



EQUAL EMPLOYMENT OPPORTUNITY

TRAINING

MISSION STATEMENT

Cuesta College is an inclusive institution that inspires a diverse student population to achieve their educational goals.

We effectively support students in their efforts to improve foundational skills, earn certificates or associate degrees, transfer to four-year institutions, and advance in the workforce.

Through innovative and challenging learning opportunities, Cuesta College enhances lives by promoting cultural, intellectual, personal, and professional growth. We prepare students to become engaged citizens in our increasingly complex communities and world.



FEDERAL LAWS

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color; or national origin in any program or activity receiving Federal financial assistance.

Title VII of the Civil Rights Act of 1964 prohibits discrimination in employment on the basis of race, sex, national origin, and religion. It is also unlawful under the Act for an employer to take retaliatory action against an individual for opposing employment practices made unlawful by the Act or for filing a discrimination charge or for testifying, assisting, or participating in an investigation, proceeding or hearing under this Act.

Equal Pay Act of 1963 prohibits discrimination on the basis of sex. It requires that employers pay similarly situated employees the same wage, regardless of sex.

Section 504 of the Rehabilitation Act of 1973 protects people from discrimination in admission, employment, treatment or access based on disability in any program or activity receiving Federal financial assistance.

Age Discrimination in Employment Act of 1967 protects individuals who are 40 years of age and older from discrimination in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment.

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in education programs or activities and extends to employment and admission in any program or activity receiving Federal financial assistance.

Genetic Information Nondiscrimination Act of 2008 prohibits the use of genetic information when making hiring, firing, job placement or promotion decisions.

Title I of the Americans with Disabilities Act of 1990 as Amended prohibits employment discrimination against qualified individuals with disabilities by employers with 15 or more employees.

STATE LAWS AND REGULATIONS (I)

California Fair Employment & Housing Act, Calif. Government Code 12900, et seq., prohibits discrimination in employment on the basis of age (40 and over), ancestry, color, religious creed (including religious dress and grooming practices), denial of Family and Medical Care Leave, disability (mental and physical) including HIV and AIDS, marital status, medical condition (cancer and genetic characteristics), genetic information, military and veteran status, national origin (including language use restrictions), race, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy), gender, gender identity and gender expression, and sexual orientation.

STATE LAWS AND REGULATIONS (2)

California Government Code Sec. 11135 – 11139.5 prohibits discrimination against any person or denial of benefits on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information or any mental or physical disability under any program that is funded directly by the State or receives any financial assistance.

California Education Code § 66010.2 – Institutions of public education shall provide educational opportunity and success to the broadest range of California citizens, and shall provide the following:

- Access to education
- Quality teaching and programs of excellence
- Educational Equity

California Education Code § 87600 – applicants for academic and administrative positions must demonstrate sensitivity to and understanding of the diverse academic, socioeconomic, cultural and ethnic backgrounds of community college students.

California Education Code § 66030 – It is the intent of the Legislature that public higher education in California strive to provide educationally equitable environments that give each Californian, regardless of age, economic circumstance, or the characteristics listed in section 66270, a reasonable opportunity to develop fully their potential.

Chapter 4.5 of Part 40 of Title 3 – It is the policy of the State of California to afford all persons, regardless of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other basis that is contained in the prohibition of hate crimes set forth in subdivision (a) of Section 422.6 of the Penal Code, equal rights and opportunities in the postsecondary educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefor.

DISTRICT POLICIES

BOARD POLICIES & ADMINISTRATIVE PROCEDURES

- BP/AP 3420 Equal Employment Opportunity
- BP/AP 7120 Faculty Hiring
- BP/AP 3410 Nondiscrimination
- BP/AP 3435 Discrimination and Harassment Complaints and Investigations

DOCUMENTS

- Cuesta College Classified United Employees Collective Bargaining Agreement
- District Equal Employment Opportunity Plan
- District Diversity Statement



ROLES OF COMMITTEE MEMBERS

CONSISTENCY & FAIRNESS

The role of all committee members is to ensure that every applicant is provided the same opportunity, is evaluated in the same manner, and treated equitably throughout the full hiring process.

DUTIES OF ALL COMMITTEE MEMBERS

- Maintain confidentiality.
- Help each other recognize and overcome bias.
- Consistent and fair evaluations of all candidates and materials. Recommendations are based solely on the job description, requirements, and candidates' application materials/interview(s).
- Be a respectful and active committee member.

ROLE OF COMMITTEE CHAIR

- Facilitate all meetings.
- Ensure all tasks are completed.
- Provide opportunity for each committee member to have their voice heard.

ROLE OF EEO REPRESENTATIVE

- Disrupt conversations that counter EEO rules and regulations.
- Document each meeting
- Ensure each applicant is discussed appropriately
- Provide summary of deliberations



BEST PRACTICES IN HIRING EQUITABLE SCREENING AND INTERVIEWING



THINGS TO CONSIDER TO INCREASE EQUITABLE HIRING:

- Committee Makeup
- Interview Questions
- Job Announcements/Language
- Places of Advertisement
- Patterns of Hiring for Department
- Investment of time
- Well-defined criteria/rubric prior to reviewing applicants

BEHAVIORAL INTERVIEWING

- 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 position
- Focuses on practical application vs. theory (hypothetical)
- Reduces bias and ambiguity

FOLLOW-UP QUESTIONS (AND WHEN THEY ARE ALLOWED)

Must be directly related to the original question.

Must be directly related to something stated by the candidate in their answer.

Assist committee members with specific information, and helps minimize exaggerations and limit generalizations.

CONFIDENTIALITY

Committee Members can:

- Discuss recruitment during committee meetings
- Send job announcement to specific groups
- Provide general information about the position

Committee Members cannot:

- Discuss recruitment with candidates, others outside of committee meetings
- Provide information to potential candidates that would not be public/common knowledge
- When in doubt, contact HR

CONFLICT OF INTEREST

Clear Conflict (committee must recuse themselves)

- Candidate is close friend or relative
- Committee member has personal or inside knowledge that would influence other members of the committee
- Dislike/disdain or admiration of a candidate that committee member cannot remain impartial
- Financial interest in the applicant

Potential Conflict (increased possibility of bias)

- Know the candidate prior to the committee
- Worked with the candidate previously
- Attended a conference/workshop/seminar together
- Currently work with the candidate
- Work friends
- Spend time with the candidate socially
- Distantly related

INTERNAL CANDIDATES

Special care must be taken when the candidate pool includes an internal candidate.

- Internal candidates should conduct themselves as if they did not know anyone on the committee.
- The committee should remove any knowledge of an internal candidate when conducting screening and rate them **only** based on their application materials and interview.
- The Committee Chair should remind the committee prior to the interview.

BEST PRACTICES

- All selection criteria are based on the overall job requirements.
- Tests and tools should be validated on content, criterion, and construct validity.
- Standardized questions and ratings.
- Competency based questions and ratings.

SCENARIO I

During a meeting to select for a classified position in Financial Aid, a member of the committee is explaining their scoring of a particular candidate. The committee used a defined rubric and had set definitions for each criteria in order to have a shared understanding of the expectations of this position.

Two candidates have similar experience, but the committee member gave one of the candidates 5 (the maximum) more points than the other in the knowledge, skills and abilities section. The committee member states that this is because the candidate submitted materials that were grammatically correct.

Was this correct?

Why or why not?

SCENARIO 2

During a deliberation for a management position, three committee members are advocating for Candidate A and three committee members are advocating for Candidate B. The committee has seven members. The seventh committee member states they will “support the decision of the hiring manager” and abstains from making a recommendation.

The committee has already selected three other candidates to move forward to a second interview. They interviewed a total of six candidates. The committee is hesitant to recommend five. Candidate A and Candidate B have overall scores that are one point apart, their screening scores were similar and their interviews were very close.

What should the committee do? Is there anything else you would recommend based on the information above?



DIVERSITY, EQUITY, INCLUSION

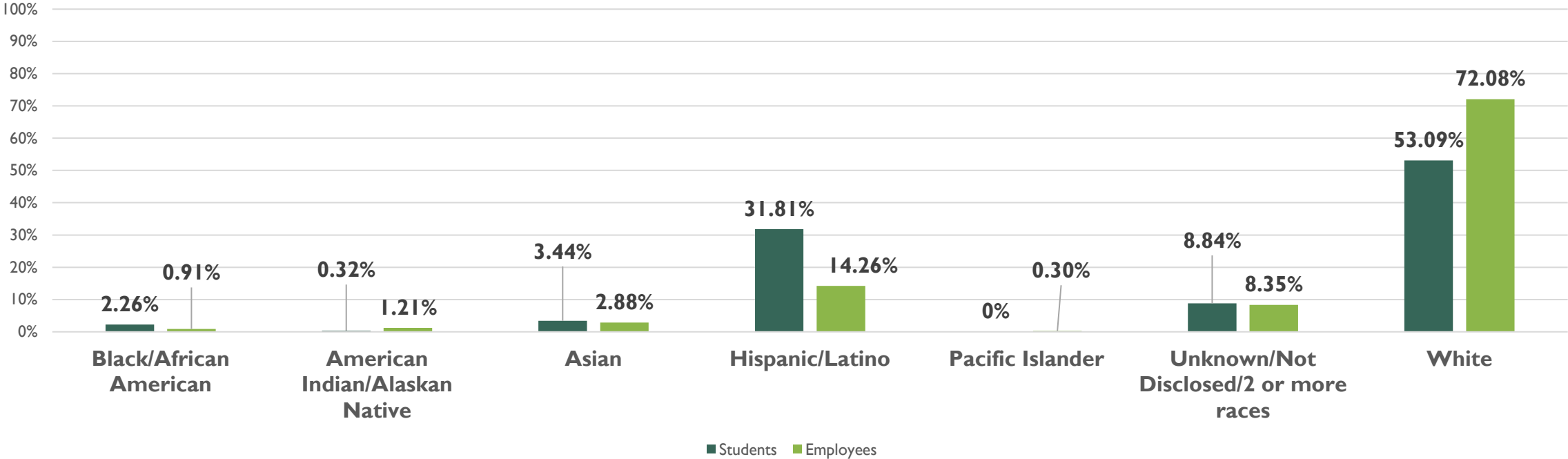
IMPLICIT BIAS



DEMOGRAPHICS

STUDENT NUMBERS – FALL 2021 (9,234); EMPLOYEE NUMBERS – FALL 2022 (659)

Demographics



“IMMACULATE PERCEPTION” JERRY KANG TEDX TALKS



<https://www.youtube.com/watch?v=9VGbwNI6Ssk>

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, physical and mental disability.



EQUITY

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



INCLUSION

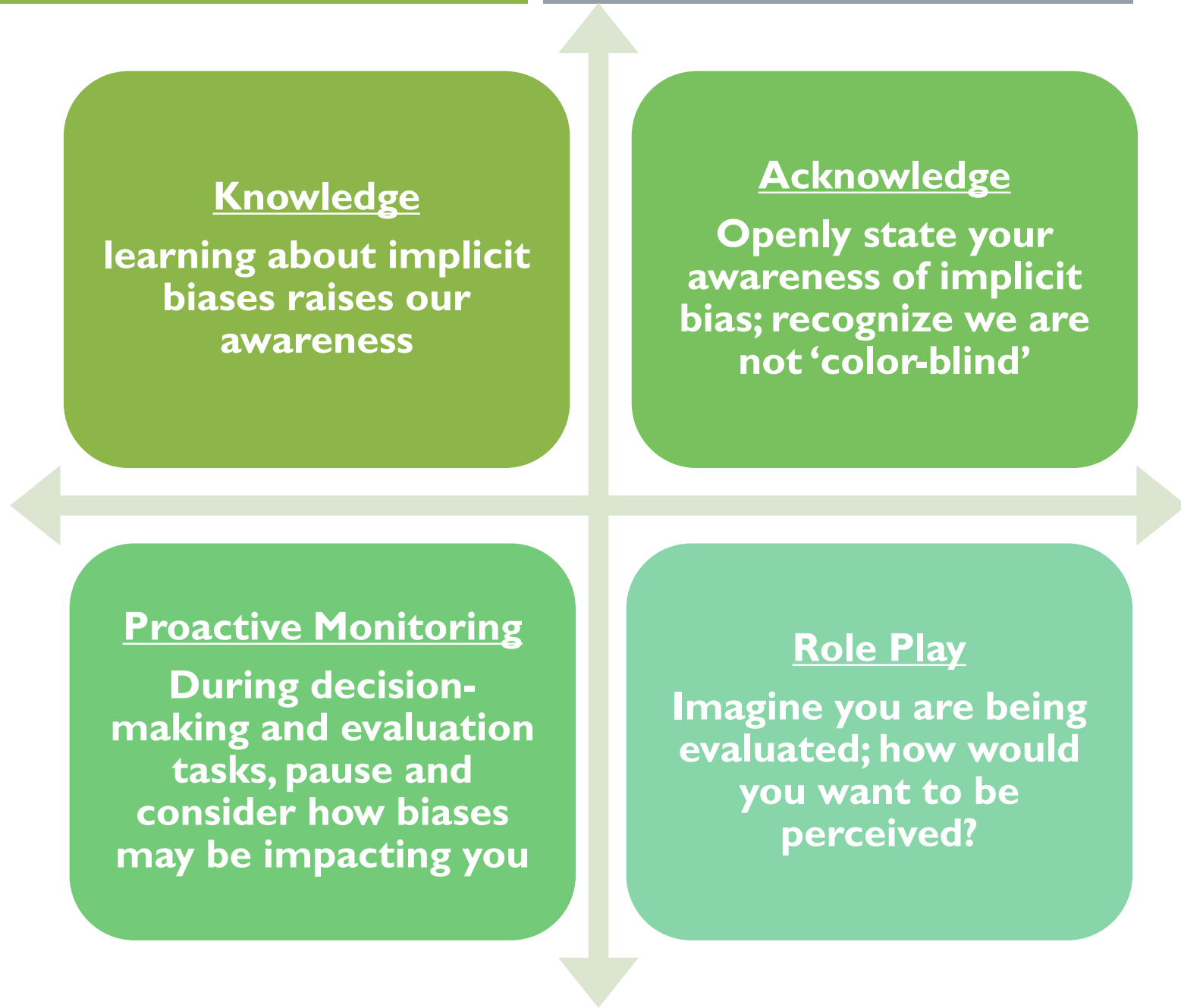
Inclusion builds a culture of belonging by actively inviting the contribution and participation of all people.



“Inclusion and fairness in the workplace . . . is not simply the right thing to do; it's the smart thing to do.
~Alexis Herman

MANAGING OUR OWN BIASES

*HOW CAN WE
LIMIT THE IMPACT
OF BIASES?*



MANAGING OUR OWN BIASES

- Am I reacting the same to each candidate when they have similar responses?
- Am I responding to each candidate consistently?
- What is the basis for my positive/negative response?

LANGUAGE TO DISRUPT IMPLICIT BIAS

Bias Statement

This person is not the right fit.

This person does not have (enough) California Community College experience.

Person A worked at XX Community College. They have a really strong program, so Person A would be really qualified for this job.

This person has no experience doing _____. The other person does.

Interrupting Questions

What aspect of the job requirements and duties does fit relate to? Please explain.

Is this a required or desired qualification? How does that experience directly impact the job's function?

Are we valuing this qualification equally among all candidates?

We need to consider the qualifications of the person, not the program.

“BIAS INTERRUPTERS” JOAN C. WILLIAMS, 2016

Prove-It-Again groups are often women, people of color, individuals with disabilities, older employees, LGBTQIA+, and migrants with blue-collar backgrounds

- **“We applied the rule – until we didn’t.”** Rigorous compliance with rules but leniency towards others, commonly are men.

Tightrope is a narrower range of workplace behavior that is often accepted from women and people of color.

- **“Direct and assertive – or angry and abrasive?”** Behavior typically accepted and regarded as admirably direct, competitive, and assertive with men are seen as inappropriate as angry, tactless, and difficult.

“BIAS INTERRUPTED” CONTINUED

Parental Wall can impact employees without children, mothers and fathers.

- **“Gaps in her resume.”** It’s important to be consistent when reviewing documents. If points are not removed for military service then they should not be removed for taking time off with children.

Tug of War is bias that can exist within underrepresented groups.

- **“Strategic distancing and the loyalty tax.”** Distancing oneself from others in their same underrepresented group or aligning with the majority.

BENEFITS OF A DIVERSE WORKFORCE

Increases our adaptability to changes in market, demographics and availability of resources.

Helps build community and sense of belonging.

Fosters mutual respect and teamwork.

Challenges stereotyped preconceptions.

Helps students and employees learn to communicate effectively.

Encourages critical thinking.



SCENARIO 3

A tenure-track faculty selection committee is split between two candidates. Each candidate has a Master's degree and five years of teaching experience. One of the candidates (Candidate A) mentioned they have a speech impediment that was obvious to the committee. The other candidate (Candidate B) mentioned they prioritize their family and has selected Cuesta College to apply because it is rumored that Cuesta is a "family friendly" work environment.

A committee member states, "students will have a difficult time understanding Candidate A." Another committee member states, "Candidate B needs to figure out their priorities and will they accept the position when they find out some of their courses are in the evening?"

Are these comments appropriate when determining which candidate to move forward to a second interview? Why or why not?

As a member of the committee how do you respond to each of these statements? Please explain.

CONCLUSION

- We are all responsible for equity in hiring.
- We are all responsible for ensuring all candidates have Equal Employment Opportunity.



QUESTIONS?

