

2021

Exploring How Organizations Ensure the Hiring Process is Conducted Appropriately to Avoid Legal Issues

Natashia Stafford - Cotton
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Walden University

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Natashia Stafford-Cotton

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Walden University

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Abstract

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by

Natashia Stafford - Cotton

MBA, National University, 2005

BA, National University, 2003

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Industrial Organizational Psychology

Walden University

August 2021

Abstract

The overall research problem of interest in this study was the need for human resource (HR) leaders and hiring managers (HMs) to conform to a wide array of complex state and federal legal requirements concerning hiring practices. Therefore, the purpose of this qualitative study was two-fold: (a) to understand how HR leaders can ensure that ethically and legally acceptable hiring practices are used in their organizations and (b) to identify the perceptions of the employee selection procedures and legal defensibility of HR personnel and HMs in Northern California in order to develop timely and informed answers to the study's research questions and to confirm or refute the guiding hypotheses. Using a series of custom questions, a population of HR practitioners and HMs in Northern California was interviewed for this phenomenological study. The selected participants had hired employees within the past 12 months or hire frequently, and included HMs, leaders and HR personnel or HR leaders that were able to explicate optimal hiring practices in mid- to large-size organizations. The findings from this study indicated valid problems and viable solutions for further exploration and resolve. While this study did not reveal any new issues apparent with the candidate selection process, it did highlight the intricacies and distinctions of the hiring process often overlooked and where a great deal of bias lies and, consequently, vast opportunities to drive positive social change.

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Dedication

I dedicate this dissertation to my late Father, Steven K. Stafford, and my grandmother, Geneva (Nini) Stafford. Both of you inspired and encouraged me tremendously in life and with your lives. Daddy, you were my prime example of going back to school and obtaining your degree as an adult. You never placed limits on what you or anyone could accomplish with God's help. I was so proud when you reached your goal. Nini, you called me "Dr. Tashia" from the moment I told you in August 2013, I was going back to school to get my Ph.D., up to the last time we spoke in September 2018. You always said it with such honor and genuine joy. I could not imagine letting you down. For you two, I have expanded the Stafford legacy and raised the bar. I wish you both were here to experience this momentous occasion, but I know you are a part of the great cloud of witnesses; thus, you are aware.

Acknowledgments

I would like to acknowledge the following village of people without whom I would have otherwise failed to thrive along this journey. To my husband, Devern, for always supporting my any and every goal, for your love and sacrifices of frozen meals and late-night typing, and perhaps even enduring my crankiness. To Ky'Tavia and Kynneddy, my mini MEs, for being flexible and excusing every event or activity I, as your Mom, failed to arrange/attend, or matters of importance to you that I forgot to follow up on. You both are the fuel that drives my ambition and everything I aspire to be. And to my Killer Bs, Brandon and Brenae, I hope you value this example of persistence, relentlessness, determination, and excellence in academia as a path you can follow and know that you too can do all things through Christ. To my day ones, my mom Carol, and siblings, for every prayer, typed/reviewed paper, ear you lent to hear me complain or listen when you truly weren't interested or did not understand, laptops borrowed, to inquiring about my progress; each of you in unique ways kept me focused on the goal through some of the most difficult times on this journey. Shannon Baker-Lopez, my partner in crime; we started this unique friendship over 20 years ago, but this adventure might just have been our bravest or craziest. I knew you would finish first, which only inspired me the more. Last but not least, my committee members, Dr. Brian Cesario and Dr. Marlon Sukal, I appreciate the detailed feedback, timely communication, and responsiveness. Your guidance, expertise, and positivity pushed me gently along. Dr. Jimmy Brown, every returned draft was worth it. Thank you all for believing in me. I am fearfully and wonderfully made; to God be the glory for the things He has done.

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Chapter 1: Introduction to the Study

Introduction

Unlawful discrimination remains prevalent in society, and organizational hiring practices are no exception (Ababneh & Al-Waqfi, 2016; Antonellis et al., 2017; Foney & Ashley, 2019). Most employers, regardless of the industry, perform hiring interviews, and even though this is customary practice, the approach to conducting interviews and determining candidate selection is not standardized, even within the same organization (Meagher, 2017; Self et al., 2015). Discrimination and workplace mistreatment in the United States remains prevalent, even after 5 decades of federal legislative protection. A recent study by Fekedulegn et al. (2019) representing 40 million U.S. workers report that 60% of Blacks and 53% of women, experience workplace discrimination and mistreatment. According to Heilman and Caleo (2018), certain conditions in the workplace can mitigate or exacerbate gender discrimination. Furthermore, researchers assert that despite well-intended policies, Blacks, women, older workers, and the disabled are more susceptible to the lack of job availability and extended durations of unemployment than other subgroups (Center for Talent Innovation [CTI], 2017; Choi et al., 2018). Considering that discrimination based on race, gender, and age is a violation of federal law under the Civil Rights Act of 1964, \$484 million was awarded in damages to victims of workplace discrimination in 2017 (Equal Employment Opportunity Commission [EEOC], 2017a). In 2018, the EEOC reported obtaining approximately \$505 million dollars, overall, from American employers annually, equating to nearly three percent of the total U.S. economy of 20.4 trillion (International Monetary Fund [IMF],

2018), during the same reporting period. The average out-of-court settlement is approximately \$40,000, with about 10% of these out-of-court settlement cases exceeding one million dollars each (CERS, 2012). Of the 199 merited lawsuits filed alleging discrimination, 117 were individual, 45 multiple victim discrimination suits, and 37 were systemic discrimination cases (EEOC, 2018). Additionally, of the 76,418 charges of workplace discrimination in the fiscal year 2018, 32.2% of all charges involved racial discrimination. The EEOC achieved a 95.7 percent success rate for all court resolutions (EEOC, 2018). Although wrongful termination and discrimination suits are the most common, CERS (2012) reported that other types of employment claims include the following:

- Sexual Harassment
- Retaliation
- Whistleblower
- Negligent Hiring, Supervision, Promotion, and Retention
- Disabilities
- Breach of Contract
- Emotional Distress & Mental Anguish
- Invasion of Privacy

Hiring practices remained among the top four issues presented to the EEOC, in addition to discharge, reasonable accommodation, and harassment raised for litigation in 2017. Eliminating barriers in recruitment and hiring is one of the EEOC's Strategic

Enforcement Plan (SEP) and substantive area priorities of focus for 2021 (EEOC, 2017b). In 2017, organizational giants such as Bass Pro Outdoor World LLC, Google, Inc., and Texas Roadhouse all settled multimillion-dollar lawsuits for hiring practice. The cases, while notable, are but a handful of the hiring discrimination incidents that happen and hardly represent the substantial number of underreported occurrences in companies, large and small.

Employee selection is critical to an organization's ability to realize strategic objectives and manage future challenges (Bolander & Sandberg, 2013). In today's economy, where value increasingly comes from the people's knowledge (as the population and workforce continue to grow more diverse), employers will need to focus on creating company cultures, experiences, and products that speak to a wide range of identities and perspectives. They can do this by creating a workforce that embraces every culture, language, age, sexual orientation, disability, background, and experience, and giving a voice to those differences (Cho et al., 2017; Dworkin et al., 2018; Rao & Tilt, 2016; Rule et al., 2016). However, developments in recruitment such as video interviews, utilizing big data, and social media used in employee selection processes exposes organizations to even more risks of depriving minorities, women, the elderly, and other protected classes, of substantive work opportunities and/or professional development and career advancement (King & Mrkonich, 2016; Kluemper, 2013; Kruse et al., 2018; Melanthiou et al., 2015; Roth et al., 2016). Inconsistent interviewing practices may inadvertently operate to discriminate against otherwise qualified candidates. Regardless of the reasons, social exclusion practices are not only illegal, but they are also harmful to

the larger society that allows them to persist and influence social and economic disparity (Gidley et al., 2010; Hurst et al., 2017; Kluegel & Smith, 2017; Stockhammer, 2013). A standardized hiring process would offer additional benefits beyond the improved quality of hires, with the most important being legal defensibility.

In Chapter 1, I present the background, problem and purpose statements, research questions, and the foundation to support future studies in the advancement of standardized hiring. Chapter 1 includes the significance of the study, methodology rationale, the nature of the study, and terms used in the study. I also address the assumptions, limitations, scope, and delimitations in the remainder of the Chapter.

Background

As varied as interviews may be, they are traditional mainstays in the employee selection process, but the validity of some strategies concerning their alignment with legal requirements remains questionable (Bolander & Sandberg, 2013; Colella et al., 2017; Phillips et al., 2014). Although there is much more awareness of unconscious and conscious biases, unless human resource (HR) personnel/recruiters train hiring managers (HMs) to properly conduct interviews with credible questions that exclusively elicit the responses required to evaluate the candidate, the employee selected may not, in fact, be qualified or the best fit (Kausel et al., 2016; Walter et al., 2017). In addition, the procedures used to select one applicant over another to move forward, as meeting minimum requirements, should be well documented and unambiguous (Dworkin et al., 2018; Harris & Pattie, 2020; Hebl et al., 2019).

Organizations tend to use the rationale of selecting candidates based on fit. This approach is problematic, as hidden biases may be the persuading factor, rather than procedural and declarative knowledge and skills (Bolander & Sandberg, 2013; FitzGerald & Hurst, 2017; Kausel et al., 2016; Miles & Sadler-Smith, 2014; Salgado, 1999). Even with research on employers/employment extending well over 30 years, the knowledge of hiring practices remains incomplete, and employer hiring processes still exhibit significant and unexplained variance. Although researchers purport that candidate decisions are derived from the estimate of applicants' knowledge, skills, and abilities, residual variance is typically attributed to a combination of discrimination and error; thus, much of what drives employer decision-making remains unclear (Carrera, 2020; Derfler-Rozin et al., 2018; Galarza & Yamada, 2017; Hollands, 2020; Rivera, 2012).

There remains a gap in the body of knowledge concerning optimal and effective ways to reduce discriminatory hiring practices. More specifically, data is scant on how organizations assess, monitor, and remediate discriminatory behaviors in the workplace related to hiring decisions to ensure compliance with relevant laws (Ababneh & Al-Waqfi, 2016; Blacksmith et al., 2016; Hebl et al., 2019; Levashina et al., 2014; Seiner, 2019). Researchers, HR professionals, and consultants continue to expound on the notion of best practices, but at best, result in employers having more tips, suggestions, and choices rather than distinct procedures to follow (Doucette, 2016; Dworkin et al., 2018; Hass, 2018; Kador, 2014). Regardless of the litany of procedural declarations organizations require employees to follow, without formalized strategic safeguards in place to counter perceptual biases and systemic discrimination, the reality of what

transpires during hiring interviews still remains evident and exposes organizations to legal risks, with qualified individuals subjected to the structural and systemic discrimination that plagues every area of society (Hebl et al., 2019; Seiner, 2019).

Problem Statement

The specific business problem is that some employers are lax in ensuring that employee selection procedures are being followed in practice by HMs, which may increase their risk of litigation (Kausel et al., 2016; Miles & Sadler-Smith, 2014). The corresponding research problem of interest to this study concerns how best to overcome these constraints to avoid employment-related lawsuits and promote lawful hiring and retention practices. Seiner (2019) stated that racism is widespread, and minorities face pervasive amounts of subtle and explicit barriers to employment and promotion in the workplace. Systemic racism within the interview process and lack of inclusive recruitment and retention practices perpetuate inequities for some groups and privileges for others (Fekedulegn et al., 2019; Hebl et al., 2019; June, 2010; Savini, 2010; Seiner, 2019). Merely having a detailed hiring process that is documented as policy, however, is proving insufficient to safeguard against the legalities and inequities associated with faulty hiring practices (Bolander & Sandberg, 2013; Carrera, 2020; Derfler-Rozin et al., 2018; Guerra, 2012; Hebl et al., 2019; King & Mrkonich, 2016; Society for Industrial and Organizational Psychology [SIOP], 2018; Testy, 2011). Employers may find it necessary to have attestable knowledge of what transpires procedurally within the organization with respect to the employee selection process. Researchers continue to report that hiring practices remain problematic and employers have substantial room for improvement

(Carrera, 2020; Derfler-Rozin et al., 2018; Fekedulegn et al., 2019; Galarza & Yamada, 2017; Guerra, 2012; Kruse et al., 2018; Lippert-Rasmussen, 2012; Seiner, 2019). Pierson et al. (2018) purported that interest in detecting and quantifying human decision-making bias is expanding.

The negative business and psychological effects of companies using unethical or unlawful selection procedures have been highly publicized in recent years. Some of the more noteworthy instances of major corporations experiencing these types of negative impacts include a \$2.8 million judgment against Target Corporation for its hiring practices. According to Zillman (2016), EEOC initiated an investigation of Target's hiring practices following anecdotal accounts concerning potential hiring practice violations. The EEOC investigation found that Target had used several employment assessments that screened out potential employees based on sex and race. In this regard, the EEOC's investigation concluded that the tests were not job-related, to the point where they did not qualify as a business necessity and were therefore violative of Title VII of the Civil Rights Act of 1964 (EEOC, 2016, 2019b; Zillman, 2016).

In addition, the EEOC's investigation found that Target had failed to comply with the Americans with Disabilities Act (ADA) because another pre-employment assessment used by the corporation involved asking applicants questions psychologists interpreted to develop summaries of the interviews. These summaries were then used as part of the hiring decision process. The ADA provisions prohibit employers from performing any medical examination prior to a job offer, and then only in the event that such medical examinations were required for all successful applicants in that employment category

(Zillman, 2016). Further, the EEOC investigation found that Target had also failed to adequately maintain records of its hiring procedures, which were needed to properly evaluate the legality of the corporation's hiring practices (EEOC, 2016; Zillman, 2016).

While a \$2.8 million judgment may not sound like much for a multibillion-dollar enterprise such as Target, Zillman emphasized that the illegal hiring practices used by Target had an adverse impact on the tens of millions of individuals that had applied for employment since 2006, when the investigation was launched, but the settlement was intended to compensate only a few thousand previous applicants. More importantly, Target suffered from the negative public relations impact of this high-profile lawsuit during a period in its corporate history when it could least afford it, underscoring the need to ensure that every aspect of the recruiting and hiring process conforms to EEOC guidelines and the law of the land.

Other major corporations operating in the United States, including United Airlines, Albertson's, Toyota Motor Manufacturing in Kentucky, and United Parcel Service have also been the target of successful lawsuits by applicants and the EEOC, who complained of illegal hiring practices (Grubbs & Brice, 2012). In sum, illegal and unethical recruiting and hiring practices by companies of all sizes and types remain a significant problem for American employers (Derfler-Rozin et al., 2018; Hebl et al., 2019; Lippert-Rasmussen, 2012; Seiner, 2019) and prospective employees alike, an issue which directly relates to the purpose of the study, described below.

Purpose of the Study

This qualitative study aimed to understand how recruiters and leaders in organizations ensure that ethically and legally sound hiring practices are consistently used. There has been an increased focus on developing equitable hiring practices following the enactment of Title VII of the Civil Rights Act of 1964, and several studies (Ababneh & Al-Waqfi, 2016; Bates, 2016; Levashina et al., 2014) discussed the importance of employer preparation and type of questioning as critical aspects of the interview process. Regardless of the litany of procedural declarations organizations require employees to follow, without formalized strategic safeguards in place to counter perceptual biases and systemic racism/discrimination, the reality of what transpires during hiring interviews still remains evident. This contravention exposes organizations to legal risks, and subjects qualified individuals to the structural and systemic discrimination that plagues every area of society (Blacksmith et al., 2016; Kausel et al., 2016; Ryan & Ployhart, 2014; Seiner, 2019). Human resource recruiters or talent management leaders that fail to scrutinize their hiring practices, offer robust training, and implement standardized processes for HMs to follow, will continue to experience challenges in selecting the right personnel (Bates, 2016; Blacksmith et al., 2016). Most critical is the adverse impact associated with the varied employee selection practices deployed in the workplace at the discretion of HMs, which was the focus of this study.

Research Questions

I designed the research questions (RQs) to elicit first-hand experiences from participants and a detailed understanding of the extent each has in ensuring legal

defensibility of hiring discrimination. The primary and secondary research questions that guided the study were the following:

Research Question 1 (RQ1): What are the perceptions of HR recruiters/personnel regarding consistency among managers in following ethically and legally sound hiring practices?

Research Question 2 (RQ2): What active measures or safeguards do organizational leaders and HR recruiters/personnel take to ensure that proper hiring interview and selection protocols are followed within an organization, based on their lived experiences?

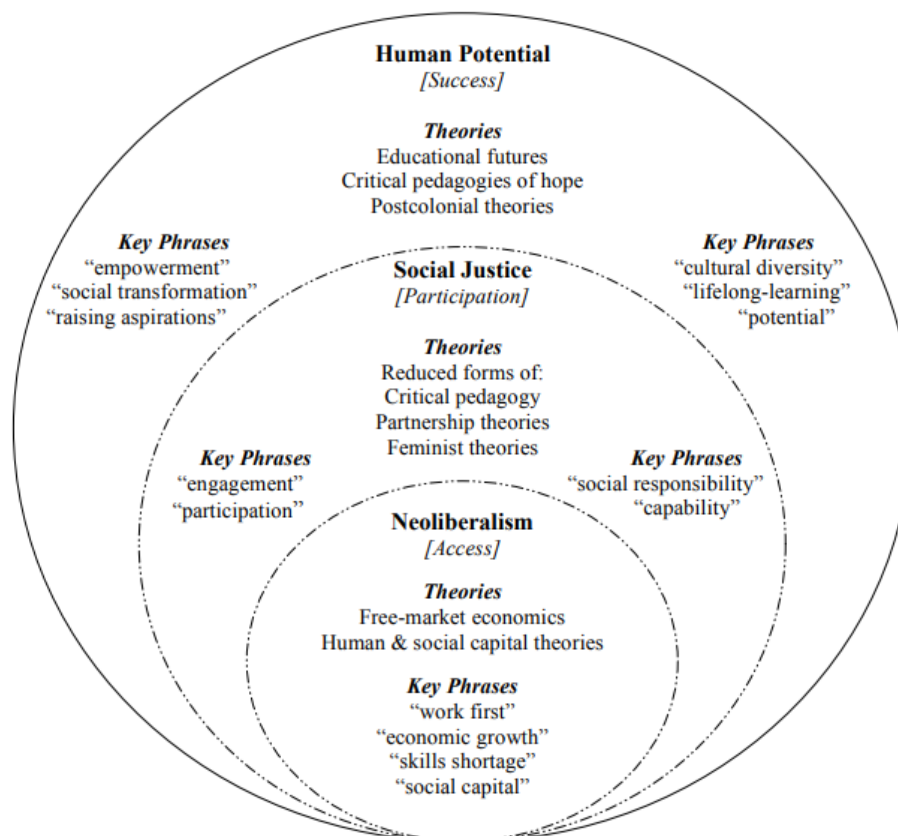
Conceptual Framework

I used a social inclusion framework to achieve the above-stated research purposes. The term *social inclusion* (SI) subsumes several development theory practices that have implications for the development of ethical and objective hiring and selection procedures by HR practitioners and recruiters based on its overarching proposition of promoting social justice (Goodwin-Smith, 2009). The editors of *Americas Quarterly* reported that, “Social inclusion comprises multiple dimensions: economic opportunity, political rights, participation and representation, recognition, and access to social services” (Social Inclusion, 2012, p. 28).

The SI theory has a collection of principles relevant to this study, other than solely the relationship with race/racism, which throughout U.S. history has shaped many debates. According to Liu (2007), the SI theory is used to investigate the interaction between the individual and macrostructures and how socially constructed opportunities

and limitations are rooted in institutional and organizational processes. The conceptual views of the SI theory are better suited for the examination of how microaggressions related to race, age, gender, sexual orientation, and class affect the efficacy of individuals (Baumgartner & Burns, 2014; Collins, 2005; Coombs et al., 2013; Huxley et al., 2016; McMahan et al., 2010). Based on the existing literature, the SI theory is synonymous with access, equity, and success through empowerment (Coombs et al., 2013; Filia et al., 2018; Huxley et al., 2016). The SI theory shifts the research lens from a deficit view of people of color towards multifaceted areas of disadvantages and broader perspective that includes economics, history, context, group- and self-interest, and even feelings and the unconscious.

Social inclusion requires equality of opportunity and refers to an individual having the resources and ability to engage in education and employment. Social inclusion also refers to the ability to participate in, build, and maintain relationships, and is the process that ensures individuals have the resources necessary to partake fully in economic, social, and fundamental functions of society (Baumgartner & Burns, 2014; Coombs et al., 2013; Filia et al., 2018; Huxley et al., 2016). The cornerstones of SI are complex and challenging concepts that cannot be simplified to only a definition. SI, according to Gidley et al. (2010) has layers or degrees of inclusion that are primarily based on access, participation, or engagement, with the largest being success through empowerment (see Figure 1).

Figure 1*Spectrum of Ideologies Underlying Social Inclusion Theory and Policy*

According to Atkinson and Kintrea (2001), SI considers a person's standard of living and well-being that extends beyond social categories such as gender and class, but includes specific disadvantages such as unemployment or ill health. Participation or societal belonging is demonstrated typically by an individual having the opportunities, resources, and abilities to build and maintain relationships, engage in education, and participate fully in the community (Baumgartner & Burns, 2014; Huxley et al., 2016). Some common themes that characterize the absence of SI include lack of social

participation/ostracism, subpar education, mental health issues, and housing in disadvantaged neighborhoods. Social inclusion is multidimensional; however, the most noted contributors are employment and education (Filia et al., 2018; Huxley et al., 2016). Some contributing factors of SI have immediate short-term effects (e.g., poor transportation services), while some have monumental long-term effects (e.g., limited trade skills). Some contributors, such as employment, can have both an indirect and direct effect on SI (Filia et al., 2018). Social inclusion calls for more than the removal of barriers or risks. It requires investments and action to bring about the conditions for inclusion, validation, and recognition of diversity (Salojee, 2003).

Another proposition of SI relates to its focus on encouraging substantive citizenship through meaningful employment opportunities (Goodwin-Smith, 2009). In many cases, effective SI practices in the workplace require government oversight to address longstanding unethical and discriminatory policies that operate against already marginalized members of society (Gidley et al., 2010; Goodwin-Smith, 2009). Given the ubiquity of marginalized citizens in different countries worldwide, it is not surprising that the SI theory has been used to examine hiring and selection processes in the workplace, and these studies are summarized below.

Social inclusion theorists often refer to notable civil rights figures such as Supreme Court Justice Thurgood Marshall and Dr. Martin Luther King, Jr., both of whom were ardent proponents of SI in American society (Social Inclusion, 2012). Multiculturalism or promoting diversity in the workplace based on the SI theory can only occur by re-educating individuals about equitable diversity (Allman, 2013). However, to

be optimally effective, SI policies and practices for recruiting must receive ongoing support from organizations' top leadership (Stroud & Miller, 2011).

Although the SI theory is not without its critics and detractors, a growing body of research indicates that organizations that place a high priority on SI enjoy a competitive advantage over those that do not (Warschauer, 2012). Therefore, I used the main propositions of the SI theory (i.e., social justice and equal opportunities) to formulate and test predictions concerning the various monetary and public relations benefits that organizations accrue when incorporating SI into their recruiting and hiring practices.

Nature of the Study

The nature of this study was phenomenological. Drawing on the seminal work by Giorgi (2009) and subsequent research by Broome (2011), my goal was to obtain a keen understanding of HR personnel/recruiters' experiences in ensuring hiring practices are followed within organizations with 200 or more employees, and their perspectives on how compliant HMs were in following established employee selection procedures.

A phenomenological model approach is appropriate to understand the details regarding the different ways in which people experience or think about something (Creswell, 2014). I used a purposeful sampling approach, which employs a wide range of methods to locate all possible instances of a difficult-to-reach and highly specific population, to identify and recruit a sufficient number of respondents who met the established participant criteria, as specified by Neuman (2008). I considered this approach the most appropriate because purposeful sampling is useful in choosing people who are certain to correspond with the objectives of the study and have the

interest/experience. Researchers have recommended thoughtfully selecting only those who can fully answer the research question (Barlett et al., 2001; Groves et al., 2009; Reynolds, 2007).

I used in-depth, one-on-one, face-to-face interviews for the variety of the interaction being recorded. According to Gill et al. (2008), face-to-face exchanges create the opportunity for valuable dialogue and allows participants to contemplate their responses, talk more, and elaborate or clarify if necessary. Interviews and focus group discussions with HR professionals and mid-upper level executive managers who have direct reports (first-line managers or supervisors) that routinely hire employees or participate as interview panel members provided me with immaterial insight. Therefore, each exchange was unique, with the freedom to move the conversation in any direction of interest that arose, exploring the topic more broadly, as detailed by Ravitch and Carl (2016).

According to Rubin and Rubin (2012), an interview is where one person extracts information from another, with questions (whether structured or unstructured) to probe deeply and provide thick descriptions and perspectives in rich detail. To obtain a clear or *as is* view of how the phenomenon appears to participants, it was important to recognize prior knowledge or preconceived notions that exist and set aside any personal experience related to the study, as posited by Creswell (2014). I reviewed the interview transcripts to identify significant statements, similar statements, and quotes that were clustered to formulate meaning, as well as different sentences or sentiments that exposed underlying themes.

Definitions

The terms frequently used in the study appear below to aid the reader in understanding the explicit context in which they are used throughout the study.

Bias: Any tendency that prevents unprejudiced consideration of a question (Pannucci & Wilkins, 2010).

Employee Selection Process: The series of stages the applicant passes through from resume screening to face-to-face interview (SIOP, 2018).

Employment Interview: These types of interviews are used to evaluate and select the optimal candidate for a given employment position, for which numerous individuals have applied (EEOC, 2009).

Equality: The quality or state of being equal; getting the same treatment (Wirts, 2017).

Equity: Justice according to natural law or right; specifically, freedom from bias or favoritism; fairness and justice in allocating resources, opportunity, treatment, and success; getting what is fair (Kluegel & Smith, 2017).

Hiring Manager: The person who has the job vacancy under his/her organizational reporting structure and the authority to decide which candidate is offered the job (Heathfield, 2018).

Human Resource Personnel: The division of a company that focused on activities relating to employees. These activities normally include recruiting and hiring new employees, orientation and training of current employees, employee benefits, and retention (Lussier & Hendon, 2018).

Assumptions

Considering the population and topic of interest, the study operated on the following assumptions: (a) all HR personnel have similar roles within the organization and responsibilities related to the hiring process; (b) participants would be truthful and fully transparent in the recall of their experiences of hiring practices; (c) participants would detach personal beliefs and prejudices from the representation of the information, experiences, and data collected; (d) participants would be able to provide substantial information in narrative form; and (e) larger organizations hire more frequently, increasing their risk for discrimination lawsuits.

Human resource personnel and HMs place more faith in their “gut instinct” or “hunch/feeling” of a candidate’s impression (Adler, 2013; Miles & Sadler-Smith, 2014; Pierson et al., 2018) rather than objective formal processes. There is much discussion about the role intentionality serves in discriminatory hiring practices and whether direct discrimination is worse than more ambiguous forms that unintentionally violate the requirement of fairness (Huq, 2018; Lippert-Rasmussen, 2012; Selmi, 2018; Walter et al., 2017; Wirts, 2017). An interview is the foundation for the entire hiring process, and according to Adler (2013), most hiring mistakes are made in the first 30 minutes of the interview process. Therefore, an HM or recruiter’s ability to effectively elaborate on the concept of intuitive assessment is critical and under-scrutinized in research. The challenge addressed in this study involves evaluating how these decision-makers’ perceptions of ethical hiring practices affect the legal defensibility of what is occurring within the organization. As posited by Nelson et al. (2019), supervisors are the most

frequent source of discriminatory treatment, and covert biases are broad-sweeping in the workplace.

Scope and Delimitations

The scope of the study focused primarily on exploring best practices or methods for HR personnel by which organizations can attest to ethical hiring practice in the event of a lawsuit or legal defensibility. Therefore, industry-standard level of education (bachelor's, master's degree, or SHRM certification) and experience (labor relations, multiple hurdle selection process, recruiting/staffing, talent management, training, compensation, compliance, and knowledge of federal and state laws) was relevant as opposed to informal knowledge. The participants had the title or functioned in the role of HR director, manager, or recruiter in a mid- to large-sized organization in Northern California with at least ten years' experience. This delimitation ensured the contributors had participated in a considerable amount of hiring processes, screened a significant volume of applicants, and were familiar with addressing hiring grievances. Likewise, those identified as HMs of mid- to large-sized organizations in Northern California with at least five years' management experience and had hired employees within the 12 months prior to start of the study were included. This ensured the participants were not novices, were hired with some degree of regularity, and comfortable with being hiring managers and making hiring decisions. As purported by Miles and Sadler-Smith (2014), tenured managers rely on their ability to select candidates based on intuition. Likewise, the majority of experienced HMs make their candidate selection early in the hiring process through a series of step-by-step intrinsic deliberation (Bolander & Sandberg,

2013). Thus, the inclusion criteria aided my certainty that the data collected will not include employee selection practices made from inexperience, lack of knowledge, or a single occurrence versus what is usual and customary.

Limitations

The sensitive nature of the study created a primary limitation, the fear of retaliatory consequences or breach of confidentiality concerns regarding disclosing or providing in-depth details of blatant discrimination in hiring practices. This type of worry could inhibit rich narrative retelling of experiences, and cause participants to withhold valuable details. To address this limitation, I assured participants that the study was not tied to their employer, and the employer would not be made aware of anything divulged during the study. A secondary limitation was the propensity for my previous experiences and assumptions regarding HMs and HR personnel recruitment strategies to infuse bias into the study. However, I used the bracketing technique and journaling to control personal reflection after each interview, which research has shown to be effective in mitigating bias (Byers & Onwuegbuzie, 2014; Rubin & Rubin, 2012; Saldaña, 2016). The following are limitations worth noting: (a) participants will not agree to secondary (follow-up) interviews, and (b) sampling criterion and population is not representative of small companies or employer groups in other geographical areas. These limitations may restrict a full exploration of key statements that arose from the transcripts and the ability to generalize findings or causal inferences, as indicated by Pyczak and Bruce (2016).

Significance

The significance of this study relates to the promotion of greater SI as well as the heightened conformance with relevant hiring and retention laws. Employers strive to ensure employees seek organizational citizenship by duplicating positive observable behaviors, and when those characteristics are steadily displayed, culture is developed (Hofstede et al., 2010). The process of transforming workplace culture is challenging to accomplish (Fekedulegn et al., 2019; Heilman & Caleo, 2018; Nelson & Quick, 2012; Rahaman, 2015; Walter et al., 2017). Thus, the pursuit of onboarding only those that will immediately adapt or enhance the established workplace culture is understandable (Balint & Rau-Foster, 2015). However, the road map to achieve the results is vague, with indistinct directives for HMs to decipher, often through costly trial and error consequences (Bates, 2016). Additionally, the unequal distribution of power in society has deep roots in economic, education, and political areas (Kluegel & Smith, 2017; Maestriperi et al., 2017; Zardkoohi & Bierman, 2016). Hiring is an incredible way in which employers influence labor market outcomes and inadvertently functions as a gatekeeping mechanism or entry point to occupational opportunities that either facilitate career advancement for some or blocks entry for others (Carrera, 2020; Derfler-Rozin et al., 2018; Hollands, 2020; Rivera, 2012). Thus, if certain aspects of attaining employment remain unchallenged and uncorrected, the dynamic force behind the income distance enlarges, and inequality will continue to be a present crisis (Zardkoohi & Bierman, 2016).

Currently, there is social unrest and an awakening in the consciousness of Americans and the world to a reality that can no longer be ignored. Communities of color

are disproportionately impacted by a lack of economic opportunity, living under sustained financial strain that creates multiple barriers, most notably in education, employment, and good health. The U.S. social climate has remnants of racial inequality and traces of deep-rooted historical seeds of discrimination still springing forth in the 21st century in a plethora of avenues, from housing to prison sentences, varied healthcare treatment, and/or acceptance based on skin color, age, gender or sexual orientation (Button et al., 2006; Stroud & Miller, 2011; Walter et al., 2017). Citizens are urging lawmakers from local town hall to Capitol Hill to create more specific and stringent laws that level the playing field.

The present directives or guidelines continue to prove insufficient to ensure consistent legally sound and ethical hiring practices (Guerra, 2012; Walter et al., 2017; Wirts, 2017). The bar for accountability worldwide has been raised for deeds, not words; silence and inaction for human rights are viewed as complicity. To drive positive social change, organizations must commit to meaningful action with renewed urgency and purpose by educating all employees on issues such as universal systemic racism, microaggressions, bias, and allyship. In addition, organizations must hold HMs, organizational leaders, and HR personnel accountable for the progress and success of embedding inclusive and equitable practices (DiAngelo, 2018). Specifically, applicants must be identified, hired, developed, mentored, assessed, and retained in a transparent manner, to maintain a diverse workforce. This requires extensive effort throughout all levels of an organization, but the major areas of opportunity and contribution to disparate

treatment of minorities in the workplace are the hiring, promotion, and pay practices (DiAngelo, 2011, 2018; Galarza & Yamada, 2017; Walter et al., 2017; Wirts, 2017).

Organizational leaders must develop internal programs/processes that address the varied systems that make inequity possible, fortify commitment to inclusive practices across talent systems and look for ways to accelerate the pace of improvement for equity and inclusion, resulting in a diverse pipeline of talent. Interviewers should discuss the candidate openly and honestly only after their evaluation forms have been collected by HR Personnel. Human resource personnel should be pre-assigned and trained to track/trend common patterns of institutional racism and open to discussing that with offending HMs, and provide mandatory training or further resources and tools to curtail and correct the behavior (Selmi, 2018; Walter et al., 2017; Wirts, 2017). Standardized practices that include but are not limited to specific interviewer training, identifying HMs rater bias with shared transparency and accountability, vetted interview questions, eliminating direct and persuasive consensus-based decisions, and utilizing an objective true mathematical scoring method will ensure visibility, accountability, and institutional change. Interviewers that receive detailed assessment and training would be better equipped to avoid errors in selection judgment and violation of laws during the interview process.

Summary

In Chapter 1, I introduced how the imprecise interview process, as it stands, still allows for personal biases to be liberally inserted, and exposes applicants to unfair practices. I also discussed the current lack in the body of knowledge as it pertains to

organizations' assured legal defensibility in hiring practices. Chapter 2 details the current literature related to the distinctive ways HR professionals ensure equitable and ethical recruitment, hiring interviews, and selection. More specifically, I discuss how organizational leaders attest to the employee selection practices conducted by their HMs and the concept of legal defensibility. Chapter 3 contains the study methodology.

Chapter 2: Review of the Literature

Introduction

Chapter 2 includes an examination of the peer-reviewed and scholarly literature related to key elements of this study, namely the hiring and interview process, mostly published after 2014 in the English language. The research databases consulted for this purpose included JSTOR, Questia, and EBSCO Host. The literature review encompasses historical perspectives as well as recent trends and changes related to the management of the hiring interview. More specifically, I reviewed 21st century employee selection practices, such as hiring for organizational culture fit and other practices (e.g., video interviewing) that have more propensity for introducing bias. I examined how prejudicial selection occurs disproportionately more often when certain hiring methods are used. Finally, I examined organizational commitment to hiring practices, explicating the relevant laws that apply to employers as they relate to Title VII, as well as recruiter's and HM's ethical obligations that are of significance to the study.

Literature Review Strategy

My focus was on locating the most recent scholarly texts and peer-reviewed journal articles published in the English language concerning the key issues of interests. For the search strategy, I used key words such as *employment interview*, *job interview*, *job screening*, *illegal hiring practices*, *Title VII*, *recruiting biases discrimination in hiring*, *equity and inclusion social inclusion*, and *video conferencing*. For the search criteria, I placed a higher priority on information published since 2017. Older journal articles and scholarly texts were also consulted and incorporated into the literature review

where appropriate due to the relative paucity of relevant studies of this nature. I consulted public and university library databases as well as reliable academic research resources such as Google Scholar, EBSCO Host, and Questia.

Conceptual Framework

I used the SI framework for this study to develop informed and timely answers to the guiding research questions. Very few researchers have investigated the precise research questions and key variables that were used in this analysis. Other researchers have also used an SI framework to investigate employment-related issues that adversely affect the ability of individuals to gain full access to employment opportunities. Although there is no universally accepted definition, Le Boutillier and Croucher (2010) define SI as “a virtuous circle of improved rights of access to the social and economic world [and] new opportunities” (p. 137).

According to Le Boutillier and Croucher, there remains a lack of definitional clarity regarding studies that use an SI conceptual framework. To help overcome this limitation, the definition provided by the World Bank states that SI “is the process of improving the terms on which individuals and groups take part in society—improving the ability, opportunity, and dignity of those disadvantaged on the basis of their identity” (Social Inclusion, 2019, para. 2). Likewise, Diemer and Ortega (2010) also cited the relevance of an SI conceptual framework for identifying those factors that hinder and facilitate full inclusion in society. For instance, according to Diemer and Ortega, “engagement with school, progress in career development, and attaining higher paying,

higher status occupations in adulthood are traditional pathways to social mobility that facilitate social inclusion” (p. 14).

Other researchers have used the SI conceptual framework to develop optimal strategies for helping marginalized demographic groups gain and maintain meaningful employment. For example, the European Union’s Council of Employment Ministers (CEM) used the results of a study by the National Reform Program to implement SI recommendations. Based on these recommendations, the CEM concluded that,

Developing active inclusion is the best way to integrate the greatest number of those excluded from society by reconciling incentives to work with access for all to basic services and guarantees of an adequate minimum income for those who are too marginalized. (Employment and Social Inclusion, 2007, p. 74657)

In addition, the CEM made special reference to the need for SI strategies for marginalized elements of society: “The homeless, the disabled, immigrants and ethnic minorities require special attention; developing long-term care and giving it a secure financial basis is a necessity given today's demographic developments” (Employment and Social Inclusion, 2007, p. 2).

The respective strengths of these studies included their focus on identifying ways to promote SI and what resources were available for this purpose. However, their shared overarching weakness was their focus on specific demographic populations, including those in other countries. Moreover, there is a positive dearth of timely and relevant studies concerning the way recruiters and employment managers can use the SI conceptual framework to optimize their practices. Notwithstanding these weaknesses, I

considered the SI framework appropriate for this study because the concept of SI specifically includes the ability to secure and maintain a job, as posited by Redmond (2016).

Literature Review Related to Key Variables and Concepts

I selected the studies that follow in the literature review below based on their relevance to the study's guiding aims and research questions. I reviewed and synthesized studies directly related to the constructs of interest. Using the search criteria and methods described above, I selected these studies given the paucity of relevant research concerning the study's specific focus on identifying optimal interview practices that conform to the provisions of Title VII while also being as effective as possible in achieving recruitment goals. The studies used different methodologies to develop their analyses and findings, but shared the common focus on the respective constructs of interest to my study.

Evolution of Employee Selection Practices

The evolution of employee selection practices can be traced to the seminal work by Yerkes and a team of military researchers in the early 20th century, who developed the Army Alpha and Army Beta group-administered tests to evaluate recruits' intelligence and aptitude for different positions and deployment (Voracek, 2007). Although these tests were discontinued by World War I, these are some of the first efforts to evaluate candidates using a systematic evaluation strategy (Voracek, 2007). Since that time, there has been growing interest in using these types of selection methods to evaluate and identify optimal candidates for public and private sector jobs, and there has been more

than a century of studies published in the *Journal of Applied Psychology* focusing on these issues to date (Colella et al., 2017). The studies published in the *Journal of Applied Psychology* to date can be categorized into three basic eras as follows:

1. 1917–1960: This era was characterized by discrimination, the research itself being discriminatory in nature.
2. 1970–1989: This era was the “heyday of discrimination research”; and,
3. 1990–2014: This era was characterized by “unsteady progress” (Colella et al., 2017, p. 37).

Despite the 100-plus years of studies that have been published in the *Journal of Applied Psychology*, research has typically failed to keep pace with the most recent trends and changes in relevant laws concerning employment discrimination (Colella et al., 2017). As a result, during much of the first half of the 20th century, American employers had few laws regulating personnel decisions. In fact, prior to the passage of Title VII of the Civil Rights Act of 1964, American employers were largely free to stipulate just what kind of employees they wanted, including men only but especially Whites only. To address the widespread racial discriminatory practices in hiring that existed across the country, the United States Congress passed the Title VII of the Civil Rights Act of 1964, which remains the broadest federal statute that covers employment discrimination (Wirts, 2017).

The provisions of Title VII prohibit all personnel actions from initial hiring to termination based on the color, race, national origin, or sex of applicants, together with all the other terms and conditions related to employment (Cavico & Mujtaba, 2017;

EEOC, 2019b). Although these protections are taken for granted by many Americans today (Crow, 2018), the provisions of Title VII initiated a significant change in recruiting and hiring, which resulted in across-the-board improvements in the lives of millions of disadvantaged Americans, mostly blacks, women, and other minority members.

The sections of Title VII that are most relevant to this study include prohibitions for failing or refusing to hire or apply personnel actions concerning compensation levels, terms, conditions, or privileges of employment, or terminating any employee based on the individual's race, color, religion, sex, or national origin as explicated by the EEOC. In sum, the provisions of Title VII create a recruiting and hiring environment in which applicants are neutral to factors that were previously regarded as acceptable.

These factors did not cease following the passage of Title VII, and it has taken another half-century and more to make a major dent in discriminatory recruiting and hiring practices. The Title VII was the landmark legislation that provided fairness and equity for people in the United States during a period in history when this was desperately needed. Together with the Voting Rights Act of 1965, which gave the federal government some enforcement abilities at the state level, Title VII of the Civil Rights Act of 1964 provided the framework to guide and control the recruiting and hiring landscape today. These two landmark laws, combined with the provisions of the Fourteenth Amendment, served to further improve the employment practices in the United States. The provisions of the Fourteenth Amendment relevant to equal protection under the law at the state level are as follows:

All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Section 1, Fourteenth Amendment)

It is noteworthy that the Fourteenth Amendment specifically stipulates “all persons” and extends citizenship to the entire United States and the respective states in which citizens reside. In other words, the Title VII and other civil rights legislation were the right laws at the right time, but not everyone assented when it came to extending basic constitutional rights to all citizens in the United States. The same argument that used to deny Blacks and women the right to vote was used after the passage of Title VII, claiming that these vulnerable populations required special protection that only the Whites could provide.

This view has largely faded from the American consciousness, but there are still some exceptions to the application of all civil rights to some groups. For example, while the Bill of Rights does not end when young people walk through their school doors, they are routinely subjected to practices that would violate adults’ freedom, from unreasonable search and seizure due to this same philosophical view about special protections for some demographic groups (Scungio & Cote, 2018).

In addition, Title VII includes a retaliation provision that prohibits employers in the United States from taking retaliatory measures against employees if they claim workplace discrimination or harassment (EEOC, 2019b; Oderda, 2016). In this context, retaliation occurs when employees or job applicants are subjected to employer reprisals such as termination for filing a formal claim with their HR department, state-level fair employment practices agencies, or the U.S. EEOC alleging discrimination or harassment based on the above-listed Title VII protected categories of race, color, national origin, religion, or for making allegations concerning these types of prohibited hiring and firing practices (EEOC, 2019b).

Moreover, this type of employer retaliation is also forbidden, making the retaliation provision of Title VII especially important today. In this regard, the EEOC emphasizes that "federal employment discrimination laws depend on the willingness of employees and applicants to challenge discrimination without fear of punishment" (as cited in Cavico & Mujtaba, 2017, p. 30). This means that besides the protected categories included in Title VII, the significance of these protections is the ability of employees or job applicants to secure their rights in courts of competent jurisdiction without the fear of reprisals (Cavico & Mujtaba, 2017).

At present, the EEOC's list of prohibited employment policies and practices include the following: (a) employers are prohibited from publishing job advertisements that include a stated preference for candidates or operates to discourage candidates from applying for jobs based on their race, color, religion, sex, age, sexual orientation pregnancy status, national origin, age, disability or genetic information; (b) employers are

prohibited from recruiting in a fashion that operates to discriminate against job candidates based on the demographic factors stated in (a) above; (c) employers are prohibited from discriminating against candidates in the application and hiring stages based on the same factors described above; and (d) employers are strictly prohibited from inquiring about disabilities and are generally prohibited from requesting information from job candidates that is beyond the scope of the job requirements during the pre-employment inquiry stage (EEOC, 2019a). Given the broad-based nature of these prohibitions, it is reasonable to suggest that employers can easily violate the provisions of Title VII, albeit unknowingly, accidentally, or through subterfuge. This suggests that several nebulous grey areas continue to exist that adversely affect the ability of job applicants to receive a fair interview.

In response to the need to ensure appropriate practices are followed, the EEOC has developed a checklist for HR practitioners that can help them avoid violations of the provisions of Title VII during the recruiting and hiring process as set forth in Appendix A. Although the checklist does not guarantee that companies will avoid violations of the provisions of Title VII, these steps represent some of the basic requirements that must be taken into account during the recruiting and hiring process. This process has also been profoundly affected by a number of trends since the passage of the Civil Rights Act of 1964, including those discussed further below.

Diversity, Equity, and Inclusion

Diversity is a well-intended organizational goal, yet it remains elusive. Organizational culture underlies every policy and practice, and few companies can fully

attest to eliminating the perceptual biases that exist when hiring versus procedural mitigation (Nelson et al., 2019; Stroud & Miller, 2011; Walter et al., 2017). All employees have the right to a fair and equitable career experience in an inclusive, safe, and respectful work environment (Hollands, 2020; Nelson et al., 2019; Rule et al., 2016; Sherbin et al., 2017). Researchers have found that more inclusive companies had more than double the cash flow per employee over a 3-year period, were twice as likely to lead innovation in their market (Bersin, 2019; Noland et al., 2016). Other researchers found that inclusive decision-making led to better business decisions 87% of the time, with those decisions made twice as fast in half the meeting times (Bersin, 2019; Hollands, 2020). Additionally, gender-diverse companies were 21% more likely to outperform their peers, while ethnically diverse companies were 33% more likely to do so (Heilman & Caleo, 2018; Hunt et al., 2018). Moreover, both Millennials and generation Z report that diversity is key to workplace loyalty, with 69% agreeing they were more likely to stay five or more years, if their employers had a diverse workforce (Deloitte, 2018).

Moreover, social events such as Black Lives Matter, #MeToo movement, and LGBTQ rights have consumed the headlines, highlighting the disparities and forcing uncomfortable but necessary global dialogue to advance equity and address systemic racism to bring about significant, sustainable, and measurable change toward a workplace and world that is more equitable and inclusive. Non-minorities in the United States have protection from racial stress, rarely experience racism, and benefit from an unequal distribution of privileges, while people of color experience deprivation (DiAngelo, 2011, 2018).

The systems that make inequity possible, including those that persist in workplace practices, must be addressed to facilitate positive social change for a workforce that reflects belonging, psychological safety, and a speak-up culture for all groups that are marginalized. Consider that only one in five employees with disabilities have told their managers about their disabilities, only one in five have told HR, and only one in four have told their teams (CTI, 2017; Sherbin et al., 2017). There are only three black CEOs in the Fortune 500 (Donnelly, 2018), and only 1 in 20 CEOs of S&P 500 companies are women (Catalyst, 2020). Research has shown that increasing female leadership from non-female leaders to 3 in 10 increases an organization's net revenue margin by 15% (Noland et al., 2016).

Consider Affirmative Action and its objective to fulfill or aid the commitment to diversity; unless stringent measures are required of organizations likewise (to not only support but to facilitate) by clearly identifying the diversity goal, the likelihood of commitment or achievement is nil (Hollands, 2020; Lee et al., 2018). Therefore, organizations become catalysts in ensuring equity and inclusion, holding leaders, HMs, and HR personnel accountable for the progress and success of having (and maintaining) a diverse workforce. Today's employees have a heightened awareness and less tolerance for any lack of acceptance regarding diversity. Employees want to bring their authentic selves to work and speak up promptly and expect their companies to act when a workplace not respectful of diversity.

Organizations that adopt practices that identify and reduce avoidable barriers by weaving equity and inclusion into the fabric of everything they do, communicating and

recognizing the value of all employees, and creating the opportunity for respect and inclusivity, facilitate diversity (Cho et al., 2017; Hollands, 2020; Hunt et al., 2018). By providing different support and removing systemic barriers, equity ensures everyone has access to the same opportunities. In an equitable environment, gender, ethnicity, socioeconomic status, and other personal characteristics do not affect how an individual is treated at work (Hunt et al., 2018; Hurst et al., 2017; Kundu & Mor, 2017). Diversity extends beyond race and ethnicity. It encompasses gender, sexual orientation, religion, and other aspects of who a person is and how they live (Nelson et al., 2019; Noland et al., 2016). This diversity feeds the multiplicity of perspectives, which leads to better problem solving and innovation. Understanding and respecting individual differences is critical to organizations achieving aspirations for having low attrition, a work environment that reflects the communities they serve, and most importantly, reducing the employment and income gaps.

Biases

Bias is the tendency to lean in a certain direction, often to the detriment of an open mind (Pannucci & Wilkins, 2010). Those who are biased tend to believe what they want to believe and refuse to take into consideration the opinions of others. Bias is an inclination toward one way of thinking, often based on how one was raised. Unconscious biases are social stereotypes about certain groups of people that individuals form outside their conscious awareness (Galarza & Yamada, 2017; Selmi, 2018). This definition focuses on conscious bias or explicit bias. However, unconscious bias is far more

prevalent than conscious prejudice and often incompatible with one's conscious values; and certain scenarios can activate unconscious attitudes and beliefs.

Likewise, unconscious or implicit bias refers to negative and positive stereotypes that exist in the subconscious and affect decisions, behaviors, and interactions with others (Means, 2016; Selmi, 2018; Walter et al., 2017; Wirts, 2017). The difference between bias and stereotype is that a bias is a personal preference, like or dislike, especially when the tendency interferes with the ability to be impartial, unprejudiced, or objective. Conversely, a stereotype is a preconceived idea that attributes certain characteristics (in general) to all the members of a class or set (Galarza & Yamada, 2017; Nelson et al., 2019; Selmi, 2018). Consider this example: If a person thinks that all Asians are smart, or White men cannot dance, that is a stereotype. However, if that same person hires an Asian for a job that also has an equally qualified Black applicant because they think Blacks are not as smart as Asians, then that individual is biased. Below are common biases:

- Affinity bias – The tendency to instantly like someone who reminds one of themselves when they were younger, or of someone they know and like.
- Bandwagon bias – The tendency to do (or believe) things because many other people do (or believe) the same.
- In group bias – The tendency to give preferential treatment to others they perceive to be members of their own groups.
- Language bias – The tendency to make gross assumptions based on a person's accent or dialect.

- Name (resume) bias – The tendency to allow a person’s name alone to unconsciously impact people’s decision-making, opinion, or question their abilities.
- Social desirability bias – The tendency to over-report socially desirable characteristics or behaviors in oneself and under-report socially undesirable characteristics or behaviors.

Organizations are not exempt, neither have they hardwired a bias-free culture, and solely having guidelines continue to prove insufficient to ensure consistent, legally sound, and ethical hiring practices (Carrera, 2020; Galarza & Yamada, 2017; Heilman & Caleo, 2018; Nelson et al., 2019). The hiring process, as is, continues not to suffice, as there are numerous problems in the interview process that could lead to incorrect determinations. As noted by Rivera (2012), to fully comprehend how employers hire, one must consider the process of decision-making itself, which would provide insight into the subtle variables that construct hiring outcomes. The evaluation and rating/voting process can only be conducted in earnest if each interview panelist or HM is educated and self-aware about their unconscious biases (Banakou et al., 2016; Carrera, 2020; McCormick, 2015; Ndofo et al., 2018; Pierson et al., 2018).

The purpose of interviews is to determine person-job and person-organization fit, and to clarify information found on the application or gathered throughout the application process (Antonellis et al., 2017; Foney & Ashley, 2019; Harris & Pattie, 2020; Rivera, 2012; van Loon et al., 2017). If an organization uses more than one interview, the first interview is typically used as a screen early in the selection process. Human resources is

frequently responsible for performing the initial interview, used to screen out those candidates who are unsuitable for the position they applied (Antonellis et al., 2017; Foney & Ashley, 2019). Subsequent interviews are conducted at higher levels of the organization, usually with management participation, and evaluate the potential of viable candidates. However, there are common problems in perception that occur in an interview that might cause the interviewer to make an incorrect determination of the candidate's potential. Common perceptual errors noted by Selmi (2018) and Wirts (2017) include the following:

- **Contrast error:** It is important that candidates be evaluated against objective criteria related to job performance (predictors). However, interviewers frequently evaluate candidates against the prior candidate rather than the objective criteria. This can cause errors in the evaluation. For example, an average candidate interviewed after a poor candidate might be evaluated higher than average.
- **Halo/horn effect:** Frequently, all the candidate's characteristics are evaluated based on an evaluation of only one characteristic or trait. A positive evaluation is referred to as the *halo effect*, whereas a negative evaluation of all traits based on a negative evaluation of one trait is referred to as the *horn effect*.
- **Negative emphasis:** Unfortunately, in the United States culture, negative information is given more credence than positive information. One negative piece of information often precludes selection for the position and cannot be offset by many positive characteristics.

- **Similar to me:** The candidate is evaluated based on having a similar characteristic to the interviewer. For example, candidates from the same college as the interviewer are evaluated higher than candidates from other colleges.
- **Snap judgments:** Interviewers often make up their minds regarding a candidate in the first few minutes of the interview. Such a quick decision precludes a full evaluation of the candidate's characteristics.
- **Stereotyping:** Stereotyping involves evaluating a person based on their demographic characteristics rather than their individual capabilities.

Recent Trends

Some of the most important recent trends in employment include the introduction of artificial intelligence-enabled software applications designed to facilitate the administration of the recruiting and hiring process, and increase awareness on the part of recruiters about what practices are allowed and those that are not. This latter issue is particularly important because there have been some recent trends concerning how aggrieved job applicants who share the same characteristics protected by Title VII have pursued remedies in the courts, with increasing class-wide disparate impact litigation becoming the norm (Adler-Paindiris et al., 2018; Elosiebo, 2018). Employers are especially vulnerable to disparate impact claims due to uninformed recruitment practices. For instance, Adler-Paindiris et al. (2018) pointed out that, “Disparate impact claims may arise from the unlikeliest of places (e.g., dated job advertisements, application forms, job descriptions, policies, and even interview questions), or the more obvious practices (e.g., hiring, promotions, and salary level)” (p. 160).

Some of the more common unintended sources of disparate impact claims include the use of employee recruitment practices that were not only legal prior to the passage of Title VII, but were also the norm throughout the country. In particular, age-related disparate impact claims are expected to increase in the foreseeable future as increasing numbers of American workers join the ranks of the elderly (Elosiebo, 2018; Huq, 2018; Pesta, 2009; Selmi, 2018). Likewise, companies that require high school or college diplomas in their job advertisement may be running afoul of the provisions of Title VII if such requirements do not align with the specific needs of the job (Adler-Paindiris et al., 2018). In sum, treating employees as a class based on these factors may be violative of the relevant provisions of Title VII (Elosiebo, 2018; Huq, 2018; Pesta, 2009; Selmi, 2018). As Adler-Paindiris et al. (2018) pointed out, such violations may encompass unintended practices and include the exclusive hiring of individuals with learning disabilities or criminal records.

These restrictions do not necessarily mean that employers cannot inquire about issues that directly affect the ability of applicants to perform a given job. It is possible to create a disparate impact that can result in costly class-wide litigation that could spell the end of businesses altogether or adversely affect their public image in ways that reduce their competitiveness in the marketplace. The protections contained in Title VII, however, make it clear that even unintended violations of the rights of protected classes of individuals are serious, and even apparently neutral job qualifications can have the unintended outcome of excluding these people from employment (Elosiebo, 2018; Huq, 2018; Pesta, 2009; Selmi, 2018). Likewise, salary decisions and promotions based on

specific criteria may also affect protected classes under Title VII in disproportionate ways (Elosiebo, 2018; Huq, 2018; Pesta, 2009; Selmi, 2018).

Besides costing employers money, the class-wide disparate impact can also have a profoundly troubling effect on the companies' other employees. Charges of unintentional discrimination are especially frustrating to HR staff members who believe they have made every effort to ensure that their recruiting and hiring practices completely conform to the various provisions of Title VII. Nevertheless, the potential exists for employers with even the best designed, seemingly neutral employment policies and practices to violate the provisions of Title VII unintentionally; however, their unintended outcomes are no protection from disparate impact claims when they affect protected classes of individuals.

In contrast to claims of disparate treatment under Title VII, the concept of disparate impact does not require a demonstration of actual intent to discriminate; rather, it establishes that an enterprise's otherwise neutral employment policies and practices operate to exert a disproportionate effect on groups protected by Title VII (Elosiebo, 2018; Huq, 2018; Pesta, 2009; Selmi, 2018). In addition, the potential for implicit biases to adversely affect groups protected by Title VII are always present, based on longstanding stereotypes and beliefs about other groups, especially minorities such as African Americans (Button et al., 2006; Lee et al., 2018; Ndobu et al., 2018; Nelson et al., 2019). Unfortunately, even some members of the black community in the United States have internalized these beliefs to the extent that there is also the potential for implicit bias to influence the decision-making process in recruiting and hiring by African

American HR professionals (Loewen, 1995). Moreover, implicit biases can also influence the decision-making process for recruiting and hiring other groups protected by Title VII, even though many of these groups are not widely regarded as disadvantaged under current employment laws (Means, 2016).

There is much discussion about the role intentionality serves in discriminatory hiring practices and whether direct discrimination is worse than more ambiguous forms that unintentionally violate the requirement of fairness (Elosiebo, 2018; Huq, 2018; Lippert-Rasmussen, 2012). Although it is possible to overcome implicit biases over time in those cases where individuals are made aware of them, many Americans have spent a lifetime developing such beliefs, making these especially intractable to meaningful changes. More problematic still for employers seeking to avoid legal problems with their recruiting and hiring practices, a growing body of scholarship confirms that the implicit biases that form unconsciously based on prevailing cultural images and social norms are held by virtually everyone, whether they realize it or not, and are especially difficult to identify, avoid, and correct, even over extended periods (Carrera, 2020; Wirts, 2017).

In addition, besides the fundamental changes to hiring and firing laws that were introduced by Title VII of the Civil Rights Act of 1964, there have also been some important trends in the global job market that have affected employment, recruiting, and retention, which has been widely termed the *war for talent* (Kurian et al., 2016).

Although the war for talent is not necessarily new, it has intensified in recent years due to the growing demand for knowledgeable workers as well as employees with so-called *soft skills* or *generic skills* (Kurian et al., 2016). According to Hirsch (2017), “These generic

skills—such as teamwork, communication, leadership, problem-solving, initiative, and self-regulation—are useful in a wide variety of jobs” (p. 12).

Likewise, while the demand for knowledgeable workers, especially those who possess soft skills, has increased dramatically in recent years, there has not been a corresponding increase in the number of minorities or women in these career fields, a trend attributed in part to the above-described implicit biases held by recruiters and corporate executives. The actual number of women employed in computer science has been decreasing, while the demand for these professionals has increased. For instance, according to Pickett (2018),

Today, computer science is one of the few [science, technology, engineering, and mathematics] STEM fields in which the number of women has been steadily decreasing since the '80s. In the tech industry, women hold only around one-fifth of technical roles. Considering these stats, the prevailing view in Silicon Valley these days is ‘This is terrible, let's fix it’. (p. 44)

Even though few observers would disagree with these sentiments, the above-described implicit biases to gender in traditionally male-dominated fields have limited women’s access to computer science career paths.

In some cases, implicit biases manifest themselves in obvious ways that can easily place computer science companies at risk for class-wide disparate impact litigation. Indeed, implicit biases can become readily apparent at the outset of the recruiting and hiring process. Some researchers have even advocated anonymous hiring practices to avoid the potential for implicit biases on the part of recruiters to influence hiring and

retention decisions (Elosiebo, 2018; Hausman, 2012; Selmi, 2018). It is also important to note that even when the same interviewing practices are used with both male and female applicants, the net impact can be to place female applicants at a basic disadvantage because of the adversarial and confrontational nature of these types of interviews, which many dislike and resent (Pickett, 2018).

Furthermore, irrespective of the type of desirable organizational culture existing within a STEM-related enterprise, the kind of recruiting practices used, including the example cited above, can deter groups protected under the provisions of Title VII from continuing the application process. As Phillips et al. (2014) emphasized, “Recruiting practices serve a signaling function by helping applicants form pre-hire impressions of what life in the organization will be like” (p. 103). In other words, female candidates may form an erroneous opinion about a STEM-related company’s work culture by the type of interview required.

The overall effect of these trends has placed women and minority members at a disadvantage in securing employment in a computer science field. They have also placed an entire industry at risk of falling behind their international competitors who do not use such interviewing practices (Pickett, 2018). As Pickett concluded, in the ongoing war for talent,

The reality is, if tech companies can't persuade more women and people of color to major in computer science, they are not going to be able to fill the positions that they have. Everybody's looking at the same talent. They absolutely know what it costs to recruit a single person, and they know that if their churn for

employees is, say, every 13 months, that's not a good business case for them. (p. 160)

A potential solution to this problem is broad-based and begins as early as the high school level. In fact, a growing number of educators and business practitioners are calling for the inclusion of mock interviews for high school students to help them learn how to respond to questions and what recruiters are looking for in applicants. Given that increasing numbers of employers of all types are seeking applicants with soft skills, achieving mastery of interviewing skills is tantamount to graduation from high school since “being rated as hireable by a professional interviewer demonstrates exam-level mastery of job readiness skills” (Hirsch, 2017, p. 12).

Another recent trend in recruiting and hiring is the use of various specialized and generic social media platforms (Blount et al., 2016). Social media platforms including YouTube, Facebook, Twitter, LinkedIn, and Pinterest are used by tens of millions of people of all ages worldwide, making these resources especially valuable for employee recruitment and hiring purposes (Blount et al., 2016). In sum, besides using social media networks for marketing products and services, a growing number of companies are “also are using social networks as a tool in their employee recruitment, screening, and selection processes” (Blount et al., 2016, p. 202). The importance of social media as an innovative strategy for recruiting and hiring was also cited by Kim (2017), who noted that this process has been significantly facilitated by using algorithms designed to sort through billions of datasets to identify optimal candidates to interview and potentially hire. In addition, data algorithms are used for promotion decisions (Kim, 2017).

Although Kim assumed the potential for employment discrimination in this analysis, the key point made was that while data algorithms could help minimize or even eliminate human biases in the decision-making process, there was a corresponding potential for these tools to introduce new types of biases that could have the same impact as implicit biases that adversely affect groups protected by Title VII. In this regard, Kim stressed that the longstanding phrase, *garbage in, garbage out* is highly applicable to data algorithms used for these types of HR decisions. For instance, Kim noted that, “Algorithms built on inaccurate, biased, or unrepresentative data can produce outcomes biased along lines of race, sex, or other protected characteristics” (p. 858).

Unintended biases can also be introduced into the decision-making process regarding which candidates are selected for interviews and eventually hired, as well as other HR administration purposes in a number of different ways that did not exist a few years ago (Kim, 2017; Selmi, 2018). At first glance, it would appear difficult or even impossible for companies to be charged with discriminatory recruiting and hiring practices based on this type of highly scientific approach to data analysis. Nevertheless, as Kim (2017) concluded,

Data mining techniques may cause employment decisions to be based on correlations rather than causal relationships; they may obscure the basis on which employment decisions are made; and they may further exacerbate inequality because error detection is limited, and feedback effects compound the bias. (p. 858)

In response to this recent trend, Kim and like-minded HR practitioners that use data algorithms for HR decision-making purposes are calling for a new concept, *classification bias*, that refers to introducing unintended biases, which exacerbate any disproportionate impact on groups protected by Title VII. The Title VII prohibits classification bias for these very reasons. This trend requires re-evaluating prevailing thinking concerning the anti-discrimination doctrine contained in the provisions of Title VII. For example, according to Kim, “When decision-making algorithms produce biased outcomes, they may seem to resemble familiar disparate impact cases; however, mechanical application of existing doctrine will fail to address the real sources of bias when discrimination is data-driven.” (p. 859). These observations underscore the need for employers to proceed with caution when applying any type of technological resource to their recruiting and hiring procedures and practices, since any kind of discrimination that results is still their responsibility (Kim, 2017).

Other authorities also cite the increasing use of data-driven technological resources in the recruiting and hiring process. For instance, according to Zielinski (2017),

Whether analyzing the facial expressions of job candidates in video interviews, sorting through multitudes of online applications, or keeping job prospects apprised of their hiring status, artificial intelligence (AI) is moving rapidly from experimentation to mainstream use in the talent acquisition world. (p. 64)

The risk of reaching decisions based on these technological resources, however, is compounded by the fact that many recruiters have found that they help them do their jobs more efficiently (Zielinski, 2017).

Therefore, it is reasonable to posit that AI and other data-driven analytical methods will continue to proliferate, especially given the rapid advances in these technologies. In this regard, Zielinski made the point that, “Many recruiters who get a firsthand look at this rapidly evolving technology are struck by how it can make their lives easier” (p. 65). Artificial Intelligence becomes even more effective and efficient at performance over time because these applications can actually *learn*. They are widely regarded by recruiters as the end-all solution to their recruiting and hiring needs. Furthermore, Zielinski (2017) noted that, “There's a greater level of maturity in AI tools in the recruiting space than in any other area of HR” (p. 66). It is not surprising, then, that AI-enabled recruiting software is appealing to recruiters, particularly because of their highly touted capabilities and the need to streamline the administrative requirements of recruiting and hiring in larger corporations.

Continuing innovations in AI-enabled recruiting software, therefore, represents an especially salient trend today. There are numerous products of this type already on the market, with one of the most popular being Mya, which automates many of the communication requirements with applicants during the recruiting stage (Zielinski, 2017). According to Mya’s vendors, “Recruiters are constantly overwhelmed with inbound applications and need to spend less than twenty seconds per profile in order to get through their daily lists” (Mya, 2019, para. 3).

Clearly, analyzing dozens, hundreds, or even thousands of applications in 20 seconds per applicant profile is a daunting concept, but this is the challenge facing many recruiters today. These technologies also introduce the potential for more *garbage in*,

garbage out outcomes unless care is taken in their setup and operation to avoid disparate impact outcomes prohibited by Title VII. Care must also be taken to determine how these applications incorporate AI-inspired learning to prevent unintended discriminatory practices during communications with applicants. According to Zielinski (2017), “Mya uses natural language technology to ask questions of candidates based on job requirements and answers applicants’ questions about employers and keeps them apprised of their hiring status” (p. 66). In addition, Mya is capable of responding to applicants’ questions concerning company-sponsored benefits, policies, and even organizational culture using existing social media networks, through email, or a browser window known as a *chat client*. In the event that the Mya application is unable to respond to applicants’ questions, the program will contact a human recruiter who is then responsible for responding (Zielinski, 2017).

While this type of recruiting tool represents a quantum leap in the ability of HR professionals to process large numbers of applications and respond to candidates’ inquiries about the job and company, other technological resources are being developed to specifically reduce the amount of time recruiters spend on the decision-making process to determine the optimal applicants for a given position and to communicate with them to keep them apprised of their status. There are some applications available for this purpose that indicate future expectations. For instance, the application known as *X.ai* is an artificial recruiting assistant that can automatically schedule interview appointments with the best candidates (Zielinski, 2017). Likewise, the App *Reschedge* can help reduce the amount of time recruiters spend on scheduling interview appointments using multiple

calendars that provide automatic updates in the event of any scheduling changes (Zielinski, 2017).

Another popular AI-enabled recruiting tool already in widespread use by HR professionals is IBM Watson Recruitment. According to this vendor, IBM Watson Recruitment is “an AI-powered talent management solution that increases recruiter efficiency to allow HR improve and accelerate people’s impact on the business” (IBM Watson Recruitment, 2019, para. 4). Some of the more significant functions and features of the IBM Watson Recruitment application of interest to HR professionals tasked with the recruiting and hiring process include those outlined in Appendix B. IBM Watson Recruitment helps eliminate many of the sources of bias that can creep into the data analysis process and facilitate the evaluation of individual candidates. Moreover, because it is AI-enabled, IBM Watson Recruitment also becomes more efficient as it is used more for recruiting. For instance, Zielinski (2017) emphasized that, “Watson brings new efficiencies to HR through applications that derive insights from vast amounts of data, continually build knowledge and offer personalized recommendations” (p. 67).

Besides using sophisticated data analysis methods to identify suitable applicants, IBM Watson Recruitment also has several other features that can help recruiters do their jobs more effectively. Zielinski (2017) concluded that,

Watson can help recruiters measure the degree of difficulty that will be required to fill certain jobs and prioritize positions, predict with accuracy the likelihood of candidates being successful, and perform social media ‘listening’ to develop insights that help recruiters improve messaging to candidates. (p. 67)

Finally, another noteworthy recent trend in the recruiting and hiring environment is the use of recruitment marketing. According to Sheth (2014), “Among the myriad recruitment strategies and tools, recruitment marketing has emerged as a way for recruiters to promote themselves and their companies to prospective candidates” (p. 76). There are several tools such as social media platforms that are available that can help HR professionals use recruitment management to its best effect. Some of the main approaches of recruitment marketing include: “(a) the use of branding; (b) targeting; and (c) lead generation to build the company's name and product and to spread the word” (p. 76).

Recruitment marketing has become especially important for many organizations due in large part to the escalating war for talent. A 2012 Manpower Group Talent Shortage survey found that 50% of employers in the United States have had trouble filling positions. Given that the vast majority of these employers are small-to-medium-sized enterprises with limited budgets for the recruiting and hiring functions, recruitment marketing may be the solution to their problems. Indeed, it would seem that many, if not most, of the tenets of marketing are equally applicable to the recruiting function. For instance, Sheth (2014) reported that recruiters have started using sales and marketing tools and techniques to “(a) establish and communicate their brand, (b) create brand ambassadors from their candidates and employees and, (c) attract and retain quality talent” (p. 77). Recruiters that possess a marketing background are particularly well situated to take advantage of recruitment marketing strategies, but a marketing background is not essential to achieving success. As Sheth (2014) concluded, “The

plethora of tools and strategies leaves many recruiters with a disjointed strategy, but there's no need to totally overhaul the recruiting process. Improvement simply requires minor modifications and getting more aggressive with reach and presence.” (p. 77).

Against this backdrop, it is clear that the recruiting landscape is changing in major ways, but the cumulative effect of these emerging technologies on issues such as disparate impact and unintentional discriminatory recruiting practices remains unclear. Likewise, avoiding problems such as implicit bias and decisions based on inaccurate data have also assumed new importance and relevance in recent years. Therefore, besides ensuring that any recruiting and hiring practices and procedures conform Title VII requirements, recruiters must also consider their ethical obligations to both applicants and their companies. These issues are discussed further below.

Recruiters’ and Hiring Managers’ Ethical Obligations

Some of the more challenging aspects of the recruiting and hiring process include the need to identify optimal applicants based on the experience and qualifications and identify those who are most suited to the type of organizational culture in place. Indeed, the type of organizational culture in place is one of the main factors that many job applicants consider in making their decision to apply. For example, Phillips et al. (2014) pointed out that,

Because the employer is an important component of many employees’ identities, it has been proposed that job seekers are likely to take into account their general impressions of or feelings about an organization when deciding whether or not to apply for a job there. (p. 103)

Because some types of interview questions are prohibited by the provisions of Title VII, evaluating candidates for good fit with an organization's culture must be accomplished in other ways. Nevertheless, the importance of this step has been cited time and again as a basic ethical obligation of recruiters today. For instance, according to Wen et al. (2018), "There has been an increasing focus on identifying candidates that have a good fit with an organization's culture since this dimension has been emphasized as one of the most crucial aspects of workplace satisfaction" (p. 49). This observation means that it is in both the company's and candidate's best interests to ensure that there is a good fit with the prevailing organizational culture to promote job satisfaction and reduce future unplanned turnover rates (Wen et al., 2018).

Recruiters have a basic ethical obligation to their employers to ensure they select candidates who have a fighting chance of achieving their career goals with the company since the costs of turnover are huge. For example, LaBombard (2009) noted that finding applicants with the right fit to the organizational culture is essential to avoid turnover, and poorly designed recruiting programs can result in enormous, expensive outcomes. LaBombard (2009) emphasized that,

If you add together recruiting and training costs from the original hire, new recruiting and training costs to find a replacement, lost productivity from the position being unfilled, administrative and other costs, it is commonly believed that the total cost to replace an employee is equal to two to three times their annual salary. (p. 43)

Whether this issue can be regarded as an ethical obligation on the part of the recruiter depends on the preferences of individual applicants, who may accept jobs that they dislike or even hate from the outset. Still, there may be corresponding legal obligations that transcend this need. Therefore, the recruiting and hiring landscape can be considered far more complex and challenging than even a careful reading of the provisions of Title VII indicates. However, there are other ethical obligations involved that must also be considered by recruiters today.

Many of these ethical obligations can be addressed by ensuring that recruiting practices and policies conform to the provisions of Title VII. For instance, according to Wheeler (2004), “There are specific areas in recruiting where most ethical issues arise. These include how a position is represented to a candidate, how candidates are located, and how interviews are conducted.” (para. 4). There are some steps that can be followed, however, to ensure that recruiters not only satisfy the legal letter of the law in Title VII, but do so in an ethical fashion as well. In this regard, Wheeler (2004) provided some useful guidance, detailed in Appendix C, for promoting ethical decision-making in the recruiting and hiring process. This includes establishing a recruiting framework that conforms to state and federal legal requirements, examining areas of ambiguity to ensure the optimal course of action is selected, and evaluating the outcome of hiring decisions to identify opportunities for improvement in the future.

An important point made by Wheeler (2004) was that many hiring decisions may introduce ethical dilemmas wherein there are no clear-cut answers, and any decisions may appear equally good or bad. Notwithstanding these ethical dilemmas, it is the

fundamental responsibility of recruiters to follow the provisions of Title VII and ensure they do so in a manner that provides their companies and job candidates with the best possible outcome consistent with their ethical obligations. Perhaps even more important is the extensive amount of diligence, thoughtfulness, and carefulness needed to reach ethical recruiting and hiring decisions.

As noted above, recruiters with companies that hire large numbers of people are faced with the need to process as many applications as possible and reach an optimal decision in a timely fashion, and the above-listed steps are time-intensive. Busy recruiters may feel they are not able to go through all of the mental exercises listed above and may rely on intuition, training, and experience to guide their thinking. While these qualities are essential for HR professionals, truly ethical practice requires consideration of the questions and issues. Finally, recruiters have an overarching obligation to select tests that are legal to use in specific hiring situations, and conform to the ethical standards established by the American Psychological Association (APA) and the American Personnel and Guidance Association (APGA). For example, according to Arthur (2015), “Employers must make certain that the tests selected comply not only with federal and state laws, but with appropriate ethical standards as well. The ethical use of tests can be controlled to some extent by a code of ethics.” (p. 237).

Careful compliance with the relevant code of ethics can help avoid unlawful recruiting and hiring practices pursuant to the provisions of Title VII. They can also help companies justify the selection of one applicant over others. Moreover, compliance with relevant codes of ethics can provide the assurances that companies of all sizes and types

need to ensure they are using the best test(s) for the positions to be filled. In this regard, Arthur (2015) added that, “Both the APA and the APGA are bound by ethical codes pertaining to test administration and other psychological services [which] cover such issues as test validity, reliability, standardization, and administration” (p. 237).

Clearly, HR professionals have much to consider when developing job advertisements, conducting interviews, and formulating an informed hiring decision. The laws of the land have created an environment in which even unintended violations of the provisions of Title VII can have serious implications for employers. Because racism has still not vanished from the American consciousness, it is also reasonable to conclude that the future will witness the passage of yet more civil rights legislation designed to provide legal protections for other groups as well.

Summary

In this chapter, I covered the relevant literature, showing that there have been several important trends that have taken place over the past 65 years, which have had special significance for HR professionals. Indeed, before the passage of the Civil Rights Act of 1964, followed by other landmark civil rights legislation in the 1960s, employers in the United States were largely free to recruit and hire new employees as they saw fit. The widespread discriminatory effects that were in place during this period in history were legally prohibited by Title VII, but these effects remained and many of the same battles that were fought following the passage of these landmark laws continue to be fought today. Nevertheless, aggrieved applicants and employees now enjoy the protections of Title VII, including the ability to file legal objections in courts of

competent jurisdiction when they believe they have been discriminated against by a prospective or existing employer.

The research also showed many other important trends since the passage of Title VII in 1964, including the use of disparate impact claims, especially class-wide litigation that included other members of groups that are protected. In addition, other significant trends that have affected the recruiting and hiring process include the introduction of sophisticated and increasingly powerful computer-based applications, many of which are artificial intelligence-enabled. In sum, these trends have changed the recruiting and hiring landscape in fundamental ways, but the research was also consistent in showing that it is ultimately the responsibility of employers to ensure that these tools and processes do not produce biased results, and the best candidate for a given position is identified and hired without regard to age, race, gender, or disability status, as outlined in Title VII (EEOC, 2019b).

Chapter 3 mainly presents the rationale and methodology chosen for this study. The role of the researcher and how data was collected (stored) is also detailed in the chapter. In addition, the selection of the participants and the data analysis plan are discussed. Lastly, issues of trustworthiness, including but not limited to ethical procedures and matters related to confidentiality during and upon completion of the study, are addressed in Chapter 3.

Chapter 3: Methodology

Introduction

The purpose of this qualitative study was to understand how recruiters and leaders in organizations ensured that ethically and legally sound hiring practices were used consistently in general and by HR personnel and HMs in Northern California in particular. Researchers and professionals continue to explore employment procurement (Adler, 2013; Bates, 2016; Doucette, 2016; Hass, 2018; Kluemper, 2013) and the guidelines for the recruiting process (Antonellis et al., 2017; Foney & Ashley, 2019; Heathfield, 2018; Roth et al., 2016; Schneider et al., 2015). However, very little information is available that explores the process of hiring in situ.

The findings from this qualitative inquiry regarding hiring practices within organizations may aid in reducing the risk of lawsuits related to unethical employee selection practices. The findings may also aid in reducing turnover rates by determining a more standardized process to improve the equitable identification of the best fit employee(s). This study was designed to expose the gaps in the existing literature by querying and providing insight into what is occurring at the hiring table, using previous research as a guide (Ababneh & Al-Waqfi, 2016; Blacksmith et al., 2016; Levashina et al., 2014). In this chapter, I discuss the Research Design and Rationale, Role of the Researcher, Methods (sample, instrumentation, data collection, and analysis), and Issues of Trustworthiness (credibility and reliability, ethical consideration, procedures) in detail.

Research Design and Rationale

The primary research questions for this study were:

RQ1: What are the perceptions of HR recruiters/personnel regarding consistency among managers in following ethically and legally sound hiring practices?

RQ2: What active measures or safeguards do organizational leaders and HR recruiters/personnel take to ensure that proper hiring interview and selection protocols are followed within an organization based on their lived experiences?

Qualitative research designs provide the ability to extract rich quality data for meaning with topics where there are significant gaps in the literature (Creswell, 2014; Frankfort-Nachmias et al., 2015; Guest et al., 2006; Trochim et al., 2015). The qualitative methodology, which involved gathering detailed insight to examine specific knowledge, such as what occurs during the hiring interview, how hiring decisions are made within an organization, and how organizations ensure legal defensibility, was best suited for this inquiry. Furthermore, qualitative research supports the assumption that people's stories or experiences are important and can provide valuable information about society (Creswell, 2014; Frankfort-Nachmias et al., 2015; Gill et al., 2008). In this study, I was not seeking facts about what people know but rather their understanding of what they know, their experiences, and the subsequent meanings that would emerge. Thus, a short-answer or structured survey was not suitable for this study. as the topic does not lend itself to check boxes and force choice answers which would not provide the data needed to fill the gap in the literature, as posited by Berger (2015) and Rubin and Rubin (2012).

Qualitative studies facilitate a deeper and closer look into how or why people do what they do or how they feel when they interact with a phenomenon (Brinkmann, 2013; Frankfort-Nachmias et al., 2015; Merriam & Tisdell, 2015; Patton, 2014). The qualitative

research design with a phenomenological method was fitting because literature that explored individuals who hire employees, in addition to suggesting methods that would assist organizations in mitigating unethical or legally questionable hiring practices was lacking. Using the qualitative phenomenon methodology, I collected in-depth interview data from participants' firsthand experience, thoughts, expressions, or observations, as described by previous researchers (Berger, 2015; Creswell, 2014; Merriam & Tisdell, 2015). Also, using the phenomenology framework, I discovered the human factors involved in making hiring decisions as posited by various researchers (Burkholder et al., 2016a; Creswell, 2014; Lewis, 2015; Patton, 2014).

Role of the Researcher

As a researcher performing a qualitative study, it is critical to develop good rapport within the first few moments of the interaction(s). The researcher must have a comfortable setting/environment, as participants are likely to only discuss candidly if they feel secure about confidentiality and trust the interviewer (Burkholder et al., 2016b; Laureate Education, 2016b). As an interviewer, the researcher must be genuinely interested in what the respondent has to say and be willing to listen without judgment (Burkholder et al., 2016b; Sanjari et al., 2014). This was imperative and I gave careful attention to these dynamics from the start of each interview. The researcher, while conducting interviews, must be careful to remain focused on the topic at hand, time limitations, and offer to answer respondents' questions later (Ravitch & Carl, 2016; Rubin & Rubin, 2012). Additionally, anytime the participants veered off-topic or perhaps engaged in small talk, I redirected and gently reminded the interviewee of the specific

focus of the interview (Laureate Education, 2016b; Sanjari et al., 2014). As explained by Ravitch and Carl (2016), my social positioning and beliefs about the relativism of discrimination and my lived experiences were embedded throughout my study. This was expected and appropriate as I critically and continually examined every facet of said biases, beliefs, and influences, as indicated by Chan et al. (2013 and Ravitch and Carl (2016).

It is just as critical for interviewers to avoid leading questions and/or influencing responses or conveying their own view, whether implicit or explicitly (Burkholder et al., 2016b; Laureate Education, 2016a; Ravitch & Carl, 2016). Additionally, I was cautious not to move from a topic/discussion too quickly. Researchers have indicated that doing so may truncate a line of commentary prematurely, potentially losing the opportunity for full discourse (Ravitch & Carl, 2016; Rubin & Rubin, 2012). However, allowing a topic to linger for too long can stall or hinder the exchange. Equally as significant is not interrupting the informant due to excitement or momentum to want to ask another probing question and exercising restraint to defer speaking over the interviewee or coming right back on top of a comment (Brinkmann, 2013; Rubin & Rubin, 2012).

Positive interaction yielded very rich narrative data. I knew the interview guide and probes well. I kept the guide to nine broad questions, enabling the interview to feel like a comfortable interaction from the beginning. I rehearsed the introduction, knew the informed consent statements, and was very comfortable and casual when communicating the purpose of study and confidentiality assurances. To ensure a good interview, I avoided looking down and reading off a paper, stumbling, or making the questions feel

forced. Additionally, as the researcher, I was certain not to bring policy knowledge or programmatic knowledge to the table but rather an open, inquisitive nonjudgmental mindset as described by Chan et al. (2013). I also ensured that the respondent perceived me that way.

Most significant to master when conducting qualitative interviews is to speak judiciously, using discretion when inserting potential probes (stylistic or content to aid in obtaining richer detail). This is because probes have the strong potential to lead respondents in a specific direction (Burkholder et al., 2016b; Rubin & Rubin, 2012). Lastly, being comfortable with silence, allowing respondents to pause, bring the thoughts they want to offer, and speak again best facilitated thoughtful and more credible exchange, as indicated by Brinkmann (2013) and Laureate Education (2016b).

Methodology

Population, Participant Selection, and Sample Procedures

Using a purposeful sampling strategy allows for choosing people whom the researcher is certain to correspond to the study's objectives and have interest/experience (Bryman & Bell, 2015; Creswell, 2014; Griffith et al., 2016). (Frankfort-Nachmias et al., 2015; Reynolds, 2007). This strategy is cost-effective and less time-consuming. According to Burkholder et al. (2016a), nonprobability sampling is typically employed when utilizing qualitative research methodologies.

I used a purposeful sampling strategy and additional sampling strategies such as snowball or purposive referral sampling for this study. These additional sampling strategies resemble word of mouth invitations, by inquiring if a person who agrees to

participate has a friend or colleague who might like to participate as well (Bryman & Bell, 2015; Griffith et al., 2016). A large U.S. healthcare organization with over 12 million members that operates 39 hospitals and more than 700 medical offices was the population source. I specifically recruited participants from the Northern California subdivision and used emails to introduce the study and provide the interview invitation.

I thoughtfully selected only those that could fully expound on the research question(s) to enable me to glean the most out of collected data as indicated by Frankfort-Nachmias et al. (2015). Determining sample sizes is an important aspect of research. Sample size is related to the complexity of inquiry (Barlett et al., 2001; Creswell, 2014; Salkind, 2011). If a sample size is considered adequate and the conclusive results are strong enough, then the information can be generalized to the population with confidence (Frankfort-Nachmias et al., 2015; Reynolds, 2007). However, too large of a sample hinders and impedes research progress, and in most instances, it is unfeasible (Frankfort-Nachmias et al., 2015). I identified key informants (close to the phenomenon of interest) as having knowledge of and experience with hiring and agreeable to discussing the topic of interest to provide breadth of perspectives as opposed to representativeness. I sought to obtain the participation of at least ten to twelve interviewees. Previous researchers have indicated that this number is adequate for this kind of study (Guest et al., 2006; Latham, 2013).

The general population for this phenomenological study included HR personnel, leaders, and HMs in Northern California. The specific sample of participants consisted of supervisory employees who had either hired employees within the past 12 months or who

hired frequently, and HR personnel or HR leaders who could expound on hiring practices in mid- to large-size organizations located in Modesto, Oakland, Sacramento, San Francisco, and Stockton, California. The setting of the interviews occurred via a mutually agreeable method (Skype, telephone, etc.) and at a mutually agreed-upon place, date, and time.

Data Collection Tool

Drawing on the systematic literature review and SI theory, I developed custom interview questions as the data collection tool. I conducted a pilot test of the custom instrument with five respondents who did not participate in the final study to ensure there were no misleading, ambiguous, or double-barreled questions. The pilot test served to improve the face validity of the questions, following the guidance provided by Proctor and Vu (2005).

Using the data collection methods described below, my introductory ice-breaking statement was, “Describe what you do.” This type of leading question set a comfortable nonthreatening tone, while allowing the participant to provide their perspective of their role within the organization. This provided me with a sense of the interviewee. My follow-up questions were: “What happens once applicants have been identified by recruitment as viable candidates?” and “Can you walk me through that process?” These follow-up questions elicited a rich description of the organization’s processes for employee selection and provided the opportunity for me to explore more broadly what happens within the walls of the organization when hiring. This also provided the

interviewee with the opportunity to discuss the range of factors they deemed relevant to the hiring process.

It is of paramount importance to listen carefully and diverge or explore specific comments or reflections offered by the interviewees' (Brinkmann, 2013; Byers & Onwuegbuzie, 2014), which I did in order to determine if there had been efforts to improve the hiring process and what steps were taken for this purpose. With this inquiry I explored the organization's perceived performance improvement (PI) or quality improvement (QI) efforts, both informal and formal. I used follow-up probes such as, "What got the PI initiatives started?" "How does the organization recognize problems or opportunities to improve?" "Can you describe procedures/processes that needed ironing out along the way?" and "Now tell me what happens once the list of candidates' names is provided to the HMs?" "How are the selections made" and "How does that work?" are sample questions that encouraged respondents to talk about all aspects of employee selection and things that occurred within the organization and in various hiring settings. As a final question, I asked the interviewees' if the process has always worked this way, if it had changed, and what they could say about when/why the change happened and how that went? This gave me a sense of the dynamics of the organization, how well change was initiated/received, and the process and support for implementing improvement.

There are several tactics to enrich dialogue as indicated by Byers and Onwuegbuzie (2014). I used some of the tactics, such as repeating the last statement, asking a respondent to continue, encouraging by commenting "I see," and being direct

and saying, “tell me more.” The tactics were very valuable to the interview process. As explained by Brinkmann (2013), it is very important to insert clarifying probes when necessary, “You said XYZ, please describe what you mean by that.”

I followed an interview guide that had a list of main open-ended non-directive questions and used the question probes to facilitate the conversations as described by Brinkmann (2013) and Burkholder et al. (2016b). This led to a divergence from the guide to explore all emergent interesting concepts or ideas presented, rewording, inserting and/or changing the sequence of questions based on the respondents’ organic discourse as suggested by Byers and Onwuegbuzie (2014).

Data Collection

Phenomenological research designs have key components just like quantitative studies, which require successfully compiling and organizing information, and navigating sampling (access to subjects). These are critical features of successful and credible research designs (Byers & Onwuegbuzie, 2014; Creswell, 2014; Devers & Frankel, 2000; Gill et al., 2008). I followed the steps below for the data collection process:

1. I sent a total of 12 email invitations (six HR leaders and six HMs) to participants via online forums, my employer, and LinkedIn account. The initial invite requested participants’ email, telephone number, best time to reach them, and preferred contact method.
2. Each time I received a response of intent to participate in the study, I sent a secure link and the full research disclosure, which included notification of intent to record the interview, to the participant’s designated email address. I repeated this

process until I reached the desired number of respondents. I assured all participants of confidentiality and sought consent using approved Institutional Review Board (IRB) language in the introductory disclaimer. Included in the email, were also four different options of dates, time-slots, place/methods of connecting for the interview. I instructed the participants to number or rank the options in order of preference.

3. I sent telephonic text and email confirmation of interviewees' intent to participate in the study, and informed them of the location, approximate time required for the interview, and provided answers to any questions they had.
4. I assured all participants that any information they shared would be confidential, and assigned each participant an alphanumeric label in an Excel document to ensure confidentiality.
5. Before starting the interview, I explained the purpose of the study and reviewed the consent to participate, and confidentiality. I reminded participants that their audio responses would be recorded for accuracy and transcription purposes. This was a crucial step in the informed consent process. When using videotaping or recording, it must be unambiguously addressed. As Kirtley (2009) emphasizes, "Surreptitious recording remains an ethical minefield" (p. 66).
6. During the interviews, I took notes concerning real-time observations (tone, body language, expressions, etc.), salient discourse, and pertinent details to supplement the audio recording and textual transcription.

7. I used a custom interview guide to enhance the quality of the exchange when warranted. At the end of each session, I gave interviewees the opportunity to ask any additional questions they may have had and provided my contact information again for future reference or should any questions surface in hindsight.
8. I advised interviewees of the next steps in the research and thanked them for their time and participation.
9. After completing the final interview, I performed transcriptions of the interviews, using a rented commercial transcription service, for subsequent review and analysis.

Data Analysis

In qualitative research, the raw data encompasses mostly words and images in the form of notes, transcriptions, and audio/videotape recordings (Byers & Onwuegbuzie, 2014; Guest et al., 2006; Latham, 2013; Thorne, 2000). Achieving intimate knowledge of the data is the purpose of coding (Saldaña, 2016). Conducting thorough analysis aided me in not taking for granted or assuming I knew what the interviewees were saying. Researchers have suggested conducting thorough analyses to eliminate this kind of assumption (Byers & Onwuegbuzie, 2014; Ryan & Bernard, 2003). The codes and process depend on the research question(s). As indicated by Saldaña (2016), the analysis procedure choice, just as the phenomena or topic explored, is the researcher's. The extracted segments should identify interesting or salient features of the data related to the research question(s) and study objectives (Saldaña, 2016). The steps I used for data analysis are set forth below.

1. In phenomenological research, the “main concern is with lived experiences so precisely how the experiences are lived need to be described by the experience” (Giorgi et al., 2017, p. 93). Therefore, at the initial level of transcribing the audio recording(s), I conducted a specific focus on the words that have been transcribed to identify patterns or connections (Taylor-Powell & Renner, 2003). This focus is cited by Williams and Moser (2019) who advise: “A code in qualitative inquiry is most often a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute” (p. 45). The overarching aim of this step was to code certain concepts by labeling sections/chunks of text. For instance, something that was repeated in several places, was somewhat of an outlier, surprised me, or the interviewee had stated “this is important.” Researchers advise that these should be noted and labeled as potential emerging concepts (Rubin & Rubin, 2012; Saldaña, 2016).
2. The second coding cycle that occurred was a more advanced phase where I used independent judgment and somewhat read between the lines, as described by Attride-Stirling (2001). The idea of coding is to become more familiar with the data (Byers & Onwuegbuzie, 2014; Taylor-Powell & Renner, 2003). In this stage of analysis, arranging the list of codes into some sort of order or groups was primarily the categorization process. Categories depicted more broadly what was in the data. Researchers have suggested that codes should be categorized (Byers & Onwuegbuzie, 2014; Morse, 2008). As explained by Saldaña (2016), the researcher can aim for conceptualization of underlying patterns or use

preconceived theories or concepts. Ultimately, the choice of methodology is the researcher's. This phase included reading and highlighting, subsequently followed by re-reading, coding, re-reading, and categorizing the data to achieve intimate knowledge of the data.

3. Identifying themes was the third coding cycle. The last phase in the analysis process, as offered by Taylor-Powell and Renner (2003), was where I linked chunks of text that represented the same phenomenon to devise categories, and finally themes within the compiled data. Themes are developed by merging and combining codes that are similar to form an overarching category (Byers & Onwuegbuzie, 2014; Taylor-Powell & Renner, 2003). Themes combine the collected data and the researcher's theoretical understanding of the topic (Ryan & Bernard, 2003). Different hierarchy/levels can be presented within the themes, as well as subgroups (Attride-Stirling, 2001). Overall, each stage hinged upon the next, and each was about refining the data further. According to Attride-Stirling (2001), data analysis is about reducing the data and capturing significant ideas or issues without losing any meaning.

Computer programs undoubtedly aid in administering and managing the vast amount of information collected during a qualitative study (Groves et al., 2009). I utilized the NVivo12 software to compile, arrange, and analyze the coded data. A similar analytical procedure was used by Walizer (2017), which allowed for further efficiency, clarity in reviewing and identifying themes and tendencies, and querying/grooming the data. The NVivo software saved me time in general with organizing the data (Saldaña,

2016). In addition, NVivo was also useful for the analysis of observational data, interviews, and notes, as posited by Ozkan (2004).

Issues of Trustworthiness

Conducting oneself ethically is not only required for researchers or psychologists but expected by professionals across the board (Ravitch & Carl, 2016). The gold standard for scientific research requires the complete and untarnished findings that emerge from an investigation, and not allowing my personal values to overshadow my research practices, whether subtle or direct was fundamental, as shown by Knapp et al. (2013). Being thorough in research design, data collection processes, recordkeeping, including but not limited to reporting the lack of substantive findings, is paramount for a credible and trustworthy study (Elliott, 2010; Patton, 2014). Four standards of quality are imperative for qualitative research, and these are credibility, dependability, confirmability, and transferability (Creswell, 2014; Frankfort-Nachmias et al., 2015; Ravitch & Carl, 2016). The analytical approach described by Elliott (2010) suggested that unethical approaches to research could be identified when the findings that emerged from a research project failed to consider all the relevant data that could impact the outcome of the research.

Credibility

For credibility, I sought to obtain full insight on things that were going well and things that were not going so well, as it related to the phenomenon of interest. The most important element of quality data is the credibility or believability of the data (Rubin & Rubin, 2012; Saldaña, 2016). Some of the best ways to assure or enhance credibility is triangulation and utilizing different approaches of data collection including interviewing,

observations, or including more than one researcher in the process of collecting and analyzing data (Frankfort-Nachmias et al., 2015; Ravitch & Carl, 2016). In this study, member checking also proved invaluable. Patton (2014) explained that member checking is taking the observations and everything learned back to the participants to ask if the information is accurate. Additionally, I used the code recode procedure where I examined the data one day using the process, left it alone for couple of days, then, without reviewing the previous analysis results, repeated the coding process again. This is another strategy set forth by Patton (2014). The highlight of this technique was that if the outcomes/findings were the same and the analysis was performed the same way both times, then there was proven consistency. Credibility is the true value of data (Byers & Onwuegbuzie, 2014; Guest et al., 2006; Latham, 2013). Credibility addresses whether the researcher had complete information, and whether the information was true for participants (Patton, 2014; Ravitch & Carl, 2016).

Transferability

A qualitative study's accuracy is determined by how closely what is conveyed equates to what transpired. Thus, a narrative writing strategy is the best approach to ensure all the details of every interaction are specific, vivid, colorful, and indicative of examining the participant's experiences, providing a lens from which readers can view the participant's world (Creswell, 2014). Byers and Onwuegbuzie (2014) explained that transferability of data is basically the applicability of the researcher's findings to other people in the population at other times. Transferability further equates to the evidence supporting the findings (Patton, 2014). Thus, ensuring a sample that is truly

representative of the population of interest is key to transferability (Rubin & Rubin, 2012).

Dependability

Dependability is the consistency of the researcher's findings based on the assessment of whether the instrument used is consistent, and in qualitative research, the instrument is the researcher (Rubin & Rubin, 2012). Therefore, the dependability relies on how consistent the researcher is in the way they conduct interviews and observations, as well as how data is analyzed (Ravitch & Carl, 2016). Rubin and Rubin (2012) recommended that a reflexivity/field journal should be utilized in a longer research project. I wrote down and documented every action related to the study and any thoughts or internal/external reactions during the interviews. Keeping an activity and/or comment log could be another way to account for what was done (Rubin & Rubin, 2012). I also fully transcribed each new recording, observation, and interview notes immediately following each session to further increase the credibility and dependability of the results. Lastly, conformability refers to the neutrality of the researcher and increases the dependability of the data (Byers & Onwuegbuzie, 2014; Rubin & Rubin, 2012; Shenton, 2004). This means the researcher's own attitudes, experiences, and beliefs should be bracketed and not overshadow the participants (Chan et al., 2013). I bracketed my attitudes, experiences, and beliefs, and did not allow them to overshadow the participants.

Ethical Consideration and Procedures

Due to the sensitive nature and ethical concerns of this phenomenological study, I obtained the required approval from the Walden Institutional Review Board (IRB) prior

to the research, as well as the informed consent required for off-site contacts with participants, as recommended by Walden University (2019). In addition, I carefully followed the APA Code of Ethics Principle C. The APA Code of Ethics Principle C requires researchers “... to promote accuracy, honesty, and truthfulness” and to prevent “stealing, cheating, or engaging in fraud, subterfuge, or intentional misrepresentation of facts...” with the goal for practitioners “to keep their promises and to avoid unwise or unclear commitments” (APA, 2010).

I requested that, at a minimum, all participants should review the informed consent to ensure they fully understood the purpose of the study and how their participation would contribute to its findings. In addition, all participants were fully apprised that there was no compensation offered in return for their participation and that they had the fundamental right to withdraw from participation at any time without any repercussions whatsoever. This level of informed consent (detailed in Appendix E) was needed because my topic of interest entailed probing HR personnel and HMs for information related to candidate selection practices, and these individuals did not fall into the vulnerable category. I sought to explore a level of understanding of the various stratagems that professionals use that may inadvertently or blatantly violate ethical principles of conduct in the workplace, and sensitive discussions related to this, as suspected, did occur. The ethical aspects surrounding hiring and candidate selection are a delicate and complex subject matter with legal implications; however, I assured the participants that confidentiality remained intact regardless of the interview revelation. I

also assured participants that I am not a mandated reporter, which mitigated anguish and lack of trust in the entire process.

It was extremely critical to ensure and minimize the risk of breach of privacy of any specific organization's intellectual property or employee information that was disclosed during the research by redacting any personal identifiers of employees, applications, interview transcripts, policies, and procedures. Additionally, it was essential to protect the participants' anonymity because of the potentiality of organizational backlash. There was also the need to ensure respondents' willingness to participate in future surveys and ensure that they were not discouraged from being honest and forthcoming about issues of concern.

Another source of ethical concern was soliciting participants from sister sites, among colleagues with whom the researcher did not interact regularly, and did not know. The organization has approximately 300 thousand employees, of which about 90 thousand are employed in Northern California, spread out amongst nearly 300 offices. These facts/figures of degrees of separation reduced (if not eliminated) the methodological and ethical challenges specifically, but not limited to social desirability, biased responses due to cognitive priming, and perceived coercion to participate, as detailed by Walden University (2018). Walden's IRB ethical guidelines depict the setting(s) in which and the subjects with whom research can take place (Walden University, 2019). It is possible to have data collection approved in my own work setting/company. In alignment with the Belmont Report principles of respect for persons and the APA's principle of beneficence to do no harm (APA, 2010), I diligently

protected employee anonymity by not recording any names or other identifiers for the participants in my research records. Besides using the healthcare organization, I enlisted LinkedIn, and Amazon Mturk as supplemental sources, which allowed for purposeful sampling and the opportunity to apply snowball sampling. These supplemental sources are recommended by researchers (Creswell, 2014; Griffith et al., 2016; Reynolds, 2007).

Summary

In this chapter, I have detailed the research design and rationale enlisted for this study. I have described the chosen methodology, specific population, participant selection, and sample procedures for this phenomenological study. I also discussed the instrumentation, data collection, and analysis plan. Finally, I disclosed the trustworthiness issues and ethical considerations. Chapter 4 features the analysis of the results obtained from the participants interviewed for the study. The chapter includes a review of the sample study, data collection, and analysis process. Lastly, Chapter 4 contains a presentation of themes identified during data analysis.

Chapter 4: Data Presentation and Analysis

Introduction

In this study, I focused on investigating how recruiters and leaders of organizations were ensuring that legally and ethically sound hiring practices were strictly adhered to by their HMs and HR personnel during their recruitment processes. In the third chapter, I discussed the methodological approach of this phenomenological study. I highlighted the data-gathering technique, the sampling and sample size, the data analysis technique, the researcher's role, and the challenges of trustworthiness in qualitative studies. In this chapter, I sought answers to the research questions through the meticulous analysis of the collected data. This chapter covers the data analysis process, the participant's profile, how I addressed the issues of trustworthiness, and the thematic analysis for the two research questions, stated below:

RQ1: What are the perceptions of HR recruiters/personnel regarding consistency among managers in following ethically and legally sound hiring practices?

RQ2: What active measures or safeguards do organizational leaders and HR recruiters/personnel take to ensure that proper hiring interview and selection protocols are followed within an organization based on their lived experiences?

For this study, I aimed to explore what could be learned from HR recruiters/personnel and HMs about their experiences and understanding of what happened consistently when applicants were interviewed. As highlighted in the preceding chapters, I focused on investigating how recruiters and leaders of organizations were ensuring that

legally and ethically sound hiring practices were strictly adhered to by their HMs and HR personnel during their recruitment processes.

I employed the qualitative methodology because it was the best approach when attempting to understand people's stories or lived experiences. Researchers support employing a qualitative methodology in such studies (Creswell, 2014; Frankfort-Nachmias et al., 2015; Gill et al., 2008). The phenomenological method included video and audiotape-recorded interviews to explore the participants' perspectives. During the data collection, I focused on interviewing, which further supported qualitative methodology, HR recruiters/personnel and HMs. I interviewed the participants using semi-structured questions aligned with the overarching research questions to yield an understanding of and perspectives on how recruiters and leaders in organizations ensured that ethically and legally sound hiring practices were being used consistently. The research findings represented a compilation of perceptions from six experienced HR recruiters/personnel from mid- to large-sized organizations that have screened significant volumes of applicants, and six HMs of similar organizational size, who have participated in a considerable amount of hiring processes, and management experience. I explored how organizations attested to what occurs at the hiring table from the perspective of the workers' experiences, which resulted in an improved understanding of the varied employee selection practices deployed in the workplace and the amount of drift present in such a regulated process.

This chapter includes the data analysis with descriptions of data collection, results, and findings based on the methodology outlined in Chapter 3. This chapter also

includes a discussion of how I coded the data using the NVivo 12 software. NVivo is a qualitative data analysis software package that assists researchers to organize and analyze data (Ozkan, 2004; Woods et al., 2016). I also provided a detailed description of the manual data analysis method used, based on the approach recommended by Taylor-Powell and Renner (2003), as cited by Williams and Moser (2019), where emergent themes were detailed by transcribing the audio recording(s) to identify patterns or connections, and sections/chunks of text were labeled. A summary concludes Chapter 4.

Setting

I recruited participants using LinkedIn and Facebook messenger and used the snowball method to secure 15 participants of mid- to large-sized companies to provide discourse on nine semi-structured, open-ended questions. The number of participants was initially set to 12—six HMs and six HR recruiters/personnel. However, data saturation was not reached until I had interviewed seven HMs and eight HR personnel. Guest et al. (2006) and Latham (2013) described data saturation as the point at which no new information/concepts emerge from the conversation(s), or data no longer uncovered new ideas.

I interacted with participants via webcam (i.e., Zoom, Skype, Microsoft Teams) and observed them in their somewhat natural environments during the interviews. Interviews with participants took place via Zoom and/or Skype at their preferred date/time, as requested. I gave full disclosure of the interview being recorded, and I called attention and confirmed that there was a red recording icon at the top left of their computer monitors. I ensured the privacy and confidentiality of the participants. I

established the interviews at the participants' convenience. To ensure confidentiality, ease of engagement with the participant, and reduce or eliminate noise and interruptions for the recording, I chose a quiet place for the interviews and requested the participants to do the same, as detailed by Giorgi (2009) and Thomas (2004). The participants chose an atmosphere where they were most comfortable, including their private home offices, employer offices, or conference rooms, before/after business work hours, or during the lunch hour and even on weekends. These choices were all made at the participants' discretion.

Pilot Study

After the IRB approval of the research proposal, five participants outside of the projected sample participated in the pilot study. The rationale for conducting a pilot study was to assess the quality of the interview procedure, for validity and clarity, and any possible weaknesses in the design of the interview questions. Researchers recommend pilot/validity testing of research instruments (Proctor & Vu, 2005; Simon, 2011). A pilot study/test run was a vital step in ensuring I was comfortable with the design of the interview questions, process, or self-created instrument.

The pilot study consisted of two of my family members and three of my friends who had varied hiring interview experiences and professional backgrounds. The participants were female, with ages ranging from 39 to 44. The pilot study confirmed that of the nine questions, two should be broken up, or I should apply a pause when asking those questions. I received additional feedback to present questions on a document via shared screen capability so participants could be certain that they clearly understood what

was being asked without repeating or partially recalling; thus, giving partial answers. These suggestions were reasonable and applicable, as no changes to the actual questions were necessary. The only changes made were in the way in which I should present them. Therefore, the pilot provided essential insight to expose potential hindrances or barriers to exploring the insights into the questions about the lived experiences of HR personnel and organizational decision-makers regarding the hiring process.

Review of Research Problem and the Purpose Statement

Based on data from EEOC, cases filed each year, and reports on lawsuits of unethical or discriminatory hiring practices in organizations within the United States, the approximate estimate of dollars awarded amounts to about 3% of the total economy or \$20 trillion (IMF, 2018). Even if the claims are unproven, they are expensive to defend, and the long-term effect on a company's reputation can be costly as well. Thus, many have an employment practice liability (EPL) insurance policy as a necessity (Nelson et al., 2019).

The general research problem of this study was that unethical hiring practices are still a significant problem in today's corporations, with widespread effect among minorities and overall equitable employment and promotion in the workplace (Fekedulegn et al., 2019; Hebl et al., 2019; June, 2010; Savini, 2010; Seiner, 2019). The average probability of having EPL claims filed against a U.S. employer is 11.7%, with California having a probability of EPL claims 40% percent above that national average (Gibson, 2016). Furthermore, the EEOC in 2018 resolved 141 lawsuits and filed 199

lawsuits on behalf of individuals alleging discrimination in private, state and local government, and federal workplaces.

My intent for this study was to explore the need for organizations to scrutinize their hiring interview processes by adding more internal controls, detailed hiring interview code of conduct, standardized procedures around hiring that includes thorough training of managers to mitigate unethical practices and EPL losses. This aligns with the study by Nelson et al., (2019). The findings from this study may provide more information that can be used by organization leaders, HR personnel, and HMs to address current and future organizational culture, workforce attrition rate, and employment discrimination issues in the United States.

Demographics

Due to the extremely specific nature of the study and the detailed inclusion requirements, I used a purposive and referral sampling method. Fifteen participants took part in the study. I interviewed each participant for approximately 1 hour. Seven participants were HMs and eight were HR personnel. All participants had over 5 years of experience in recruitment and hiring. The least number of years of experience and the most experienced totaled more than 35 years; this was a clear indication the selected participants had a broad knowledge base of the phenomenon under study.

Some of the participants had secondary roles in the company aside from being HM or HR personnel. This trait meant the participants were not only knowledgeable about recruitment and selection; they were also equipped with the employees' experience of recruitment policies and strategies. Of the respondents ($n = 15$), three were male (20%)

and 12 female (80%), with various titles among varied occupational sectors (see Table 1).

The sample diversity increased the transferability of the data and results.

Table 1*Participants Profile*

Code	Gender	Title/role	Years of experience	Field of work
HM1	Female	Administrative Supervisor	6	Education/academic
HM2	Female	Associate Director	23	Community health
HM3	Female	Store Director	20	Nat'l Restaurant Chain
HM4	Male	Academic Site Director	7	Education/academic
HM5	Male	Health Services Administrator	10	Healthcare
HM6	Female	Manager Account Services	15	Healthcare
HM7	Female	Classification Specialist	5	Federal Government
HRP1	Female	Executive Recruiter	7	Varied
HRP2	Female	Regional III HR Director	19	Healthcare
HRP3	Female	HR Business Partner	20	Education/academic
HRP4	Male	CEO	30	Recruiting/consulting
HRP5	Female	Sr. Mgr Talent Acquisition	35	Healthcare
HRP6	Female	Talent Acquisition	25	Healthcare
HRP7	Female	HR Recruiter	16	Manufacturing
HRP8	Female	Organizational Recruiter	27	Varied

Data Collection Process

The primary method of data collection was via face-to-face video and voice recorded interviews. However, one participant (HM4) opted for a telephone interview, due to unforeseen circumstances. The semi-structured interviews lasted between 19 and

82 minutes, with an average length of 47 minutes. The duration variance was predicated on how much information the participant shared. At the beginning of each interview, I thanked the participant for volunteering to participate in the study. I told the participant they would be assigned a coded label (e.g., HRP1 or HM1) to facilitate protecting their identity. In all instances, I received consent well in advance of the scheduled interview, via email responses, as opposed to the exchanging of a document to obtain signatures as initially planned. Thereafter, I gave individuals an opportunity to ask questions pertaining to the consent form and/or the interview. The rationale for this change in plan was based on the IRB's recommendation to, when at all possible, minimize the burden and inconveniences of participants. I reminded each participant of the option to terminate the interview or withdraw from the study at any time, the right to skip or not answer any questions. I also reminded them that there were no right or wrong answers to the interview questions because the intent was to understand how they each experienced, viewed, and understood the hiring process. I informed the participants that I would ask the questions and share my screen simultaneously with the question in written format to aid in recall, as some of the questions were lengthy.

Additionally, I reiterated the purpose of the study and the assurances of confidentiality before the interview, and the recording process began. The interviews were interactive and engaging for me, as well as the participants, much like a conversation among contemporaries. During all interviews, I noted participants' body language, voice tone/inflections, word choice, and facial expressions, a benefit of video technology. I bracketed my immediate responses appropriately, and later, before

analyzing the transcripts, I reflected on these to uncover and remove my biases as recommended by Creswell (2014). I also asked each participant clarifying questions, which aided me to understand their perspectives and experiences. No interview exceeded 90 minutes, and each participant was offered a question and answer period at the conclusion. I had initially planned to enlist member checking to strengthen credibility. However, it was determined through the IRB process that the time for participants to do so was an unnecessary burden considering that the interviews would be video and/or audio recorded. Consequently, I could listen to the recordings and review the transcripts as many times as warranted for accuracy.

As posited by Giorgi (2009), many difficulties may emerge when conducting interviews, be it off-topic rhetoric or very reserved interviewees' who expound very little; therefore, it was critical to keep all the interviews on target. As a novice qualitative researcher, I also wanted to be certain that the information obtained from the respondents was useful and interviews were not drawn out or prematurely ended without capturing viable, sufficiently detailed, and revelatory data as described by Giorgi (2009). I was successful at this by relying heavily on the interview guide (which remained at eye level on a dual monitor or split-screen) to direct the dialogue towards the phenomenon of interest. Additionally, the rapport established with the individuals while introducing the study, scheduling participation (via exchanged email and direct messages), and reinforced at the start of each interview helped facilitate familiarity and acquaintanceship, which was imperative to eliciting descriptive, experienced learning as recommended by Giorgi (2009).

I used an interview guide (see Appendix D) to conduct the interviews and ensure data were captured regarding the participants' demographics and lived experiences related to the phenomenon under study. I developed an introductory interview question to extract the demographics of each individual to ensure they met the criterion for participation. The remaining eight questions were open-ended and were used to explore the participants' personal experiences and firsthand knowledge related to the hiring process within the general organizational culture. I also asked impromptu probing questions to clarify and better understand vague responses and obtain more detailed information. The interviews led to a lively and in-depth understanding of the participants' experiences on the process of hiring and interview conduction in mid- to large-sized organizations in Northern California.

Data Analysis Process

In qualitative research, being able to retrieve the original data set and retain the contextual property is characteristic of good qualitative data analysis (Gill et al., 2008). Qualitative research designs have key components just as quantitative studies, which require successfully compiling and organizing information and navigating sampling (access to subjects), which are critical features of successful and credible research designs (Devers & Frankel, 2000). I leveraged technology to extract the most out of collected data for generalization. I reviewed all 15 interview audio recordings immediately following the interview sessions so I could note/journal/capture and bracket reflections appropriately while the information was fresh in my mind, to maintain reliability and credibility of the research. Within the same week of the initial interview, I

used a basic Husserlian approach as described by Giorgi (2009) to review the transcript. I highlighted each question, and participant responses manually. Finally, after I had reviewed all interview transcripts a second time, I used the NVivo12 software to further accent and separate each statement.

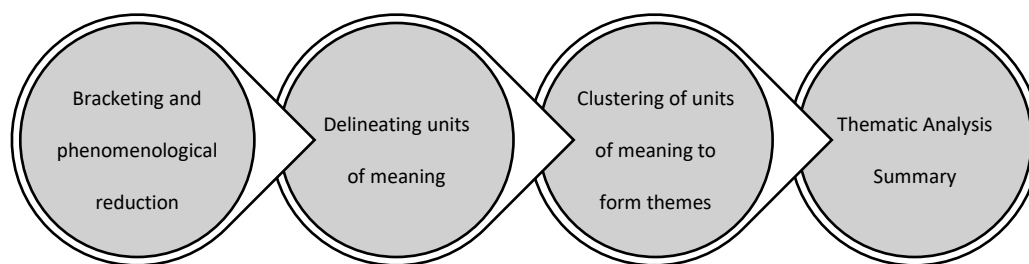
The next step involved in the analysis was to reduce the data and remove any invariant constituents that did not add value to the experience described. I reviewed the remaining data for themes and invariant constituents emerging throughout each interview. I used these themes to create an overall experience to describe the overlapping views of the participants. I used the NVivo software to code data, search for specific words, query, group similar ideas, and link data. I used this process to identify patterns, themes, constructs, and meanings in the participants' responses, which in turn uncovered relevant meaning (Woods et al., 2016). Using Nvivo was cost-effective and more efficient overall but did not eliminate the vast amount of time I had to spend in the initial phases of coding prior to enlisting the software application.

Specifically, I synthesized the manually transcribed interview data collected for the study with the computer analysis of the data using the reciprocal interpretation data analysis strategy described by Taylor-Powell and Renner (2003), Ryan and Bernard (2003), and Saldaña (2016) for synthesizing the results of qualitative studies. With this data analysis strategy, I identified recurring themes, patterns, and common elements among both forms of data. Next, I followed the phenomenological analysis process as described by Thomas (2004). I did this in four phases as illustrated in Figure 2 below. The combined secondary and primary analysis (described above) ensured that the data

provided would be relevant to the guiding research questions and the findings used to develop timely and informed answers to those questions.

Figure 2

Data Analysis Process



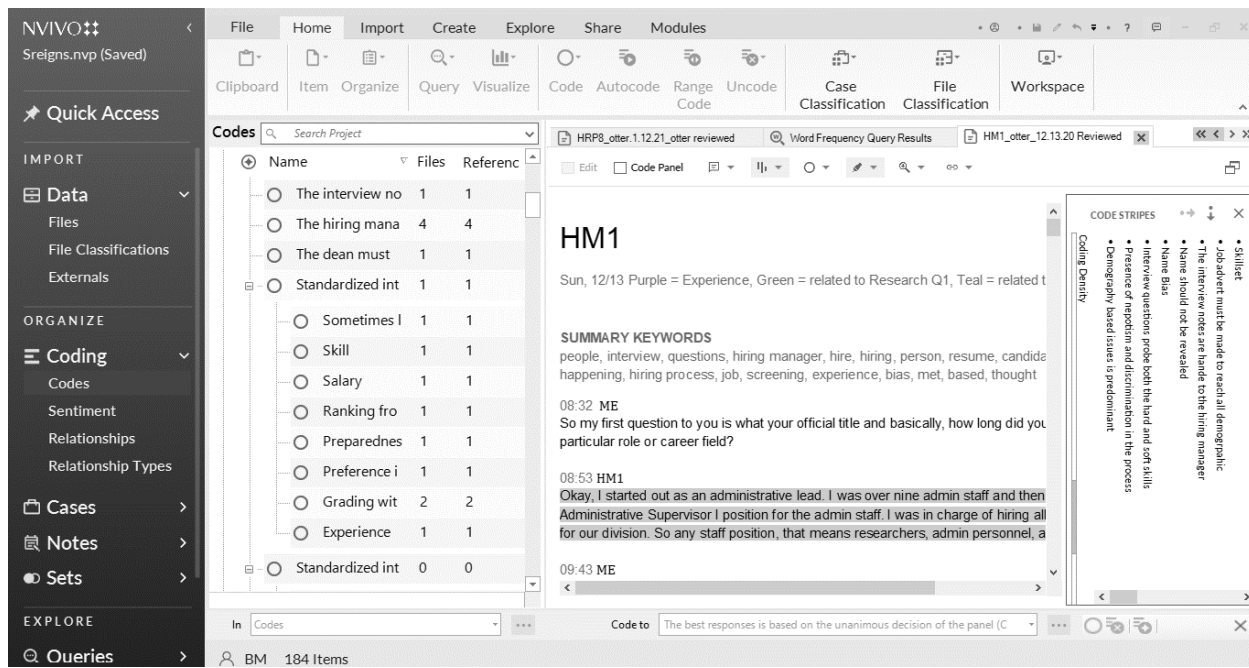
Bracketing and Phenomenological Reduction

I conducted bracketing throughout the research process using a journal log that I kept throughout the period of the research as an ongoing process to minimize any preconceptions I have held about the phenomenon (Chan, et al., 2013; Tufford & Newman, 2010). I carried out mentality assessments through reflexivity, which enabled me identify researcher bias at the initial stage of the research; I jotted down these areas of bias. Also, I carefully reviewed the literature to ensure that gathered knowledge in the review of literature did not lead to any form of bias. I also included the participants in the bracketing phase. I used primarily open-ended questions during the interview and adopted a not-knowing state to keep the level of curiosity high.

Phenomenological reduction entails the ability of the researcher to separate their sentiment from that of the participants completely; this will eliminate any form of bias in the course of the analysis and will also help the researcher remain objective. Thereby, I only interpreted the phenomenon under study based on the meaning given to it by the participants. In this phase, I attached meanings and concepts to the participants' statements, sentences, and phrases.

Delineating Units of Meaning

At the onset of utilizing technology to decipher the data analysis, one visual representation of the interview data using NVivo was the Word Cloud Diagram (see Figure 3). It is a simple yet valuable way to highlight crucial textual data points and immediately convey crucial information. With this diagram, I quickly surmised the participants' data and essentially got an at-a-glance overview of the data. The more often a specific word appeared in the data, the bigger and bolder it appears in the diagram. This imagery also helped me focus on the right terms, themes, and identify significant data points to explore among participants.

Figure 4*Coding of Texts on NVivo***Clustering of Units of Meaning to Form Themes**

I created themes by categorizing codes created in phase 2 together, by identifying patterns that linked them together. I ensured the themes were unique with no overlap. Deep interrogation into the developed themes revealed those considered as central and fundamental to the research objectives (Giorgi, 2009). I conducted deep interrogation into the developed themes to reveal those that were central and fundamental to my research objectives.

As an example of how the themes are formed, I created the first theme for this study by aggregating all the codes that highlighted the requirements for interview selection or recruitment consideration. These codes had a unanimous or collective input,

that is, selection criteria. Next, I formed the second theme by recognizing that all the participants, as an example, highlighted ‘interview’ as a core component of their recruitment process. All the documents had codes that were referencing interviews as a recruitment event that all applicants must undergo; this led to the formation of the second theme. This stage of analysis, moving from codes to themes, was incredibly overwhelming at times. For that reason, I often referred to my fixed visual representations (Figures 2 and 3), to stay precisely focused on the task at hand. I also reread the transcripts with a different highlighter color and marked each instance where I experienced meaning from the participant or a change in meaning, as recommended by Giorgi (2009). I repeated this process comprehensively for all 15 transcripts.

Furthermore, the researcher is the research instrument in a qualitative study; therefore, I put in great effort to ensure that I adequately and exhaustively classified the codes into the appropriate themes using their collective or unanimous pointer. The final stage was detecting, extracting, and elaborating on the raw data and interconnections that described the phenomenon. The final stage also involved revealing the data that unfolded with richness, the complexity of perspectives, and psychological meanings rooted in the descriptions. This analysis phase was not rushed and took a substantial amount of time to accomplish, and often required writing several versions before achieving the desired expression(s).

Evidence of Trustworthiness

As highlighted in the third chapter of this paper, trustworthiness is a vital component of any scientific research; a standard research must eliminate all forms of bias

and objectively evaluate the phenomenon under study. Consequently, this sub-section discusses the actions taken by the researcher to ensure the trustworthiness of the study.

Credibility

I ensured this study's credibility by note checking interview auto recordings against interview transcripts, colleague overview, and coding and recoding. I enlisted the assistance of a Walden colleague who was also going through the dissertation process as an additional layer of verification during the data gathering process. Upon completing the data gathering and insight gathering, I forwarded the collected data and insights, some interview audio, and transcript files to the colleague for evaluation. Prior to providing the information to my colleague, I removed the participants' identities and truncated the video to preserve confidentiality. My colleague confirmed and agreed that the data was a true reflection of the interviewees' perspectives on the phenomenon under study. As earlier highlighted, phases 2 and 3 of the data analysis process were rigorous; this was partly because I performed the coding and thematic clustering repeatedly to ensure credibility.

Transferability

The study used Northern California as a case study to ensure transferability. I confirmed that the participants were a largely heterogeneous group of HR personnel and HMs. I selected the participants carefully; only participants with relevant experience in recruitment, thereby ensuring that the collected data truly portrayed the state of recruitment in Northern California. Thus, by this design, I ensured that this data could be demographically and geographically generalized. Lastly, to ensure I arrived at data

saturation, I concluded my study only when no further original or new information or valuable themes emerged, as recommended by Latham (2013).

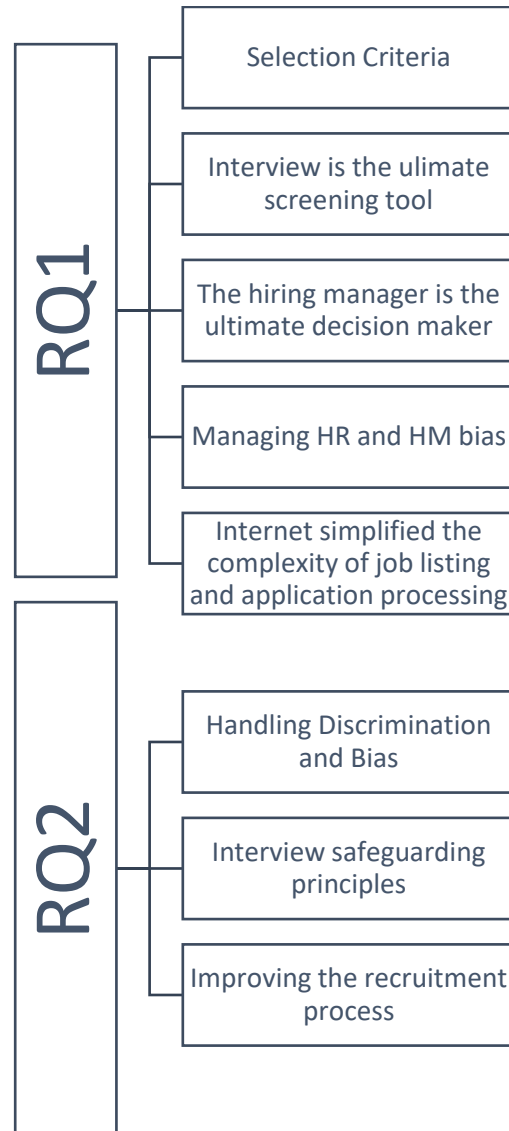
Dependability

The researcher is the research instrument in qualitative studies (Rubin & Rubin, 2012). I ensured dependability in this research by conducting a pilot study, documentation log of all research related activity, session by session data transcription, and conformability (Ravitch & Carl, 2016). I ensured that the new ideas in the interviews were recorded in the activity log sheet and that the data collected were transcribed and set aside after every session to ensure that the outcome of a previous consultation did not affect the next. Although the questions were not structured, I ensured that the same nine semi-structured interview questions from the interview guide were asked of all participants. Additionally, when I followed up with additional questions not included on the interview question guide, they were probing questions (e.g., “tell me more about that”) when necessary, solely to build on existing information, not to acquire new data. Also, I ensured the clarifying questions remained similar from one interviewee to the other. As stated in phases 1 to 3 of the data analysis process, I consistently used bracketing to increase conformability, thus improved dependability. Bracketing increases conformability which in turn improves data dependability (Byers & Onwuegbuzie, 2014; Chan et al., 2013).

Results

In this phase, I used the developed themes to give preliminary answers to the research questions. In continuation of the earlier mentioned four phases of the data

analysis process, I identified the developed themes, classified, and then assigned them, respectively, to the correlating research question (see Figure 5). In this section, I sought to understand HR recruiters/personnel's perception of the consistency among managers regarding following ethically and legally sound recruitment practices. Five themes, as indicated in Figure 5 emerged, which I used to provide answers to these questions.

Figure 5*Thematic Diagram***Research Question 1**

What are the perceptions of HR recruiters/personnel regarding consistency among managers in following ethically and legally sound hiring practices?

Theme 1: Selection Criteria.

All participants highlighted that the first step before selecting or pre-screening entailed meeting or exceeding the minimum selection requirements. All job listings have job requisitions where the employees must possess some certain level of educational qualification or job experience before being considered for the job. Applicants not meeting these minimum requirements are not considered for screening. The data definitely suggested a variance, which was corroborated by HRP2, “In my situation, not all managers do this, but mine do pre-screen questions via email. Okay. And then I do a phone screen, and then onto a panel interview.” Other times informal evaluations are occurring during prescreening calls as shared by HRP6:

So, informally I'm looking for, you know, and asking “Hey, why did you leave?” And if they're saying, you know, “this lady was, uh...” you know, they're calling people out of their name, right? If they're, you know, speaking down towards someone that they previously worked for, well, then that's not a good fit for our culture. We're passing if they are, you know, swearing.

HM2 noted that often the applicants' social media records are checked to assess their attitudes and general behavior:

You'd be surprised. There was one young lady that on paper she looked absolutely wonderful. And then I checked her Facebook page, and she was calling her boss all kinds of names. I mean, she was cussing and swearing,

and my boss is a this and that and I don't give a blank. Okay, well, you just killed your chance.

Mainly, the minimum criteria included years of experience, skill set, and education. The resume of applicants who do not possess this minimum level of requirements are not considered for HR personnel screening. Resume screening is wholly based on job requisition; screening the applicant's resume that does not meet the minimum standards is seen as a waste of time by the HR personnel. Thus, the resume is discarded. HM1 described another layer:

We would send over the job requisition...that's how our screening grid would be, and I guess it just was an additional process. I still don't understand that part. But that was just our process. I guess it was really more just to organize all of the resumes that we got in because they're digital, and I guess we needed a document that says we're going to interview these people.

HM6 shared:

First, there is the HR screening, the HMs do a kind of a pre-screening kind of call, and that kind of, you know, so there's kind of a double screening, first by HR, and then by the hiring management...redundant thinking about it now.

In addition to the above, one of the participants emphasized selecting employees with lived experiences such as ex-convicts or addicts; these would be normally considered particularly undesirable traits to use for interview selection. As recalled by HM2, who also conducts drug tests to check for drug abuse before hiring:

We really like to have people that have lived experiences, especially for like our navigators, um, you know, most of the time, if you had, let's say, you, you spent some time, you were arrested, you know, you have a felony on your record, or you had, you know, just something that really other people would see as a deficit, and just discount you, we see that as a plus, because we want people with lived experience, because a lot of the people we serve, you know, have had all kinds of...they are homeless, you know, or at risk for homelessness, or, you know, recently released from incarceration.

Sometimes, firms set a demographic requirement (e.g., bilingual preferred or required) when seeking to fill some of their positions; recruiters sometimes seek to attain diversity amongst their employees. Therefore, they seek out to employ people from minority demography such as African Americans, Asians, or Hispanics. The recruiters include a question that obtains the race of the applicants in the job application. If the targeted number of people in the demographic is not attained, the managers will conduct interviews irrespective of this requirement as noted by HM1:

So, when the requisition is initially submitted, it would say we needed to hire a Native American or an African American. They would have that on-the-job requisition before they even sent it. Once it's approved, HR would send that this is what you should be looking for... And not one time was that mentioned ever in the selection process. So, like, when we would do interviews, when we met with people, that was never mentioned. We never discussed it ever, at all.

Therefore, the HM ultimately supports inclusion (by waiting for the specified demographic) or exclusion (by selecting a candidate regardless of the population or demographic requirement). Another respondent determined through her years of experience that often, a second look at resumes is warranted.

HRP7:

If they don't have it, I have it set up to where those applicants go into another folder that I have. The computer won't send them something saying you've been disqualified; it allows me to look at them still. But they're saying that this person isn't qualified for your job. So, I open it to make sure that that is indeed the case, that someone does not just have a poorly written resume. And you know, that I'm looking under every rock you know, let me take a closer look. Let me put the pieces together, I think you work.

Ultimately, the screening is wholly based on the submitted resume. The submitted resume is used to decide if the applicant should be selected to move forward in any given process or not. For one contributor, HRP1, the resume was not paramount and often not even requested, as described below:

I do a lot of direct headhunting, right. So, if I head hunted you, I'm not going to ask you for your resume out the gate. So, it is a review of your credentials, that's as easy as your LinkedIn profile, just kind of get a broad idea of who you are, what you're looking for, let me get an idea of where you are in your career, what would help you to make a career move, or what you're looking for in a move... And let me share a little bit with you about what my clients looking for and see if

it makes sense for us to go to the next step. That's about 25 minutes if that works out, and that makes sense. And everything lines up there; we schedule a video interview with me.

HM3 also did not rely heavily on resumes, but for a different reason:

To give you a little insight, the place of employment is a lot of applicants' first-time jobs/first-timers into the work world. So, a lot of them don't have resumes. But if you know, they're applying for a different position where you have to be 18 or older to work in that position, then yeah, they may have a little bit of work history, but not too much. Because besides, you know, being a first-timer, most of our applicant base is college students, it is a job basically, for college people. Because, you know, it's beneficial, they're going to go to school and work at the same time without feeling pressure.

Theme 2: Interview is the Ultimate Screening Tool.

A significant portion of the collected data addresses interviews; the data revealed that applicants could not get hired without interviews. It is worthy to note that some firms have resorted to virtual interviews because of the pandemic with program applications such as Microsoft Teams, Skype, or Zoom. The preceding theme has highlighted that only applicants who meet minimum job requirements are selected for screening and interviews. This theme is evaluating the interview process, interview questions, and interview grading system. The theme is also exploring the interview panel members and interview scheduling.

All participants engaged in panel interviews; most of them hired applicants pre-screening through phone calls and email messages. Some participants revealed that they only conducted a single interview with the applicants, while some highlighted that selected applicants passed through multiple (2-4) interviews. Participants revealed that pre-screening was often used to grasp the applicants' overall viability before scheduling an interview with the panel; it was used to authenticate the resume's contents.

Additionally, to ascertain if the documented years of experience, education, and skill set were valid. It prepares the applicant for the panel interview. It is done virtually through telephone calls or email messaging. Some had varied approaches to hiring within the same organization; the type and number of interviews fluctuated depending on the HM.

Table 2 below shows the inconsistency overall in the process, and participants expounded on how the lack of a clearly defined process created zero accountability required of HMs.

The study revealed that recruiters were not empowered, nor did they really have safeguards (other than well-written policies, *words*) to ensure disparate treatment or exclusion did not occur for minorities.

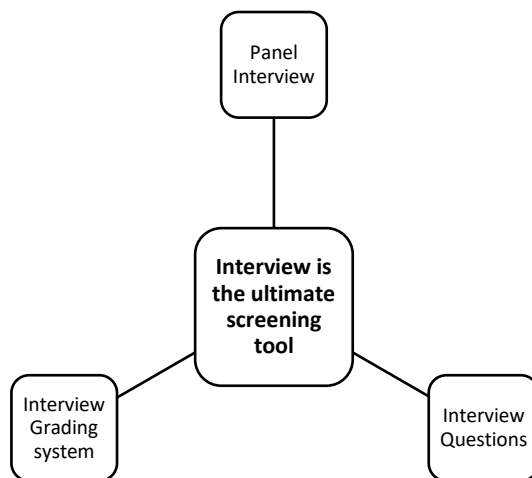
Table 2*Participant Interview Types Used*

Participant ID	Pre-Screening	Panel Interviews	Single Interview	Multiple Interviews
HM1		•	•	
HM2		•	•	
HM3	•	•		•
HM4	•	•		•
HM5	•	•		•
HM6	•	•		•
HM7		•	•	
HRP1	•	•		•
HRP2	•	•		•
HRP3	•	•	•	
HRP4		•		
HRP5	•	•	•	
HRP6	•	•	•	
HRP7		•	•	
HRP8	•	•		•

Aside from screening resumes and virtual pre-screening, one participant highlighted that they are sometimes made to partake in online-based basic assessments. Only applicants who met the predetermined pass mark would be scheduled for an interview (HM3). The theme is subdivided into sub-themes as indicated in the figure below:

Figure 6

Subthemes of Interview as Screening



Subtheme 1: Panel Interview. The interview schedule is generally based on the applicants' availability. Upon completing the pre-screening, the applicants are scheduled for a panel interview. As aforementioned, some organizations conduct a single panel interview, and some organizations enlist a series of interviews. Interestingly, two respondents shared that not all applicants that passed the initial resume screening are invited to interview. HM7 stated, “If we can't pronounce

this person's name (I don't want to be trying to figure this out every day), let's just skip over.”

HM1 shared:

It just was who was available at the interview time. Sometimes, which is interesting to me, if a candidate wasn't open, we didn't try very much. If I couldn't contact Jane Doe, it was like, okay; well, let's move on to the next person.

The consensus among participants was that the HM was present for the single interviews and absent in some of the multiple interviews. An interviewee had a negative sentiment against the multiple interview process, this will be subsequently discussed later in the section on analysis description. Participants explained that the number of people on the panel is mostly dependent on the job role or level and directly proportional to their rank. High-ranking functions attracted more people to the panel. However, the minimum number of people highlighted by the participants is three, irrespective of the part about rank. HRP7 stated, in her experience, firms tended to extend the multiple interview process even when unwarranted, and the pandemic offered this insight:

In skilled positions or management positions, because of COVID right now, what we did when we hired our quality manager is, we actually did a panel interview. So, we just got everybody there from the person who's going to be like their HM to subordinates, we just had everybody in the room, there was five of us, and you know, keeping our distance, and we just, you know, interviewed from there,

ranked them from there because we don't want to be a company where we're like, Okay, come again, or, oh, here's another interview for you.

HM6 shared:

First, there is the HR screening, the HMs do a kind of a pre-screening kind of call, and that kind of, you know, so there's kind of a double screening, first by HR, and then by the hiring management...redundant thinking about it now, then there's a panel interview, and then a second-panel interview. And then, finally, the decision is made.

Subtheme 2: Interview Questions (Standardized vs. Non-Standardized Interview Questions). The majority of the participants revealed that the interview questions were standardized and mainly provided by the company. Several of the participants further revealed that many HMs wanted the recruiters (during screening) or wanted questions added to the interview guide that were illegal, not job competency-based and included blatant bias.

HRP1 shared:

I've talked to candidates, and I'm debriefing with them. And they shared with me like, what the interviewer asked me if I had kids, and I'm like, whoa, wait. And at the same time, as a recruiter, you also get to know your clients who do that, right. I have worked with clients who I know are going to ask you inappropriate questions. And I have to prep the candidate, like, "Look, this is going to come up in the interview," and I walk them through how to dance around it, how to avoid

it. I've had clients tell me, "You know, I can't say this myself." But you know, they'll say, I want somebody young, or, you know, when I'm in-taking the job, they'll tell me, you know, she though you, she, she, she, she she, or (subtly excluding males) or you know I just had clients blatantly say, you know, this is what I want, they have to be able to speak really good English because they're gonna answer my phone.

Although 75% of contributors (see Table 3) attested to using some sort of interview guide or predetermined set of questions, several declared that the same interview questions were not always asked of all applicants.

Table 3*Number of Participants Using Standardized and Non-standardized Questions*

Participant ID	Standardized Question	Non-standardized Questions
HM1	•	
HM2	•	
HM3		•
HM4	•	
HM5	•	
HM6	•	
HM7	•	
HRP1	•	
HRP2	•	
HRP3		•
HRP4		•
HRP5	•	
HRP6	•	
HRP7	•	
HRP8		•

HRP3 expressed:

Ab168 was passed months ago, during the whole application process, you're not supposed to ask an applicant what they got paid on their previous job as a salary. They don't have to disclose that at all. You're supposed to give a salary scale, or something aligned to what the pay will be for the job that that person is

interviewing for. However, there's a loophole there in that background check. That's giving them authorization to check that salary history. Many managers want to know this number so they can save their budget, or lowball candidates, especially when the starting range is higher than what the applicant received at their previous job.

HRP8 explained:

One of the things that get us in trouble with fit, if I had to ask your last boss, what would they say about you? Like, I don't know what they gonna say about me. But I thought you brought me here to talk about this job about what I can do and how I can translate it over here. What's better to say as it relates to this job? What do you see the most, the three top core competency skills that you believe one has to have in order to be successful? Because you're bringing me here because you think I can do the job, right?

HM1 further expounded:

I had a question about how come we are hiring, which there is nothing wrong with hiring Ph.D. researchers to come and to staff researchers in our lab from China. So, they have their Ph.D. in research, and we're hiring them as staff researchers, but they need an H1B visa, so we get it for them. We paid them less than what we'd have to pay a student who just came in who graduated from the local institution as a researcher, right? I thought, why would we hire them and pay them this small salary, rather than to pay a student from America or whatever. My issue was we're paying these people that are coming from China less money than they

deserve to be paid; that's unethical, and that's unfair. Like no, they have their Ph.D., they got everything you want and you're making it seem as though you're willing to bring them here, pay all this for their visa and relocation. But you're still shortchanging them, and you know it.

Several respondents discussed the quality of the questions, what mattered most, and that probing the interviewees on already documented hard skills was redundant and a complete waste of time. Some of the questions were archaic, and they did not conform to the modern system or practices; it was unwise to be using the same interview question for extended periods. One particular participant, HRP4, was adamant that all questions were related to the job itself, "Talk me through how you've done that, what resources did you have, walk me through decisions? Everything we do is related to the performance objectives of the job." HRP8, "Many managers ask questions that are not even pertinent to the position." Some of the participants described the basic interview as redundant and old; that the interaction needed to drill down to the inner workings of the person. HM4 acknowledged:

I've been an advocate that we need to look at the whole person. You know, because I've met people that went to Yale, or Georgetown, or whatever, are very arrogant. It's all about them, where I've met somebody who's got a Capella degree, and they're just really down to earth, and they're going to connect with the students. So, for me, because I'm more into teaching, and I'm not caught up in airs, I want to look at the whole person.

In general, the questions were designed to probe the participants' soft and hard skills, mainly because their soft skills were as essential as their hard skills. The recruiters used the interview questions to understand the participants' personalities; they believed the organization's culture must match the applicants' nature. Therefore, the questions were designed to capture both the hard and soft skills possessed by the applicant. However, the consensus among HRPs was that managers and clients found it difficult to articulate their culture when probed, and that was where job fit came into focus. HRP4 considered the job description as paramount:

While it {performance-based hiring} seems kind of superficial as a formula, it's actually pretty profound because it really basically says ability to do the work in relationship to fit drives motivation. And the fit factors are clearly there; the ability factors are there. And it's understanding the relationship between the ability to do the work hard and soft skills and the context of the job.

HRP8 revealed the following:

We [my recruiters] ask about the culture, the job, the impact, I want a copy of a chain of command or the structure, have there's been any progression, we need to have all of that because we have to bring people to you, right? And then, once we get that information, then I am asking specific questions. What does it look for? What does one have to have to be successful in this position? They stumble with that. We talked about the fact that is there a progression? Why is this position(s) available?

The analysis identified that the ultimate objective for HRP and HM was to recruit and hire for 'fit,' as knowingly employing those who will fail to thrive or disrupt culture and performance is quite costly in multiple ways. One participant (HRP 4) explained succinctly:

Just as long as we define the job, everything else falls in place. If we don't explain the position, we tend to hire the wrong person. So, it's the job, the work itself, and the fit factors that drive ultimate success.

In addition to the above, the standardized questions were designed to capture the job's role requirements. The questions probed the interviewees on the pre-determined hard and soft skills needed to function in the given job role optimally. Also, participant HM3 highlighted that these questions were practical and scenario-based:

I'm going into making sure that because our job is customer service based; do they have the right attitude? Can they smile without being asked? You know, their appearance, I'm not doing all the serious questions. I'm just making sure they can fit into our team. And then the house (store) has many different positions.

Although the questions might be standardized, the data was unstructured; thus, the panel could ask follow-up questions that were not in the scripted questions. This could certainly be viewed as the gateway to insert biases, unethical line of questioning, and variance from person to person. However, many participants justified going off-script with the expressed intent of making the interviewee comfortable; thus, making the interview interactive and in-depth.

HM2:

I just kind of learned what kind of questions to ask, try to pull that out of them. And you know, the funny thing is that a lot of people, if you make them comfortable, you know, they just open up and they will they tell us about their past history, you know, tell us about, you know, what my brother was shot, or, you know, or, yeah, I was incarcerated for a while, and this was my experience, and they'll just open up.

HRP7:

You know, we asked the question here and there, but at that time, as an HR professional, we want to get to see that employee more. So, kind of like, hey, what else is that's not in your resume that you know what you like to do for fun or something like that? Just having that relationship already firsthand on board with the candidate actually goes a long way.

HRP8:

So, the biggest thing I want to emphasize is that we do want to do icebreakers. We don't want to make it seem like all eyes are on me now, and so we want to have a conversation about, you know, your work experience. That's how we set it up, not an interview; we want to have a conversation and get to know a little bit more about you and also know about us as well. You cannot predetermine the questions, and the exchange will be more organic, and so I think our approach is a little bit different.

Aside from the soft and hard skills, the majority of participants considered other attributes such as professionalism, politeness, appearance, and punctuality as key aspects of candidate assessment. Most professed that the use of standardized questions allowed equality and unbiasedness to flourish, but it was not flawless. The consensus of the participants was that there was no actual or apparent reason why hiring processes had not been drastically updated. Two respondents in particular noted some clients still utilized (and wanted) a five-step multi-hurdle hiring process unnecessarily, as two steps easily could be eliminated due to technology:

HRP1:

When I challenge on, like, why are you doing it that way? A lot of times, they don't know. So, they'll say we do a phone screen. I said, why did you do the phone screen? They don't know that. It's just the way we've always done it. So, I think that it is a very archaic process, I don't see a lot of like innovation and change happening.

HM1:

The questions were made up by the division. We've used a set of questions that have been used since I was interviewed in 2012. The interview questions are, across the board, the same thing. I've asked to change those questions all the time, but the division made up those questions. I'm pretty sure that somebody did a Google search and put it together.

The use of non-standardized questioning methods allowed the interviewer to probe the interviewees without restrictions thoroughly; it also gave room for expressive

discussions that generally exposed the interviewees' personalities in detail. This method was beneficial when the job requisition was unique, and the focus was on soft skills, lived experience, enthusiasm, and culture. Aside from the fact that these methods created a certain level of bias and inequality, the interviewers were susceptible to asking inappropriate questions. HRP1 noted, "As a recruiter, you also get to know your clients who do that, right. I have worked with clients who I know are going to ask you inappropriate questions."

Subtheme 3: Interview Grading System. Participants had a different system for interview grading, did not require the panel participants' unanimous decision, and the ranking process was not always clear. Some of them used a number-based grading system (as in 0 to 4, where four means excellent 0 means very poor), and others used a level-based ranking system (met or not met). The participants agreed that, by and large, the interviewees were subjectively graded on how well they responded to questions probing hard skills, soft skills, and experience. Also, their level of preparedness was evaluated and graded.

HRP7 recounted:

But for more of the skilled positions, like the salary positions, if I was to hire another manager, or, and so forth, we do have an interview screening process and kind of grade each individual based on their experience based on you know, the how they're interviewing, based on how they're, you know, how they actually came prepared if they actually had a resume, and so forth, kind of rank them at that point.

All participants confirmed that the interview panelists graded the applicants after each question, then discussed or merged their grades, and the highest ranked/scored candidate was clearly identified. Two respondents did not necessarily adhere to the process of ranking consistently.

HM6:

I think that the scoring process, it has ups and downs, that's why I chose not to use it. Because you could be having kind of a crappy day and score somebody fairly low. Whereas when you're actually discussing it, sometimes you can kind of tease out, well, why are you scoring them kind of low, you know, with your, with your fellow people.

HRP3:

We don't do that ranking or scoring system, once upon a time, yes. But now, I'm actually, I discouraged that because the best documentation that we have to keep are interview notes that are collected for all candidates. And that goes into our documentation, and then if someone goes to our records and audits it, we have to give explanations, and if that could lead to problems. So, I don't do that in my current role. Previous to this role, I support not doing that. So, it goes down to my own morals into my job of how things should be and thinking ahead of time. Like, if this is audited, what will they say? Because everything has to be written, written down, and submitted before the closing of the recruitment.

Theme 3: The Hiring Manager is the Ultimate Decision-Maker.

Analysis of the given data revealed that the HM is the ultimate decision-maker in recruitment; everything from the screening to the interview process goes through the HM. The hiring manager has the absolute power to reject or accept a candidature, irrespective of the HR's and recruitment director's suggestion. Thus, HRs hard work to recruit and ensure that the best candidate is selected is often null and void. This is an underlying issue that prompted me to consider this as a theme. Although it had the least form of depth, it was an important part of the research because it highlighted the industry's structural inadequacy, ineptness, and lack of "gate keeping" of a key stakeholder in the process. This study validated the depth of insight that qualitative research offers by obtaining the vantage point of lived experiences of a particular population and exploring the "How," "What," and "Why" of the phenomena. The findings from this study have identified valid problems and viable solutions for further exploration and resolve. While this study did not reveal any new issues apparent with the candidate selection process, it did highlight the intricacies and distinctions of the hiring process often overlooked and where a great deal of the bias lay. It would be meaningful to determine the frequency, consistency, and extent to which HMs who deviated from the process affected the organizations' culture, turnover cost, and attrition rate, not to mention impact on brand reputation using a mixed methods research design.

HM1 stated, "I want to be fair here, but I can only go based on my experience. I would say 80 to 90% of the time, they would not follow what's recommended/guided by the ethics committee or HR." The admission that (often) when the interview panelists

reached a unanimous decision, the selection of the best applicant for the job opening was left up to the HM was confirmed among most participants. HRP8 shared her experience:

The decision should be made very, you know, objectively to the consensus of, first of all, the scoring should matter. You know, it should matter. And a lot of times, you know, the HM is trying to influence the whole panel. You know, and like, there's just something about it, my gut instinct, and that's where that hiding it when I start talking about what just feels right, or whatever they were, let's talk about what feels right.

The HM confirms the interview of the applicants after resume screening and pre-screening. The HRP must forward the interview reports and resume screening reports to the HM. Ultimately, the decisions of HM on selection cannot be contested by HRP. They were only saddled with evaluating the applicants; only the HM can confirm an appointment.

HRP3:

So once applicants have been identified, which usually it's the, the HM that'll go through and say, I want this person, that person, my job is to make sure, because we have to do back-end paperwork, that they were selected, based upon specifically what was stated in that job description.

Theme 4: Managing HR and HM Bias.

Participants confirmed bias in the recruitment process, most notably racial discrimination, gender bias, and educational bias. It was not clear whether all of these biases were deliberate; however, they were visibly and tangibly present. Participants

highlighted those positions within the organization engaged in racial discrimination, which was evident through their employees' lack of diversity. Graduates from individual schools were given precedence and preferential treatment because of their school's reputation. Interestingly, several respondents denoted a distinct disadvantage against African Americans who were educated at Historically Black Colleges and Universities (HBCU).

HM1:

I noticed for nurses, and when we recruit for our medical staff for our fellows, our residents, and our faculty, everyone seemed to be the same color palette. And so none of those positions were sent out to like say HBCU's, or there's a Black Association for doctors as well as nurses, but the organization was only sending the recruitment out to certain places, attracting mostly those of Asian and Indian decent.

HM2:

I know of managers, they would bring blacks in, and they will interview them, just to interview them, but they know they want to hire that white person. And I will see things like how you hire an undergraduate person, a white male from Penn State. When there was an African American female to interview with a master's degree and a 4.0, from an HBCU, like, how are you hiring that person? And so, for me, this is the whole thing where you got to be eliminating special privileges.

HM4:

I know of a situation at the university while serving as the program chair, and my boss, a White female was the HM. She didn't have a doctorate and was intimidated by the incumbent who did from, I believe, Howard or another of the HBCU's. And so she tried to replace him [the highest-ranked candidate] with a white female who was a far less experienced person, with less education. I was on the interview panel and knew clearly whom the job should've been offered to.

Three participants (HM1, HM6, and HRP7) could affirm that organizations invested in training their managers and recruiters to engage in recruitment without conscious and unconscious bias, especially new managers. Seventy five percent of the respondents admitted to not ever having received training other than by way of post-secondary education, via a mentor, or happenstance. One participant, HRP6, shared that just recently, all HR staff were trained to use only experience and job qualification as the recruitment criteria:

The recruiters had it last year, and now we're taking all of our managers through it. And so we're going facility by facility; we realize we all have bias. And so we have training about how to recognize it and manage it through the recruitment process, and to create an engaging interview process where the candidate is excited about joining our facility and our company and being prepared.

However, one participant felt that training was futile and hiring was discriminatory by nature, and they should be discriminative in skills, knowledge, and ability versus personality, appearance, likeability. HM5 further shared:

I don't think that anybody's good at hiring. This is like a bias I have. I just legitimately am like, because even when I take HR and I do my MBA. I'm like, maybe the best I ever do is a coin flip. I can do everything right and have a recommendation. It's still 50/50. Like, that's not encouraging. So when I go off script, I'm like, there's something wrong here. I want to see if I can find it.

It is important to note that all participants agreed that there was a need to remove all sorts of nepotism in the recruitment process. Additionally, they all agreed that trained HR personnel should supervise the process and give their improvements feedback. All HRP participants mentioned that recruiters had a unique role in ensuring the applicants' skillsets had been verified, education certified, and all the ethical boxes were checked in carrying out their process, but typically once the handoff of viable candidates to the HM was made, those internal controls were varied or nonexistent. However, two participants (HRP1 and HRP8) own their recruiting firms and thus have oversight of the entire process from recruitment to onboarding. Another participant, HRP6, because of her tenure in the field and expertise in successful placement explicated,

Working here 7 years, I've gotten to know the managers; I've been on their units. I have 15 hospitals making different demands; it's important that you fit, we want to keep you and grow you in the hospital; we're not trying to get the turnover.

Only one respondent could attest that their official job duties included monitoring or following the entire hiring process. As described in the narrative of HRP3:

They're the HMs, the HR partner role is for us to consult and let them know what they don't know. I let them form their own questions, and I'll review them to make

sure that it's fair, it's equitable; nothing in there has any unconscious biases, is just equal across the board, and once I finalize it, that's what they need to go with. So basically, I'm taking, I'm going to the meetings, and the trainings, and so forth, and I advocate and consult with them and give them the information they need to hire successfully. I don't want to say I like control. Oftentimes, if I'm leery based upon an HM's responses or their personality, I'll, I will. What do I want to say; inject myself into the interview panel? Are whatever it is, that's occurring, but if they are seasoned with what they do, then I will. I'm responsible to provide them with the updates that they need in order to make informative and equitable decisions...it's not about the opinion of the candidate; it is how qualified they are. And sometimes HMs have a tendency to judge someone. What they're supposed to go on is based upon the candidate's knowledge; when you ask those interview questions that are supposed to be asked to everyone equally. How did they respond? Did they say key words to let you know, okay, they know what they're talking about?

One of the recruiters (HRP1) highlighted that all bias contributing factors were removed from the applicants' profile: graduation date, address, name, and sometimes an exceptionally long work history. All those above were removed before forwarding the list of the applicants to the HM. This was not a required practice but rather a best practice she discovered over and through time. Another practice to mitigate bias was uncovered by participant HM1, "We had to have four things on the panel: a man, a woman, and at least one person of color. And then also, another person that has taken the hiring ethics class."

Theme 5: Internet Simplifies the Complexity of Job Listing and Application

Processing.

The theme explored the role of the internet in the recruitment processes. The internet-based recruitment process has never been more critical; physical interaction has been impossible due to the pandemic. Recruiters have been exposed to the ease of the internet-based recruitment process. Online job postings, online assessment tests, and virtual video meetings showed recruiters that the employment process could be completed virtually. The use of LinkedIn, noted by HM4, for sending job postings to the demography of interest was considered efficient and straightforward:

Those people will apply, but I will also do external outreach of my own, using LinkedIn to search. So, like, I'm near Richmond, so I'll type in Ph.D. in Richmond and see what profile comes up. And then, I'll reach out to people who are not in my network and say that this is an opportunity out here; if you're interested, here's the link to apply.

Online recruitment processing simplifies and the recruitment process. However, according to one participant, the lack of physical access to the applicants impedes the opportunity of evaluating attributes that can only be checked physically—appearance, composure, and other human gestures. The whole exercise might be an effort in futility if the applicant failed to meet the minimum physical requirement in the final stage of the recruitment exercise. HM3 noted, “We know the self-apply, test, and schedule interview saves us managers time, but on the flip side, we don't know who's walking through the door. Are we going to waste our time now?”

HRP5:

Technology is so advanced that programs can screen, test, verify, and rank applicants in far less time and with far more accuracy and objectivity. However, people still want to sit with you face to face and ask you some questions and rank you and decide based on that.

Research Question 2

What active measures or safeguards do organizational leaders and HR recruiters/personnel take to ensure that proper hiring interview and selection protocols are followed within an organization, based on their lived experiences?

Theme 6: Handling Discrimination and Bias.

The theme explored the measures put in place by the organization to curb discrimination and bias in the recruitment process. One external recruiter highlighted outright refusal to work with employers that exhibited the discriminatory trait. Therefore, organizations seeking collaborations with this recruiter were made conscious of discrimination and bias.

HRP1:

And I always I tell clients, you know, my standard, like verbiage, it's like, if I'm going to send you myself, I hope you learn to make a decision on who you hire, rather than to discriminate qualified persons...yeah, I will fire a client, if I get the vibe that like you're being discriminatory. I'm very strong, and like, this is how you're going to work with me. But I know a lot of recruiters don't have the guts to tell you that.”

Another participant explained that it was unacceptable for managers to waste recruitment efforts and time. Other HRP contributors affirmed that when an HM repeatedly requested more candidates, it was somewhat of a red flag.

HRP8:

I like to initially, right after the interview, or the discussion, let's debrief. And I go back to the scale of the ability and the core competence and not all this. Well, I think, no, no, no, no, no, we're not doing that. Because when we think, that's when we allow unconscious bias and unconscious belief to creep in. Yeah, so I like justification for documentation, as why did this person not fit? But did they have the skills and the ability to do this job as it is outlined?

A significant proportion of the participants highlighted the possibility of seeking redress in court. Applicants could seek redress in court whenever they sensed that the recruitment proceedings were unjust and discriminatory. Three of the participants had the experience of knowing about unfair recruitment practices, and due to the possibility of redress in court, the recruiters ensured they documented all their recruitment processes, and this also aided them in shying away from discrimination and bias. However, one participant, HRP4, recalled in detail appearing in court concerning applicant discrimination:

I was on a couple of things, 10 or 12 years ago, but as an expert witness. I created an interview guide for In and Out Burger about ten years ago; I got called in to testify because they were being sued by plaintiffs who brought wrongful hiring or didn't get hired. A black guy who was 45 years old didn't get hired to work on an

app burger. And so I'm in this room taking a deposition from his lawyer. And they said, "Is this your interview guide?" And it had my name on it; was like 15 years we've granted, said yes, but that's not the one we gave them.

HRP2:

Luckily, not recently. So, I'm trying to think of what the allegation was. I don't even think she met the minimum qualifications. So she wasn't moved forward in the process, but then it came back that we discriminated against her because of I'm gonna say, from disability. In my defense was, one, the HM doesn't have access to any of the EEOC information, and how we would determine that she had a disability by her resume?.

HRP6:

We didn't always have to include in our job descriptions the physical requirements for the position. And so I wasn't trained to do that. You know I did what I was told to do. You don't know what you don't know. So this person was hired. And she was told you didn't pass the health employee screening because she was hired, and she couldn't lift 50 pounds. They're like, well, then you can't have the job. She goes, well didn't say in the job description that I needed to lift 50 pounds. And so then it came back to me, recruiter, "Did you post it?" I was like, "No, I did not." At the time, we had over 1000 jobs posted. I'm like; show me one where it's posted.

Theme 7: Interview Safeguarding Principles.

The participants revealed that their organizations used some measures to ensure

that the interview process remained non-bias and non-discriminatory. Some firms used open-ended questions to expose the level of passion that the applicants had for the job role. These questions were similar for all applicants (indicating that the organizations ensured a certain level of consistency to remove bias). Also, participants ensured that the applicants were comfortable; they believed this made the interviewees divulge more information about their personality. The sole aim of open-ended interviews was to understand the applicants' behavioral patterns and match them with the recruiting organization's culture.

As posited by HRP8:

Going over the interview and having a dialogue, I don't like to call it an interview. I like to call it a dialogue, because I, you know, I was going to write a book with a real candidate. Please show up because I realized when you have an interview, it's a performance. Sure. But if I truly want you to bring your authentic self, because you know, I'm big on inclusive workplace, if truly you want to bring your authentic self. And then that's when we have these conversations, you get to learn a little bit more, and I find them to be more effective, if you will.

Theme 8: Improving the Recruitment Process.

All participants believed that the recruitment process could be improved. They all thought that improving these areas would make the recruiting process more seamless, practical, and attractive. Participants revealed that video meetings should not substitute physical panel meetings. They expressed that the body gestures and non-verbal cues were as important as the verbal cues. Another method to obtain non-verbal cues was "meet and

greet." The employer could meet and greet the applicants for a short period. This was not an interview but a discussion, as explained by HM3, "Face to face value; you cannot move away from that—those nonverbal cues. Body language can tell you a lot more than that resume and doing that background check. I think people don't understand it. It speaks volumes."

The majority of the HRP participants revealed that the application coverage needed improvement, the requirements of job postings needed to be in detail, and the posting should be made in a manner that all and sundry would see. The job postings should be targeted to specific demographics to encourage diversity within the workforce. Making the posting more profound and visible and ensuring that the posting reached other communities was expressed by nearly half of the participants (four HR personnel and three HMs), so that qualified people in different districts, of different background and ethnicities would see the job posting and apply accordingly.

HM5:

I had one experience when I was hiring a manager who would report to me as the director of appeals and grievances, and I was pleased that I had only candidates of color. And I was like, you know, in my mind, I took note of that, but I'm like, you know, I really want to get to the day when that's not unusual, and I wouldn't take note. I would rest assured that here are the most qualified candidates, sitting in front of me, and here they are and just say/think, Let's start the interview.

HM7 made pertinent observations:

One is understanding the culture and environment, making sure that some HM or leader and the recruiter are on the same page at the very beginning in hiring. It is important that the recruiter have a pipeline of diverse candidates, that means they are going out and searching specifically and demographically diverse. Otherwise, as the manager, I only have who you {recruiter} put in front of me.

Additionally, participants believed that the community of service, especially in healthcare and academia, should be considered in recruitment and placement effort, especially in roles that required constant communication and interaction with extremely diverse populations. The recruitment process in these organizations would be seamless, effective, and unbiased when handled by recruitment specialists. Consequently, two participants suggested that organizations should employ the services of recruitment specialists.

HM2:

We need to think about who we are serving. I don't care if you, if it's a grocery store, if it's a grocery store and it's in the Latino community... Whatever it is, if you are in high tech, and you're in sales, who are you trying to sell to?

HRP5:

I made sure my recruiters were certified and trained on how to recruit diverse slate of candidates, trained in unconscious biases and knowing how to remove those biases when they are interviewing and pre-screening. Those pieces are extremely important in eliminating where there is a 'who do you know' scenario.

Participants called for the conduction of regular equity reviews to eliminate remuneration and promotion bias. The hiring process should be audited regularly to evaluate the process's conformity to legally and ethically sound practices.

HM1:

HR should regularly do an equity review to ensure salary increases and promotions are done ethically and legally, that we are following what's put before us. We have the hiring classes; we have ethics classes. It is 2020, and we should be hiring based on experience. I think what needs to happen is there need to be audits done about hiring and what's happening.

Several participants noted that documentation should not be solely to prove what an organization is doing right but also reviewed for what they may be doing wrong.

Some participants explained the excruciating waiting period for interview selection; the selection process should be streamlined to increase its speed and efficiency. The consensus was that in this talent-heavy market, organizations that had too bulky of a hiring process would lose top viable candidates to others who filtered applicants more efficiently through the hiring process. HM6 shared, "I recall before the job I have now, the first one I did actually get offered, but I was simultaneously offered and accepted Job B because Job A's hiring process took so long."

Participant HRP7 shared similar sentiments:

You go through interviews, like two, three times, and I'm like, okay, you know, I'm taking away my time, especially if I'm not working, or I got my family...So we try to be more respectful and bring them in one time do to everything.

One of the participants, HM7, reiterated that modern recruitment should be evaluated through on-the-job practical performance. HRP4 strongly asserted, “Performance-based hiring is far superior to existing hiring processes and meets all legal requirements, at least the United States.” This idea of the actual ability to perform the tasks being of more importance than education and experience was worth exploring. Especially considering new hires were typically subject to 90 days probation to evaluate and determine performance and fit. Notably and in stark contrast, participant HM5 made a surprising revelation:

But one of the things I tell everybody. I was like; my best hiring advice was like you had to fire fast. Like if you know you made the wrong decision, like, please do not like, have this escalation of commitment. I need to know. Like, if you know, they cussed at a patient on the first day, like we're not fixing this.

Finally, participants highlighted that the referral system was a viable method for getting talent that would be of great use to the firm; consequently, the incentives to any individual who referred an applicant should be increased.

Summary

In this chapter, I covered the data analysis process, trustworthiness, and thematic analysis of each research question. Analysis of the data collected revealed that the participants believed that the HM and interviews were the two most essential elements in candidate selection. The perception of the participants was generally reasonable. However, these two elements were not infallible. Participants considered that the

interview process was old and redundant. Also, they deemed HMs were sometimes discriminatory. The second part of the theme revealed the organization's principles to ensure that a non-biased and efficient recruitment process was used during recruitment. Finally, organizations should be more prescriptive in engaging staff in ethical and implicit bias training, as applicants were at liberty to seek redress in court whenever they sensed injustice in the firm's recruitment process. In the final chapter, Chapter 5, I will discuss the findings, the limitations of the study, recommendations, and implications.

Chapter 5: Summary of Findings

Introduction

Through this phenomenological research, I set out to provide solutions to the prevalence of unethical and illogical recruitment practices. To explore this issue and obtain an understanding of corporate hiring process, I used a descriptive methodology approach to collect and analyze the data from seven HR personnel and eight HM respondents from Northern California. The objective was to propose a solution to the prevalence of employment-related lawsuits and promote ethically and legally sound recruitment practices. After the data analysis, I found that these organizations' recruitment processes were not infallible; they were riddled with discrimination, nepotism, and generally unethical interview processes. The system was not terrible either, as some of the participants highlighted; they had never experienced discrimination issues. I also found that the problems plaguing recruitment were known to the organization, but only a few were taking active steps to overcome them. Most of the participants believed that HR and recruiting directors' ethical training reduced bias and ensured that job listing reached people of other demography.

Interpretation of Findings

As earlier highlighted, I conceptualized the research as an SI study. Using the definition given by World Bank, I conceptualized the study because it would help improve the opportunity, dignity, and ability of disadvantaged demography. This aligned with the standard definition given for social inclusion (Social Inclusion, 2019). For this study, I capitalized on the strengths of the SI framework by using the region's

demographic participants to develop a strategy that would ensure the use of an ethically and legally sound recruitment process. The analysis revealed eight important themes. I used five of the themes to provide answers to the first research question, and the other three to provide answers to the second research question.

The hiring process is such an integral process of all organizational culture regardless of the field or industry. The definition of diversity has evolved over the years from affirmative action based on racial statistics and quotas to diversity as a business necessity, to inclusiveness of people with varying backgrounds, to the current focus on working environment to foster different opinions and allow teams to excel. Increasingly, both the global nature of businesses and generational gaps in workplaces are also bringing new dimensions in this conversation. Diversity has evolved from a moral and legal obligation in the U.S. workplace to an imperative for businesses to excel in today's global environment.

From the employer perspective, it is fundamental to recognize that in order to treat some persons equally, one must treat them differently. One telling illustration is the different views on diversity for the Millennial Generation. They view diversity as the blending of different backgrounds, experiences, and perspectives within a team. They also use the word to describe the combination of these unique traits to overcome challenges and achieve business goals (Hunt et al., 2018). Millennials view diversity as a necessary element for innovation and are 71% more likely to focus on teamwork (Hunt et al., 2018). Leadership at an organization needs to be transparent, communicative, and engaging. Extant literature (Cho et al., 2017; Hunt, et al., 2018; Hurst, et al., 2017; Kundu

& Mor, 2017) supports the need for reinvestment in how organizations go about hiring, developing and advancing employees, creating a roadmap for upward advancement, clearly defining triggers for advancement, and encouraging everyone's growth within the organization.

Theme 1.1: Selection Criteria

The early stage of recruitment is selection. The data analysis revealed that the selection process followed an ethically and legally sound approach; the applicant's resume is cross-checked to ascertain if the minimum requirements for the selection are met. Upon completion, the list of the selected candidates is forwarded to the HM for interviewing selection approval. Unfortunately, a loophole in the system (and available literature) was exposed here. The HM has the sole responsibility of consent; the recruiters and HR actively involved in the screening exercise can only make suggestions to the HM. Thus, the HM sometimes rejected the names forwarded for undisclosed reasons. Cavico and Mujtaba (2017) confirmed this finding on Title VII legislation that disallows recruitment and employment termination based on the color, race, national origin, or sex of applicants together with all the other terms and conditions related to employment. This is represented in the literature. The participants did not mention any of the highlighted factors as the criteria for employment. Race was only used whenever the firms sought to increase their level of staff diversity. However, Lee, et al. (2018) agreed by explicating that the likelihood of organizations committing to holding persons accountable was low.

Theme 1.2: Interviewing: The Ultimate Screening Tool

The consensus among participants was that gender bias, which was deemed to be prevalent, could be managed by ensuring that men and women were members of the interview panel. Diversity and inclusion are topics that all firms could no longer avoid. Organizations that embraced diversity and inclusion were generally better financially and innovatively than the non-diverse firms (Bersin, 2019). Existing literature heavily underscores that interviewers are susceptible to conscious and unconscious bias such as snap judgments, stereotyping, similar-to-me syndrome, negative emphasis, halo/horn effect, and contrast error (Selmi, 2018; Wirts, 2017). However, requiring organizations to equip their managers and recruiters with ethically sound recruitment and hiring practices through annual training has no supporting literature.

Past and present research that solely discuss the awareness of biases do not provide the appropriate resolution or course of action. This represents an identified gap. Consequently, while the consciousness of bias is not the destination, there is wisdom in obtaining a deeper level of awareness that provokes action. Conscious organizational structure and leadership involves being aware of how one is conducting all aspects of business operations, the world within that organization created for employees to perform from, the world around which employees work, and how these all intertwine. These all add up to better coexistence and success for all.

Theme 1.3: Hiring Manager: The Ultimate Decision Maker

The study revealed that bias is a dilemma to HMs; this bias is sometimes implicit or explicit. Explicit discrimination is easier to identify and rectify and implicit biases are

not obvious but subtly influence the HMs and HRPs during recruitment (Selmi, 2018). The participants believed that this bias could be mitigated and managed through required annual implicit bias training and hiring ethics training. The consensus from all participants was that the questions of bias, racial discrimination, educational discrimination, and inequality still existed in company recruitment processes. The results of this study confirmed that some of the identified barriers in extant literature were similar, such as biases present in both the HMs and HRPs. However, a unique factor that participants described, which was not evident in literature, was that making the HM the sole decider of the applicant's progress resulted in their biases being used authoritatively.

Theme 1.4: Managing HR and HM Bias

The HM sometimes rejected the names forwarded for undisclosed reasons. The analysis further revealed the lack of diversity amongst the employees of the firms, and confirmed the presence of bias in the recruitment process; this was particularly true since only a handful of organizations had been able to eliminate the perceptual bias that existed during the hiring process. This finding is substantiated by Nelson et al. (2019). Inherent bias affects how leaders hire, manage people, and make decisions (Means, 2016; Selmi, 2018; Walter et al., 2017; Wirts, 2017), as widely evidenced in the literature. More specifically, recognizing the patterns of one's own behavior, being more aware of one's own biases, and developing plans that make the most of the talents and abilities of the team members are important behaviors that need to be fostered, and exist in today's work environment (Walter et al., 2017).

Leaders need to have a conscious reflection of their own weaknesses, which often manifest as unconscious biases. This is most challenging because solicitation of honest feedback on one's own biases and weaknesses, however transformational it could be, is not easy. Inclusive leaders need to maintain an objective and healthy perspective by tapping into a wide range of different viewpoints. Informal network is a powerful advantage for many who share the same perspectives, same interests, and same cultural background. Inclusive leaders need to be vigilant about how the decisions are made, who gets heard, and who gets excluded from the informal discussion. This is especially important in the increasingly virtual business world with people working in remote locations, including many on the other side of the world.

Theme 1.5: Internet and the Application Process

Generally, all participants were optimistic that with concerted effort, time, organizational support, and financial resources, the noninnovative recruitment process could be improved. This extended the general projection as highlighted in the literature review. Zielinski (2017) and Kim (2017) believed that major recruitment processes would become virtual, and so would technologies such as using face recognition and other innovation tools. Normally, the world of HR included the comings and goings of potential and new recruits and collaborating with managers firefighting employee issues. A great deal of extant literature corroborates that talent acquisition and retention are not easy. The results of this study extended those ideologies.

The findings revealed that prior to the pandemic, HR colleagues would spend hours organizing the interview process, scheduling phone, and in-person interviews.

However, in 2020, as COVID-19 affected the world, HR roles changed. With in-person interviews seemingly a thing of the past, HR colleagues have had to come up with innovative ways to ensure companies continued to hire the right people for the right jobs, from understanding how to use video channels to perform interviews, through to innovative remote testing.

Consequently, HMs have had to remain flexible with HR staff and open to exchanged interview times due to call conflicts, offer to be interrupted, or reschedule meetings with current staff when needed. Additionally, leaders have had to manage staff issues remotely, away from the office. All have adapted, and despite the challenges of the ongoing pandemic, most organizations have moved to digital spaces such as Zoom or Microsoft Teams. The world is nearly a year on from the pandemic; hopefully, the worst is over. It is important for organizations to learn from the streamlined approach and support those changes that have resulted in equity and efficiency.

Theme 1.6: Handling Discrimination and Bias

Recruiters are trained to adhere to nondiscriminatory practices and ensure everyone has an equal opportunity; however, the findings of the study revealed that frequently they were asked to hire a specific demographic. Those two concepts were incongruent, and HMs defaulted on what they were used to having as the best talent because it was comfortable. The respondents concurred that names, addresses, race, and other factors that might cause bias should be removed from the interviewee packet. This completely challenged the existing literature, as many companies have their own hiring principles, which are often somewhat abstract and generic. If people cannot

internalize them and connect with them in their daily decision-making, the hiring policies would not be effective. According to Cavico and Mujtaba (2017), there is a legislation that prevents hiring and firing based on color, race, national origin, or sex. The developed theme showed that the recruiters obeyed this legislation effectively by deliberately ensuring that addresses, race, color, and national origin were removed from the job application forms.

The primary exploration of this theme revolved around points of interest, such as compiling an inclusive hiring panel in a way that ensured that the quieter voices had their moment. The theme also revolved around showing managers and recruiters what voices were missing at the hiring table, and the demographic that would be representative of the best mix of possible candidates to ensure the best outcomes.

The study revealed that supporting organizations should have a diversity dashboard that provides leaders with regular data on the promotion rate, hiring information, and the recruiter. With this data, organizations could move from awareness to action, and conceivably avoid agitation and uncomfortable dialog that questioned who, why, and how hiring, promotion, and other company decisions were made. Furthermore, upon discovery, recruiters, HR personnel and HMs were expected to admit their error (e.g., hiring only men, promoting only in a certain way, etc.). The literature remains absent of relevant consideration that supports organizations tracking or auditing hiring trends, and also very limited information exists on specific actions organizations can execute to remedy the disparate hiring practices treatment among minority groups.

Theme 1.7: Interview Safeguarding Principles

This study revealed that a certain level of equality and consistency was achieved through the use of standardized selection protocol and standardized interviewing methods, which was somewhat alluded to in the extant literature. However, the incidental, non-scripted, or non-vetted questions of bias, racial discrimination, educational discrimination, and inequality were confirmed by participants to still linger in company hiring processes, but the acknowledgment of this dilemma was principally absent from a vast majority of research. These principles were designed to ensure that the recruiters are up to date with the ethics of recruitment, as indicated by Cavico and Mujtaba (2017).

Several respondents realized the small yet significant changes they could make that would improve equity and the value of more of a blind screening/assessment of knowledge, skills, and abilities. From an employee perspective, they all want to be treated fairly and respectfully, have equal access to opportunities and resources, and contribute fully to the organization's success. Staff want to feel included, which comes when employers (at any level) take conscious action to hire, work with, coach, guide, develop, relate, promote, and retain employees who represent a wide variety of diversity. In the end, diversity is not just about skin color, gender, or preferences but rather the unique contributions each individual can bring to the organization in today's dynamic global economy. Countless studies present Diversity and Inclusion as a program or a policy, which it is not. Organizations continue to think about diversity and inclusion as typically involving goals and numbers, or compliance and audits. Subsequently, the

human aspect is left out. Conversely, diversity is about bringing humanity into the conversation and about belonging.

Theme 1.8: Improving the Recruitment Process

Organizations should use external recruitment agencies for recruitments; job postings should be forwarded to other regions to improve diversity. Despite this revelation, the represented firms in this survey still struggled with diversity and inclusion. This was mainly because of the recruiters' and HM's bias, and the low reach of the job listings. Lastly, but notably, HRP respondents strongly suggested that job listings should also be sent to outside communities to promote diversity and inclusion.

The analysis revealed the lack of diversity amongst the employees of the firms, and they confirmed the presence of bias in the recruitment process. This was particularly true since only a handful of organizations have been able to eliminate the perceptual bias that exists during the hiring process (Nelson et al., 2019). Additionally, Nelson et al. posited that firms could ensure equity in the process by using a standardized interview setting where all the same set of questions were presented to all the interviewees vying for a particular position, which extant literature portrayed but did not unequivocally advocate doing so. Gender bias was managed by ensuring that men and women were members of the interview panel.

Diversity and inclusion are topics that all firms can no longer avoid. Organizations that embraced diversity and inclusion were generally better financially and innovatively than the non-diverse firm (Bersin, 2019). Despite this revelation, the represented firms in this survey still struggled with diversity and inclusion. This was

mainly because of the recruiters' and HM's bias, and the low reach of the job listings. Consequently, organizations are encouraged to equip their managers and recruiters with ethically sound recruitment practices through training and seminars. The job listings should also be sent to outside communities to promote diversity and inclusion.

The analysis revealed that the HMs constantly faced the dilemma of bias; this bias was sometimes implicit or explicit. Explicit discrimination is easier to identify and rectify. Implicit bias is not obvious but subtly influences the HMs and HRPs during recruitment (Selmi, 2018). This bias is believed to be readily mitigated and managed through implicit bias training and hiring, and recruitment ethics training.

Limitations of the study

This study was phenomenological and based on the concept of SI principle. Consequently, the limitations of phenomenology and the SI principle apply to this study. Rahman (2017) explained that phenomenological studies are limited by their method of sampling. A phenomenological study uses non-random purposive sampling, and because its sole aim is to interpret the experience of the participants, it oftentimes omits the contextual sensitivity of the phenomenon and focuses entirely on the experiences of the participants. Therefore, while I ensured that the experience of the participants was adequately covered and interpreted, there is the possibility of contextual sensitivity omittance. The second limitation of this lay in its acceptance by policymakers. Policymakers give less credibility to qualitative studies. Lastly, generalization was difficult because of the small sample size. The primary end of this study lay in its general

applicability; however, the research is only relevant to Northern California because the sample population was from this region.

Recommendations

The literature review section highlighted SI as the conceptualization that was solely employed in this research to improve the lives of the marginalized and excluded groups in society. The study revealed that bias, racial discrimination, and a certain level of autocratic leadership existed in the recruitment process. Consequently, this study recommends that organizations should invest heavily in hiring ethics and implicit bias training for their managers. The names, addresses, race, and other factors that may cause bias should be removed from the interviewee packet. Organizations should seek to audit their recruitment process using external auditing firms.

Additionally, organizations should use external recruitment agencies for recruitment; job postings should be forwarded to other regions to improve diversity. Individuals should always seek redress in court whenever they face discrimination/inequality in the recruitment process. Organizations should implement modern interview methods that transcend physical boundaries.

Implications of the Study

The study's implications revolved around applicants' ability to demand equality whenever they sensed that the recruitment process was discriminating against their race, gender, and sexual orientation. As highlighted in the literature review section, American law permits job applicants to seek redress in court whenever they felt like the process was unjust. However, due to applicants' ability to seek redress in court revealed in this study,

companies should definitely shift their focus to ensure that ethically and legally sound recruitment principles are adhered to by these firms, a court case is generally not good for their public image.

The former part of this study revealed that extremely diversified firms had significantly higher cash flows than non-diversified firms. It is believed that this revelation will encourage organizations to implement measures (stated in this study) to attract diverse groups. Some of these measures include headhunting required demography on LinkedIn, distribution of job listings to universities, non-governmental organizations, and physically distant communities (this can be simplified using the internet).

Conclusion

When it comes to individual weaknesses, there tends to be blind spots. The willingness to look at oneself through the eyes of others would help glean invaluable insight into how emotions and communication style affects other people. It is especially important in today's global economy, facing very diverse cultures and varied business environment. It is critical to understand how individual bias manifests within teams, the daily operations and processes, and leadership styles. While conventional diversity, equity, and inclusion initiatives focus on employee engagement and belonging, today's challenges reach far beyond marginalization in the workplace. Organizations must take meaningful action to offer physical and psychological safety, while retaining the power and platform to lead and require change.

Inclusive behaviors start happening when organizational leaders are coached on how to lean into looking to *culture add* not *culture fit*, opening up the space for

differences, looking for the add, not the same; that is, inclusion. When one has that sense of belonging, is part of a community, and can uniquely present themselves and their contributions, then, the power of diversity and inclusion is unlocked. Belonging is a human need; it is genetically wired in each person. People are compelled to belong and in a unique way. Therefore, belonging is an inherent need and navigating this gracefully at work is imperative.

Most companies take diversity as not just a necessity but arguably a competitive advantage. For most businesses, diversity and inclusion are not only accepted but embraced and celebrated. However, there are often biases ingrained in systems that may not be intentional or obvious. Diversity is still an uncomfortable topic for an open discussion for many managers and leaders. It is important to understand how bias manifests within hiring teams, leadership styles, and organizations overall. Inclusive organizations need to maintain an objective and healthy perspective by tapping into a wide range of different viewpoints and being vigilant about how the decisions are made, who gets heard, and who gets excluded. Natural biases exist; however, having an open mind, stepping back, and challenging the basic assumptions, and subsequently removing them are still warranted and necessary.

Diversity is all the elements that make one unique, the seen and unseen, how one shows up, those aspects that cannot be separated when the candidate walks into a door; that is the diversity. The inclusion part is the action of creating fairness. It is the act of objectively hiring and demonstrating fair practices at work. Inclusion is the attempt to welcome and acknowledge what makes people diverse, and make the workplace a

welcoming and fair environment, creating opportunities across every moment that matters. The study demonstrated that organizations still need to put in more effort into ensuring inclusion exists and is embedded in the workplace for all employees.

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Appendix A: Title VII Checklist from EEOC

- Ensuring that all employees involved in recruitment, hiring and promotion decisions understand their responsibilities may help prevent discrimination.
- Explain your recruitment, hiring and promotion policies and practices to employees involved in making these decisions, including employees who accept applications.
- Ensure that recruitment, hiring and promotion decisions are not based on race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability, age (40 or older) or genetic information (including family medical history). However, in limited circumstances, you may consider an applicant's sex, religion, age or disability when making hiring decisions.
- These rules can be complicated. Human resource practitioners may want to consult a lawyer or contact the EEOC for assistance.
- Screen applications consistently. Apply the same standards to everyone applying for the same position.
- Accommodate applicants who need assistance because of their medical condition or religious beliefs, if required by law. For example, human resource practitioners may need to help a person with carpal tunnel syndrome fill out an application, or you may need to reschedule an interview originally scheduled for a religious holiday if the applicant's religious beliefs prevent her from working on that day.

- If hiring practices are used (for example, tests or background checks) that have an especially negative effect on applicants of a particular race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, disability status or age (40 or older), ensure that can justify the practice under the law.
- When interviewing applicants, keep in mind that there are certain questions that recruiters cannot or should not ask.
- Retain applications and any interview notes for at least one year (EEOC, 2019a).

Appendix B: Significant functions and features of IBM Watson Recruitment

Function/Feature	Description
Prioritization	<p>Watson Recruitment helps recruiters prioritize open requisitions using AI-powered insights. By analyzing historical data on each requisition's complexity, skill requirements, and duration to fill certain jobs, it provides an assessment of which roles will be more difficult to fill and why. This helps recruiters allocate their time more efficiently and helps recruiting managers allocate open requisitions better across more- and less-experienced, or specialized, in-house and external recruiters.</p>
Recruiting process enhancement	<p>Watson enhances the recruiting process by:</p> <ul style="list-style-type: none"> • Understanding: what makes a candidate successful for the job. It points out those unique attributes for every recommended candidate. • Reasoning: performs unbiased and holistic screening, providing a set of recommended candidates.
Prediction of application progress	<p>Watson Recruitment predicts application progress for a given requisition, enabling recruiters to use data</p>

Function/Feature	Description
Candidate match scoring	<p>and insights for workload prioritization. Using IBM Watson Talent Frameworks and historical job application data, it analyzes the complexity of a job based on skills, location, seniority, etc. Current data about inflow of candidates from existing Application Tracking Systems helps calculate an estimated time to fill, as well as duration of the progress. Together, based on job complexity and progress, these insights help recruiters make decisions about the priority of a given job requisition.</p> <p>Watson Recruitment compares attributes found on candidate resumes against the attributes found on the job role, thereby assigning a score. It leverages IBM Watson Talent Frameworks for skills, parses unstructured data, and leverages AI to further analyze soft traits. Watson Recruitment allows ranking of active job applicants on requisitions, with the ability to post scores to an existing applicant tracking system. It automatically</p>

Function/Feature	Description
	surfaces the right candidates — and how they compare against each other — for any job requisition.
Candidate success score	Watson Recruitment analyzes historical data on previous hires and indicates whether that person was considered to be a success. Using AI, it creates a Success Profile from over 50 influences including Match Score. This Success Profile is used to score applicants based on their predicted success using objective, unbiased historical data.
Candidate success tier	Watson Recruitment further refines the analysis by determining the success score that maximizes the number of candidates in each tier based on a target accuracy. This allows HR to focus on tier 1 applicants with confidence, and to determine and weed out tier 3 applicants who are not predicted to be successful.
Social listening	Watson Recruitment processes Twitter feeds, leveraging Watson Discovery API, for sentiment analysis of news. It also

Function/Feature	Description
	<p>shows data from Glassdoor, providing recruiters a window into relevant social conversations about the organization. These insights show employee and market feedback of the company and its designated competitors. By empowering recruiters with industry news and events that affect employment branding, they are enabled to identify and attract the right talent for the organization as well as guide effective conversations with candidates.</p>
Adverse impact analysis	<p>Watson Recruitment's Adverse Impact Analysis identifies whether unconscious bias is present in the hiring process and helps takes action to eliminate it. Once adverse impact is identified, elimination can be accomplished in multiple ways:</p> <ul style="list-style-type: none"> • Identify and remove items that are contributing to adverse impact • Change the success model to correct the adverse impact - whether a result of historical adverse impact or biased

Function/Feature	Description
Talent acquisition	<hr/> <p data-bbox="672 323 870 357">hiring practices</p> <ul data-bbox="672 394 1300 506" style="list-style-type: none"><li data-bbox="672 394 1300 506">• Introduce specific items to drive positive hiring practices <p data-bbox="672 541 1414 940">With IBM Watson Recruitment, recruiters can more confidently build a pipeline of candidates best suited for the organization and place the candidates in jobs that match their skills, experience, and expertise. The benefits to the organization include:</p> <ul data-bbox="672 978 1414 1745" style="list-style-type: none"><li data-bbox="672 978 1414 1163">• Improved recruitment efficiency, with focused efforts so that high-priority requisitions are immediately recognized and acted upon.<li data-bbox="672 1201 1414 1386">• Minimized complexity in candidate screening, with a data-driven approach enabling faster and more informed hiring decisions.<li data-bbox="672 1423 1414 1528">• Diverse and inclusive hiring practices, free from bias and adverse impact.<li data-bbox="672 1566 1414 1745">• Increased productivity across hires that are retained longer, saving search and replacement costs. <hr/>

Function/Feature	Description
	<ul style="list-style-type: none">• Informed HR professionals, with insight into employee sentiments through social listening, and ability to drive better conversations with candidates.

Source: Adapted from IBM Watson Recruitment data sheet (2019) at <https://www.ibm.com/downloads/cas/1AKXPKVV>

Appendix C: Wheeler's Guide to Ethical Decision Making in Recruiting

1. *Start by following the law.* At the base of any action there has to be a legal foundation. However, many recruiting issues are far removed from the law. Some issues are in the gray area of the law that, while not absolutely illegal, are ambiguous. In those cases, the remaining steps in these guidelines can help.
2. *Recruiters should learn everything possible about the situation and place themselves in the shoes of all the stakeholders.* What will the recruiter's action do to each of them? Recruiters should ask themselves what each person has at stake in the process.
3. *List and then evaluate the most likely courses of action.* There will most likely be two or more possible ways recruiters could act and choosing the right one is often not easy. The following questions can help guide the decision-making process:
 - Which action will cause more good than harm to all the stakeholders?
 - Which action treats everyone with dignity and respect and upholds the candidate's rights?
 - Which is fair and satisfies your duties?
 - Which is best for the organization as a whole?
 - Which decision will best advance the values of your organization?
4. *Decide and test.* Whose interests is the recruiter satisfying and why? Does the recruiter's reasoning stand up? Always talk over an ethical decision with another trusted individual the recruiter can confide in. Recruiters should ask themselves

what would happen if the decision became the universal one and everyone else were doing it. Would someone be hurt by the decision? Would someone who was hurt by the decision at least understand the supporting rationale? Recruiters can even think through how they would explain and justify their decision to someone close to them such as a spouse or mother or father. Would they understand and agree with the decision?

5. *Finally, make the decision, act and then follow up on the decision.* Recruiters should ask themselves after the decision is made whether or not the result was what was expected. Recruiters should ask themselves how others reacted to the decision and whether all the stakeholders felt the decision was good (adapted at para. 7).

Appendix D: Research and Interview Questions

RQ1: What are the experiences of HR recruiters/personnel regarding consistency among managers in following ethically and legally sound hiring practices?

RQ2: What role do organizational leaders and HR recruiters/personnel play in ensuring that proper hiring interview and selection protocols are followed within an organization?

Interview Questions:

Based on the foregoing question, the lived experiences of the interviewees'''' will be examined using the representative interview questions listed below.

1. Please describe what you do.
2. What happens once applicants have been identified by recruitment as viable candidates? Can you walk me through that process?
3. What efforts, if any, has your organization made to improve the hiring process?
4. What factors trigger performance improvement efforts and how does your organization recognize problems or opportunities to improve these practices?
5. What procedures and processes have required resolution during the hiring process at your organization?
6. Once the list of candidates' names is provided to the hiring managers; how are the selections made.
7. Has the current recruiting and hiring process always been in place or have changes been made to improve it? If so, please describe them.
8. What has been your experience with hiring managers not following employee selection protocols?

9. What has been your experience with successfully defending alleged hiring discrimination?

Appendix E: NVivo Query Themes and Corresponding Codes

Themes/codes	References
Handling discrimination and bias	0
Demography based issues is predominant	1
Defending discrimination is impossible w/o proper documentation	2
Removing elements of bias	0
Add applicants summary	1
Address	1
Graduation date	1
Long work history	1
Discrimination can be contested in court	1
Ethical considerations	0
Assessment should be based on experience	1
Ethical training to eliminate bias	1
Job advert must be made to reach all demographic	1
Other considerations	4
Appearance	1
Politeness	1
Professionalism	1
Punctuality	1
Hiring manager is the ultimate decision maker	0
Hiring managers do not hire based on recommendation from HR	1
Improving the recruitment process	0
Name Bias	1
Name should not be revealed	1
Auditing of the hiring dept.	1
Regular equity review to eliminate remuneration bias	1
The customers should be considered during recruitment	1
The culture of communities must be considered	1
Meet and greet would be beneficial	1
Nepotism is prevalent	1
Increases workload	1
They are trained on how to handle the interviews	1
zoom interviews does reveal body gestures	1
Job postings targeted/specific demographics to encourage diversity	1
Racial bias is inevitable	2
HR professional should supervise hiring process	1
The most qualified people are not applying	1
Recruitment specialists are needed	1
Hiring process is too long	2
Inconsistent scoring process	1
More incentives for referrals	1
Adoption of modern interview methods	0
Performance job description over skill and experience	1
Job postings must be well defined	1
Internet simplified complexity of job listing/application processing	0

Online assessment test	1
Online application reducing scheduling/interview selection time	1
Online application impedes ability to vet applicants before interview	1
Pre-screening reduces waiting time	1
Interview is the ultimate screening tool	0
Panel interviews	0
Interview Panels	1
3 panels	1
An HR personnel is always present	1
The higher the position, the higher the number of panels	0
Two senior staffs and recruitment director	1
Interview questions	0
Interview questions are not standardized	1
Use of standardized interview questions	5
Hard skills are fundamental	1
Interview questions are prepared by the corporate office	1
Off scripting is allowed	2
Question are related to job requisition	2
Questions probe applicant's personality	2
Questions quiz their soft and hard skills	1
Use of scenario based questions	1
Interview grading system	0
Standardized interview ranking system is not used	1
The best responses is based on the unanimous decision of the panel	1
Standardized interview grading system is used	1
Experience	1
Grading without numbers	2
Preference is given based on schools attended	1
Preparedness	1
Ranking from 0 to 4	1
Salary	1
Skill	1

Sometimes lenient	1
Interview scheduling	1
Screening comes before interviews	1
Interview screening is completely based on applicants availability	1
12 interview questions	0
The interview notes are handed to the hiring manager	1
The interviewers have no say in the recruitment	1
Selection after interview is based on a formal discussion	1
Two level of interviews	0
First interview with the manager and second with the director	2
Phone interview before person to person interview	2
Resume screening is based on education and Experience	1
The interviewee with the highest score gets the job	1

Interviewees are prepared for inappropriate questions	1
Managing HR and HM bias	0
Years of experience	36
Presence of nepotism and discrimination in the process	1
Nepotism is prevalent	3
Increases workload	1
They are trained on how to handle the interviews	1
Intimidation and racial bias	1
Managers boot camp training is extremely beneficial	1
Corporate organization offers training	2
Discrimination against competence is impossible	1
No form bias training	0
Safeguarding principles	0
An unchanging archaic process	1
No innovation	1
Eliminating hiring bias	0
hiring ethics class	1
Implicit bias	1
Impact of the pandemic	0
Online interviews	1
Recent system upgrade	1
Making the interviewee comfortable	1
Proper documentation of applicants	3
Refusal to work with employers that discriminate	1
The culture of the employer must match that of the employee	1
The firms developed a streamlined process	1
Use of open ended questions to ascertain level of passion	1
Selection criteria	0
Applicants must be within the locality	0
Applicants must meet minimum requirements for considerations	1
Applications are submitted online	1
Basic drug test before selection	2

Checking candidates social media records	1
The hiring manager confirms interviews	1
Use of recruitment grid	4
Completely based on resume	5
Education	1
Years of experience	1
Use of recruitment grid	2
Completely based on resume	1
Education	5
Skill set	1
Years of experience	1
Resume screening is completely based on job requisition	2
The hiring manager confirms interviews	1

Interviewees are prepared for inappropriate questions	1
Managing HR and HM bias	0
Years of experience	36
Presence of nepotism and discrimination in the process	1
Nepotism is prevalent	3
Increases workload	1
They are trained on how to handle the interviews	1
Intimidation and racial bias	1
Managers boot camp training is extremely beneficial	1
Corporate organization offers training	2
Discrimination against competence is impossible	1
No form bias training	0
Safeguarding principles	0
An unchanging archaic process	1
No innovation	1
Eliminating hiring bias	0
hiring ethics class	1
Implicit bias	1
Impact of the pandemic	0
Online interviews	1
Recent system upgrade	1
Making the interviewee comfortable	1
Proper documentation of applicants	3
Refusal to work with employers that discriminate	1
The culture of the employer must match that of the employee	1
The firms developed a streamlined process	1
Use of open ended questions to ascertain level of passion	1
Selection criteria	0
Applicants must be within the locality	0
Applicants must meet minimum requirements for considerations	1
Applications are submitted online	1

Basic drug test before selection	2
Checking candidates social media records	1
The hiring manager confirms interviews	1
Use of recruitment grid	4
Completely based on resume	5
Education	1
Years of experience	1
Use of recruitment grid	2
Completely based on resume	1
Education	5
Skill set	1
Years of experience	1
Resume screening is completely based on job requisition	2
The hiring manager confirms interviews	1

Checking candidates social media records	1
The selection process prioritize lived experience	4
Applications are submitted online	1
Basic drug test before selection	1
Applicants must be within the locality	2
The dean must be convinced for recruitment approval	1
Recruitment is through referrals	1
Applicants must meet minimum requirements for considerations	1
Pre screen questions through mail	1
Pre screen questions	1
Behavioral and skill set probing	1