

# Equal Employment Opportunity, Affirmative Action and Search Process Overview

*Hiring Manager*

Office for Access and Equity  
Affirmative Action Division



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Last Modified July 2023



# Objectives

- Become familiar with equal employment opportunity and affirmative action laws and regulations
- Discuss why diversity matters
- Discover tools for inclusive recruitment practices
- Learn about bias and strategies to reduce bias
- Understand hiring manager's role in affirmative action and how the hiring manager can assist with fairness in the process

# Equal Employment Opportunity and Affirmative Action



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# Search Process

- Integral to Illinois' commitment to:
  - Equal employment opportunity
  - Affirmative action
  - Diversity



# Equal Employment Opportunity and Affirmative Action

- Equal employment opportunity (EEO) is a legal framework that makes it unlawful to discriminate in employment decisions based on a protected class
- Affirmative action is a regulatory obligation for certain federal contractors that require us to identify underrepresentation and take positive steps to address that underrepresentation



# Equal Employment Opportunity and Affirmative Action, continued

- Covered employment practices:
  - Recruitment
  - Hiring
  - Reclassification/Promotion
  - Demotions
  - Transfers
  - Layoff
  - Termination
  - Compensation
  - Training opportunities
  - Accessibility



# Equal Employment Opportunity

- Protected classes:

- Race
- Color
- Religion
- Sex
- Sexual orientation
- Gender identity
- National origin
- Age
- Disability
- Genetic information



# Equal Employment Opportunity Laws

- [Civil Rights Act of 1964](#)
- [Equal Pay Act of 1963 and Lilly Ledbetter Fair Pay Act of 2009](#)
- [Age Discrimination in Employment Act of 1967](#)
- [The Americans with Disabilities Act of 1990](#)
- [ADA Amendments Act of 2008](#)
- [The Genetic Information Nondiscrimination Act of 2008](#)
- [Pregnancy Discrimination Act of 1978](#)



# Equal Employment Opportunity Commission (EEOC)



Responsible for enforcing the equal employment laws

- An individual or group of people can bring a charge of discrimination or harassment before the Equal Employment Opportunity Commission
- The Equal Employment Opportunity Commission will investigate to determine if there is reasonable cause to believe that discrimination or harassment occurred
  - If no reasonable cause is found, the charge is dismissed
  - If reasonable cause is found, the Equal Employment Opportunity Commission will do one of the following: give the claimant the right to sue; seek a conciliation agreement with the accused employer; engage in litigation

# Affirmative Action Regulations, Part 1

Race, color, sex, national origin, sexual orientation, gender identity

- Executive Order 11246
- Requires us to take affirmative action for females and males
- Prohibits discrimination against applicants and employees based on race, color, sex, religion, national origin, sexual orientation, and gender identity
- Prohibits action against applicants and employees for discussing pay
- Requires the development of a written and statistical affirmative action plan for women and minorities



# Affirmative Action Regulations, Part 2

## Individuals with disability

- Section 503 of the Rehabilitation Act (41 CFR section 60-741)
- Regulations require federal contractors and subcontractors to take affirmative action for and prevent discrimination against individuals with disabilities
- Requires the development of a written and statistical affirmative action plan for individuals with disabilities

# Affirmative Action Regulations, Part 3

## Protected Veterans

- Vietnam Era Veterans' Readjustment Assistance Act (41 CFR section 60-300)
- Regulations require federal contractors and subcontractors to take affirmative action for and prevent discrimination against the four classes of veterans found in the Jobs for Veterans Act
- We must take various actions to advance the employment of protected veterans
- Requires the development of a written and statistical affirmative action plan for protected veterans

# Affirmative Action Plan Definition

- A written results-oriented program in which a federal contractor details the steps it will take to ensure equal employment opportunity
- Includes goal-oriented management policies and procedures designed to identify and eliminate barriers to employment opportunities for minorities, women, protected veterans and individuals with disabilities that are not based on specific job requirements

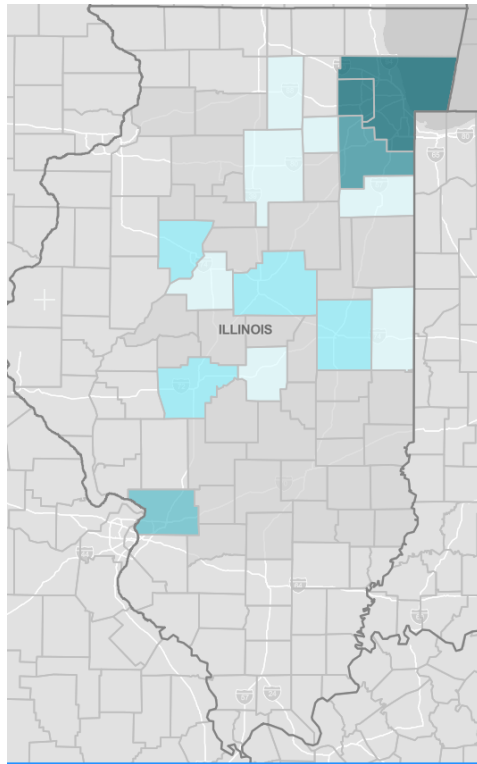


# Affirmative Action Placement Goals and Hiring Benchmarks

- Minorities and women: separate goals are assigned for each job group
  - Affirmative action placement goals are set when the percentage of minorities or women currently employed, is less than reasonably expected given their percentage of availability in the workforce
- Individuals with disabilities: 7% utilization goal for each job group
  - Established by OFCCP from the American community survey
- Protected veterans: 5.5% hiring benchmark for entire workforce
  - National percent of veterans in the civilian labor force – updated annually



# Placement Goal Examples



Census Data by Region and Occupation

## C3 Finance

- **Emp:** Min: 17% Fem:70%
- **Avail:** Min: 17% Fem:58%

## D3 PR/Advancement

- **Emp:** Min 13% Fem: 67%
- **Avail:** Min:19% Fem: 59%

## M3 Info Technology

- **Emp:** Min 22% Fem: 17%
- **Avail:** Min:25% Fem: 26%



Peer Schools and Ph.D. Recipients

## KVY1 Math Professor

- **Emp:** Min: 16% Fem: 9%
- **Avail:** Min: 13% Fem: 35%

## KVS4 English Specialized Faculty

- **Emp:** Min: 14% Fem: 43%
- **Avail:** Min: 12% Fem: 56%

## KZS3 Philosophy Asst. Professor

- **Emp:** Min: 71% Fem: 14%
- **Avail:** Min: 31% Fem: 43%



# Affirmative Action Placement Goals & Hiring Benchmarks: Expectation

## Affirmative action is NOT:

- A quota system

## Placement goals and hiring benchmarks ARE:

- Target rates for hire
- Used to guide our good faith efforts



## The expectation:

As goals are met, the gender, racial and ethnic profiles, as well as the veteran and disability status of our employees, will mirror the population from which we recruit

# Office of Federal Contract and Compliance Programs (OFCCP), Part 1

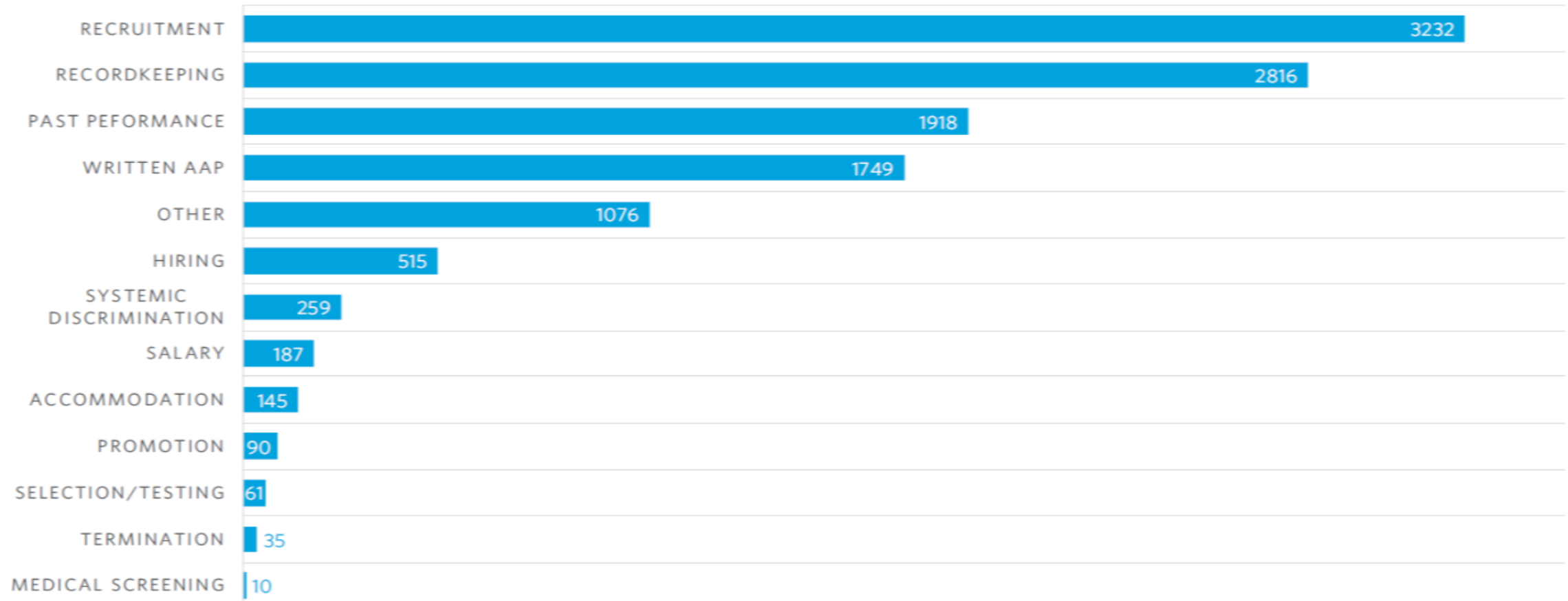
- Responsible for enforcing affirmative action regulations
- Conducts compliance evaluations and investigations of federal contractors' and subcontractors' personnel policies and procedures
  - Two times a year, OFCCP publishes a list of places they will audit
  - Typically looking at places not recently audited and places that had previous audit concerns
- If we are listed for an OFCCP audit:
  - Have 45 days before the audit begins
  - Receive scheduling letter requesting records, with at least 30 days to respond
  - Desk audit
  - On-site audit to conduct interviews



# Office of Federal Contract and Compliance Programs (OFCCP), Part 2

- Obtains conciliation agreements and fines from contractors and subcontractors who are in violation of regulatory requirements
- Sanctions can include:
  - Canceling current federal contracts with the university
  - Long- or short-term debarment from federal contracts
- Lawsuits
- Bad press (findings are public)

# OFCCP Violations by Type (FY 2010-2019)



# Why Diversity Matters



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# Campus Commitment to Diversity

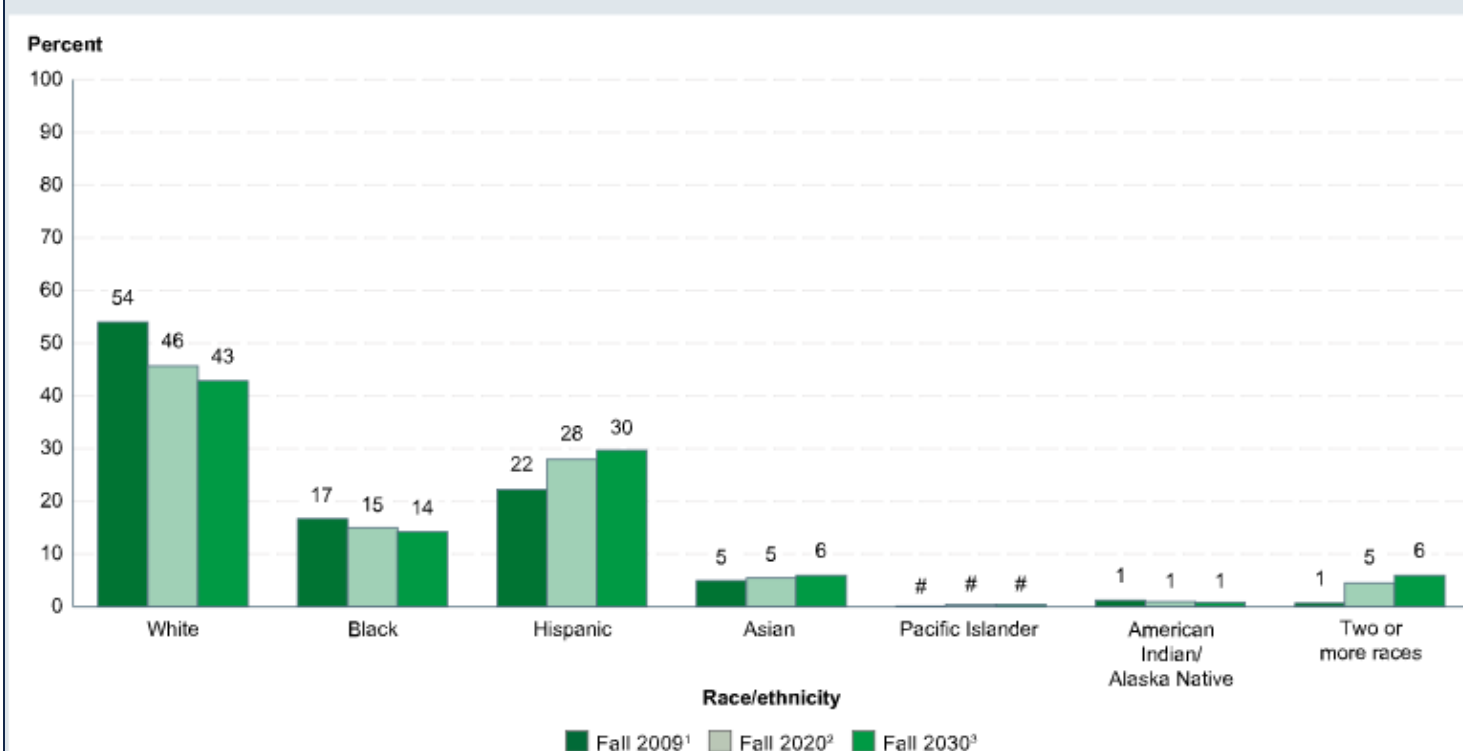
- **University of Illinois System** – Guiding values include “Be inclusive, treat each other with dignity and respect, and promote citizenship”
- **University of Illinois, Urbana-Champaign Strategic Plan** – “We will be leaders in advancing diversity and equity that will contribute to creating an institution committed to excellence in discovery, teaching, and research, and a climate where all can achieve their highest aspirations in a safe and welcoming environment”
- **Academic and campus life programs for students** – Housing multicultural advocates, Office of Minority Student Affairs, Diversity and Social Justice programs, African American, Asian American Cultural Centers, La Casa Cultural Latina, LGBT resource center, Native American House, and many others

<https://www.uillinois.edu/about/mission/>; <https://archive.strategicplan.web.illinois.edu/>



# Changing Demographics

Figure 1. Percentage distribution of student enrollment in public elementary and secondary schools, by race/ethnicity: Fall 2009, fall 2020, and fall 2030



Note. From the National Center for Education Statistics (May 2022). # Rounds to zero.

2013-2014 was the last year in which a majority of America's K-12 students were white

Although our society is becoming increasingly diverse, U.S. institutions of higher education currently do not reflect this trend

It is our mission to create an increasingly diverse and inclusive campus community that is open, just and welcoming for all





# Benefits Our Mission

Diversity  
benefits our  
teaching  
and  
research  
mission

## Diverse teams:

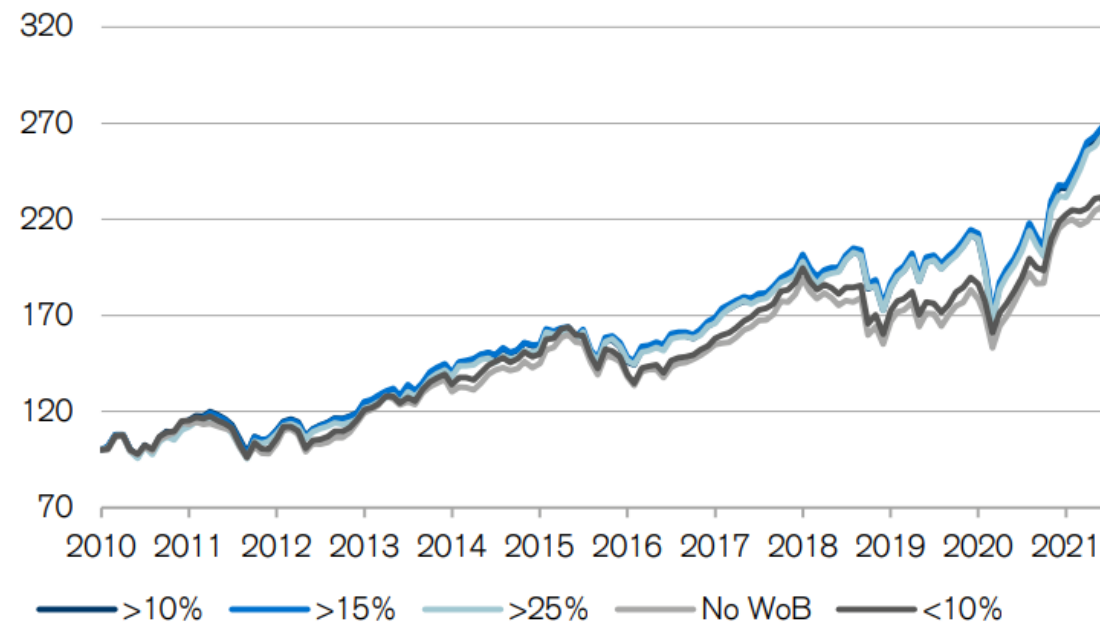
- Are more productive, creative, and innovative (e.g., Henderson & Herring, 2013; Hofstra et al., 2020)
- Make higher-quality decisions with more careful consideration of the available information (e.g., Gaither et al., 2018)
- Author papers that are published in higher-impact journals and cited more (e.g., Campbell et al., 2013; Freeman & Huang, 2015)
- Create grant proposals that are more likely to receive funding (e.g., Lungeanu et al., 2014)

# Diverse Groups Are More Productive, Part 1

## The Credit Suisse Gender 3000 Report

**Figure 10: Share-price performance of differing percentages of female board representation**

(indexed to 100; average = 15% since 2010)



Data collected from 3,000 companies in 46 countries, comprising 33,000 executive positions

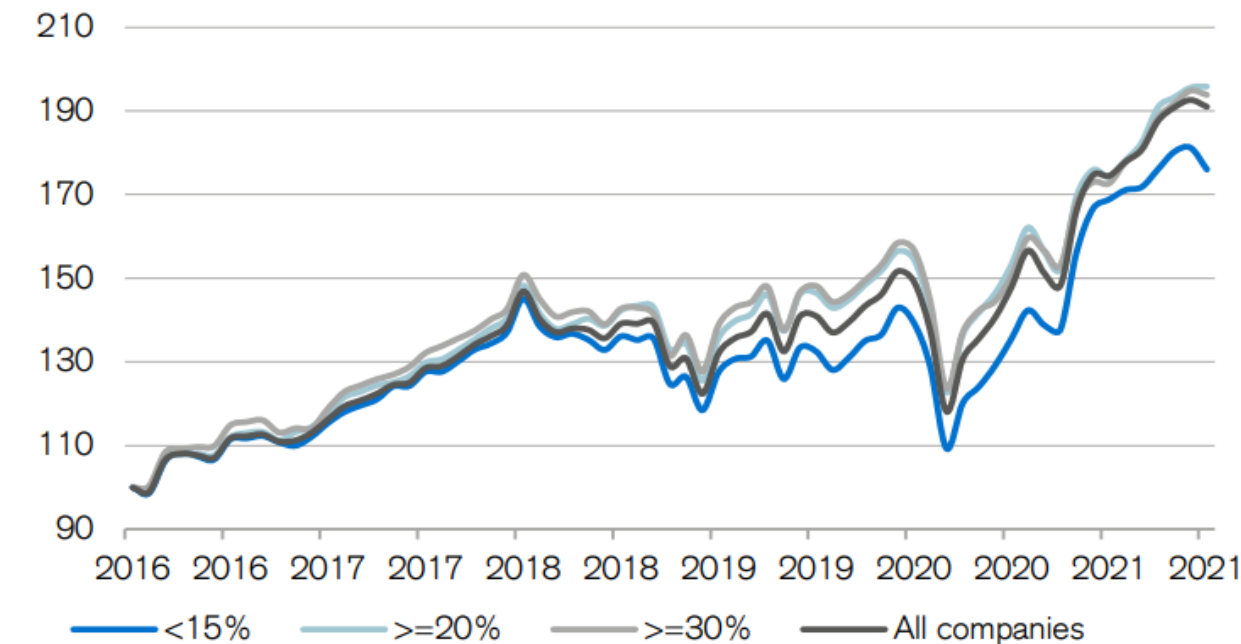
Companies with a greater percentage of women on their board of directors have consistently outperformed those with few (<10%) to no women (No WoB) on their boards

# Diverse Groups Are More Productive, Part 2

## The Credit Suisse Gender 3000 Report

Figure 9: Share price performance by percentage of women in management (rebalanced universe)

(indexed to 100)



Companies with a greater percentage of women ( $\geq 20\%$  and  $\geq 30\%$ ) in management have consistently outperformed those with fewer women in management ( $< 15\%$ )



# Inclusive Recruitment



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# Inclusive Job Descriptions and Postings, Part 1

- Use gender neutral titles and check pronouns
- Avoid your use of gender-charged words and superlatives
  - [Use the Gender Decoder Tool](#)
- Limit the number of requirements
- Reconsider your minimum requirements
- Express your commitment to equality and diversity
- State benefits

Please refer to [search process toolkit](#) for additional guidance



# Inclusive Job Descriptions and Postings, Part 2

- Mention your values
  - [Campus Commitment to Diversity and Affirmative Action/Equal Employment Opportunity](#)
  - [Diversity Values Statement \(Academic Senate\)](#)
- Hybrid/Remote Options
  - Opens new and diverse talent pools
  - Help close the gender gap - people with primary family care responsibilities
  - Assist individuals with disabilities
  - Increased efficiency and productivity

# Good Faith Efforts, Part 1

- Efforts to broaden the pool of qualified candidates to include minorities, women, individuals with disabilities and protected veterans
- Document everything
  - When outreach happened
  - Who was contacted
  - Which group was targeted
  - What outreach occurred
- Diversity advocate will work with search coordinator to document and monitor effectiveness of efforts



Refer to [search process toolkit](#) for good faith efforts example and template spreadsheets



# Good Faith Efforts, Part 2

- Recruitment and outreach efforts are critical in ensuring a diverse pool of candidates
- Committees must do more than simply issue a position announcement and wait to receive applications
- **All committee members should be actively involved in these efforts!**

# Advertising and Recruitment

- Automatic postings
  - [University of Illinois Job Board](#) (Free)
  - [Higher Ed Jobs](#) (Free)
  - Higher Ed Jobs, Diversity & Inclusion Email (may carry a fee that will be charged to the department; contact Illinois HR for additional information)
  - Broadbean Sources (Free)
  - Higher Education Recruitment Consortium (Free)
- Faculty only recruitment resources
  - [Big Ten Academic Alliance Doctoral Directory](#) (Free)
  - [Southern Regional Education Board DSP Scholar Directory](#) (Free)

<https://oae.illinois.edu/our-services/hiring-processes/recruitment-sources/>



# Custom Applicant Source Code

- Can be used to track where an applicant found out about the position (previously known as the EEO source in HireTouch)
- When placing an announcement to an external site, use a custom link for each source
- When an applicant clicks on this custom link and is directed to the university's job board, it allows for the collection of applicant source data
- This data can be used to assess good faith efforts
- Job aid can be found in the [search process toolkit](#)

# Strategies to Increase Diversity of the Pool

- Diversify the search committee
- Ensure an inclusive office environment
- Utilize a wide variety of recruiting methods
- Do not rely on the same sources repeatedly – each search is unique
- Assess efforts and adjust when needed
- Provide equal access to the selection process
- Revisit your pipeline – our networks tend to look just like us
- Video - [Blind Spots: Broaden Perspectives](#)

# Go Beyond Main Recruiting Channels, Part 1

- Work with HR staff to email job postings to professional journals, associations, web recruitment boards or electronic newsletters for diverse applicants in a particular field
- Connect with Historically Black Colleges and Universities and Hispanic, American Indian, and Asian serving institutions
- Ask members of the department to reach out to their professional networks, to see if they know of underrepresented individuals who may be qualified for/interested in position
- Reach out to cultural centers, career centers and alumni groups

# Go Beyond Main Recruiting Channels, Part 2

- Utilize social media groups
- Make connections at junior colleges
- Engage local and regional networks of people in related fields to see if they know of potential candidates
- Encourage colleagues who will be attending professional conferences to recruit for the position
- Share announcements with various community organizations that work with diverse audiences

# Go Beyond Main Recruiting Channels, Part 3

- Invite individuals on campus for a lecturer series
- Contact women and minorities who have received significant grants or professional recognition and ask for the names of promising women and minority scholars
- Maintain close contact with graduates of the U of I and encourage them to apply or to contact their students/colleagues
- Email position announcements to graduate departments that are relevant to fields of study for position
- Review databases for listings of diverse scholars and contact any that might fit the position description



# Go Beyond Main Recruiting Channels, Part 4

- Engage with Regional Veterans' Employment Coordinators (RVEC)
- Post at [Rally Point](#) (social network site for veterans)
- Build relationships with [Disabled American Veterans](#) and [Hiring Our Heroes](#)
- Contact community organizations that support individuals with disabilities - [Directory of Centers for Independent Living and Associations](#)
- Post with [Ability Jobs](#)

# Go Beyond Main Recruiting Channels, Part 5

- Make connections with religious organizations, spiritual centers and places of worship
- Post with [Pink Jobs](#) which features LGBTQ+ friendly positions from pro-equality employers
- Makes connections on [Out Büro](#), the largest LGBTQ+ professional networking group on LinkedIn

# Continued Recruitment

- Always be recruiting
- More successful when ongoing
- The best candidates often do not check job boards



# Understanding Bias

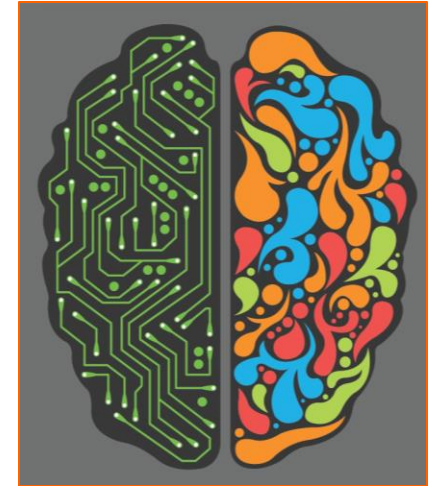


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# Implicit Bias Explained, Part 1

- Bias we are unaware of and is outside of our control
- The ability to quickly categorize is a fundamental quality of the human mind and **happens to everyone**
- It occurs automatically and is triggered by our minds noticing patterns and making quick generalizations of people and situations



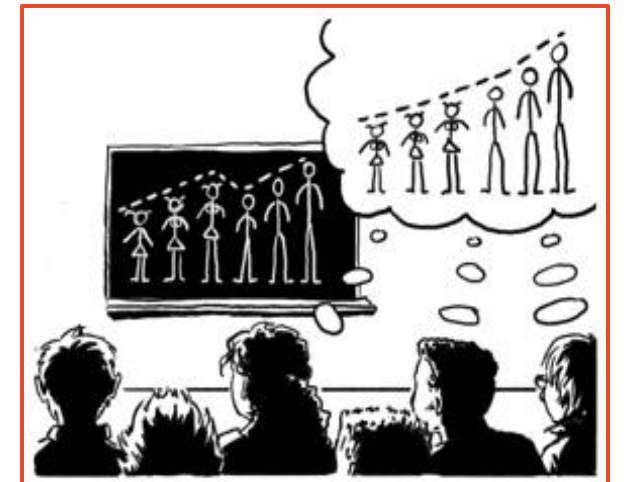
<https://www.scientificamerican.com/article/how-to-think-about-implicit-bias/>

# Implicit Bias Explained, Part 2

- Even if we have strong egalitarian values and believe we are not biased we may still behave in discriminatory ways
- Despite efforts to be objective, these judgments are shaped by a lifetime of experience and cultural history, and lead to implicit bias or implicit stereotyping
- Applies to a variety of physical and social characteristics associated with race, gender, age, ethnicity--even height

# Bias Example – Height

- When shown photographs of people of the same height, evaluators overestimated men's heights and underestimated women's heights, even though a reference point, such as a doorway, was provided
- Decisions were based on assumptions about average height of men vs women, despite evidence that the individual in question did not fit the stereotype
- Another study found that tall candidates are perceived as more competent, employable and healthy
  - 58% of male CEOs are over six feet tall, even though they only account for 14.5% of the population



[https://www.monmouth.edu/equity-and-diversity/documents/biasbrochure\\_3rded.pdf/](https://www.monmouth.edu/equity-and-diversity/documents/biasbrochure_3rded.pdf/)

<https://builtin.com/diversity-inclusion/unconscious-bias-examples>



# Bias Example – Names

- Resumes of applicants with white-sounding and male-sounding names were more likely to be interviewed for open positions than were equally qualified applicants with African-American-sounding or female-sounding names
- When rating the quality of verbal skills as indicated by vocabulary definitions, evaluators rated skills lower if told that an African American provided the definitions than if a white person provided them



[https://www.monmouth.edu/equity-and-diversity/documents/biasbrochure\\_3rded.pdf](https://www.monmouth.edu/equity-and-diversity/documents/biasbrochure_3rded.pdf)



# Strategies to Avoid Bias, Part 1

- **Before reviewing anyone, be very clear and in agreement about what is required/preferred for each job and what that looks like**
- Evaluate each candidate's entire application
  - Avoid depending too heavily on only one element such as letters of recommendation
  - Be able to defend every decision for eliminating or advancing a candidate by documenting the process
  - Reasons for selection/non-selection should be specific
  - Avoid vague statements such as “not a good fit”

# Strategies to Avoid Bias, Part 2

- Spend **sufficient time** reviewing each person
- Ensure consistent and fair treatment of all applicants at **every stage** of the selection process
  - Application review
  - Screening & finalist interviews
  - Discussion of finalists
- Consider including a diversity interview question
- Applicants who need an accommodation should be treated equally to applicants who do not need an accommodation



# Strategies to Avoid Bias, Part 3

- Question your judgments and decisions; Consider whether unintentional bias may have played a role
  - Are women or minority applicants subject to higher expectations in areas such as number/quality of publications?
  - Are applicants who received degrees from institutions other than major research universities being considered?
  - Question if all the final candidates are similar
- Discuss, monitor, and *point out biases* if they emerge in the search process

# Hiring Manager Role



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# Role in the Academic Search Process

- Make final hiring decision
- Provide committee charge at first committee meeting
- Charge should be given verbally, plus a written version for the committee to refer to later and should occur before review process begins
- Hiring manager is not a search committee member
- **Note:** *may choose not to follow committee recommendation*

For more information about committee charge review the hiring manager role in [search process toolkit](#)



# Role in Recruitment Efforts

- Hiring managers must:
  - Be aware of the affirmative action placement goals and hiring benchmarks for the positions that they are hiring for
  - Review and/or discuss the recruitment plan with the diversity advocate
  - Advise the diversity advocate to discuss the diversity of the applicant pool and finalist pool with them to make sure the pools are satisfactory in meeting the goals and benchmarks

# How do I know if there is a goal or benchmark?

- When a new requisition feeds into Cornerstone, OAE sends an email to the req owner with information about the search process
  - Includes [link to a dashboard](#) where goals and benchmarks can be found
- After the announcement is posted, an email is sent to the hiring manager, req owner and search committee members (if applicable)
  - Includes the goals and benchmarks for that vacancy and information about key roles
- If you have questions about the goals or benchmarks for a vacancy, please send OAE an [email](#)

# What does it mean if there is a goal or a benchmark?

- **OFCCP regulations require federal contractors to:**
  - Conduct good faith efforts to address underrepresentation of faculty and staff (i.e., if there is a goal, efforts should be geared towards that goal);
  - Document efforts and analyze the effectiveness of the efforts being conducted; and
  - If efforts are not working to meet goals, to try different efforts to address the underrepresentation
- **OFCCP does not tell us:**
  - Where/how to recruit
  - How to analyze the effectiveness of efforts



# Hiring Manager Key Concepts, Part 1

- Job groups
  - Are made up of employees that have similar job responsibilities, type of work, salary and opportunities for advancement
- Underutilization
  - Compares the percentage of women, minorities, and individuals with disabilities currently employed in each job group to the percentage of those groups with the required skills who are available for employment in that job group
  - Availability is gathered from U.S. Census and other related sources
    - The result is a comparison of the composition of your workforce with the composition of the labor pool from which you recruit and select

# Hiring Manager Key Concepts, Part 2

- Adverse impact
  - Occurs when the selection rate for any race, sex, or ethnic group is less than 80% of the rate for the group with the highest selection rate
  - Hires, promotions and terminations are reviewed annually
  - Example:
    - We hire 10 minorities out of a group of 50 minority applicants
    - This would be a 20% selection rate
    - Of the 100 non-minority applicants, 50 were hired for a selection rate of 50%
    - Minorities would have the lower selection rate, so we will divide their 20% rate by the 50% non-minority selection rate
    - This results in a 40% impact ration
    - Since this is less than 80% there is a finding of adverse impact
  - We would ensure that documentation is in place to support the hiring decision

# Good Faith Efforts - Retention

- Work to maintain work environments that are free from harassment and discrimination
- Address and respond to any potential climate issues
- Refer employees who may need a reasonable accommodation to the Office for Access and Equity
- Inform all employees of internal development and promotional opportunities
- Promote and support employee training and development
- Encourage employees to develop career plans and acquire training to enhance knowledge and skills
- Consult with appropriate administrative offices when situations occur



# Good Faith Efforts - Terminations

- Document the rationale and process for each termination and ask your college/department human resource personnel to review
- Work with the Office for Access and Equity to review terminations for adverse impact

# Good Faith Efforts for Hiring Managers and Supervisors – General

- Communicate your commitment to equal employment opportunity and affirmative action with employees
- Provide equal employment opportunity and affirmative action policy information to employees
- Publications and websites should include the policy and demonstrate diversity with photos of minority, female, veteran and individuals with disabilities
- All employees involved in the recruitment, screening, selection, promotion, disciplinary, and related processes should be trained to ensure the commitments for the University of Illinois at Urbana-Champaign affirmative action program are implemented
  - Work with the Office for Access and Equity on the training

# Fairness in the Process



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# Confidentiality

- **Confidentiality is critical**
- Maintain confidentiality of all candidate information and deliberations **before, during, and after** search
- Access to application materials and other information about screening is limited to search committee members, hiring managers, and individuals supporting the search
- Extra caution with internal candidates
  - Even if no longer under consideration, cannot be involved in any aspect of search
  - Consider making calendar invites private

# Conduct Job Searches That Are Free of Discrimination

- If you are responsible for recruitment and hiring, then you must be sure all your employment practices meet equal employment opportunity guidelines
  - Establish recruitment plans for all positions
  - Use preestablished interviewing and hiring processes
  - Follow structured interviews where applicants are asked the same set of job-related questions
  - Document the deciding factors on all your hiring decisions so that you can defend them should the need arise



# Documentation and Why It Is Needed

Documentation	Reason(s) why it is needed
Copies of advertisements	Proof of recruitment efforts and shows that posting includes required EEO statement
Good faith efforts spreadsheet	Proof of recruitment efforts and analysis of effectiveness (if efforts are not producing measurable results or qualified candidates, make adjustments or find additional sources)
Application screening/criteria	Record of process used to evaluate all applicants in a fair and equitable manner (consistent selection practices area a critical component to ensuring that your practices are nondiscriminatory/inclusive)
Interview questions/criteria	Record of process used to conduct interviews in a fair and equitable manner
Disposition codes	Critical for ensuring accurate applicant data is available for the affirmative action plan Every applicant in the pool, should have a final disposition code that indicates what stage they ended in the process

# Documentation

- In the absence of documentation, the assumption is that we are guilty of some form of discrimination
- Keep records for three years for the affirmative action plan



# Ensure Pay Equity

- Ensure that your pay decisions are based on legitimate, non-discriminatory business factors and that the reasons for pay decisions can be clearly explained when asked
- Consider posting salary ranges for job postings
- Be cautious with salary negotiations
- Take steps to adjust pay or the underlying factors that are contributing to pay disparities
- Maintain adequate records

**A \$1,000 difference in starting pay can culminate into \$500,000 loss of career earnings**

# Why be an equal employment opportunity and affirmative action employer?

- It's the law!
- It increases productivity.
- It helps you manage your workforce.
- It's the right thing to do.



# Summary

- You should now be able to answer the following questions:
  - Did you know the university has an affirmative action plan?
  - When was the last time you had training on affirmative action?
  - Do you know the difference between equal employment opportunity and affirmative action?
  - What are placement goals?
  - Do you document your decisions?
  - What affirmative action recruiting was conducted for your openings?
  - Why do the salaries differ for jobs in your department that have the same title?
  - What is adverse impact?
  - What are good faith efforts?

# Contact Information & Resources

- **Office for Access and Equity**

- Phone: 217-333-0885
- Email: [accessandequity@Illinois.edu](mailto:accessandequity@Illinois.edu)
- Website: <https://oae.Illinois.edu>



# Office for Access & Equity

Thank you!



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