

GENERAL INSTITUTION**AP 3420 EQUAL EMPLOYMENT OPPORTUNITY****References:**

20 U.S. Code Sections 1681 et seq.;
Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
ACCJC Accreditation Standard III.A.12

Equal Employment Opportunity Plan

The Equal Employment Opportunity (EEO) Plan is a District-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001, and addresses the following requirements of EEO plans pursuant to Title 5 Sections 53000 et seq.:

- Submission of the District's EEO plans and revisions to the California Community Colleges Chancellor's Office for review and in adherence to the submission timelines as required.
- The designation of the responsible District officer as defined in BP 3430 and designee(s) who have been delegated responsibility and authority for implementing the Plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing unlawful discrimination, sexual harassment, and sexual violence complaints and the person with whom such complaints are to be filed as indicated in AP 3434 and AP 3435;
- A process for notifying all District employees of the provisions of the Plan and the required District EEO policy statement, which is BP 3420;
- A process for ensuring that District employees who participate on selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws and relevant District regulations; the educational benefits of workforce diversity; student and employee demographics; the elimination of bias, including implicit bias, in selection committee decisions; and best practices in serving on a selection committee;
- A process for providing annual written notice to appropriate community-based and professional organizations, including those that serve and/or represent diverse communities or populations, 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

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District's employees and employment 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 workforce and those who have applied for employment in each of the job categories as listed in the Annual Evaluation section below;

- To the extent that data is provided to the District by the Chancellor of the California Community Colleges, an analysis of the degree to which monitored groups of the District's job applicants 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 an analysis of whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its workforce;
- Methods for addressing any unlawful discrimination that is detected in the District's hiring practices, and;
- 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 applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses. The demographic categories in which individuals may report are defined by the California Community Colleges Chancellor's Office.
- The District shall provide an annual report to the California Community Colleges Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:
 - executive/administrative/managerial
 - faculty and other instructional staff
 - professional non-faculty
 - secretarial/clerical
 - technical and paraprofessional
 - skilled crafts, and
 - service and maintenance.
- The opportunity for each employee to identify their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which they identify. However, the person may only be counted in one ethnic group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if

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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, and retention. 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 recruitments, 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 Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

EEO Advisory Committee

- The District shall establish an EEO Advisory Committee.
- The Committee shall include a diverse membership whenever possible.
- The Committee shall receive training annually in all the following areas:
 - Applicable Title 5 regulations and of state and federal nondiscrimination laws;
 - The educational benefits of workforce diversity;
 - The identification and elimination of bias in hiring decisions;
 - The role of the Committee in carrying out the District's EEO Plan.
- The responsibilities of the Committee shall include, but not be limited, to the following activities:
 - Assisting in developing the District's Plan in compliance with state and federal regulations, statutes, and guidelines;
 - Monitoring the implementation and progress of the Plan and recommending corrective action when necessary;
 - Advising the District's Equal Employment Opportunity Officer in the development and presentation of annual reports to the Governing Board and Superintendent/President and responding to equal employment inquiries and concerns of all employees;
 - Assisting the District's Equal Employment Opportunity Officer in developing and coordinating equal employment opportunity information programs for District employees;
 - Reviewing and suggesting revisions in services; employment policies, procedures, and practices, including the District's selection procedures that impact the District's ability to hire and retain a diverse workforce; and other written and unwritten rules, policies, practices, and procedures relevant to equal employment opportunity.

- Monitoring the implementation of and compliance with the Americans with Disabilities Act in District policies, procedures, and practices; and fostering communications with internal and external groups and/or organizations for people with disabilities.

Employment Procedures

Job Analysis and Validation: The Vice President for Human Resource Services or designee shall assure that a proper job analysis is performed for jobs filled by the District to determine and validate the knowledge, skills, abilities, and characteristics an employee must possess to perform the job satisfactorily. A statement of bona fide essential and marginal functions and minimum qualifications shall be developed for each position.

Job Description: Every job description shall provide a general statement of job duties and responsibilities. Job descriptions shall include essential and marginal functions; the knowledge and skills necessary to perform the essential and marginal functions; and sensitivity to and respectful treatment of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability, and socioeconomic backgrounds found in a community college.

Recruitment: Recruitments must be conducted actively within and outside of the District workforce. In accordance with Title 5 Section 53021, open recruitments are mandated for all new permanent and part-time faculty positions, except under limited circumstances involving interim hires.

The District must utilize outreach strategies designed to ensure that all qualified individuals, including individuals of diverse backgrounds, are provided the opportunity to seek employment with the District. The District will use outreach techniques to seek both qualified internal and external applicants. External applicants will be afforded the same equal employment opportunities as applicants from within the District.

Recruitments may publish advertisements in appropriate professional journals; publications and websites of general circulation and/or that are specific to the position; distribution of job announcements to the California Community Colleges Registry, educational institutions where potential candidates might be enrolled or employed; conferences, job fairs, professional meetings, and other relevant events; notices to professional organizations and other groups applicable to the position; and other outreach strategies. The District shall ensure that the outreach strategies used for each position include methods designed to attract diverse applicants.

Applicant Pools: The application for employment shall afford each applicant an opportunity to identify themselves voluntarily as to gender, ethnicity and, if applicable, their disability. This information shall be maintained in confidence by Human Resource Services and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Vice President for Human Resource Services or designee. All initial applications shall be screened to determine which applicants possess the minimum qualifications and complete all application requirements as set forth in the job announcement. The group of who meet these requirements shall constitute the “qualified applicant pool.”

The Vice President for Human Resource Services or designee must analyze the qualified applicant pool to determine whether the demographic composition of the pool may have been influenced by factors which are not job related. When it appears that factors other than job related qualifications have influenced the composition of the pool, the District will take appropriate action prior to continuing the selection process.

Selection Process: BP/AP 7120 describe the District’s specific selection procedures, and BP 2510 defines the role of the Faculty Senate in faculty hiring processes. Screening employment applications, interviewing, and selecting candidates for hire for all positions shall include thorough and fair procedures that are sensitive to and respectful of the diverse backgrounds of the candidates. The selection process shall be consistent with the following practices:

- The District’s selection procedures will be provided to the California Community Colleges Chancellor’s Office on request.
- All materials used by selection committees to screen applications, interview candidates, conduct reference checks, and tests candidates shall conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates shall be identified for interview for each position.
- Selection committees shall be developed that are representative of the District’s workforce and include appropriate membership pursuant to AP 7120. In addition, selection committees will include a diverse membership when possible. Selection committee members shall not include applicants or persons who have written letters of recommendation or where other actual or perceived conflicts of interest are present.
- The District shall appoint a District Compliance Officer (DCO) to every selection committee. DCOs are individuals who have been trained to monitor conformance with EEO laws, regulations, and District selection process requirements, including AP 7120. The DCO’s role and specific responsibilities are specified in AP 7120.
- The selection of all qualified candidates shall be based solely on job related

qualifications as stated in the job description and/or job announcement for each position.

- For all District positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories indicated above, the District shall take the following additional steps in accordance with Title 5 Section 53006:

- Review its recruitment procedures;
- Determine whether there are other, additional measures that may be undertaken to resolve the underrepresentation that are required or permitted by law or regulation;
- Consider 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 will take the following actions as required by Title 5 Section 53006:

- Review each locally established job qualification, including preferred qualifications stated on the job announcement, to determine whether they are job related and consistent with business necessity;
- Discontinue the use of any non-job-related local qualification;
- Continue using job-related local qualifications only if no alternative standard is reasonably available; and
- Consider the implementation of additional measures designed to promote diversity.

Job Announcements

All job announcements shall contain a statement in substantially the following form regarding the District's commitment to equal employment opportunity:

The District is an equal opportunity employer. The District encourages 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.

Delegation of Authority

- The District has designated the Vice President for Human Resource Services as the EEO Officer charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint are described in AP 3435.

Complaint Procedures

The District's unlawful discrimination, sexual harassment, and sexual violence complaint handling procedures are delineated in the following Board policies and administrative procedures:

- BP/AP 3430 Prohibition of Harassment
- BP/AP 3433 Prohibition of Sexual Harassment Under Title IX
- AP 3434 Responding to Harassment Based on Sex Under Title IX
- AP 3435 Discrimination and Harassment Complaints and Investigations

Dissemination and Revision of the Plan

The District's EEO Plan shall be posted on the District's website. The Plan shall be disseminated electronically to all District employees annually.

The District's Equal Employment Opportunity Advisory Committee shall review the Plan at least every three years and, if necessary, shall revise the Plan. The District shall submit any revisions to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revision or amendment(s).

If the California Community Colleges Chancellor's Office determines that the District's equal employment opportunity related policies, procedures, and/or practices are not in compliance with Title 5 Sections 53000 et seq. and 59300 et seq., the California Community Colleges Chancellor's Office may require the District to make modifications.

Accountability and Corrective Action

The District shall annually provide to the California Community Colleges Chancellor's Office the following required reports regarding EEO compliance and activities:

- District EEO expenditure report and District EEO performance report;
- EEO multiple methods certification;
- Data regarding unlawful discrimination complaints received by the District pursuant to Title 5 Section 59340(b);
- Any other required reports or data relevant to the District's EEO programs as requested or required by the California Community Colleges Chancellor's Office.