

Guidelines for Use of Degrees in Job Postings

You have an open position in your department and you are reviewing the job description to develop the job announcement. Before you decide to include an educational/degree requirement, you need to be aware of University policy and employment laws relating to recruitment and selection procedures.

What is University Policy?

UCD is an affirmative action and equal employment opportunity employer. It is the policy of the University not to engage in discrimination against or harassment of any person employed by or **seeking employment** with the University of California. Affirmative action obligations include good faith efforts in seeking diverse pools of applicants for open UCD positions.

What is the law?

Under Title VII of the Civil Rights Act, it is unlawful for an employer to discriminate in any aspect of employment. If an educational requirement for a job, like a degree, has a discriminatory impact on minorities or other protected categories of applicants, it could be considered a violation of Title VII or applicable California law dealing with discrimination based on protected categories, unless the educational requirement has been validated. This means that there must be a correlation between the educational requirement and the functions that the employee will perform.

The courts have dealt with the issue of educational requirements for jobs. The landmark decision is *Griggs v. Duke Power Co.*, (1971) 401 U.S. 424, where the U.S. Supreme Court invalidated an employer's high school diploma requirement and minimum intelligence test score criteria because they virtually excluded black employees from all but the lowest paying jobs. Since that case, the Ninth Circuit and California courts have held that educational criteria are unlawful if they disproportionately exclude members of a protected classification, unless the criteria bear a demonstrable relationship to successful performance of the jobs for which the criteria are used. As a general rule, cases that applied educational criteria to unskilled jobs, like clerical and service-related positions, have presented the most serious legal challenges. In other instances, the courts have been more willing to accept educational requirements that are related to performance, especially in professional positions.

The Equal Employment Opportunity Commission (EEOC) has issued regulations that provide guidance on selection procedures and criteria. To access the regulations, see Uniform Guidelines on Employee Selection Procedures (UGESP) in Related Information.

When is it appropriate to require a degree for a position?

UC legal counsel has indicated the following: "The University may inquire of job applicants if they have a certain level of education and require that they possess a high school, college or other degree so long as it can be demonstrated that successful performance of the particular job requires that specific level of education. In other words, there must be a correlation between success on the job and the level of education required for the position."

To make it clearer, if you require an educational degree for a position, the degree requirement would need to be specifically job related in that you would have to be able to demonstrate that

Degree Guidelines

the specific behaviors, products, skills or training from the content of the degree directly correlate to successful job performance. For example, to practice law in California it is generally required that attorneys have a law degree and are licensed in this state. Thus, there is nothing discriminatory to require such qualifications for an applicant to be considered to work as an attorney for the University.

Examples of licenses, certificates, degrees, registration, or credentials required by Federal or State Law or University Regulations to perform the duties assigned to the position:

Physicians (M.D.)

Dentists (DDS)

Dental Hygienists- Certification or Registration

Registered Nurse (R.N. California)

Physician's Assistants- Professional License

Pharmacists (Professional License California)

Social Workers- Professional License (LCSW)

Engineers- Professional License

Architects- Professional License

Landscape Architect- Professional License

Veterinarian- Professional License (DVM)

Clinical Laboratory Technologists- Professional License

Nuclear Medicine Technologists- Certification

Radiological Technicians-Certification

Psychiatric Technicians- Certification

Prosthetist/Orthotists- Certification

Respiratory Therapists- Certification

Physical Therapists- Certification/License

Occupational Therapist-Certification/License

Medical Records Administrators- Certification

Medical Records Technicians- Certification/Registration

Degree Guidelines

Audiologists- Certification

Speech Pathologists- Certification

Athletic Trainers- Certification/License

Psychologists- License

What about a “degree preferred” requirement?

If you request a designation of "degree preferred" be placed on the job listing, the above statement remains the same. And, a “degree preferred” designation can be explored if “experience” is to be given equal value. The dept. will also need to justify that there is a positive correlation between the designation and the job functions for the position advertised.

In essence, if people with degrees will need less training or be more capable of performing the duties actually assigned to the position, we probably can successfully argue that there is a business necessity for the "preference." However, if we cannot demonstrate a direct correlation between the “preference” and the success in job performance, then we will be in a difficult position to defend against a disparate impact claim.

What information should I consider to help me determine if a degree is a required factor to fulfill my job requirement?

You can start by considering the following questions:

1. Do you really need a college degree to do this job?
2. What is it about the job that requires a college degree?
3. If this is a replacement position, did the person you are replacing have a college degree?
4. Do you have other employees successfully performing the same or similar duties who don't have degrees?
5. Is there a direct application between the knowledge or skills obtained through the educational degree and the job duties required to be performed?
6. Is there relevant work experience that would be more applicable than a degree requirement?

Most important, contact your Employment Consultant/Recruiter for assistance in filling your positions.