



EQUAL EMPLOYMENT OPPORTUNITY REPRESENTATIVE TRAINING

San Jose- Evergreen Community College District

What Is Equal Opportunity Employment?

- ▶ It means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Also involves creating an environment which fosters cooperation, acceptance, democracy, and free expression and is welcoming to men and women, persons with disabilities and individuals from all ethnic and other protected groups.

- ▶ Title 5, Sect. 53001



TRAINING TAKE-AWAYS



1. Benefits of Workforce Diversity
2. The Laws
3. Candidates with Disabilities
4. Duties of an EEO Representative
5. The Screening Committee Process

PART 1: The Benefits of Workforce Diversity

Benefits

- Brings us together rather than dividing
- Improves retention
- Impacts positively on attitudes toward racial issues
- Promotes tolerance
- Challenges stereotypes and broadens perspectives
- Improves thinking skills
- Prepares us to better compete in diverse environments
- Improves collaborative problem-solving skills



PART 2: The Laws



Federal Laws:

- ▶ Equal Pay Act of 1963 prohibits discrimination on the basis of sex. It requires employers to pay similarly situated employees the same wage regardless of sex.
- ▶ 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 on the basis of race, sex, national origin, and religion.

PART 2: THE LAWS



- ▶ More Federal Laws
 - ▶ Age Discrimination in Employment Act of 1967 protects individuals who are 40 years of age or 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.

PART 2: THE LAWS



- ▶ Even More Federal Laws
 - ▶ 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.
 - ▶ Genetic Information Nondiscrimination Act of 2008 prohibits the use of genetic information when making hiring, firing, job placement or promotion decisions.

PART 2: THE LAWS



- ▶ State Laws
- ▶ **California Government Code Sec. 11135 through 11139.5** prohibit 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 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.
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PART 2: THE LAWS



▶ State Laws

- ▶ Article 1, Section 31 (a) of the California Constitution (Prop 209) - The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.



Part 3: Candidates With Disabilities

- ▶ The Employment Application contains two questions:
- ▶ *1. Can you perform the essential functions of this position with or without an accommodation?*
- ▶ *2. Do you require a reasonable accommodation to apply and be considered for this position?*
- ▶ **Committees should never ask about a known or perceived disability.**

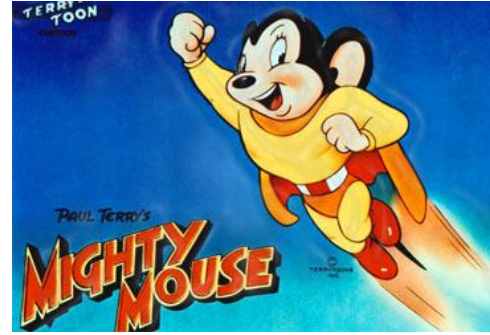
Human Resources will notify the committee when a reasonable accommodation is needed.

Candidates With Disabilities

- ▶ The EEO Rep or Committee Chair should notify HR immediately should any disability-related needs arise during the interview



Part 4: The Duties of an EEO Representative



- A. Safeguard the Integrity of the Screening Committee Process
- B. Ensure Non-Discrimination requirements are upheld
- C. Recognize and Address Conflicts of Interest
- D. Help the Committee members recognize and overcome Bias
- E. Maintain Confidentiality requirements
- F. Halt the process when and if appropriate.

A. Safeguard the Integrity of the Screening Committee Process



- ▶ The EEO Rep is responsible to ensure that:
 - ▶ Committee members do not have any conflicts of interest with any applicants.
 - ▶ Committee members do not discriminate in any way that would go against the laws, regulations and board policies of the district.
 - ▶ All candidates are assessed using same criteria.
 - ▶ Committee members do not bring in “outside knowledge.”
 - ▶ Committee members understand that they must maintain confidentiality.
 - ▶ Ensure the fairness and completeness of all written documentation
 - ▶ Confer with the Chair of the Committee and Report any violations to the Associate Vice Chancellor of Human Resources.



B. Ensure Adherence to Non-Discrimination Requirements

- ▶ If any committee member says or takes any action that could be deemed to be discriminatory of a candidate, the EEO Rep is to stop the questionable action or dialogue immediately. The EEO Rep is to report it to the Associate Vice Chancellor of Human Resources. The following are protected categories:

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
- ▶ Marital Status
- ▶ Age
- ▶ Sexual Orientation
- ▶ Military and Veteran Status



C. Recognize and Address Conflicts of Interest

- ▶ It is the responsibility of the EEO Rep to recognize and address potential biases or conflicts of interest.
 - ▶ Examples:
 - ▶ Applicant is a relative or close friend (could be an in-law, or step-relation).
 - ▶ Committee member has a financial interest with an applicant.
 - ▶ Committee member has prior knowledge of an applicant through either a personal or work related setting that would influence their opinion- either positive or negative.

Committee members must sign a Conflict of Interest form after the applications are released, that indicates whether they have a conflict of interest with any of the applicants.

Potential Solutions include stating to remain fair and impartial to stepping down from the committee.

Recognize and Address Conflicts of Interest

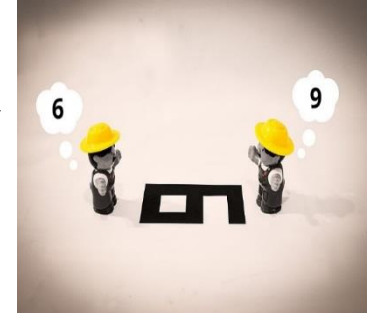
As the EEO Rep, you will lead Conflicts of Interest Checks (COIC)

- ▶ Perform a Conflict of Interest check with your committee members. Ask each member to state if they have a potential conflict of interest with any candidate. If someone knows an applicant, they should state the name of the applicant, and how they will handle the situation. Whether you are meeting in-person or virtually, you should go around the room and have each person make their statement.
 - ▶ For example, “I worked with Carol Bradley before, however I will evaluate her fairly and not take into account my personal experiences working with her unless it is raised in her application materials or in an interview.”

By having each member make their statement to the group, every committee member can help check each other and raise questions if it appears they are being biased.

D. Help Committee Members Recognize and Overcome Unconscious Biases

- ▶ Unconscious biases are our attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious way.
- ▶ They are pervasive and do not necessarily align with our declared beliefs, and can bypass our normal, rational and logical thinking.
- ▶ Biologically, we are hardwired to prefer people who look and sound like us, and who share our interests.



How To Eliminate Bias In Hiring Decisions

- ▶ The screening committee develops a rating scale for all applicants before paper screening based on Knowledge, Skills, and Abilities stated on the job description.
- ▶ Agree on model answers to interview questions, and rate based on how well the answer met the target.
- ▶ Apply the same criteria to all applicants.
- ▶ Develop a consistent interview agenda for all candidates.
- ▶ Use standard evaluation rating sheets.
- ▶ Conduct reference checks consistently.



E. Maintain Confidentiality Requirement

- ▶ At the first meeting of the Screening Committee, the EEO Rep or Committee Chair will read the Confidentiality Statement to the committee members. All committee members will sign the Confidentiality form. If the meeting is virtual, all signatures will be made through Adobe Sign.
- ▶ Confidentiality means the following:
 - ▶ What is discussed in the committee, stays in the committee
 - ▶ Nothing is off record.
 - ▶ A committee member may not share any information with other individuals outside the committee. This rule includes confidentiality before, during and after the final work of the committee is done.
 - ▶ All knowledge derived from the process about the identity of candidates, their qualifications, their standing, is confidential. No one outside of the committee should know anything except the announced selected final candidate once the hiring decision is made.
 - ▶ Failure to maintain confidentiality may result in disciplinary action.



F. Halt the Process When or If Appropriate

- ▶ The EEO Rep will stop the process at any step, and consult with the Chairperson of the committee and/or the Associate Human Resources Vice-Chancellor.



EEO Rep and Human Resources Partnership

- ▶ Serve as the committee's liaison to the Associate Vice Chancellor of Human Resources to address any EEO-related questions or concerns.



Part 5: Screening Committee Process

BEFORE THE FIRST COMMITTEE MEETING

▶ **HR: PRE-SCREENS APPLICANTS**

- ▶ Eliminates all applicants who did not provide complete application materials or clearly do not meet the minimum qualifications

▶ **HIRING CHAIR:** Sends out a call to Employee groups to form the Hiring Committee


- ▶ Requests an EER at least 2 weeks prior to the first meeting.



- ▶ BEFORE THE FIRST COMMITTEE MEETING

- ▶ **EEO Rep:**

- ▶ Check in with your Committee Chair. Confirm you have the first 20 minutes of the first meeting to train the committee members.
 - ▶ Make sure you are included in the consideration and scheduling of all dates
 - ▶ Send an email to your committee. Introduce yourself as EER.
 - ▶ Remind everyone they must complete the online training.
 - ▶ Attach duties overview/handout; sample diversity questions.

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- ▶ SUBMITTING THE COMMITTEE DUTIES STATEMENT REMOTELY
 - ▶ The Confidentiality & Conflicts of Interest Statements need to be signed and submitted to the Chair/Chair's.
 - ▶ HOW TO SIGN THE DOCUMENT



▶ THE 1st COMMITTEE MEETING

- ▶ **EEO Rep (you usually go first): advise committee members of their duties** Explain your role in safeguarding integrity of the hiring process.
- ▶ **Distribute Duties statement for signature**