

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

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AGENDA

Define key terms

- Diversity
- Inclusion
- Cultural Competence

Diversity: The Letter. . .*and* Spirit of the Law

Best Practices for Achieving Diversity & Inclusion

The Role of Hiring Committees in Promoting Diversity & Inclusion

KEY TERMS

Diversity Describes Who We Are

- A diverse workforce is diverse in many ways
- A diverse workforce breaks down barriers to traditionally excluded groups
- Promoting diversity does not involve lowering standards

KEY TERMS


Inclusion Describes How we Interact

- Differences are appreciated not tolerated
- Inclusive work environments encourage:
 - Curiosity
 - Empathy
 - Enjoyment
- Inclusion increases creativity and improves problem solving

KEY TERMS

Cultural Competence

- The ability to interact effectively with people of different cultures and socio-economic backgrounds
- Goes beyond knowledge/sensitivity
- Describes individual and institutional capacity
- A process



**PROMOTING DIVERSITY:
THE LETTER AND THE SPIRIT
OF THE LAW**

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

FEDERAL/STATE ANTI-DISCRIMINATION LAWS

Proposition 209*

Prohibits “preferential treatment” on basis of:

- Race
- Sex
- Color
- Ethnicity
- National Origin

In Public:

- Employment
- Education
- Contracting

****Cal. Const. Art. 1 sec. 31***

EEO IN CALIFORNIA

Each district employer shall commit to sustained action to devise recruiting, training and advancement opportunities that will result in equal employment opportunities”

*** *EC 87101(c)***

EEO IN CALIFORNIA

Recruitment may include:

- “Focused outreach and recruitment” of Women and minorities (*Gov. Code 11139.6(a)(1)*)
- Out reach that “should result” in diversification (*Gov. Code 11139.6(d)*)

Recruitment *must* include:

- Outreach to economically disadvantaged (*Gov. Code 11139.6(a)(3)*)

EEO IN CALIFORNIA

Academic & administrative applicants
must demonstrate:

“sensitivity to and understanding of the diverse academic, socioeconomic, cultural, and ethnic backgrounds of community college students.”*

****EC 87360***

EEO IN CALIFORNIA

State Regulations:*

- Multi-step process to promote diversity
- Includes mandated training for hiring committees

Title 5, Section 51010 *et seq.

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
 - Better educational environment
 - Stronger community



**BEST PRACTICES
FOR
ACHIEVING DIVERSITY**

FOSTER INCLUSIVE WORK CULTURES

Lawful strategies fall into 3 categories:

- Work culture
- Job definition
- Recruitment & Hiring

FOSTERING INCLUSIVE WORK CULTURES

Requires:

- Leadership
- Institutional commitment at all levels

LEADERSHIP

Buy-in at the top

- Board
- Chancellor
- Presidents
- Human Resources

Visible support for diversity and inclusion

INSTITUTIONAL COMMITMENT - AT ALL LEVELS

Ensure input from all stake holders

Utilize principles of shared governance

Engage in inter-departmental collaboration

INCLUSIVE WORK CULTURES AND RETENTION

Climate surveys & institutional reflection

Mentoring Programs

Opportunities for professional growth

Leadership opportunities

Cultural events

Access to decision making

- District
- Colleges
- Departments
- Senates
- Unions

RETHINK JOB DESCRIPTIONS

Rethink job descriptions by asking:

- Does job description value modern knowledge, skills & abilities?
- How do issues of diversity impact this work?
- What job-related criteria value/attract diverse candidates?
- What job-related criteria assess “sensitivity to diversity. . .”

RETHINK JOB DESCRIPTIONS AND QUALIFICATIONS

Identify job-related criteria likely to
enhance applicant pool diversity

Develop job descriptions reflecting these
criteria

RETHINK JOB FUNCTIONS

Rethink Job functions by considering:

- Global perspective is consistent with CCD mission
- Is global perspective evident in how jobs are defined and knowledge/skills required?
- If not: reexamine curriculum, programs, majors, etc.

RECRUITING STRATEGIES

Recruiting strategies that work:

- Add to (don't replace) traditional avenues
- Personal connections with career centers
- Outreach to professional organizations
- Groom your own students
- Make district attractive to applicants
- You are always recruiting and hiring
- Assume a buyer's market



THE ROLE OF HIRING COMMITTEES IN PROMOTING DIVERSITY

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

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

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