective employee and the school. Unfortunately when handled incorrectly, the hiring process can be extremely costly to employers. For more advice about what you can ask in an interview, see “Getting the Information You Need Without Discriminating,” which is in the Guidelines for Legal and Effective Interviewing in the Appendix.

A word about faculty diversity: Many independent schools consider whether it is legal to have a policy or goal of hiring minorities in order to create a more diverse faculty. The reasons stated often include the goal of providing role models for minority students. For instance, if there is a large Asian student population, it makes sense to assume that hiring Asian faculty would help these students by providing them with role models, faculty members they can relate to. Many educators believe that diversity is also good for students who aren’t members of minority groups because it provides alternative perspectives regarding ideas and educational concepts. As lofty and well-meaning as these reasons are, unless a school is required to or voluntarily adopts an affirmative action plan, diversifying faculty for the sake of diversity may run afoul of federal and state anti-discrimination laws.

There are some measures that a school can take to create a more diverse faculty or workforce, as recommended by NAIS. For instance, schools can send job opening information to minority associations, directly contact educational institutions known to produce minority or women graduates, or seek the assistance of recruitment firms with a good history of having minority hiring connections and successes. A school can also create job positions that are likely to attract

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minority candidates, such as hiring a faculty member to teach a course on Black Women’s Studies. These measures are designed to increase the candidate pool of minority candidates.

Ultimately, however, any hiring decision cannot consider a candidate’s race, and only rarely is gender an acceptable legal qualification. Race is never a bona fide occupational qualification. Gender may be considered a bona fide occupational qualification but only for narrow and select job positions, such as those involving intimate personal privacy such as a bathroom attendant. In these limited instances, it might be acceptable to honor a request for a same-sex attendant. Some recent cases suggest that race may be considered a “plus factor” in a hiring decision when two candidates are equally qualified. Despite this line of cases, to ensure that all measures are done legally and in compliance with the law, all schools without an affirmative action plan should seek legal advice before engaging in recruitment and other activities aimed at diversifying the workforce.

**Step 7: Finalists, Second Interviews, and the Final Selection**

After the search committee has interviewed a candidate, each member should collect his or her thoughts on the candidate. The Appendix includes a sample Interview Evaluation Form for a Faculty Position. You should consider whether tailoring a form to your school's needs is a good way to handle the interview stage. Doing so would help create a consistent, fair, and nondiscriminatory hiring process.

Sometimes a second interview will be needed. The second interview may be by phone or in person. If a second interview is necessary, you should prepare a second set of interview questions. This is especially important when more than one candidate is being interviewed for a second time. The prepared set of questions will help ensure consistent and fair treatment among second interview candidates.

On completion of the interview process, the search committee submits a recommendation to the head of school to hire one candidate. If the human resources office is not a part of the search committee, this is the moment to involve the office for final input.

Ideally, the final choice of a candidate will be the unanimous decision of the search committee. If the decision is not unanimous, all search committee members (especially those abstaining or objecting) should be advised not to discuss the lack of unanimity. The search committee should
put forward a uniform message in support of the school’s decision.

Typically, the head of school and the human resources office make final decisions about the successful candidate’s salary and benefits. During the interview process, the candidate may have negotiated changes to the position’s duties or responsibilities. Again, the head of school and/or the human resources office must decide whether to accept these negotiated changes.

The head of school, not the chair of the search committee, should extend the offer of employment. Once the candidate accepts, the head of school should send a confirmation letter accepting the candidate’s response. If the school conducts a criminal background check (which is highly recommended), the offer letter should indicate that the offer is conditioned on successful completion of the background check.

It’s best to wait to send rejection letters to the other candidates until the offer of employment has been accepted by the finalist. If he or she rejects the offer, the search committee should provide a second candidate recommendation, if one exists. In this way, the final candidate should be made to feel fully welcomed to the school, rather than understanding that he or she was the “second choice.” At all times, keep the head of school and the human resources office apprised of offers made and responses received.

Once the offer of employment has been accepted by the final candidate and confirmed by the head of school, the search committee should advise all remaining candidates by letter that the position has been filled. The Appendix includes a sample Letter to a Rejected Candidate.

**Step 8: Conditional Offers of Employment, Background Checks, and Pre-employment Requirements**

Once the hiring decision has been made, an offer letter should be sent confirming the employment agreement. Step 9 covers the written contracts and offer letters. Be careful in composing an offer letter because legally such a letter can be found to constitute a binding agreement. As further explained in Step 9, an initial offer of employment should be made conditional on successful completion of a criminal background check and any other pre-employment requirements. The Appendix includes a sample New Hire Offer Letter that includes this kind of conditional offer language. See below for information about some of the kinds of background checks conducted prior to a final offer of employment.
Criminal Background Checks

Schools, like all employers, are faced with the task of determining which candidates to hire as employees. In many states, public schools are required by law to conduct a background investigation and criminal history records check on every candidate for employment prior to the final offer of employment, including candidates for any position in the school and certain categories of volunteer (usually volunteers who may be with children in an unsupervised manner). Some states extend the requirement to private businesses and agencies that contract with the school to provide services, such as cafeteria workers, school bus drivers, and custodial personnel. Few states, however, mandate that independent schools conduct criminal background checks.

Because of the serious safety risks that undesirable or dangerous candidates can pose in a school environment, it is essential that appropriate background checks be conducted on any candidate who is being offered a job. Even if a state statute does not require it, independent schools should perform background checks, including criminal background checks, on all prospective employees. It is also recommended that criminal background checks be conducted on all adult members of school-provided or dorm housing and on volunteers who may have unsupervised time with students. In addition, schools should seek to get verification from third-party providers, such as food services, facilities maintenance, and campus security, that their employees who are assigned to the school have undergone a criminal background check.

Schools should be aware that the EEOC has recently taken a hard line on the use of criminal records, arguing that policies prohibiting hiring of individuals with criminal backgrounds have a discriminatory impact on minorities. The school can run a criminal background check when it is job-related for the position in question and consistent with business necessity. Even if a criminal background check reveals a conviction, the school must do an individualized assessment before excluding that individual from employment.

The following is sample language that your school can include in offer letters to reflect the conditional nature of the employment offer, pending results of the background investigation and criminal records check:

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Johnson Academy is pleased to present you with this offer of employment. This offer is conditional upon Johnson Academy completing a background investigation and criminal record check on you that meets Johnson Academy’s approval. This review will enable Johnson Academy to determine, in its sole discretion, whether hiring you will be consistent with Johnson Academy’s goals and interests. The background investigation and criminal record check may include formal and informal investigations of references, motor vehicle histories, credit histories, and criminal conviction records. By accepting this conditional offer of employment, you consent to Johnson Academy’s completion of a background investigation and criminal record check and agree to execute any documents reasonably necessary for their completion. Finally, if, subsequent to this investigation, you are presented with a final offer of employment with Johnson Academy, that offer will place on you a continuing obligation to notify Johnson Academy of any convictions that occur after the date of your employment application which conviction has not been annulled. A failure to meet this continuing obligation may result in disciplinary action up to and including the immediate termination of your employment.

The sample New Hire Offer Letter in the Appendix includes some alternative language for your consideration.

A sample Criminal Background Investigation Policy from an employee handbook is included in the Appendix. If you don’t have a similar policy in your school’s employee handbook, you may wish to incorporate one into the next revision. Obviously, the appropriate administrators at your school should review this policy and tailor it to whatever practice your school ultimately adopts. You will note that it clearly tells employees about the conditional nature of employment pending the result of the background check and that adult residents of school housing must also undergo such a check. This should also be reviewed by the school’s legal counsel.

The sample policy imposes an affirmative obligation on employees to notify the school of any conviction of a crime while they are employed by the school. Should the school decide to adopt this policy, you should determine whether the school would like to go further and require employees, and adult residents in housing, to advise the school of any arrest for certain crimes. Requiring notice of arrests must be done with caution and only following approval of the school’s legal counsel in light of the view by the EEOC and courts that asking about arrests can have a disparate impact on minorities. Nonetheless, there are good safety reasons for an independent school to consider this added requirement.

In light of these EEOC guidelines, it is important to be careful when rejecting a candidate
because of a criminal history.\textsuperscript{8} The EEOC encourages a two-step process for job applicants. The first step is to use a “targeted” screen of criminal records, which “considers at least the nature of the crime, the time elapsed, and the nature of the job.”\textsuperscript{9} Following the use of the targeted screen, in the second step, the employer individually assesses applicants who were screened out by the first step. According to the EEOC, using individualized assessment provides a way for employers to ensure that they are not mistakenly screening out qualified applicants based on incorrect, incomplete, or irrelevant information; it also provides an opportunity for individuals to correct errors in their records.

The legitimate business necessity of creating a safe environment for students would be a good defense to a discrimination claim raised by a prospective employee convicted of a job-related crime and thus rejected by the school. Consistent application of the background investigation may also assist in the defense against claims of bias or discrimination while researching a candidate’s or employee’s background.

Although it may appear that the process of conducting criminal background checks is a bit onerous, schools should not be discouraged; the process is really quite simple. It involves (1) notifying prospective employees that criminal background checks will be done; (2) obtaining a written release to do the check (see the Appendix for a sample \textbf{Authorization and Release: Criminal Background Investigation Check}); (3) using the appropriate form(s); (4) documenting the results; and (5) making an appropriate hiring decision based on these results. Additionally, you may want to keep a master list of all criminal background checks that are pending and check them off once you get the results.

\textbf{Late Hires and Background Checks}

Ideally, the school should complete all background checks prior to the candidate’s first day of work. This presents the lowest risk for both the student’s safety and the school’s reputation. However, situations may arise that require a candidate to start work while the results are pending. For example, the school may need to hire a coach in time for the fall season. This could result in a coach starting to oversee children before the criminal background check is completed and results received. To assist in providing as safe an environment as possible, a school could require the individual to disclose prior criminal history. The Appendix includes a sample \textbf{Self-}

\textsuperscript{8} Ibid.
\textsuperscript{9} Ibid.
Disclosure of Criminal Background and Work Discipline History, which requires a candidate to identify any prior criminal history. Keep in mind that disclosure by a candidate of a prior criminal history does not automatically disqualify him or her from being hired.

As explained above, the school should evaluate the job-relatedness to the prior criminal infraction and conduct an individualized assessment about the applicant. Because the self-disclosure form relies on a candidate’s truthfulness in completing it, it will not be a total shield if the school allows an employee to start work and the employee engages in some bad act and that employee would not have been hired had the full criminal background check been completed. That being said, the self-disclosure form provides at least some protection if a school must hire a coach or other employee before the full results come back. Additionally, the requirement to fill out the form could discourage an applicant from moving forward with the application process.

If your school is not covered by a state-specific criminal background check law, your school can look to the relevant state law for guidance about what crimes would disqualify a person from working in a public school. Crimes that would obviously disqualify a candidate from working at a school include murder or manslaughter; sexual assault; kidnapping; incest; endangering the welfare of a child or incompetent; indecent exposure or lewdness; prostitution and related offenses; child pornography offenses and computer pornography; obscenity offenses; and use of computers to entice children to commit sexual assault, indecent exposure, lewdness, or child endangerment. Nevertheless, if your school intends to take a negative action, such as not hiring a candidate or terminating an employee based on the results of a criminal background check, it would be wise to consult with legal counsel first.

Reference Checking
Most schools conduct some form of reference checking by calling a past employer or personal reference of the application. References are used to obtain information about a potential hire. Schools should use employment references to verify information on an employment application or resume. Past job performance helps a school predict a potential hire’s future job success at the school. The Appendix includes some sample Reference Check Questions.

In the world of independent schools, it is frustrating when a former school is unwilling to provide reference information on a candidate. This is usually due to fear of a defamation lawsuit by a former or current employee. Defamation is defined as the publication of a false, defamatory
statement of fact. Libel occurs when the defamation is in written form. When defamation is communicated orally, it is slander. To establish defamation, there must be evidence that the defendant failed to exercise reasonable care in publishing, without a valid privilege, a false and defamatory statement of fact about the plaintiff to a third party.

In the employment context, some courts have held that an employee may seek damages if the employer’s attempt to prevent the employee’s later employment was malicious, constituted fraudulent misrepresentation, or was motivated by self-interest without reasonable cause. Many states recognize a conditional privilege or qualified privilege to statements that may otherwise be considered defamatory. By recognizing such a qualified privilege, the law identifies a legitimate interest in providing truthful information and the right of free speech in the employment context. Essentially, the theory is that honest reference information is in the best interest of society. Statements about an employee to a third party may fall within the qualified privilege. In most states, employers who provide references in good faith, with the belief that the information is the truth, will generally be protected by this qualified privilege. The conditional privilege exists “if facts, although untrue, were published on a lawful occasion, in good faith, for a justifiable purpose, and with a belief, founded on reasonable grounds for its truth.” An employer will lose the qualified privilege if it abuses the privilege. This could occur, for example, if a school makes unnecessary or excessive defamatory statements to others or makes statements known to be false, constituting malice.

Because of the fear of defamation, it is not uncommon for a former employer to provide only the date of hire, job title, and date of separation. If your school is considering providing information beyond this kind of basic information to a prospective employer, you should contact legal counsel and discuss what the school’s position should be. Independent schools like to share information about employees to help ensure that bad hires are not made and that good hires get the advantage of good recommendations, but such openness is not without risk.

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Guidance on Conducting Other Background Checks
The following provides an overview of other background checks (beyond the criminal background check), including a discussion of your school's obligations under the Fair Credit Reporting Act (FCRA), which applies when you use an outside firm to conduct the check. The Appendix includes a Summary of FCRA Steps, which contains a checklist and the forms you will need when starting a background check program that uses an outside agency. Before adopting any of these forms, you should seek legal counsel to determine whether they are compliant with the state-specific and federal laws applicable to your school. All schools should also check to ensure compliance with state and local laws regarding criminal background checks.

Overview of the Types of Background Checks
There are several types of background checks in addition to the criminal background check that your school can conduct to help select the best candidate. Such checks can include credit reports, motor vehicle record checks, interviews with former employers, verification of prior employment with former employers, verification of educational credentials, etc. These same checks can also be required for ongoing employment of current employees. Generally, your school can perform many of these checks using its own personnel and probably does so to some extent already. Such checks typically include verification of prior employment and educational credentials and interviews with prior employers and personal references for information on character and work habits. The type of background checks you require should depend on the requirements and nature of the job position and should generally not be based on an individual suspicion. Schools should consult with legal counsel to determine whether there are any state-specific laws that restrict the ability of the school to conduct credit or other background checks.

Credit History Reports
Credit history reports can help you determine whether a candidate or employee is trustworthy with money and financial matters or may be vulnerable to accepting bribes or other types of inappropriate payoffs. Employers generally cannot obtain credit history reports without using one of the three outside credit bureaus, generally referred to as “credit reporting agencies” — Equifax, TransUnion, and Experian (formerly TRW). Therefore, if you decide to run credit history reports on a candidate or employee, you will need to follow the Fair Credit Reporting Act before contacting one of the three credit reporting agencies.
Schools should also take note that the EEOC has taken a hard line on the use of credit checks, arguing that they have an adverse impact on minorities and women.\footnote{http://www.eeoc.gov/laws/practices/inquiries_credit.cfm} When adopting a credit check policy, the school should identify positions for which credit checks are necessary and be prepared to justify why each position necessitates a credit check.

**Investigating the Applicant by Using Your Own Employees**

The FCRA generally does not apply when an employer uses its own employees rather than hiring an outside entity or consultant to verify applicant/employee information. Likewise, the FCRA generally doesn’t apply if the employer through one of its own employees contacts local law enforcement agencies to conduct a criminal background check. Thus, your school may avoid the detailed disclosure and consent requirements of the FCRA by conducting its own background investigation.

To conduct its own background investigation of an applicant, your school could use the human resources office to contact the applicant’s former employers and other references. In doing so, the human resources office could confirm the information in the individual’s application and supporting documents for accuracy, ask for general opinions of the applicant’s character, and ask whether there is any other information your school should know.

As stated above, your school will have to use one of the three national credit reporting agencies to run a credit history check. This will trigger the FCRA obligations discussed below.

**Investigating the Applicant by Using an Outside Agency**

In most circumstances, if you decide to use an outside consultant or agency other than a governmental law enforcement agency, such as the state police, to conduct a background investigation or any other background check of an applicant or employee, you will trigger the disclosure requirements imposed by the FCRA. Below is a summary of the FCRA’s general principles and procedures on disclosure and consent requirements. While such requirements can seem overwhelming at first, with a basic understanding of the FCRA and the appropriate forms, you can implement a background investigation program fairly easily and quickly. Moreover, the investigation firm you choose may provide the school with a predesigned standard set of forms and procedures for FCRA compliance. You should be sure to ask about the
firm’s FCRA compliance program.

**Fair Credit Reporting Act Basics**

The Fair Credit Reporting Act (FCRA) is a federal statute that regulates both the reporting agencies/companies that conduct background checks as well as the individuals or companies that use them. The FCRA establishes the procedures employers must follow when requesting a background investigation from an outside agency.\(^\text{16}\) Under the FCRA, employers must make certain disclosures to applicants/employees before ordering a background check or taking an adverse employment action based on the results of a background check. The FCRA also requires that before ordering a background investigation, an employer must obtain the applicant/employee’s consent. Failure to comply with these requirements can result in civil penalties, punitive damages, and even attorneys’ fees. The **Summary of FCRA Steps** in the Appendix includes various forms for Fair Credit Reporting Act checks.

There are two types of background reports defined by the FCRA: the *Consumer Report* and the *Investigative Consumer Report*. The primary difference between the two is that the *Consumer Report* refers to any information provided by an outside entity, even if it is merely to verify the applicant’s/employee’s credentials or other basic reference checking. The *Investigative Consumer Report* goes beyond the verification of credentials by including oral or written information and interviews to assess the applicant’s/employee’s character and integrity. As defined by the FCRA:

1. **A Consumer Report** is “any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer’s eligibility for . . . employment purposes . . . .”

2. **An Investigative Consumer Report** is “any consumer report or portion thereof in which information on a consumer’s character, general reputation, personal characteristics, or mode of living is obtained through personal interviews with neighbors, friends or

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\(^{16}\) The FCRA is not implicated if your own employee conducts the investigation instead of hiring an outside agency.
associates of the consumer reported on or with others with whom he is acquainted or who may have knowledge concerning any such items of information.”

**Ordering a Background Check**
The FCRA requires individuals and companies to comply with certain disclosure requirements when ordering *Consumer Reports* or *Investigative Consumer Reports*. Some of these disclosure requirements apply only to employers, and others apply to all users of such reports.

Before ordering a *Consumer Report* from an outside agency/company, employers must do the following:

- Inform the applicant/employee in writing that a *Consumer Report* may be requested.
- Have the applicant/employee sign a consent form.\(^{17}\)

In addition to the requirements listed above, when ordering an *Investigative Consumer Report*, an employer must also do the following not more than three days after the report was requested:

- Inform the applicant/employee in writing that an *Investigative Consumer Report* has been ordered regarding the applicant’s/employee’s “character, general reputation, personal characteristics, and mode of living.”
- Include in the notice described above a statement informing the applicant/employee of his or her right to request the additional disclosures that are provided for under subsection (b) of Section 1681d of the FCRA regarding the nature and scope of the investigation as well as a written summary of his or her rights under the FCRA,\(^{18}\) and that this additional information will be provided to the applicant/employee within five days of his/her request.\(^{19}\)

In summary, the FCRA requires employers to comply with certain disclosure and consent requirements when ordering *Consumer Reports* or *Investigative Consumer Reports*. The **Summary of FCRA Steps** in the Appendix lists the steps your school must follow before

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\(^{18}\) The necessary form should be provided to the employer by the consumer reporting agency as required by the FCRA, or the employer may obtain the notice online from the Fair Trade Commission’s website (www.ftc.gov); it is Appendix A to Part 601 of the FCRA’s regulations and is entitled *A Prescribed Summary of Consumer Rights*.

\(^{19}\) See 15 U.S.C. § 1681d, (a)-(b).
ordering a *Consumer Report* (not using interviews) or an *Investigative Consumer Report* (using interviews). Noted in the summary are references to the applicable enclosed forms. Again, for a report consisting of a criminal background check and credit report only, you need to follow only the *Consumer Report* provisions. In addition to complying with the mandatory disclosure and consent requirements, your school may also have to comply with certain employee consent requirements imposed by the consumer reporting agency/consultant that it hires to do the investigations. Specifically, it is common for a consumer reporting agency to require the applicant/employee to sign a release authorizing it to conduct the investigation and releasing it from any related liability before it will conduct the investigation.

**Making an Adverse Employment Decision**

In addition to the disclosure requirements placed on employers when ordering a background check, the FCRA places requirements on employers who anticipate taking an adverse employment action based in whole or in part on the information contained in a *Consumer Report* or an *Investigative Consumer Report*. Those steps are outlined in greater detail in the **Summary of FCRA Steps** with references to the applicable forms. In sum, the FCRA requires an employer making an adverse employment action based on a *Consumer Report* or *Investigative Consumer Report* to explain the reason for the decision, provide a copy of the report, and give the individual notification of his or her rights under the FCRA.

Before taking such adverse action, an employer must take these steps:

- Explain to the applicant/employee the employer’s decision and the reason for it
- Provide the applicant/employee with a copy of the *Consumer Report* or *Investigative Consumer Report* on which the decision is based
- Provide the applicant/employee with a copy of the summary of the employee’s rights under 15 U.S.C. § 1681g, (c)(3) of the FCRA (*A Summary of Your Rights Under the Fair Credit Reporting Act*, form 3 in the **Summary of FCRA Steps** in the Appendix)\(^\text{20}\)

Moreover, all users (including employers) of *Consumer Reports* or *Investigative Consumer Reports* must provide the consumer (in this case the applicant/employee) with the following

additional information orally, in writing, or electronically (we recommend written notification) before taking any adverse action based on the contents of such report:

- The name, address, and toll-free telephone number of the consumer reporting agency from which the Consumer Report was obtained
- An explanation that the consumer reporting agency did not make the decision to take the adverse action and is unable to provide the consumer with the specific reasons why the adverse action will be taken
- Notice of the consumer’s right to request and obtain a free copy of the Consumer Report (from the consumer reporting agency) if the applicant/employee requests one within 60 days of receiving notice of the adverse action
- Notice of the consumer’s right to dispute with the consumer reporting agency the accuracy or completeness of the report

Finally, your school should give the applicant/employee a reasonable opportunity to explain any information in the Consumer Report or Investigative Consumer Report that the he or she believes is inaccurate before taking an adverse action based on that information. Moreover, if you decide not to hire an applicant or to terminate a current employee because of information learned through a criminal or other type of background check, you must always be sure to base your decisions on information that is related to the job position. We strongly recommend that you consult with counsel whenever you are considering an adverse employment action based on a background investigation. This is advisable in order to assess whether the information revealed in the investigation is truly indicative of the applicant’s suitability for the position and to determine whether relying on it would discriminate against him or her in violation of state or federal law.

**Social Media Searches**

Increasingly employers are conducting online searches of social media sites for information about applicants. Provided an employer does not use surreptitious means to access this information (such as asking an employee who is “friends” with the applicant to show you the applicant’s Facebook page), there are currently no laws that prevent an employer from doing

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22 For instance, the Equal Employment Opportunity Commission takes the position that a blanket policy against hiring individuals with arrest records, without assessing the relevance of any particular arrest to the position, discriminates against minorities.
this. However, this is a fluid area of the law. Some state legislatures have been considering laws that prevent employers from asking applicants for their passwords, so schools that conduct any social media searches should periodically check with legal counsel to see whether any prohibitions have been enacted. The school should coordinate its Internet search process with any existing criminal check processes and ensure that in both cases the check and the results are logically connected to the duties of the job.

In August 2012, NAIS published guidelines on conducting online background checks. Those guidelines suggest that schools develop a process for screening search results to exclude any off-limits information, such as race, religion, disability, and other protected classes. Schools should also consider creating a form that will be completed by the person doing the screening to record the search method used, specify the types of information sought and gathered, and the final “screened” search results. It is important to ensure that the only information that will contribute to any hiring decision is related in some way to the job duties at issue. It is also recommended that before the final hiring decision is made, the school give the applicant an opportunity to rebut any negative information gathered in the search. Not everything posted on the Internet is true, and it may be appropriate to allow the applicant to demonstrate whether the information is accurate before you finalize your decision.

**Driving Records**

If you are hiring an employee who will drive a school vehicle or transport students in his or her own vehicle as part of the job responsibilities, you should obtain a copy of the candidate’s driving record in every state he or she has had a driving license. Each state’s Department of Motor Vehicles will have its own form to request driving records. Contact your state-specific department for the required form. In addition, you will want to require that all school drivers notify the school if their license is revoked or they are arrested for violations such as driving while intoxicated.

**Physical Examinations**

A school may require a candidate to undergo a medical examination to determine an individual’s ability to perform the physical functions of the job. The goal of the pre-employment physical exam is to make certain the applicant will not harm himself or herself or others while

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23 See “Beyond Criminal Checks: Online Background Searches,” by Jackie Ford, NAIS Legal Advisory, August 1, 2012.
performing the essential elements of the job.\textsuperscript{24} For example, an essential function of a paramedic’s job is lifting patients onto a stretcher. A physical exam for this job would determine whether the applicant could lift a certain weight limit and evaluate proper lifting mechanics.

If your school decides to require a medical examination, the Americans with Disabilities Act (ADA) requires that an offer of employment be made first and the physical examination required after the offer. Typically, the offer is conditional and not final until after the results of the physical exam are received. Schools must ensure that the reason for rejection based on a medical report is related to the ability to perform the essential functions of the job, with or without reasonable accommodation. A candidate’s rejection as the result of other medical information discovered during the medical examination can expose your school to biased or improper discrimination. Reference to the job description will help the search committee evaluate whether the medical results have a bearing on the job requirements.

The ADA expressly bars all pre-offer disability-related questions and medical examinations and places limitations on post-offer medical inquiries.\textsuperscript{25} These prohibitions and restrictions are designed to ensure that an applicant’s possible disability (including a history of a prior disability) is not considered before the employer evaluates the applicant’s nonmedical qualifications.

The EEOC publishes helpful guidance documents that provide practical examples of the types of questions that can and cannot be asked at the pre-employment stage. One such document discusses medical examinations and when and how employers can implement such testing. This helpful information can be found on the EEOC’s website.\textsuperscript{26}

After your school gives a candidate a job offer, the ADA allows all disability-related questions and medical examinations as long as your school applies its policy consistently. Consistent application requires that all employees entering the job category are asked the same questions or are required to undergo a medical examination. If the school rescinds the job offer based on the answers to the questions or the results of the medical examination, the school must be able

\textsuperscript{24} Sending an existing employee for a physical exam is generally considered a fit-for-duty exam. These exams make certain the employee can perform his or her job duties following a medical incident, either a personal medical issue or an accident on the job.

\textsuperscript{25} 42 U.S.C.A. § 12112(d)(2)(A) and § 12112(d)(3).

to prove that the reasons for rescinding the job offer were directly related to the employee’s ability to perform the job. The results of a post-offer medical examination can be used to deny employment only if the criteria used are job-related and consistent with business necessity.

**Substance Testing**

At the pre-offer stage, employers may ask candidates about, and test for, current illegal drug use because an individual who currently and illegally uses drugs is not protected under the ADA. However, employers cannot ask about a candidate’s unlawful use of medications, past or current, unless the candidate tested positive for illegal drugs. Employers may not ask how much a candidate used illegal drugs in the past because past drug addiction is a covered disability under the ADA.

Testing for illegal substances falls under the same requirements as medical examinations. Testing can occur only after an offer of employment has been made and prior to commencement of the candidate’s duties. Substance testing must be consistently administered to all candidates within the same job category, not haphazardly or selectively. There are some job categories, such as safety-sensitive positions or those requiring use of machinery, for which drug testing should be conducted as part of the school’s proactive risk management measures.

After an individual accepts a job offer and becomes an employee, the employer can and should prohibit any use, possession, or being under the influence of illegal drugs and alcohol in the workplace. If your school has such a policy, it must be enforced on a consistent basis. While the ADA does not prohibit testing for illegal drugs, such testing can raise claims of invasion of privacy. Therefore, such testing must be carefully implemented pursuant to pre-established written policy that describes the school’s drug-testing program.

Schools should check with local counsel to determine whether your state has statutes specifically regulating workplace drug or alcohol testing. Likewise, in the event that your school decides to create a drug testing program, local counsel should review and assist in crafting a legally defensible policy. Drug and alcohol testing policies are complex and are subject to many privacy and ADA concerns.

Employers who are not required by federal law to conduct drug testing but who decide to do so anyway should consider following the rules on federally mandated drug and alcohol testing, since they have withstood some legal challenges. While the rules require testing on five different bases (pre-employment, reasonable suspicion, past accident, periodic, and random), employers
not subject to such rules need not develop a program for all five testing bases. The rules identify the five illegal drugs that employers generally test for: marijuana, cocaine, amphetamines, PCP, and opiates. The rules require employers to use testing labs that are approved and certified by the U.S. Department of Health and Human Services or the National Institute on Drug Abuse.

**Alcohol Testing**

Because alcoholism is an ADA-covered disability, an employer may ask, at the pre-employment stage, whether a candidate drinks alcohol but not how much he or she drinks. Also, because the EEOC considers an alcohol test to be a medical test, the EEOC takes the position that pre-job offer alcohol testing is prohibited under the ADA.

As with drug testing, employers may also face an invasion of privacy suit as a result of alcohol testing. To minimize the risk of a successful suit, employers should limit alcohol testing to where it is necessary, such as safety-sensitive job positions.

Employers must also take the ADA into account when dealing with an employee who is an alcoholic. Such an employee may be entitled to reasonable accommodation if qualified to perform the essential functions of the job. However, the person can still be held to the same performance standards and workplace conduct rules as other non-alcoholic employees.

**A word about negligent hiring:** Negligent hiring results if an employer does not exhibit due care when selecting those persons who will be employed. A school has a duty not to hire an employee it knows or should know was unfit for the job (i.e., the propensity for misconduct). In public schools, the school, teacher, or coach acts as an agent of the state. The duty of care associated with a prospective employee’s background check is governed by statute. In independent schools, the relationship is contractual and, while there may not be a similar statute that governs background checks, there still exists a special relationship because of the contract to provide education and the “parental proxy” role played by the school’s employees.

The doctrine of negligent hiring is an independent action against the school and is not one for vicarious liability. It is the school’s own conduct in hiring the employee that is alleged to be unreasonable. The action is based on the principles of basic negligence. A party will be held liable for negligence if it could reasonably foresee that its conduct would result in the injury to the person to whom a duty was owed.

The affirmative duty to aid or protect others arises in this educational context because of the
special relationship between the parties. Schools owe a duty of care toward their students based on the custodial relationship that exists when students are entrusted to the care of a school:27 “One who is required by law to take or who voluntarily takes the custody of another under circumstances such as to deprive the other of his normal opportunities for protection is under a . . . duty to the other.”28 This duty arises from the special nature of the relationship between schools and students, as well as the close contact employees must have with students in order to render educational services.

Where the employee’s job duties will . . . involve close contact with particular persons as a result of a special relationship between such persons and the employer, the employer’s duty expands, requiring it to go beyond the job application form and personal interview and make an independent inquiry into the applicant’s background.29

A successful plaintiff must show that a school reasonably should have known of a prospective employee’s propensity to commit intentional misconduct and the employee commits that misconduct to the harm of another.30 In the 1995 case Marquay v. Eno,31 decided by the New Hampshire Supreme Court, the Court narrowly interpreted this element to mean whether the school knew or should have known that the employee had a propensity for sexually abusing students. The Marquay court noted that where the school knew or should have known of such a propensity, the school would generally be liable for the foreseeable sexual abuse of students by that employee. There must be a causal connection between the injury and the fact of employment.32 This causal connection requirement does not mean that the conduct must be within the scope of employment, during working hours or while the person is an employee.33 Liability could extend because the school “has brought into contact or association with the other a person whom the actor knows or should know to be peculiarly likely to commit intentional misconduct.”34 School officials may be subject to personal liability under negligent hiring

30 See Cutter v. Town of Farmington, 126 N.H. 836 (1985) (whether the employer knew, or in the exercise of ordinary care should have known that the person had a tendency to render substandard care that could cause harm) (citing Restatement (Second) of Agency, § 213); 27 Am.Jr.2d, Employment Relationships, § 473 (1998) (tort of negligent hiring requires proof that “the employer knew, or in the exercise of ordinary care should have known, of its employee’s unfitness at the time of hiring”).
32 Ibid.
33 Ibid.
34 Restatement (Second) of Torts § 302B, comment e.
theories where they have hiring authority.\textsuperscript{35}

**A brief word about youth employment:** Both federal and state laws restrict the kind of work that can be performed by minors as well as the number of hours youth may work. The federal and state Departments of Labor take youth violations very seriously. It is highly recommended that before any school employs workers under the age of 18, it becomes familiar with the state and federal laws and the application of those laws to its workplace.

**Step 9: Contracts and Offer Letters**

Once it is determined who will be hired, the school should prepare an offer letter and/or contract of employment. Many states require employers to notify employees of wages and benefits at the time of hire. While an offer letter is not mandatory, it is a convenient way to comply with state law, and it is highly recommended by NAIS. You should consult local counsel to determine whether your state requires employers to communicate information, such as rate of pay or salary, frequency of wages, day and place of payment, and fringe benefits, to employees in writing.

Written offer letters are a standard communication candidates expect to receive if they are being offered employment at the school. Receipt of an offer letter triggers the candidate to initiate a transition plan from his or her current employer. In addition to state requirements, the offer letter should identify the position to be assumed. Typically, new employees will receive a copy of the job description during orientation, and a reference to one is sufficient in the offer letter. The offer letter should state the candidate’s starting salary and benefits of employment. It should also provide a start date or include durational terms of employment (e.g., for the 2014-2015 school year). The offer letter should indicate the date by which the offer must be accepted.

When background checks or other conditional terms are required, these should be included in the offer letter. The letter should identify the person and contact information, such as phone number and email address, whom the candidate can call if he or she has any questions. Last, most offer letters will also include a place for the candidate to sign accepting the offer unless a separate contract of employment will be provided. NAIS recommends providing the candidate

with a reasonable period of time to consider the school’s offer; typically a week or two is sufficient.

The Appendix includes a basic **New Hire Offer Letter**; a sample **New Hire Benefit Elections**, which your school can tailor to its pay policies and benefits; and a sample **Employment Contract**.

**Employment Contracts**

The employment contract, offer letter, and statement of benefits should be tailored and modified to your school’s actual pay policies and benefits. As stated in the NAIS Principles of Good Practice: Hiring Policies, the school should avoid any appearance of inducing or assisting a candidate to breach his or her existing employment contract.

Most independent schools employ faculty on an annual contract basis. Confusion can result when the school also wishes to preserve the “at-will” presumption of an employment relationship that exists in most, if not all, states. The at-will presumption provides that employment contracts for an indefinite term are terminable (absent contrary contractual provisions) at the will of either party at any time, for any reason or no reason, and without prior notice. What, then, is the legal status of the employment relationship when there is an annual contract that provides that the employee is employed on an at-will basis? It is possible that such an arrangement would be determined to create an ambiguity that a court will construe against the drafter of the agreement. In such a situation, it is likely that the employee would be deemed to be employed for a definite term and thus can only be terminated for good cause.

An example of the clash between a contract for a definite term and the at-will employment nature is the case of *Dillman v. N.H. College*, which was decided by the New Hampshire Supreme Court in December 2003.\(^{36}\) *Dillman* involved a claim of breach of contract filed by David Dillman, the audiovisual director for the college. Mr. Dillman was employed under an annual letter agreement that stated that he was employed under a letter of reappointment for a 12-month period. The letter of reappointment specifically stated that he was employed as a “non-contracted staff appointment which is covered under the policies and procedures outlined in the New Hampshire College Unified Handbook.” Following his termination, Mr. Dillman alleged that he was terminated without good cause. The college argued that being a “non-

contracted staff appointment” made him an at-will employee and that the handbook by its express disclaimers did nothing to alter the at-will relationship. The handbook specifically stated that “[t]his Handbook shall not be considered a contract of employment.” Mr. Dillman was required to sign to acknowledge receipt of the handbook. Therefore, the college argued, it had the right to terminate the at-will employment relationship even without cause. A jury decided otherwise and granted a verdict in favor of Mr. Dillman. The college appealed.

The Dillman court concluded that it could be found that the annual letter agreement created a contract between the parties. Neither the letter of reappointment nor the handbook defined what was meant by “non-contracted” or explained that it was intended to mean “at-will.” Since the letter of reappointment was for a term of 12 months, a reasonable jury could find that a contract existed and that Mr. Dillman could be discharged only for cause. Alternatively, the jury could also have found that the letter of reappointment was inconsistent with the handbook disclaimer and created an ambiguity as to the nature of Mr. Dillman’s employment relationship with the college. As a result of these conclusions, the jury verdict in favor of Mr. Dillman was allowed to stand.

The Dillman case points out the importance of being clear in written documents about the nature of the employment relationship. Could the defect have been cured by specifically stating that a “non-contracted” employee refers to an at-will relationship, or would the court still have found that having a definite term of employment (i.e., the annual contract) negates an at-will relationship? It remains to be seen.

**Careful Contract Drafting**

So, what is a school to do? Can a school have an annual contract and still have an at-will relationship? It is probably not worth the risk or the uncertainty to engage in such an arrangement. There are viable alternatives to consider that can possibly avoid the problems the college ran into in the Dillman situation.

In most cases, especially in an independent school setting, it would be expected that at times the school would have a good reason to terminate the employment relationship of an employee. The good reasons might include insubordination; failure of the employee to fulfill duties; gross negligence in the performance of duties such as fraud, embezzlement, or abuse; or continued failure to perform the expectations of the job. A school could draft an employment agreement to specifically spell out the “good cause” reasons that could lead to termination. For example, such a provision could read:
Rights of Employment

Employees of Johnson Academy are hired under an annual contract of employment. Employment may be terminated before the expiration of the period for which the employee is engaged for good cause. “Good cause” shall include conduct such as material breach of the employment agreement by the employee, willful failure to fulfill your duties, continued failure to perform the expectations of your duties, gross negligence by the employee in the performance of duties (such as embezzlement, fraud, disclosure of confidential information, insubordination, etc.), or illegal, immoral or other serious misconduct that the school determines would seriously impair the employee’s ability to perform his or her duties hereunder or that would have a detrimental impact upon the school (e.g., child pornography, sexual abuse, assault, child abuse, domestic violence, etc.).

As a general rule, Johnson Academy will communicate with the employee about the expectations of behavior and performance prior to any termination during the contract year. However, Johnson Academy reserves the right to terminate any employee without such prior notice when, in the sole discretion of the school, it is deemed to be the necessary course of action. Likewise, while any employee has the right to terminate employment without prior notice, Johnson Academy would appreciate as much notice as possible to allow the school to address staffing needs.

The above provision allows the school to set the parameters of what “good cause” will be in a manner that provides some certainty (and security) to employees while at the same time maintains the flexibility needed by a school to address the kinds of performance and behavior issues that might lead to a consideration of termination. Likewise, school employees look with disfavor at the at-will employment status, and many a school has grappled with employee relations issues over this topic. Providing a “good cause” provision such as the one stated above can help ease employees’ tensions that arise from fear of lack of fairness in the application of at-will employment rights. A school should adopt this kind of a “Rights of Employment” provision only after review and input from the school’s legal counsel.

In addition, an employee handbook could include the following additional provision, which spells out the school’s policy and practices regarding contracts of employment:

Contracts of Employment

We value our employees and look forward to a continuing and mutually satisfactory employment relationship. It is understood, however, that Johnson Academy is not obligated to offer renewal of employment nor is an employee obligated to accept such offered renewal if he or she does not wish to do so.
Only the Head of School or the Board of Trustees has the authority to enter into an agreement concerning employment at Johnson Academy. Any other employment agreements are not legally binding on the School.

In the case of faculty, the School will issue a written contract. The contract will generally be offered to faculty in March each year. Each contract will outline the faculty member’s basic responsibilities for the coming year. Faculty duties include, but are not limited to, participation in daily teaching duties, supervision of students, study halls, advising, coaching athletics or student activities, and attendance at pre-school days, in-service days, faculty meetings, assemblies, trainings, Country Fair, Graduation, Parent Association gatherings, evening meetings, and any other duties as may be assigned. A faculty member is also expected to be familiar with, understand, and adhere to all applicable policies and procedures. The contract letter, together with the Employee Handbook and Student Handbook, form the expectations of the School with respect to the employee. The contract must be returned to the Business Office by the date stated in the contract letter.

Administrators and staff will also receive a written contract. The School will determine the most appropriate schedule for issuing such contract letters. Contracts for administrators and staff will also set forth the compensation and benefits to be received by the employee.

Employees may be asked from time to time to attend special events held on behalf of the School. The School will make every effort to balance the needs of the School with those of the employee’s personal life. Compensation and benefits will also be described in the contract letter. The signed contract will become a part of an employee’s personnel file.

The issuance of a contract does not imply continued employment beyond the period stated in the document. Even during the stated term of employment, employees may be terminated at any time for nonperformance, failure to meet expectations, or any other cause determined by the Head of School. See also “Rights of Employment.”

Typically, the terms contained in an employment contract or letter of appointment will include the following:

- A statement of job duties (often cross-referencing a job description and/or the employee handbook)
- Term of employment
- Compensation
- Benefits statement (often cross-referencing the description of benefits in the employee handbook)
- Notice of obligation to comply with school policies and the employee handbook
Termination rights provision

Rights (or lack thereof) regarding re-employment

The Appendix includes a sample Employment Contract for a residential faculty member. Your school should consult with local counsel to draft a contract for specific individuals. Using a template or blanket employment contract may risk binding your school to an unfavorable contract.

Schools should also be careful about employees who are hired during the summer months for job assignments at the school, such as summer programs. If the summer program is run by the school (as opposed to a third party that simply uses the facilities), the summer director should consult with the human resources director, dean of faculty, or head of school to ascertain whether there are any performance issues that arose during the school year that might impact the granting of a summer employment contract to the teacher or school employee. The school may be charged with what it knew or should have known about an employee, and summer programs are commonly run by a different set of personnel than during the school year.

Finally, it is advisable to require an employee to sign a contract of employment or letter of appointment each year. This helps reinforce the terms of the appointment and the rights and expectations of both the school and the employee.

**Do’s and Don’ts of Employment Contracts**

**DO** use clear and plain language.

**DO** specify any conditions of employment such as successful completion of a criminal background check.

**DO** provide the contract to the employee prior to the start of the employment relationship.

**DO** require the employee to sign to acknowledge receipt and acceptance of the employment agreement.

**DO** cross-reference the employee handbook and any other written policies that the employee will be required to follow.

**DO** be internally consistent in all written documents, from the employment contract to the employee handbook to the student handbook, etc.
DO include a provision identifying termination rights and whether the employee is employed at will.

DON’T force the employee to sign the agreement without adequate opportunity to consider it.

DON’T have inconsistent terms or create an ambiguity that will be construed against the drafter.

DO periodically have your employment contract or letter agreement reviewed by legal counsel.

DO include a description of job duties and a copy of the job description and/or cross-reference job duties stated in the employee handbook. Be sure to include the term “and such other duties as may be assigned by the school from time to time.”

Step 10: New Hire Orientation and Processing

The hiring process does not end once the offer of employment is accepted. The new hire orientation phase is your opportunity to communicate the school’s mission and culture to the new employee. This will set the stage for the employee to begin to adopt the school’s values and to adapt to the community that the school and its board of trustees have worked hard to create.

Typically, the school provides the new employee with important additional information about the school, the conditions of work, benefits, and expectations. The human resources office can guide the orientation process with a checklist to consistently communicate information to every new employee. Schools should not risk inadvertently omitting critical workplace information. A systematic approach to the new hire orientation will go a long way to help promote a mutually satisfying work relationship.

In addition, some employers develop a mentor program for new employees. This can help acclimate new employees to the school and provides a resource to go to for questions and guidance.

A sample New Hire Checklist in the Appendix lists many of the documents that populate the new employee’s personnel file. Your school should tailor this checklist to the documents required at the school.

During orientation, the new employee has the opportunity to confirm his or her information and
make benefit elections. The sample **New Hire Benefit Elections** in the Appendix is a convenient way to document an employee’s choices regarding benefit options such as medical and dental insurance coverage, a section 125 medical plan, participation in a 401(k) plan, method of payroll payment, and receipt of a COBRA notice. Here, again, employers should tailor the form to the benefits and options offered at the school. The Appendix also includes a sample **New Employee Orientation Checklist** and **New Faculty Orientation**.

**Employment Verification**

Federal law prohibits an employer from knowingly hiring an alien who does not have work authorization in the United States. The U.S. Citizenship and Immigration Services (USCIS) enforces immigration laws. Within three business days after the employee’s first day of work, employers must complete the Employment Eligibility Verification, I-9 Form, for each employee hired. While it is not illegal to complete the form prior to the employee’s first day of work, doing so exposes the employer to claims of discrimination. Information disclosed on the form may reveal the candidate’s national origin, for example, which may be the basis of a discrimination claim if the candidate is not hired due to unforeseen circumstances.

When the employee and employer complete the I-9 Form, an employer must examine certain documents to verify the identity and employment eligibility of the individual. Please keep in mind that the employer cannot mandate which documents it will accept. The employee is free to provide any acceptable document provided to him or her in the form’s instructions. An employer may choose to keep supporting documentation with the I-9 Form. For example, some employers keep a photocopy of the documents provided. Your school must decide and consistently enforce its policy for supporting documentation. Inconsistent photocopying and retention of supporting documentation could expose the school to discrimination claims. The volume of employees or new hires is a good guidepost to help make this decision.

Every employer must make the form available for inspection by authorized U.S. government officials from the Department of Homeland Security, Department of Labor, or Department of Justice. The government regularly audits employers according to the agency’s enforcement strategies. Each completed I-9 Form, and supporting documentation if kept, should be readily available for presentation to inspectors upon request.

Because of the potential for inspection, many employers keep all employees’ I-9 Forms in a confidential three-ring binder maintained alphabetically. This form may be kept separate from
the employee’s personnel file but secured from general access (such as in a separate, locked file cabinet). Keeping the form separate from the employee’s personnel file serves two purposes. First, it helps prevent possible discrimination or harassment by other employees or supervisors because of an individual’s national origin. Second, in the event of a government inspection, you are limiting the exposure to unanticipated discrimination claims.

The I-9 Form may legally be destroyed or shredded according to the form’s instructions. While the employee is an active employee, the employer must have an I-9 Form on file for the duration of employment. Upon termination, the employer may destroy the form either one year after the employee’s termination or three years after the employee’s date of hire, whichever is longer. The Handbook for Employers: Guidance for Completing Form I-9, prepared by the government, will help employers understand how to complete the form for a variety of employment situations and which documents are acceptable.37

Some states require employers to participate in E-Verify. E-Verify is an Internet-based system that compares information from an employee’s Form I-9 to data from the U.S. Department of Homeland Security and Social Security Administration records to confirm employment eligibility. Please check with counsel to determine whether your state requires E-Verify. Employers that do business with the federal government may be required to use E-Verify.

New Hire Reporting
A federal law requires all employers to report newly hired employees to a designated state agency. The agency varies by state as does the time frame for fulfilling this requirement. Local counsel can advise your school on the new hire reporting requirements for your state. Generally, the new hire reporting system cross-references a national database of non-custodial parents who have defaulted on their child support obligations and is used to help locate them and enforce their child support obligations.

Typically employers must disclose each new employee’s social security number, name, address, date of hire, state in which the employee will work, and the type of hire, such as whether the worker will be a W-2 employee or an independent contractor.

Conclusion

An important factor in achieving an exceptional workforce at your school is having a well-devised hiring process that strategically aligns your school’s hiring protocols to its needs, mission, and culture. Done poorly, it can lead to poor hires, claims of discrimination or negligent hiring, or later claims by employees that they were treated unfairly. It is not uncommon for a claim by an employee, such as for age or sex discrimination, to have its initial source in inappropriate questions or comments during the interview process. Done correctly, however, the hiring process can create a solid foundation to a long and mutually satisfying employment relationship. The NAIS Independent School Guide to Hiring was created to provide you with guidelines, forms, and checklists to tailor to your school’s needs. Before adopting any sample in this Guide, however, you should consult with legal counsel to ensure that it complies with any federal or state-specific law that applies to your school.

We hope that this Guide will assist you in your goal of hiring the best person for every open position.
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NAIS Principles of Good Practice: The Hiring Process

The National Association of Independent Schools (NAIS) has set forth several principles of good practice regarding what schools should undertake during the hiring process. Schools revisiting their hiring process and related procedures will find these helpful to keep in mind, both while crafting the process and when using it.

Preamble: The following principles provide common ground for interaction between independent school professionals and their many constituents (parents, students, colleagues at other schools, and the public). The NAIS Principles of Good Practice for member schools define high standards and ethical behavior in key areas of school operations to guide schools in becoming the best education communities they can be, to embed the expectation of professionalism, and to further our sector’s core values of transparency, excellence, and inclusivity. Accordingly, membership in NAIS is contingent upon agreement to abide by “the spirit” of the Principles of Good Practice, which may be found on the NAIS website.

Overview: The quality of the hiring process sets the tone for a mutually satisfying relationship between the school and the candidate and communicates to the candidate the spirit and values of the institution. The values that infuse these guidelines can be applied to any hiring process, whether that process involves the use of placement agencies or is fully managed by the school. NAIS encourages schools to adopt these principles and to share them with candidates as appropriate.

The School’s Obligations

1. The school has a stated procedure governing its hiring process and a strategic recruiting plan that includes strategies for seeking candidates who will add to the racial, cultural, and gender diversity of the institution.

2. The school identifies means by which to advertise the position to various pools of potential

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candidates, including those not currently employed by independent schools, and makes current staff aware of openings as they become public and available.

3. The school creates a complete job description for each available position. This description outlines the main responsibilities and expectations of the position, as well as any significant other activities that may be asked of the candidate.

4. The hiring and interview process includes the people who will be directly involved with the candidate in his or her new position.

5. The school and its representatives follow the laws that govern hiring practices and focus fairly and consistently with every applicant on the talent, skills, and abilities needed for the job, disclosing all information that is necessary for the candidate to make a well-informed decision.

6. When inviting a candidate to the school, the school explains who is to be responsible for expenses and what the visit will entail.

7. The school keeps all candidates informed about the hiring schedule and decision timeline.

8. In performing its due diligence, the school performs appropriate background and reference checks to validate a candidate’s education and employment history, focusing on the ability of the individual to fulfill the professional duties of the position and to confirm the individual’s suitability to work with children. The school does not finalize the hiring of a new employee without completing a reference call with the individual’s most recent employer, after securing permission to contact that employer from the candidate.

9. The school ensures that it is aware of any employment-related, binding contractual obligations of the candidate; and the school carefully avoids inducing or assisting in a breach of those contractual obligations.

10. When making an offer to a candidate, the school provides all relevant information, including compensation, job expectations, and working conditions.

11. The school affords candidates a reasonable period of time to consider an offer.
12. When the selected candidate accepts the job, the school contacts the other candidates to notify them that the position has been filled.

**The Candidate’s Obligations**

13. The candidate discloses all information that is necessary for the school to make a well-informed decision.

14. The candidate accepts an invitation to visit at the school’s expense only if he or she is seriously interested in a position.

15. The candidate responds to an offer within a reasonable period of time.

16. The candidate notifies the current employer as soon as reasonably possible of any plans to work for another employer.

17. The candidate does not accept more than one job at any time and seeks a release from any obligation with a current employer before signing a contract with a new employer.
FORMS AND SAMPLE MATERIALS

The materials that follow use Johnson Academy as a fictitious school name. This is a placeholder for you to insert your school’s name into the document. Prior to adopting any sample or form to your school, consult with legal counsel to ensure that it complies with any state or federal law that applies to your school.

Template Job Description Analysis

Job Title: ______________________________________________________

Department: ___________________________________________________

Reports to: _____________________________________________________

**Job summary:** [Describe the job’s primary purpose or contribution to the department or to the school.]

**Essential Duties and Responsibilities:** [List the job’s essential or most important job duties and responsibilities. Include a requirement to support the school’s mission and culture, to have good attendance, and to be a positive team player. Be sure to include daily, weekly, monthly, annual, and periodic responsibilities.]

**Other Duties:** [Include any other duties that may be required of the position, such as coaching responsibilities, dorm duties, advising, or other specific duties. Be sure to include language that says “such other duties as may be assigned from time to time.” Also be sure to include any job duties unique to the position such as work hours, travel, dorm duties, weekend duties, etc.]

**Qualification Requirements:** [List the education, experience, and other skills required for the position (e.g., bachelor’s degree, teaching certificate, excellent oral and written communication skills, ability to get along with co-workers and other school community members, etc.).]
Job Description: Director of School Stewardship

Job Title: Director of School Stewardship  
Department: Administration / Development  
Reports To: Head of School  
Date Prepared: 29 April 20xx  
Location: Main Campus  
FLSA Status: Exempt

First and foremost, all employees at Johnson Academy are guided in their everyday occupations in active support of the school’s mission:

General Purpose of the Position:
Sustain positive and mutually rewarding relations between the School and its donors; maintain ongoing and active networking with internal and external constituencies, including current, former, or prospective students, families, employees, and community members.

Essential Duties and Responsibilities:

- Designing, implementing, and coordinating an institution-wide stewardship program that appropriately promotes interaction with all constituents of the school including donors, parents, alumni, faculty, staff, students, potential students, local community members, and organizations at all levels.
- Promoting an understanding and active fulfillment of the School’s mission and history among all school constituencies in furtherance of the support, stewardship, and advancement activities of the school.

Skills and Abilities Required:

- Plan, develop, implement, and maintain a comprehensive stewardship program for the School.
- Work with Development and Admissions Officers for creative ways to steward and thank major donors and prospective families.
- Establish ongoing communications and continued cultivation of past and current major donors to enhance their relationship with the School and increase the likelihood of continued contributions.
- Recommend and help facilitate on- and off-campus visits with donors, potential donors, and constituents, and assist Head of School as may be needed.
Proactively develop and host on- and off-campus functions to help further an active fulfillment and understanding of the School’s mission and its history.

Establish a cataloging system for the school archives to ensure that the archives are organized, protected, well maintained, and accessible for stewardship and marketing use.

Support the mission and traditions of the school by promoting the archives collection and history of the school.

Understand fund-raising principles and have the ability to think creatively and conceptualize, develop, implement, and assess strategic development activities.

Be proficient in prioritizing and managing multiple, diverse, and ongoing projects.

Have the ability to appropriately manage sensitive and confidential information.

Computer Equipment and Software Requirements:

Knowledge of contemporary archival and records management principles and practices.

Demonstrated proficiency in Microsoft Office applications (Word, Excel, and PowerPoint) and other specialized areas of multimedia.

Education and Experience Required:

Bachelor’s degree required. Advanced degree preferred.

Minimum of one to two years’ experience, preferably in independent schools, in activities related to development, stewardship, advancement services, or related field.

Previous experience interacting with donors or other high net worth individuals would be helpful.

Supervisory Responsibilities: None.

Physical Requirements:

Ability to extend hand(s) and arm(s) in any direction; pick, pinch, type, or otherwise work primarily with fingers.

Ability to lift, carry, push, pull, or otherwise move objects, occasionally up and/or downstairs. Functions involve sitting, standing, bending, lifting, walking up to half mile per day, stooping, and climbing stairs.
Ability to endure periods of heavy workload or excessive stress.

Visual acuity sufficient for work that deals largely with reading and following written instructions, manuals, and directions; preparing and analyzing data; transcription; calculator, and computer operation; typing; extensive reading and visual inspection involving small parts/defects.

Work Schedule:

Generally Monday through Friday, days; several times per year required to cover other specified events involving time and/or travel on Saturdays and/or Sundays and/or evenings in order to fulfill professional duties.

This job description in no way states or implies that these are the only duties to be performed by the employee(s) incumbent in this position. Employee(s) will be required to follow any other job-related instructions and to perform any other job-related duties requested by any person authorized to give instructions or assignments.

A review of this position has excluded the marginal functions of the position that are incidental to the performance of fundamental job duties. All duties and responsibilities are essential job functions and requirements and are subject to possible modification to reasonably accommodate individuals with disabilities. To perform this job successfully, the incumbent(s) will possess the skills, aptitudes, and abilities to perform each duty proficiently. Some requirements may exclude individuals who pose a direct threat or significant risk to the health or safety of themselves or others. The requirements listed in this document are the minimum levels of knowledge, skills, or abilities.

This document does not create an employment contract, implied or otherwise, other than an “at-will” relationship.

__________________________________________
Signature

__________________________________________
Date
Job Description: Assistant Director of Athletics

Essential Duties and Responsibilities include the following (other duties may be assigned at the discretion of the employee’s supervisor):

- Responsible for creating schedules of games for all teams.
- Schedule the use of all facilities for sporting events and practices.
- Assign vehicles and oversee the travel of the teams.
- Coordinate tournaments hosted by Johnson Academy. This includes setup and ensuring the events are properly staffed.
- Coordinate team pictures.
- Coordinate athletic announcements in Chapel.
- Oversee banquets and awards.
- Responsible for collecting end-of-season documents from coaches. This includes summaries, captains, awards, etc.
- Maintain records of the various sporting events scores.
- Work with the Communications Department to keep the Johnson Academy website up-to-date with athletic information (i.e., coaches’ biographies, team information, etc.).
- Update and maintain the picture boards in the Athletic Fitness Center along with the information and pictures displayed in the monitors.
- Aid athletic trainers and other athletic staff as needed on game days. This includes preparations for the game day.
- Ensure current rosters for all sporting events.
- Assist in providing strength and conditioning programs for community members as well as athletic teams.
- Responsible for supervising and running the fitness program in conjunction with the Athletic Facilities Coordinator.
- Check students in and out of the fitness center.
- Meet with students and help set personal fitness plans.
- Help students set goals for the week and the term.
Review students’ fitness journals weekly, and provide input and encouragement.

Supervise students in the fitness center and weight room along with other areas of the Athletic Fitness Center where students may be working out.

Ensure that students meet the one wellness class per week fitness requirement.

Assist athletic director in coordinating game officials, payment of officials, and security of officials after each game.

Supervisory Responsibilities: None.

Travel Requirements: Occasional travel to athletic related events

Qualification Requirements:
To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Bachelor’s degree preferred with 2+ years of related experience; or an equivalent combination of formal education and related experience.
- Knowledge of general fitness and wellness activities.
- Thorough understanding of athletic facilities and programs.
- Ability to demonstrate and participate in exercise and general athletic activities. Excellent interpersonal skills.
- Ability to communicate clearly, both verbally and in written form, with students and adults.
- Ability to maintain a professional, disciplined presence.
- First aid and CPR certification.
- Computer experience in Microsoft Office (Word, Excel, etc.)
- Ability to use good judgment and deal with problems involving multiple variables in changeable situations.
- Ability to multi-task.
- Ability to effectively present ideas and concepts to groups of students, faculty members, or
other members of the school community.

- Ability to read, write, and comprehend memos and correspondence.
- Ability to add, subtract, multiply, and divide in all units of measure, whole numbers, and common fractions; ability to compute rate, ratio, and percent.
- Ability to work flexible hours.
- Valid driver’s license required.

Physical Requirements:
The characteristics described below are representative of those encountered while performing the essential functions of this position. Reasonable accommodations will be made to enable individuals with disabilities to perform the essential functions.

- While performing the duties of this job, employee would regularly be required to stand, walk, sit, reach with hands and arms, climb or balance, stoop or kneel, talk and hear, and use fingers and hands to feel objects, tools, or controls.
- Specific vision abilities required include close vision, distance vision, depth perceptions, and the ability to adjust focus. Must be able to climb stairs and be capable of using visual display keyboard with continuous wrist movement on a keyboard.
- Must frequently lift and/or move up to 25 pounds and occasionally lift and/or move up to 50 pounds.

Work Environment:
The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Typical of a normal office.
- Inside and outside environmental conditions, including exposure to cold, rain, and heat. Indoor and outdoor athletic facilities and fields.
Candidate Tracking Checklist (Johnson Academy)

Candidate Name: ______________________________

Position: ___________________________ Date: ___________________________

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<td>☐ Employment Application</td>
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<tr>
<td>☐ Application Package</td>
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<tr>
<td>☐ Application form</td>
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<tr>
<td>☐ Cover letter of interest</td>
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<tr>
<td>☐ Resume or Curriculum Vitae</td>
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<tr>
<td>☐ List of references with contact information</td>
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<td>☐ Additional information required by the position vacancy</td>
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<td>☐ Sent Acknowledgment Letter</td>
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</tr>
<tr>
<td>Date Rejection Letter sent: _____________________</td>
</tr>
<tr>
<td>☐ Telephone Interview</td>
</tr>
<tr>
<td>☐ In-person Interview</td>
</tr>
<tr>
<td>Date of Visit: ________________________________</td>
</tr>
<tr>
<td>☐ Interview Evaluation forms collected</td>
</tr>
<tr>
<td>☐ Yes ☐ No Second Interview?</td>
</tr>
<tr>
<td>Date: __________________________________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Selection</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes ☐ No Recommend for Hire?</td>
</tr>
<tr>
<td>Discuss the candidate in detail. Discussion should be limited to the requirements of the position and the candidate’s suitability for that position. Date Rejection Letter sent: __________________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offer</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Yes ☐ No Date extend offer:</td>
</tr>
<tr>
<td>Date of Confirmation Letter: _____________________</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Pre-Employment Testing</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Background check, obtain signed consent to perform</td>
</tr>
<tr>
<td>☐ Self-Disclosure Statement, if needed</td>
</tr>
<tr>
<td>☐ Search State Registered Offenders website for candidate’s name, print results</td>
</tr>
<tr>
<td>☐ Search Family Watchdog for candidate’s name, print results</td>
</tr>
<tr>
<td>☐ Search U.S. Department of Justice National Sex Offender Public Registry for candidate’s name, print results</td>
</tr>
<tr>
<td>☐ Verify credentials, obtain signed consent to perform</td>
</tr>
<tr>
<td>☐ Check references, obtain signed consent to perform</td>
</tr>
<tr>
<td>☐ Fair Credit Reporting Act, obtain signed consent to perform</td>
</tr>
<tr>
<td>☐ Social media searches</td>
</tr>
<tr>
<td>☐ Search Google for candidate’s name, print results</td>
</tr>
<tr>
<td>☐ Search Xanga, Myspace, Facebook, LinkedIn, Live Journal, and YouTube, print results</td>
</tr>
<tr>
<td>☐ Obtain Motor Vehicle records, if driving a job duty of candidate</td>
</tr>
<tr>
<td>☐ Physical examination</td>
</tr>
<tr>
<td>☐ Substance testing; drug/alcohol</td>
</tr>
<tr>
<td>☐ Speak with the candidate if clarification or additional information needed</td>
</tr>
<tr>
<td>☐ Review the application and the information about the candidate with other decision makers within the organization Caution: Only those individuals within the organization who have a reason to know the information should be included in this review.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Employment Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Executed employment contract or signed offer letter received.</td>
</tr>
</tbody>
</table>
## Faculty Candidate Tracking Form

<table>
<thead>
<tr>
<th>Candidate Selected for On-Campus Visit</th>
<th>Date Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Send email congratulating selection for visit</td>
<td>Name of person responsible</td>
</tr>
<tr>
<td><strong>Items requested from candidate:</strong></td>
<td></td>
</tr>
<tr>
<td><em>Due before candidate’s arrival</em></td>
<td></td>
</tr>
<tr>
<td>School employment application</td>
<td></td>
</tr>
<tr>
<td>Transcripts</td>
<td></td>
</tr>
<tr>
<td>Written references or list of references</td>
<td></td>
</tr>
<tr>
<td><strong>Items to be emailed to candidate:</strong></td>
<td></td>
</tr>
<tr>
<td>Information regarding overnight accommodations</td>
<td></td>
</tr>
<tr>
<td><strong>Send final email with:</strong></td>
<td></td>
</tr>
<tr>
<td>Directions and school map</td>
<td></td>
</tr>
<tr>
<td>Itinerary</td>
<td></td>
</tr>
<tr>
<td>Benefits brochure</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Did candidate teach a class?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interviews not conducted during visit:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Rating Sheets Received: | | |
| □ HR Director | □ Athletic Director | |
| □ Dean of Chapel | □ Department Head | |
| □ Academic Dean | □ Dean of Students | |
| □ Multicultural Officer | □ Head of School (optional) | |
| □ Sixth Form Officer | □ Student (Selected by Dept. Head) | |
| □ Dean of Faculty | | |
| □ Class Feedback Forms Received | | |

| Extend initial offer by phone | | |

| Package mailed to candidate | | |
| **Items for Dean of Faculty Office** | | |
| ☢ Two copies of contract letter from HOS for signature (One marked copy for candidate to keep) | | |
| ☢ Responsibilities of Faculty outline | | |
| ☢ Faculty questionnaire | | |
| **Items for Human Resources** | | |
| ☢ Welcome letter with business card | | |
| ☢ Authorization for criminal background check | | |
| Obtain email addresses to send link for background check | | |
| ☢ I-9 | | |
| ☢ W-4 | | |
| ☢ Direct Deposit | | |

| □ Items returned and sent to HR | | |
Hiring and Recruitment Plan: Hiring Season 20XX-XX

**Hiring Committee:** Academic Dean, Department Head, Dean of Faculty. Hiring Committee meet to:

- review applications to select those to prescreen with a phone interview;
- review prescreened applicants who will be invited to the school to interview; and
- discuss candidates post-visit, review results of reference checks, and decide on final recommendations to the Rector for hiring.

**Interviewers:** Department Head, department members, Academic Dean, Dean of Students, Dean of Faculty, Human Resources Director, Athletic Director, Student Council officer (department head choice), Dean of the Chapel, Multicultural Affairs Director, Head of School (optional)

**Candidate Application Review Period**
January 15 (or 4 weeks after a job is posted): Deadline by which a list of five finalists are identified by department head, Dean of Faculty and Academic Dean to call for phone interviews.

**Interview Questions (Student Interviewers)**
- Why did you become a teacher?
- Why do you want to teach and live with teenagers rather than elementary school, middle school, or college students?

**Interview Questions (Adult Interviewers)**
Interviewers need to coordinate our interview questions to avoid overlap/repetition of questions like “why boarding school?” or “why Johnson Academy?” Repetition of interview questions is inefficient and reveals that we are not organized and coordinated. (See a list of questions by department below.)

**Ask This, Not That! Avoiding Inappropriate Interview Questions**
[INCLUDE A GENERAL GUIDE TO APPROPRIATE INTERVIEW QUESTIONS]
When in doubt, keep your interview questions work-related, and focus on questions that relate to a candidate’s specific occupational qualifications.

**Class Observation Survey (for students and adults)**
• Candidate Name/ Class Taught/ Date
• Was the teacher clear in outlining her/his expectations for the class?
• Did the teacher exhibit mastery of the subject?
• Did the teacher engage the class effectively?
• Would you like to take this teacher’s class? Why or why not?
• Comments:
Faculty Candidate Rating Sheet

Please return this completed form to [NAME & EMAIL OF PERSON] by the end of the day today.

Date:                      Applicant:  
Position applied for:      Your Name:  

Rate the following items on a scale of 1 – 10.  
(1 – 3 is unsatisfactory)(4 – 6 is satisfactory) (7 – 9 is outstanding) (10 is simply amazing)

FIRST IMPRESSION   _____
Comment:  

ENTHUSIASM FOR JOB   _____
Comment:  

ENTHUSIASM FOR JOHNSON ACADEMY   _____
Comment:  

BRINGS DIVERSITY   _____
Comment:  

POTENTIAL FOR PROFESSIONAL GROWTH/DEVELOPMENT   _____
Comment:  

RELEVANT EXPERIENCE   _____

DESIRE TO LIVE/ WORK WITH TEENAGERS   _____
Comment:  

CO-CURRICULAR IMPACT   _____
Comment:  

ATHLETIC IMPACT   _____
Comment:  

ADVISOR POTENTIAL   _____
Comment:  

OVERALL IMPRESSION   _____
Comment:  

SUMMARY:
Candidate Interview Questions

For your reference, please find the lists of questions asked, by department, of candidates who visit us for an interview.

Science

1. What were your career aspirations at the start of your college/graduate school years?
2. If they did not involve teaching, what influenced you to move toward education?
3. What experiences in high school influenced you to pursue a science (or some specific discipline) in college?
4. What motivated you to move on to graduate work?
5. What about teaching most appeals to you?
6. What about teaching seems least appealing?
7. Describe your favorite moment in a science class. What about that experience made it a positive one?
8. If you know you are likely teaching students who will not go on to study science, what do you think is the most important thing(s) they should take away from your class? From a high school science program?
9. What motivated you to learn science when you were in high school?
10. Describe your favorite science teacher (high school, college, graduate school). What about him or her did you like?
11. What aspects of (specific discipline) are you least comfortable with?
12. In what areas of science (or specific discipline) do you think you bring advanced skills?

Humanities

Important Interview Information for Humanities Faculty
One of our most important tasks includes how we find excellent colleagues to join us as faculty in the humanities division and at Johnson Academy. When a candidate leaves our grounds, after having spent 24 hours with us, I would hope that he or she would say something like this: “I would love to join the faculty at Johnson Academy for all kinds of reasons.” In a sense, we are recruiting our new colleagues, but potential new colleagues are also recruiting us. These interviews offer the
candidate an opportunity to interview us just as much as we interview the candidate. This means that we need to treat candidates as guests of Johnson Academy, offering warm hospitality. Many thanks for your help with this important task. I offer the following guidelines so that we can be aware of some general principles that the School uses when we meet candidates for any faculty position.

Interviews are not a time to process or debrief issues (controversial or otherwise) that we discuss as a faculty, mainly because we (as of yet) have no relationship with these candidates whereby these kinds of conversations would be useful. I think it is most important to listen well to what the candidate asks and says. Our responses should be balanced and fair, without probing issues too deeply at this point. We do not have time to get into great detail, so it is best to develop a good and general “feel” for each person. If a candidate says something that you disagree with or that concerns you, write it down as a “fact” to remember or an interesting piece of information to consider, rather than getting into a labored discussion.

Please remember to avoid personal questions (e.g., a candidate’s age, family situation, marital status, sexual orientation, etc.). If the candidate raises these kinds of questions, please ask her or him to discuss these matters with the Dean of Faculty, Director of Human Resources, or the Department Head.

In addition, if the candidate asks about general issues of workload, faculty housing, benefits, salary, teaching assignments, etc., it is possible, of course, for you to answer from your own personal experience as a way of helping to explain what it means to be a teacher here. But specific questions about potential workload, housing, benefits, or teaching responsibilities should be referred to the administration. In general, it is best to respond to questions that deal with the humanities curriculum and our teaching of it.

Please stay within the time limits outlined in the interview schedule by concluding when the schedule asks you to conclude, even if you are enjoying yourselves. We have built some, albeit little, rest and breaks into the schedule for the sake of each candidate. Our humanities office serves as a place where the candidate can take these breaks, if it is free. When you have finished, one of our teachers should take the candidate to the next appointment. [NAME] can also help facilitate this matter.
The Role of the Scribe

If you have been assigned to serve as scribe, please take notes during the interview session. When the interview is finished, the teachers who are present will take a few minutes to discuss their reflections and complete the Rating Sheet. In the summary section of the Rating Sheet, you should write a short paragraph (or so) with reflections on the candidate, in which you are both descriptive and evaluative (to some extent). Please make sure that you note exactly what “event” you are writing about. Please email the Rating Sheet/Summary to the Dean of Faculty’s assistant and the Department Head within 24 hours. These will be compiled and read by the steering committee, the Dean of Faculty, the Department Head, the Academic Dean, and the Head of School as we attempt to discern our general considerations about each candidate.

Possible questions to ask in the interview session with humanities faculty: Teaching

1. What are your strengths as a classroom teacher?
2. What does your typical class look like?
3. How do you teach writing?
4. How do you cope with students who do not engage with the material?
5. How do you generate discussions in the classroom?

Humanities Division: Specific

1. What is the nature of your commitment, as a teacher, to working within an interdisciplinary model like the humanities program at Johnson Academy?
2. How do you feel about teaching outside of your disciplinary “comfort zone”?
3. How do you function within an environment of teamwork among teaching colleagues?
   How would you characterize your approach to sharing ideas with colleagues and your way of trying to get your ideas to become a reality?
4. How do you employ technology in your teaching to support your pedagogical ideals?
5. What intellectual ideas are you currently curious about and why? What are you currently reading?
6. How have you shaped a course to suit your particular aims?

Johnson Academy as an all-boarding school

1. How would you deal with the challenges of teaching and living in an all-boarding school?
2. How could you see yourself contributing to athletics at Johnson Academy?
3. What is not on your resume that you would like us to know about you?

Languages

1. Why do you teach a world language?
2. Why do you want to teach a language at Johnson Academy?
3. Why do you teach how you teach?
4. What elements would you find essential at your dream school?
5. Which people and what places have made you the person/teacher you are?
6. How do you access the 5 C’s in your teaching?
7. What technology do you use to support your teaching? OR What kind of technology do you use to maximize learning?
8. Describe how you have collaborated with colleagues.
9. What topic have you really enjoyed teaching? How? Why?
10. What is your background in this language?
11. What have you taught in the past?
12. What kind of intercultural experiences have you had?
13. Describe your most difficult class ever.
14. What would you want your students to remember about your class?
15. What is your teaching style/philosophy?
16. How do you help students who struggle? (Examples...)
17. What are the biggest challenges you face as a language teacher?
18. What are your biggest strengths as a teacher?

Athletics

Explain the importance of athletics at Johnson Academy. We believe that athletics is an important experience for everyone at the School and that being a part of a team at any level is a wonderful learning experience. We also believe very strongly that great lessons are taught through athletics, and wonderful relationships are established that only enhance the classroom experience.

To that end we will expect all candidates to commit to two seasons of athletics at any capacity from varsity head coach to timer.
1. What coaching experience have you had and at what level?
2. What sports did you play in high school or college?
3. Would you be comfortable being a head coach? At what level? What sport?
4. What role do you think athletics plays in the education of an adolescent?
5. What is your coaching philosophy?
6. What is your greatest challenge in dealing with disgruntled parents?
7. Did you have an athlete’s handbook at your prior school?
8. Do you know and understand the rules and regulations of the state and league?

Admissions

1. How do you maintain energy levels late in the day when interacting with visitors who expect a great experience interviewing or interacting with an admission officer?
2. What are the most important characteristics of a healthy, efficient, and effective office?
3. What would be the benefit of a fully residential boarding school?
4. How should the office handle a situation where a co-worker has a full schedule of interviews but cannot come to work that day?
5. If a family walks in at the end of a very busy day and has missed their appointment, how would you respond?
6. How do you maintain a 20-minute conversation with someone whose passions in life differ from yours or who you think will not be competitive for admission?
7. How do you end a conversation with a parent who would be happy to continue talking to you for as long as you let him or her?
8. When a task has an open-ended due date, when do you do it?
9. When evaluating an admission application, what would you prioritize in terms of importance in evaluating a good fit for Johnson Academy?
10. When faced with a stressful situation, what is your reaction?
11. How do you ensure that every family has a positive experience throughout the application process? Should they?
Interview Schedule (Sample)

Applicant Name:                                               Date of Arrival:
Phone:                                                        Interview Date:
Position Applied for:                                        Accommodations:

Arrival Information:                                                                 

Prior to arrival, please phone Security at xxx-xxx-xxxx

Contact Information: [Include names and phone numbers of contact people]

<table>
<thead>
<tr>
<th>Mon., Apr. 9 Start Time</th>
<th>Mon., Apr. 9 End Time</th>
<th>Activity/Interviewer</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>5:30 pm</td>
<td></td>
<td>Dinner with Department Head</td>
<td></td>
</tr>
<tr>
<td>7:20 pm</td>
<td></td>
<td>Dorm Duty with</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tue., Apr. 10 Start Time</th>
<th>Tue., Apr. 10 End Time</th>
<th>Activity/Interviewer</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30 am</td>
<td>8:30 am</td>
<td>Breakfast &amp; Chapel with member of Student Council and selected students</td>
<td></td>
</tr>
<tr>
<td>8:35 am</td>
<td>8:55 am</td>
<td>Director of Athletics</td>
<td></td>
</tr>
<tr>
<td>8:55 am</td>
<td>9:20 am</td>
<td>Director of Human Resources</td>
<td></td>
</tr>
<tr>
<td>9:25 am</td>
<td>10:10 am</td>
<td>Teach class</td>
<td></td>
</tr>
<tr>
<td>10:15 am</td>
<td>10:45 am</td>
<td>Dean of Chapel</td>
<td></td>
</tr>
<tr>
<td>10:50 am</td>
<td>11:20 am</td>
<td>Dean of Students</td>
<td></td>
</tr>
<tr>
<td>11:25 am</td>
<td>11:55 am</td>
<td>Dean of Faculty</td>
<td></td>
</tr>
<tr>
<td>12:10 pm</td>
<td>1:10 pm</td>
<td>Lunch with department members</td>
<td></td>
</tr>
<tr>
<td>1:15 pm</td>
<td>1:45 pm</td>
<td>Academic Dean</td>
<td></td>
</tr>
<tr>
<td>Time</td>
<td>Time</td>
<td>Schedule</td>
<td></td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>-----------------------------------</td>
<td></td>
</tr>
<tr>
<td>1:45 pm</td>
<td>2:15 pm</td>
<td>Multicultural Affairs Director</td>
<td></td>
</tr>
<tr>
<td>2:30 pm</td>
<td>3:00 pm</td>
<td>Student tour with TBA</td>
<td></td>
</tr>
<tr>
<td>3:00 pm</td>
<td>3:30 pm</td>
<td>If available, Head of School</td>
<td></td>
</tr>
<tr>
<td>3:30 pm</td>
<td></td>
<td>Dean of Faculty, Dept. Head, &amp; Academic Dean</td>
<td></td>
</tr>
</tbody>
</table>
Application Acknowledgment Letters

A. Letter to inform candidate that application is under consideration:

Dear [NAME],

We have received your application for the position of Science Teacher. In order to evaluate your application further, we will need [identify missing documents].

We anticipate that the search process will take approximately [insert time anticipated]. We will notify you once we have made a decision regarding your application. In the meantime, should you have any questions, please do not hesitate to contact [insert appropriate contact person].

Sincerely,
[NAME]
Head of School, Johnson Academy

B. Letter to inform candidate that application is being rejected after initial screening:

Dear [NAME],

We have received your application for the position of Head of Nutrition. The Search Committee has met and reviewed your application. After careful consideration, the Committee has determined that other candidates more closely meet the requirements for the position. Therefore, your application is no longer under consideration.

[If it is the policy of your school to maintain applications for a period of active consideration for future positions, so state (e.g., “Your application will be maintained for one year for consideration should any future positions become available for which you are qualified”).]

Thank you for your interest in Johnson Academy.

Sincerely,
[NAME]
Head of School, Johnson Academy
Application for Employment

Johnson Academy, an Equal Opportunity Employer

Thank you for your interest in employment with Johnson Academy. As part of our procedure for processing your employment application, all statements made by applicants for employment on this application form or during any interview may be checked for accuracy. We offer equal employment opportunities to all persons without regard to race, color, sex, national origin, age, religion, civil union status, gender identity, sexual orientation, military or veteran status, genetic information, handicap, disability, or any other status protected by law.

**POSITION DESIRED:**

**PERSONAL INFORMATION**

<table>
<thead>
<tr>
<th>Name (Last, First)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Present Address:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Previous Address and Dates:</th>
<th>City:</th>
<th>State:</th>
<th>Zip Code:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone Number:</th>
<th>Emergency Contact and Telephone Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Email Address:</th>
<th>Are you over the age of 18? □ Yes □ No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>How did you hear of this opening?</th>
<th>If you were referred by someone, please state that person’s name:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Have you applied for a job with us before? □ Yes □ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If so, when?</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Have you ever worked for us before? □ Yes □ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If so, please provide details:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Do you have the legal right to work in the U.S.? □ Yes □ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(If hired, you must prove eligibility to work in the U.S.)</td>
</tr>
<tr>
<td>If no, please explain:</td>
</tr>
</tbody>
</table>
JOB AVAILABILITY

Date you can start:  
Your availability: ☐ Days only  ☐ Nights only  ☐ Either days or nights  
Are you available for residential dorm duties?  ☐ Yes  ☐ No  
Can you work weekends?  ☐ Yes  ☐ No

Desired salary:  
Type of employment desired:  
☐ Full-time  ☐ Part-time  ☐ Temporary  ☐ Seasonal

Are you prohibited from or limited in your performance of any job duties by any restrictive covenants not to compete, confidentiality agreements, or other contracted obligation?  ☐ Yes  ☐ No

If yes, please provide a copy of that agreement.

EDUCATION

<table>
<thead>
<tr>
<th>TYPE OF SCHOOL</th>
<th>NAME AND ADDRESS OF SCHOOL</th>
<th>COURSES MAJORED IN</th>
<th>NUMBER OF YEARS COMPLETED</th>
<th>GRADUATE? List Degree(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High School</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>College</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Postgraduate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade, Business, or Other Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Subjects of special study/research, work or training/skills:

Provide any additional information such as special skills, training, equipment operation, or qualifications you feel will be helpful to us in considering your application:
WORK HISTORY
(Start with most recent or present employer and complete in full; attach additional work history on a separate piece of paper as necessary.)

<table>
<thead>
<tr>
<th>1. Name and Address of Most Recent Employer:</th>
<th>Telephone Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immediate Supervisor (Name and Position):</td>
<td>Date Hired:</td>
</tr>
<tr>
<td>Job Title &amp; Duties:</td>
<td>Date Left:</td>
</tr>
<tr>
<td>Reason for Leaving:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>☐ Yes ☐ No</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Name and Address of Employer:</th>
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<tr>
<td>Immediate Supervisor (Name and Position):</td>
<td>Date Hired:</td>
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<tr>
<td>Job Title &amp; Duties:</td>
<td>Date Left:</td>
</tr>
<tr>
<td>Reason for Leaving:</td>
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<td>☐ Yes ☐ No</td>
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<td>☐ Yes ☐ No</td>
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Are you employed today? ☐ Yes ☐ No
Why do you want to make a change? 

Consistent attendance and punctuality are essential requirements of every job at the Johnson Academy. Is there anything that would interfere with your regular attendance and punctuality if you are offered a job at Johnson Academy?

☐ Yes ☐ No If yes, please explain:
Have you ever been terminated or requested to resign from a position?  ☐ Yes  ☐ No
If yes, give circumstances

Have you ever been disciplined by an employer, such as received a warning, been suspended, or required to take special classes related to a disciplinary matter?  ☐ Yes  ☐ No  If yes, please explain:

**CRIMINAL RECORD**
A conviction record will not necessarily be a bar to employment. Factors such as job relatedness, age and time of offense, seriousness and nature of violation, and rehabilitation will be taken into account.

Have you ever been convicted of a crime, other than a minor traffic violation, which conviction has not been erased or annulled?  ☐ Yes  ☐ No
If yes, please provide the details of each conviction including the state and city/town, citation, date, and court:

**PERSONAL REFERENCES**
Please list two people, not your relatives, whom you have known for three years or more.

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APPLICANT’S STATEMENT

Please check each of the following boxes to confirm your understanding and agreement to each of the following:

☐ I have read and fully understand the questions asked in this application. I understand and agree that the application is neither an offer of employment nor a contract. I certify that the information set forth in this employment application is accurate and complete. I understand that any misrepresentation, falsification, or omission on this application, if any, will result in the immediate rejection of my application or, if I am hired, will result in my immediate termination from employment.

☐ I authorize Johnson Academy and its agents and representatives to contact all or any of my past employers, education/academic institutions, and references and authorize them to provide all information requested of them, and release and hold harmless all entities and persons from liability for providing such a reference and Johnson Academy for acting or relying on the information so received.

☐ I agree that if I am hired I will conform to the policies and procedures of Johnson Academy.

☐ I understand that nothing contained in this employment application or in the granting of an interview is intended to create an employment contract between Johnson Academy and myself for either employment or for the providing of any benefit. No promises regarding employment have been made to me. I understand that, if employed, my employment will be at-will, and that I can be terminated, without notice or cause, at any time, at the option of Johnson Academy.

☐ I understand that any offer of employment will be conditioned on the successful completion of a criminal background check and such other pre-employment tests or background checks as may be required for a specific job. I will, upon request, sign all necessary consent forms.

Print Name:___________________  Signature:________________________________________

Date: __________________________

Please return form to: [INSERT NAME]
Telephone Interview Guidelines

On occasion, it may be necessary to conduct an interview over the phone. Here are some guidelines for telephone interviews:

**Preparing for the Telephone Interview**

1. Schedule the call, and plan sufficient time to speak with the candidate.
2. Gather and review interviewee’s application materials.
3. Prepare a set of questions to ask the interviewee.
4. If more than one interviewer will be involved, determine the order in which the interviewers will ask questions.
5. Test your telephone equipment, such as speakerphone or teleconferencing equipment, before the call actually takes place.

**Conducting the Telephone Interview**

6. Introduce the individuals participating in the interview, and describe how the interview will be conducted.
7. Ask questions related to the application or resume itself, such as questions about job experience, special training, gaps in employment or education.
8. Ask why the person is interested in leaving his or her current position.
9. Ask what attracted the person to apply for the position.
10. Ask questions that might help you determine whether the interviewee would be a good fit for your school, such as (for a faculty position) by asking the candidate to describe his or her preferred teaching style or philosophy.
11. Ask follow-up questions as appropriate.
12. Tell the candidate about the school overall and life at the school.
13. Ask the candidate if he or she has any questions.
14. Explain to the candidate what the next step in the selection process will be and who he or she will hear from.
15. Give a contact name and phone number for follow-up questions. Thank the candidate for his or her time.
Guidelines for Legal and Effective Interviewing

The employment interview is a vital component in the hiring process. In order to hire the most qualified applicant, managers and employees who participate in the selection process must be well versed in how to conduct interviews effectively. In addition, participants in the interview process must be aware of federal and state legislation that precludes individuals from discriminating and/or asking certain questions during an interview.

When done correctly, the hiring process can be a vital tool not only for selecting the right individual for a job but also for starting a healthy working relationship between the prospective employee and the company. Unfortunately, when handled incorrectly, the hiring process can be extremely costly to employers.

The following guidelines are designed to help you develop legal and effective interviewing skills. By learning what you legally can and cannot ask and by preparing for the candidate interview situation, you will be better equipped to carry out your critical role in conducting effective, successful, and legal interviewing.

Federal and state laws require that administrative personnel and supervisors make employment decisions without regard to race, age, color, religion, sex, ancestry, national origin, mental or physical disability, citizenship status, status as a disabled or Vietnam era veteran, and possibly other categories depending on the state of employment. Interviewers must be aware of all the federally protected categories as well as those additional categories protected in their particular state. Keeping in compliance with these laws will help keep the school out of court and will strengthen the school’s culture by creating a healthier atmosphere, free of the damaging aspects of discrimination or harassment. Administrative personnel and supervisors must learn to respect and appreciate the differences among people and to capitalize on the diversity of the workforce. Complying with federal and state nondiscrimination laws is not only the lawful thing to do, it is the RIGHT thing to do.
Facilitating Open Discussion

Interviewers must gain as much information as possible from the candidate while respecting federal and state law. The easiest way to accomplish this is to create an atmosphere that allows the candidate to speak freely. The following are suggestions for fostering an atmosphere that is conducive to open discussion:

- Try to put the candidate at ease at the beginning of the interview. If the candidate feels comfortable, she or he will be more likely to share information with you.
- If you find that the candidate freezes on a particular question, you may want to go on to the next question. It takes time for some candidates to relax and feel comfortable with the interviewing process.
- Try to ask questions that will facilitate discussion. Avoid questions that require a yes or no answer.
- Don’t ask leading questions. Keep the questions open-ended so that the prospective employee has the opportunity to speak freely.
- Be sure to ask only job-related questions.
- Listening skills are essential in an interview. It is important to let the candidate speak without being interrupted.
- While the candidate is speaking, watch his or her body language and facial expressions. These expressions will provide you with additional insight about what is being discussed at the time.
- Remember that the purpose of the interview is twofold. Your first goal is to obtain as much information as possible from the candidate in order to assess whether the candidate will be a good “fit” for your school as well as for the position to be filled. Also you must take the opportunity to sell the school to the candidate; be realistic, yet persuasive.
- Avoid discriminatory questions.
- Use a consistent interview format.
Legal Considerations

As discussed above, it is absolutely essential that all interviews are conducted in compliance with federal and state law. Thus, all interviewers must become familiar with federal and state laws as they pertain to interviews and to the workplace environment. Some of the major federal anti-discrimination laws that affect you in your role as members of the search committee, and others involved in the selection process, are listed below:

**Title VII of the Civil Rights Act of 1964**

This federal law, as amended by the 1991 Civil Rights Act, prohibits discrimination with respect to the terms, conditions, and privileges of employment on the basis of race, color, religion, sex, or national origin.

**The Age Discrimination in Employment Act of 1967**

This federal law prohibits discrimination against applicants and employees who are over the age of 40 in hiring, compensation, discharge, and other major areas of employment.

**The Rehabilitation Act of 1973**

This federal law makes it illegal for companies with federal contracts and subcontracts as well as recipients of federal financial assistance to discriminate against a physically or mentally handicapped person for reasons that have nothing to do with his or her ability to perform the job. Furthermore, Section 503 of the Act requires such companies to take affirmative action to employ and advance qualified handicapped individuals and to make “reasonable accommodation” for the physical or mental limitations of an employee or job applicant. (The Americans with Disabilities Act of 1990, described below, extends this protection to all employees.)

**The Vietnam Era Veterans’ Readjustment Assistance Act of 1974**

This federal law makes it illegal to discriminate against veterans of the Vietnam era and all disabled veterans. Moreover, it requires that all organizations with government contracts take affirmative action to employ and advance such individuals.

**The Americans with Disabilities Act of 1990**

This federal law bars discrimination by employers of 15 or more employees against people with
disabilities in all areas of employment, including hiring. It covers all those with mental or physical impairments that substantially limit one or more major life function, as well as those with a record of such impairment. Alcohol and drug abusers who are recovering or who have completed rehabilitation programs are protected under this law, as are individuals who have tested positive for HIV. The law states that you can’t reject a qualified candidate because he or she has a disability, and that you’re required to make “reasonable accommodation” for the disability so long as it doesn’t pose an “undue hardship” for the school.

The Equal Pay Act of 1963

This federal law makes it illegal to discriminate on the basis of sex with regard to the payment of compensation, including benefits. This law states that you can’t pay lower wages to employees of one sex for jobs that require equal work, skill, effort, and responsibility and that are performed under similar working conditions.

The Pregnancy Discrimination Act of 1978

This federal law prohibits discrimination against an employee because she is pregnant or is suffering from a pregnancy-related disability. Under this law, it is illegal to refuse to hire a woman because she is pregnant, to fire a woman because she is pregnant, to force a pregnant employee to leave work if she is willing and able to work, or to stop the accrual of seniority for an employee who has taken a leave to give birth or have an abortion, unless seniority doesn’t accumulate for other disabled employees during a leave of absence.

The Genetic Information Nondiscrimination Act of 2008 (GINA)

This federal law was signed on May 21, 2008. The employment provisions of the law took effect in November 2009 and are enforced by the Equal Employment Opportunity Commission (EEOC). The law prohibits employers from making decisions concerning hiring, firing, pay, or promotion on the basis of genetic information. “Genetic Information” is defined in the Act as (1) the results of an individual’s genetic tests; (2) the results of the genetic tests of family members of an individual; or (3) the manifestation of a disease or disorder in an individual’s family members. Under GINA, the definition of “employee” includes job applicants and former employees.
In addition to the federal laws listed above, most states have their own anti-discrimination statutes that provide additional employee protections. It is imperative that all members of the search committee become familiar with the state laws where the school is located. States may and do provide additional discrimination protection not provided under federal law.
Guidelines for Interview Questions

The guiding principle behind any question to the candidate is, “Can the employer demonstrate a job-related necessity for asking the question?”

This guide will assist you by providing a general framework for structuring an interview. Certain questions that were once fairly commonplace are now prohibited. For many years it was common for an employer to ask a candidate whether he or she had ever had a workers’ compensation injury or to ask a woman what she does for childcare. Such questions have been found to be illegal and impermissible. In addition, questions relating either directly or indirectly to race, age, color, religion, sex, ancestry, national origin, mental or physical disability, citizenship status, or status as a disabled veteran should be avoided as they could lead to legal liability. Today it is critical to conduct lawful employment interviews because jury trial awards can cost the employer several hundred thousand dollars.

When considering the merits of a discrimination claim, the EEOC examines the intent behind the interview question and how the information is or will be used. Therefore, the candidate should be asked only questions that are job related! In asking questions, the interviewer should consider whether this information is directly connected to the candidate’s qualifications, level of skills, and overall competence for the job in question.

Getting the Information You Need Without Discriminating

Following are some sample questions to get your interview started in the right direction. As you will notice, the questions are intended to encourage further discussion in each area.

Example 1: General Questions

- Do you understand what this job entails? (A discussion of the job can lead to interesting observations about the candidate’s abilities, experience, and enthusiasm, among other things.)
- From what I’ve told you, do you think you’d like working at our school? Give me particular reasons.
- What can you tell me about yourself that makes you think you’d be good at this job?
- Do you have any other information about yourself or about your interests that you think
would help me make a decision about filling this job?

- Have you done any jobs like this before?
- Have you ever had any hobbies or outside interests that would help you do this job?
- You mentioned you enjoyed your last job. What did you enjoy most? What did you enjoy least?
- Why did you leave your last job?
- What are two things you wish to avoid in your next job?
- What will your last supervisor tell me is your greatest strength?
- What will your last supervisor tell me is your greatest weakness?
- Describe for me the perfect supervisor who could help you achieve your potential.
- Who at your last job did you get along with least? What did you do to improve the situation?
- What are your goals three years from now?
- If you were hiring someone for this job, what qualities would you look for?

Some schools develop a set of standard questions to use with the different positions that might be open for the current year, and they may split the questions up if there is more than one level of interviews or more than one person involved in the interviewing. The following are some of the sample questions for your consideration, set out by the position being interviewed for.

Example 2: Sample Teacher Interview Questions

- What is it about this teaching position that interests and motivates you?
- Please explain your decision to become a teacher.
- What makes you, or will make you, a good teacher?
- Describe your proudest accomplishment during the past five years.
- Describe some instructional approaches you have used in the classroom where the students had a variety of learning styles and levels of mastery.
- Have you had any experience working with other teachers to implement programs for students with a high level of ability or achievement? If so, please describe that experience.
Why are you interested in leaving your current position?
What is your teaching philosophy?
How do you define good teaching?
What has been your greatest professional challenge, and how have you dealt with it?
Why do you think we should consider you for this position?
Do you have any questions about the school or the position?

Example 3: Interview for Humanities Teacher

General Questions:

What are your strengths as a classroom teacher?
What does your typical class look like?
How do you teach writing?
How do you cope with students who do not engage with the material?
How do you generate discussions in the classroom?

Specific to Humanities:

What is the nature of your commitment as a teacher to working within an interdisciplinary model like the humanities program at Johnson Academy?
How do you feel about teaching outside of your disciplinary “comfort zone”?
How do you function within an environment of teamwork among teaching colleagues? How would you characterize your approach to sharing ideas with colleagues and your way of trying to get your ideas to become a reality?
How do you employ technology in your teaching to support your pedagogical ideals?
What intellectual ideas are you currently curious about and why? What are you currently reading?
How have you shaped a course to suit your particular aims?
How could you see yourself contributing to athletics at Johnson Academy?
What is not on your resume, which you would like us to know about you?
Example 4: Languages Teacher

- Why do you teach a world language?
- Why do you want to teach a language at Johnson Academy?
- Why do you teach how you teach?
- What elements would you find essential at your dream school?
- Which people and what places have made you the person/teacher you are?
- What technology do you use to support your teaching? OR What kind of technology do you use to maximize learning?
- Describe how you have collaborated with colleagues.
- What topic have you really enjoyed teaching? How? Why?
- What is your background in this language?
- What have you taught in the past?
- Describe your most difficult class ever.
- What would you want your students to remember about your class?
- What is your teaching style/philosophy?
- How do you help students who struggle? (Examples...)
- What are the biggest challenges you face as a language teacher?
- What are your biggest strengths as a teacher?
Questions to Avoid — And Why

There are some questions you should avoid asking entirely and others that are only permissible if phrased appropriately. Following is a summary of the types of questions that are definitely illegal or have a tendency toward exposing your school to liability for discrimination.

Questions concerning the candidate’s... 

- **Race or color** — There are no job-related considerations that would justify asking the candidate a question based on race or color.

- **Age** — There are no job-related considerations that would justify asking the candidate a question based on age.

- **Religion** — There are no job-related considerations that would justify asking about religious convictions, unless your school is a religious institution, which may give preference to individuals of the same religion.

- **Sex** — Generally, there are no appropriate questions based on the candidate’s gender during the interview process. Specifically:
  - Women are no longer protected under state wage/hour laws regarding the number of hours worked, lifting restrictions, etc.
  - It is unlawful to deny a female candidate employment because she is pregnant or planning to have a child at some future date.
  - Questions on marital status, number of children, childcare arrangements, etc., are not appropriate.
  - Questions as to availability to work should be job related: What hours can you work? What shift(s) can you work? Can you work on weekends and/or holidays?

- **Sexual preference** — Under certain state and municipal laws, there are no permissible questions regarding the candidate’s sexual preferences.

- **Height and/or weight restrictions** — These questions may support gender or national origin discrimination claims unless their relationship to specific job requirements can be demonstrated.

- **Ancestry or national origin** — You may not ask the candidate where he or she was born or where his or her parents were born. You may ask only whether the candidate is eligible
to work in the United States.

- **Physical or mental disability** — You may not ask whether or not the candidate has a particular disability. You may ask only whether the candidate can perform the duties of the job in question, with or without reasonable accommodation.

- **Citizenship status** – You may only ask whether the candidate is eligible to work in the United States.

- **Veteran status** — There are no job-related considerations that would justify asking the candidate a question regarding or based on veteran status.

- **Military discharge type** — You may not ask what type of discharge the candidate received from military service. You may ask only whether the candidate served in the military, period of service, rank at time of discharge, type of training, and work experience received while in the service.

- **Arrest record** — Questions relating to the candidate's arrest record are improper, and the EEOC and many states prohibit the use of arrest records. Conviction records may be used if the school can establish a business necessity for its use during the selection process, and the school asks only for records of offenses that have not been annulled. The employer must consider three factors when deciding whether to use a conviction record in the selection process:
  - Nature and gravity of the offense for which convicted
  - Amount of time that has elapsed since the candidate’s conviction and/or completion of sentence
  - The nature of the job in question as it relates to the nature of the offense committed

- **State protected categories** — You must check with the state where the school is located to determine whether there are additional protected categories. For example, some states protect employees from discrimination based on the employee’s marital status or sexual orientation.

- **Financial status** — You should not ask about the candidate’s financial status or whether the candidate ever had his or her wages garnished. An employer who relies on consumer credit reports in its employment process must comply with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996.
Although some of the information listed above may be necessary for personnel records and employee benefit programs, asking for the information during the interview process is illegal. For this reason, and the reasons explained above, employers should avoid asking questions that reveal the candidate’s race, age, color, religion, sex, ancestry, national origin, mental or physical disability, citizenship status, status as a disabled or Vietnam era veteran, military discharge type, arrest record, or financial status.

Sample Questions

The way in which questions are phrased is very important. The following are examples of acceptable and unacceptable interview questions. The first question is unacceptable and the second one is acceptable.

**Illegal**  
Are you a U.S. citizen?

**Legal**  
Are you lawfully employable in the United States by virtue of citizenship or have authorization from the Department of Homeland Security’s US Immigrations and Customs Enforcement division and the Labor Department?

**Illegal**  
How old are you?

**Legal**  
Are you over the age of 18?

**Illegal**  
Do you have any children? What are your childcare arrangements?

**Legal**  
Questions about family status are not job related and should not be asked.

**Illegal**  
What disabilities do you have?

**Legal**  
Are you able to perform the essential functions of the job to which you are applying? (Be sure you tell the candidate what the essential functions are.)

**Illegal**  
What is your maiden name?

**Legal**  
Have you ever been known by another name?

**Illegal**  
Do you have AIDS or are you HIV-positive?

**Legal**  
There is no acceptable way to inquire about this, or any other medical condition.

See below for a handy chart with additional sample questions organized by interview topics based on guidance publications issued by the EEOC. Each state agency responsible for enforcing
anti-discrimination laws may publish its own guidelines for pre-employment questioning so you should check to see whether the relevant agency in your state has any such published guidelines.

As part of the search committee, you must strive for successful, unbiased interviewing. There are many questions you are free to ask any candidate. Permissible questions are those that are closely job related and are not based on or regarding a category protected by federal or state law. You must be aware of and understand federal and state anti-discrimination law. These laws require interviewers to focus on the job requirements and the candidate’s qualifications. In addition, the laws require you to avoid questions regarding the candidate’s race, age, color, religion, sex, ancestry, national origin, disability veteran status, financial status, or arrest record.

Do’s and Don’ts of Effective Interviewing

**DO**
- make sure you have read all paperwork on the candidate.
- review the current job description for the available job.
- make the candidate feel at ease.
- explain how your job relates to the position for which the candidate is applying.
- let the candidate know about the school.

**DO NOT**
- ask discriminatory questions such as about race, religion, gender, sexual orientation, etc.

**DO**
- ask job-related questions.
- use a consistent interviewing format.
- give the candidate an opportunity to ask you questions about the school or the job.
- thank the candidate for his or her time
## Interview Questions: The Right Way and the Wrong Way to Ask Questions

Based on the EEOC’s “Pre-Employment Inquiries and Disability” and its “Enforcement Guidance: Preemployment Disability-Related Questions and Medical Examinations.”

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<th>TOPIC</th>
<th>UNACCEPTABLE</th>
<th>ACCEPTABLE</th>
</tr>
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</table>
| Reliability, Attendance      | Number of children?  
Who is going to babysit?  
What religion are you?  
Do you have preschool age  
children at home?  
What is your marital  
status?  
Do you have a car? | What hours and days can you work?  
Are there specific times that you cannot work?  
Do you have responsibilities other than work that will interfere with specific job requirements such as traveling? |
| Citizenship / National Origin| What is your national origin?  
Where are your parents from? | Are you legally eligible for employment in the United States? |
| Arrest and Conviction        | Have you ever been arrested? | Have you ever been convicted of a crime which conviction has not been annulled?  
If so, when, where, and what was the disposition of the case? |
| Disabilities                 | Do you have any disabilities? | Can you perform the essential functions of the job you are applying for?  
(Explain what the essential functions are.) |
| Birth Date                   | What is your date of birth? | If hired, can you furnish proof that you are over age 18? |
| Emergency                    | What is the name and address of the relative to be notified in case of an emergency? | What is the name and address of the person to be notified in case of an emergency?  
(Request only after the individual has been employed.) |
| Military Record              | What type of discharge did you receive? | What type of education, training, work experience did you receive while in the military? |
| Education                    | When did you graduate from high school or college? | Do you have a high school diploma or equivalent?  
Do you have a university or college degree? |
<p>| Language                     | What is your native language? | Inquiry into languages applicant speaks and writes fluently. |</p>
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<th>UNACCEPTABLE</th>
<th>ACCEPTABLE</th>
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<tr>
<td>Inquiry into how applicant acquired ability to read, write, or speak a foreign language.</td>
<td>(Ask only if the job requires additional languages.)</td>
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<tr>
<td>Organizations</td>
<td>List all clubs, societies, and lodges to which you belong. Are you a union member?</td>
<td>What professional or trade groups do you belong to that you consider relevant to your ability to perform this job?</td>
</tr>
<tr>
<td>Personal</td>
<td>What color are your eyes, hair? What is your weight?</td>
<td>Only permissible if there is a bona fide occupational qualification.</td>
</tr>
<tr>
<td>For Reference Checking</td>
<td>What is your maiden name? What is your father’s surname? What are the names of your relatives?</td>
<td>Have you ever worked under a different name? No acceptable question. No acceptable question.</td>
</tr>
<tr>
<td>Worker's Compensation</td>
<td>Have you ever filed for worker's compensation? Have you had any prior work injuries?</td>
<td>No acceptable question.</td>
</tr>
<tr>
<td>Race or Color</td>
<td>Complexion or color of skin. Coloring.</td>
<td>No acceptable question.</td>
</tr>
<tr>
<td>Religion or Creed</td>
<td>Inquiry into applicant’s religious denomination, religious affiliations, church, parish, pastor, or religious holidays observed.</td>
<td>No acceptable question.</td>
</tr>
<tr>
<td>Gender</td>
<td>Do you wish to be addressed as Mr.?, Mrs.?, Miss?, or Ms.?</td>
<td>No acceptable question.</td>
</tr>
<tr>
<td>Addresses</td>
<td>What was your previous address? How long did you reside there? How long have you lived at your current address? Do you own your own home?</td>
<td>No acceptable question.</td>
</tr>
<tr>
<td>Credit Record</td>
<td>Do you own your own home? Have your wages ever been garnished? Have you ever declared bankruptcy?</td>
<td>No acceptable question. Credit questions must comply with the Fair Credit Reporting Act of 1970 and the Consumer Credit Reporting Reform Act of 1996.</td>
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</table>
Sample Faculty Interview Questions

1. What is it about this teaching position that interests and motivates you?
2. Please explain your decision to become a teacher.
3. What makes you, or will make you, a good teacher?
4. Describe your proudest accomplishment during the past five years.
5. Describe some instructional approaches you have used in the classroom where the students had a variety of learning styles and levels of mastery.
6. Have you had any experience working with other teachers to implement programs for students with a high level of ability or achievement? If so, please describe that experience.
7. Why are you interested in leaving your current position?
8. What is your teaching philosophy?
9. How do you define good teaching?
10. What has been your greatest professional challenge, and how have you dealt with it?
11. Why do you think we should consider you for this position?
12. Do you have any questions about the school or the position?
13. Who has been your greatest mentor thus far, and what have you learned from him or her?
14. Tell me about your best teaching experience.
15. Tell me about your worst teaching experience.
# Interview Evaluation Form for a Faculty Position

Candidate’s Name: ___________________________  Position: ___________________________

Interviewer’s Name: ___________________________  Interview Date: ___________________________

RESPONSE SCORE = 1 to 5
1 = Poor Response  3 = Good Response  5 = Excellent Response

<table>
<thead>
<tr>
<th>Questions</th>
<th>Score</th>
<th>Comments</th>
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<tbody>
<tr>
<td>1. Questions related to Application and Resume.</td>
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<tr>
<td>2. Why are you interested in leaving your current position?</td>
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<tr>
<td>3. What attracts you to this position?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. What is your teaching philosophy?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. How do you adjust your teaching style for less interested or struggling students?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. How do you define good teaching?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. What are one or two of your proudest professional accomplishments?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Describe your ideal job.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. What has been your greatest professional challenge, and how have you dealt with it?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Why do you think we should consider you for this position?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total Score: ________

Other comments:
Letter to a Rejected Candidate (Sample)

[DATE]
[NAME AND ADDRESS]

Dear [NAME]:

We have now completed our review of applications and interviews of candidates for the position of Head of Nutrition. After careful consideration, the Search Committee selected another candidate.

We thank you for your time in participating in the search process and appreciate your interest in Johnson Academy.

Sincerely,

[NAME]
Head of School
Johnson Academy
New Hire Offer Letter (Sample)

[DATE]

[NAME AND ADDRESS]

Dear [NAME],

I am pleased that you have accepted our offer to join us in the role of [JOB POSITION] at Johnson Academy for the 2014-2015 academic year. We are confident that you will add a great deal to the life of the School and its community.

Your base academic year salary will be $xx,xxx (annualized) effective with pay period ending August 30, 2014. This equates to $x,xxx.xx, earned and paid on a biweekly basis. Based on the needs of your department, this leadership position requires four additional weeks outside of the normal academic year. The pay period ending date and biweekly pay may change in order to coincide with the number of pay dates between the beginning and the end of the contract year. Please note that the exact date of faculty orientation has not been confirmed as of yet. This appointment is through the end of the 2014-2015 academic year and is contingent upon satisfactory performance and conduct. Each position at the School is reviewed every year.

With this appointment, Johnson Academy also offers a generous fringe benefit package that includes medical, dental, and life insurance. You will be eligible for these benefits on September 1, 2014. Johnson Academy also provides a 403(B) defined contribution retirement plan administered by [NAME OF COMPANY]. All employees are eligible to contribute their own money into this plan from the first date of employment. In order to receive the Academy’s contribution, certain eligibility criteria must be met. This will be discussed at new hire orientation.

Faculty members are required, as a condition of employment and co-terminus with employment, to live in Academy-provided housing. Of course, other terms and conditions of employment are contained in the Employee Policies & Procedures Handbook, which you are expected to review annually. At this point in time, it is difficult to outline the specifics of your housing, athletic, and extracurricular activities for next year; however, the standard expectations for all faculty include advising, involvement with two seasons of athletics or the equivalent, and teaching and/or administrative duties. If you would like to discuss any aspect of your duties and responsibilities before you sign your contract, please speak with [NAME OF DEAN OF FACULTY]. Besides living
quarters, the Academy furnishes all utilities except telephone and Internet.

The Johnson Academy community relies not only on our readiness to share our particular expertise but also on our goodwill when asked to perform tasks that support the shared residential life of the Academy. Please note the enclosed “Responsibilities of Faculty.” Among other things, by accepting this offer, you also agree to support the mission and philosophy of Johnson Academy, to act as a positive contributor to the school community, and to actively participate in the life of the school as a role model of appropriate behavior with students, parents, colleagues, and other members of the school community.

The unlikely but possible closure of our Academy requires that we plan carefully for any event that could close our campus, such as a natural disaster or pandemic. In such a case, we must make good-faith efforts to continue providing any education to our students, and I know that you will cooperate with diligence and creativity. Contingencies may include modifications to usual practices, including the methods used to deliver education, vacation schedules, and even the school term. These efforts could include distance learning and extending our active term into periods that normally are considered vacation periods. In extreme circumstances, we might even find ourselves in a position that we have to close the Academy or shorten the school year.

The Academy is responsible for providing a safe community for our students and all other members of the community. In support of this responsibility and the trust placed in all of us by the students and their families, it is necessary to verify the backgrounds of those who are employed by the Academy and who live in housing provided by the Academy. Therefore, this offer of employment is conditioned upon the satisfactory completion of a criminal background check on you and on all individuals over the age of 18 who will reside with you in Academy-provided housing (“non-employee residents”). Please complete and sign the enclosed release form, have each non-employee resident complete and sign a release form, and return the forms with a signed copy of this letter to my office as quickly as possible.

Negative information found in a background report will not necessarily result in your being excluded from employment unless it is determined, after a review of the individual circumstances, to be job-related and consistent with business necessity to rescind the offer of employment. In addition, if you are employed, the Academy will require periodic updated background checks, and you will be required to provide the Academy with statements regarding any changes, or the absence of changes, to your criminal record and the record of your non-employee residents.
This offer is also contingent on your eligibility to work in the United States. On or prior to your first day of work, you must complete Section 1 of the U.S. Citizenship and Immigration Services’ Form I-9, Employment Eligibility Verification, which is enclosed. After completing Section 1, you will be provided with a list of acceptable documents. The list of documents is attached to this letter for your easy reference. The law prohibits Johnson Academy from employing or continuing to employ an individual who has not provided the required documents by the third business day following the first day of work.

We look forward to welcoming you to the Johnson Academy faculty. All members of the faculty are ready to help you in any way we can. If these terms are acceptable, please return a signed copy of this letter to [NAME OF HR PERSON, TITLE, AND EMAIL ADDRESS] or via the mail.

Sincerely,

[NAME]
Head of School

I hereby accept this offer of employment on the terms and conditions referenced in this letter. I understand that my employment with Johnson Academy will be on an at-will basis and subject to the terms described above, as they may be changed or added to from time to time by Johnson Academy.

Signed: ___________________________________________

[EMPLOYEE NAME]

Date: ______________________
Criminal Background Investigation Policy

As part of our efforts in providing a safe school environment, Johnson Academy may conduct an investigation into the past employment and criminal history and other applicable background of any person considered for employment with Johnson Academy. Conditional offers shall be extended pending completion of the background investigation.

In addition, each applicant for a paid or designated volunteer position and/or housing shall be asked whether he or she has ever been convicted of a crime that has not been annulled. The intentional falsification or omission of any information on a job/volunteer application, in a job/volunteer interview, or in an application or request for housing, including, but not limited to information concerning criminal convictions, shall be grounds for disqualification from consideration for employment and/or housing or immediate discharge from employment.

Background Information

Each prospective employee, must undergo a background investigation prior to beginning employment. In addition, all employees should inform the business manager in the business office during employment at Johnson Academy of all convictions that have not been annulled.

The background investigation may also include other investigatory tools. These may include but shall not be limited to formal and informal investigations of references, motor vehicle histories, credit histories, etc., as may be relevant to the job position held.

The fees and associated costs for background investigations shall be paid by Johnson Academy.

Conditional Employment

Offers of employment are conditional, pending a successful completion of the background investigation process.

Like existing employees, all persons employed under a conditional offer of employment will be eligible for coverage based on the terms and conditions of the relevant health and other insurance programs. Any such coverage will immediately cease, and will not be subject to extension under COBRA, if the conditional offer does not become a final offer of employment by reason of application of this policy.
Final Offer of Employment

A person who has been extended a conditional offer of employment may be extended a final offer of employment upon the completion of a background investigation that is satisfactory to Johnson Academy. A satisfactory background investigation is one in which the Human Resources Director determines that the background of the prospective employee or resident will in no way compromise the health or safety of the members of the community and will not hinder the educational mission of Johnson Academy.

No person with a conditional offer of employment shall be extended a final offer if such person has been convicted of a crime or has in his or her background some other factor that is considered in the sole discretion of the Human Resources Director to be a hindrance to the mission of Johnson Academy in any way or that potentially could be harmful to the community including, but not limited to, burglary or arson.* When Johnson Academy receives a background investigation report regarding a particular person that it finds to be unsatisfactory, the Human Resources Director may revoke the person’s conditional offer of employment and/or housing and terminate said person’s employment with Johnson Academy.

Additionally, a person may be denied a final offer of employment with Johnson Academy and be terminated if the Human Resources Director becomes aware of other conduct that the Johnson Academy determines would render the person unsuitable to perform the responsibilities of the position involved. Such determinations shall be made on a case-by-case basis.

Consent and Confidentiality

Background investigations will be conducted upon receipt of a signed consent form. Records and information received shall be held in the strictest of confidence on a need-to-know basis.

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* The following offenses are some examples of the types of crimes that are likely to result in the termination of your employment or the revocation of a conditional offer: murder, child pornography, computer pornography, child endangerment, incest, indecent exposure, lewdness, obscenity offenses, aggravated felonious sexual assault, felonious sexual assault, kidnapping, manufacturing, selling, administering, dispensing, or distributing controlled substance(s), or sexual misconduct; or where such person has been convicted of the same conduct in another state, territory, or possession of the United States, or where such person has been convicted of the same conduct in a foreign country.
Ongoing Duty to Report

As a condition of continued employment and residency, all employees and residents must report to the Human Resources Director if any such employee or any resident is convicted of a crime.* Failure to make such a disclosure shall constitute grounds for disciplinary action up to and including immediate dismissal in the sole discretion of the School. Reports of any convictions will not necessarily result in automatic suspension or termination of employment and/or residency; however, Johnson Academy shall take such action it deems necessary to safeguard the well-being of its customers and employees.

Questions

Any questions about this Criminal Background Investigation Policy should be directed to the [insert appropriate job position, e.g., Human Resources Director, Business Manager, etc.]

* Schools should consider, with advice of legal counsel, whether to require an ongoing duty to report an arrest.
Authorization and Release: Criminal Background Investigation Check, Johnson Academy

I hereby authorize Johnson Academy to make an independent investigation of my background, references, character, past employment, education, criminal or police records, including those maintained by both public and private organizations, and all public records for the purpose of confirming the information about my prior work and criminal background and/or obtaining other information that may be material to my qualifications for employment now and, if applicable, during the tenure of my employment with Johnson Academy.

I release Johnson Academy and its employees and any person or entity that provides information pursuant to this authorization from any and all liabilities, claims, or lawsuits in regard to the information obtained from any and all of the above-referenced sources used.

I understand that this information will be used by Johnson Academy for the purpose of making a determination as to my eligibility for employment, my retention as an employee, or other lawful purpose.

The following is my true and complete legal name, and all information is true and correct to the best of my knowledge:

<table>
<thead>
<tr>
<th>Full Name (Printed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other Names Used</td>
</tr>
<tr>
<td>Present Address</td>
</tr>
<tr>
<td>City/State/Zip</td>
</tr>
<tr>
<td>Former Address</td>
</tr>
<tr>
<td>City/State/Zip</td>
</tr>
<tr>
<td>*Date of Birth</td>
</tr>
<tr>
<td>Social Security Number</td>
</tr>
<tr>
<td>Driver’s License Number</td>
</tr>
<tr>
<td>State of License</td>
</tr>
<tr>
<td>Signature</td>
</tr>
<tr>
<td>Date</td>
</tr>
</tbody>
</table>

*NOTE: Johnson Academy is an Equal Opportunity Employer and does not discriminate on the basis of any category protected by applicable law, including but not limited to race, sex, religion, age (40 and over), disability, national origin, veteran, and any other categories protected by state law.*
Self-Disclosure of Criminal Background and Work Discipline History

In addition to the criminal background check that you have agreed to undergo, and in our continuing efforts to provide a safe work environment, please complete the following questionnaire.

Name: _______________________________ Date __________________

CRIMINAL RECORD

1. Have you ever been convicted of any of the following crimes, which conviction has not been erased or annulled?

<table>
<thead>
<tr>
<th>Crime</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Manslaughter</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Sexual Assault</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Kidnapping</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Incest</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Endangering the Welfare of a Child or Incompetent Adult</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Indecent Exposure</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Lewdness</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Prostitution</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Child Pornography</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Computer Pornography</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Child Exploitation</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>Obscenity Offense</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

2. Have you ever been convicted of some other crime, other than a minor traffic violation, which conviction has not been erased or annulled?

   Yes ☐ No ☐

If yes, please provide the details of each conviction, including the state and city/town in which the conviction occurred, the nature of the crime or citation, date of crime and conviction, and court. (Use the space on page 3 if you need more room for your response.)

**Note:** Conviction of a crime other than those listed in number 1 above may not automatically disqualify you from employment. Consideration will be given to such factors as date of conviction, crime involved, job duties, and other circumstances deemed relevant by the work.
### DOMESTIC VIOLENCE, ABUSE, NEGLECT AND VIOLENCE

3. Have you ever been found by a court, administrative agency, or employer to have committed any of the following?  

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stalking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Abuse</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Child Neglect</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual Harassment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Harassment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Battery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Act of Violence</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. If yes, please provide the details of the matter, including what happened, the date of the incident, and the ultimate disposition. (Use the space on page 3 if you need more room for your response.)

__________________________________________________________

__________________________________________________________

__________________________________________________________

### TERMINATIONS AND/OR DISCIPLINARY ACTION

5. Have you ever been disciplined by an employer?  

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>

6. Have you ever been discharged or asked to resign?  

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

7. If you answered yes to question 5 or 6, please explain what occurred including a description of the situation, the date it occurred, and the employer for whom you worked. (Use the space on page 3 if you need more room for your response.)

__________________________________________________________________________

__________________________________________________________________________

Additional Space for Responses

(Please indicate the number of the question you are responding to.)
**Applicant’s Statement**

I have read and fully understand the questions asked in this verification form. I understand and agree that this verification is neither an offer of employment nor a contract. I certify that my responses to the questions on this verification form are truthful and accurate. I agree to discuss my responses further with the school on request. I understand that any misrepresentation, falsification, or omission, if any, may result in the immediate rejection of my application or, if I am hired, may result in my immediate termination from employment. I understand that if the school determines that my criminal or other background or work discipline history is not satisfactory, in its sole discretion (and based on an individualized evaluation of my record, if any), it shall be grounds for the school to withdraw any offer of employment or to terminate my employment immediately.

Print Name: ___________________________  Signature: ___________________________

Date: ___________________________

Note: This form is not intended to be a substitute for conducting criminal background checks. It is an additional tool to aid schools in maintaining a safe work environment.
Reference Check Questions (Sample)

Candidate Name:

Date:

Reference Checker:

Name of Reference:

Role of Reference in Relation to Candidate:

- Since we are a 100% boarding school, and the candidate and his/her family will live among students, do you think the candidate is a strong role model for adolescents? Does the candidate have the patience and maturity to troubleshoot issues that may arise around adolescent behavior?
- How well does the candidate handle changes in routine? Our daily routine is often disrupted, and we must think on our feet to adjust and adapt.
- How willing will the candidate be to help out in areas not specifically related to his/her line of work?
- Does the candidate work well with others?
- Do you believe the candidate exercises strong judgment and character?
- Is there anything about the candidate that gives you pause when you imagine him/her working in a fully residential setting with adolescents between the ages of 14 and 18?
- Would you hire this candidate again?
- How dependable is this candidate?
- Can you identify areas in need of improvement for this candidate?
Summary of FCRA Steps

Here is a summary of the steps your school must follow before ordering a Consumer Report (not using interviews) or an Investigative Consumer Report (using interviews), with references to the applicable enclosed forms, and the steps to follow before taking any adverse employment action based on such a report.

A. Before/When Ordering an Investigation/Verification

Consumer Report — use Form 1

1. Inform the candidate/employee in writing that you are ordering a Consumer Report.
2. Have the candidate/employee sign the consent form on a separate document that does not refer to any other subjects.
3. Provide a signed copy of the Certification to Consumer Reporting Agency (Form 1a) to the consumer reporting agency.

Investigative Consumer Report — use Form 2

1. Inform the candidate/employee in writing that you are ordering an Investigative Consumer Report regarding the candidate’s/employee’s “character, general reputation, personal characteristics, and mode of living.”
2. Have the candidate/employee sign the consent form on a separate document that does not refer to any other subjects.
3. Provide a signed copy of the Certification to Consumer Reporting Agency (Form 1a) to the consumer reporting agency.
4. Include in the notice described above a statement informing the candidate/employee of the right to request additional disclosures regarding the nature and scope of the investigation under the FCRA and a statement that this additional information will be provided to the candidate/employee within five days of his or her request.
5. Provide the candidate/employee, within five days of his or her request, the notice entitled A Summary of Your Rights Under the Fair Credit Reporting Act (Form 3).
B. After Obtaining Unfavorable Results of the Investigation/Verification

**Pre-Adverse Action Notification — use Form 4**

1. Inform the candidate/employee in writing that you anticipate taking an adverse employment action based on the results of the report.

2. Provide a copy of the report received from the consumer reporting agency.

3. Provide a copy of *A Summary of Your Rights Under the Fair Credit Reporting Act*.

4. Request that the candidate/employee respond in writing to determine the accuracy of report.

5. Review information received from the candidate/employee to assist in the employment decision.

**Post-Adverse Action Notification — use Form 5**

1. Inform the candidate/employee in writing that you will take an adverse employment action based on the results of the report.

2. Provide a copy of the report received from the consumer reporting agency.

3. Provide a copy of *A Summary of Your Rights Under the Fair Credit Reporting Act*. 
Authorization for Consumer Report (Form 1)

Johnson Academy
FAIR CREDIT REPORTING ACT
DISCLOSURE STATEMENT and AUTHORIZATION

Disclosure Statement

By this document, Johnson Academy discloses to you that a Consumer Report may be obtained for employment purposes as part of the pre-employment background investigation and at any time during your employment. Please sign below to signify receipt of the foregoing disclosure.

________________________________________________________________________
Applicant’s Signature                      Date

________________________________________________________________________
HR Signature                                Date

Waiver

This shall authorize the procurement of a Consumer Report by Johnson Academy as part of the pre-employment background investigation. If I am hired, this authorization shall remain on file and shall serve as an ongoing authorization for Johnson Academy to procure Consumer Reports at any time during my employment period with prior notice to me.

________________________________________________________________________
Applicant’s Signature                      Date

________________________________________________________________________
HR Signature                                Date
Certification to Consumer Reporting Agency
(Form 1a)

Johnson Academy
FAIR CREDIT REPORTING ACT

Johnson Academy certifies that

- it notified the candidate/employee that Johnson Academy would obtain a Consumer Report or Investigative Consumer Report about him/her;
- the candidate/employee gave Johnson Academy permission to obtain a Consumer Report;
- it complies with all Fair Credit Reporting Act (FCRA) requirements; and
- it will not discriminate against the candidate/employee or otherwise misuse the information in a discriminatory manner.

Print Name: ___________________________  Signature: ___________________________
Title: ___________________________  Date: ___________________________
Authorization for Investigative Consumer Report  
(Form 2)

Johnson Academy  
FAIR CREDIT REPORTING ACT  
DISCLOSURE STATEMENT and AUTHORIZATION

Disclosure Statement

By this document, Johnson Academy discloses to you that an Investigative Consumer Report containing information as to your character, general reputation, personal characteristics, and mode of living may be obtained for employment purposes as part of the pre-employment background investigation and at any time during your employment. Should an Investigative Consumer Report be requested, you will have the right to request disclosure of the nature and scope of the investigative report requested and a written summary of your rights under the Fair Credit Reporting Act. Please sign below to signify receipt of the foregoing disclosure.

____________________________________  
Applicant’s Signature   Date

____________________________________  
HR Signature     Date

Waiver

This shall authorize the procurement of an Investigative Consumer Report by Johnson Academy as part of the pre-employment background investigation. If I am hired, this authorization shall remain on file and shall serve as an ongoing authorization for Johnson Academy to procure Investigative Consumer Reports at any time during my employment period with prior notice to me.

____________________________________  
Applicant’s Signature   Date

____________________________________  
HR Signature     Date
A Summary of Your Rights Under the Fair Credit Reporting Act (Form 3)

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check-writing histories, medical records, and rental history records). Here is a summary of your major rights under the FCRA. For more information, including information about additional rights, go to www.ftc.gov/credit or write to Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. NW, Washington, DC 20580.

- You must be told if information in your file has been used against you. Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment — or to take another adverse action against you — must tell you, and must give you the name, address, and phone number of the agency that provided the information.

- You have the right to know what is in your file. You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

  In addition, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit for additional information.

- You have the right to ask for a credit score. Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a
credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.

**You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate and report it to the consumer reporting agency, the agency must investigate unless your dispute is frivolous. See www.ftc.gov/credit for an explanation of dispute procedures.

**Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.

**Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old or bankruptcies that are more than 10 years old.

**Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need — usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.

**You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.ftc.gov/credit.

**You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).

**You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.

**Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.ftc.gov/credit.
States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. Federal enforcers are listed below:

<table>
<thead>
<tr>
<th>TYPE OF BUSINESS</th>
<th>CONTACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumer reporting agencies, creditors, and others not listed below</td>
<td>Federal Trade Commission&lt;br&gt;Consumer Response Center - FCRA&lt;br&gt;Washington, DC 20580&lt;br&gt;Tel: 1-877-382-4357</td>
</tr>
<tr>
<td>National banks, federal branches/agencies of foreign banks (word “National” or initials “N.A.” appear in or after bank’s name)</td>
<td>Office of the Comptroller of the Currency&lt;br&gt;Compliance Management, Mail Stop 6-6&lt;br&gt;Washington, DC 20219&lt;br&gt;Tel: 1-800-613-6743</td>
</tr>
<tr>
<td>Federal Reserve System member banks (except national banks and federal branches/agencies of foreign banks)</td>
<td>Federal Reserve Consumer Help (FRCH)&lt;br&gt;PO Box 1200&lt;br&gt;Minneapolis, MN 55480&lt;br&gt;Tel: 888-851-1920&lt;br&gt;www.federalreserveconsumerhelp.gov&lt;br&gt;Email: <a href="mailto:ConsumerHelp@FederalReserve.gov">ConsumerHelp@FederalReserve.gov</a></td>
</tr>
<tr>
<td>Savings associations and federally chartered savings banks (word “Federal” or initials “F.S.B.” appear in federal institution’s name)</td>
<td>Office of Thrift Supervision&lt;br&gt;Consumer Complaints&lt;br&gt;Washington, DC 20552&lt;br&gt;Tel: 1-800-842-6929</td>
</tr>
<tr>
<td>Federal credit unions (words “Federal Credit Union” appear in institution’s name)</td>
<td>National Credit Union Administration&lt;br&gt;1775 Duke Street&lt;br&gt;Alexandria, VA 22314&lt;br&gt;Tel: 703-519-4600</td>
</tr>
<tr>
<td>State-chartered banks that are not members of the Federal Reserve System</td>
<td>Federal Deposit Insurance Corporation&lt;br&gt;Consumer Response Center&lt;br&gt;2345 Grand Avenue, Suite 100&lt;br&gt;Kansas City, MO 64108-2638&lt;br&gt;Tel: 1-877-275-3342</td>
</tr>
<tr>
<td>Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission</td>
<td>Department of Transportation&lt;br&gt;Office of Financial Management&lt;br&gt;Washington, DC 20590&lt;br&gt;Tel: 202-366-1306</td>
</tr>
<tr>
<td>Activities subject to the Packers and Stockyards Act, 1921</td>
<td>Department of Agriculture&lt;br&gt;Office of Deputy Administrator - GIPSA&lt;br&gt;Washington, DC 20250&lt;br&gt;Tel: 202-720-7051</td>
</tr>
</tbody>
</table>
Pre-Adverse Action Notification (Form 4)

[DATE]

[NAME AND ADDRESS]

Dear [NAME]:

This is a pre-adverse action notification following Johnson Academy’s receipt of your Consumer Report or Investigative Consumer Report.

Enclosed is a copy of the report Johnson Academy received. Please review the information to determine its accuracy. After you review the information, but no later than one week from date of this letter, please notify me if the information is in fact accurate.

In the event the information in the report is accurate, Johnson Academy anticipates taking an “adverse employment action” by [withdrawing its offer / terminating your employment / declining to promote you].

In the event the information in the report is inaccurate, please prepare a written explanation of the inaccurate portion. We will consider the information you provide when determining the appropriate employment action.

Also enclosed is a document published by the Fair Trade Commission titled A Summary of Your Rights Under the Fair Credit Reporting Act. The summary explains how you can correct inaccurate information contained in the report.

Sincerely,

[NAME]

Head of School, Johnson Academy
Post-Adverse Action Notification (Form 5)

[DATE]

[NAME AND ADDRESS]

Dear [NAME]:

Please be advised that Johnson Academy is unable to offer you employment at this time based upon the information provided by [insert name of consumer reporting agency].

Although we relied upon information obtained through the [insert name of consumer reporting agency], the decision to decline an offer of employment was solely Johnson Academy’s judgment. The [insert name of consumer reporting agency] is unable to provide you with any specific reasons for this decision. Our decision was based on the following information that is contained in the report:

- ____________________________________________________________
- ____________________________________________________________

In compliance with the Fair Credit Reporting Act, you have a right to contact the [insert name, address, and telephone number of the consumer reporting agency] to dispute the accuracy or completeness of the information contained in your report. If you intend to dispute any such information, you must do so promptly. Also, you have up to 60 days from the date that you receive this Notice to obtain a full copy of the report from the [insert name of consumer reporting agency]. To assist you in this endeavor, we attach for your reference two enclosures:

- A copy of the report on which this decision was based, disclosing the consumer reporting agency’s name, address, and toll-free telephone number
- A copy of A Summary of Your Rights Under the Fair Credit Reporting Act

We appreciate your interest in employment with Johnson Academy.

Sincerely,

[NAME]
Head of School, Johnson Academy
New Hire Benefit Elections

Please read and initial.

I have received a copy of the Employee Policies and Procedures Handbook.

I have received a copy of the Safety Policy.

Medical Insurance

I elect to obtain medical insurance, and have received an Enrollment Form and a [STATE] Standardized Health Form. I understand that $______.___ will be deducted from my paycheck to pay my portion of the premium and that the amount may change annually.

I have other coverage and elect to waive coverage in exchange for a $1,500.00 prorated yearly stipend. I understand that I must provide proof of other coverage annually.

I elect not to obtain medical insurance and have received an Enrollment Form and waiver. I understand that if I wish to enroll at a later date, I must wait for the open enrollment period.

Dental Insurance

I elect to obtain dental insurance and have received an Enrollment Form. I understand that $______.___ will be deducted from my paycheck to pay the premium and that the amount may change annually.

I elect not to obtain dental insurance. I understand that if I wish to enroll at a later date, I must wait for the open enrollment period.

Life/Long-Term Disability Insurance

I have received the Enrollment Form, the Beneficiary Form, and my Certificate of Insurance.

Med 125

I have received an information packet regarding the Med 125 Plan. I choose not to participate at this time. I understand that if I wish to participate in the future, I must wait until the next enrollment period.

I wish to participate in the Med 125 Plan. I have received an information packet, a Summary Plan Description, and enrollment forms. I have read and understand the benefits and requirements of the Plan.

401(k)

I have received a Summary Plan Description. I choose not to contribute at this time. I understand that if I wish to participate in the future, I may enroll quarterly.

I have received a Summary Plan Description and enrollment forms. I have read and understand the benefits and requirements of the plan.
Payroll

I elect to participate in Direct Deposit and have received the enrollment form.
I elect not to participate in Direct Deposit.

COBRA

I have received the COBRA General Notice.

I have received all the information as initialed above. I have had a chance to review the materials and ask questions. I have made my elections as initialed above.

Employee Signature                       Date
Employment Contract Sample

AGREEMENT made this ___ day of ____________, 20XX by and between Johnson Academy (“School”) and __________________________ (“Teacher”).

WHEREIN IT IS MUTUALLY AGREED AS FOLLOWS:

1. **Term of Employment.** The School will employ Teacher for the 20XX-20XX academic year beginning on __________, ______ and ending on __________, _______ on the terms and conditions set forth below.

2. **Duties.** During the Term of Employment, Teacher will perform such duties as are required by the teaching position (including those duties of a non-instructional nature that are customary with the position), supporting students in the role of an advisor, assuming other responsibilities as may be assigned to complete the equivalent of a full teaching load, and such other duties or activities as may be requested by the Head of School. Teacher will act as a positive influence on fellow workers and students, and will conform to and carry out all rules and regulations relative to the conduct of the school and teachers that are adopted by the Trustees, including, but not limited to, the Faculty Handbook. Teacher further agrees, during the Term of Employment, not to accept any other employment of any kind, without the written consent of the Head of School.

3. **Collegiality.** By accepting this offer, Teacher also agrees to support the mission and philosophy of the School, to act as a positive contributor to the school community, to actively participate in the life of the school as a role model of appropriate behavior with students, parents, colleagues, and other members of the school community, and to grow professionally.

4. **Compensation.** In consideration for Teacher’s performance of the Duties described above, the School agrees to pay Teacher an annual salary and additional compensation as set forth on the Financial Agreement between the School and Teacher, attached as Exhibit A and made a part of this Agreement.

5. **Other Benefits and Housing.** In addition to the Compensation described above, Teacher is entitled to all fringe benefits available to the faculty of the School as listed in the Faculty Handbook and subject to the eligibility requirements for each benefit as set forth therein and in plan documents.
• The parties agree that, during the term of employment, Teacher will reside in housing provided by the School and that, while living there, Teacher will perform dorm duties as set forth in the Faculty Handbook and as otherwise required by the School.

• The housing allocation is dependent on the following criteria: the needs of the School, seniority, family size, and availability. During the course of planning, should the needs of the School change or housing availability change, the School reserves the right to revisit housing allocations, and, therefore, housing may be subject to change. It is the School’s intent to provide agreeable housing units to faculty provided the School’s needs are met.

• When and if you leave the School’s faculty, Teacher will be expected to vacate the housing by ______________, 20xx. In addition, in the event that your employment is terminated by either you or the School prior to the expiration of this agreement, you agree to vacate your housing as soon as possible but no later than 7 days from the termination unless otherwise agreed in writing by the Head of School.

6. **Expiration of Agreement and Renewal.** It is mutually agreed that the parties have no agreement, express or implied, beyond the final date of the Term of Employment. There are no restrictions on either party’s right for any reason to choose to seek or refuse to seek another contract with the other party after the date of expiration of this Agreement. It is expressly understood that any Teacher evaluations do not affect in any way the absolute freedom of either party to seek or refuse to seek a new contract with the other party.

• It is further mutually understood that, should the School intend to offer a renewal contract to Teacher to begin after the expiration of this Agreement, the school will notify Teacher of this offer and provide a new agreement governing the employment relationship between the parties. If Teacher is thus notified of the School’s offer to execute a renewal contract, to begin after the expiration of this Agreement, Teacher will notify the School of the decision to accept the offer of such a contract within two weeks or such other date as stated in the renewal contract. Teacher is under no obligation to
• Teacher acknowledges that if she or he accepts this contract and thereafter wishes to terminate it, it may be difficult or impossible for the School to find a suitable replacement. Therefore, the parties agree that this contract may be terminated only by mutual consent or in accordance with Paragraph 8 below.

7. Removal and Other Disciplinary Action. The Head of School may remove Teacher from his/her regular duties and/or take such other disciplinary action that is in the best interest of the School, including but not limited to removing Teacher from the campus, pending an investigation into Teacher’s conduct and performance. In the event of such removal and/or disciplinary action, Teacher shall continue to receive Compensation and Benefits as provided in this Agreement, until terminated by the Trustees pursuant to Paragraph 8.

8. Termination. Teacher’s employment may be terminated when the Head of School in his/her discretion determines that Teacher has failed to satisfactorily perform the duties and responsibilities of the position and/or failed to comply with any School policies or procedures; that Teacher has engaged in conduct that may reflect adversely on the School’s reputation, such as engaging in acts of personal dishonesty, misconduct, or immoral conduct; that Teacher has engaged in gross negligence in the performance of your duties (such as embezzlement, fraud, disclosure of confidential information, insubordination, etc.); upon Teacher’s death or inability to perform, with or without reasonable accommodation, the essential functions of the position due to illness or disability; or that Teacher has engaged in serious misconduct that the Head of School determines would seriously impair the ability to perform his/her duties or that would have a detrimental impact on the School (such as child pornography, child abuse, sexual relations with a student, assault, conviction of a criminal offense, whether or not work related, etc.). In case of such termination, or in the event that Teacher resigns or otherwise leaves the employ of the School prior to the completion of all duties for the academic year, the School shall be obligated to pay Teacher all installments due prior to the effective date of termination, but shall not be otherwise liable to Teacher.

9. Enrollment Contingency. This Agreement is also contingent upon enrollment. In the unlikely event that enrollment or other financial considerations require reductions in
faculty positions, the School has a right to terminate this Agreement with at least 30 days’ notice. In such an event, the School will make every effort to support Teacher and his/her family through the transition. Likewise, in the event the School should ever have to close the campus for any unanticipated reason, such as a natural disaster or a pandemic, we may decide to make good faith efforts to continue to provide an education to our students and we ask for Teacher’s cooperation and agreement to carry out those efforts. Such efforts may include modifications to usual practices, including the methods used to deliver education, vacation schedules, and even to the school term or year. Examples of this might be distance learning and extending our active term into periods that normally are considered vacation periods. In extreme circumstances, we might even find ourselves in a position that we have to close the school, shorten the school term/year, or prorate salaries.

10. **Entire Agreement.** This Agreement contains the entire agreement and understanding between the School and Teacher with respect to the subject matter contained herein. It supersedes any other agreements between the parties, and it may not be modified except in writing signed by both parties.

IN WITNESS WHEREOF, the parties have executed this contract.

<table>
<thead>
<tr>
<th>Name of HOS</th>
<th>Teacher</th>
</tr>
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<tbody>
<tr>
<td>Head of School</td>
<td></td>
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</tbody>
</table>

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<tr>
<th>Date</th>
<th>Date</th>
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</table>

Please return the counter-executed copy with your original signature to *Johnson Academy*, [Address], Attention: Name of Head of School
New Hire Checklist

**Johnson Academy**

Employee Name: __________________________ Date of Hire: ______________

Department: __________________________ Supervisor: ______________

☐ Tax form W-4
☐ Employment Eligibility Verification, Form I-9
  Re-verify Date: __________________
☐ Collect signed Non-Disclosure Agreement
☐ Youth employment certificate or parent/guardian written consent, if under 18
☐ Collect benefit enrollment information and forms
☐ Provide *Employee Handbook* and collect signed Acknowledgment Page
☐ Review certain pertinent policies:
  ☐ Harassment Policy
  ☐ Electronic Systems Policy
  ☐ Personal Time Off Policy
☐ Confirm job description and work schedule
☐ Confirm pay rate and pay periods
☐ Paycheck distribution options: Employee Chooses:
  ☐ Direct deposit
  ☐ Paycheck
  ☐ Pay card
☐ Necessary payroll forms, if applicable
☐ Review time sheet procedures and form, if non-exempt
☐ List of company holidays and holiday policy
☐ Office keys and review access/security issues for office and other properties
☐ Safety Plan and List of Safety Committee Members
☐ Emergency Notification Systems
☐ Call-in procedures if employee will be late or absent
☐ Introduced to supervisor for job-related training
☐ Report new hire to state agency
☐ Create employee’s personnel file

Checklist completed by:

Print Name: __________________________ Signature: __________________________

Date: __________________________

Return to Human Resources office to include in Employee’s personnel file.
New Employee Orientation Checklist (School Safety)

- Safety and Security Dept. (24/7, uniformed, unarmed)
  - Car registration stickers
  - Bicycle registration stickers
  - Found property/lost property: contact Safety and Security in either case
  - 911 versus 4646, emergency versus urgent, Clark House for students only

- Safety policies and regulations
  - Staff and faculty manual contain some
  - Facilities Dept. has its own additional safety regs.
  - Working on an all-campus safety manual

- Campus emergency siren and in building speaker system

- VIEW Run, Hide Fight video

- Response to campus emergencies

- Response to fire alarm system activations

- Fire extinguisher use: unless properly trained, there is no expectation for employee to use a fire extinguisher.

- Fire safety at work
  - No candles in the workplace; don’t bring in extension cords, unattended cooking, space heaters
  - Know your exits and meeting places; consult co-workers and/or supervisor for meeting place

- HazCom/MSDS Online

- Workplace injuries: report within 24 hours; med attention is available at MVOH

- Helmets and seatbelts — mandatory

- Dogs (rabies vaccination information) FACULTY ONLY — get info to Safety and Security

- First-aid cabinets

- Automated defibrillators: no requirement to be trained to use; 911 will actually guide you through the process.
New Faculty Orientation (Sample)

New Faculty Orientation 2013
Casual Attire

Monday, August 26
8:00 am-8:30 am  Chapel Orientation
8:30 am-9:00 am  Welcome and Introductions (LOCATION)

- NAME – Head of School
- NAME – Director of Operations and Finance
- NAME – Dean of Faculty
- NAME – Dean of Students
- NAME – Dean of Curriculum and Teaching
- NAME – Dean of Studies

9:00 am-10:00 am Getting to Know You
(NAME OF DEAN OF FACULTY)

10:00 am-10:15 am Break

10:15 am-11:15 am
Advising Part I: Residential Life and In Loco Parentis
(NAME OF PRESENTERS)
Understanding Our Special Responsibilities to Students
Know Your Resources: Faculty Handbook, Medical House, Dean of Students, Head of House, Mentor, etc.

11:15 am-11:30 am Break

11:30 am-12:30 pm
Advising Part I (continued)
Advising Case Studies

12:30 pm
Lunch with Mentors and Department Heads
(LOCATION)

1:30 pm-3:30 pm
Department Orientation
(locations determined by department heads)
Department tour and overview of policies
Time to set up classroom space

5:30 pm
Cookout with mentors, heads of house, department heads, and families (LOCATION)
Tuesday, August 27

8:30 am-9:30 am
Technology Orientation (NAME OF PRESENTER AND LOCATION)

9:30 am-10:30 am
Defensive Driver Training (NAME OF PRESENTER AND LOCATION)

10:30 am-10:45 am Break

10:45 am-12:30 pm
Advising Part II: Academic Life (NAME OF PRESENTER AND LOCATION)
Academic Advising, Academic Dishonesty (NAME AND LOCATION)

12:30 pm-1:30 pm
Working Lunch with Dean of Curriculum and Teaching (NAME OF PRESENTER AND LOCATION)
Preparing for Your First Week

1:30 pm-2:30 pm
Scavenger Hunt with Mentors (various locations, begin anywhere)

2:45 pm-3:45 pm
Guided Bus Tour of Concord (optional)
Departs from [LOCATION] parking lot
[NAME OF HEAD OF SCHOOL AND DEAN OF FACULTY]

4:00 pm-7:00 pm
Welcome Back Cookout (LOCATION)
Additional Resources

NAIS Resources

- “Avoiding Hiring Liability: Conducting Background Checks and Complying with the FCRA: An Overview for Independent Schools,” Caryn Pass and Heather Broadwater, July 2014
- “Forms Over Substance: The Importance (and Potential Pitfalls) of Faculty Appointment Letters and Employment Agreements,” Peter L. Ebb, Esq., Ropes & Gray, Boston, 2004

Job Descriptions

- NAIS Knowledge Center, www.nais.org

Interviewing

- “Pre-Employment Inquiries and Disability,” U.S. Equal Employment Opportunity Commission (EEOC); online at http://www.eeoc.gov/laws/practices/inquiries_disability.cfm
- “Employment Inquiries” (in the “Prohibited Employment Policies/Practice” section) U.S. Equal Employment Opportunity Commission (EEOC); online at http://www.eeoc.gov/laws/practices

Pre-Employment Testing

Physical Exams


Substance Testing


Employment Eligibility Verification

- E-Verify, U.S. Citizenship and Immigration Services (USCIS); online at www.dhs.gov/e-verify


- I-9 Central (assists employers with Form I-9 questions), www.uscis.gov/I-9Central

New Hire Reporting

About the Author

Attorney **Linda Johnson** is a director with McLane, Graf, Raulerson & Middleton Professional Association, which has offices in New Hampshire and Massachusetts. She has more than 30 years of experience litigating cases in state and federal agencies and courts and representing the interests of management and schools in all aspects of labor and employment law. In addition to serving as the firm’s lead labor and employment lawyer, Linda served as chair of the firm’s Employment Law and Education Law Groups for over 15 years and as co-chair of the firm’s Litigation Department. She is currently co-chair of the firm’s Education Law Group and focuses her practice on serving the needs of independent schools. She also serves as the Secretary of the Board of Trustees of Rivier University where she chairs its Enrollment Committee and Global Engagement Committee and serves on the Finance and Trusteeship Committees. She can be reached at (603) 628-1267 or linda.johnson@mclane.com.