

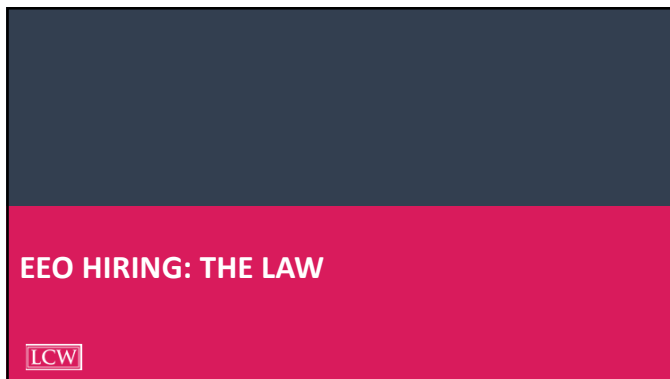
Promoting Workforce Diversity, Equity & Inclusion: The Role of the EEO Advisory Committee

Ventura Community College District | January 15, 2021

Presented By: *Laura Schulkind*







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**Legal Snapshot:
CCDs & Employment Discrimination**

- Overview:
 - Prohibition against employment discrimination isn't new
- **What constitutes unlawful discrimination has changed:**
 - Equal opportunity → Equal treatment
 - ... *but*
- **Expected results have not changed:**
 - Build a diverse workforce
 - Eliminate underrepresentation of protected groups

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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 (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*

- 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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Prop 209 & The Courts*

- Targeted recruitment = unlawful preference

**Hi-Voltage v. City of San Jose*
Connerly v. State Personnel Board

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**Prop 209:
Legislative Response**

- Recruitment may include:
 - “Focused outreach and recruitment” of women and minorities*
 - Outreach that “should result” in diversification**

*Gov. Code 11139.6(a)(1)
**Gov. Code 11139.6(d)

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**Prop 209:
Legislative Response**

- General recruitment includes*:
 - General circulation media
 - Local/Regional media
 - Non-English media
 - Directed to women, minorities low income groups
 - General-market job fairs
 - Job fairs with high participation of women/minorities
 - Personal contacts

*Gov. Code 11139.6(e)

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**Prop 209:
Legislative Response**

- Recruitment *must* include:
 - Outreach to economically disadvantaged*

*Gov. Code 11139.6(a)(3)

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Poverty is not a protected status. Poverty and race are connected.

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**Prop 209:
Legislative Response**

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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Education Code - refers to EEO Funds

**EEO In California &
Regulatory Enforcement**

- Title 5 Regulations require:**
 - EEO Plans.*
 - Hiring procedures
 - That districts to take steps to eliminate underrepresentation based on protected status.**
- State Chancellor Enforcement:**
 - Established EEO Model Plan
 - Annual report of multiple methods to promote equity & diversity & failure can result in loss of EEO funds

*Section 51010, et seq.
**Section 53006

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**State Chancellor:
EEO Model Plan Components**

- Introduction*
- Definitions*
- Policy Statement*
- Delegation of responsibility/authority to implement & enforce EEO Plan
- EEO Advisory Committee Role*
- Complaint procedures
- Process for notifying employees of EEO Plan
- Process for training all employees who participate on screening or selection committees

*Not required, but recommended in Chancellor Model Plan

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EEO Plan Components (Con't)

9. A process for providing annual written notice to community-based & professional organizations.
10. A process for providing annual written notice to community-based and professional organizations
11. A process for gathering information, including longitudinal analysis of the district's employees and applicants
12. Analysis of availability data, if provided by the State Chancellor
13. Methods for addressing any underrepresentation identified pursuant to paragraph (7) of this subdivision

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EEO Plan Components (Con't)

The heart of the EEO Plan:

14. A process for developing and implementing strategies, as described in section 53024.1, *that demonstrate on-going, institutional commitment to diversity and equal employment opportunity.*

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Developing and Maintaining Institutional Commitment to Diversity*

*§ 53024.1.

- Key premises:
 - Establishing/maintaining a diverse workforce is an on-going process
 - Appropriate steps depend on the unique circumstances of each institution
- Key requirements:
 - Districts shall locally develop & implement indicators of institutional commitment to diversity
 - Sustained effort
 - No specific steps are mandated
 - unless required by State Chancellor

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Developing and Maintaining Institutional Commitment to Diversity*
*§ 53024.1.

May include, but not limited to:

- Conducting campus climate surveys & using this information
- Conducting exit interviews & using this information
- Providing training to employees, students & trustees
 - elimination of bias in hiring and employment,
 - cultural awareness
 - discrimination/harassment prevention
- Maintain programs to support newly-hired employees

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Student training?

Developing and Maintaining Institutional Commitment to Diversity*
*§ 53024.1.

May include, but not limited to (Con't):

- Maintain updated job descriptions and job announcements.
- Timely and thoroughly investigate all harassment & discrimination complaints & take appropriate corrective action in all instances where a violation is found.
- Convey in publications and website the district's commitment to diversity & EEO

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Developing and Maintaining Institutional Commitment to Diversity*
*§ 53024.1.

May include, but are not limited (Cont'd):

- Conveying commitment to diversity & inclusion in district mission statement,
 - Including recognition that a diverse workforce promotes educational goals and values.
- Assess "sensitivity to diversity" of all applicants
- Providing EEO/diversity enhancement resources and assistance to other districts
- Maintaining updated curricula, texts, and/or course descriptions

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Developing and Maintaining Institutional Commitment to Diversity*
*§ 53024.1.

May include, but are not limited (Cont'd):

- Addressing diversity issues in a transparent and collaborative fashion
- Surveying applicants who decline offers & using the information
- Conducting longitudinal analysis of various employment events by monitored group status such as: hiring, promotion, retention, voluntary resignation, termination, and discipline

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State Chancellor: Regulatory Enforcement

Multiple Method ALLOCATION model*

- EEO Fund disbursement contingent on meeting “multiple methods of measuring success”
- 9 “multiple methods” set by CCCCC
- Districts must have:
 - EEO Advisory Committee & EEO Plan (MM # 1)
 - A minimum of 5 of remaining 8 MM
- Annual certification to CCCCC required

*§ 53030(b)

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State Chancellor: Multiple Methods

Pre-Hiring

1. District's EEO Advisory Committee and EEO Plan
2. Board policies & adopted resolutions
3. Incentives for hard-to-hire areas/disciplines
4. Focused outreach and publications

Hiring

5. Procedures for addressing diversity throughout hiring steps and levels
6. Consistent and ongoing training for hiring committees

Post-Hiring

7. Professional development focused on diversity
8. Diversity incorporated into criteria for employee evaluation and tenure review
9. Grow-Your-Own programs

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Policy Behind 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

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Policy Behind the Law

- 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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LEGALLY COMPLIANT STRATEGIES FOR ADDRESSING UNDERREPRESENTATION & PROMOTING WORKFORCE DIVERSITY



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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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Lawful Strategies For Promoting Workforce Diversity

Four basic areas:

1. **On-going: Workplace/educational environment**
 - Create workplace environments attractive to nontraditional candidates, so they come...and stay
2. **Pre-recruitment: Update who you are looking for**
 - Exclude irrational barriers. Ask: is this desirable qual. a reliable predictor of performance?
 - Include *job-related* criteria that value current/global "KSAs"

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Lawful Strategies For Promoting Workforce Diversity

Four basic areas (Con't):

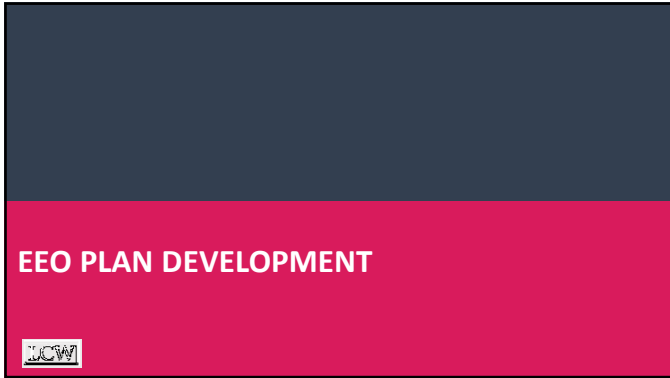
3. **Recruitment**
 - Implement recruitment strategies designed to build diverse, qualified applicant pools
4. **Selection Processes**
 - Use diverse, well-trained, curious hiring committees
 - Implement hiring procedures designed to "interrupt" unconscious bias in the decision-making process

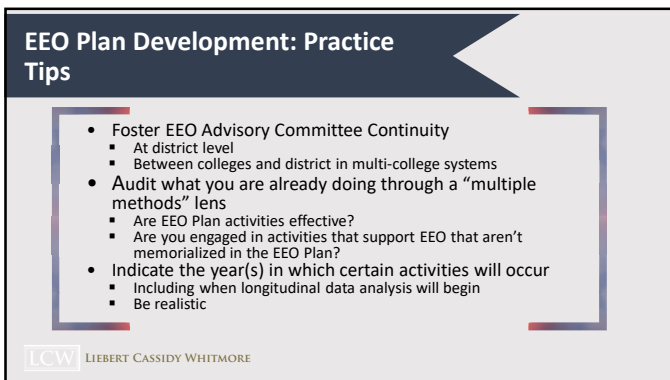
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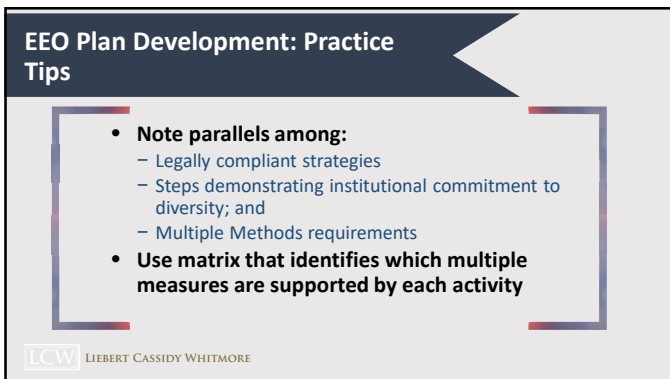
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- Foster EEO Advisory Committee Continuity
 - At district level
 - Between colleges and district in multi-college systems
- Audit what you are already doing through a "multiple methods" lens
 - Are EEO Plan activities effective?
 - Are you engaged in activities that support EEO that aren't memorialized in the EEO Plan?
- Indicate the year(s) in which certain activities will occur
 - Including when longitudinal data analysis will begin
 - Be realistic



- **Note parallels among:**
 - Legally compliant strategies
 - Steps demonstrating institutional commitment to diversity; and
 - Multiple Methods requirements
- **Use matrix that identifies which multiple measures are supported by each activity**

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INFORMATION FOR ASSESSING AND DEVELOPING EEO PLAN COMPONENTS

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Promote an Inclusive Work Environment

Why?

- To improve applicant pools (pre-hiring)
- To improve employee retention(post-hiring)

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Promoting an Inclusive Work Environment

Requires:

- Leadership & “buy-in” at the top
 - Boards
 - Chancellors
 - Presidents
 - Visible support for diversity and inclusion
- Equity-mindedness
 - Institutional commitment – at all levels
 - Unions
 - Senates

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Promoting an Inclusive Work Environment

- Institutional commitment:
 - Community wide “buy-in” essential for success
 - Ensure input from all stake holders
 - Utilize “principles” of participatory governance
 - Inter-departmental collaboration—H.R and academic departments
 - See classified service as an essential partner

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Promoting an Inclusive Work Environment

- Inclusive work cultures and retention
- Mentoring programs
- Opportunities for growth
- Leadership opportunities
- Environments within colleges, campuses, departments
- Access

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Pre-Recruitment Efforts: Update Job Descriptions / Announcements

- Hiring process should include updating:
 - Do the “KSAs” need to be updated?
 - How do issues of diversity impact this work?
 - What job-related criteria value/attract diverse candidates?
 - What job-related criteria assess “sensitivity to diversity...?”
 - Who are the students served and what are their needs?
 - Do the preferred criteria include irrational barriers (i.e. unreliable predictors of performance) that will tend to reduce pool diversity?

How can EEO Plans institutionalize & support this practice?

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Pre-Recruitment Efforts: Update Job Descriptions / Announcements

- For example:
 - Valuing currency of knowledge may facilitate building a more diverse, qualified pool
 - Valuing current knowledge gives those more recent to the field the opportunity to shine.
 - Diversity increases among those more recent to the field.
- *Note: this does **not** mean valuing *younger* candidates.

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Pre-Recruitment Efforts: Update Job Descriptions / Announcements

- For example, in faculty context:
 - Global perspective is consistent with CCD mission
 - Ask: Is global perspective evident in how jobs are defined and knowledge/skills required?
 - If not: reexamine curriculum, programs, majors, etc.
- * **Note**: this will both improve work culture and may diversify pool of qualified candidates.

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Pre-Recruitment Efforts: Update Job Descriptions / Announcements

- Make assessment of candidate's "sensitivity to diversity" more robust
 - Tailor assessment to each job
 - Treat as a required job qualification
 - Assess in multiple ways
 - Written application
 - Specific questions
 - As part of a response to multiple questions
 - Respectful engagement of the (diverse) hiring committee

How can EEO Plans institutionalize & support this practice?

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Recruitment Strategies

- **The Goal:**
 - Create highly qualified, diverse applicant pools
 - From which you hire most qualified candidate—without regard to protected status

How can EEO Plans institutionalize & support this practice?

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Recruitment Strategies

- Add to (don't replace) traditional avenues
- Connections to institutions & organizations that support underrepresented groups
- Personal connections with career centers
- Groom your own students
- Make district attractive to nontraditional applicants
- Use demographic data
- Assume a buyer's market

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Strategies for Eliminating Bias in Hiring Decisions

- **Two related & necessary approaches:**
 1. Hiring Committees that are:
 - Diverse
 - Well trained
 2. Procedures that "interrupt" unconscious bias of committees & decision makers

How can EEO Plans institutionalize & support this practice?

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