FACULTY RECRUITING

Equal Employment Opportunity / Affirmative Action / Diversity & Inclusion

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• **Equal Employment Opportunity**
  
  ➔ A legal obligation, arising out of a compilation of laws requiring equal treatment of similarly situated individuals.

  ➔ Enforced by federal, state, and local agencies, and by the courts.

• **Affirmative Action**

  ➔ A legal obligation, applicable to entities that have contracts with the federal government.

  ➔ Enforced by the federal government through Compliance Evaluations.

• **Diversity & Inclusion**

  ➔ A voluntary commitment, based on organizational values and priorities.

  ➔ Not enforced and any metrics would be assessed internally.
Employers can and should expect that their workforce mirrors the profile of the pools from which they select personnel.

That is what diversity and affirmative action are all about: "A central premise underlying affirmative action is that over time a contractor's workforce, generally, will reflect the gender, racial and ethnic profile of the labor pools from which the contractor recruits and selects." 41 C.F.R. § 60-2.10.

But –


• Quotas are prohibited. In its published Facts on Executive Order 11246, the OFCCP commented that: "The regulations . . . specifically prohibit quota and preferential hiring and promotions under the guise of affirmative action numerical goals. In other words, discrimination in the selection decision is prohibited."

• Diversity Goals that are not tied to relevant Availability data can form the basis of a so-called “reverse discrimination” claim. A Wall Street Journal September 30, 2015 article entitled "More Companies Say Targets Are the Key to Diversity", discussed the care that must accompany the wording of "targets" or goals: “Corbett Anderson, assistant legal counsel with the Equal Employment Opportunity Commission, says employers should "proceed with caution" when implementing targets to make sure they stay on the right side of the law and aren’t creating too high a bar to employment for men and nonminorities.”
I. Non-Discrimination
   • Practice non-discrimination in the entire selection process.
   • Ensure compliance with applicable University policies.
   • Demographic criteria cannot be the determinative factor . . . but may be a “plus” factor.
   • Hire the best qualified (most competitive) candidate regardless of gender, race / ethnicity, or any other characteristic.

II. Affirmative Action
   • Assist in meeting applicable Placement Goals, Utilization Goals, and the Benchmark for Hiring.
   • Because it has contracts with the federal government, CMU is subject to Executive Order 11246 (Women and Minorities), Section 503 of the Rehabilitation Act of 1973 (Individuals with Disabilities), and the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (Protected Veterans).

III. Diversity & Inclusion
   • Ensure that the pool of candidates includes diverse candidates, and make efforts to expand the pool if necessary.
   • The mind-set is one of being pro-active, thinking "outside the box", and designing strategies that are geared to producing results.
Goals

A. **Executive Order 11246** -- A contractor is required to assess the availability (both External and Internal) of Women / Minorities for jobs in each Job Group and, where the Weighted Availability in a Job Group for either Women or Minorities exceeds the actual incumbency of Women / Minorities, a contractor is required to set a Placement Goal.

B. **Section 503** -- The federal government requires that contractors set a "utilization goal of 7% for employment of qualified individuals with disabilities for each job group in the contractor's workforce".

C. **VEVRAA** -- The federal government requires that contractors set a "Benchmark for the Hiring" of protected veterans. The benchmark is required to be set at 6.7% of all hires.
## Examples of Executive Order Placement Goals

### Dietrich College of Humanities and Social Sciences

<table>
<thead>
<tr>
<th>STATISTICS</th>
<th>Total Workforce</th>
<th># of Women</th>
<th>% of Women</th>
<th>Final Availability</th>
<th>Placement Goal (%)</th>
<th>Shortfall</th>
<th># of Minorities</th>
<th>% of Minorities</th>
<th>Final Availability</th>
<th>Placement Goal (%)</th>
<th>Shortfall</th>
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<tbody>
<tr>
<td>Tenured</td>
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<td>3</td>
<td>23.08%</td>
<td>31.11%</td>
<td>31.11%</td>
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<td>3</td>
<td>23.08%</td>
<td>23.19%</td>
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<td>39.99%</td>
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<td>2</td>
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<tr>
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<td>35.62%</td>
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<td>0</td>
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<td>0.00%</td>
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<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Research Track</td>
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<td>100.00%</td>
<td>35.62%</td>
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<td>0</td>
<td>0.00%</td>
<td>25.28%</td>
<td>N/A</td>
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### School of Computer Science

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<th>Total Workforce</th>
<th># of Women</th>
<th>% of Women</th>
<th>Final Availability</th>
<th>Placement Goal (%)</th>
<th>Shortfall</th>
<th># of Minorities</th>
<th>% of Minorities</th>
<th>Final Availability</th>
<th>Placement Goal (%)</th>
<th>Shortfall</th>
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<td>10.66%</td>
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</table>
Tips

• With any search, ascertain whether there is an Executive Order Placement Goal.
• If there is a Placement Goal, ensure that the candidate pools at least equal the Availability of Women and Minorities.
• Even if there is not a Goal, the candidate pool should reflect the Availability.
• Avoid the One Applicant – One Appointment scenario.
• Retain accurate and complete records of applications, appointment, and promotion activity, and outreach activity.