Dear Frustrated,

There are several layers here. First, Title IX provisions dictate that certain guidelines be followed in any hiring that involves federal funding, which is presumably the case here. Although there may be no requirement regarding the size of the applicant and interview pool for a particular job, your institution is at risk if its statistics on overall hiring are deficient in this respect. Thus the tension you have encountered with your Human Resources department is quite typical. Not only are they under a statutory obligation to meet Title IX requirements (in the aggregate of all employment), but they may also have other mandates from the institution’s leadership.

Second, there is the important point of “search depth.” You may think your preferred candidate is the best, but you do not really know that, in a rigorous quantitative sense, without posting the job and seeing what comes. That is the essence of the word “affirmative in “affirmative action.” It means you affirm the hypothesis that there may be an incredible person somewhere out there, even more talented than your envisioned candidate. And the term “active” in “affirmative action” means that you and/or your institution will make an active effort to identify qualified minority candidates. Of course, such a candidate can only come forward if you properly disseminate the search notice.

Labby can’t advise on any specific employment-related matters but hopes you will take these ideas to heart.

—Labby