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

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

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

FEDERAL/STATE ANTI-DISCRIMINATION LAWS

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

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
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

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

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
TRAINING FOR SCREENING/SELECTION COMMITTEES

• Core values: training requires engagement and dialogue

**REVIEW & ANSWER PRE-TEST**

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

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
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

THE JOB ANNOUNCEMENT — THE BASICS

- Minimum qualifications
- "Sensitivity to Diversity"*
- Local qualifications, job related

*Administrative and Academic Positions

THE JOB ANNOUNCEMENT — BEST PRACTICES

- Accurate
- Updated
- Examined for barriers
**COMMITTEE FORMATION — THE BASICS**

- Diverse to extent possible
- Trained

**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

**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.

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

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
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

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

PHASE 3: THE INTERVIEW

- Best Practices:
  - Establish ground rules and follow them
    - Introductions
    - Prepared questions
    - Follow-up
    - Note taking
    - Rating system
    - Responding
PHASE 3: THE INTERVIEW

• Best Practices:
  – Create proper environment
    • Comfortable
    • Quiet
    • Private
    • Welcoming
    • Informative

PHASE 3: THE INTERVIEW

• Best Practices
  – Avoid questions and comments about an applicant’s protected status

PHASE 3: THE INTERVIEW

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