

Hiring the Best While Developing Diversity in the Workforce: Legal Requirements and Best Practices for Screening Committees

Bay Area CCD ERC | October 11, 2013

Presented by: Laura Schulkind

LCW LIEBERT CASSIDY WHITMORE

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AGENDA

- EEO Plan Required Training
- Core values that inform EEO planning
- Cultural Competence/Diversity Training
- Best practices in interview and selection process
- Committee's duties

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EEO PLAN REQUIREMENTS

- Training for:
 - Participants on screening or selection committees
 - Anyone involved in recruitment efforts
- Training must cover:
 - Underlying Federal/State anti-discrimination laws
 - EEO Regulations

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FEDERAL/STATE ANTI-DISCRIMINATION LAWS

- Overview:
 - Prohibition against employment discrimination isn't new
 - What constitutes unlawful discrimination has changed

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FEDERAL/STATE ANTI-DISCRIMINATION LAWS

- Title VII
- Fair Employment and Housing Act (FEHA)
- Title IX
- ADA

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FEDERAL/STATE ANTI-DISCRIMINATION LAWS

- Collective effect, no discrimination on basis of:
 - Sex/Gender (gender identity/gender expression)
 - Genetic information
 - Race
 - Religious creed
 - Color
 - National Origin
 - Ancestry
 - Physical/mental disability, medical condition
 - Marital status
 - Age
 - Sexual Orientation

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FEDERAL/STATE ANTI-DISCRIMINATION LAWS

- Employment discrimination includes:
 - Refusal to hire
 - Rejection from training program
 - Discharge from employment/training program
 - Any decision affecting compensation, terms, conditions, privileges
 - If based on a protected status

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IT'S NOT JUST THE LAW...

- Why Does Diversity Matter to CCDs?
 - Core mission:
 - Serve California's diverse community of learners
 - Provide opportunity for all
 - Core belief that a diverse staff creates:
 - Better service
 - Teaching
 - Better educational environment
 - Stronger community

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TRAINING FOR SCREENING/ SELECTION COMMITTEES

- Core values:
 - Workforce diversity serves educational mission
 - Successfully diverse communities are inclusive
 - Differences are appreciated not tolerated
 - Inclusion increases creativity and improves problem solving
 - Diversity does not mean lower standards

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TRAINING FOR SCREENING/ SELECTION COMMITTEES

- Core values: training requires engagement and dialogue

****REVIEW & ANSWER PRE-TEST****

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TRAINING FOR SCREENING/ SELECTION COMMITTEES

- Cultural competence:
 - Recognize own biases and stereotypes
 - Discount own biases and stereotypes
 - Appreciate content of contributions
 - Facilitate productive outcomes
 - Feel enriched by diverse environments

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EXERCISE

“FIRST IMPRESSIONS”

- Sit with someone you do not know
- You have 5 minutes
- List as many things as you can that you have in common

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DIVERSITY IN THE HIRING PROCESS

- The Big Picture: Key Steps Precede Application Review
 - Remove access barriers from job descriptions/qualifications
 - Include job-related criteria that enhance diversity
 - Recruitment strategy to create diverse, qualified applicant pool

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THE JOB ANNOUNCEMENT — THE BASICS

- Minimum qualifications
- “Sensitivity to Diversity”*
- Local qualifications, job related

*Administrative and Academic Positions

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THE JOB ANNOUNCEMENT — BEST PRACTICES

- Accurate
- Updated
- Examined for barriers

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COMMITTEE FORMATION — THE BASICS

- Diverse to extent possible
- Trained

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COMMITTEE FORMATION — BEST PRACTICES

- Don't participate if :
 - Can't fairly and objectively evaluate candidates
 - Relative by blood, marriage, adoption
 - Provided recommendation/reference for an applicant
 - Can't give full attention/attend all meetings

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Committee Process — Best Practices: PHASE 1

- Confirm all members are trained
- Review process and forms
- Review announcement/job description
- Review member roles and responsibilities
 - Protect integrity and credibility of process
 - All members have "EEO" responsibilities
 - Attend all meetings
 - Develop interview questions
 - Screen applicants for minimum qualifications
 - Participate in all interviews
 - Be an active and respectful participant
 - Maintain confidentiality of process

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Committee Process — Best Practices: PHASE 2

- Paper screening
- Develop interview questions
- Select/Develop interview rating forms/criteria
- Collaborate/Communicate with H.R.

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Committee Process — Best Practices: PHASE 2

- Screening Process:
 - Neutral
 - Objective
 - Meaningful consideration of “sensitivity to diversity”
 - Job-related criteria only
 - Do it right the first time!
 - Monitor processes

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PHASE 2: POSSIBLE “SENSITIVITY TO DIVERSITY” CRITERIA (if job related)

- Teaching/working in:
 - Impoverished/marginalized communities
 - Community colleges
 - Other countries/cultures
- Relevant volunteer work
- Knowledge of other languages
- Teaching curricula that address racism, poverty, multiculturalism, controversial issues, etc.
- Attendance in community colleges

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**Committee Process — Best Practices:
PHASE 2**

- Developing appropriate questions:
 - No questions—direct or indirect—about protected status
 - Job related
 - Meaningful consideration of “sensitivity to diversity”
 - Direct questions
 - Open-ended questions
 - Hypothetical questions
 - Repetition/feedback questions

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PHASE 2: EXERCISE

- You are on a Hiring Committee for:
 - A. Dean of Humanities;
 - B. Biology Professor; or
 - C. Bookstore Manager
- Draft one question addressing “sensitivity to diversity” specific to position

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PHASE 3: THE INTERVIEW

- Best Practices:
 - Establish ground rules and follow them
 - Introductions
 - Prepared questions
 - Follow-up
 - Note taking
 - Rating system
 - Responding

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PHASE 3: THE INTERVIEW

- Best Practices:
 - Create proper environment
 - Comfortable
 - Quiet
 - Private
 - Welcoming
 - Informative

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PHASE 3: THE INTERVIEW

- Best Practices
 - Avoid questions and comments about an applicant's protected status

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PHASE 3: THE INTERVIEW

- Best Practices:
 - Listen
 - Take notes
 - Watch for non-verbal cues
 - Leave time for applicants' questions
 - Remember you are being interviewed

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