

Marin Community College District

# Elimination of Bias in Hiring and Employment

---

NEKODA HARRIS, EXECUTIVE DIRECTOR OF HUMAN RESOURCES

MIA ROBERTSHAW, GENERAL COUNSEL

AUGUST 14, 2023

MATERIALS ADAPTED FROM THE HUMAN RESOURCES DEPARTMENT'S SCREENING COMMITTEE TRAINING AND A 2018 TRAINING CO-PRESENTED WITH DR. STORMY MILLER SABIA

# Agenda

---

- Setting the Stage
- Understanding Equity
  - Educational Benefits of Workforce Diversity
- Embedding Equity in Hiring/Employment
  - Equal Employment Opportunity Plan
  - Equal Opportunity Employment Laws & Policies
- The Elimination of Bias in Hiring Decisions and Best Practices in Serving on a Screening Committee
  - The Hiring Process



# Setting the Stage

---

# Understanding Equity

---

# Definitions

Select the option that best defines the term.

---

## EQUITY

- A. Treating everybody the same way.
- B. Treating people as human beings and ignoring their social identities (race, class, gender, etc.).
- C. Addressing people individually, acknowledging their struggles, and getting them the resources they need.
- D. Asking people for their opinions before making decisions.

# Definitions

Select the option that best defines the term.

---

## EQUITY

- A. Treating everybody the same way.
- B. Treating people as human beings and ignoring their social identities (race, class, gender, etc.).
- C. Addressing people individually, acknowledging their struggles, and getting them the resources they need.
- D. Asking people for their opinions before making decisions.

# Definitions

Adopted by College of Marin

---

## EQUITY

Equity is “...recognizing the historical and systemic disparities in opportunity and outcomes and providing the resources necessary to address these disparities.”

-Education Trust-West, adopted by COM for its Educational Master Plan (2019-2025) and other strategic and implementation purposes.

# Definitions

Adopted by College of Marin

---

## EQUITY-MINDED

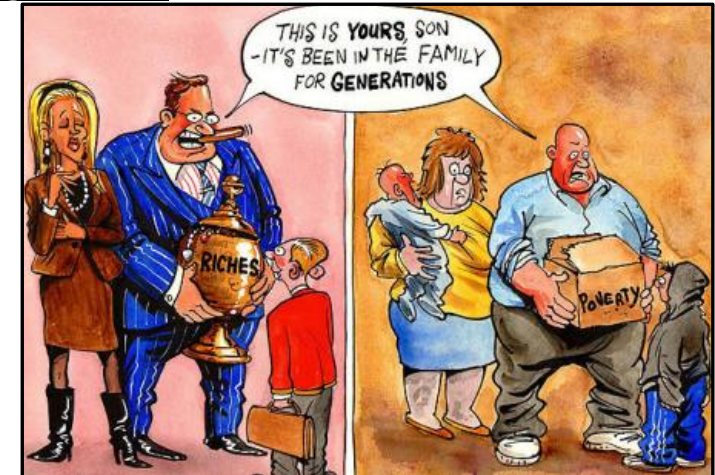
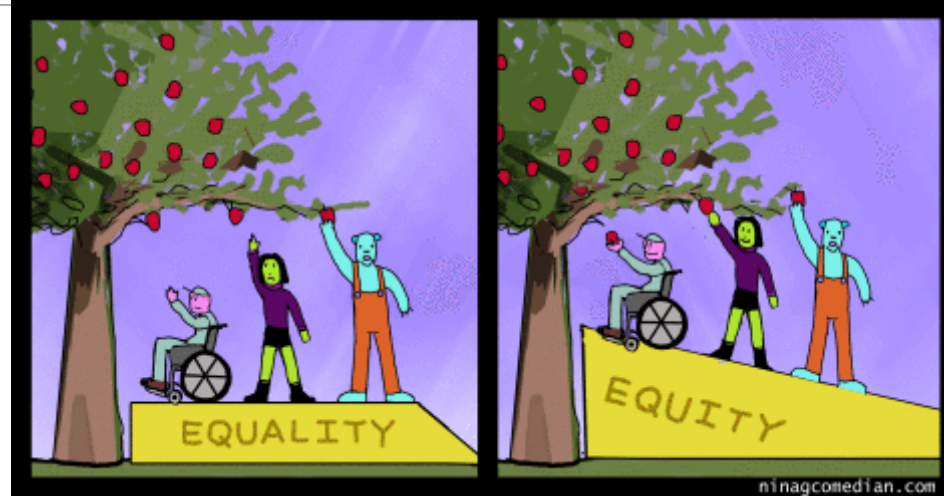
“Equity-minded” means the perspective or mode of thinking exhibited by practitioners who call attention to patterns of inequity in student outcomes. These practitioners are willing to take personal and institutional responsibility for the success of their students, and critically reassess their own practices. It also requires that practitioners are race-conscious and aware of the social and historical context of exclusionary practices in American education.

-COM Equal Employment Opportunity Plan (2020-2023)



# Definitions

Difference between Equality and Equity



# Definitions

## Why is Equity Important?

---

- A black child is 4 times more likely to be born into poverty than a white child, a Latinx child is 3 times more likely.
- Black male students are twice as likely to be suspended from school than their white counterparts, black women are three times as likely.
- Gay, lesbian, and bisexual students are twice as likely to be bullied at school and three times as likely to have experienced sexual assault than straight students.
- Students with learning disabilities are three times as likely to drop out of school than their counterparts.

# Definitions

## Why is Equity Important?

---

- 13% of community college students are homeless.
- More than half of all first-generation students (56%) experience food insecurity compared to 45% of students who had at least one parent who attended college.
- Students with mental health disabilities who do not receive assistance are not as successful as their peers, with lower GPAs and higher dropout rates.
- Having a black teacher in 3rd, 4th, **OR** 5th grade reduced the likelihood of a black male student from dropping out of high school by 40 percent. \*82% of public school teachers are white, 7% are black.

# Why do we recruit for diversity?

---

(a) All screening and selection techniques, including the procedure for developing interview questions, and the selection process as a whole, **shall be**:

(2) designed to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which **applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students**. “Meaningful consideration” means that candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position;

*California Code of Regulations, Title 5, Section 53024(a)(2)*

# Definitions

## Diversity and Inclusion

---

**DEFINING TERMS:**

**Diversity:**

Who we are

**Inclusion:**

How we behave

**DIVERSITY.** A condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence and the respectful treatment of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability, and socio-economic backgrounds.

**INCLUSION.** The achievement of a learning or work environment in which all individuals: feel valued, respected and supported; are treated fairly and have equal access to opportunities and resources; and can contribute fully to the organization's success. It is about how we engage successfully in a *diverse* environment.

# Embedding Equity in Hiring/Employment

---

Equal Employment  
Opportunity  
Plan and Advisory Council

---

# Equal Employment Opportunity Plan

---

- The District has an Equal Employment Opportunity Plan (current EEO Plan term 2020-2023).
- The EEO Plan reflects the District's efforts and commitment to achieve EEO in its workforce, academic programs, and activities.
- The District is committed to EEO in its recruitment and hiring policies and practices.
- The District is committed to creating a work environment that is welcoming and affirming, as well as free of bias and discrimination.



# Equal Employment Opportunity Advisory Council

---

- The District has an Equal Employment Opportunity Advisory Council under California Code of Regulations, Title 5, section 53005. The EEO Advisory Council assists the District in implementing the EEO Plan.
- The EEO Advisory Council includes at minimum 2 faculty, 2 classified professionals, 2 administrators, and 2 students. It meets at least four times each fiscal year.
- Executive Director of Human Resources, Nikki Harris, serves as the EEO Officer.

# Equal Employment Opportunity Laws & Policies

---



# Federal Laws

---

## **Title VII of the Civil Rights Act of 1964**

Prohibits discrimination of an applicant or employee on the basis of race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

## **Title VI of the Civil Rights Act of 1964**

Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance.

## **The Americans with Disabilities Act of 1990**

Prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.

# Federal Laws *cont.*

---

## **Age Discrimination Act of 1975**

Prohibits discrimination based on age in programs or activities that receive federal financial assistance, for instance, financial assistance to schools and colleges, provided by U.S. Department of Education.

## **Title IX of the Education Amendments of 1972**

Prohibits discrimination based on sex in education programs or activities which receive Federal financial assistance.



# State Laws

---

## **California Government Code Sections 11135 – 11139.5**

No person in the State of California shall, on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state.

## **California Fair Employment and Housing Act, Government Code Sections 12900 *et seq.***

Prohibits harassment and discrimination in employment because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave.

## **California Education Code Sections 87100 *et seq.***

The Legislature expresses its intent to establish and maintain within the community college districts a policy of equal employment opportunity.

# MCCCD Board Policy 3410

---

## **Nondiscrimination**

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, immigration status, religion, age, family and medical care leave, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth), military and veteran status or because he/she/they is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

# MCCCD Board Policy 3420

---

## **Equal Employment Opportunity**

The Marin Community College District shall assure that effort is made to build a community in which opportunity is equalized and community colleges foster a climate of acceptance with the inclusion of faculty and staff from a wide variety of backgrounds. The District agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, respect, harmony, and suitable role models for all students. Therefore, the District is committed to promoting equal employment through a continuing equal employment opportunity program.

# MCCD Board Policy 7100

---

## **Commitment to Diversity**

The Marin Community College District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success and committed to an inclusive, anti-racist campus culture. The Board of Trustees recognizes that diversity, equity, and inclusion in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students and employees. The Board is committed to hiring and staff development processes that support the goals of equal opportunity as well as diversity, equity, and inclusion and to providing equal consideration for all qualified candidates, and creating an anti-racist academic and employment environment.



# Elimination of Bias in Hiring Decisions and Best Practices in Serving on a Screening Committee

---

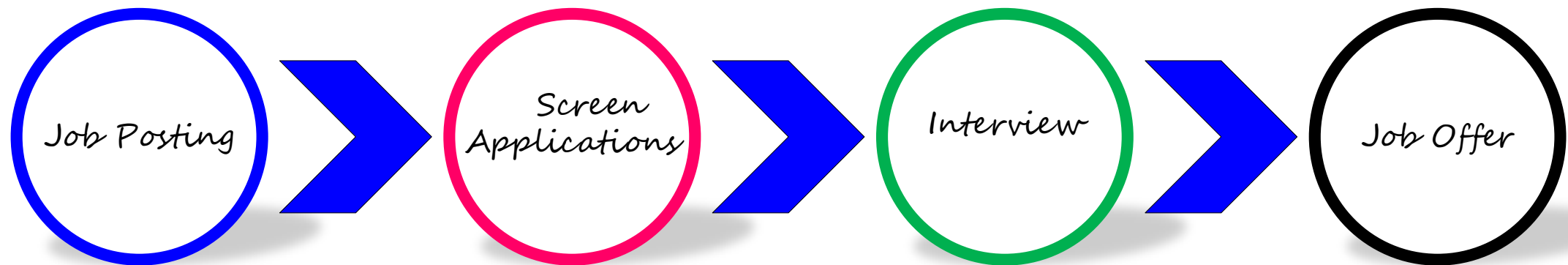
# What is unconscious/implicit bias?

---

- Implicit bias often consists of unconscious tacit attitudes and unintentional actions towards a group which may be in direct conflict with a person's explicit beliefs and values.
- Most implicitly biased actions are performed by people who are not even aware that their actions are biased. Even the most well-meaning and conscientious people have implicit biases.

# The Hiring Process

---



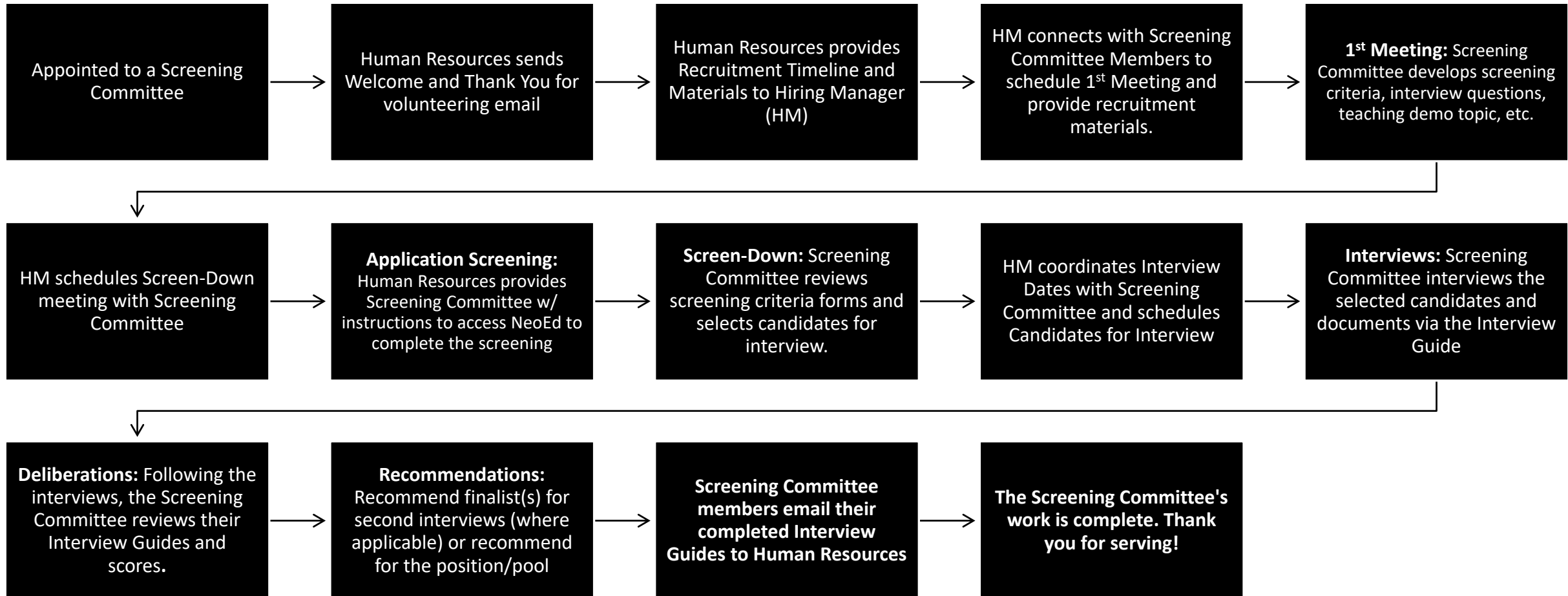
# Typical Steps in the Hiring Process

---

1. Post the position
2. Identify and develop the screening criteria
3. Develop interview questions
4. Screen applications
5. Select candidates to be interviewed
6. Conduct interviews
7. Recommend finalist(s) for second/further interviews
8. Conduct second/further interviews
9. Check references
10. Make a job offer



# Appointed to a Screening Committee, now what?



# “Best of” the BEST PRACTICES

## Screening Applications and Selecting Candidates for Interview:

- Make inclusion a priority
- Ensure that **stated and documented** qualifications are the basis for selection criteria used in the final decision to interview candidates.
- Be as inclusive as possible, **identifying reasons to screen-in candidates, rather than reasons to screen them out.**
- Apply the screening criteria fairly and consistently to all applicants.
- Do not discuss candidates until all screening is completed – maintain confidentiality throughout the screening process.
- Avoid unlawful applicant information such as making a note or writing down the nature of a protective classification or relating to it.
- Remain neutral and objective and eliminate any biases.
- Recognize the common types of unconscious bias

### TYPES OF UNCONSCIOUS BIAS



#### Affinity Bias

Feeling a connection to those similar to us



#### Perception Bias

Stereotypes and assumptions about different groups



#### Halo Effect

Projecting positive qualities onto people without actually knowing them



#### Confirmation Bias

Looking to confirm our own opinions and pre-existing ideas.

# “Best of” the BEST PRACTICES

## Interviewing:

- Be self-aware of your body language (*especially when conducting interviews remote or in-person*)
- Ensure your demeanor creates a welcoming and belonging environment for the candidate. Smile!
- Strike a balance between active note-taking and active listening. While taking good notes is important, so is maintaining **eye contact and engaging in a conversation** that will elicit the information you need to learn.
- Pre-interview and interview locations should be comfortable, free of outside distractions, private, and welcoming.
- At the beginning of the interview, conduct committee introductions and explain the interview process.
- Take notes to summarize the content and delivery of the candidate’s responses and to help remember important details later. Record the candidate’s most important or revealing words/phrases and ensure that notes are professional and non-judgmental; do not record information that does not relate to the candidate’s ability to do the job (e.g., appearance, demographics, personality).
- Avoid unlawful applicant information such as making a note or writing down the nature of a protective classification or relating to it.
- Candidates should leave their interview feeling that the process was handled professionally and that they were treated respectfully. Remember that candidates are interviewing MCCD, too.

# “Best of” the BEST PRACTICES

## Interviewing *cont.*:

- Make the virtual interview experience as similar to the in-person interviews as possible. The interview should include both audio and visual.
- Provide instructions and logistics to the candidate. The meeting invitation should include all of the pertinent details, such as who will initiate the call, the username or link to meeting, and other contact information. Be sure to include the phone number and email address of the individual who can assist the candidate should the interview connection be lost.
- Provide recommendations for the candidate to prepare their surrounding such as sending the **Candidate Zoom Tips** with their Interview Confirmation email. Being clear on these instructions will help avoid potential confusion.
- Please review the document, **Conducting Virtual Meetings/Interviews: Guidelines for Screening Committee**, for additional best practices and guidelines to help maximize the effectiveness of the virtual/remote interview experience for both parties.
- If a candidate offers information related to race, gender, disability, etc., committee members should redirect the candidate.



# “Best of” the BEST PRACTICES

## Deliberations & Recommending Finalists:

- Discuss and document each candidate’s strengths, areas for concern, and areas for further exploration (do questions remain that could be answered in a subsequent interview?)
- Ensure that the candidates’ **stated and documented** qualifications are the basis for selecting finalists
- Respect other committee members’ input during deliberation
- Speak up if concerns arise about the process
- Use a consensus approach
- Remember that the committee is not *hiring* the individual(s) – it is ***recommending finalists for hiring consideration*** by the Hiring Manager, President (or President’s designee)
- **Continue to maintain confidentiality even after the recruitment and forever!**

# How can we overcome bias and change the numbers?

---

## ➤ **Ensure best practices for hiring**

- Put equity front and center in the hiring process
- Remove unnecessary job requirements
- Recruit a diverse applicant pool
- Set criteria before reviewing resumes and interviews
- Structured interviews
- Diverse screening committees
- Faculty diversity internship program
- Teach faculty and staff cultural competence
- Screening committee training
- Understand nondiscrimination laws and EEO
- Understand Bias
- **Challenge Yourself**
  - Question your first impression
  - Justify your decision
  - Make others justify decisions

## ➤ Make decisions collectively

Be aware of any biases you may have in your evaluation of the person. Is the candidate being evaluated only on job related criteria, or are other personal or cultural factors influencing your decision?

- Skin color
- Gender
- Age
- Appearance
- Facial expressions
- Eye contact
- Movement
- Personal space

# Questions

---

Thank you for your participation!

Thank You!  
😊