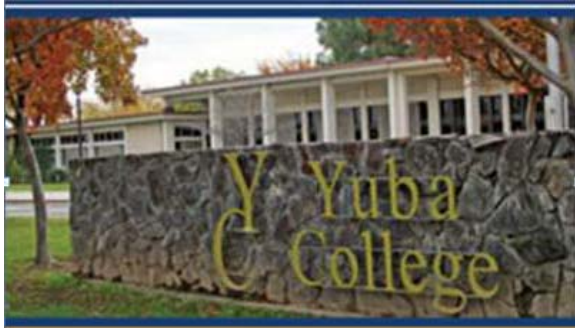




Hiring the Best While Developing Diversity in the Workforce: Legal Requirements and Best Practices for Screening Committees



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GOALS AND OBJECTIVES

- Increase awareness and understanding of best EEO practices.
- Create a stronger and more diverse workforce
- Support Mission and Vision of the College/District
- Reduce conflict in the workplace



AGENDA

1. Define key terms
 - Diversity
 - Inclusion
 - Cultural Competence
2. Diversity: The Letter. . .and Spirit of the Law
3. Best Practices for Achieving Diversity & Inclusion
4. 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

CLOSING REMARKS

- Workforce diversity can be a strength and asset
- But it takes maintaining the spirit and the letter of the law to make it work
- Hiring committees are an important vehicle for safeguarding diversity in the workplace

