

# Search Committee Equity and Compliance Overview



**MONTCLAIR STATE  
UNIVERSITY**



# Introductions



# Purpose of the Training

- Introduction to the HR Compliance Team
- To provide a basic overview of Equity and Compliance in Hiring.
- To share best practices and resources with search committee members.
- Annual compliance training - valid for one academic year (i.e. 2022-2023)
- A high-level overview of Equity and Compliance
- Slide-deck and additional resources will be made available.
- Attendance will be tracked for compliance tracking.



# Why is Equity and Compliance Training important when hiring?



# Equity Begins Before the Hire

- Montclair State University is committed to equal opportunity and equity in hiring decisions.
- Project Soar 2025, the University's strategic plan, supports the campus community's shared vision, including *Pillar Two: Growing Through Diversity and Access*.
- Targeting Recruitment Activities to underrepresented racial and ethnic populations and individuals with Disabilities (mirroring our student population).
- Coming in \*2023\* S.A.M.E. Program - NJ State as a Model Employer seeks to increase the number of employees with disabilities
- Diversity and Inclusion increase student & employee engagement and retention.
- Best Real-world preparation for students
- Positions Montclair State University as an employer of choice.



# Mission and Commitment

Montclair State University is also **committed to recruiting a workforce** that reflects the diversity and talents of New Jersey, the larger metropolitan area and the nation. The University therefore seeks to recognize and draw upon the talents of a diverse range of outstanding faculty and staff, and to foster the free exploration and expression of differing ideas, beliefs and perspectives through scholarly inquiry and civil discourse.

Source:

<https://www.montclair.edu/human-resources/equity-and-title-ix/eo-aa-recruitment-faculty-managerial-and-professional-staff/>



# Diversity, Equity, and Inclusion Statement

Montclair State University is **committed to establishing and maintaining a diverse campus community** that is representative of the State of New Jersey through inclusive excellence and equal opportunity. Montclair State University's commitment to access and equity is designed to prepare each graduate to thrive as a global citizen.

As an affirmative action, equal opportunity institution we are working to support a campus-wide agenda to foster a community that both values and promotes the varied voices of our students, faculty, and staff. **The University encourages candidates to apply who will contribute to the cultural tapestry of Montclair State University and who value teaching a diverse student population, many of whom are first generation students.**



# Federal & State Laws and Other University Policies and Procedures





# **NJ Law Against Discrimination ("NJ L.A.D.")**

The New Jersey Law Against Discrimination (LAD) prohibits discrimination and harassment based on actual or perceived race, religion, national origin, gender, sexual orientation, gender identity or expression, disability, and other protected characteristics. The law applies in employment, housing, and places of public accommodation (generally, places open to the public, including businesses, restaurants, schools, summer camps, medical providers, etc.)

Source: [https://www.njoag.gov/wp-content/uploads/2021/12/NJ-Law-Against-Discrimination\\_11.12.21.pdf](https://www.njoag.gov/wp-content/uploads/2021/12/NJ-Law-Against-Discrimination_11.12.21.pdf)



# NJ State Law Prohibiting Discrimination in the Workplace (“the State Policy”)

Forms of employment discrimination or harassment based upon the following protected categories are prohibited and will not be tolerated: race, creed, color, national origin, nationality, ancestry, age, sex/gender, pregnancy, marital status, civil union status, domestic partnership status, familial status, religion, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability.

Source: <https://www.nj.gov/treasury/administration/pdf/DiscriminationPolicy.pdf>



# **Title IX and Gender-Based Misconduct (Sexual Misconduct)**

Title IX is a federal law which prohibits discrimination on the basis of gender or sex. Sexual harassment and sexual violence are forms of discrimination under Title IX. Along with several other federal and state laws, Title IX Montclair State University's policies and procedures in preventing and addressing these forms of misconduct.

Gender-Based Misconduct is the term Montclair State University uses to describe the range of behaviors that are prohibited under our policies relating to gender, sex, and relationships. It includes non-consensual sex and sexual contact, sexual harassment, sexual exploitation, dating and domestic violence, and stalking.

Source: <https://www.montclair.edu/sexual-violence/>  
<https://www.montclair.edu/policies/all-policies/gender-based-conduct/>



# ADA & Section 504 Overview (ADA)

In accordance with the Americans with Disabilities Act (ADA), as amended, the Rehabilitation Act of 1973, and relevant local, state, and federal law, the University provides individuals with disabilities equal access to University programs or activities.

Montclair State University is committed to providing employment opportunities to all qualified applicants and employees without regard to a person's mental or physical disability, pursuant to the Americans with Disabilities Act (ADA) of 1990, Section 503/504 of the Rehabilitation Act of 1973 and the New Jersey Law Against Discrimination (LAD).

Every reasonable effort will be made to accommodate special needs, unless the accommodation would impose an undue hardship upon the University or pose a direct threat of substantial harm to the health or safety of the applicant, employee or others.

## **ADA Coordinator**

HR Benefits

[benefits@montclair.edu](mailto:benefits@montclair.edu)



# Uniform Ethics Code N.J.S.A. 52:13D-23

It is essential that the conduct of public officials and employees shall hold the respect and confidence of the people. Public officials must, therefore, avoid conduct that is in violation of their public trust or that creates a justifiable impression among the public that such trust is being violated.

Accordingly, State officers and employees and special State officers and employees shall conform their conduct to the following standards.

Source: <https://www.state.nj.us/ethics/docs/ethics/uniformcode.pdf>

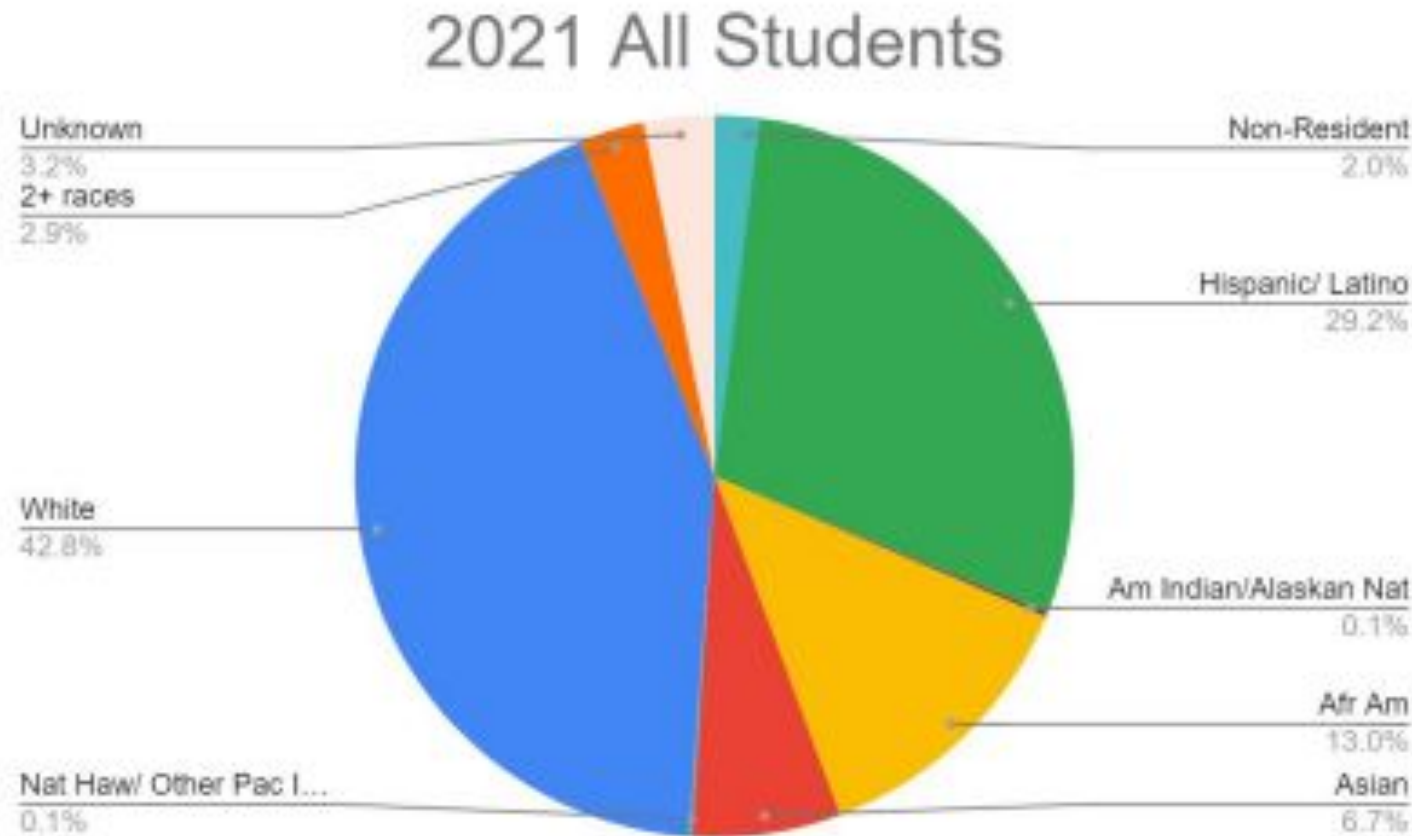




# What does the data suggest?



# Student Profile by Race and Ethnicity (2021)



## All Students

**African American - 13.0%**  
**American Indian - 0.1%**  
**Asian - 6.67**  
**Hispanic - 29.2%**  
**White - 42.8%**  
**Native Hawaiian - 0.1**  
**Two or More Races - 2.9%**  
**Non-Disclosure - 3.2%**  
**Non-Resident - 1.1%**

Source: <https://www.montclair.edu/faculty-advancement/faculty-hiring-toolkit/know-montclair-state/montclair-state-university-student-information/>



# Faculty Profile by Race and Ethnicity (2021)



## Faculty

**African American - 7.2%**  
**American Indian - 0.2%**  
**Asian - 13.5%**  
**Hispanic - 7.0%**  
**White - 55.5%**  
**Non-Disclosure - 11.1%**  
**Non-Resident - 4.6%**

Source: <https://www.montclair.edu/faculty-advancement/faculty-hiring-toolkit/know-montclair-state/montclair-state-university-student-information/>



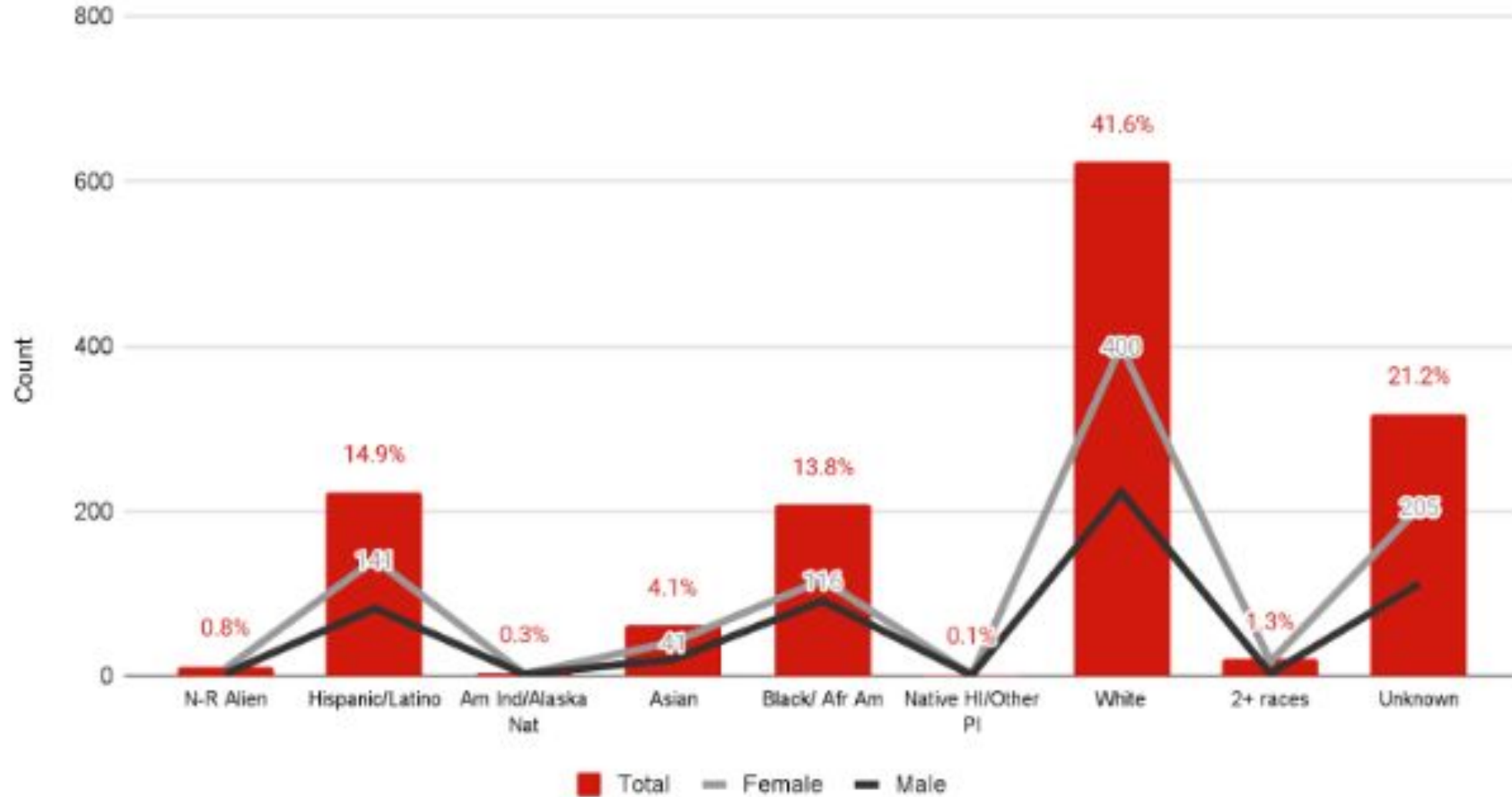
# Staff Profile by Race and Ethnicity

Employees by Race/Ethnicity					
	Full-time Employee		Part-time Employee		Total
	Female	Male	Female	Male	
American Indian/Alaska Native	2	2		1	5
Asian	79	59	39	13	190
Black/African American	128	104	43	35	310
Hispanic/Latino	146	92	55	33	326
Native Hawaiian/Other Pacific Islander	1	1			2
White	499	395	330	246	1,470
Two or More Races	20	7	6	5	38
Unknown	153	110	423	281	967
Non-Resident Alien	17	19	14	4	54
Grand Total	1,045	789	910	618	3,362

Source: <https://irdata.montclair.edu/institutionalresearch/Data-and-Reports/Tableau/employees.html>



# University Total Staff by Gender, Race, and Ethnicity





# Understanding Search Committee Responsibilities



# Search Committee Member Responsibilities

- Engage in a consistent and equitable recruitment process.
- Put aside personal agendas, biases or political positions so that each candidate has an honest, fair and consistent evaluation.
- Disclose all conflicts of interest to the chair and the entire committee.
- Protect confidentiality of the applicants and the decision making process.
- Meet obligations and deadlines, working promptly and efficiently to help ensure that top candidates are not lost to other employers.
- Understand the time commitments

Source: <https://www.montclair.edu/human-resources/talent/search-committees/>



# Search Committee Member Responsibilities

Proactively recruit highly qualified candidates by:

- Develop a screening tool (i.e. rubric) to facilitate a consistent methodology for the review of applications;
- Review applicant materials;
- Create interview questions;
- Schedule and conduct screening interviews;
- Oversee schedule for on-campus interviews;
- Provide summary justifications for the candidate(s) and alternate(s) recommended for hire.
- Tapping into formal/informal networks to identify potential candidates
- Proactively reaching out to national peers by email, letter, or phone to identify potential candidates, including potential nominations
- Researching peer institution colleagues to find potential candidates Providing input on recruitment strategies and advertising plans

**Remember – you are a SEARCH committee, not merely a SELECTION committee!**



# Stages in the Job Application Process

As the process of reviewing and choosing candidates is dynamic, candidates may not hit every stage of the process.

- **Review** – When a candidate applies for a position, they are initially assigned the status review candidate.
- **Screen** – The Search Committee reviews the candidates to identify candidates who meet the minimum job criteria and determine the next step. The Search Committee Chair and/or Assistant moves those candidates to the Search Chair Screen stage. Candidates moved forward in the search process will appear in the Search Committee Chair/Assistant's Workday inbox.
- **Assessment** – Denotes short listed candidates which represent the favorites list of all applicants for this requisition.
- **Interview** – After the candidate is screened, the Search Committee Chair or Search Committee Assistant can move them forward to the Interview Stage. Interviews can be scheduled as on campus, video, or phone.

After the verbal recommendation has been extended and the finalist has verbally accepted, the hiring manager will inform the Primary Recruiter of the final agreed-upon salary and start date. The Search Chair will then move the finalist to the Background Check stage in Workday.

- **Background Check** – Background checks are done through Human Resources once requested by the Search Committee Chair/Assistant.
- **Reference Check** – Reference checks are performed outside of Workday and then uploaded in Workday by the Search Committee Chair or Search Committee Assistant.
- **Offer** – This step is done through Human Resources.
- **Ready for Hire** – This step is done through Human Resources.



# Leveraging Personal and Professional Networks

Networking and advertising are critical to attracting a diverse applicant pool.

Not only is such outreach legally mandated when racial/ethnic minorities or women are underrepresented in the relevant job group, and for veterans and people with disabilities in every search, but broader and targeted outreach may get the attention of excellent potential candidates who are not actively looking for job openings.

If you are well networked within diverse communities, consider sending postings to listservs, social media platforms and hashtag communities.





# Step 1: Committee Forming

- Search Committee Chair sets the tone and shall gain a consensus for meeting times and locations (face to face v. zoom, etc.)
- Committee members shall discussion review expectations and discuss search plan
- Discuss utilization of screening interviews
- Determine number of on-campus visits
- Discuss how finalist recommendations should be presented – justifications, pros and cons, strengths and weaknesses, etc. It is recommended that the committee should not rank candidates, but present as being acceptable, not-acceptable.
- Setting the expectations - everyone one's voice matters and should be heard
- Encourage Respectful dialogue
- Gaining a consensus
- Trust



# Step 2: Resume and Candidate Initial Screening

- Search Committees will have access to candidates materials
- Committees shall determine how materials will be reviewed and evaluated
- Know your **positions minimum and the preferred requirements**
- Scoring rubrics will be used to evaluate all candidates (based on the positions minimum requirements - DEIB must be evaluated)
- Avoid making assumptions based on resume
- Disclose Conflicts of Interest
- Establishing a Short List - “A” list v. “B” list
- Consensus must be reached as collective
- **Code candidates in WorkDay**
- ***All candidates who advance forward must meet the positions minimum requirements***



# Internal Candidates

When there are internal candidates for a position, the search committee must be especially vigilant about maintaining confidentiality.

Internal candidates should not be involved in processing other applicants' materials or evaluating their candidacy, even if the internal candidate is no longer being considered by the search committee for the position.

- Internal candidates must meet the position requirements
- Internal candidates should be interviewed if they meet the minimum

e. Professional staff employees may apply for an announced career opportunity within the time specified on the announcement. The application may be accompanied by any substantiating documentation, which the individual cares to submit.

f. All qualified internal candidates will receive an interview for the career opportunity.

Source: <http://www.cnjscl.org/AFT%20FT%202015-2019%20final%20contract.pdf>



# Step 3: Interviewing Candidates

- Develop questions based on the job description
- Be prepared with questions for the candidates
- Minimum of three (3) candidates for interview
- Interviews may be conducted face to face or Zoom
- Provide ample opportunity for candidates to prepare
- Diversity Statements and Presentations
- Avoid Making Assumptions about candidates - Ask the question!
- Develop an interview protocol to ensure consistency in the questions asked, length of time allocated for, venue of, and people participating in each interview.
- To the greatest extent possible, if a search committee member is present for and evaluates some finalists' interviews, they should be present for and rate all finalists' interviews.
- Give the same opportunities to all finalists.

**TIP** - Behavioral interview questions are generally formatted by presenting a situation, inquiring about what action you have taken to respond to something similar in the past, and what the result was.



# The Interview Experience - On Campus Experience

Create thorough agendas for candidates coming to campus, providing both the finalists and individuals from Montclair State University involved in the interview with a clear outline of the visit.

Identify a primary contact person responsible for welcoming the finalists and ensuring that their visits run smoothly.

In advance of the candidate's visit, provide a copy of their CV or resume to everyone with whom the candidate will meet.

When relevant, ask whether the candidates have any dietary restrictions.





# Step 4: Making a Recommendation to Hiring Manager

- Provide minimum of 3 but 5 is preferred recommendations to the hiring manager; (3 people have to be interviewed)
- Provide a summary of each candidates strengths and weaknesses based on evidence gathered during the interview and their application materials
- Consider recommending a Finalist and Semi-Finalist to Hiring Manager



# Candidate Disposition Reasons

## **CANDIDATE'S CHOICE:**

1. A1. Withdrew to accept another job
2. A2. Asked not to be considered
3. A3. Declined the position when offered
4. A4. Refused or unable to accept job duties, work schedule, or other job related condition
5. A5. Required higher salary than authorized
6. A6. Not available for interview
7. A7. Other (contact HR)

## **RESULTS OF INTERVIEW**

1. C1. Interview revealed candidate was not interested in required functions of the position
2. C2. Interview revealed that the candidate was not well prepared
3. C3. Public presentation revealed the candidate was not well prepared
4. C4. Public presentation revealed candidate did not demonstrate experience level required
5. C5. Other (Contact HR)

## **QUALIFICATIONS:**

1. B1. Candidate did not meet minimum requirements for position
2. B2. Candidate did not meet preferred requirements for position
3. B3. Reference check unsatisfactory
4. B4. Candidate selected had more relevant training and/or experience
5. B5. Candidate well qualified. Will be considered if first choice declines
6. B6. Other (Contact HR)



# Step 5a: Requesting Compliance Review and Salary Recommendation Staff Positions

1. Include Finalist Resume, CV, etc.
2. **Track/Move Finalist in Workday**
3. Search Committee Summary/ Rationale (2-3 bullets)
4. Include the Job Requisition Number
5. Elaborate/Justification for Search Concerns (i.e. search pool size, etc.)
6. Allow 24-48 hours for processing



***\*All finalists are subject to a background check***  
***\*\*For salary conversations - please contact your HR Recruiter***

The hiring manager must email [class-comp@montclair.edu](mailto:class-comp@montclair.edu) requesting a salary recommendation for the finalist and cc the following individuals on the email:

1. The **Primary Recruiter** assigned to the Job Requisition
2. The Compliance Office at [hrcompliance@montclair.edu](mailto:hrcompliance@montclair.edu)

**Note:** The Compliance Office will run an Affirmative Action Report in Workday and will review/approve the recruitment process for the overall applicant pool to ensure compliance with the University's EEO/AA guidelines.



# Step 5b: Requesting Compliance Review and Salary Recommendation Faculty Positions

***\*All finalists are subject to a background check***

***\*\*For salary conversations - please contact your HR Recruiter***

- The Dean and Provost/VPAA finalize salary discussions for faculty.
- After the verbal recommendation has been extended to the finalist and the finalist has verbally accepted, the Department Chair or School Director will inform the Primary Recruiter.
- The Search Committee Chair will then move the finalist to the Background Check stage in Workday.
- The Department Chair/School Director will contact the finalist to obtain all of the following:
- The finalist must submit official transcripts for all degrees conferred.
- The Search Chair will upload three letters of recommendation into Workday by completing the reference check “tasks”.
- After the background and reference checking process is complete and satisfactory, the Primary Recruiter will initiate the Offer Letter per the terms (rank, salary) indicated in the Dean’s recommendation memo.
- The Offer Letter will route through the approval process up to the President for final review and approval.
- After the President signs the offer letter electronically, the finalist will receive the Offer Letter in their Workday Candidate Home account for their review and electronic signature accepting the offer.



# Other Considerations



# Protected Categories

- Sex/Gender
- Color
- Marital Status
- Mental/Physical disability
- Sexual/Affectional Orientation
- Civil Union Status
- Creed
- Nationality
- Genetic Information
- Age
- Race
- Religion
- National Origin
- Familial Status
- Gender Identity and Expression
- Domestic Partnership
- Atypical hereditary cellular or Blood Trait
- Ancestry
- Veteran Status



# Conflicts of Interest and Recusal

A conflict of interest occurs when a search committee member has, or appears to have, a familial, personal, professional, commercial or financial relationship with a candidate that may compromise, or appear to compromise, a fair and equitable recruitment and selection process and outcome.

A conflict of interest exists whenever a search committee member's interests or activities have the potential - real, or perceived - of:

- a) Compromising the search committee member's judgment;
- b) Biasing the nature or direction of the recruitment and selection (in either direction);
- c) Influencing the search committee member's decision or behavior; or
- d) Resulting in personal or a family member's gain or advancement at the expense of the University.

## When to Disclose?

Whether committee member(s) should recuse themselves from considering a candidate they know well but feel they can assess impartially should be addressed on a case-by-case basis in consultation with the search committee chair and the Director of Equity in Human Resources.



# Use of Audio and/or Video Recording in the Hiring Process

It is not Montclair State University's practice to record any element of the employee selection process.

The only exception is in the case of open forums with candidates, where broad community participation is invited and the session is not limited in any way to certain groups, departments, divisions, etc.

In making the decision whether or not to record open forums with candidates, departments should be mindful that similar to other search records, recordings have the potential to be disclosed if subject to a public records request or in the course of a relevant investigation.





# Privacy and Confidentiality

The search committee should treat its records and deliberations as confidential both during and after the search. At the first committee meeting, discuss what confidentiality means to the committee members, and come to an agreement about confidentiality.

Nothing is off the record

Once a candidate, always a candidate!

The Director of Equity and HR Compliance team reserves the right to request access to the committee notes and evaluation rubrics.



# Records Retention

**All search records must be maintained for a minimum of two years.**

The search chair, in coordination with the hiring manager and hiring department, should ensure that at the close of the search, all application/evaluative materials are received from the search committee so that these can be retained along with the rest of the search committee's records for the necessary duration.

**Electronic record keeping is highly recommended**

# Appropriate Inquiries

It is permissible to inquire about **Bona Fide Occupational Qualifications** (BFOQ), e.g. language fluency, licensures, and certifications.

Examples of questions employers **may ask specific to the requirements of a position** are:

*Can you move 20 pounds from location A to location B?*

*Do you have a valid driver's license?*

*Can you get from building A to building B?*

*Can you read a monitor?*

*Can you climb a ladder?*

*Work a night shift?*



# Inappropriate Inquiries

<b>Age</b> <b>Religion</b> <b>Gender</b> <b>Sexual Orientation</b> <b>Transgender</b>	<b>Race</b> <b>Ethnicity</b> <b>Mother Tongue</b>	<b>Birthplace</b> <b>Credit Status</b> <b>Owning or Renting Residence</b>	<b>Names &amp; Addresses of Relatives or Religious Leaders</b>	<b>Military Experience</b>  <b>Discharge Conditions</b>
<b>Height &amp; Weight</b>	<b>Questions about an Apparent or mentioned Disability</b>	<b>Memberships in any Organizations or Clubs</b>	<b>Marital Status</b>  <b>Spouse's Occupation</b>  <b>Maiden Name</b>	<b>Number of Children</b>  <b>Political Affiliation</b>



## Hypothetical Scenario 1:

Facilities is hiring a new electrician. The Search Committee is composed of all white males. When posting the position, there were at least 20 in the candidate pool who met the minimum requirements. After 5 months, the search committee begins to interview candidates. The second person they interviewed, Jerry, did not meet the minimum experience required but conveyed to the committee that he believed he could do the job because his grandfather was an electrician so it must run in the family. Jerry also stated that he picks things up quickly. After interviewing Jerry, the committee felt they found the perfect person for the position and moved forward to offer Jerry the electrician position.



## Hypothetical Scenario 2:

Campus needs a new Housekeeper. Brenda is supervisor of housekeepers & on the Search Committee. She shares the position on her LinkedIn & Facebook. Charlie is Brenda's nephew & applies for the position. Charlie has a 4 year history of working as a housekeeper at Rutgers University! The Committee interviews Charlie & a diverse pool of several other candidates who meet the minimum requirements. During the interview, Farida, who is a member of the search committee, asks a candidate who appeared to be religious, whether they are comfortable working with the LGBTQ community. This question was not asked of all the candidates. Brenda was excited that Charlie did so well in the interview and advocated to the rest of the committee for Charlie to be offered the position. The committee ended up offering the position to another candidate.

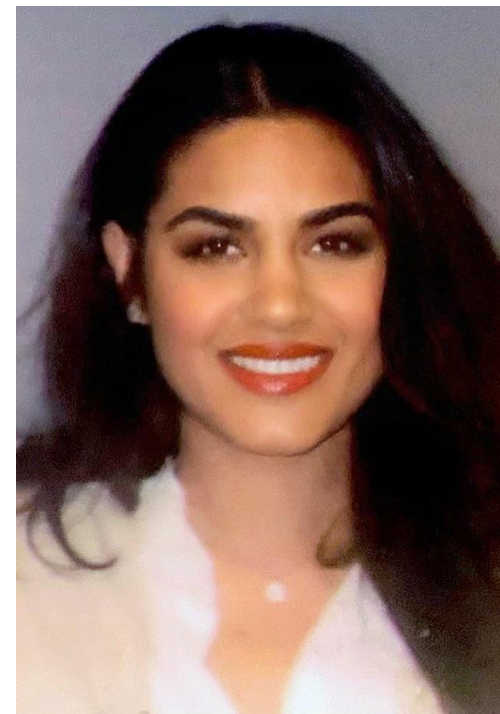


# HR Search Committee Compliance



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# Questions?

