

Improving Workforce Diversity Through The Interview Process: The Good Questions, The Bad Questions, & The Very Bad Questions

Association of Chief Human Resources Officers/Equal Employment Officers (ACHRO/EEO) 2023 Fall Institute
October 20, 2023

Presented by: Alysha Stein-Manes & Tammy Few

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RCCD RIVERSIDE COMMUNITY COLLEGE DISTRICT

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Alysha Stein-Manes, Partner, Liebert Cassidy Whitmore &
Tammy Few, Vice Chancellor of Human Resources, Riverside Community College District

AGENDA

- The Legal Framework
- Core Principles of Lawful EEO Hiring
- Case Studies: The Good Questions, The Bad Questions & and the Really Bad Questions
 - Classified Hiring
 - Academic Hiring
- Ripped from the Headlines!

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Legal Framework

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Federal/State Anti-Discrimination Laws

No Discrimination on Basis of:

- Sex/gender (including gender identity/gender expression)
- Genetic information
- Race
- National origin
- Hair texture/hairstyles associated w/particular race/national origin
- Religious creed
- Color
- Ancestry
- Physical/mental disability, medical condition
- Marital status
- Age
- Sexual orientation
- Military and veteran status

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EEO in California

Proposition 209 (Cal. Const. Art. 1, Sec. 31)*

- Prohibits "preferential treatment" on basis of:
 - Race
 - Sex
 - Color
 - Ethnicity
 - National origin
- In Public:
 - Employment
 - Education
 - Contracting

Legislative Response

- Government Code
 - Identifies lawful, and some **mandatory**, recruitment strategies (GC 7400)
- Education Code
 - Makes funding contingent on "...recruiting, training and advancement opportunities that **will result**" in EEO (EC 87101(c))

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Title 5: Enforcing Regulations

District must:

- Require EEO Plans (Section 53003(a))
- Take steps to eliminate underrepresentation based on protected status (Title 5, § 53006)
 - Compares % of a "monitored" group in a job category with their "projected representation" based on availability in the workforce. Representation below 80% = underrepresentation.
- Implement strategies that demonstrate on-going, institutional commitment to diversity and equal employment opportunity (Title 5, § 53024.1)

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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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DEIA Regulations Revisions

- Requires all employees demonstrate
 - Ability to work with and serve individuals within a diverse community college campus environment
 - Requires employee evaluations to consider proficiency in DEIA competencies or CCCCCO proficiencies

Title 5 § 53425

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DEIA Regulations on Evaluation and Tenure Review

- "Competencies"
 - Skills, knowledge, abilities, and behaviors
 - All employees must demonstrate and utilize in interactions with students and colleagues
 - Performing job duties

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Classification-Specific DEIA Obligations

- Faculty
 - Teaching, learning, and professional practices
- Educational and other Administrators
 - Policies, practices, funding, decision-making, planning, and program review processes
- Staff
 - Promote and incorporate DEIA principles into work

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The Hiring Challenge

- Creating “equal access” requires more than obeying the legal prohibition against discrimination
 - Legally, it includes identifying and correcting underrepresentation;
 - Strategically, it requires deliberate and purposeful action.
- “Affirmative Action” is not illegal under Prop. 209
 - Think of “affirmative action” to mean “purposeful action”;
 - Purposeful action includes a range of lawful strategies.
- Purposeful action is what distinguishes “nondiscrimination” from anti-racism

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Core Principles of Lawful EEO Hiring

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Core Principles

3 Principles for lawful EEO hiring:

1. Protected status of candidates is *never* a factor
2. Infusing a commitment to equity & inclusion into the hiring process **does not** involve lowering standards

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Core Principles

3. Infusing a commitment to equity & inclusion into the hiring process **does** involve preventing institutional bias in decision making:

- Assessing candidates against job-related criteria, including
 - Eliminating irrational (i.e. not job-related) barriers
 - Expanding/updating what is job related

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Lawful Strategies for Promoting Workforce Diversity

Four critical areas:

1. On-going: Workplace/educational environment
2. Pre-recruitment: Update who you are looking for
3. Recruitment
4. Selection Processes

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Examples of Practices

- Redacting applications, e.g.
 - Names
 - Addresses
 - Education state/end dates
 - Educational institution name(s)
- Cluster hiring
- DEIA/equity representative on all screening committees

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The Good Questions, The Bad Questions, & The Very Bad Questions

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Case Study: Classified Hiring

ABC District is a multi-college district with three colleges: Alpha College, Bravo College, and Charlie College. The district office is currently recruiting for an Executive Administrative Assistant to the Vice Chancellor of Administrative Services. The district has identified underrepresentation in its workforce among the Hispanic or Latino and Black or African American populations.

40% of the district's students identify as Hispanic or Latino. Of that 40%, 35% of those students are non-native English speakers. The district is a non-merit district.

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Case Study 1: Classified Hiring

Job Announcement, Representative Duties & Qualifications

The job announcement for the Executive Administrative Assistant includes the following representative duties:

- "Schedules, arranges and confirms appointments, meetings and conferences and maintains administrator's calendar; arranges travel accommodations"
- "Greetes visitors and answers and directs telephone, screening calls and visitors to the appropriate office; provides information and answers complex questions from students, staff and the general public regarding fiscal service matters, policies and procedure"
- "May assist with preparations for a variety of campus/district activities including convocation, committee meetings, receptions, and special events"

In practice, the Vice Chancellor of Administrative Services Executive Assistant does not regularly interact with students or members of the public.

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Case Study 1: Classified Hiring

Job Announcement, Representative Duties & Qualifications (cont.)

The job announcement also lists the following required and preferred qualifications:

- Prior California CCD experience required
- 15 years secretarial experience required
- Native Spanish-speaker preferred

Good qualifications, bad qualifications, or really bad qualifications?
Why?

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Case Study 1: Classified Hiring

The Panel Interview

The hiring process for the Executive Assistant position includes two rounds. The first step is a panel interview with the screening committee formed for this particular recruitment. The screening committee includes 5 district and college employees: the executive assistants to the Chancellor and one college president; the Director of Fiscal Services; a Budget Analyst; and the Vice President of Human Resources.

The screening committee prepares 10 interview questions to ask the candidates who will participate in the first round interviews. All of the candidates who the committee will interview will have met the MQs for the position.

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Case Study 1: Classified Hiring

The Panel Interview

Ten applicants meet the MQs and are offered interviews. Prior to the interview, the committee agreed that the top 3 candidates will move forward to the final round of interviews. The committee will use a scored ranking system to assess the applicants. Each committee member will individually rank the candidates' answers to 10 questions using a 1-10 scoring system. The average rating among the 5 screeners will serve as the candidate's "final score."

During the panel interview, the committee asks each candidate, "As an Executive Assistant, you will wear a lot of different hats. Can you give me an example of a time you had to prioritize certain projects over others, and how you managed them?"

**Good question, bad question, or really bad question?
Why?**

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Case Study 1: Classified Hiring

Screening for the Second Round

After the Screening Committee scores the 10 candidates, the top 5 scores are: (1) 95, (2) 93, (2) 93, (4) 92, and (5) 83. Several Committee members suggest that the Committee move the top 4 candidates forward, even though they had previously agreed to only move forward the top 3 candidates.

How would you handle?

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Case Study 1: Classified Hiring

The Final Interview

The Vice Chancellor of Administrative Services interviews the finalists. Unlike the Screening Committee, the Vice Chancellor does not prepare questions ahead of time. The Vice Chancellor conducts the interviews one-on-one with each candidate, without asking any other employee to sit in on the interview.

Good process? Bad Process? Why?

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Case Study 1: Classified Hiring

The Final Interview

During the Vice Chancellor's interviews of the finalists, he shares with each candidate:

"If you've made it this far in the recruitment process, you are clearly qualified for the position. The purpose of this interview is more about fit. I rely on my executive assistant a lot. My executive assistant will be copied on a lot of confidential communications. I need to make sure that you will always have my back. Do you think that is something you can do?"

Good question, bad question, or really bad question? Why?

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Case Study 2: Academic Hiring

Alpha College is hiring a tenure-track chemistry instructor. The School of Mathematics and Sciences currently has 15 full-time instructors and 30 adjunct instructors. 85% of the instructors identify as male, and 70% of the instructors identify as white. The district, and Alpha College has made it a priority to increase the diversity of the Alpha's Science Department, and particularly would like to hire more women of color to join the faculty.

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Case Study 2: Academic Hiring

Job Announcement, Representative Duties & Qualifications

The job announcement for the tenure-track chemistry instructor includes the following representative duties and qualifications:

- "Provides instruction in a variety of chemistry courses, from entry level chemistry courses to honors level organic chemistry"
- "Collaborates across disciplines and departments to leverage to student support services"
- "Must possess a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students."

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Case Study 2: Academic Hiring

The job announcement also lists the following preferred qualifications:

- Local candidates preferred
- PhD preferred

Good qualifications, bad qualifications, or really bad qualifications?
Why?

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Case Study 2: Academic Hiring

The Screening Committee

The first round interview process for the chemistry instructor also includes the establishment of a screening committee and will consist of two rounds of panel interviews, prepared interview questions, use of ranking system, etc.

The screening committee for the chemistry instructor position is comprised of the Science Department Chair, two tenured chemistry instructors, an adjunct instructor, and an out-of-discipline (English) tenured instructor. The committee institutes the following screening step: "Eliminate all applications with spelling or grammatical errors."

Good screening criteria? Bad? Why?

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Case Study 2: Academic Hiring

The Panel Interview

The screening committee interviews 8 candidates for the chemistry instructor position. During the panel interviews, in order to get the candidates more comfortable with the interview, they begin each interview by asking the following question:

"Tell us a bit about yourself. Where did you grow up? Are you close with your family? What do you like about the community that you're currently living in?"

Good questions, bad questions, or really bad questions?
Why?

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Case Study 2: Academic Hiring

The Second Interview Round Panel

The Hiring Manager (Dean of School of Math and Sciences), Alpha College's Vice President of Student Services, and Alpha College's Vice President of Academic Services, serve on a panel for the second/final round of interviews. This Panel will interview the top 3 candidates identified by the Screening Committee. This panel will then make a recommendation to the College President about which candidate to hire.

The Panel poses the following hypothetical to each of the finalists:

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Case Study 2: Academic Hiring (cont.)

The Second Interview Round Panel (cont.)

"Alpha College has a large military and veteran student population. How would you handle the follow situation:

You are teaching an in-person Organic Chemistry course. You have a student who you know is a veteran. The student vet comes to class on time, participates in lecture, and seems to get a long well with their classmates. About a month into the semester, you observe the student vet acting agitated – they can't sit still in their seat and are constantly tapping their pencil on the desk. You ignore it at first, but then they yell at a classmate when the classmate interrupts the student vet when they are trying to answer your question. On another occasion, the student vet gets up from their seat and storms out of the room. This behavior frightens you, and seems to frighten the other students. How would you handle a situation like this?"

Good question, bad question, or really bad question?

Why?

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Case Study 2: Academic Hiring

The Final Recommendation

The members of the Second Round Interview Panel all agree that the best candidate for the job is a Hispanic female with a masters degree. She has an impressive work history and a background working with diverse student populations. A white male who is over 40 years old and who has a doctorate, also interviews with the panel. While he is an impressive candidate as well, the panel is less impressed with his teaching demonstration.

The panel wants to recommend that the College President make an offer to the Hispanic female candidate, but is worried the candidate with the doctorate will sue the district if Alpha College does not hire him.

What could the college have done in the pre-recruitment process to protect against a potential lawsuit?

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Thank You!

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