



**West Valley - Mission**  
Community College District

\_\_\_\_\_ [POSITION TITLE] Search Committee  
\_\_\_\_\_ College

**Participation, Training & Confidentiality Agreement**

As a member of the Search Committee, I act on behalf of the Board of Trustees as an agent of the District, and in this capacity I am subject to all related State and Federal laws and regulations (Title 5, Section 53020). This includes the selection process.

By my signature below, I acknowledge that I have received, read and understand the **required Search Committee Training: Equal Employment Opportunity** guide. I agree to abide by the requirements, expectations and recommendations reviewed in this guide, including: federal, state and local regulations governing equal employment opportunity; the benefits of workforce diversity; and best recruitment and selection practices while striving to eliminate any bias in the selection process.

The process is a CONFIDENTIAL process.

I agree not to reveal, during or after the search, the names of any candidates, except the finalists. I may not discuss information about applicants or the Committee's findings and recommendations with anyone outside the Committee. Such discussions shall be confined to Committee activities. Further, I agree, as a member of the Committee, that we will ensure impartial, ethical and respectful treatment of candidates, including internal candidates, and that decisions are reached based upon complete and accurate information.

I acknowledge that Committee members may be excused from the Committee by the Committee chair for failure to follow the above or to attend sufficient meetings, as determined by the chair. In order to participate in the decision-making process for forwarding finalist candidates to the hiring manager, I must attend all first-level interviews.

\_\_\_\_\_  
Committee Member Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Committee Member Printed Name

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

West Valley-Mission Community College District

Presented by: Sean McGowan & Ryan Ng



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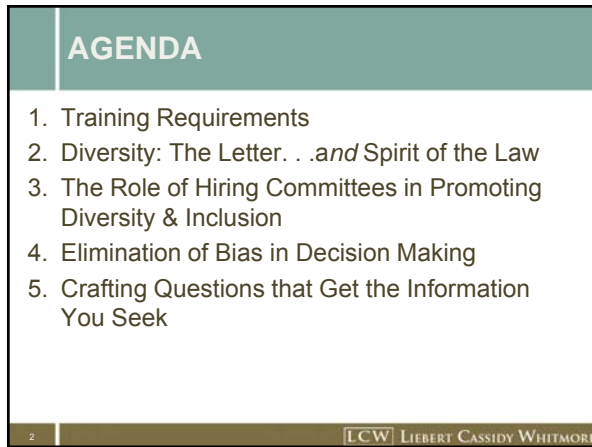
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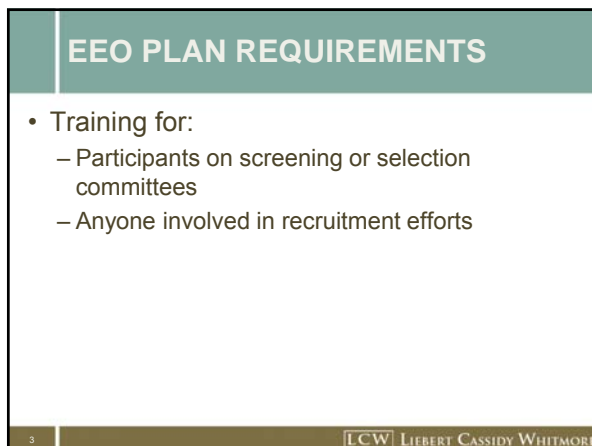
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**EEO PLAN REQUIREMENTS**

**What Training is Required?**

- All screening committee members
- On all of the following:
  - Law & regulations regarding nondiscrimination
  - the educational benefits of workforce diversity
  - the elimination of bias in hiring decisions
  - best practices for selection/screening committees
- No time or frequency requirements

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

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**FEDERAL/STATE ANTI-DISCRIMINATION LAWS**

- Overview:
  - Prohibition against employment discrimination isn't new
  - What constitutes unlawful discrimination has changed
  - ... *but*
  - *Expectations have not changed*

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**FEDERAL/STATE ANTI-DISCRIMINATION LAWS**

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

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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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**FEDERAL/STATE ANTI-DISCRIMINATION LAWS**

- 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
  - Military and Veteran Status

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**THE HIRING CHALLENGE**

**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

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**THE HIRING CHALLENGE**

**Prop 209: Legislative Response**

- Funding contingent on:
  - “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)

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**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

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**EEO IN CALIFORNIA**

- State Regulations:\*
  - Multi-step process to promote diversity
  - Includes mandated training for hiring committees

\*Title 5, Section 51010, et seq.

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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
  - Prepare all students for success in a global society
- Core belief that a diverse staff creates:
  - Better service
  - Stronger community

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**THE HIRING CHALLENGE**

**Workforce Diversity is a  
CCD Imperative**

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**THE HIRING CHALLENGE**

**3 Principles for Lawful EEO Hiring:**

- 1) Protected status of candidates is *never* a factor
- 2) Infusing a commitment to diversity into the hiring process **does not** involve lowering standards
- 3) Infusing a commitment to diversity into the hiring process **does** involve assessing candidates against job-related criteria, including:
  - > Eliminating irrational (i.e. not job-related) barriers
  - > Expanding/updating what you consider to be job related

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**THE ROLE OF HIRING COMMITTEES IN PROMOTING DIVERSITY**

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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
- Use recruitment strategies to create diverse, qualified applicant pool
- Implement procedures designed to eliminate bias in the decision-making process

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**ROLE OF SELECTION COMMITTEES**

- Identify the most qualified candidates to recommend forward to next level

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**COMMITTEE FORMATION**

- Diverse to the extent possible
- Committee must be trained
- Don't Participate If :
  - Can't fairly and objectively evaluate candidates
  - Appearance of bias to a reasonable person
  - Relative by blood, marriage, adoption
  - Provided recommendation for an applicant
  - Can't give full attention/attend all meetings

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**COMMITTEE FORMATION UPDATE**

- **Committee should be diverse to the extent possible**
  - CCCCCO: Colleges may require race and gender diverse committees
  - Risks: May expose districts to discrimination claims
- **Strategies:**
  - Add rather than subtract members to achieve diversity
  - Screening committees may be reorganized to increase diversity

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**COMMITTEE PROCESS — ROLES & RESPONSIBILITIES**

- Review job announcement/job description
  - *This is your touchstone!*
- Develop forms and procedures
  - Paper screening criteria/process to select interviewees
  - Interview questions
  - Demonstration component (if applicable)
  - Rating form/process
  - Model answers

**Practice tip: Make sure you are rating what you intend the question to measure**

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**COMMITTEE PROCESS — BEST PRACTICES**

- **Protect integrity and credibility of process**
  - Assess all candidates using same criteria
  - Don't bring "outside knowledge" into interview process
  - Reference checks not a committee function
    - Occurs after finalist selected...and only for finalist
    - Requires particular expertise
    - Committee May provide expertise/concerns in fashioning reference check
  - Maintain confidentiality
  - Attend all meetings

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**SCREENING PROCESS — BEST PRACTICES**

- Neutral
- Objective
- Meaningful consideration of "sensitivity to diversity"
- Job-related criteria only
- Do it right the first time!
- Monitor processes

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**SCREENING PROCESS — BEST PRACTICES**

- **Collaborate with H.R. throughout process**
  - Title 5 compliance
  - Anti-discrimination laws and rules
  - Elimination of bias

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**SCREENING PROCESS — UPDATE**

- **Role of demographic data**
  - CCCC: Committee may be provided race and gender data re: workforce and department
  - Risks: Hiring becomes suspect
- **Strategies**
  - Provide demographic data when it is not tied to a specific search
  - Consult with legal counsel before providing demographic data to a search committee in connection with a specific search

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**THE INTERVIEW— BEST PRACTICES**

- **Establish ground rules and follow them**
  - Introductions
  - Prepared questions
  - Follow-up?

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**THE INTERVIEW—  
BEST PRACTICES**

- Create proper environment
  - Comfortable
  - Quiet
  - Private
  - Welcoming
- Listen
- Remember ***you*** are being interviewed

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**Elimination of Bias in  
Decision Making**

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**ELIMINATION OF BIAS IN  
SELECTION PROCESS**

- **Cultural Competence/Cultural Humility:**
  - Recognize own biases and stereotypes, *and*
  - Discount own biases and stereotypes
  - So you are able to appreciate content of contributions, *and*
  - Facilitate productive outcomes that enable effective work in cross-cultural situations

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**UNCONSCIOUS BIAS – WHAT IS IT?**

- In the hiring context:
  - Confirmation bias
    - The tendency to hear information in a manner that confirms what we already believe
  - Availability bias
    - The tendency to value most what we heard most recently
  - Affinity Bias
    - The tendency to prefer those that remind us of ourselves

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**ADDRESSING UNCONSCIOUS BIAS: BEWARE THE “GOOD FIT” MYTH**

- Selection involves less tangible/measurable KSAs that are inherently subjective
  - For example:*
    - Ability to work collaboratively
    - Ability to work with those already in a department
    - Leadership

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**ADDRESSING UNCONSCIOUS BIAS: BEWARE THE “GOOD FIT” MYTHS**

**Looking for a “good fit”:**

- Inherently subjective & vulnerable to cultural bias
  - We’re all products of our backgrounds and socialization
  - Who we are shapes how we perceive others-- we all have preferences and biases
  - “Homophilly” -- natural attraction to perceived similarities

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**ADDRESSING UNCONSCIOUS BIAS:  
BEWARE THE “GOOD FIT” MYTHS**

**Myth #1:**  
*Whether a candidate resonates with me on a personal level provides a reliable predictor of whether the candidate will do a good job.*

**Myth #2:**  
*How someone performs in an interview setting provides a reliable predictor of how that person will interact with me in the work setting.*

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**ADDRESSING UNCONSCIOUS BIAS:  
BEWARE THE “GOOD FIT” MYTHS**

- **What “fit” is:**
  - Demonstrated support for institutional values
- **What “fit” isn’t:**
  - Someone who I can “relate” to personally
  - Someone who looks like me

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**ADDRESSING UNCONSCIOUS BIAS**

**At the personal level:**

- Continually monitor your reaction to the candidates
- Ask yourself:
  - What is the basis for my positive/negative reaction?
  - Is my reaction grounded in the content of the candidate’s performance?
  - Am I reacting to what this [question/exercise] was intended to measure?
  - Is my reaction disproportionate to the response?
  - Is my reaction consistent with my reaction to similar responses from other candidates?

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**ADDRESSING UNCONSCIOUS BIAS**

**At the structural level:**

- Consider as a committee whether there are decision points where bias can be “interrupted”

**Example:**

Do you need to know the names/genders of candidates at the screening stage?

What would happen if you did not?

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**STRATEGIES FOR “INTERRUPTING” UNCONSCIOUS BIAS**

- Create inclusive job descriptions
- Remove identifying information (name, address, racial/cultural identifiers) from applications
- Identify desirable interview answers ahead of the interview
- Utilize a structured hiring process
- Utilize skill based testing
- Conduct anonymous/blind interviews
- Have members explain low scores

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**EXERCISE**

**“FIRST IMPRESSIONS”**

- Sit with someone you do not know
- You have 3 minutes: List as many things as you can that you have in common
- Reflection:
  - What did you have in common that surprised you?
  - What did you *not* have in common that surprised you?
  - What assumptions caused you to be surprised?
- Take away:
  - You don’t know a candidate until you listen to what they have to say.

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## CRAFTING QUESTIONS

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### ASKING QUESTIONS: THE BASICS

**Use your time wisely:** Don't use interview for matters better handled through other parts of the selection process

- Does candidate meet minimum quals.?  
→ Review documentation
- Does the candidate possess any of the preferred quals.?  
→ Answers to written questions
- Does candidate have an engaging teaching style?  
→ Demonstration
- Does the candidate work well with others?  
→ Reference check
- Does the candidate have deep knowledge in his/her field?  
→ Response to interview questions

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### MAKING THE MOST OF THE INTERVIEW

**Developing appropriate and useful questions**

1. Look at the job description:

*What do you want the successful candidate to do?*

- What courses must candidate be qualified to teach?
- What students will candidate serve?
- What professional activities will candidate engage in?
- What current knowledge skills and abilities are relevant to the position?

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**MAKING THE MOST OF THE INTERVIEW**

**Developing appropriate and useful questions**

**2. Craft Questions:**

- Give meaningful consideration to candidates' "sensitivity to diversity"
- Give candidates opportunity to highlight job-related KSAs that:
  - Reflect current/recent developments in the field
  - Show a global perspective
  - Show other KSAs that will provide an opportunity for non-traditional candidates to show they are highly qualified

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**MAKING THE MOST OF THE INTERVIEW**

**Developing appropriate and useful questions**

**2. Craft Questions (con't):**

- No questions—direct or indirect—about protected status
- May you ask:
  - "I don't see when you graduated on your resume, when did you graduate?"
  - **NO**
  - Visibly disabled candidate for details about nature of disability?
  - **NO**
- Assuming a legitimate, job related concern, what could you ask?

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**MAKING THE MOST OF THE INTERVIEW**

- Use different question formats for different purposes
  - Open-ended questions → to understand candidate's depth of knowledge, skills & abilities
  - Hypothetical questions → for creativity & problem-solving
- Plan ahead how committee will evaluate answers
- As a committee, outline the components of an excellent answer
- Consider effect of the rating process on what you value

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**MAKING THE MOST OF THE INTERVIEW**

Infuse diversity commitment into hiring process by giving candidates the opportunity to highlight current, updated and/or global knowledge

**--Exercise: The Open Ended Question--**

Develop 1 question for position of your choice that:

- Assesses a job-related attribute that gives consideration to modern, updated, global or other KSAs; and
- Gives you insight into candidate's (job related) depth of knowledge, skills and abilities.

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**MAKING THE MOST OF THE INTERVIEW**

Infuse diversity commitment into hiring process by conducting meaningful inquiry into candidates' sensitivity to diversity

**--Exercise: The Hypothetical Question--**

Develop 1 question for position of your choice that:

- Assesses the candidate's sensitivity to the diversity of community college students; and
- Gives you insight into the candidates (job related) creativity and/or problem-solving skills

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**THANK YOU**

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