



# Hiring Equitably

*Hancock College Hiring Committee Training*

# **Equal Employment & Non-Discrimination**

Federal and State Equal Employment Laws & Regulations



Title VII of the Civil Rights Act of 1964 (Title VII)  
The Pregnancy Discrimination Act  
Equal Pay Act  
Age Discrimination in Employment Act (ADEA)  
Americans with Disabilities Act (ADA)  
Civil Rights Act of 1991  
Rehabilitation Act of 1973  
Genetic Information Nondiscrimination Act (GINA)



Fair Employment and Housing Act (FEHA)  
CA Code of Regulations 5 CCR § 53000 et. seq.  
CA Education Code 87100 et. seq.

## 5 CCR § 53000 et seq

Title 5 requires active steps to promote faculty and staff equal employment opportunity.

- Defines EEO and related concepts
- Requires adoption of EEO policy
- Mandates development and adoption of an [EEO plan](#)
- Establish an EEO advisory committee
- Defines recruitment practices and procedures
- Mandates development and adoption of a process to file EEO complaints
- Prescribes training for Hiring Committees



## Disparate/Adverse Impact

- "Unintentional Discrimination"
- Facially neutral policies and/or practices that adversely impact a protected group
- 80% (4/5<sup>th</sup>) Rule - Substantially different rate of selection of non-protected group
- Not necessarily unlawful

## Disparate Treatment

- Unlawful discrimination by way of intentional mistreatment of people in a protected group
- Direct - Protected group membership was a motivating factor in the employment decision
- Indirect - No direct evidence of racially motivated decision but on it's face is discriminatory until proven otherwise

# Equal Employment Opportunity Quiz

# **District Policies & Procedures**

On non-discrimination, recruitment and hiring

## Board Policies & Administrative Procedures

- BP/AP 3420 Equal Employment Opportunity and Staff Diversity
- BP/AP 3430 Prohibition of Harassment
- BP/AP 3433 Prohibition of Sexual Harassment under Title IX
- BP/AP 7120 Faculty Hiring
- BP/AP 3435 Discrimination and Harassment Complaints and Investigations
- BP/AP 3410 Nondiscrimination

## Documents

- District Equal Employment Opportunity Plan
- <https://www.hancockcollege.edu/hr/diversity.php>



## District EEO Plan

Our roadmap to a diverse workforce. The plan typically consists of 12 parts including.

- Definitions and Policy Statement
- Delegation of authority of EEO plan enforcement
- Complaint procedures
- Notification processes to employees and community
- Process for training all employees who participate on screening or selection committees
- Gathering and longitudinal data analysis of the District's employees and applicants
- Methods of addressing any underrepresentation discovered in data analysis



# **Diversity, Equity, and Inclusion**

DEI Awareness and Cultural Proficiency

## Diversity

Diversity encompasses all those differences that make us unique, including but not limited to race, color, ethnicity, language, nationality, sexual orientation, religion, gender, gender identity, socio-economic status, marital and family status, age and physical and mental ability.

## Equity

Equity seeks to ensure fair treatment, equality of opportunity, and fairness in access to information and resources for all.

## Inclusion

Inclusion builds a culture of belonging by actively inviting the contribution and participation of all people.



## Diversity Defined (Title 5)

A condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socio-economic backgrounds. Title 5 Requires:

- That applicants for academic and administrative positions demonstrate sensitivity to the diversity of community college students.
- That meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students.



## Inherent Diversity

Inherent diversity refers to the traits we are all born with including skin color, gender, cultural background, sexual orientation. This is the diversity that makes some of us uncomfortable in workplaces; to acknowledge that conscious and unconscious biases exist in ourselves (and organizational processes) towards people who are different to us.

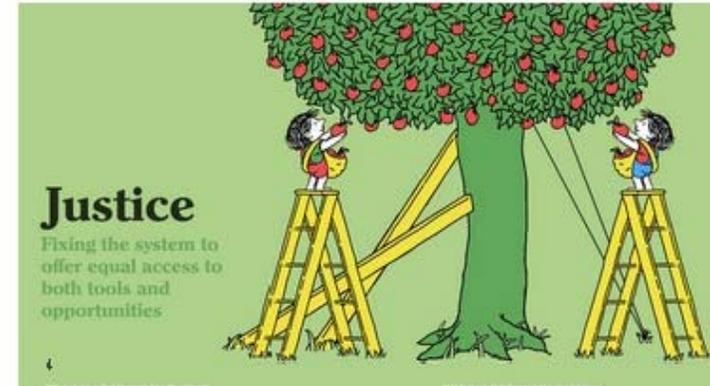
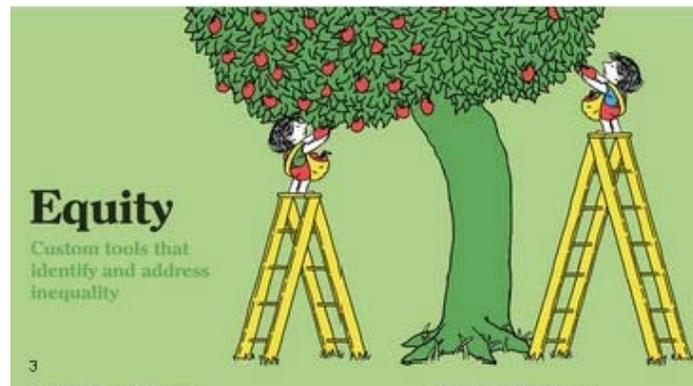
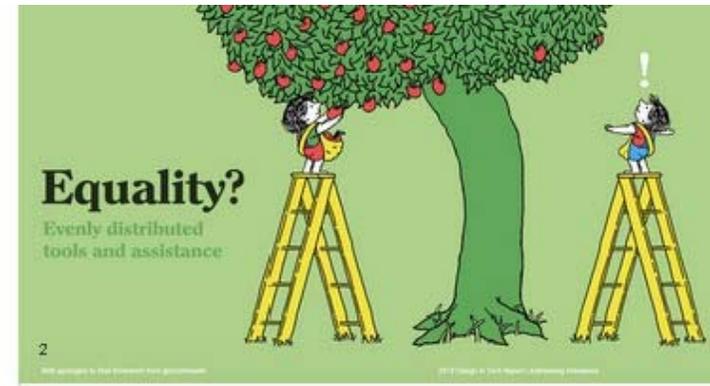
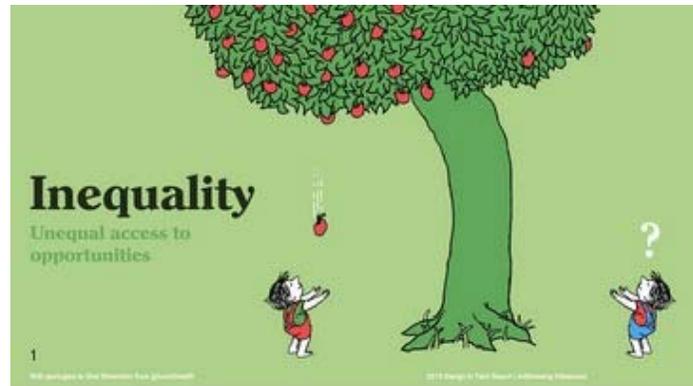
## Acquired Diversity

Acquired diversity refers to differing perspectives on ideas and unique insights into problems acquired through different experiences. This recently has become known as cognitive diversity. For example, the different perspective a posting to an overseas assignment brings, or, the different thinking styles in a team such as reflective, analytical, etc...



# Equity

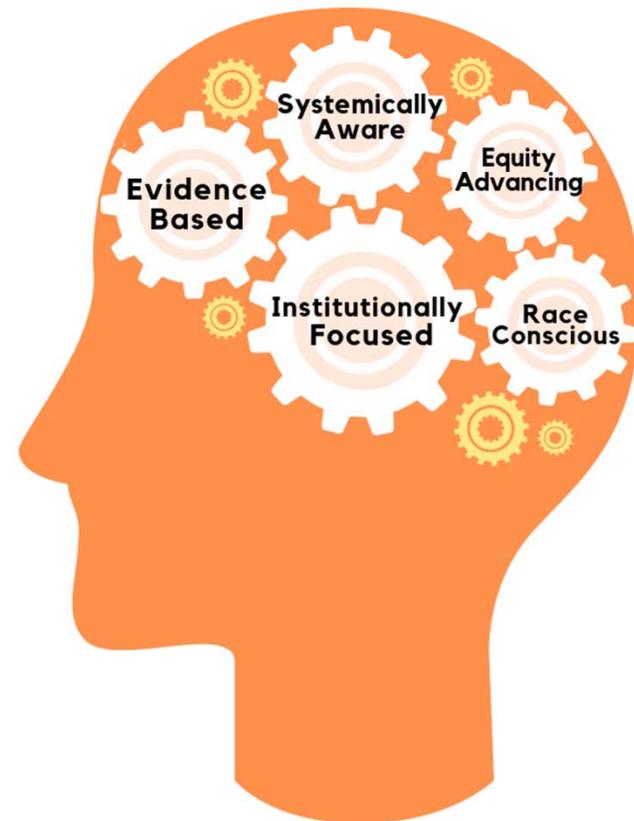
The fair treatment, access, opportunity, and advancement for all people, while at the same time striving to identify and eliminate barriers that have prevented the full participation of some groups.



## Equity-Mindedness

The perspective or mode of thinking exhibited by practitioners who call attention to patterns of inequity in student outcomes. These practitioners are willing to take personal and institutional responsibility for the success of their students, and critically reassess their own practices. It also requires that practitioners are race-conscious and aware of the social and historical context of exclusionary practices in American Higher Education.

*Center for Urban Education*



## Inclusion

The act of creating environments in which any individual or group can be and feel welcomed, respected, supported, and valued to fully participate.

- Make people matter!
- Encourage people to tell their story!
- Encourage other to be their unique self!

## Belonging

Being part of a group, sharing in the confidence, security and allegiance that it brings.

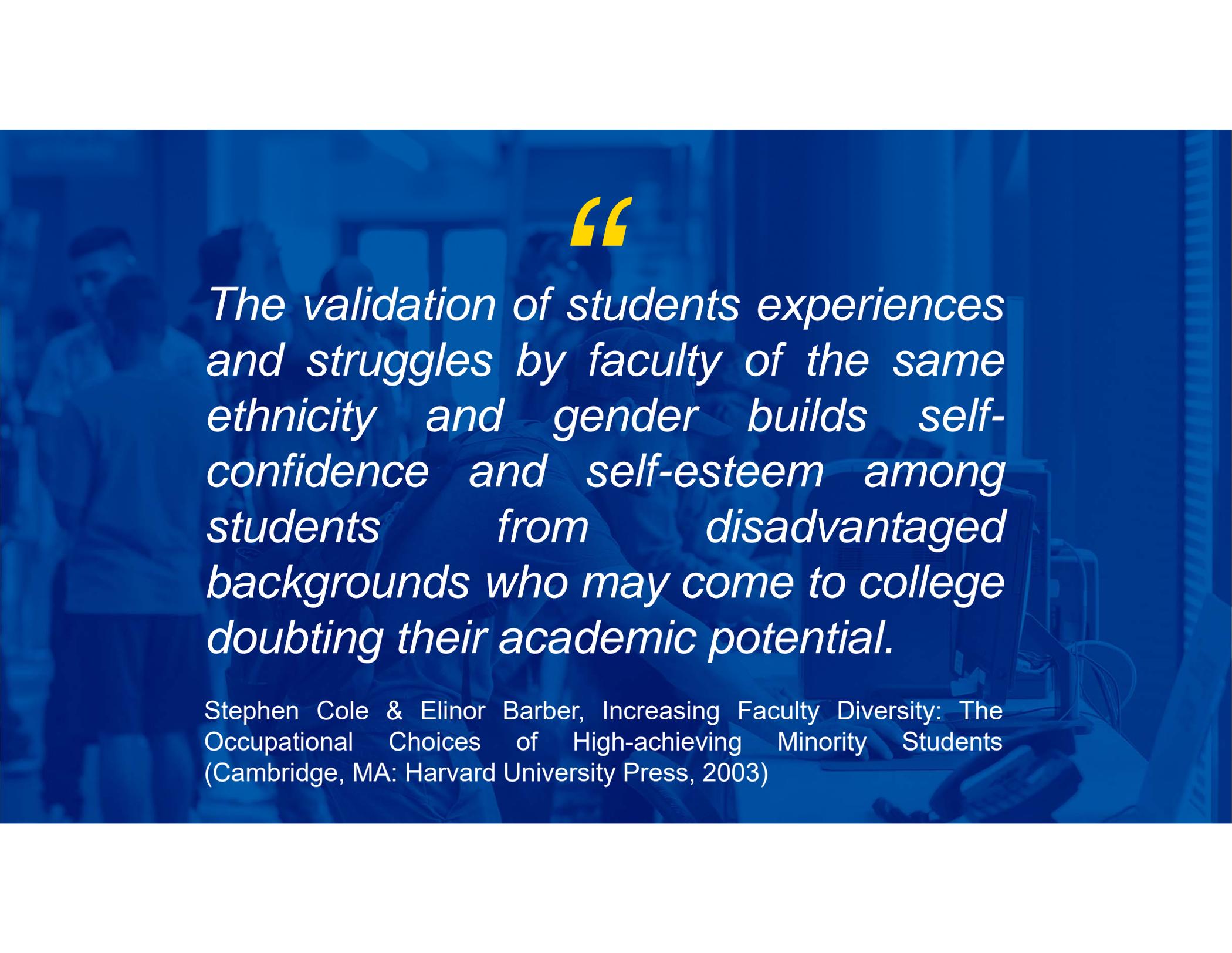
- Both individual and collective
- A basic human need
- A feeling of psychological safety





# Benefits of Workplace Diversity

Closing Equity Gaps



“

*The validation of students experiences and struggles by faculty of the same ethnicity and gender builds self-confidence and self-esteem among students from disadvantaged backgrounds who may come to college doubting their academic potential.*

Stephen Cole & Elinor Barber, *Increasing Faculty Diversity: The Occupational Choices of High-achieving Minority Students* (Cambridge, MA: Harvard University Press, 2003)



## Diversity as Competitive Advantage

- Diverse companies are 45% likelier to report market share growth; 70% likelier to capture a new market.
- Women are 20% less likely to win endorsement for their ideas, people of color are 24% less likely and LGBTQ employees 21% less likely, in organizations that lack diversity.
- A team with a member who shares a client's ethnicity is 152% likelier than another team to understand that client (Replace client with Student).
- Leaders who give diverse voices equal airtime are nearly twice as likely as others to unleash value-driving insights, and employees in a "speak up" culture are 3.5 times as likely to contribute their full innovative potential.

*Source: Harvard Business Review (December 2013)*

## Diversity and Student Success

- Study concluded that underrepresented minority students are 1.2-2.8 percentage points more likely to pass classes, 2.0-2.9 percent less likely to drop out of classes, and 2.4-3.2 percentage points more likely to get a grade of B or higher in classes with underrepresented instructors.

*Fairlie, R.W. , Hoffman, F. Oreopoulous. A Community College Instructor Like Me, Race and Ethnicity Interactions in the Classroom.*

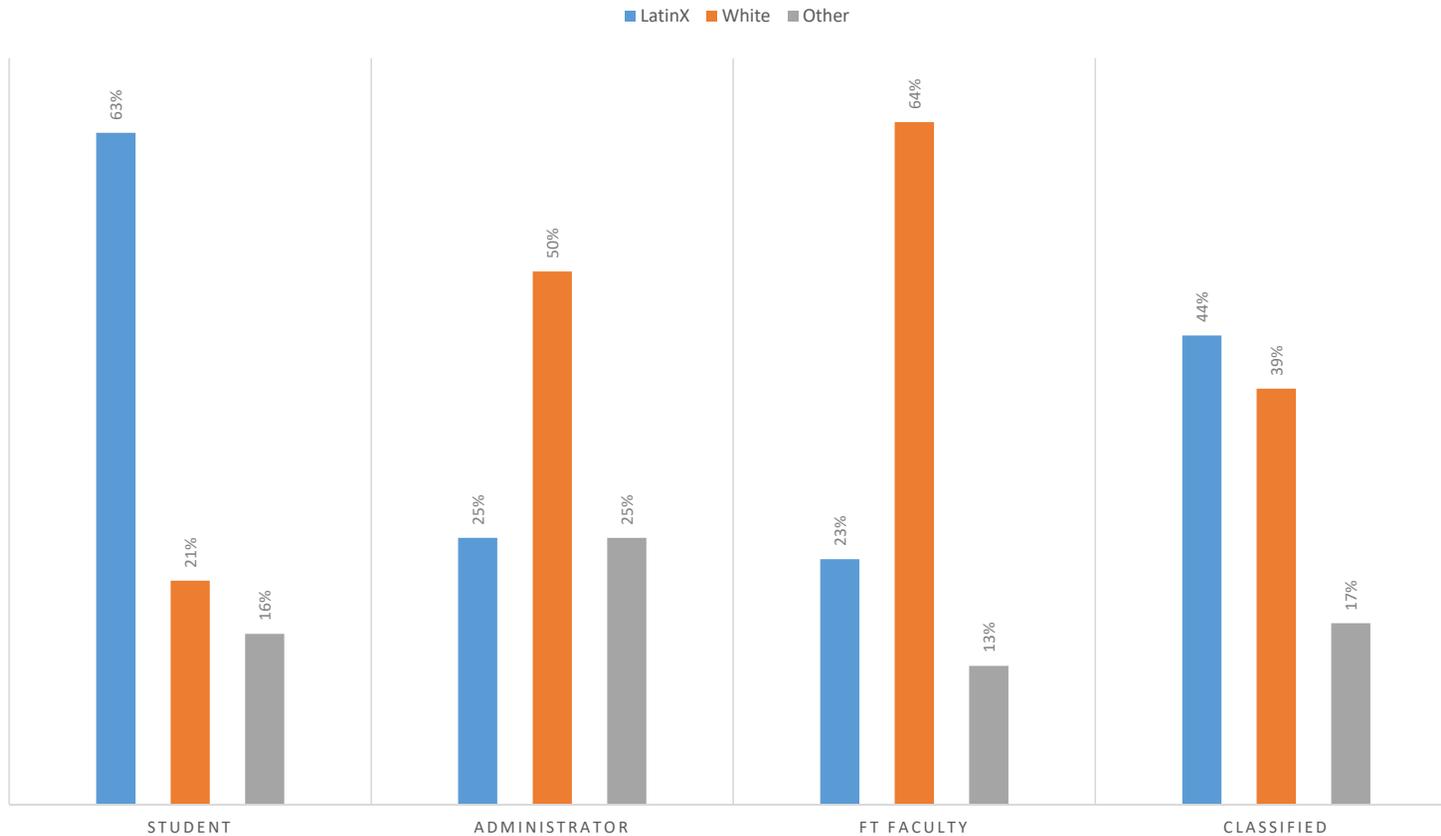
*American Economic Review 104(8) 2567-2591 (2014)*

- Results indicate that the presence of Latino faculty on campus may increase the availability of role models for students and foster a sense of belonging and social integration among students. Therefore availability of, and contact with, Latino faculty may be more important than previously thought. Overall, results from this research indicate that, as the numbers of Latino students and faculty on campus increase to a critical mass, academic success increases as well.

*AN INVESTIGATION OF CRITICAL MASS: The Role of Latino Representation in the Success of Urban Community College Students*

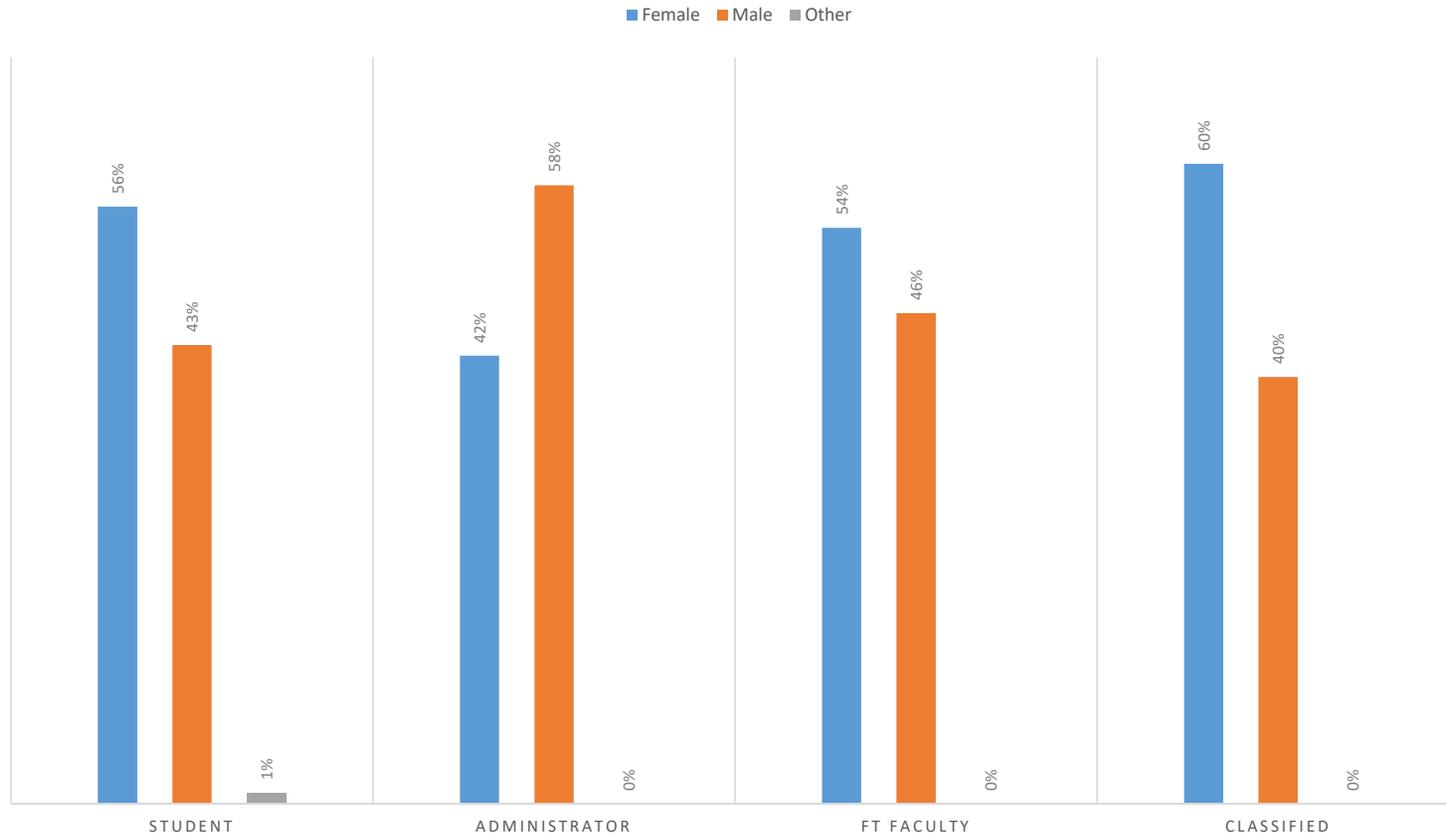
*Author(s): Linda Serra Hagedorn, Winny (YanFang) Chi, Rita M. Cepeda and Melissa McLain Source: Research in Higher Education, Vol. 48, No. 1 (February 2007), pp. 73-91 Published by: Springer Stable URL: <https://www.jstor.org/stable/25704493>*

# Student/Workforce Demographics Ethnicity (Fall 2019)



Source: California Community College Chancellor's Office MIS Data Mart

# Student/Workforce Demographics Gender (Fall 2019)



Source: California Community College Chancellor's Office MIS Data Mart

# Unconscious Bias

Recognizing and Eliminating Bias in Hiring Decisions



SEEKING  
HUMAN  
KINDNESS

## Unconscious (Implicit) Bias

Negative and positive stereotypes that exist in our subconscious and affect our decisions, behaviors, and interactions with others.

## Conscious (Explicit) Bias

Traditional conceptualization of bias whereas the individual is aware of their prejudices and attitudes toward certain groups and positive/negative preference.





## Intuition

- Relying on intuition (gut feeling) rather than a set of reasonable and measurable arguments.

## Contrast Bias

- Strong candidates who interview after weak ones may appear more qualified than they are because of the contrast between the two (and visa versa).

## Stereotyping

- Forming an opinion about a candidate based on belonging (or not) to a specific group.

## Nonverbal Bias

- Undue emphasis placed on nonverbal cues that have nothing to do with the job.

## Attractiveness/Beauty Bias

- The view that traditionally attractive people are more successful. A subconscious focus on features such as height, fitness level, standards of dress, and other false predictors of success.

## Slow Down

- Slow your decision making on hires/promotions etc. Acknowledge your bias

## Culture Add vs. Culture “Fit”

- Hiring for "fit" opens the door for bias
- “Fit” promotes status quo whereas “add” promotes diversity of thought and experience

## Consistent Employment Practices

- Maintain knowledge, skills, and abilities as the only criteria for selection/promotion etc.

## Deemphasize False Predictors of Success

- False predictors of success such advanced degrees, attire, strong handshakes lead to biased decision making

## Training and Accountability

- Educate employees on bias and investigate potential biased decision making

# Best Practices in Hiring

Best Practices in Screening and Interviewing Equitably

## Uniform Guidelines on Employee Selection

- All selection criteria are based on the overall job analysis
- Tests and tools for candidate selection should be validated on content, criterion, and construct validity
- All selection criteria should pass the 80% or four-fifths rule

## Impartial Interview/Screening Techniques

- Standardized Questions & Ratings
- Competency-based Questions & Ratings
- Behavioral Interviewing
- Blind Resume Review!

## Behavioral Interviewing

Behavioral and competency-based interviewing both aim to discover how the interviewee performed in specific situations. The logic is based on the principle that past performance predicts future behavior; how the applicant behaved in the past indicates how he or she will behave in the future.

- Structured interview
- Focuses on candidate's past experiences and behaviors
- Reveals a candidate's actual level of experience
- Focuses on knowledge, skills, and abilities required to be successful in the job
- Focuses on practical application vs. theory (hypothetical)
- Reduces bias and ambiguity

## Competency-Based Interviewing

Competencies are specific employee behaviors that relate to an organization's strategic goals, are correlated with job performance and can be measured and strategically leveraged across multiple HR and other business systems to improve overall performance.

- Provides organizations with a way to define—in behavioral terms—what it is that people need to do to produce the results the organization desires, in a way that is in keeping with its culture.
- Enables organizations to evaluate the extent to which employees demonstrate the behaviors that are critical for success and are critical for strengthening an organization's capacity to meet strategic objectives.
- Competencies are characteristics of individuals that can be developed and improved.
- Competencies can provide a structured model that can be used to integrate and align management practices (e.g., recruiting, performance management, training and development, reward and recognition) throughout the organization.

By interviewing for job and organizational fit based on competencies, employers can gather important information regarding whether a job candidate is capable of successfully performing all the necessary requirements for that job while also being a good fit for the organization.

## S.T.A.R + R Method for Behavioral Interviews



## Behaviorally Anchored Rating Scales (BARS)

BARS is designed to bring the benefits of both qualitative and quantitative data to the employee appraisal process by comparing an individual's performance against specific examples of behavior which are then categorized and appointed a numerical value used as the basis for rating performance.

- Measures desired behaviors

## Competency-Based Rating Scales

Seeks to group questions under pre-determined *key competencies*, whereas the candidate's responses are evaluated on how they best satisfy the competency vs. individual questions. Questions focus on assessing a candidate's strengths and weaknesses, then responses are evaluated against agreed criteria to build up an objective picture of their suitability for the role.

- Measures key competencies

## Meaningful Rubrics

The number of ratings/ranking in the scale is not nearly as important as how those ratings are defined. Clearly defining what each value means ensures a more objective analysis. For example, in evaluating a behavioral question, a 1-5 scale can be defined as:

- **Far Exceeds Requirements:** Perfect answer. Demonstrates competency accurately, consistently, and independently. All points relevant. All good examples.
- **Exceeds Requirements:** Demonstrates competency accurately and consistently in most situations with minimal guidance. Many good examples.
- **Meets Requirements:** Demonstrates competency accurately and consistently on familiar procedures and needs supervisor guidance for new skills. Some good examples.
- **Below Requirements:** Demonstrates competency inconsistently, even with repeated instruction or guidance. Few good examples.
- **Significant Gap:** Fails to demonstrate competency regardless of guidance provided. No good examples.

**Questions?**