

## Chapter 3 - General Institution

### AP 3420 Equal Employment Opportunity

#### References:

Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq. and Sections 59320 et seq.

The Equal Employment Opportunity (EEO) Plan is a written plan that is public record implementing the College's EEO Program per Title 5 and addresses the following:

- The College EEO Plan and appropriate revisions are submitted to the Chancellor's Office of the California Community Colleges for review and approval as required.
- The Chief Human Resources Officer is delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of related procedures;
- The procedure for filing EEO complaints and the person with whom such complaints are to be filed;
- A process for notifying all College employees of the provisions of the plan and the policy statement required;
- A process for ensuring that College employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of State and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the College's plan and any request for assistance from such organizations in identifying qualified applicants for openings within the College;
- An analysis of the number of persons from "monitored groups," as defined by Title 5 Section 53001(i), who are employed in the College's work force and those who have applied for employment in each of the job categories listed below;
- An analysis of the degree to which underrepresented groups in comparison to the numbers of persons from such groups whom the Chancellor's Office of the California Community Colleges determines to be available and qualified to perform the work required for each such job category and whether or not the under-representation is significant;
- The steps the College will take to promote diversity in its workforce;
- Methods for addressing any discrimination that is detected in the College's hiring practices, and;

- Additional steps to address any significant under-representation of groups identified in the plan.

All managers and supervisors shall be given copies of the plan when revised and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees. Statements of nondiscrimination shall be posted at locations where applications for employment are distributed. Such plans shall be reviewed regularly and, if necessary, revised and submitted to the Chancellor's Office of the California Community Colleges for approval.

The College shall make a continuous good faith effort to comply with the requirements of the plan.

### Annual Evaluation

The College will conduct and disseminate an annual survey of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses. The annual report requested by the Chancellor's Office of the California Community Colleges shall be submitted regarding the results of its annual survey of employees. The report shall identify each employee as belonging to one of the following seven job categories:

- executive/administrative/managerial
- faculty and other instructional staff
- professional non-faculty
- secretarial/clerical
- technical and paraprofessional
- skilled crafts; and
- service and maintenance.

The annual evaluation provides an opportunity for each employee to identify his or her gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he or she identifies. However, the person may only be counted in one group for reporting purposes.

If the College determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the College shall consider tabling the following actions:

- review its outreach and recruitment procedures;
- review the minimum requirements of the position;
- consult with counsel to determine whether there are additional measures that may be undertaken that are required and/or permitted by law; and/or
- consider various other means of reducing the under representation.

### EEO Advisory Committee

The College shall establish and maintain an EEO Advisory Committee which shall include a diverse membership.

The responsibilities of the committee shall include, but not be limited to, the following:

- review, monitor, and provide input for changes and updates to the College's annual EEO Report and the College's EEO Plan;
- receive and review reports related to recruitment efforts and other aspects of the hiring, retention, and promotion processes that impact the College's ability to attract and retain a diverse faculty and staff;
- provide input and advice regarding the College's obligation to hire faculty, managers, and staff with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- promote hiring of faculty who have graduated from a community college;
- communicate with College departments to foster understanding of the Plan and Complaint Procedure (as cited in AP 3435);
- advise the College President/CEO regarding special training or staff development needs; and
- review and approve the annual written report to the College President/CEO, the Board of Trustees, and the Chancellor's Office for the California Community Colleges.

### Employment Procedures

#### Job Analysis and Validation

The Chief Human Resources Officer shall assure that a proper job analysis is performed for every job filled by the College to determine and validate the knowledge, skills, abilities, and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

#### Job Description

Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

## Recruitment for Employment Vacancies

- Recruitment shall be conducted actively within and outside the College work force. Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances. Recruitment efforts will utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, are provided the opportunity to seek employment with the College. Recruitment timelines will provide for a minimum of ten work days to ensure an open recruitment process.
- All outreach and recruitment efforts will be based on the requirement to communicate to diverse communities the open and equitable access to apply for open positions. The requirements of the open positions will be clearly stated in all postings and will be in alignment with the approved job descriptions.
- All job announcements shall contain this statement:
- “The College is an equal opportunity employer. The policy of the College is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (gender), age, sexual orientation, or the perception that a person has one or more of these characteristics.”

## Applicant Pools

The application for employment shall afford each applicant an opportunity to identify himself or herself voluntarily as to gender, ethnicity and, if applicable, his or her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed and prior to the initial meeting of the screening committee, the initial applicant pool shall be analyzed to determine whether the projected representation has been achieved for underrepresented groups. If these projections have not been met, the College shall immediately determine whether the failure to meet the projected representation of underrepresented groups in the initial pool was due to discriminatory practices or administrative omissions. If not, the hiring process may continue to the next level. If, however, the College determines that discriminatory practices or administrative omissions caused the under representation, the College shall immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

## Screening and Selection

Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity and fair employment laws. Procedures must address:

- The establishment of a diverse and representative screening committee which shall be chaired by a manager or other full-time employee who has been trained in EEO laws, policies, and procedures.

- The specific composition of screening committees will be based on the classification of the position: part-time or full-time classified staff; part-time or full-time faculty; part-time or full-time management.
- Every screening and selection committee must include an individual trained to monitor conformance with EEO requirements. This role may be delegated to the chair of the committee.
- The Chief Human Resources Officer assures that the screening and selection process conforms to accepted principles and practices, including the preparation of job related questions in advance; the maintenance of records of screening records and rating scales, which shall be signed and kept on file; maintenance of notes related to the screening criteria, and the reasons candidates were not selected for an interview and/or reasons candidates were not forwarded for a final interview.
- Selection must be based on the established criteria for the position.

#### Delegation of Authority – EEO Officer

The EEO Officer is charged with overseeing the day-to-day implementation of the EEO Plan and compliance with EEO laws and regulations. The EEO Officer is responsible for overseeing the EEO Complaint Procedure. If the EEO Officer is named in the complaint, the College President/CEO will appoint another designee or employ an outside investigator to serve in this capacity.

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