SECTION 4A

ELEMENTS OF SELECTION

Organization

The President of the college is authorized to utilize the staff of the college to best serve the needs of the students. As such, the college president has authority to organize the administrative structure and assign the staff of the college in the manner in which they believe will best serve the college's needs using established procedures in Board Policy and the Collective Bargaining Agreements.

Title V Regulations

Title V Regulations adopted by the Board of Governors which relate specifically to faculty and staff diversity require the district to develop and utilize screening and selection procedures which will ensure that the pattern of hiring decisions, when viewed over time, furthers the goals established in the district's faculty and staff diversity plan (Section 51010).

Section 53021. Recruitment

(a) Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include outreach designed to ensure that all persons, including persons from monitored groups, are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

(b) (1) “In-house or promotional only” recruitment shall not be used to fill any new opening for any position described in subdivision (a) except when the
position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceed one year in duration. The Chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in section 53001(b).

(2) If a district believes justification exists for use of the exception listed in subsection (b)(1), it shall so notify the Equal Employment Opportunity Advisory Committee established pursuant to section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(3) Where in-house or promotional only recruitment is permitted, the district shall comply with its established hiring procedures and all district employees shall be afforded the opportunity to apply and demonstrate that they are qualified.

(4) The job announcement for the interim position shall comply with section 53022 and the selection process shall be consistent with the requirements of this subchapter.

(c) For purposes of this section, a new opening is not created when:

(1) there is a reorganization that does not result in a net increase in the number of employees;

(2) one or more lateral transfers are made and there is no net increase in the number of employees;

(3) a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;

(4) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term.

(5) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5(b), 88003, 88106 or 88109;

(6) a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial
break in service. For purposes of this section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement; or

(7) an individual not currently employed by the district, who is specially trained, experienced, and competent to serve as an administrator, and who satisfies the minimum qualifications applicable to the position, is engaged to serve as an administrator through a professional services contract. No appointment or series of appointments pursuant to this provision may exceed a period of one year.

In order to comply with this section, the district must first determine whether the position to be filled is a "new opening." Those situations in which a "new opening" is not created include:

1. undertaking a reorganization or series of one or more transfers or reassignments that does not result in a net increase in the number of employees. This includes situations where an employee dies, retires, resigns, or is terminated and the district chooses to redistribute the workload rather than hiring a new person to perform the work;

2. upgrading, reclassifying, or renaming a position which is currently occupied by an incumbent without significantly altering the duties being performed by the individual;

3. electing one faculty member in a division or department to serve as chairperson for a prescribed limited term;

4. making a temporary appointment using procedures authorized by Education Code;

5. filling the position with an employee who has resigned, been laid-off, or has been terminated and has reappointment or reemployment rights pursuant to Education Code Sections 87744 to 87746 or 88127 et seq.;

6. assigning overload (including teaching during summer and intersessions) to existing full-time employees; and

7. assigning a part-time faculty member to teach a class in a discipline in which he or she has previously taught without a substantial break in service.

Where a "new opening" is created, the regulation requires full and open recruitment, with a focus on diversity. "In-house" or "promotional only" hiring is permitted only if one of the exceptions listed in subsection (b) is applicable. These are:
1. The pool of eligible district employees has achieved proportionate representation (based on the availability data and percentage goals provided to us by the Chancellor's Office) and the district has an upward mobility program which is included in the faculty and staff diversity plan approved by the Chancellor.

2. The position is being filled on an interim basis (not to exceed one year) to allow for full and open recruitment; or

3. Promotional only hiring is justified by "business necessity" as defined in Section 53001(c). Subsection (c) of the regulation adds that using this "business necessity" justification requires notice to the Chancellor and the district's Faculty and Staff Diversity Advisory Committee at least ten working days prior to filling the position.

Diversity as Part of Selection

One of the most asked questions about diversity deals with qualifications.

"Is the institution expected to hire the less qualified over the more qualified candidate to meet diversity goals?"

Employers are not expected to establish any hiring practices that conflict with the principles of sound personnel management. No one should be hired unless there is a basis for believing the individual will perform successfully.

The most qualified applicant, however, is not necessarily the one with the most advanced degree or the most prior experience. The most qualified candidate is likely to be the one who is highly motivated, competent in the field, sensitive to academic, socioeconomic, disability and cultural differences, and may be the one who brings diversity to the college.

Diversity in the Kern Community College District screening and selection process means that diversity will be a major consideration, but will not be the sole reason for selection.
Screening Committee Preparation

It is most important the screening committee prepare in advance for the interview.

1. Review the major responsibilities of the position.

2. Consider the critical job requirements.

3. Gain an understanding of diversity, and the need for and means of avoiding discrimination.

4. Develop an interview structure based on job-related criteria that involves the whole committee and that, by eliciting comparable information from each candidate, covers the scope of the job description and critical job requirements.

Critical job requirements are factors vital to successful performance in a position. One of the primary tasks of the committee members is to define those requirements as clearly as possible and establish standards on which to evaluate them.

Using the job description and announcement which describe the position, the committee shall select the critical factors from among those stated and weigh them on the basis of importance to the position.

Some examples of critical job factors are:


3. Supervisory skills: planning, instructing, organizing, leading, motivating, disciplining.

4. Self-development: evidence of interest in field, committee involvement, formal courses, professional affiliations, self-study, and renewal.

5. Interpersonal skills: enthusiasm, initiative, creativity, flexibility, maturity, sincerity, integrity.

6. Analytical ability: problem solving, evaluating alternatives, program development, results orientation, foresight.
In addition to the knowledge, abilities, and experience, committee members must measure such subjective terminology as sensitivity to different cultural groups and understanding of diverse academic, socioeconomic, ethnic and disability backgrounds of the students. It is most realistic to evaluate candidates on how they have demonstrated past commitment. Examples are as follows:

1. Completion of courses or directed study which focus upon other cultures, languages and the disabled.

2. Teaching techniques that display knowledge of racial, ethnic, gender, disability and cultural diversity of learning styles.

3. Teaching techniques that convey an understanding of the cultural values inherent in different approaches to learning.

4. Active involvement in programs designed to provide information and special training for student and staff diversity such as staff development programs, and faculty development programs, seminars and sessions.

5. Experience living and working with staff from different cultures to ensure that diversity and positive role modeling exists.

6. Utilization of teaching methodologies that entail cultural diversity in such areas as course content, learning materials, class demonstrations and outside speakers.

7. Active participation in groups and organizations that cultivate understanding of national and international cultures.
Non-Discrimination

Committee members must conduct interviews that pursue a line of questioning which is job related and objective. Discrimination occurs when evaluations are based on non-job-related standards. The job announcement, the job description, and the critical job factors provide the guide to job-related evaluation.

The Equal Employment Opportunity Commission has developed guidelines on employee selection to ensure that hiring is based primarily on job-related evaluations. These were designed to give all applicants equal treatment with the objective of protecting the rights of minorities and women who historically were discriminated against in the employment process.

An employer is not obligated to hire people who cannot perform the critical elements of the job regardless of their race, gender, or any of the other protected groups. Be aware, however, that job-related criteria cannot be established if in conflict with the two underlying concepts of discrimination: disparate treatment and disparate impact.

The first concept (disparate treatment) is covered by asking everyone the same core questions, testing them and treating them equally throughout the process.

The second concept (disparate impact) is more complicated. It involves the impact of a minimum qualification or testing procedure that tends to affect protected groups in disproportionate numbers. It may include the unusually low hiring rate of minorities and women due to establishing artificial minimum qualifications. An example would include testing procedures which would screen out all or most minorities in the applicant pool. It is, therefore, essential to thoroughly evaluate all criteria established in the selection process and screen only for those factors essential for successful performance in the position.

Discrimination involving minority candidates is often very subtle. As a committee member, be aware of the natural tendency to look more favorably upon someone who resembles you physically; whose verbal expressions are familiar to you; whose body language, mannerisms and dress are similar to your own; and whose life experiences are similar to yours. The objective is equal treatment of all applicants.

Overt discrimination occurs in the interview when questions are modified based on gender or race. For example, sex discrimination may result when committee members allow their scoring to be influenced by the candidate's sex. This is most likely to happen when interviewing applicants in a position which has traditionally been filled by either males or females.

Further, it is important to note that a disabled person must be given the same consideration as persons who are not disabled. Reasonable accommodation must be considered for a disability. For more information, contact the Human Resource Manager.
Equal employment opportunity laws restrict questions that may be asked of candidates in order to provide an equitable selection process. Except where questions can be shown to be bona fide occupational qualifications, questions on the following areas need to be avoided:

1. Sex
2. Race
3. National origin
4. Religion
5. Age
6. Child care/plans to have children
7. Marital status
8. Height and weight
9. Arrest records (minorities are subject to higher proportion of arrests than non-minorities)
10. Credit rating and financial background
11. Present residence
12. Birthplace
13. Military discharge (minorities have a higher rate of other than honorable discharges)
14. Sexual Orientation
15. Genetics (adoption, surrogate parent, family medical history)

Bona fide occupational qualifications mean characteristics necessary for the performance of a particular job. Once the burden of proof shifts to the employer (when an applicant files a complaint), the college must prove that 1) the standards are significantly related to the job performance, and that 2) no alternative non-discriminatory standards can be developed to meet the requirements. Included in the appendices is a list of acceptable and unacceptable pre-employment inquiries taken from the California Department of Fair Employment and Housing Rules and Regulations.
**Screening Process**

During the application screening process, you will be considering the suitability of candidates for the position. It will start by reviewing the primary responsibilities of the position and evaluating each applicant's background in meeting them. It is helpful to examine non-traditional approaches applicants may have taken in gaining knowledge and experience in the subject area. These can be found on the application form as well as the resume provided.

Some areas to consider in the screening process are:

**Experience:** Identify experiences which would indicate ability to handle the duties and responsibilities of the position. Consider level of responsibilities of the position. Consider level of responsibilities and time served as part of the experience.

**Education:** Review the education obtained, relevant course work completed, and the continual learning process. In some positions, the importance of formal education may not be as critical as industry experience.

**Other knowledge:** Evaluate knowledge gained through volunteer work and community involvement programs.

**Personal qualifications:** Consider demonstrated interest in the field, self-improvement efforts, initiative leading to technical and professional competence.

Resumes and applications generally do not provide information about applicant's working relationships with others, likes and dislikes about working, degree of leadership, and motivational factors. To gain perspective on these areas, consider the following:

**Supervisor responsibility:** Measure the size of the budget or the number and position of those reporting to the applicant. Some idea of effectiveness in supervision can be gained through questions on motivation, turnover, or philosophy of supervision.

**Accomplishments:** Review such ideas as productivity improvements, increased revenues, cost-saving methods, mastery of successive skill levels, innovative or creative ideas, increased responsibility, or something as simple as perfect attendance. The accomplishments of which the applicant is most proud can also provide some insight into the person's opinion about the nature of work. If the accomplishments have been routine, it may indicate limited growth potential.

**Effectiveness:** Consider the applicant's personal traits including an assessment of the environment in which he or she will work. The goal is to match the person to the position and the environment. For example, an introverted, soft-spoken applicant may not be the best candidate for a competitive, high-powered department.
Stability: Generally, applicants who have "job-hopped" are evaluated as lacking stability, although this is not always the case. "Job-hopping" is fairly common in some fields, such as computer programming.

Progress: Consider the applicant's progress in each position generally by skill level. If the moves were lateral, you may wish to investigate the reasons for changing jobs.

Attitude: Evaluate how the prospective employee feels about work. Does the applicant consider past positions as less than satisfactory or as something that provides intense satisfaction? These can usually be measured by asking the aspects of the job that are best and least liked during the interview.

It is important to assess interpersonal skills to determine not only what a candidate can do, but also what a candidate will do if hired. Faculty have a great deal of flexibility in their assignments to choose committee work, student club advising, community involvement, governance tasks, program development, curriculum review, etc. Look at past experience in these areas.

The oral interview process will go farther in answering questions that may come up as a result of the application screening. Many times employees prove to be unsatisfactory, not for technical reasons, but for limitations due to interpersonal reasons.