2021 Affirmative Action Plan Training for AAP Administrators

Riley Hart
rileyh@mit.edu

March 2, 2021 version PLUS IMPROVEMENTS useful for next year
Agenda

- AAP at MIT - Overview
- How to Create an AAP
  - Availability & Placement Goals
  - Good Faith Efforts - for Job Groups with Placement Goals
  - Adverse Impact
  - Veterans & Individuals with Disabilities
- Details of 2021 Reports
- Recap: Key Responsibilities for AAP Admins in Response to Reports

[No notes for this page]
Different methods are required for identifying issues involving sex and race vs veterans and individuals with disabilities.
A government audit can happen in any year.
In the past, mid-year reports were generated every year. Currently, a decision on whether to issue mid-year reports is made each year. There will be no mid-year reports this year.
The Importance of Affirmative Action Compliance

- Not only does Affirmative Action support the Institute’s own diversity values, but...
- MIT is due for an OFCCP audit of our Affirmative Action plans soon. Any negative findings could lead to
  - Bad publicity
  - Increased oversight
  - Fines
  - Ultimately, loss of government contracts.
• Mid-year reports, if any, are based on a 4/30 snapshot and activities from 11/1 to 4/30.

• Knowing what we mean by, say, AAP Plan Year 2020 is confusing. Plan Year 2020, which ran from 11/1/2019 – 10/31/2020 was the period in which you were to carry out plans that were made based on data from 11/1/2018 – 10/31/2019. However, you weren’t able to make the plans until well into the AAP Plan Year, due to the time it takes HR to gather the data, generate the reports, and distribute reports to you. So, you carried out the plans for AAP Plan Year 2020 from April 2020 through February 2021 (at which point the Plan Year 2021 reports reached you).

• The campaign to increase self-identification has been delayed first by changes in leadership and then by COVID-19.
Creating new AAP Units or moving DLC’s from one Unit to another part-way through the year creates systems challenges, so whenever possible, we wait until the next AAP Year to do so.
Department-level HR professionals in your AAP Unit may use Enriching Diversity for their departments’ requisitions to monitor the pool’s diversity and to generate search reports.
We appreciate anything you can do to ensure that
- Hiring Managers disposition applicants promptly in the Applicant Tracking System;
- Hiring Managers close reqs rather than keep them on hold for long periods;
- (for Schools) those who administer your Faculty Applicant Tracking System provide data in a timely way to Sonia Liou in the Office of Institutional Research
Your responsibility is to review the reports, determine what actions are necessary in response, and, for each Placement Goal, record Good Faith Efforts in the Enriching Diversity tool in Atlas.

<table>
<thead>
<tr>
<th>Date</th>
<th>Milestone/Project Task</th>
<th>Groups involved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Winter 2020-2021</strong></td>
<td>- Produce Preliminary Reports&lt;br&gt;- Conduct Quality Assurance checks&lt;br&gt;- Post Reports to Enriching Diversity</td>
<td>- HR Business Analyst&lt;br&gt;- Lincoln Lab, AAP Specialist&lt;br&gt;- HR Business Analyst</td>
</tr>
<tr>
<td><strong>March 2021</strong></td>
<td>- Training &amp; Consultations for AAP Administrators</td>
<td>- AAP Specialist</td>
</tr>
<tr>
<td><strong>April 2021</strong></td>
<td>- Plan responses to any Placement Goals and Adverse Impacts&lt;br&gt;- Record Good Faith Efforts in Enriching Diversity&lt;br&gt;- Consultations – 2nd round (optional)</td>
<td>- AAP Admins&lt;br&gt;- AAP Admins&lt;br&gt;- AAP Specialist</td>
</tr>
<tr>
<td>Thru Feb '22</td>
<td>- Implement and update Good Faith Efforts</td>
<td>- AAP Admins</td>
</tr>
</tbody>
</table>
• Every School has its own AAP Unit. Other AAP Units were defined several years ago, with minor adjustments since.
• We must ensure each AAP Unit is still large enough (50 people) and cohesive enough to remain; merge or create new AAP Units as needed
• EEO = Equal Employment Opportunity
Overview of Step 2: Identify & Address Placement Goals for Women & Minorities

- For every job group, VP HR compares the % of women & minorities (and members of each race separately) in
  - our current workforce vs
  - the population of qualified potential applicants, internal & external.

- Where there’s a statistically significant difference, the job group is subject to a placement goal. In that case, the AAP Unit must:
  - aim to hire & promote members of that protected group into the job group at a rate matching their % of the qualified pool.
  - plan actions (good-faith efforts) to address every placement goal
  - and review the effectiveness of past good-faith efforts, making changes as needed.

The next several slides go into detail about how this is done.
Availability by Job Group

- most job groups use the greater Boston area including NH and RI; some use the US or a blend of the US and the local area
- NCES = National Council on Education statistics, e.g. can look at new PhD’s for faculty by field

Weighting:

- If most positions in a job group are filled internally, then the highest weighting will be on the “feeder” job groups.
- If a job group contains only entry-level jobs, internal feeder job groups will have a weight of 0%.
- Most job groups have a 0% weight for “other data sources” like NCES graduation rates.

---

Step 2a: Calculate Availability of Women and Minorities

- Purpose: To determine the % of the qualified, potential applicants who are women or minorities for each job group.
- This availability will be compared to the % of employees in the job group who are women or minorities.
- Availability is the weighted average of the % in each of these sources of potential applicants:
  1. Qualified residents of the geographic area from which external applicants are recruited
     - Qualified = listed in the latest U.S. Census as working in the relevant EEO Job Classification Codes
  2. Internal “feeder” job groups (for promotions)
  3. Other external sources, such as recent graduates based on NCES data
If math isn’t your thing, wait this slide out. The crucial info is on the next slide.

This slide and the next show subsets of what’s on this page of the Report, for simplicity.

**Weight**

- 1a & 1b Recruitment Local and Non-Local: You’ll see a zero in one of these rows, because we’ve combined them. For each job group, we’ve created a combined geographic area that includes some percentage of local availability and some of national availability.
- We generally don’t use 1c or 2b.
- 3 Custom Factor is where we put graduation statistics.

**Numbers of Employees:**

- The total count is in the top heading. The # of females and of minorities appears in the column heading boxes.

**Statistics**

- The Raw % numbers are the % of females or minorities in that row’s population.
- Details about where the raw %s come from are under Statistical Sources.
- **Total Availability %**, near the bottom, is what your workforce will be
compared to.
Things to note:
• This slide shows the rows that appear below what was shown on the previous screen.

The Upshot
• The crucial piece of information is the “Yes” or “No” in each column, indicating whether there’s a placement goal.

Details
• Total Availability % is the same information as on the previous slide.
• Current % is the percent of people in the job group as of 10/31 who are females or minorities.
• If standard deviations number is >2, the difference is statistically significant, and there is a placement goal for this job group.
The earlier slides showed only women & minorities for simplicity.

Note that

• there may be a placement goal for a particular race, even if there’s no Placement goal for Minorities.

• Enriching Diversity can’t yet show placement goals or record Good Faith Efforts for a specific race.
Specific examples of the types of actions to address placement goals are on a later slide.
In contrast to the previous step, this does not compare the utilization (demographics of your workforce) to the availability. Instead, it compares the % of female or minority hires and promotions to the availability. For Plan Year 2021, these are the hires and promotions from 11/1/2019 – 10/31/2020.

If there was no placement goal last year, there will be “0.0” in the 2nd row. The final row should say “n/a” in this case, but the software we use puts “Yes.”
• Do not include general diversity efforts as Good Faith Efforts. GFE’s should be targeted toward the relevant protected group.

• Staffing Services offers very good trainings. See https://hr.mit.edu/managers/hiring/process or the Learning Center on Atlas.

• Redacting resumes can be helpful where there is a pattern of diversity being lost between the applicant pool and phone screening or interviewing. It is time consuming, and the decision whether, when, and how to use it can be complex.

• “HR review…’ refers to an HR professional viewing a requisition on the Requisitions Tab of Enriching Diversity. After viewing the diversity of applicants who have made it to each stage in the process so far, the HR person may coach the hiring manager with suggestions such as the following:
  • “The applicant pool has few minorities. It would be good to pause the process while you do some more targeted postings and outreach.”
  • “The list of applicants you’ve selected for phone screening is less diverse than the overall applicant pool. To try to capture some of that diversity, increase the number of promising applicants who will be phone screened.”
Resources from the VP of Human Resources

- See the “Hiring Process Overview” page on HR’s website:
  
  https://hr.mit.edu/managers/hiring/process

  A few highlights include:
  
  - Advertising and diversity outreach section:
    - Diversity Posting Guide
    - Tips for outreach
  
  - Screening, interviewing, and ensuring bias-free hiring decisions section:
    - Courses on bias-free hiring and interviewing taught by Staffing Services
The most effective Good Faith Efforts address the specific situation. For instance,

- recruiting additional qualified women to apply will not help much if the hiring manager resists hiring someone who might need maternity leave, while
- training hiring managers won’t help much if postings are not reaching qualified minorities in the field.
Hoped-for future improvements to Enriching Diversity’s Good-Faith Efforts tab:
- Ability to record GFEs for individual races
- Easier interface for selecting the goal(s) for which you’re entering the GFE
In the drop-down list for selecting the Placement Goals for a particular Good-Faith Effort:

- Items for Veterans and Individuals with Disabilities are in the list. Currently, you aren’t required to record GFE’s for these, although you may.
- You may select as many Placement Goals as a particular GFE addresses.

You don’t need to record your GFE in detail. Auditors will expect you to have carried out whatever you recorded, so leave yourself room to change the specifics as you carry out your plans.
Overview of Step 3: Identify, Analyze, & Address Adverse Impact

- Adverse impact consists of ways in which employees & qualified applicants are being
  - hired,
  - promoted, or
  - terminated
disproportionately based on
  - sex or
  - ethnicity/race.

- Adverse impact can be found against males or white people, as well as against females or other races.
  - This is a way to flag possible instances of preferential treatment that go beyond equal opportunity.
Step 3a: Identify Adverse Impact

- To identify adverse impact, the personnel transactions (hires, promotions, and terminations) over the previous year (11/1/2019 - 10/31/2020 are considered for each job group.

- The rates at which people of each sex or race are hired are compared to each other. (The same is done for promotions and terminations.)

- Where there’s a statistically significant difference, adverse impact is indicated.

- Here are some examples...
Terminology for Hires/Applicant Flow:

- The **base group** for hires/applicant flow is the set of qualified applicants for all positions into which someone was hired during year.

- The **placement rate** for a particular sex or race is the % of applicants of that sex or race who were hired.

- For hires/applicant flow, the **most favored group** is the sex or race with the highest placement rate.

**Adverse Impact Example: Applicant Flow (Hiring)**

A Job Group has 4 open positions. In total, 4 women & 8 men apply. (These 12 are the base group.)

Two women and 2 men are hired.

Female placement rate = 50%  
Male placement rate = 25%

Females are the most favored group.

**Males have adverse impact if** the difference between the male & female placement rates are statistically significant.
Terminology for Terminations:

- The **base group** for terminations is the set of employees in the job group at the beginning of the year.
- The **termination rate** for a particular sex or race is the % of applicants of that sex or race who were terminated.
- For terminations, the **most favored group** is the sex or race with the **lowest** termination rate.

---

**Adverse Impact Example: Terminations**

A job group has 24 employees, including 10 of the Blue race, 8 of the Purple race, and 6 of the Green race. (These 24 are the base group.)

Three Blues, 2 Purples, and 2 Greens are terminated.

The termination rates are:

- Blue: 30%
- Purple: 25%
- Green: 33%

Purples are the **most favored group**.

Blues and/or Greens have **adverse impact** if the difference is statistically significant.
As in the “Notes” in the screen shot: The highlighted (gray) rows are the favored groups, and statistical significance occurs at less than .05.

**Terminology for Promotions:**

- The **base group** for promotions is the set of employees in the job group at the beginning of the year.
- The **promotion rate** for a particular sex or race is the % of applicants of that sex or race who were promoted.
- For promotions, the **most favored group** is the sex or race with the highest promotion rate.

---

**How Adverse Impact is Shown in Reports**

**Adverse Impact Analysis (Promotions - From/Within)**

<table>
<thead>
<tr>
<th>Base Group</th>
<th>Promotions</th>
<th>% Prom.</th>
<th>Fisher's Exact Statistically Significant?</th>
<th>Expected</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>160</td>
<td>8</td>
<td>5.4</td>
<td>1.0000 (No)</td>
<td>2</td>
</tr>
<tr>
<td>Male</td>
<td>38</td>
<td>2</td>
<td>5.3</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Hispanic</td>
<td>11</td>
<td>3</td>
<td>27.3</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>White</td>
<td>137</td>
<td>6</td>
<td>4.4</td>
<td>0.0203 (Yes)</td>
<td>8</td>
</tr>
<tr>
<td>Black</td>
<td>18</td>
<td>0</td>
<td>0.0</td>
<td>0.0452 (Yes)</td>
<td>2</td>
</tr>
<tr>
<td>Asian</td>
<td>17</td>
<td>1</td>
<td>5.9</td>
<td>9.2163 (No)</td>
<td>1</td>
</tr>
<tr>
<td>Amer Ind</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>N/A</td>
<td>0</td>
</tr>
<tr>
<td>P. Islander/Hispanic</td>
<td>0</td>
<td>0</td>
<td>0.0</td>
<td>N/A</td>
<td>0</td>
</tr>
<tr>
<td>Two or More</td>
<td>4</td>
<td>U</td>
<td>U</td>
<td>0.5150 (No)</td>
<td>U</td>
</tr>
</tbody>
</table>

**Notes:**
- The highlighted rows are the favored groups to which the other groups are compared.
- The two tailed Fisher’s Exact result is statistically significant when it is less than or equal to .05.
- “Expected” is the number of people of that gender or race who would have to have been promoted to have avoided a statistically significant difference from the protected group.
- “Difference” is the number of additional promotions that would have been needed to avoid a finding of adverse impact.
Determining whether an adverse impact indicates a problem that can be addressed is tricky.

Consider a job group that has an adverse impact against Asian employees regarding terminations. You may discover that three Asian employees moved away because their spouses got new jobs. Is that a coincidence outside the AAP Unit’s control, or does that suggest that the employees’ MIT jobs weren’t appealing enough to compete against the spouses’ new opportunities? It depends on factors that you may or may not know, such as whether the spouse is the primary breadwinner.
Step 3c: Address Adverse Impact

- Plan actions targeted to address any issues you identify in your analysis. Examples include:
  - Terminiations: Improvements to the climate to promote retention
  - Promotions: Training, mentoring, and succession planning
  - Hiring: Actions similar to Good Faith Efforts
- Currently, Enriching Diversity doesn’t have a place to enter these plans; please retain your own documents of your analysis and any planned actions.
  - If you would like to send these to me, so they can be found easily in case of audit, that’s great.
Different laws cover equal employment opportunity for protected veterans vs individuals with disabilities vs women & minorities, and the regulations differ in some large and many small ways. The principles and the types of actions we should take are similar, however.

Note that the law protecting veterans from discrimination also protects spouses of veterans.
Veterans

Hiring Benchmark for Protected Veterans
41 CFR Section 60-300.45

Veteran Hiring Benchmark:
Veteran Hires & Promotions Ratio:

- The *hires & promotions ratio* is the percentage of those hired or promoted who self-identified as veterans.
- The ratio shown in the report applies to the whole AAP Unit, not broken down by job groups.
- Note: A software bug may display wrong Veterans benchmark in the report: 6.0% instead of the correct 2021 value of 5.7%

[No notes for this slide]
This shows each job group separately.
There are no changes in report format from last year.
Report Details 2021, continued

- Women & Minorities Summary, Continued
  - Adverse Impact - screen shots in previous slides
  - Availability Analysis - screen shots in previous slides
    - Shows new placement goals and how they were calculated
  - Goals Report
    - Less cluttered way to find job groups that have placement goals
  - Goals Progress Report - screen shots in previous slides
  - Department List
    - Shows departments in your AAP Unit as of the end of the prior year (10/31/2020).
    - Any changes will be reflected starting in the next Annual Report.

[No notes on this slide]
We will review these steps in your consultations.

1. If you had no Placement Goals last year, skip this step.

2. If you have trouble accessing the reports, write to diversity-data@mit.edu describing the problem with specifics.
3. If you had no Placement Goals last year, skip this.

4. If you have no Placement Goals this year, skip this. Otherwise, remember:
   Keep the text for a GFE under 255 characters; add more to the Notes if needed, but don’t go into detail

5. If you have no Adverse Impacts this year, skip this.
6. If you have no Placement Goals or Adverse Impacts, just keep up your good HR practices!