



Administrative Procedure 3420 Equal Employment Opportunity

Reference: *Government Code Sections 87100, et seq., Title 5, Section 53000, et seq.*

The Equal Employment Opportunity (EEO) Plan is a District-wide, written plan that implements the District's EEO programs, including the definitions contained in Title 5, Section 53001, and addresses the following:

- Submission of the Plan and its revisions to the state Chancellor's Office for review and approval as required;
- Designation of the Director of Human Resources, who is delegated responsibility and authority for implementing the Plan and assuring compliance with the requirements of this procedure;
- Procedures for filing complaints and the persons with whom such complaints are to be filed;
- Process for notifying all District employees of the provisions of the Plan and the policy statement required;
- Process for ensuring that District employees who participate on screening or selection committees do receive appropriate training on the requirements of this procedure and of state and federal nondiscrimination laws;
- Process for providing annual written notice to appropriate community-based and professional organizations concerning the Plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- Analysis of the number of persons from "monitored groups", as defined by Title 5, Section 53001(i), who are employed in the District's work force, and those who have applied for employment in each of the job categories listed below;
- Analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the state Chancellor's Office determines to be available and qualified to perform the work required for each such job category, and whether or not the underrepresentation is significant;
- Steps the District takes to promote diversity in its work force;
- Methods for addressing any discrimination that may be detected in the District's hiring practices, and;
- Additional steps to address any significant underrepresentation of monitored groups identified in the Plan.

The plan shall be a public record. The District shall make a continuous good faith effort to comply with the requirements of the plan.

Annual Evaluation

In accordance with Title 5, Section 53004, an annual evaluation includes:

- A survey of District employees and applicants for employment that assesses progress in implementing the EEO Plan and provides the data needed for the required analyses.

- A report sent to the state Chancellor's Office in a manner prescribed, and that includes the results of this annual survey. The report identifies each employee as belonging to one of the following seven job categories:
 - executive/administrative/managerial
 - faculty and other instructional staff
 - professional non-faculty
 - secretarial/clerical
 - technical and paraprofessional
 - skilled crafts; and
 - service and maintenance.
- Each employee may identify his/her gender, ethnicity, and, disability, if applicable. This opportunity allows for a person to designate multiple ethnic groups with which he/she identifies, however the person is only counted in one group for reporting purposes.

EEO Advisory Committee

In accordance with Title 5, Section 53005:

- The District has established an EEO Advisory Committee to assist in developing and implementing the EEO Plan, as required under Title 5, Section 53003.
- The Advisory Committee includes a diverse membership whenever possible.

The responsibilities of the Committee include, but are not limited to:

- Review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- Advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;
- Promote communication with community groups and organizations for people with disabilities;
- Promote hiring of faculty who have, themselves, graduated from a community college;
- Develop communications among departments to foster understandings of the Plan;
- Advise the Chancellor on special training or staff development needs;
- Review the Plan and monitor its progress;
- Recommend changes needed in the Plan; and
- Review and approve the annual written report to the Chancellor, the Board of Trustees, and the state Chancellor's Office.

Employment Procedures

Job Analysis and Validation

- The Director of Human Resources ensures that a proper job analysis is performed for every job filled by the District, in order to determine and validate the knowledge, skills, abilities,

and characteristics an employee must possess to satisfactorily perform the job.

- The Director of Human Resources ensures that bona fide essential functions and minimum qualifications have been developed for all open positions.

Job Description

- Every job description provides a general statement of job duties and responsibilities.
- Job specifications include essential functions and tasks; knowledge, skills, and abilities; minimum qualifications, and job-related characteristics, including but not limited to: sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment

- Recruitments are conducted actively within and outside of the District work force.
- Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.
- Recruitments utilize outreach strategies designed to ensure that all qualified individuals from all monitored groups are provided the opportunity to seek employment with the District.
- Recruitments for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries, and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two- and four-year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations that primarily serve members of monitored groups that are underrepresented in the District.
- Recruitments for classified positions shall include notice to all District personnel; notice to the state Employment Development Department; and advertising in area newspapers of general circulation.

Applicant Pools

- The application for employment affords each applicant an opportunity to identify him/herself voluntarily as to gender, ethnicity, and disability, if applicable. This information is maintained in confidence and is used for research, validation, monitoring, evaluation of the effectiveness of the Plan only, or as authorized by law.
- After the application deadline has passed, the initial applicant pool is analyzed to determine whether the projected representation has been achieved for monitored groups. If these projections have not been met, the District immediately determines whether the failure to meet the projected representation of monitored groups in the initial pool was due to discriminatory practices. If not, the hiring process may continue to the next level. If, however, the District determines that discriminatory practices caused the underrepresentation, the District may immediately, and before the selection process continues, consult with legal counsel to determine what corrective action is required by law, if any.

- Once the qualified pool is formed, the pool must again be analyzed. If this analysis reveals adverse impact against any monitored group, the District may immediately, and before the selection process continues, consult with legal counsel to determine what corrective action is required by law, if any.

Screening and Selection

Screening, selecting, and interviewing candidates for District positions include thorough and fair procedures that are sensitive to issues of diversity. Procedures to be used address or include that:

- Hiring procedures are provided to the state Chancellor's Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interviews.
- Screening and selection committees are developed that are representative of the District community and campus; that include administrators, faculty and classified staff; and include a diverse membership when possible; and do not include persons who have written letters of recommendation for candidates selected for interview.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Director of Human Resources assures that the screening and selection processes conform to accepted principles and practices, including preparation of job-related questions in advance; maintenance of screening checklists and rating scales, which are signed and kept on file; maintenance of notes for all interviews and that record relevant factual reasons why a candidate was not hired, or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection is based solely on the stated job criteria and performance in the interview.
- If the District determines that a particular monitored group is significantly underrepresented in the interviews, with respect to one or more job categories, the District takes the following additional steps:
 - Reviews recruitment procedures;
 - Consults with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;
 - Considers various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant underrepresentation persists, the District:
 - Monitors on an on-going basis;
 - Reviews each locally-established job qualification to determine if it is job related and consistent with business necessity;
 - Discontinues the use of any non job related local qualification; and
 - Continues using job-related local qualifications only if no alternative standard is reasonably available.

Delegation of Authority

The delegation of authority for implementing the District's EEO Plan complies with Title 5, Section 53020, as amended, includes:

- The designation of the Director of Human Resources as the EEO Officer, who is charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- The investigative processes and responsibilities are delegated by the Chancellor when the EEO Officer is named in a complaint or implicated by allegations in a complaint.

Complaint Procedure

The following elements are performed in accordance with Title 5, Section 59320 when the District receives internal complaints of discrimination:

- The Director of Human Resources receives the complaint. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the Director of Human Resources/EEO Officer is named in the complaint, or implicated by the allegations of the complaint.
- When a person brings charges of unlawful discrimination, the Director of Human Resources/EEO Officer:
 - Undertakes to resolve the charge informally;
 - Advises the complainant that he/she need not participate in an informal resolution of the complaint;
 - Notifies the complainant of the procedures for filing a formal complaint;
 - Notifies the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.
 - Also notifies the state Chancellor's Office of the complaint if the complainant files a formal complaint.
- A formal complaint is processed if it is filed within one year of the date the alleged unlawful discrimination occurred or the complainant knew or should have known of the facts underlying the allegation.
- The complaint must be filed by someone who alleges that he/she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his or her official capacity.
- When a proper complaint is received, the District begins an impartial fact-finding investigation and notifies the complainant and the Chancellor that it is doing so.
- When the investigation is finished, the results are set forth in a written report. The written report includes a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.
- The District provides the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint.
- The complainant is also provided with a written notice setting forth: the District's determination as to whether discrimination did or did not occur, with respect to each allegation in the complaint; a description of any actions taken to prevent similar problems from occurring in the future; the resolution of the complaint; and notice of the complainant's right to appeal to the District Board of Trustees and the state Chancellor's Office.

- If the complainant is not satisfied with the results of the administrative determination, the complainant is given the opportunity to, within fifteen days, submit a written appeal to the Board of Trustees. The Board reviews the original complaint, the investigative report, the administrative determination, and the appeal, and issues a final District decision within forty-five days of receiving the appeal. If the Board does not act within forty-five days, any prior administrative determination is deemed approved and becomes the final District decision.
- A copy of the final District decision is forwarded to the complainant and the state Chancellor's Office. The complainant is notified of his/ her right to appeal.
- In cases not involving employment discrimination, the complainant is given the right to file a written appeal with the state Chancellor's Office within 30 days after the Board issues the final District decision, or permits the prior administrative decision to become final.
- In cases involving employment discrimination, the complainant may file a complaint with the Department of Fair Employment and Housing or file a petition for review with the state Chancellor's Office within 30 days.
- All job announcements contain a statement in substantially the following form: The District is an equal opportunity/affirmative action employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

Dissemination and Revision of the Plan

- All managers and supervisors shall be given copies of the plan and any guidelines for implementing the plan as revised from time to time. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of CSEA and CTA bargaining units.
- Statements of nondiscrimination are posted at locations where applications for employment are distributed.
- EEO Plan is reviewed at least every three years and, if necessary, revised and submitted to the state Chancellor's Office for approval.

Board approval date: 1/24/06