

DATE: September 11, 2019

ATTACHMENT

SUBJECT: Equal Employment Opportunity Plan

Equal Employment Opportunity Plan

I. INTRODUCTION

The current version of the Mt. San Antonio Community College District Equal Employment Opportunity Plan (Plan) was adopted by the Board of Trustees on May 8, 2019. The EEO plan reflects the District's commitment to equal employment opportunity and outlines the steps the District will employ to ensure non-discriminatory employment practices and the elimination of bias in hiring.

The EEO plan's immediate focus provides equal employment opportunity in recruitment, hiring policies, and practices pursuant to the applicable Title 5 regulations (Section 53000 et. seq.), and which reflect the District's programmatic commitment to diversity. The EEO plan includes the requirements for a variety of steps including complaint procedures for noncompliance with the Title 5 provisions relating to equal employment opportunity programs; complaint procedures in instances of unlawful discrimination; the establishment of a Campus Equity and Diversity Committee; methods to support equal employment opportunity; review processes to modify and/or encourage diversity education and allied programs; and procedures for dissemination of the EEO plan.

To properly serve a growing diverse population, the District will endeavor to hire and retain faculty and staff who are sensitive to, and knowledgeable of, the value of diversity and equity in the workplace and in the District's academic and vocational programs.

II. DEFINITIONS

Adverse Impact: A statistical measure (such as those outlined in the EEO Commission's *Uniform Guidelines on Employee Selection Procedures*) is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group protected from discrimination pursuant to Government Code 12940. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.

Board of Governors: The California Community College Board of Governors sets policy and provides guidance for the 72 districts and 112 colleges that constitute the system.

Chancellor's Office: California Community Colleges Chancellor's Office oversees matters pertaining to the Board of Governors, Consultation Council, the annual budget and legislative process, and communications to the general public and media.

Diversity: A condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence and the respectful treatment of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability, and socio-economic backgrounds.

Equal Employment Opportunity: All qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels in the seven job categories that include executive/administrative/managerial, faculty and other instructional staff, professional non-faculty, secretarial/clerical, technical and paraprofessional, skilled crafts, service, and maintenance. Equal employment opportunity also involves:

1. identifying and eliminating barriers to employment that are not job related; and
2. creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to all persons, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination pursuant to Government Code Section 12940.

Equal Employment Opportunity Plan: A written document in which a district's workforce is analyzed, and specific plans and procedures are set forth for ensuring equal employment opportunity.

Equal Employment Opportunity Programs: The various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring, and taking additional steps consistent with the requirements of Title 5, Section 53006.

EEO Representatives: District employees are trained by Human Resources to assist screening and selection committees in ensuring that all applicants receive fair and equitable treatment and to advise on matters related to compliance with Title 5 EEO Regulations. EEO Representatives provide guidelines and instructions regarding equal employment opportunity, and they attend meetings of the screening and selection committee to ensure that equal employment opportunity principles are applied at each step in the screening and selection processes. EEO Representatives should be individuals who will most likely be viewed by all committee members and applicants as neutral, free of personal motivations and conflicts of interests, and reasonably free from influence in relation to the particular vacant position. EEO Representatives are non-voting members of the Screening and Selection Committees and are appointed by Human Resources. EEO Representatives shall not be under the supervision of the area administrator or committee chair.

Ethnic Group Identification: An individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to Title 5, Section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

Voluntary Lateral Transfers: Only existing district employees are allowed to apply for a position.

Job-Related Measure: Measures used during the screening and selection process to assess individual applicant's possession of knowledge, skills, and/or abilities that are:

1. listed on the job posting;
2. directly related to position being filled; and
3. necessary to perform the essential functions of the position being filled.

Job-related measures are used by the Screening and Selection Committee to develop screening and selection criteria and interview questions, and may also be used to develop job-related employment tests/examinations. For example, to measure a potential candidate's abilities to perform a job duty, selection criteria, questions, and an in-person demonstration may be used to assess an applicant's knowledge, skills, and abilities related to the performance of the duty in the job. Criteria related to a prospective candidate's Grade Point Average, specific type of institution from which the candidate received their undergraduate or graduate education, and grades earned in courses that are not related to the subject areas of the work assignment would not be job related and could not be used as part of the screening or selection process.

Monitored Group: Groups identified in Title 5, Section 53004(b), for which monitoring and reporting is required pursuant to Section 53004(a).

Person with a Disability: Any person who:

1. has a physical or mental impairment as defined in Government Code, Section 12926, which limits one or more of such person's major life activities;
2. has a record of such an impairment; or
3. is regarded as having such an impairment.

A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.

III. POLICY STATEMENT

The Mt. San Antonio Community College District is committed to the principles of equal employment opportunity and will implement a comprehensive plan to put those principles into practice. It is the District's policy to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity and are not subjected to discrimination in any program or activity of the District on the basis of ethnic group identification, race, color, national origin, religion, age, gender, gender identity, gender expression, genetic information, disability, ancestry, sexual orientation, marital status, military and veteran status, medical condition, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.¹

The District will strive to achieve a workforce that is welcoming to all persons to ensure the District provides an inclusive educational and employment environment. Such an

¹ California Government Code 12900 - 12996

environment fosters cooperation, acceptance, democracy and free expression of ideas. An *Equal Employment Opportunity Plan* will be maintained and reviewed on regular basis to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

IV. DELEGATION OF RESPONSIBILITY, AUTHORITY, AND COMPLIANCE

It is the goal of the Mt. San Antonio Community College District that all employees promote and support equal employment opportunity because equal employment opportunity requires a commitment and a contribution from every segment of the district. The general responsibilities for the prompt and effective implementation of the EEO plan are set forth below:

A. GOVERNING BOARD

The Board of Trustees is ultimately responsible for oversight and proper implementation of the District's *Plan* at all levels of District operation, and for ensuring equal employment opportunity as described in the EEO plan.

B. PRESIDENT/CEO

The Board of Trustees delegates to the President/CEO the responsibility for ongoing implementation of the EEO plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The President/CEO shall advise the governing board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on *Plan* implementation. The President/CEO shall evaluate the performance of all administrative personnel who report directly to them on their ability to follow and implement the EEO plan.

C. EQUAL EMPLOYMENT OPPORTUNITY OFFICER

The District has designated the Deputy Director, Human Resources, or designee, as its equal employment opportunity officer, who is responsible for the day-to-day implementation of the EEO plan. If the designation of the equal employment opportunity officer changes before the EEO plan is next revised, the District will notify employees and applicants for employment of the new designee. The equal employment opportunity officer is responsible for administering, implementing and monitoring the EEO plan and for assuring compliance with the requirements of Title 5, Sections 53000 et seq. The equal employment opportunity officer is also responsible for receiving complaints described in Section VI of the EEO plan and for ensuring that applicant pools and selection procedures are properly monitored.²

² Section 53026 requires districts to develop a process permitting "any person" to file a complaint alleging that the EEO requirements (Title 5, § 53000 et seq.) have been violated. Complaints that also allege discrimination are to be processed according to the discrimination complaint procedures that commence at section 59300 of Title 5. Title 5 does not require, nor does it prohibit, that the officer who receives section 53026 complaints be the officer who receives section 59300 complaints. In the EEO plan, the same officer receives both *Plan* complaints and discrimination complaints, but that arrangement is not required by the regulations.

D. CAMPUS EQUITY AND DIVERSITY COMMITTEE

The Campus Equity and Diversity Committee will act as an advisory body to the equal employment opportunity officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures.³ The committee assists in the development and implementation of the EEO plan in compliance with state and federal regulations and guidelines, monitors equal employment opportunity progress, and provides suggestions for *Plan* revisions as appropriate.

E. AGENTS OF THE DISTRICT

Any organization or individual acting on behalf of the District with regard to the recruitment and screening of personnel is an agent of the District, and thereby subject to the requirements, stipulations, and provisions of the EEO plan.

F. GOOD FAITH EFFORT

The District shall make a continuous good faith effort to comply with all the requirements of its *Plan*.

V. ADVISORY COMMITTEE

The District has established a Campus Equity and Diversity Committee to assist with the development and implementation of its *Plan*. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention, and diversity. The equal employment opportunity officer shall train the advisory committee on equal employment compliance and the EEO plan itself.

The committee shall receive training in all of the following areas as required in Title 5, Section 53005:

1. The requirements of Section 53005 of Article 1 of Chapter 4 of Division 6 of Title 5 of the California Code of Regulations and of state and federal nondiscrimination laws;
2. Identification and elimination of bias in hiring;
3. The educational benefits of workforce diversity; and
4. The role of the advisory committee in carrying out the District's EEO plan.

The committee shall include a diverse membership, whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District is unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who represent the multiple facets of diversity.

³ Many districts continue to call these advisory committees Diversity Advisory Committees, as they were called in the prior Title 5 language. This is acceptable, although the current Title 5 language refers to them as Equal Employment Opportunity Advisory Committees. The committee name is not critical; the important thing is for the committee to carry out the duties described in section 53005 of Title 5.

The committee will be composed of the following members:

1. Deputy Director, Human Resources (Co-chairperson);
2. Faculty Co-chairperson (Appointed by Academic Senate);
3. Vice President, Human Resources, or designee (ex-officio);
4. Five Faculty (Appointed by Academic Senate);
5. One Faculty Association Representative
6. One Classified Senate Representative
7. Two Classified Representatives* (One appointed by CSEA Chapter 262, and one appointed by CSEA Chapter 651);
8. One Accessibility Resource Centers for Students (ACCESS) (formally Disabled Students Programs & Services) Representative;
9. One Continuing Education Representative;
10. One Management Representative;
11. One Confidential Representative; and
12. One Student Representative (Appointed by Associated Students President).⁴

The committee shall hold a minimum of four (4) meetings per academic year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the committee shall make recommendations to the Board of Trustees, the President/CEO, and the equal employment opportunity officer.

VI. COMPLAINTS

A. Complaints Alleging Violation of the Equal Employment Opportunity Regulations (California Code of Regulations 53026)

The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations⁵ have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation.

Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than one-year after such occurrence unless the complainant can verify a compelling reason for the District to waive the one-year limitation. Complaints alleging violations of the EEO plan that do not involve current hiring processes must be filed as soon as possible after the

⁴ Title 5 does not require any specific composition for the advisory committee. It is recommended that advisory committees include representatives from all constituency groups: Students, faculty, classified staff, and administrators.

⁵ The equal employment opportunity regulations are found in California Code of Regulations, Title 5, Section 53000 et seq.

*Classified Co-Chairperson is voted in by the Committee at the 1st meeting of each Fiscal year for a one (1) year term.

occurrence of an alleged violation and not later than one-year after such occurrence unless the violation is ongoing. A complaint can be filed with the Chancellor's Office; but the complainant will be required to demonstrate that they made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the college and/or district level.

Complaints may be filed with the Deputy Director, Human Resources and/or the Manager of Title IX/EEO Investigations or designee at (909) 274-4225 or online at <http://www.mtsac.edu/discriminationcomplaint>.

If complaints are not resolved at the college/district level, complaints may be presented to the California Community College's Chancellor's Office. For more information visit: <http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>

The District may return without action any complaints that are inadequate because they do not state a clear violation of the EEO regulations. All returned complaints must include a District statement of the reason for returning the complaint without action.

The complaint shall be filed with the District's equal employment opportunity officer or designee. If the complaint involves the equal employment opportunity officer or designee, the complaint may be filed with the President/CEO. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. The equal employment opportunity officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

In the event that a complaint filed under Section 53026 alleges unlawful discrimination, it will be processed according to the requirements of Section 59300 et seq.

B. COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATION OR HARASSMENT (SECTION 59300 ET SEQ.)

The District has established Board Policy (BP) which outlines the prohibition of unlawful discrimination, harassment, retaliation and Administrative Procedures (AP) which set forth a process for the investigation and resolution of complaints by or against any employee, student or third party within the District. The Deputy Director, Human Resources, or designee, is responsible for receiving such complaints and for coordinating their investigation. The Deputy Director, Human Resources may designate an investigator to investigate such complaints. (The District's procedures related to unlawful discrimination and harassment are attached to this Plan)

VII. NOTIFICATION TO DISTRICT EMPLOYEES

The commitment of the Board of Trustees and the President/CEO to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the EEO plan. The policy statement is printed in the Mt. San Antonio College Catalog and Schedule of Classes. The EEO plan and subsequent revisions will be available on the District's website and in print at Human Resources.

VIII. TRAINING FOR SCREENING AND SELECTION COMMITTEE

Any organization or individual serves on a selection and screening committee shall receive appropriate training on the requirements of the Title 5 regulations regarding equal employment opportunity (Section 53003); the requirements of federal and state nondiscrimination laws; the requirements of the District's Equal Employment Opportunity Plan; the District's policies on nondiscrimination, recruitment, and hiring; the educational benefits of a diverse workforce; identification and elimination of bias in hiring decisions; and best practices in serving on a selection or screening committee.

SCREENING AND SELECTION COMMITTEE

Persons serving on a screening and selection committee will be required to participate in an EEO screening and selection committee training session within two calendar years of the appointment on a committee. Individuals who have not received this training will not be allowed to serve on screening and selection committees.

EEO Representatives are required to have received specific training in the role of an EEO Representative within two calendar years of the appointment on a committee. EEO Representatives are required to monitor all phases of the recruitment process, including final interviews. EEO Representatives shall not be under the supervision of the area administrator or committee chair.

Individuals who have not received the EEO screening and selection committee training will not be allowed to serve on a screening and selection committee.

Human Resources is responsible for providing the EEO screening and selection committee training. The Campus Equity and Diversity Committee will conduct periodic reviews of the training programs.

Any organization or individual acting on behalf of the District, with regard to the recruitment and screening of personnel, is an agent of the District, and thereby, subject to the requirements, stipulations, and provisions of this plan.

IX. ANNUAL WRITTEN NOTICE TO COMMUNITY ORGANIZATIONS AND PROFESSIONAL GROUPS

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the EEO plan. The notice will inform these organizations that they may obtain a copy of the EEO plan from the District and will include a summary of the EEO plan; further, the annual notice shall solicit their assistance in identifying a diverse pool of qualified applicants.

The notice will also include the Internet address where the District advertises its employment opportunities and the names, departments and phone numbers of individuals to call in order to obtain employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. The Campus Equity and Diversity Committee shall develop a list of organizations that will receive notice of available employment opportunities with the District.

X. ANALYSIS OF DISTRICT WORKFORCE AND APPLICANT POOLS

Human Resources will annually review the District's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the EEO plan, to provide data needed for the reports required by the EEO plan, and to determine whether any monitored group is underrepresented. Human Resources will provide a workforce analysis to the Campus Equity and Diversity Committee on an annual basis.

For purposes of the data collection and report, all applicants and employees will be afforded the opportunity to voluntarily identify their gender, race/ethnicity, age and, if applicable, accommodations for a disability. The composition of each initial applicant pool is recorded and reviewed by the Deputy Director, Human Resources. Persons may designate as many ethnicities as they wish, but shall be counted in only one ethnic group for reporting purposes. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. This information will be kept confidential and will be separated from the applications that are forwarded to the Screening and Selection Committee and hiring administrator(s). The District will annually report to the Chancellor the result of its annual survey of employees.

At least every three years, the EEO plan will be reviewed and, if necessary, revised based on an analysis of the age, race/ethnicity, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories further disaggregated by full-time versus less than full-time status:

A. Executive/Administrative/Managerial

1. Educational Administrators
2. Classified Administrators
3. Classified Management

B. Faculty and other Instructional Staff

1. Business
2. Arts
3. Continuing & Noncredit Education
4. Humanities
5. Library & Learning Resources
6. Natural Sciences
7. Physical Education
8. Student Services
9. Technology & Health

- C. Secretarial/Clerical
- D. Technical and Paraprofessional
- E. Skilled Trades
- F. Service and Maintenance

XI. RECRUITMENT AND HIRING PROCEDURES TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

The District will ensure equal employment opportunity which involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to all persons, persons with disabilities, and individuals from all ethnic and other groups that are protected from discrimination. In so doing, the District places great emphasis on the recruitment of potential applicants in order to create a diverse pool of qualified individuals from which to hire. Human Resources, in coordination with the Screening and Selection Committee, shall ensure that the selection process (inclusive of any employment examinations, demonstrations and interviews) is accessible, free of bias, and allows for the hiring of candidates who can contribute to and effectively communicate in a diverse community. The equal employment opportunity provisions below are applicable to all full-time and part-time vacancies, including recruitment meant to address the ratio of full-time to part-time faculty that may be required by Education Code Section 87482.6⁶

To address any identified under-representation of monitored groups, the District will revise its recruitment and hiring procedures and policies in accordance with the following provisions. These provisions will be in place henceforth to ensure that equal employment opportunity is properly integrated into the District's strategic planning. The District's Recruitment and Hiring Procedures include the following provisions:

A. RECRUITMENT

It is the policy of the District to actively pursue a program of verifiable recruitment that is inclusive and open to all individuals.

Efforts will be undertaken on a regular basis to develop and contact new recruitment sources that ensure diverse pools of candidates. Diverse pools should include, but not be limited to, persons of all genders, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. The Campus Equity and Diversity Committee is encouraged to utilize and notify the district of additional recruitment options that may enable the district to obtain a diverse pool of applicants. All recruitment announcements will state that the district is an "Equal Opportunity Employer."⁷

⁶ Education Code section 87102 requires each District's Plan to address how progress will be made in achieving the ratio of full-time to part-time faculty hiring as required by Education Code Section 87482.6, while still ensuring equal employment opportunity.

⁷ The District may be awarded a federal contract that may require the use of the term "affirmative action." Proposition 209 permits affirmative action programs that are required by federal law. Technically, Proposition 209 did not make all other affirmative action programs unlawful.

For any employment category where underrepresentation exists, the District will apply the recruitment procedures set forth in Title 5, Section 53021, to conduct full and open recruitment for all new openings and will not invoke the provisions for in-house interim appointments or the exception under 53021(c)(7) for engaging an administrator through a professional services contract unless the President/CEO or their designee first notifies the Board of Trustees and the Campus Equity and Diversity Committee in writing of the compelling reasons to limit the persons who may be considered for a vacancy in a job category where underrepresentation persists.

Recruitment for all open positions shall include, but not be limited to, placement of employment announcements in the following instruments:

1. General circulation publications, including electronic media;
2. Publications that provide information in languages other than English and to low-income communities;
3. Publications, including electronic media that are distributed to the general market and to newspapers and publications whose primary audience is comprised of groups found to be underrepresented in the District's workforce;
4. Recruitment booths at job fairs or conferences oriented to both the public and the economically disadvantaged as well as those events drawing significant participation by groups found to be underrepresented in the District's workforce; and
5. Human Resources will survey District employees on a regular basis and request resources and locations where open positions may be advertised to ensure that recruitment of a diverse workforce is as inclusive and broad as possible. Human Resources will compile, store, and update this list.

B. JOB ANNOUNCEMENTS

The District's employment announcements (a.k.a. job postings) for all positions will:

1. State job specifications setting forth the knowledge, skills, and abilities necessary to job performance;
2. Include a statement requiring a "demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students and employees";
3. Include a statement recognizing a "commitment to equity and diversity";
4. Identify employment specifications, including any "required," "desired," or "preferred" qualifications beyond the state minimum qualifications which the District wishes to utilize, will be reviewed by the Equal Employment Opportunity Officer before the position is announced to ensure conformity with equal employment

regulations and state and federal nondiscrimination laws⁸;

5. State that the District is an “Equal Opportunity Employer”⁹; and
6. Stipulate, for identified public contact or community liaison positions, that bilingual ability in the language spoken by a significant number of students may be a required qualification. However, before bilingual ability in the identified languages can be made a required qualification, the District will conduct an analysis to ensure that such a requirement meets the standard for a *bona fide* occupational requirement. The District will identify the specific positions that may require bilingual ability and the language(s) needed and in which positions bilingual ability in a particular language may be listed as a required, preferred, or desired qualification.

C. REVIEW OF INITIAL AND QUALIFIED APPLICANT POOLS¹⁰

Initial applicant pools¹¹ will be recorded and reviewed by the Deputy Director, Human Resources. Human Resources will screen all initial applicants to determine which applicants satisfy minimum qualifications set forth in the job announcement. The pool of candidates that meets the minimum qualifications shall constitute the “qualified applicant pool.” The Deputy Director, Human Resources will review the composition of the qualified applicant pool and compare it to the composition of the initial applicant pool. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors that are not job related, appropriate action will be taken. The District’s Recruitment and Hiring Procedures include the following provisions: the application for employment will afford each applicant an opportunity to voluntarily identify their age, gender, race/ethnicity, and, if applicable, their disability.

D. SCREENING AND SELECTION COMMITTEE PROCEDURES¹²

The District seeks to employ qualified persons with a broad range of backgrounds and abilities who have the knowledge and experience to work effectively in a diverse environment. The selection process is based on merit and will extend to all candidates a fair and impartial examination of qualifications based on job-related criteria. The District’s Recruitment and Hiring Procedures will include in its section on applicant screening by Screening and Selection Committees the following provisions:

1. All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, will:
 - a) ensure that for all positions meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse backgrounds of community college students, including: ethnic group identification, race, color, national origin, religion, age, gender, gender identity,

⁸ See Title 5, Section 53022.

⁹ See Title 5, Section 53023 for general authority for this section.

¹⁰ See Title 5, Section 53024 for general authority for this section.

¹¹ Initial Applicant Pool: The initial applicant pool is composed of all applications received by the application deadline.

¹² See Title 5, Section 53024

gender expression, genetic information, disability, ancestry, sexual orientation, marital status, military and veteran status, and medical condition.

- b) ensure that for all faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate knowledge of multi-culturalism, of training in cultural proficiency, and knowledge of the history and culture of underrepresented groups and groups that have experienced discrimination in ways relevant to the specific position;
 - c) be based solely on job-related criteria; and
 - d) be designated to avoid an adverse impact and monitored by means consistent with this section to detect and address adverse impact which does occur for any monitored group.
2. Screening and Selection Committees shall include a diverse membership, within the limits allowed by California Community College Chancellor's Office¹³, to ensure a variety of perspectives to assess applicants' qualifications.
 3. The Deputy Director, Human Resources or designee, will approve the makeup of each Screening and Selection Committee. In cases where the Deputy Director has not affirmed the initially proposed composition of the Screening and Selection Committee, the Deputy Director shall work with the applicable constituent group(s) to remedy the composition of the committee in accordance with EEO guidelines and applicable provisions of the District's administrative procedures.
 4. The EEO Representative, as defined in Section II Definitions, will assist the Screening and Selection Committees to ensure all applicants receive fair and equitable treatment and advise committees on matters related to compliance with this EEO Plan. Under the EEO plan, EEO Representatives are authorized to request that the recruitment and selection process be paused temporarily in order to report to the Deputy Director, Human Resources or designee issues or concerns related to a potential violation of Title 5 EEO Regulations as set forth in the EEO plan. The EEO Representative retains their obligation to end or intervene in a meeting of a Screening and Selection Committee to bring the activities of the Committee in to compliance with the EEO Plan. The EEO Representative is required to participate in every phase of the hiring process, including final interviews. EEO Representatives shall not be under the supervision of the area administrator or committee chair.
 5. As described in Section VIII Training for Screening and Selection Committees, before a person can serve on a Screening and Selection Committee, they must receive equal employment opportunity and diversity training within two calendar years of the appointment to the Screening and Selection Committee.
 6. Interviews must include at least one question that assesses the candidate's understanding of and commitment to diversity and equity and their level of cultural proficiency. Reference checks must include at least one question addressing

¹³ See California Community Colleges Chancellor's Office Legal Opinion 16-04: Sixteenth Advisory on Proposition 209 and Equal Employment Opportunity.

diversity and equity.

7. All screening materials must be approved by the Deputy Director, Human Resources or designee for compliance with equal employment opportunity laws and principles.

The District will not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, race, color, national origin, religion, age, gender, gender identity, gender expression, genetic information, disability, ancestry, sexual orientation, marital status, military and veteran status, medical condition, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law.

8. The District will review all of its current and future employment specifications to ensure that seniority or length of service is taken into consideration only to the extent it is job-related, is not the sole criterion, and is included in the job posting consistent with the requirements of Section III, Section 2a.¹⁴
9. Selection testing employees will follow procedures as outlined in the Equal Employment Opportunity Commission's *Uniform Guidelines on Employee Selection Procedures*.
10. The Board of Trustees or its designee shall make all final hiring decisions based upon careful review of the candidate or candidates recommended through the screening and selection committee. This includes the right to reject all candidates and to order further review or to reopen the position.
11. The District will review the pattern of its hiring decisions over time, and, if it determines that those patterns do not meet the objectives of the EEO plan, the District will request the Campus Equity and Diversity Committee to recommend new methods to meet the EEO plan objectives, or if necessary, to modify the EEO plan itself to ensure equal employment opportunity.

XII. INSTITUTIONAL COMMITMENT TO DIVERSITY

The District recognizes that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to all persons.

The District is committed to having a campus that has adopted principles of diversity and multiculturalism to implement and maintain an effective Equal Employment Opportunity program. The District shall maintain institutionalized diversity programs that are well-planned, well-funded, and supported by the leadership of the District. The District will sponsor cultural events and speakers on issues dealing with diversity and explore how to

¹⁴ see Title 5, § 53022 and 53024(d)

infuse diversity into the classroom and curriculum. The District will promote the concept of cultural proficiency and integrate diversity into the evaluation of employees. The District will also promote learning opportunities and personal growth in the area of diversity and evaluate how the physical environment can be responsive to its diverse employee and student populations.

The Campus Equity and Diversity Committee will annually review indicators of the District's commitment to diversity such as, but not limited to, the following:

- A.** A visible, valued, and adequately funded diversity program that is part of the structure of the District and is supported by the District leadership;
- B.** Surveys of campus climate to identify barriers to inclusion. Recommendations will be made to implement concrete measures that utilize the information drawn from the surveys;
- C.** Cultural events, diversity dialogues, forums and cross-cultural workshops conducted on campus or in the community. Speakers on issues dealing with diversity should include those from underrepresented groups who are in leadership positions and who may inspire students and employees alike;
- D.** Exit interviews conducted by Human Resources with employees who voluntarily leave the District if the results of those interviews indicate patterns impacted particular monitored group(s);
- E.** Training conducted by Human Resources for members of screening and selection committees on elimination of bias in hiring and employment and job related selection techniques;
- F.** Programs to support employees such as mentoring, professional development, and leadership opportunities;
- G.** Numbers of harassment and discrimination complaints in order to identify patterns and ameliorative actions to address such patterns;
- H.** Records related to the District's compliance with the requirements for harassment and discrimination training.¹⁵
- I.** District's publications, marketing tools, and website to ensure they reflect diversity in pictures, graphics, and text to project an inclusive image;
- J.** Recognition of employees who have promoted diversity and equal employment opportunity principles;
- K.** District reviews and maintains job descriptions and announcements with a focus on recruitment of a diverse workforce;

¹⁵ See California Government Code section 12950.1

- L. Hiring procedures that demonstrate sensitivity to and understanding of the diverse backgrounds of community college students;
- M. The District gathers information from applicants that decline job offers to identify possible barriers to enhancing diversity.
- N. Collaboration with the Student Equity and Diversity Committee on common initiatives;
- O. Analysis of various employment events such as hiring, promotion, retention, voluntary resignation, termination, and discipline in order to determine if there is an adverse impact on monitored groups; and Other activities as determined by the committee on an annual basis.
- P. Recognition of employees who have promoted diversity and equal employment opportunity principles;
- Q. Collaboration with the Student Equity and Diversity Committee on common initiatives;
- R. Analysis of various employment events such as hiring, promotion, retention, voluntary resignation, termination, and discipline in order to determine if there is an adverse impact upon monitored groups; and
- S. Other activities as determined by the committee on an annual basis.

XIII. ANNUAL CERTIFICATION TO THE CHANCELLOR'S OFFICE

Annually, the District shall certify to the State Chancellor's Office that it has complied in a timely fashion with each of the following requirements of Title 5:

- A. Recorded, reviewed and reported the data required regarding qualified applicants pools;
- B. Reviewed and updated, as needed, the strategies component of the District's EEO plan (Section XII); and
- C. Investigated and appropriately responded to formal harassment and discrimination complaints filed pursuant to Title 5 (commencing with Section 59300).

XIV. PERSONS WITH DISABILITIES: ACCOMMODATIONS

Reasonable Accommodations

Applicants and employees with disabilities¹⁶ shall receive reasonable accommodations consistent with the requirements of Government Code Sections 11135 et seq. and

¹⁶ See the definition of "person with a disability" in the definitions section of the EEO plan. A more detailed definition of physical and mental disability is found in Government Code, section 12926. California has a broader definition of disability than the ADA. California also requires accommodations to be made under circumstances where accommodations might not be necessary under federal law.

12940(m); Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aides such as readers, interpreters, and note-takers as appropriate unless an accommodation is unreasonable or would create an undue hardship for the District.

The Deputy Director, Human Resources is responsible for handling requests for accommodations from current employees and applicants seeking such accommodations during the application process.

XV. GRADUATE ASSUMPTION PROGRAM OF LOANS FOR EDUCATION

As Federal and/or State funding permits, the District will encourage community college students to become qualified for, and seek employment as, community college employees. The District shall research and inform students about programs that may assist them to complete their graduate studies and become community college employees. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

APPENDIX A: THE DISTRICT'S POLICIES AND PROCEDURES WHICH OUTLINE THE PROHIBITION OF UNLAWFUL DISCRIMINATION, HARASSMENT, AND RETALIATION

BP 3410-Nondiscrimination

BP 3430-Prohibition of Harassment

AP 3410-Nondiscrimination

AP 3430-Prohibition of Harassment

AP 3435-Discrimination and Harassment Investigations

APPENDIX B: LIST OF GROUPS FOR ANNUAL WRITTEN NOTICE OF THE DISTRICT'S EEO PLAN

1. Trade publications
2. Industry websites
3. Professional organizations
4. Community organizations
5. Cultural organizations
6. Multilingual publications