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DIVERSITY, EQUITY, AND INCLUSION IN UNIVERSITY HIRING PRACTICES

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Diversity, Equity, and Inclusion in University Hiring Practices

Synopsis:

Consistently, universities and other employers include a hiring practices statement on job postings. In some cases, the statement may be as short as a single sentence explaining that the university is an equal opportunity employer (an EEOC statement). However, in many cases the job posting contains a detailed description of the organization's commitment to diversity, equity, and inclusion (DEI statement). The purpose of this paper is to explore the content in job posting statements with legal obligations and with employer practices in higher education. This study confirms that while some universities have extensive DEI statements in their position descriptions, it was common for universities to only track a small subset of applicant characteristics, most commonly race and sex. Additionally, it was common for universities to gather information regarding handicap status, but this information was often not used to determine the diversity of the applicant pool. Public policy and managerial implications are provided.

Diversity, Equity, and Inclusion in University Hiring Practices

Background

Many universities have integrated DEI into the strategic planning process. Diversity, equity, and inclusion are often core values expressed in institution's mission statements and supported by resources ranging from diversity training, diversity offices, divisions, or institutes, and the appointment of Chief Diversity Officers. (Cliburn, 2022).

The concepts of diversity, equity, and inclusion can be distinguished from the more generic equal employment opportunity tracking data. The EEOC requires periodic tracking of employer workforce make up by sex and by race/ethnic category (eoc.gov). While definitions vary, *diversity* generally refers to differences within individuals (Khatrichettri, 2021), and encompasses more factors than race or ethnicity. Differences in gender, sexual orientation, (dis)ability, religion, socioeconomic status, and other factors such as culture and ideology highlight many, but not all of the factors that make America a diverse nation (Bowman, 2010). *Equity* is rooted in principles of justice, impartiality, and fairness (Khatrichettri, 2021) and recognizes that individuals from different circumstances may require access to unique resources or different levels of support and opportunity. Inherent in equity is the realization that historic or other inequalities create advantages for some but disadvantages for others (Ocampo, Vosevich and Albert, 2022). *Inclusion* is outcome oriented (Khatrichettri, 2021) and seeks to create a welcoming, respectful environment in which individuals or groups are valued, appreciated, and supported (Ocampo, Vosevich and Albert, 2022).

DEI and Higher Education

Diversity, equity, and inclusion are important concepts in an academic environment for many reasons. There is ample evidence that educational outcomes are enhanced by a diverse faculty population. Academic research supports the importance of diversity in higher education, as studies have found that significant engagement with racial diversity positively impacts students' values and attitudes (Gurin 2004, Milem, Chang, & Antonio 2005). Multiple meta-analyses have shown that diversity encounters in the University setting helped to reduce prejudice and bias against minority populations, while promoting a greater appreciation of cultural differences (Pettigrew and Tropp, 2006; 2008, Tropp and Pettigrew, 2005).

In his meta-analysis, Bowman (2010) reviewed studies that examined various facets of diversity and their link to cognitive development. The literature is vast and encompasses different forms of diversity experiences (i.e., interactions with racially diverse students, interactions with nonracially diverse students, diversity coursework and diversity workshops) and different outcomes (i.e., critical thinking skills, problem-solving skills, disposition towards complex thinking and attributional complexity) (Bowman, 2010). The meta-analysis found that cognitive development is significantly and positively related to diverse college experiences and activities, though interpersonal interactions with racial diversity were more effective than diversity workshops, coursework, and non-racial diversity interactions (Bowman, 2010).

Brief History of Employment Laws

The current trends with diversity, equity, and inclusion have been shaped by the laws governing civil rights. The efforts to ensure that organizations develop and implement practices for recruiting and hiring across diverse populations stretches back to The Civil Rights Act of 1964 (Public Law 88-352 78 Stat. 241) (govinfo.gov 2022). This law prohibited discrimination in public places, such as schools and other public facilities and made discrimination in employment decisions illegal (National Archives (1964). Specifically, the law prohibits discrimination in employment on the basis of race, color, religion, sex, or national origin (US Department of Labor 2022A). The extension of this law to include prohibition on sexual discrimination did not occur until October 13, 1967 (National Archives, 2022). Title VI extended the law to any organization that “receives Federal funds or other Federal financial assistance” (US Department of Justice, 2022).

The Rehabilitation Act of 1973 prohibits discrimination on the basis of a disability (U.S. Department of Health & Human Services, 2022). This act has specific provisions regarding discrimination of qualified individuals with disabilities in the hiring and employment processes. In 1975, the Age Discrimination Act of 1975, was passed to prohibit discrimination on the basis of age in programs subjected to the Civil Right Act (US Department of Labor, 2022B). This law is intended to protect individuals, 40 years of age or older, from discrimination in hiring, promotion, discharge, compensation, as well as terms, conditions, and privileges of employment (U.S. Department of Labor, 2022B). The Pregnancy Discrimination Act of 1978 was an extension of Title VII to cover “pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions” (U.S. Equal Employment Opportunity Commission, 2022A). These amendments have broadened the breadth of protections for applicants in the hiring process. In 2020, the Supreme Court expanded Title VII’s provisions to expressly prohibit bias based on gender orientation and sexual orientation (Patterson & Burris, 2021).

Compliance

These laws and amendments have shaped the policies at many universities for hiring practices. Some institutions have chosen to examine processes and policies that could help or hinder equitable hiring decisions (White-Lewis, 2021). To assure compliance with DEI standards, it has been recommended that employers verify the level of diversity at several stages, including the recruitment channels that were used to attract the candidates, the diversity of the candidate pool, the diversity of the hiring panel, and the diversity of the individual(s) hired (Siocon 2022). Unfortunately, the EEOC laws do not require checks for each of these categories. The EEOC requires companies with 100 or more employees (or federal contractors with 50 or more employees) to file an EEO-1 Report including data by race/ethnicity, sex, and job categories only (U.S. Equal Employment Opportunity Commission, 2022B). While data on handicap status is generally collected during the employment process, universities are not obligated to report this as a measure of pool diversity. Gender and sexual orientation, as well as pregnancy and childbirth, are protected classifications under the law, but there is no provision on compliance in the hiring process or thereafter.

While universities might maintain compliance with the hiring laws, evidence suggests that other areas, beyond sex and race, might warrant similar attention. For example, data on the number of handicapped applicants is gathered, but not reported on the EEO-1 Report. Research indicates that there may be barriers for individuals with handicaps (Sanchez-Diaz 2022). Unfortunately, there are no EEOC tracking procedures for inclusive workplace environments beyond the hiring stage. Without uniform tracking beyond the initial hire, it is difficult to compare equity and inclusiveness in the tenure/promotion processes (Stewart, 2022, Tillman, 2018), barriers to career advancement (Orelus, 2013; Stanley, 2006), workplace tensions (Orelus, 2013; Stanley, 2006), and weaknesses in search committee training (Dalessandro, 2021).

Exploring Practices

Given the disparity between the stated goals that many universities put into their DEI statements on job postings and the US government reporting laws, it is conceivable that there are gaps in fulfilling the aspiration of achieving desired outcomes. The EEOC laws are heavily focused on the hiring process and provide little to no guidance for achieving equity and an inclusive environment. A review of the job postings indicated that many universities provided DEI statements consistent with legal obligations and beyond the reporting requirements. Qualitative exploration of actual practice has indicated that even universities with extensive DEI statements rarely have procedures to assure equity and inclusion. Furthermore, universities consistently report the mandated data for the EEO-1 Report and have procedural tactics to increase the diversity of their hiring pool should the set of candidates fall short of diversity

expectations with regards to gender assigned at birth and race. Most universities track disability status and candidate age but did not use this data to determine the diversity of the recruited pool of candidates. No universities were tracking data on pregnancy or parenthood. No universities were tracking data on sexual or gender orientation. No universities were formerly tracking any measures in the efforts to ensure equity and inclusion.

Future research should consider methods for tracking equity and inclusion. University leadership should implement the collection of broader tracking data and should implement procedures to assure that candidate pools achieve diversity across all protected classifications.

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