



Equal Employment Opportunity (EEO) Training for Screening Committee Members

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AGENDA

1. Diversity and the Law
2. SBCCCD Demographics
3. The Role of Hiring Committees in Promoting Diversity & Inclusion
4. Elimination of Bias in Decision Making
5. Crafting Questions that Get the Information You Seek
6. Practice Exercise

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

FEDERAL/STATE ANTI-DISCRIMINATION LAWS

Overview

- Prohibition against employment discrimination isn't new
- What constitutes unlawful discrimination has changed
- However, expectations have not changed
- TITLE VII
- FAIR EMPLOYMENT AND HOUSING ACT (FEHA)
- TITLE IX
- ADA
- ADEA

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

- **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
 - Martial Status
 - Age
 - Sexual Orientation
 - Military and Veteran Status

THE HIRING CHALLENGE

- **Proposition 209***
 - Prohibits “preferential treatment” on basis of:
 - Race
 - Sex
 - Color
 - Ethnicity
 - National Origin
 - In Public:
 - Employment
 - Education
 - Contracting

THE HIRING CHALLENGE

- **Proposition 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)*

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.

**WORKFORCE DIVERSITY IS A CCD
IMPERATIVE**

Diversity and the Data

- Dr. Daisy Gonzales, Deputy Chancellor CCCCO, shared data on student success and the relationship between success rates and a diversified faculty.
- Statewide data has not shown improvement in hiring diverse faculty
- The chancellors office asked each district to commit to the vision of success by improving diversity in the recruitment and retention of Community College Faculty and staff.

The Equity Gaps are Real

In our system, certain student groups are much less likely to reach a defined end goal such as a degree, certificate, or transfer:

Student Demographic Group	Completion Rate
African American	36%
American Indian/Alaskan	38%
Hispanic	41%
Pacific Islander	43%
Asian	65%
White	54%

Student Equity Gap

Student Success

Studies prove the educational benefits of a diverse faculty.



Closing achievement gaps by

20-50%

Fairlie, R. W., Hoffman, F., Oreopoulos, P. (2014). *A Community College Instructor Like Me: Race and Ethnicity Interactions in the Classroom*. *American Economic Review*, 104(8): 2567-2591.

- Studies have shown a correlation for underrepresented student outcomes if they took a course taught by an underrepresented minority group- equity gap closed between 20-50% (any group)
- Positive effects for degrees and transfer when courses taught by any underrepresented minority.
- Studies also show making a connection with any person on campus will help students feel more comfortable and connected, which impacts success rates.
- A diverse workforce has a positive impact on the diverse students.

The Board of Governors directive to all Community College Districts:

Strategic Vision Goal: Closing Equity Gaps

- “Reduce equity gaps through faster improvements among traditionally underrepresented student groups, with the goal of:
 - cutting equity gaps by 40 percent within 5 years
 - and fully closing those equity gaps for good within 10 years”

-Vision for Success, Goal #5

SBCCCD STUDENT DATA

	Fall 2018	
	Student Count	Student Count (%)
<input checked="" type="checkbox"/> Crafton Hills Total	6,408	32.65 %
African-American	222	3.46 %
American Indian/Alaskan Native	20	0.31 %
Asian	232	3.62 %
Filipino	142	2.22 %
Hispanic	3,187	49.73 %
Multi-Ethnicity	334	5.21 %
Pacific Islander	11	0.17 %
Unknown	12	0.19 %
White Non-Hispanic	2,248	35.08 %

SBCCCD DATA Continued....

	Fall 2018	
	Student Count	Student Count (%)
<input checked="" type="checkbox"/> San Bernardino Total	13,220	67.35 %
African-American	1,476	11.16 %
American Indian/Alaskan Native	24	0.18 %
Asian	444	3.36 %
Filipino	161	1.22 %
Hispanic	9,068	68.59 %
Multi-Ethnicity	445	3.37 %
Pacific Islander	23	0.17 %
Unknown	41	0.31 %
White Non-Hispanic	1,538	11.63 %

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** involved lowering standards
- 3) Infusing a commitment to diversity into the hiring process **does** involved assessing candidates against job-related criteria, including:
 - Eliminating irrational (i.e. not job-related) barriers
 - Expanding/updating what you consider to be job related

THE ROLE OF HIRING COMMITTEES IN PROMOTING DIVERSITY

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

ROLE OF SELECTION COMMITTEES

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

COMMITTEE FORMATION

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

COMMITTEE FORMATION UPDATE

- **Committee should be diverse to the extend possible**
 - CCCCO: 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

COMMITTEE PROCESS- ROLES & RESPONSIBILITIES

- **Review job announcements/job description**
 - Assess all candidates using same criteria and measures
 - Don't bring "outside knowledge" into the interview process
 - Leave reference checks to HR
 - Maintain confidentiality
 - Attend all meetings

COMMITTEE PROCESS- BEST PRACTICES

- **Protect integrity and credibility of process**
- **Develop forms and procedures**
 - Paper screening criteria/process to select interviewees
 - Interview questions
 - Demonstration component (if applicable)
 - Rating forms/process
 - Model answers
- **Collaborate with HR throughout process**
 - Title 5 compliance
 - Anti-discrimination laws and rules
 - Elimination of bias

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

THE INTERVIEW- BEST PRACTICES

- **Establish ground rules and follow them**
 - Introductions
 - Prepared questions
 - Follow-up questions
- **Create proper environment**
 - Comfortable
 - Quiet
 - Private
 - Welcoming
- **Listen**
- **Remember you are being interviewed**

ELMINATION OF BIAS IN DECISION MAKING

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

UNCONSCIOUS BIAS- WHAT IS IT?

Bias is a prejudice in favor of or against one thing, person, or group compared with another usually in a way that's considered to be unfair. Biases may be held by an individual, group, or institution and can have negative or positive consequences.

There are types of biases **Conscious bias** (also known as **explicit** bias) and **Unconscious bias** (also known as **implicit** bias)

It is important to note that biases, conscious or unconscious, are not limited to ethnicity and race. Though racial bias and discrimination are well documented, biases may exist toward any social group. One's age, gender, gender identity, physical abilities, religion, sexual orientation, weight, and many other characteristics are subject to bias.

Unconscious biases are social stereotypes about certain groups of people that individuals form outside their own conscious awareness. Everyone holds unconscious beliefs about various social and identity groups, and these biases stem from one's tendency to organize social worlds by categorizing.

Unconscious bias is far more prevalent than conscious prejudice and often incompatible with one's conscious values. Certain scenarios can activate unconscious attitudes and beliefs. For example, biases may be more prevalent when multi-tasking or working under time pressure.

UNCONSCIOUS BIAS- WHAT IS IT?

- Unconscious biases develop at an early age: biases emerge during middle childhood and appear to develop across childhood (Dore, 2014).
- Unconscious biases have real world effects on behavior (Dasgupta, 2004).
- Unconscious biases are malleable- one can take steps to minimize the impact of unconscious bias (Dasgupta, 2013; Dasgupta & Greenwald, 2013).
- A substantial amount of research has been published demonstrating impact of unconscious bias in various domains including the criminal justice system, education, and health/health care (Kirwan Institute, 2014).
- Bias may have an impact on: hiring, and mentoring and may contribute to healthcare disparities.

In the hiring context:

- **Confirmation bias**
 - Tendency to hear information in a manner that confirms what we already believe
- **Availability bias**
 - The tendency to value most what we hear most recently
- **Affinity bias**
 - The tendency to prefer those that remind us of ourselves



Anchoring

- **What it is:** Anchoring is the tendency to rely too heavily on one data point or piece of information when making a decision—usually the first piece of information you encounter on a subject.
- **A hiring example:** If you've ever fixated on an undergrad's GPA when hiring for an entry-level role—because it's an easy metric to compare and appears at the top of most resumes—that's anchoring bias. This also happens often when you're looking to hire someone to replace an employee who left or retired (e.g., “We need to hire someone like Ben.”) In this case, Ben is the anchor.

Availability Heuristic

- **What it is:** The availability heuristic describes the tendency to rely on recent or emotionally charged memories when evaluating a specific topic, concept, method or decision.
- **A hiring example:** Memories can have a significant effect on how you view candidates, to the point where even a common first name can carry baggage. If you just broke up with a man named Brad, for example, those negative feelings can unfairly carry over to any applicants named Brad.

Bandwagon Effect

- **What it is:** If all your friends jumped off a bridge, would you jump too? The bandwagon effect says you would, as it describes the tendency to do (or believe) something simply because other people do (or believe) it.
- **A hiring example:** This happens often in group hiring decisions. Everyone in the group loves a certain candidate...except for one. But rather than voice that contrary opinion—which might irk others or extend the discussion period—they'll bury what they think and go along with the rest of the group's decision (which might not always be the right one).

Confirmation Bias

- **What it is:** Confirmation bias is the tendency to search for, interpret, focus on or remember information in a way that confirms one's preconceptions.
- **A hiring example:** Did you know that 60 percent of interviewers will make up their mind about a candidate within 15 minutes of meeting them? Once that decision is made, the tendency with everything that follows—e.g., the rest of the interview, calling references, doing a background check—is to spend time *confirming* that initial decision (focusing on good qualities for 'yes' candidates or focusing on bad qualities for 'no' candidates) instead of doing a proper assessment. That's confirmation bias.

Clustering Illusion

- **What it is:** Clustering illusion is the tendency to overestimate small streaks or trends in a large sample of random data.
- **A hiring example:** Say you're down to two candidates for a position: one from Tennessee and another from New York. You're struggling to make a decision until you remember that your last three stellar hires have all been from New York. Based on that, you should go with the New York candidate to continue the streak, right? Wrong. Not only is the fact that your last three great hires were from New York likely irrelevant, it also has no bearing on your current decision.

Information Bias

- **What it is:** Information bias is the tendency to want to acquire more information, even if that information is irrelevant to the decision at hand.
- **A hiring example:** Related to our tendency to acquire unnecessary information is the tendency to equate the *most* information with the best option. If one job seeker proactively provides work samples and their [social media profiles](#) with their application, that's a great sign they have desirable qualities, but it doesn't automatically make them the best candidate out of the group. Learn more about the others before making a decision.

Ostrich Effect

- **What it is:** The ostrich effect is the tendency to ignore negative information rather than factor it into a decision. The name comes from the myth that ostriches will bury their head in the sand when trouble arises instead of dealing with it.
- **A hiring example:** Have you ever come across the *perfect* candidate for a role, save for one major red flag—a less-than-stellar reference or they were late to an interview? What did you do? If you ignored it because the candidate was too good to pass up, that's the ostrich effect. That red flag could end up being a huge deal, resulting in a bad hire.

Outcome Bias

- **What it is:** Outcome bias occurs when you judge a decision solely based on the end result, ignoring the quality of the decision at the time it was made.
- **A hiring example:** Your team can do all of the right things to surface the best candidate for a position, only for that person to not work out. That doesn't necessarily mean your recruiting function is broken. Conversely, your team can do all the *wrong* things and luck into a great hire, but that doesn't mean you should keep doing what you're doing. Focus on your processes and criteria, instead of the end result, to avoid outcome bias.

Overconfidence Effect

- **What it is:** The overconfidence effect is a bias where a person's confidence in their decisions is often greater than the objective accuracy of those decisions.
- **A hiring example:** The overconfidence effect simply states that even hiring decisions that you're 100 percent confident in don't actually work out 100 percent of the time. The lesson here? Don't expedite a candidate through important assessment processes just because you and your team are certain they're the "one."

Stereotyping

- **What it is:** Stereotyping occurs when you expect a member of a group to have certain characteristics without having actual information about that individual.
- **A hiring example:** This is where sexism, racism, ageism and every other awful “-ism” comes into play. Bottom line: Don’t assume someone is a poor candidate simply because they belong to a group with traits irrelevant to their ability to perform a job.

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 department
- Leadership

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.

ADDRESSING UNCONSCIOUS BIAS: BEWARE THE “GOOD FIT” MYTHS

What “fit” is:

- Demonstrated support to institutional values
- Desired leadership style for the times

What “fit” isn’t:

- Someone who I can “relate” to personally
- Someone who looks like me

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 context of the candidate's performance?
 - Am I reacting to what this question was intended to measure?
 - Is my reaction disproportionate to the response?
 - Is my reaction consistent with my reaction to similar responses from candidates?

STRATEGIES FOR “INTERRUPTING” UNCONSCIOUS BIAS

- Identify desirable interview answers ahead of the interview
- Utilize a structured hiring process
- Utilize skill based testing
- Have members explain low scores

CRAFTING INTERVIEW QUESTIONS

ASKING QUESTIONS: THE BASICS

1. Use the job description/announcement as your source document
2. Decide what you want to learn
 - For example
 - Does the candidate possess any of the preferred quals.?
 - Does the candidate have an engaging teaching style?
 - Does the candidate have deep knowledge in his/her field?
3. Decide the stage of the process/method best suited to deliver that information
 - Review documentation
 - Answers to written questions?
 - Response to interview questions?
 - Demonstration?
4. Write the questions/design the demonstration

MAKING THE MOST OUT 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 (KSAs) are relevant to the position?

MAKING THE MOST OUT 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

MAKING THE MOST OUT 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?”*
 - *Visibly disabled candidate for details about nature of disability?*
- *Assuming a legitimate, job related concern, what could you ask?*

MAKING THE MOST OUT OF THE INTERVIEW

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

--Exercise: The Direct Question--

Develop 1 question for position of your choice that:

- Assesses a job-related attribute that gives you consideration to current, updated, global or other KSAs; and
- Allows you to compare candidates on something measurable

MAKING THE MOST OUT OF THE INTERVIEW

Infuse diversity commitment into hiring process by giving candidates the opportunity to highlight current 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 you consideration to current, updated, global or other KSAs; and
- Gives you insight into the candidates (job-related) creativity and/or problem-solving skills

MAKING THE MOST OUT OF THE INTERVIEW

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

--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 to the candidates (job-related) creativity and/or problem-solving skills



Thank you

Questions?

We welcome your ideas and input

Human Resources

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