



## **Mt. San Antonio College**

# **Equal Employment Opportunity Plan**

**Board Approved 1/13/16**



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## **I. Introduction**

The current version of the Mt. San Antonio Community College District Equal Employment Opportunity Plan (EEO Plan) was adopted by the Board of Trustees on January 13, 2016. 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.

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William T. Scroggins  
President/CEO  
Mt. San Antonio College

## 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:

- A. identifying and eliminating barriers to employment that are not job related; and
- B. creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to all persons, including 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.

**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.

**In-House or Promotional Only Hiring:** 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) are 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, disability, ancestry, sexual orientation, language, accent, citizenship status, transgender, parental status, marital status, economic 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.<sup>1</sup>

The District will strive to achieve a workforce that is welcoming to all persons, including persons with disabilities, and individuals from all ethnic and other groups to ensure that District provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy, and free expression of ideas. An EEO 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.

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<sup>1</sup> The protected categories bolded above are described in the Board of Governors regulations and nondiscrimination regulations. Individual districts may broaden the scope of protected categories and, in some cases, may be required to do so by other law or local ordinance. Although districts may broaden who is protected under their nondiscrimination statement, these additional groups will not be entitled to the safeguards under the Title 5 regulations regarding appeal and/or review by the Chancellor's Office.

#### **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 EEO 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, William T. Scroggins, 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 the EEO Plan implementation. The President/CEO shall evaluate the performance of all administrative personnel who report directly to him on their ability to follow and implement the EEO Plan.

##### **C. Equal Employment Opportunity Officer**

The District has designated the Vice President, Human Resources, James P. Czaja, 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.<sup>2</sup>

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<sup>2</sup> 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 EEO 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.<sup>3</sup> 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 EEO 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 this EEO Plan.

#### **F. Good Faith Effort**

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

### **V. Advisory Committee**

The District has established a Campus Equity and Diversity Committee to assist with the development and implementation of its EEO 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 or designee, 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.

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<sup>3</sup> 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 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.

The committee will be composed of the following members:

1. Director Equal Employment Opportunity Programs (Co-chairperson);
2. Faculty Co-chairperson (Appointed by Academic Senate);
3. Vice President, Human Resources (ex-officio);
4. Five Faculty (Appointed by Academic Senate);
5. Two Classified Representatives (One appointed by CSEA Chapter 262, and one appointed by CSEA Chapter 651);
6. One Disabled Students Programs & Services Representative;
7. One Continuing Education Representative; and
8. One Student Representative (Appointed by Associated Students President).<sup>4</sup>

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.

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<sup>4</sup> 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.

## VI. Complaints

### A. Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026)

The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations<sup>5</sup> 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 sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the sixty (60) day limitation. Complaints alleging violations of the EEO Plan that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing. A complainant may not appeal the District's determination pursuant to Section 53026 to the Chancellor's office; but, under some circumstances, violations of the equal opportunity regulations in Title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the Chancellor's Office; but, the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the college and/or district level using the process provided by Section 53026. (See *California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaint*) at:

[http://extranet.cccco.edu/Portals/1/Legal/Guidelines/Min\\_Cond\\_Complaints.pdf](http://extranet.cccco.edu/Portals/1/Legal/Guidelines/Min_Cond_Complaints.pdf)

and

<http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx#complaintForm>

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

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 policies which outline the prohibition of unlawful discrimination, harassment, and retaliation [(BP) 3410- Non Discrimination, (BP) 3430-Prohibition of Harassment)] and procedures which set forth a process for the investigation and resolution of complaints by or against any employee, student or third party within the District [(AP) 3410- Nondiscrimination, (AP) 3430-Prohibition of Harassment, (AP) 3435- Discrimination and Harassment Investigations)]. The Director of Equal Employment Opportunity Programs is responsible for receiving such complaints and for coordinating their investigation. Campus complaint officers may be assigned investigation responsibilities. *(The District's policies and procedures related to unlawful discrimination and harassment are attached to this EEO 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 distributed to the Board of Trustees, the President/CEO, administrators, the Academic Senate leadership, union representatives, and members of the Campus Equity and Diversity Committee.

This EEO Plan is available on the District's website and, when appropriate, may be distributed by e-mail. Each year, the District will provide all employees with a copy of the Equal Employment Opportunity Policy Statement (located in Section III of the EEO Plan) and written notice summarizing the provisions of the District's EEO Plan. Human Resources will provide all new employees with a copy of the written notice, described above, when they commence their employment with the District. The annual notice will contain the following provisions:

- A. the importance of the employee participation and responsibility in ensuring the EEO Plan's implementation; and
- B. the campus locations of complete copies of the EEO Plan, including in the campus library, in the District's public folders, on the District internet/intranet site, the office of the President/CEO, Human Resources, and each department office.

### **VIII. Training for Screening and Selection Committee**

Any organization or individual who is involved in the recruitment and screening/selection of applicants shall receive appropriate training on the requirements of the Title 5 regulations regarding equal employment opportunity (Section 53000 et seq.); the requirements of federal and state nondiscrimination laws; the requirements of the District's EEO Plan; the District's policies on nondiscrimination, recruitment, and hiring; principles of diversity and cultural proficiency<sup>6</sup>; the educational benefits of a diverse workforce; and identification and elimination of bias in hiring.

#### **Screening and Selection Committee**

Persons serving on a screening and selection committee are required to have completed EEO screening and selection committee training within two calendar years prior to the appointment on a screening and selection committee. Individuals who have not received this training will not be allowed to serve on screening and selection committees. The Director of Equal Employment Opportunity Programs is responsible for providing the required training.

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<sup>6</sup> "Cultural proficiency" involves successful teaching and other interactions with both students and colleagues from a variety of cultures. It requires a contextual understanding that numerous social and institutional dynamics, including the effects of inequities, affect how students have been taught and treated, and translates that understanding to the removal of barriers to student success. "Culture" refers to those things that are shared within a group or society: shared knowledge and beliefs, shared values, shared behavior expectations, and principles that are widely used or recognized. "Culture" therefore refers to more than simply race and ethnicity.

## **Screening and Selection Committee EEO Representative**

EEO Representatives are required to have received specific training in the role of an EEO Representative on an annual basis. EEO Representative must receive both the general committee training described above and separate training in the roles and responsibilities of an EEO Representative serving on a Screening and Selection Committee. The Director of Equal Employment Opportunity Programs is responsible for providing the required training.

Persons serving the first time in the above capacities will be required to receive training prior to serving. Individuals who have not received the EEO Representative training will not be allowed to serve as an EEO representative.

Human Resources is responsible for the training process. 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 the EEO 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; further, the annual notice shall solicit their assistance in identifying a diverse pool of qualified applicants. The notice will include a summary of the EEO Plan.

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. A list of organizations which will receive this notice is attached to this the EEO Plan. This list may be revised by the Campus Equity and Diversity Committee from time to time, as necessary.

## **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 this 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 his or her gender, ethnic group identification and, if applicable, his or her disability. The composition of each initial applicant pool is recorded and reviewed by the Director, Equal Employment Opportunity Programs. 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 ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

A. Executive/Administrative/Managerial

B. Faculty and other Instructional Staff

1. Arts
2. Business
3. Continuing & Noncredit Education
4. Humanities & Social Sciences
5. Library & Learning Resources
6. Kinesiology, Athletics, & Dance
7. Natural Sciences
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 87482.6<sup>7</sup>

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 aggressively 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, men, women, 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."<sup>8</sup>

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<sup>7</sup> Education Code section 87102 requires each District's EEO 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.

<sup>8</sup> 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 under-representation exists, the District will apply the recruitment procedures set forth in Title 5, Section 53201, 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 53201(c)(7) for engaging an administrator through a professional services contract unless the President/CEO or his/her 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 under-representation 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. Local and regional community newspapers;
3. Newspapers, and other publications that provide information in languages other than English and to low-income communities;
4. 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;
5. 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
6. 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. 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 laws<sup>9</sup>;
4. State that the District is an “Equal Opportunity Employer”<sup>10</sup>; and
5. 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 Pools<sup>11</sup>**

Initial applicant pools<sup>12</sup> will be recorded and reviewed by the Director, Equal Employment Opportunity Programs. 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 Director, Equal Employment Opportunity Programs will review the composition of the qualified applicant pool and compare it to the composition of the initial applicant pool. If the Vice President, Human Resources 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 his or her gender, ethnic group and, if applicable, his or her disability.

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<sup>9</sup> Title 5, Section 53022.

<sup>10</sup> See Title 5, Section 53023 for general authority for this section.

<sup>11</sup> See Title 5, Section 53024 for general authority for this section.

<sup>12</sup> Initial Applicant Pool: The initial applicant pools is composed of all applications received by the application deadline.

#### **D. Screening and Selection Committee Procedures**

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 academic, socioeconomic, cultural, disability, gender identity, sexual orientation and ethnic backgrounds of community college students;
  - 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 designed 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. When possible, every effort will be made, within the limits allowed by federal and state law, to ensure selection and screening committees include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications. Screening and Selection Committees will be encouraged to include members from monitored groups.
3. The Director, Equal Employment Opportunity programs will approve the makeup of each Screening and Selection Committee. In cases where the Director has not affirmed the initially proposed composition of the Screening and Selection Committee, the 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 this EEO plan, EEO Representatives are authorized to request that the recruitment and selection process be paused temporarily in order to report to the Vice President, 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 his/her 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.
5. As described in Section VIII Training for Screening and Selection Committees, before a person can serve on a Screening and Selection Committee, he or she 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 equal employment opportunity and his or her level of cultural proficiency. Reference checks must include at least one question addressing such issues.
7. All screening materials must be approved by the Vice President, 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, ancestry, national origin, age, sex, religion, sexual orientation, marital status, disability, or 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 2) a) [see Title 5, §§53022 and 53024(d)].

Service will be considered job-related for purposes of taking seniority or length of service into account if it is closely related to the teaching or other assignments. Service in the same department will not automatically be considered closely related unless the actual assignments within the department are similar. The use of seniority or length of service will be assessed for adverse impact in each selection process where it is taken into account. If adverse impact results from the use of seniority or length of service as a job-related factor, the process will continue only if applicants who were eliminated by the use of seniority or length of service considerations are placed back in the pool and continue to be considered during the hiring process.

9. Employment examinations will comply with procedures 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 where necessary to achieve the objective of this EEO Plan or to ensure equal employment opportunity.
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 this EEO Plan, the District will request the Campus Equity and Diversity Committee to recommend new methods to meet this EEO Plan objectives, or if necessary, to modify his 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, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination.

Having a campus that has accepted principles of diversity and multiculturalism can make implementation and maintenance of an effective equal employment opportunity program much easier. For that reason, institutionalizing a diversity program that is well-planned, well-funded, and supported by the leadership of the District is necessary. The District will sponsor cultural events and speakers on issues dealing with diversity and explore how to infuse diversity into the classroom and curriculum. The District will promote the concept of cultural proficiency and it will develop an evaluation form that integrates 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. [(Government Code section 12950.1) (Stats. 2004, Ch. 933) (AB1825)];
- 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's curricula, texts, and/or course descriptions that encourage the inclusion of global perspectives of a particular course, readings or discipline;
- L. Collaboration with the Student Equity and Diversity Committee on common initiatives;
- M. 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
- N. 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 disabilities<sup>13</sup> shall receive reasonable accommodations consistent with the requirements of Government Code Sections 11135 et seq. and 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 Director, Equal Employment Opportunity Programs 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. The District will post informational flyers on the campus concerning such programs and make information available in student newspapers, the catalog, and in locations accessible to students, including but not limited to Counseling, Financial Aid, Admissions and Records, the Bookstore, and the Student Services Center. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

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<sup>13</sup> See the definition of “person with a disability” in the definitions section of this 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.

## **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 Community Organizations and Professional Groups for Annual Written Notice of the District's EEO Plan**

### **Publications and Websites:**

Academic Diversity Search, Inc. (ADS): A national employment resource specializing in connecting women and minorities with academic intuitions that truly value diversity.

American Indian Higher Education Consortium: A national organization that serves as the collective spirit and unifying voice of our nation's 37 Tribal Colleges and Universities. Issues a quarterly publication that provides journalistic and scholarly articles that highlight issues critical to American and Alaska Native communities. The publication has job posting opportunities.

The Chronicle of Higher Education: The No. 1 source of news, information, and jobs for college and university faculty members and administrators.

California Community Colleges Registry: A large scale database containing the names, qualifications and desired position(s) of potential California Community College faculty, support staff and management job applicants

disABLEDperson: A public charity organization focused on increasing employment opportunities for individuals with disabilities. The organization hosts a job fair for people with disabilities and provides a resume databank for employers to identify candidates. For a small fee, employers can post job advertisements.



Diverse Issues in Higher Education: This publication, previously known as Black Issues in Higher Education, considers itself the portal for diversity information in higher education. Annually, the magazine provides a listing of top degree producers which shows which institutions are producing the most diverse undergraduate and graduates. The publication has a job posting service in print and on its website.

Diversity Web: An interactive resource hub for higher education sponsored by the Association of American Colleges and Universities (AAC&U). In addition to serving as a clearinghouse for diversity innovations and research, they maintain a job posting site to advertise executive, faculty or postdoctoral positions that have a diversity focus.

Edjoin: A national public education job search website.

Faculty for the Future: A nationwide resource to connect female and underrepresented candidates in science, business, and engineering to faculty and research positions.

Hispanic Outlook in Higher Education: A nationwide resource that publishes a bi-weekly publication on issues pertaining to Hispanics in higher education. The publication has job posting services in print and on its website.

Inside Higher Ed: The online source for news, opinion and jobs for all of higher education.

Women in Higher Education: A national monthly publication that focuses on issues specific to women in higher education. The publication reaches thousands of women in higher education. Job posting services are available in print or website.

## **Professional Groups**

American Association of Community Colleges: Nonprofit association that is a primary advocacy organization for community colleges at the national level and works closely with directors of state offices to inform and affect state policy.

American Association of University Women: Nonprofit association that advances equity for women and girls through advocacy, education, and research. The organization has over 1,000 branches and 500 college/university partners across the U.S. Their online career center reaches 100,000 members.

The Association of Black Psychologists: The Association has over 1,400 members. They publish a news journal, Psych Discourse, which is the primary source for communication among the membership. The publication allows for online posting of job advertisements.

Association of Latino Professionals in Finance and Accounting: With 37 chapters and 9,000 members, ALPFA is one of the leading professional organizations for Latinos in accounting and finance related professions. The organization's website had a career center where employers can post positions.

Association for Women in Science: A nationwide advocacy organization dedicated to achieving equity and full participation for women in science, mathematics, engineering and technology. Their website allows organizations to post job advertisements.

Minorities in Agriculture and Natural Resources and Related Sciences: Promotes academic and professional advancement by empowering minorities in agriculture, natural resources, and related sciences. Their website included contact information for student chapter advisors and lists job opportunities.

National Association for Equal Opportunity in Higher Education: Professional association to further the causes of Historically Black Colleges and Universities and predominately Black Institutions.

National Indian Education Association: Focused on improving educational equity and access for American Indian, Alaska Native, and Native Hawaiian populations. It is the largest and oldest Indian educational organization.

National Society of Hispanic MBAs: NSHMBA serves 32 chapters and 8,000 members. The organization works to prepare Hispanics for leadership positions throughout the U.S., so that they can provide the cultural awareness and sensitivity vital in the management of the nation's diverse workforce. Organizations can post position advertisements and search the resume database for potential candidates.

National Society for Hispanic Professionals: With over 10,000 members this organization is one of the primary resources to reach Hispanic professionals. Their website allows employers to post jobs and search a resume database for candidates.

Society for the Advancement of Hispanics/Chicanos and Native Americans in Science: The mission of SACNAS is to encourage Chicano/Latino and Native American students to pursue graduate education and obtain the advanced degrees necessary for science research, leadership, and teaching careers at all levels. Their website allows employers to post jobs.