



**Santa Monica College**

**New Hire  
Selection Committee**

# **Equal Employment Opportunity & Diversity**

Prepared by:

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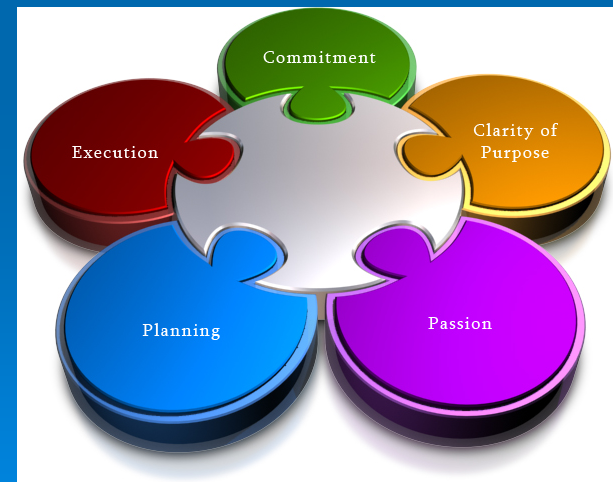
# Purpose

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- The goal of the Screening/Selection Committee to identify and forward for final interview the candidates who are found to be qualified for the essential duties of the position.
- Based on the qualified applicants, the Committee is to select the best qualified candidates consistent with the Vision, Mission, and Goals of Santa Monica College to continue with the process.

<http://www.smc.edu/ACG/Pages/Mission-Vision-Goals.aspx>



# Federal Laws Require Equal Employment Opportunity

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- Federal and state laws REQUIRE equal employment opportunity.
- Federal and state laws PROHIBIT unlawful discrimination by employers towards any and all persons applying for employment.



# Discrimination

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To distinguish by class or category without regard to individual merit; show impermissible preference or prejudice.



# Prejudice

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A prejudgment based on membership in a category; an inflexible generalization that is felt or expressed.



# Employment Equity

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- Equity in the workplace means fairness:
  - Americans with Disabilities Act. 1990
  - Equal Pay Act of 1964
  - Equal Employment Opportunity Act of 1964
- Employers must hire, pay and promote according to legislation that give people equal opportunity.
- Identify and remove barriers to equitable employment opportunities.



# Federal Laws on Equal Employment Opportunity

## ➤ Federal Laws

- United States Constitution, 1776
- Equal Pay Act of 1963
- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Rehabilitation Act of 1973 (<http://www.ada.gov/cguide.htm>)
- Title I of the Americans with Disabilities Act (ADA) of 1990
- Section 102 and 103 of the Civil Rights Act of 1991
- Genetic Information Nondiscrimination Act of 2008
- Immigration & Nationality Act
- Fair Employment and Housing Act (FEHA)
- Title IX



# State Laws on Equal Employment Opportunity

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## ➤ State of California Laws

- California Constitution <sup>1</sup>  
California Education Code §87100 <sup>2</sup>
- California Government Code §11135 & § 12940 <sup>3</sup>
- California Code of Regulations, Title 5  
§59300- §59362 <sup>4</sup>



<sup>1</sup> <http://www.leginfo.ca.gov/const-toc.html>

<sup>2</sup> <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=edc>

<sup>3</sup> <https://www.google.com/search?q=California+Government+Code&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a&channel=fflb>

<sup>4</sup> <http://www.dir.ca.gov/dlse/ccr.htm>

# District Policy on Equal Employment Opportunity

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Prohibition of unlawful discrimination for all persons applying for employment.

- Policies approved by the Board of Trustees are identified as “Board Policies”, or “BP”. \*



Board Policies covering EEO are:

- BP 3120: EEO and Non Discrimination in Employment
- BP 3121: Diversity

\* <http://www.smc.edu/ACG/BoardofTrustees/Pages/Board-Policy-Manual.aspx>

# Board Policy 3120-Equal Employment Opportunity and Non Discrimination in Employment

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No person shall be subjected to discrimination in any program or activity of the District on the basis of a protected status.



# Protected Status

Protected Status = Members of a particular group covered by state or federal anti-discrimination laws.

<b><u>Protected Status are:</u></b>	
Age	Language, Accent
Ancestry	Medical Condition
Citizenship Status	National Origin
Color	Parent or Marital Status
Disability	Race
Economic Status	Religion
Ethnic group identification	Sexual Orientation
Gender, Transgender	Veteran Status

**Title 5, Division 6, §59300 et seq.** "...no person in the State of California shall, in whole or in part, on the basis of ethnic group identification, national origin, religion, age, sex or gender, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under any program or activity that is administered by, funded directly by, or that receives any financial assistance from, the Chancellor or Board of Governors of the California Community Colleges." Source: <http://bit.ly/1GPEHrn>

# Administrative Regulations on Equal Employment Opportunity

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Administrative Regulations, or “AR’s” provide detailed procedures and process related to Board Policy. \*

- The following AR’s pertain to EEO:
  - AR 3120 – EEO Program and Discrimination Complaint Procedure
  - AR 3121 – Sexual Harassment Prevention

\* <http://www.smc.edu/ACG/BoardofTrustees/Pages/Board-Policy-Manual.aspx>

# Disability and the Law

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- The Americans with Disabilities Act of 1990 (ADA)
  - Prohibits discrimination and guarantees that people with disabilities have equal opportunity in employment, transportation, public accommodation, communications, and governmental activities.



- Title I – Employment
- Title II – State and Local Government
- Title III - Commercial Facilities

<http://www.ada.gov/>

# ADA – Title 1 Employment

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## ➤ The Americans with Disabilities Act of 1990 (ADA)

### Title I – Employment

Prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

*([http://www.ada.gov/ada\\_title\\_1.htm](http://www.ada.gov/ada_title_1.htm))*

# Rehabilitation Act of 1973

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- “No qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that ... receives Federal financial assistance...
  - Section 501
  - Section 503
  - Section 504
  - Section 508

<http://www.ada.gov/cguide.htm#anchor65610> – Department of Justice, Civil Rights Division, Disability Rights Section

## Sections 501 and 503

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### ➤ Rehabilitation Act of 1973

- Section 501 – requires affirmative action and nondiscrimination in employment by Federal agencies of the executive branch.
- Section 503 – requires affirmative action and prohibits employment discrimination by Federal government contractors and subcontractors with contracts of more than \$10,000.

<http://www.ada.gov/cguide.htm#anchor65610>– Department of Justice, Civil Rights Division, Disability Rights Section

# Section 504

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## ➤ Rehabilitation Act of 1973

- Section 504 – “no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under” any program or activity that either receives Federal financial assistance or is conducted by any Executive agency ...

*<http://www.ada.gov/cguide.htm#anchor65610>– Department of Justice, Civil Rights Division, Disability Rights Section  
<http://www.ada.gov/cguide.htm#anchor65610>*

# Section 508

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## ➤ Rehabilitation Act of 1973

- Section 508 – establishes requirements for electronic and information technology developed, maintained, procured, or used...to be accessible to people with disabilities, including employees and members of the public.

# Questions of Applicants with Disabilities

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By law, applicants can not be asked questions that might reveal disability.

- Unlawful questions regarding disability are questions about:
  - Nature of the disability
  - Severity of the disability

Make NO decision based on disability concerns.

- Decisions made by the Committee based on disability are unlawful.

# Applicants with Disabilities

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Disability is not always visible.

- Applicants with a disability may request a reasonable accommodation and the law requires employers to provide it for the applicant to be considered for a job opening.
- Contact the Office of Human Resources if an applicant requests a reasonable accommodation.



# The Importance of Diversity

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During the selection process, Title 5 of the CA Code of Regulations requires that applicants demonstrate a sensitivity to and understanding of diversity within the student population:

- Academic
- Cultural
- Disability
- Ethnic backgrounds
- Gender identity
- Sexual Orientation
- Socioeconomic



# Board Policy 3121 - Diversity

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## Commitment to Diversity:

- Build an inclusive and diverse environment
- Foster mutual awareness, knowledge, and sensitivity
- Challenge ingrained stereotypes
- Promote mutual understanding and respect
- A work and learning environment conducive to open discussion and the free exchange of ideas.
- Global awareness and the exploration of the diversity of local communities



*"Embodying, promoting and celebrating diversity inspires innovative ideas, practical solutions, and team-building in achieving the District's goal of professionalism and educational excellence." (Source: unknown)*

[http://www.smc.edu/ACG/Documents/Board\\_Policy\\_Manual/BP%203000%20Human%20Resources.pdf](http://www.smc.edu/ACG/Documents/Board_Policy_Manual/BP%203000%20Human%20Resources.pdf)

# The Importance of Discretion & Confidentiality

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- Observe strict confidentiality with regard to applicants, candidates, and nominees for the position.
- Committee members will be required to certify that they will maintain confidentiality throughout this process.
- Breach of confidentiality by a committee member will result in the removal of that member from the search committee.



# Conflicts of Interest

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- Avoid conflict of interest and the appearance of conflict of interest at all times.
  - It is your responsibility to recognize potential biases or conflicts of interest:
    - Candidate is a relative or close friend;
    - You have a dislike of a candidate so compelling that you can not remain fair or impartial.
  - NOT revealing a conflict of interest could lead to a complaint of unfair hiring practice and invalidate the District's hiring decision *and* create legal exposure.

# Elements of the Job Announcement

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The Job Announcement includes:

- Educational Qualifications including Equivalency Standards
- Work Experience includes Professional Skills & Occupational Experience
- Minimum Qualifications for the Job
- Preferred Qualifications
- Skills, Knowledge & Ability



# Screening Criteria

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- Review all applicant materials for completion based on criteria outlined in the position description, and the posted job announcement .
- Make notes to keep with the file, as your notes will be helpful to you when the committee members deliberate which candidates will be invited to interview.
- All applicant material is to be maintained in a secure location.

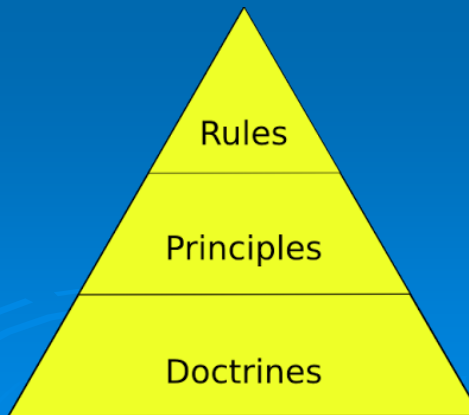


# Rules for Screening

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- Do not print or make copies of application materials.
- Apply rating criteria fairly and consistently.
- Maintain confidentiality of applicant information and committee discussions.
- Read all application material thoroughly.



# Screening of Applicants

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- Each committee member is responsible for thoroughly reviewing the application and corresponding materials submitted by each applicant.
- Screening of applicants shall be conducted without reference to or consideration of any of the protected status categories under federal and state laws.

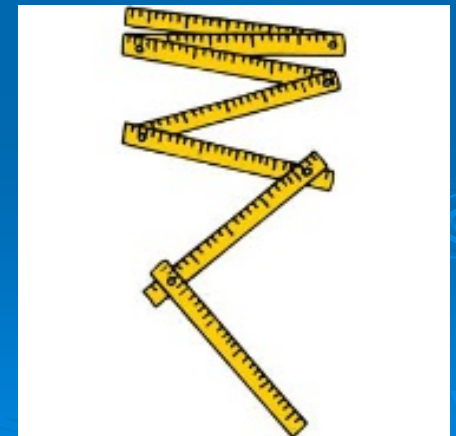


# Rules for Interviews

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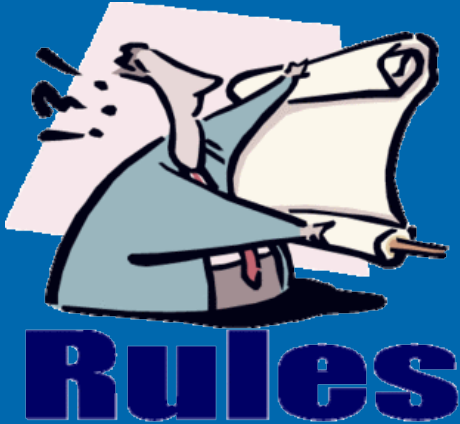
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- Be fair, consistent, and impartial in your assessment.
- Do not ask questions about or make assessments based on either real or perceived protected statuses of the applicants.
- Write down as much specific information as possible to support your assessment.
- Be professional, courteous, and attentive at all times.
- Collect all materials and notes and return them to Human Resources after the finalists have been identified.



# Rules Between Interviews

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- DO NOT advocate for a candidate.
- DO NOT voice opinions against a candidate.
- DO NOT compare candidates.

- All of the above are done ONLY after all committee members have finished evaluating all candidates.
- Never share personal experiences involving candidates. This can create bias and influence the judgments of other committee members. You also subject yourself to personal liabilities.

# How to Ensure Fairness

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- Be consistent.
- Record notes that contribute to your assessments and include them with the file.
- Know your responsibilities as a committee member.
- Maintain confidentiality before, during and after the process has been completed.
- Reference checks are NOT a committee responsibility. Do not “Google” or research any applicant’s background.



# Questions?

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SMC has many resources. If you have questions pertaining to anything not covered in this orientation, contact the following:

- Marcy Wade, Vice President - Human Resources (310) 434-4010
- Sherri Lee-Lewis, Dean - Human Resources (310) 434-4419
- Tre'Shawn Hall-Baker, Director - Human Resources (310) 434-4170

