

# **HIRING THE BEST:**

LEGAL REQUIREMENTS &  
BEST PRACTICES FOR  
SCREENING COMMITTEES

# OVERVIEW

Importance of search committee training:

- Advance District's goals to hire qualified candidates
- Comply with State Chancellor's Office mandate to train search committees
- Meet legal obligations to provide equal employment opportunity to job applicants

# AGENDA

The topics we will cover are:

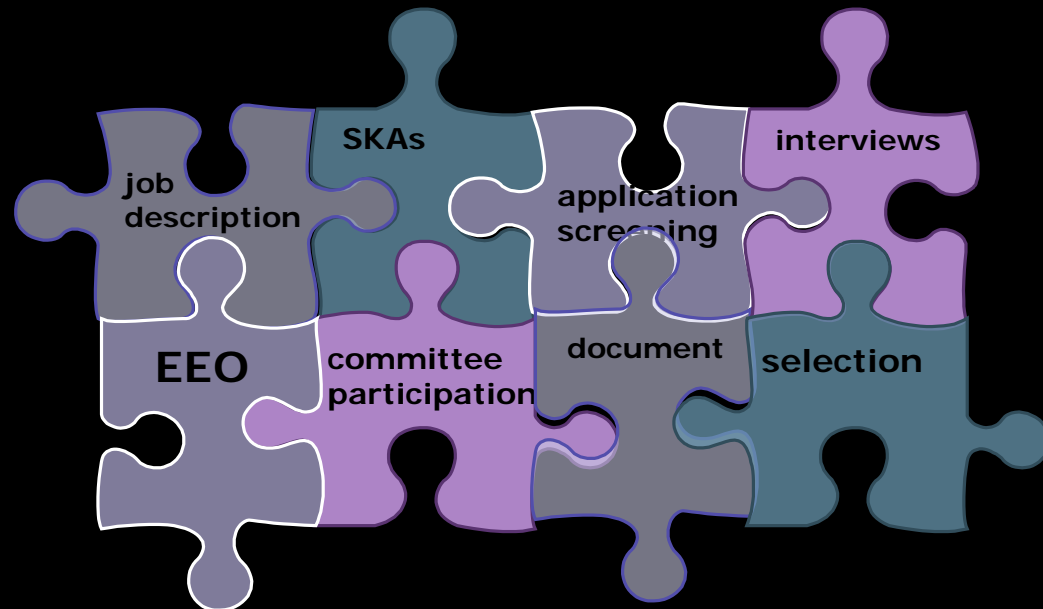
- Preparing for a search
- Selection, roles and responsibilities of search committee members and the HR Team
- Understanding legal requirements
- Receiving and reviewing applications
- Record keeping responsibilities
- Steps after closing a search
- Available HRD resources

# QUESTION:

What are your objectives for attending this training?

# OVERVIEW

Search committees have a big job to do



# SEARCH COMMITTEE VOCABULARY

Glossary of some terms

- JD= job description
- KSAs/min quals = knowledge, skills, abilities
- Job/Personnel requisition
- Recruitment plan
- Search committee
- EEO= equal employment opportunity [laws]
- HM= hiring manager
- ATS/NeoGov= applicant tracking system

# PREPARING FOR A SEARCH

## Hiring manager responsibility:

- seeking review and approval of staffing need and funding of position
- initiating job/personnel requisition
- consulting with HR on job description, minimum qualifications, recruitment plan/timeline, alternatives to posting a vacancy

# SELECTION OF COMMITTEE MEMBERS

Process for appointment of committee members to a search:

- Classified Professional Liaison Committee
- Academic Senate
- Superintendent/President



# CONSIDERATIONS IN SERVING ON A SEARCH COMMITTEE:

Can you commit to the search process timeline?

Can you commit to your role and responsibility as a search committee member? *(see handout: Screening Committee General Information)*

Can you ensure confidentiality of the search process? *(see handout: Confidentiality Agreement & Nepotism Declaration)*

# CONSIDERATIONS IN SELECTING SCREENING COMMITTEE MEMBERS:

- Are highly regarded and/or knowledgeable about their discipline or department
- Have experience in searches or completed search committee training
- Are knowledgeable about EEO
- Reflect workforce diversity

(See handout: [Screening Committee Composition Guidelines](#))

# ROLES AND RESPONSIBILITIES OF SCREENING COMMITTEE MEMBERS:

- Ensure equitable consideration and treatment of all candidates throughout the process; uphold EEO law and Board Policy; refer questions to HR
- Are knowledgeable about the position (KSAs)
- Contribute to development of member roles and timeline to complete the search process
- Actively participate in meetings to develop screening criteria, select candidates for interview, interview candidates, document actions
- Maintain confidentiality (interviews, ratings)
- Forward finalists to the President/hiring manager

# UNDERSTANDING THE LEGAL REQUIREMENTS OF SEARCHES

EEO Laws & Board Policy prohibit employment discrimination

- Title VII
- Fair Employment and Housing Act (FEHA)
- Title IX
- Americans with Disabilities Act (ADA)
- Board Policy 3410 (Non-discrimination), 3420 (Equal Employment Opportunity), 3430 (Prohibition of Harassment)

# TITLE VII PROHIBITS DISCRIMINATION

Applicant or employee because of that person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information.

# EXAMPLES OF TITLE VII DISCRIMINATION:

- publishing a job announcement that shows a preference for or discourages someone from applying for a job
- reliance on word-of-mouth recruitment
- basing hiring decisions on stereotypes and assumptions about a person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information

# TITLE VII VIOLATIONS (CONT'D)

- Requiring job applicants to take a test that is not job related
- Denying a job applicant with a disability who needs an accommodation (such as a sign language interpreter) to apply/interview for a job
- Pre-employment inquiries about religion, race, gender, age, disability, organizational memberships, attendance record, medical condition, photos

# DFEH/FEHA

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 Government Code sections 12940, 12945, 12945.2)



# TITLE IX

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance.

In the United States, no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

# **ADA (AMERICANS WITH DISABILITIES ACT)**

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

# HR GOALS FOR A SUCCESSFUL RECRUITMENT:

- Identify the skills, knowledge and abilities required to successfully perform the tasks/duties of the job
- Attract, screen and make a timely job offer to the best qualified candidate for the position
- Provide timely support to the search committee
- Provide the hiring manager with timely recruitment progress reports
- Promote the organization as a dynamic employer by conducting a professional recruitment

# HR EMPLOYMENT TEAM ROLE & RESPONSIBILITIES

- Ensure search committee members are trained
- Understand department goals for search
- Recommend recruitment strategies (advertising, outreach, posting timeline)
- Validate KSAs, (minimum qualifications) and selection criteria
- Post vacancy, outreach, conduct initial application screening, coordinate search timeline
- Support participation of members; respond to questions; facilitate problem-solving
- Coordinate references, background check, finalist notification
- Ensure compliance with law and Board Policy
- Documents search activities as Office of Record

# HR EMPLOYMENT TEAM RESPONSIBILITIES (CONT'D)

- Inform search committee of recruitment (candidate applications) status
- Assist with the development of pre-screening interview questions and assessment tools (*cover letter, CV or resume, letters of recommendation, list of references, transcripts*)
- Assist with the structuring of the interview format, timing and schedules
- Appoint search committee recorder (documenting meetings, keeping records and decisions)
- Assist Hiring Manager to develop a budget (advertising, travel) and seek approval

# HR EMPLOYMENT TEAM RESPONSIBILITIES (CONT'D)

- Communicating with candidates during pre and post interview activities
- Review screened out candidates and determine if persons should be interviewed; ensure diversity of applicant pool
- Responding to or coordinate applicant inquiries and concerns with the Hiring Manager
- Coordinating the documentation of employment offers with the Hiring Manager and HR Team
- Coordinate with HR Team to conduct new hire processing and general orientation

# CHRO RESPONSIBILITY

- Ensures that Vice Presidents, Deans and Managers fulfill their responsibility for supporting institutional goals for equity, diversity and inclusion
- How? *Consultation, active intervention, auditing and reporting on the recruitment and compliance process*

# RECEIVING & REVIEWING APPLICATIONS/DOCUMENTATION

## HR manages:

- NeoGov Application Tracking: Logs and e-file of all applications by Job Posting Categories; HR monitors application activity
- Application/Resume Screening: HR reviews the resumes/applications against the minimum criteria listed in the job description/posting, documents actions taken
- Notifies the Search Committee when the pool is ready for their review and forwards the applications



# WAYS TO CONTRIBUTE TO A FAIR SELECTION PROCESS:

- Be consistent in the treatment of applicants during each stage of the selection process; guard against your bias of, or potential stereotyping of applicants
- Ensure consistent evaluation of applicants by each committee member:
- Speak up when you have concerns about the process
- Respect other committee member's input
- Ensure that stated and documented qualifications are the basis for selection criteria used in the final decision to interview candidates
- Document selection decisions based on stated criteria

# GROUP ACTIVITY

Group #1: List ways that you can contribute to a fair selection process

Group #2: List challenges you have faced in serving as a search committee member

Group #3: How would you properly handle internal candidates during the application screening or interview process, particularly if some of the screening committee members know the candidates?

Group #4: How should this situation be handled? A hiring manager feels strongly about a candidate and those feelings are not shared by the rest of the committee.

**THANK YOU! GRACIAS! MERCI! GRAZIE!**  
**ありがとう, 謝謝, СПАСИБО, MYAR GYI TIN BAR DEL**

*For your willingness to diversify the COM workforce and get trained to serve in the important capacity as a Search Committee Member*

*- The HRD Team: Julie Breakstone, Kirsten Gisle, Kristina Combs*