

## **UCSD Academic Recruitment Module 1 Transcript**

Welcome and thank you for attending the overview of the Academic Recruitment Process.

In this overview, we will cover foundational topics to help you to better understand the academic recruitment process.

The module encompasses four sections which will include Federal and State Laws, Compliance, Roles in the Academic Recruitment Process, and Applicant Communications.

At the end of each section, there will be quiz questions you will need to answer in order to move forward.

Why are we here? Equal Opportunity, Inclusion, and Belonging.

Before we begin, let us give you some context to the laws and policies that inform UCSD's recruitment processes.

In 1942, Dr. Blackwell was the proposed candidate for a faculty position for a recruitment at the University of California at one of our sister institutions. However, he was not hired in large part because the wife of the Department Chair would not allow Black people in her home.

It was not until 1952, that Professor Blackwell was able to join the Math Department as the first Black tenured faculty in the UC System.

Exclusion and discrimination are no longer permitted through policy, however there are other more subtle ways that the legacy of discrimination and exclusion manifest themselves today. It is imperative that our search efforts are intentional and inclusive, so UC San Diego can be an Equal Employment Opportunity leader to attract the best diverse applicants.

Your involvement in the recruitment process is critical to ensuring inclusive and equal searches.

This timeline we have provided outlines the past 82 years of policy and laws to demonstrate how they have evolved into the Equal Employment Opportunity and Affirmative Action policies that we are charged with upholding today. Understand that this timeline exemplifies how policies and laws change over time to meet the needs of our society. What worked for the recruitments of yesteryear will not always be the precedent for recruitments that you will create in the future.

The creation of this timeline would not be possible if not for the intergenerational work of activists, advocates and policy makers to better ensure equal opportunity for every community to find employment at UC San Diego.

If you look at where Dr. Blackwell was initially denied employment in 1942 to 10 years later in 1952 when he was officially tenured demonstrates just one example of how an incredible professor who was qualified was limited by institutional discrimination. Each new Executive Order or Senate Bill or Act provided additional protections in the employment recruitment process to ensure all qualified candidates are provided the same opportunity. You can see that in the year 2014, three new protections were added, and even in 2023, there were additional protections that have become law. The compliance process is constantly changing, and we must

ensure we are doing everything at UCSD to look for the best and brightest and not limit ourselves to anyone community of applicants.

The University of California at San Diego is a federal contractor, that receives over 1.64 billion dollars in grants. Because UCSD does business with the federal government, the campus is responsible for complying with the legal requirement to take affirmative action and not discriminate based on race, color, sex, sexual orientation, gender identity, religion, national origin, disability, or status as a protected veteran.

**The Federal Laws that provide guidance to UC Academic Recruitment Process include the following:**

**Executive Order 11246-** promote and ensure the equal opportunity for all persons

**Executive Order 13665-** prohibits retaliation against employees or applicants who inquire about salary

**Executive Order 13672 -** prohibits federal contractors from discriminating against lesbian, gay, bisexual, and transgender employees and applicants.

**Rehabilitation Act (Section 503)-** prohibits discrimination against people with physical or mental disability

**The Vietnam Era Veterans Readjustment Assistance Act -** requires employers to recruit, hire, promote and retain veterans

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To ensure fair and equitable hiring, outreach efforts are critical. It is important to remember that establishing recruitment goals does not mean setting a quota. No job is reserved for specific groups, everyone should have equal access to academic jobs posted. No specific group should supersede merit selection principles, or is justification for hiring a less qualified person over a more qualified person.

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There are also state laws that guide the academic recruitment process. According to the California State Constitution, as established by Proposition 209, the state shall not discriminate or grant preferential treatment on the grounds of race, sex, color ethnicity, or national origin.

However, this does not imply that the campus should not sincerely promote equity in the workforce. The campus must continue implementing outreach initiatives to draw in applicants from underrepresented groups.

The California Fair Employment and Housing Act says no to discrimination based on race or color; religion; national origin or ancestry, physical disability; mental disability or medical

condition; marital status; sex or sexual orientation; or age, concerning persons over the age of 40; and pregnancy, childbirth, or related medical conditions.

A more recent bill is Senate Bill 1162 which requires employers to disclose pay scales on job postings and to current employees. This bill is focused on salary transparency and requires employers to disclose pay scales on all job postings and to current employees upon request.

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These are the UC policies and local agreements that guide the campus discrimination policies. The campus uses these laws and regulations when reviewing our workforce, processes, and activities to ensure that we are inclusive in all of our efforts. These policies protect employees and support inclusion in the workplace.

**Please take a moment to click on and review each policy.**

**Please click next.**

Here is a list of a few agencies that support laws and regulations requiring nondiscrimination. These agencies often work with each other to ensure equal opportunity.

The office that holds federal contractors accountable is the Office of Federal Contract Compliance Programs (OFCCP).

The Department of Labor or OFCCP uses the previously mentioned laws and regulations during an onsite audit to review campus records, and employment conditions and interview decision-makers or recordkeepers on the decisions made throughout the recruitment process.

**The Department of Justice** ensures fair and impartial administration of justice

**The Equal Employment Opportunity Commission (EEOC)** is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy and related conditions, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.

OARS may provide information as a result of an allegation of discrimination by an applicant. The Women's Bureau emphasizes the needs of working women.

All of these agencies can look into recruitment processes.

Even with good intent, these regulations can still be violated.

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A compliance evaluation may proceed in three stages.

Desk Audit- OARS will provide the Affirmative Action Plan to the auditor with supporting data for review. OARS will work with the Auditor to understand the report and stated campus process.

On-site Review – The auditor will conduct interviews with the key stakeholders and final authority on any adverse impact discovered within the audit. The department will need to provide evidence of non-discrimination through any good-faith efforts taken by the departments. This may be outreach efforts, an explanation of the selection of the final candidate, or reasons why candidates were not selected. Having excellent recordkeeping habits and using good disposition comments and reasons should help defend hires.

Having an OARS endorsement does not remove the department from the responsibility of compliance. It also does not defend allegations of discrimination, not providing an equal opportunity or any other discriminatory act. Everyone is included in an audit from the leadership to the department analyst.

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A focused review is specific to one or more components of the recruitment process and practices. This is determined by the OFCCP before the on-site visit by the auditors. OARS will work with the Department to understand the review and how the department can support the process.

The off-site review of records is when the OFCCP notifies the campus and requests any assortment of records to demonstrate that the campus follows the regulations set by Federal, local and UC laws, policies and regulations. OARS will work with departments to coordinate the submittal of documents that are relevant to the review. OARS will not provide documents regarding the recruitment process for the department.

The Scope of OFCCP's Reviews:

The goal of audits is to ensure contractors are adhering to non-discriminatory practices.

Auditors look for violations like: Inadequate records to defend applicant flow and interview practices, Discriminatory decision-making processes for hiring, promotions, terminations, etc., Compensation disparities that can't be explained

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Anyone can file a complaint of discrimination of any type for any reason. It is up to us to defend it.

In the event of the contractor's noncompliance with the nondiscrimination clauses, or any of the rules, regulations, or orders enforcing Executive Order 11246, VEVRAA, or the Rehabilitation Act, the contractor and subcontractor may be subject to harsh sanctions, penalties, and potential civil and criminal liabilities.

Over the past 10 years -

**Over \$218 million** – is the amount of monetary relief that OFCCP obtained for employees and job seekers who were discriminated against, between the years of 2012 and 2022

**Over 267,000** employees and job seekers received financial relief obtained by the OFCCP, between the years of 2012 and 2022

**Over 25,000** total number of job opportunities and salary adjustments for individuals who had suffered discrimination, between the years of 2012 and 2022

What will happen if UCSD is non-compliant?

Among the consequences of non-compliance are the following:

Campus may be debarred and declared ineligible for any future government contracts;

Contracts may be canceled, terminated, or suspended in whole or in part;

Negative press and more audits

Loss of grants/funding

Conciliations: They are expensive, mandatory, labor-intense and may garner negative press

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OARS's role is to work with the departments and schools to ensure the recruitment process is compliant, fair, and equitable. OARS does this by reviewing recruitment reports, providing training, generating ad hoc reports, and ensuring recruitment recordkeeping is managed.

OARS also creates and publishes The Academic Affirmative Action Plan annually. They review, analyze and report recruitment activities annually to the Federal Government and the Office of the President at UCOP. These reports are reviewed and can instigate an audit if there is an adverse impact on any group of underrepresented groups. Following the compliance process is the best way to meet compliance.

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OARS works with schools/colleges, reviewing recruitment reports, providing options to mitigate compliance risk, and consulting with departments to ensure the campus meets the goal of hiring the brightest and best inclusive workforce.

OARS is also responsible for creating the annual affirmative action plan to report workforce activity to the federal government.

OARS provides annual Affirmative Action Plans that provide workforce data on academic recruitments, hires, promotions, and compensation by gender, ethnicity, veteran status, and Section 503 status.

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Once the department initiates a recruitment report, it goes through an approval workflow that includes the department chair/unit head, OARS, and the dean. The FEA and Academic

Personnel Director are added to senate searches. Each approver reviews the report to ensure that it meets the needs of the area, including outreach efforts. Each approver's accountabilities are different so all members must approve the report. The dean/final authority is responsible for recruitment compliance if audited.

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When communicating with applicants, it is possible to discriminate unintentionally. Here are a few examples of what not to say. When trying to find the right person, you aren't thinking about what should and should not be asked. The [Equal Employment Opportunity Act \(EEOA\)](#) prohibits you from asking questions that might lead to discrimination or the appearance of discrimination.

Bottom line: you cannot ask questions that in any way relate to a candidate's:

- Age
- Race
- Ethnicity
- Color
- Gender
- Sex
- Sexual orientation or gender identity
- Country of origin
- Birthplace
- Religion
- Disability
- Marital status
- Family status
- Pregnancy
- Dead naming an applicant (which is defined as the use of a person's name that they no longer use for any number of reasons, but is most commonly associated with nonbinary or transgendered community members). If an applicant has indicated their lived name, you should not use their "deadname" when communicating with them.
- Please refer to the table on this slide as well as the next to learn what to ask, what not to ask and general best practices when speaking to an applicant.

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Continuing on with things that you should not ask an applicant are birth place, citizenship, references, gender, marital status or family. Intent versus impact can negatively impact an applicants perception of UC San Diego. Remember that as professionals, we are seeking the highest caliber of scholarship and expertise, and those qualities can and do exist in a wide variety of people. Being conscientious and considerate of how certain questions are not appropriate to ask an applicant removes the potential for discrimination and liability. Additionally, be aware of hidden biases and how they might impact the selection of candidates:

We have a complete list of unacceptable questions and some additional resources on OARS website to assist.

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For additional resources, please visit and explore the OARS website by clicking the icon. Thank you for completing the first module. For questions, contact us at [OARS@UCSD.edu](mailto:OARS@UCSD.edu).