Discussion

- Search plan and considerations for this search
- Institutional commitment to excellence and diversity
- Regulatory background that guides our process
- Department faculty profile, estimated availability, under representation, and peer institution comparison
- Subtle bias
Why Diversity?

- Duke’s core values and signature efforts around interdisciplinarity, internationalization and diversity help to foster a supportive and dynamic intellectual climate where visionary thinkers can actualize their most promising ideas.  
  
  Duke’s Advantages for Faculty brochure

- Value of Diversity ... DTF report, May 2015
  - Humanistic conceptions of the inherent worth of difference
  - Redress for past wrongs and continuing inequality
  - Improved teaching and scholarly productivity
  - Student needs for diverse role models
  - Advances Duke’s teaching, research, and service mission

- Diverse perspectives improve performance; seeing problems in different ways proves useful for innovation and scientific breakthroughs.

- Diversity creates landscapes with different local peaks – diverse faculty broadens the questions and methodologies of research.

- Diversity of faculty to reflect the student body and the global world will contribute to higher quality learning experiences.
Regulatory and Legal Backdrop

- Equal Protection Clause
- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendment of 1972
- Executive Order 11246 (1965) Affirmative Action

Considerations
- Prohibition on discrimination
- “Compelling” interest
- Manifest imbalance and Underutilization
- Remedial justification
Complementary or Contradictory?
Affirmative Action, Equal Opportunity and Diversity

- **AFFIRMATIVE ACTION** - a strategy for pursuing equal opportunity for individuals, and diversity for organizations, through outreach in recruitment, development, and retention programs. Organizations employ affirmative action to engage in fair employment practices, and redress past inequities.

- **EQUAL OPPORTUNITY** - offers individuals fair chance for participation in the workplace or academy. Equal opportunities for employment and admissions also benefits the organization by resulting in increased diversity.

- **DIVERSITY** - functions as an indicator of an organization’s success in providing equal opportunity for candidates and members. Compelling reasons for diversity stem not only from legal mandates, but from social, moral and business imperatives.

Excerpt from *AS THE WORKPLACE TURNS: AFFIRMATIVE ACTION IN EMPLOYMENT*
June 29, 2005 Presentation at NACUA
Inderdeep Chatrath, Ph.D.
Balancing Equity and Diversity

- Our obligations
  - Diversity tied to the core mission of the institution
  - Good faith efforts
  - Fair, equitable and transparent process
  - Ability to provide justification and support for selection decisions
  - Documentation and records

*Note: Enhanced regulatory agenda and intense focus on “proving” good faith efforts*
Critical Elements of the Search Process

- Defining the search
- Appointing the search committee
- Advertising and Outreach
  - Strategies to build a diverse pool of outstanding candidates
  - What if the pool is not diverse?
- Committee process & communication guidelines
  - Points in the search that are critical for equitable, fair and inclusive process
- Reviewing applications/CVs
  - Evaluating credentials and rankings, filter candidates, including department faculty
- Interview process
  - Interview questions and process; structure and care
- Presenting the short list and building consensus
- Oversight and evaluation of the search process
- Recordkeeping
Recordkeeping Guidelines

- Required under the Uniform Guidelines on Employee Selection Procedures and the OFCCP Applicant Recordkeeping Rule
- Self-evaluation and measure progress
- To establish fair practices and avoid perceptions of bias
- Adverse Impact Analysis – determine whether there are selection disparities; analyze demographic profile of applicants, interviewees, and person selected.
- Retention period is three years. Recommended that summaries of key items and decision points be prepared and retained for a longer period of time.
- Documents include paper copies and email communications.
  - Caution – deleting emails and destroying records.
Documentation Guidelines

- Recruitment plan and/or process
- Name, position, and title of each search committee member
- Position announcement and advertisements
- Material submitted by each applicant
- Evaluation of candidate portfolio materials
- Summary of search committee discussions – high level and not all the details
- Explanation or rationale for final selection
- Explanations of any exceptions
- All correspondence pertaining to the search process
Faculty Profile

- At Duke

- At our Peer Institutions

Materials are shared when meeting with committee chair and committee members.
Subtle biases are unconscious beliefs that operate beneath the thresholds of our consciousness. Subtle biases can sometimes unintentionally affect our attitudes, behaviors and actions; often resulting in negative and differential impacts on segments of the society/organization, or may favor one segment of the society/organization.
Subtle bias and stereotyping are part of normal cognitive development, not the result of aberrant development.

Our reactions are activated by the mere presence (actual or symbolic) of the person(s), not related to conscious beliefs. . . . Hence the potential for subtle, unintended bias!

Intent accounts for only a portion of our decision-making process
The potential for subtle, unintended bias may be a factor in all aspects of the decision-making processes.

Although objectivity is always the goal, personal inclinations and tendencies can inadvertently influence judgments.

While we are not or do not mean to be a "prejudiced" person, a racist or sexist... We are human!
Reducing Subtle Bias

- Understanding how the process of subtle bias operates
- Recognizing personal “blind spots,” tendencies and areas of potential bias
- Diversifying search committees - Who is at the table?
- Engaging in open and direct discussion of potential for subtle bias and stereotyping at the beginning and at critical decision points in the search
- Raising questions, stimulating group to engage in personal reflection and authentic dialogue
- Considering and processing dissenting and minority points of view
How will you measure success?
Diversity of the applicants?
Open and Fair Process?
Final Outcome?
Lessons Learned?
Materials to Share

- Duke’s Advantages for Faculty brochure
- Helping to Build an Inclusive Work Culture at Duke, OIE’s brochure
- IMPLICIT ASSOCIATIONS: The Search Process
- Selected Federal Laws/Regulations on Employment Discrimination
- Title IX/Sexual Misconduct Fact Sheet
- EEO Tagline for Faculty Positions
- EEO Reporting Form for Faculty Positions (demographic information)
- Academic Jobs Online (AJO)
- Faculty Search Checklist
- “Best Practices and Innovative Ideas for a Diverse and Inclusive Faculty” Excerpt from Vice Provost Allen to Dean’s Cabinet 4/2015
- When Seeking a Diverse Faculty, Watch Out for Legal Minefields PAMELA BERNARD, Chief Counsel, Duke University
- Diversity and Affirmative Action: Equity, Excellence, and the Law JONATHAN R. ALGER
- The Dos, Don’ts and Whys of Interview Questions
Resources on Campus

TO BE NAMED

- Vice Provost for Advancement
  - 201 Allen Building
    - Staff Assistant: Susan Jones, 919-684-2613  
      susan.jones@duke.edu

Inderdeep Chatrath, PhD

- Director, Equal Opportunity & Affirmative Action
  - Staff Assistant: Elizabeth Amend, 919-684-4736  
    elizabeth.amend@duke.edu

Disability Management System

- Leigh Fickling, Executive Director
  - 919-668-1282  
    http://www.access.duke.edu/contact.php
Resources for Additional Information

- **E-Learning Seminar**: What You Don't Know: The Science of Unconscious Bias and What To Do About it in the Search and Recruitment Process
  
  https://www.aamc.org/unconsciousbias

- Take the IAT (Implicit Association Test)
  
  https://implicit.harvard.edu/implicit

- **Handbook for Faculty Searches and Hiring**
  
  https://www.umich.edu/~advporj/handbook.pdf

- **Handbook on Diversity and the Law**
  

- **The Revolving Door for Underrepresented Minority Faculty in Higher Education**
  
  https://folio.iupui.edu/bitstream/handle/10244/50/insight_Revolving_Door.pdf?sequence=1

- Duke website
  
  http://trinity.duke.edu/faculty-affairs/searches

- **OIE Diversity Toolkit**
  
  https://web.duke.edu/equity/toolkit/
Helping to Build an Inclusive Work Culture at Duke

Title IX
Gender Equity

in the classroom, on the field, in the workplace

Title IX is a federal law that prohibits gender discrimination in educational programs and activities receiving federal funds. Duke, as a recipient of federal funds, has an obligation to operate in a non-discriminatory manner. Title IX applies to activities and programs such as admissions, housing, access to resources, offering athletics, financial assistance, as well as all aspects of employment. Gender or sexual harassment is also a form of discrimination under Title IX.

If you have questions about or believe you have been subjected to discrimination or harassment based upon your gender, it is important that you get help. The Office for Institutional Equity is available to respond to Title IX concerns. Dr. Benjamin D. Reese, Jr., Vice-President for Institutional Equity, is the Duke University Title IX Coordinator and can be contacted at:

Office for Institutional Equity
Duke University, Box 90240
Durham, NC 27708
(919) 613-3050
equity@duke.edu

Duke’s Advantages for Faculty

IMPLICIT ASSOCIATIONS
The Search Process

Discussion, Questions & Comments