



Reference: *Education Code Sections 87100, et seq.;*
Title 5, Sections 53000, et seq. and 59300, et seq.;
ACCJC Accreditation Standard III.A.12

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 EEO Plan and revisions to the California Community Colleges Chancellor's Office for review 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;
- Procedure 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 receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the education benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- Process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- A process for gathering information and periodic, longitudinal analysis of the District's employees and applicants, broken down by 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;
- To the extent data regarding potential job applicants is provided by the California Community Colleges Chancellor, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges 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;
- Methods for addressing any underrepresentation identified and a process for developing and implementing strategies necessary to demonstrate ongoing, institutional commitment to diversity and equal employment opportunity;
- Methods for addressing any discrimination that is detected in the District's hiring practices

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

The District shall annually collect the demographic data of its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.

- An annual report of this demographic data shall be provided to the California Community Colleges Chancellor's Office. The report shall identify each employee as belonging to one of the following seven job categories:
 - executive/administrative/managerial
 - faculty and other instructional staff
 - professional non-faculty
 - secretarial/clerical
 - technical and paraprofessional
 - skilled crafts; and
 - service and maintenance
- Each employee may identify his/her gender, ethnic group identification, and disability, if applicable. This opportunity allows for a person to designate multiple ethnic groups with which he/she identifies; however, the person shall only be counted in one group for reporting purposes.
- A person may designate multiple ethnic groups with which he or she identifies, 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; however, in determining whether additional steps are necessary to ensure that monitored groups have not been excluded on an impermissible basis, analysis of the separate subgroups is not necessary.

The District shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include, but are not limited to, recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:

- longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool to the qualified applicant pool;
- analysis of data regarding potential job applicants, to the extent provided by the State Chancellor, which may indicate significant underrepresentation of a monitored group;

- analysis pursuant to Section 53003(c)(7) to determine whether the group is significantly underrepresented.

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 advisory committee receives training in all of the following:
 - Applicable Title 5 regulations and state and federal nondiscrimination laws;
 - The educational benefits of workforce diversity;
 - The identification and elimination of bias in hiring decisions;
 - The role of the advisory committee in carrying out the District's EEO Plan

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 regarding 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 shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the

knowledge, skills, abilities, and characteristics an employee must possess to satisfactorily perform the job.

- A statement of bona fide essential functions and minimum qualifications shall be developed for all 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, ethnic group identification, 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 composition of the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications shall be screened to determine which

candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the "qualified applicant pool."

- The composition of the qualified applicant pool shall be reviewed and compared 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 which are not job related, appropriate action will be taken. This applicant pool data shall be reviewed in conducting the analysis described in the Annual Evaluation section.

Screening and Selection

Screening, selecting, and interviewing candidates for District positions include thorough and fair procedures that are sensitive to issues of diversity. Pursuant to Title 5 Section 53024, procedures to be used include that:

- Screening and selection techniques are provided to the state Chancellor's Office on request.
- Screening and selection techniques are designed to ensure that for faculty and administrative 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. "Meaningful consideration" means that candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.
- Screening and selection techniques are based solely on job-related criteria and are to avoid an adverse impact on a monitored group as well as monitored by legal means to address any adverse impact occurring for any monitored group.
- A district may 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, disability, ancestry or sexual orientation, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law. Nor may a district apply the district's equal employment opportunity plan in a rigid manner which has the purpose or effect of so discriminating.
- Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement.
- Whenever possible, screening committees shall include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.
- The governing board or its designee shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. This includes the right to reject all candidates and to order further review by the screening committee or to reopen the position where necessary to further achievement of the objectives of the

equal employment opportunity plan or to ensure equal employment opportunity. However, a consistent pattern of not hiring qualified candidates from a monitored group who are recommended by screening committees may give rise to an inference that the selections are not consistent with the objectives of equal employment opportunity that are required by this subchapter.

- If upon review as outlined under “Annual Evaluation”, the District determines that a particular monitored group is significantly underrepresented, with respect to one or more job categories, the District takes the following additional steps:
 - Reviews recruitment procedures and identifies and implements any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;
 - 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 and potentially effective;
- The District must determine whether the group is still significantly underrepresented in the category or categories in question after the measures described above have been in place a reasonable period of time. A “reasonable period of time” means three years, or such longer period as the Chancellor may approve, upon the request of the equal employment opportunity advisory committee and the chief executive officer where the district has not filled enough positions to appreciably affect its work force in the job category in question.
- If the group is still significantly underrepresented, the District must review each locally established "required", "desired", or "preferred" qualification being used to screen applicants for positions in the job category to determine if it is job-related and consistent with any requirements of federal law; and qualifications which the Board of Governors has found to be job-related throughout the community college system, including the requirement that applicants for academic and administrative positions demonstrate sensitivity to the diversity of community college students; or discontinue the use of any locally established qualification that has not been found to satisfy the requirements set forth above.
- The District may continue using qualification standards meeting the requirements subdivision only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of paragraph (4) and be expected to have a less exclusionary effect; and consider the implementation of additional measures designed to promote diversity that are reasonably calculated to address the area of specific need.
- The District may consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law.

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 District must identify to the public and to the State Chancellor's Office an individual described in Title 5 as the "responsible District officer", responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process.

The District has identified the Director of Human Resources as the responsible District officer.

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 must:
 - Undertake efforts to resolve the charge informally;
 - Advise the complainant that he/she need not participate in an informal resolution of the complaint;
 - Notify the complainant of the procedures for filing a formal complaint;
 - Notify the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.
 - If the complainant, a student, or an employee files a formal complaint, the Director of Human Resources must also forward a copy of the complaint to the State Chancellor's Office.
- A formal complaint not involving employment is must be processed if it is filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.
- A formal complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

- 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 State Chancellor's Office 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 provided by each witness, including the complainant and any viable witnesses identified by the complainant in the complaint; an analysis of any relevant data or other evidence collected during the course of the investigation; a specific finding as to whether there is probably cause to believe that discrimination occurred with respect to each allegation in the complaint; and any other information deemed appropriate by the District.
- In any case that does not involve employment discrimination, the District must provide the State Chancellor's Office with a copy of the investigative report within ninety (90) days from the date the District received the complaint. The District must provide the complainant with a copy or summary of the investigative report within ninety (90) days from the date the District received the complaint. The District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the District as to whether there is probable cause to believe discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District governing board and the Chancellor.
- The State Chancellor's Office and the complainant must also be 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 proposed 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.
- In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the District as to whether there is probable cause to believe discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District Board of Trustees and to file a complaint with the Department of Fair Employment and Housing (DFEH).
- If the complainant is not satisfied with the results of the administrative determination, the complainant is given the opportunity to submit a written appeal to the Board of Trustees within 15 days from the date of the notice of the administrative determination. The Board reviews the original complaint, the

investigative report, the administrative determination, and the appeal, and issues a final District decision within forty five (45) days of receiving the appeal.

- In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the State Chancellor's Office. The complainant must be notified of his/her right to appeal.
- In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his/her right to file a complaint with the DFEH.
- Where the Board does not act within 45 days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and, in cases not involving employment discrimination, the State Chancellor's Office, that the Board took no action and the administrative determination becomes the final District decision.
 - In cases not involving employment discrimination, the complainant must be informed of his/her right to appeal the District's decision to the State Chancellor's Office.
 - In cases involving employment discrimination, the complainant shall be notified of his/her right to file a complaint with the DFEH.
- 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, permits the prior administrative decision to become final, or from the date that notice of the District's final decision was provided to the complainant pursuant to Section 59338(b) or (d), whichever is later.
- 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.
- For a period of at least three (3) years, the District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to the complainant, the complainant's appeal of the District's administrative determination.

Job Announcements

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 or gender, gender identity, 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.

The District's EEO Plan is reviewed at least every three years and, if necessary, revised and submitted to the State Chancellor's Office within ninety (90) days of the effective date of the revision or amendment(s). If the State Chancellor's Office determines that the District's policies are not in compliance with Title 5 Section 59300 et seq., the State Chancellor's Office may require the District to modify its policies.

Accountability and Corrective Action

The District shall certify annually to the State Chancellor that they have timely:

- Recorded, reviewed, and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the District's EEO Plan; and
- Investigation and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division.

Board approval date: 1/24/06
Revised: 1/10/17