



MOVING BEYOND BUSINESS AS USUAL: ANTIRACIST RECRUITMENT AND HIRING PRACTICES

*By Trisa Kern, Director of Program Administration
Columbia Legal Services*

When Columbia Legal Services (CLS) began examining our organizational practices through an anti-racist lens, it became clear that we needed to challenge



our own belief systems about recruitment and hiring, and to shift our strategies to mirror our organizational values.

Human resources practices often revolve around unwritten rules and expectations, which make them particularly susceptible to implicit bias and

the perpetuation of white supremacy culture or other beliefs and systems that give white people a structural advantage over other ethnic groups. Likely, you have heard phrases like, “I’m not sure they are the right fit” and “They have great qualifications, but would they be comfortable in our organizational culture?” We have begun to question what exactly these phrases mean, and are they used to allow racial discrimination in the workplace?

Our current strategies attempt to move our organization beyond unwritten rules, and often fall outside typical “business as usual” practices—here are some lessons that we have learned along the way.

Expectations and Norms

Before you begin your next hiring process, consider the expectations and norms that you and your organization have formed about recruitment: How did you learn what you know about recruitment and hiring, and where did this belief system come from? Are the rules written or unwritten? Do you expect candidates to behave a certain way, and are you less likely to hire candidates for a position if they operate outside of your expectations?

Once CLS began to commit organizational and individual time on race equity principles within our organization, we began examining how white-centric

and euro-centric interviews can skew. For example, behaviors that we observe through the interview process, like how assertive and self-assured a candidate is, how much they tout their accomplishments, and whether they follow up after an interview, are all linked to and informed by individual cultural upbringing and identity.

As a debiasing effort, we attempt to challenge whether observations shared during a debrief make assumptions about a candidate. Often, debrief discussions can veer into challenging our own beliefs: Is being assertive and having excellent public speaking skills really a qualification for this position? For a trial attorney, probably, but for a legal assistant, probably not. Really understanding the qualifications needed for a position removes the creation of false barriers based on implicit biases.

During interview debriefs, we also try to state anything that came up for us during interviews. For example, a seemingly great candidate for a non-external facing position showed up in jeans, and I stated my bias that it felt too informal, and I worried that the candidate might not be taking the interview seriously. This led to a great discussion about whether my expectations were fair, or warranted, and we discussed the potential reasons someone may wear jeans to an interview that I had not taken the time to consider.

Before you hire your next candidate, spend some time thinking about the belief systems behind your processes, and you can gain insight into how you can affirmatively challenge and combat unacknowledged systemic practices that benefit white people within your organization. As a guiding principle—ask yourself whom the practice is designed to benefit. Dig deep, and truly question patterns and behaviors that may be deeply ingrained as the “right” way to do things—is it the right way, or is it the white way? Ask how aspects of dominant white legal culture may influence what you value in an employee? Do you value individual

© MOVING BEYOND BUSINESS AS USUAL
Continued from page 3

accomplishments or collective action? Do you value formal education or lived experience? Answering these questions as an organization will help focus your recruitment efforts.

Crafting a Job Description

If you are using a standard template for drafting job descriptions that has been recycled for each new hire, it is time for a refresh. Before you draft your next job description, consider how you may be creating real or artificial barriers for potential applicants—your goal should be to make the position as accessible as possible to the widest range of potential applicants.

One common false barrier in job descriptions is requiring formal education. Is a degree necessary to perform the duties of the position? If you are hiring a lawyer, it is, but many positions in your organization do not necessarily require formal education. At CLS, we do not require formal education for many positions across our organization including legal assistant and paralegal positions, support staff, accounting, IT, and others. Instead, we focus on relevant years of experience.

Before each hire at CLS, we discuss the minimum years of experience that we will require for an applicant to apply—we try to keep this minimum as low as possible to build an inclusive, open recruitment process. We also review the stated required qualifications to ensure that they reflect the actual duties of the position and that we are not creating false barriers for applicants.

Another area we continuously examine at CLS is the application process itself. Currently, we ask for a resume, cover letter, and written equity statement for most positions. However, we are also mindful that additional steps in the process, such as requiring a legal writing sample and three professional references, can become overly burdensome for applicants.

Our attempts to debias our position descriptions include a final exercise to read each listing through the eyes of an applicant, actively looking for language that may cause someone to self-select out of applying. Some goals for our position descriptions include: centering our focus on race equity and inclusion, valuing inclusivity, neurodiversity, and intersectionality, openly encouraging people of color to apply, removing any unnecessary or superlative language, and examining and considering whether the language we use codifies our organizational values, such as centering cultural

competence instead of individualism. Attempting to debias position descriptions is an ongoing and imperfect effort, and there are plenty of free online tools to help evaluate language for bias.

At CLS we are as transparent as possible about our salary and benefits package and began listing a salary range on each announcement several years ago. Before we began publicizing salary information, I remember being turned off by applicants who asked about benefits and pay. Now, I believe that expecting applicants to decide whether they would like a job without full knowledge of the salary range and benefits is a privileged way of thinking—multiple peer-reviewed studies demonstrate that people of color and women are the least likely to negotiate an offered salary, so publicizing a salary and benefits is one way to demonstrate your organization's commitment to equity.

Selecting Candidates

Once you have collected resumes to review, consider how implicit bias may influence your candidate selection process. Who is reviewing application materials, and what criteria are they using to determine whether an applicant is qualified? At CLS, we have made huge shifts in the way we review and select applicants. Before we began centering race equity, we did not have a clear, transparent process, which often led to confusion about how we reached a decision. An examination of our internal processes helped us lay out a similar process for each position we fill, and increase transparency where possible, so our staff understands how our recruitment processes are conducted.

Once an application deadline passes, we review all application materials at the same time. While it is tempting to peek at applications as they arrive, reviewing them in one setting ensures that all applicants are considered in the same space, and that we are making an accurate assessment and comparison across the pool of applicants. Many factors, including one's mood, can influence selection if applications are reviewed as they arrive. Before reviewing applications, we read the position description to center our decisions on our own stated criteria and requirements, and we ask reviewers to take a minute to think about ways that their own internal biases may influence their choices—just being mindful that we have existing biases can help reduce them, as can taking a few deep breaths or engaging in a moment of meditation.

At CLS, we have two different people evaluate application materials independently, using the same stated criteria from the posting, and then the reviewers

discuss and review their interview selections with each other to make final decisions together. Discussing your own perspectives about applicants helps to mitigate bias, check assumptions, and ensure that your expectations are aligned. For example, I have often favored an applicant based on their connection to our client communities, only to learn that the hiring manager favored applicants based on their formal education. Discussing the most important qualifications for the position, and what makes an applicant “good,” can help to align expectations.

Conducting Interviews

Now, here is where I have to give you the really bad news: job interviews are not as useful as we believe. Job interviews are conducted so employers can gather information on whether applicants will be “a good fit” at their organization, but “fit” can be a subtle way of reinforcing racialized hiring practices. Before you even begin, define what a good fit means and ensure that it’s not a blanket phrase used to eliminate applicants for unclear reasons. CLS has made incremental shifts to our interview process and continues to revisit and refine practices. Because job interviews are not likely to disappear anytime soon, we have introduced a few practices to conduct interviews more equitably.

Our first shift is to be clear and transparent about what our selection process will be and communicate it to applicants by letting them know how many steps the process will take, and the estimated timeline. We plan to begin posting our hiring process and timeline on our website, but our current practice is to email it to

applicants when setting up interviews, and reiterating next steps when interviews are complete.

When assembling interview teams, we have focused on centering the various perspectives of our current staff that will most-frequently interact with this position. We invite teammates with geographical, racial, and positional diversity to bring their unique lenses to the process. Often, hiring managers overlook those with less positional authority and miss out on valuable perspectives.

We try to ask each candidate the same questions and, when possible, provide the interview team with a rubric of evaluation criteria. A clear idea of what the interview team is being asked to evaluate decreases bias. Something as simple as asking the interview team to review the position description before each interview can center the team on the task at hand.

About a year ago, we began inviting candidates to review interview questions fifteen minutes before the interview begins. This suggestion was difficult for me personally until I spent some time unpacking why I believed that interview questions should be a surprise. I had to consider whether this interview standard is a real reflection of performance in the position, and whether it creates unnecessary barriers for people who may not be attuned to the unwritten expectations of interviews, or for people that process information in different ways. We determined that keeping interview questions a secret doesn’t necessarily improve our interview process.

To respect the time and contribution of your

Continued on page 21



Articles published in the Management Information Exchange *Journal* represent the views of their authors and are not the views or policies of the MIE *Journal* Committee or the MIE Board of Directors. Readers are welcome to comment on articles appearing in the *Journal* and may do so by writing to the MIE *Journal* Committee. The Committee strives to present in the pages of the *Journal* diverse perspectives on the management and related issues in legal services.

MIE invites readers to submit articles for publication. Please note that the MIE *Journal* contains 56 pages and is published four times each year. Articles accepted for publication may not appear immediately but may appear in later issues consistent with the themes of the issue and the decisions and editorial policies of the MIE *Journal* Committee.

Management Information Exchange

105 Chauncy St., Floor 6, Suite 3

Boston, MA 02111-1766

T: 508-737-4010

www.mielegalaid.org | Patricia Pap, Executive Director (ppap@mielegalaid.org)

(including legal-aiders) are commonly called upon to deliver. The advice is dispensed clearly and with lots of interesting and entertaining examples: No speech should last more than twenty minutes; the text should be written out (no ad-libbing from outlines); humor is essential; read your draft speech aloud (speaking is different from writing); keep sentences short (the audience is hearing it, not reading it). A good example of Ms. Noonan's useful advice — expressed in her typically crisp and expressive prose: *“Once you’ve finished a first draft of your speech — which, as you know, is a first complete version — stand up and read it aloud.”*

Where You Falter, Alter

One section deals with the special requirements of writing for other people. Shorter sections deal with situations such as toasts, tributes and eulogies. There are also tips on handling questions, walking up to the platform and meeting the audience afterward. The tips are for the most part just practical, common sense advice, but if speaking in public really is most people's worst fear, and if you include yourself in that group, this is definitely a calming, logical and enjoyable guide and reference. Hey, if nothing else, the section on handling stage fright never once suggests picturing your audience in their underwear. And never, ever, ever does Ms. Noonan propose starting your speech with the phrase: *“Unaccustomed as I am to public speaking...”*

© MOVING BEYOND BUSINESS AS USUAL
Continued from page 5

interview panel, be transparent about the selection process and the result. From the beginning of the hiring process, be clear about whom will make the final decision on candidate selection and state the role that each person has in the interview process. If a selection is made that does not follow the recommendation of the interview team—tell them why, and what factors influenced the decision.

Final Thoughts

So much of hiring and recruitment centralizes the power within the hiring organization and being mindful of the power you hold will allow you to be thoughtful and authentic about sharing it with applicants.

Determine what a successful process looks and feels like on both sides, and remember that, while this may feel overwhelming, shifting an organizational culture is incremental and continuous — do not expect change overnight, or perfect practices to emerge. However, with some time and dedicated energy, organizational leaders can make gradual shifts within their own hiring practices to challenge internal cultural systems and structures that benefit white people over others.

Resources:

- Bargaining while Black: The role of race in salary negotiations: <http://dx.doi.org/10.1037/apl0000363>
- Dismantling Racism: <https://resourcegeneration.org/wp-content/uploads/2018/01/2016-dRworks-workbook.pdf>
- Equity, Diversity and Inclusion in Recruitment, Hiring and Retention: https://www.usdn.org/uploads/cms/documents/usdn-equity-in-recruitment_hiring_retention.pdf
- Justlead Washington: Organizational Race Equity Toolkit: <https://justleadwa.org/wp-content/uploads/2018/09/REJI-Organizational-Toolkit-Full.pdf>
- The Utter Uselessness of Job Interviews by Jason Dana: <https://www.nytimes.com/2017/04/08/opinion/sunday/the-utter-uselessness-of-job-interviews.html?smid=nytcore-ios-share>
- Women Ask for Raises as Often as Men, but Are Less Likely to Get Them by Benjamin Artz, Amanda Goodall, and Andrew J. Oswald: <https://hbr.org/2018/06/research-women-ask-for-raises-as-often-as-men-but-are-less-likely-to-get-them>

- 1 Trisa Kern is the Director of Program Administration at Columbia Legal Services and has focused her work on nonprofit business operations ranging from human resources, development and fundraising, foundation relations, program operations, technology, and other special projects since 2004. She has a Master of Nonprofit Management from DePaul University and a Bachelor's Degree from the University of Missouri. She loves legal services because it improves people's lives through the application of large-scale systems reform to issues of justice and equality. Trisa may be reached at Trisa.Kern@ColumbiaLegal.org.