



**STRATEGIC PLANNING COUNCIL  
AGENDA**

Date:	May 7, 2013
Starting Time:	2:00 p.m.
Ending Time:	3:45 p.m.
Place:	<b>AA-140</b>

**CHAIR:** Deegan

**MEMBERS:** Barton, Cerda, Claypool, Cuaron, Davis, Farmer, Holmes, Keeney, Larson, Laughlin, Lienhart, Magnuson, Maunu, Moore, Navarro, Owens, Peisl, Perez, Stewart, Talmo, Titus, Tortarolo, Vernoy, Wick

**RECORDER:** Ashour

	<b>Attachments</b>	<b>Time</b>
<b>A. <u>MINUTES</u></b>		2 min
1. Approve Minutes of April 16, 2013		
2. Approve Workshop Minutes of April 12, 2013		
<b>B. <u>ACTION ITEMS/SECOND READING</u></b>		10 min
1. Equal Employment Opportunity (EEO) Plan	Exhibit B1	
2. Board Policies 2730-Governing Board Member Health Benefits; 2750-Governing Board Member Absence 3430-Prohibition of Harassment; 3560-Alcoholic Beverages; 3830-Naming of Facilities; 4030-Academic Freedom 7361-Academic Due Process	Exhibit B2	
3. Administrative Procedures 3410-Nondiscrimination-to delete 3530-Weapons on Campus; 3540-Sexual Assaults on Campus; 3550-Drug Free Environment and Drug Prevention Program; 3830-Naming of Facilities; 7127-Employment of Applicants With Criminal Records; 7270-Student Workers; 7850-Exchange Program-to delete	Exhibit B3	
<b>C. <u>ACTION ITEMS/FIRST READING</u></b>		10 min
1. IPC Governance Structure Update-Roles and Responsibilities	Exhibit C1	
2. Holiday Schedule 2013-2014	Exhibit C2	
3. Winter Holidays Schedule 2014-2016	Exhibit C3	
4. Board Policies 3410-Nondiscrimination; 4225-Course Repetition	Exhibit C4	
5. Administrative Procedures 3430-Prohibition of Harassment; 3501-Skateboards, Roller Blades, and Similar Roller Devices; 2714-Distribution of Tickets or Passes; 4225-Course Repetition 4231-Grade Changes	Exhibit C5	
<b>D. <u>INTEGRATED PLANNING MODEL</u></b>		45 min
1. SPC Timeline Check-In		
2. Continue work on Strategic Plan 2016	Exhibit D2	
<b>E. <u>INFORMATION/DISCUSSION</u></b>		30 min
1. Student Success Task Force Recommendations		
2. Faculty Hiring Priorities 2014-2015	Exhibit E2	
3. FY 2013-2014 Tentative Budget	Exhibit E3	

- F. REPORTS OF PLANNING COUNCILS** 15 min.
1. Finance & Administrative Services Planning Council – Ron Perez Exhibit F1
  2. Human Resource Services Planning Council – John Tortarolo
  3. Instructional Planning Council – Berta Cuaron
  4. Student Services Planning Council – Mark Vernoy
- G. REPORT FROM PC3H COMMITTEE** 5 min
- H. OTHER ITEMS**



**STRATEGIC PLANNING COUNCIL  
MEETING MINUTES  
May 7, 2013**

A regular meeting of the Palomar College Strategic Planning Council scheduled May 7, 2013, was held in AA-140. President Robert Deegan called the meeting to order at 2:00 p.m.

**ROLL CALL**

Present: Michelle Barton, Phil Cerda, Debbi Claypool, Berta Cuaron, Robert Deegan, Aaron Holmes, Greg Larson, Teresa Laughlin, Shannon Lienhart, Kendyl Magnuson, Christina Moore, Zeb Navarro, Wilma Owens, Ron Perez, Rich Talmo, John Tortarolo, Mark Vernoy  
Absent: Johnathan Farmer, Rachel Keeney, Leanne Maunu, Tatiana Peisl, Kate Stewart, Sherry Titus, Chris Wick  
Recorder: Cheryl Ashour  
Guests: Joan Decker, Tom Ventimiglia

**A. MINUTES**

**1. Approve Minutes of April 16, 2013**

MSC (Cerda/Cuaron) to approve the Minutes of April 16, 2013 as revised

**2. Approve Workshop Minutes of April 12, 2013**

MSC (Cuaron/Vernoy) to approve the Workshop Minutes of April 12, 2013 as written

**B. ACTION ITEMS/SECOND READING**

**1. Equal Employment Opportunity (EEO) Plan**

MSC (Tortarolo/Cuaron) to approve the EEO Plan as written

**2. Board Policies 2730 – Governing Board Member Health Benefits; 2750 – Governing Board Member Absence; 3430 – Prohibition of Harassment; 3560 – Alcoholic Beverages; 3830 – Naming of Facilities; 4030 – Academic Freedom; and 7361 – Academic Due Process**

MSC (Tortarolo/Cerda) to approve Board Policy 2730-Governing Board Member Health Benefits as written

MSC (Tortarolo/Cuaron) to approve Board Policy 2750-Governing Board Member Absence as written

MSC (Tortarolo/Cuaron) to approve Board Policy 3430-Prohibition of Harassment as written

MSC (Tortarolo/Cuaron) to approve Board Policy 3560-Alcoholic Beverages as written

MSC (Cuaron/Tortarolo) to approve Board Policy 3830-Naming of Facilities as written

MSC (Cuaron/Larson) to approve Board Policy 4030-Academic Freedom as written

MSC (Tortarolo/Owens) to approve Board Policy 7361-Academic Due Process as written

**3. Administrative Procedures 3410 – Nondiscrimination-to delete; 3530 – Weapons on Campus; 3540 – Sexual Assaults on Campus; 3550 – Drug Free Environment and Drug Prevention Program; 3830 – Naming of Facilities; 7127 – Employment of Applicants with Criminal Records; 7270 – Student Workers; and 7850 – Exchange Program-to delete**

MSC (Tortarolo/Cuaron) to approve Administrative Procedure 3410-Nondiscrimination-to delete as written

MSC (Vernoy/Tortarolo) to approve Administrative Procedure 3530-Weapons on Campus as written

MSC (Owens/Tortarolo) to approve Administrative Procedure 3540-Sexual Assaults on Campus as written

MSC (Tortarolo/Cuaron) to approve Administrative Procedure 3550-Drug Free Environment and Drug Prevention Program as written

MSC (Tortarolo/Holmes) to approve Administrative Procedure 3830-Naming of Facilities as written

MSC (Tortarolo/Cuaron) to approve Administrative Procedure 7127-Employment of Applicants with Criminal Records as written

MSC (Tortarolo/Cuaron) to approve Administrative Procedure 7270-Student Workers as written

MSC (Cuaron/Tortarolo) to approve Administrative Procedure 7850-Exchange Program-to delete as written

**C. ACTION ITEMS/FIRST READING****1. IPC Governance Structure Update**

Berta Cuaron distributed a copy of the original IPC Governance Structure form and one with the highlighted revisions. **(Exhibit C1)** There was a question regarding why a classified member was removed from the membership. Ms. Cuaron stated that the Council wanted one representative from each constituency group. This item will return for action/second reading at the next SPC meeting.

**2. Holiday Schedule 2013-2014**

John Tortarolo presented the 2013-2014 holiday schedule. **(Exhibit C2)** This item will return for action/second reading at the next SPC meeting.

**3. Winter Holidays Schedule 2014-2016**

John Tortarolo presented the 2014-2016 winter holidays schedule. **(Exhibit C3)** This item will return for action/second reading at the next SPC meeting.

**4. Board Policies 3410-Nondiscrimination and 4225-Course Repetition**

Board Policy 3410-Nondiscrimination has been revised to reflect gender and genetic information and Board Policy 4225-Course Repetition has been updated to reflect academic renewal and the elimination of activity courses. **(Exhibit C4)** This item will return for action/second reading at the next SPC meeting.

**5. Administrative Procedures 3430-Prohibition of Harassment; 3501-Skateboards, Roller Blades, and Similar Roller Devices; 2714-Distribution of Tickets or Passes; 4225-Course Repetition; and 4231-Grade Changes**

Administrative Procedures 3430, 3501, 2714, 4225, and 4231 were reviewed. **(Exhibit C5)** Discussion ensued on the wording in lines 80 and 146 of AP 4225-Course Repetition. Kendyl Magnuson and Wilma Owens will work together to revise AP 4225. A revised AP 4225, along with AP 3430, 3501, 2714, and 4231 will return for second reading/ action at the next SPC meeting.

**D. INTEGRATED PLANNING MODEL****1. SPC Timeline Check-In**

The SPC Timeline was reviewed.

**2. Continue work on Strategic Plan 2016**

Michelle Barton distributed a handout on Strategic Plan draft goals and topics for objectives written by the workgroup appointed at the last meeting. **(Exhibit D2)** Ms. Barton discussed the four goals presented. After today's discussion, the workgroup will write objectives for SPC to review at its next meeting.

**E. INFORMATION/DISCUSSION****1. Student Success Task Force Recommendations**

It was reported that, because of Title 5 changes, all community college students will need to go through the matriculation process.

**2. Faculty Hiring Priorities 2014-2015**

Berta Cuaron distributed a copy of the 2014-2015 faculty hiring priorities. **(Exhibit E2)**

**3. FY 2013-2014 Tentative Budget**

Ron Perez stated that the tentative budget will go to the Governing Board at its June meeting. He discussed the budget assumptions that were used to build the budget **(Exhibit E3a)**, and Fund 11 Unrestricted (with Designated including Lottery). **(Exhibit E3b)**

**F. REPORTS OF PLANNING COUNCILS****1. Finance and Administrative Services Planning Council**

Ron Perez presented changes to the Finance and Administration Organization Chart. **(Exhibit F1a)** He explained the reasons for the changes and the research done to support the decision.

- Purchasing will move to Business and Contract Services from Fiscal
- Warehouse will move to Purchasing
- Business Support Services will move to Communications, Marketing and Public Affairs under the President's area

Aaron Holmes, on behalf of the CCE, was in opposition to the changes. He stated CCE was not against the specific organizational changes but with the general process. CCE believes that within the signed tentative agreement on the classification study, there is an implied intent that no changes would be made until a final agreement. John Tortarolo responded that reorganization is separate from reclassification, the tentative agreement does not speak to reorganization, and no positions are being reclassified; he distributed a copy of the tentative agreement. **(Exhibit F1b)**

**2. Human Resource Services Planning Council**

John Tortarolo reported that HRSPC will discuss PRPs at today's meeting.

**3. Instructional Planning Council**

Berta Cuaron reported that IPC will begin initial allocations to RPRs at tomorrow's meeting.

**4. Student Services Planning Council**

Mark Vernoy reported that SSPC completed its PRP review and allocated RDA funds.

**H. REPORT FROM PC3H COMMITTEE**

The Pride Center celebration will be on May 15 from 4:00 p.m. to 6:00 p.m.

**I. ADJOURNMENT**

There being no remaining items, the meeting was adjourned at 3:25 p.m.



**PALOMAR COMMUNITY COLLEGE DISTRICT  
EQUAL EMPLOYMENT OPPORTUNITY PLAN**

*Adopted by the Governing Board on x/xx/2013*

**DRAFT**

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## **Plan Component 1. Introduction**

The Palomar Community College District Equal Employment Opportunity Plan (Plan) reflects the District's commitment to fair and equitable treatment in employment towards realizing the full benefits of a culturally diverse and inclusive teaching and learning environment. The District believes that fostering diversity affords the best opportunity to enhance and realize institutional excellence, while preparing those at the center of the institution's mission, the students, to be responsible and culturally competent contributors in an increasingly global society.

The Plan provides an ongoing, systematic approach to evaluating the District's equal employment opportunity (EEO) practices. The primary goals of the Plan are to assess which practices best ensure equal treatment of all applicants and employees; ensures that decisions regarding those practices are based upon and supported by applicable data; and to create a culturally inclusive environment that supports a diverse academic environment and workforce.

The Plan delineates the EEO practices that the District utilizes to further its commitment to diversity. In concordance with Title 5 of the California Code of Regulations, section 53000 et seq., and other applicable laws, regulations, and District policies and procedures, the Plan details the connection between methods to achieve EEO through measurable outcomes and the District's overarching strategic planning and program review mechanisms. Largely driven by Title 5, the Plan also aligns with Standard III.A. Human Resources of the Accrediting Commission for Community and Junior College's Accreditation Standards.

The Human Resource Services (HRS) Department has primary responsibility for the development, review and systematic evaluation of the Plan. The Plan and any subsequent updates will undergo review through the District's shared governance process during which the Equal Employment Opportunity Advisory Committee, the Human Resource Services Planning Council, and then the Strategic Planning Council provide feedback to HRS, which is then incorporated into the Plan. Final review and approval of the Plan resides with the District's Governing Board. The Plan is reviewed and, as necessary, updated every three years as required by the California Community Colleges Chancellor's Office.

Adopted by the Governing Board of the Palomar Community College District on **[insert date]**

**[Insert signature of Superintendent/President]**

## **Plan Component 2. Definitions**

Included in this component are definitions for terms used frequently in the Plan.

**Adverse Impact.** *Adverse impact* means that a statistical measure (such as those outlined in the Equal Employment Opportunity 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 defined in terms of ethnic group identification, gender, or disability. 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.

**Appeal.** *Appeal* means a request in writing made by a complainant to the Palomar Community College District's Governing Board pursuant to Title 5, section 59338, and/or to the California Community Colleges Chancellor's Office (Chancellor's Office) pursuant to Title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.

**Business Necessity.** *Business necessity* means circumstances which justify an exception to the requirements of Title 5, section 53021(b)(1) because compliance with that section would result in a substantial additional financial cost to the District or pose a significant threat to human life or safety. Business necessity requires greater financial cost than mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

**Chancellor.** The Chancellor of the California Community Colleges system.

**Chancellor's Office.** The California Community Colleges Chancellor's Office.

**Complaint.** *Complaint* means a written and signed statement meeting the requirements of Title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges as set forth in Title 5, section 59300 et seq.

**DFEH.** *DFEH* is an acronym for the California Department of Fair Employment and Housing.

**District.** *District* means the Palomar Community College District. This definition is inclusive of any District program or activity that is funded directly by the state or receives financial assistance from the state, or any other organization associated with the District or its educational centers that receives state funding or financial assistance through the District.

**Diversity.** *Diversity* means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, cultural, age, national origin, religious, sex, gender, sexual orientation, disability, socioeconomic, academic, and other backgrounds protected by federal and state laws and regulations. A diverse educational community demonstrates through its practices that it recognizes the educational benefits to all students from attending school in an environment that promotes and values employee diversity at all levels. Hiring strategies to maximize workforce diversity enhance and include steps for identifying and eliminating adverse impact and the barriers to employment of historically underrepresented groups.

**Equal Employment Opportunity.** *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 listed in section 53004(a). Ensuring equal employment opportunity also involves:

1. Identifying and eliminating barriers to employment that disproportionately exclude, or have an adverse impact upon, individuals based on any protected status identified in Government Code section 12940; and
2. Creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to individuals from all groups protected from discrimination pursuant to Government Code section 12940.

**Equal Employment Opportunity Plan.** The *Equal Employment Opportunity Plan* is the written document in which the District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

**Equal Employment Opportunity Programs.** *Equal employment opportunity programs* means all 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.

**Ethnic Minorities.** *Ethnic minorities*, as defined by Title 5, section 53001(f)(1), means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

**Ethnic Group Identification.** *Ethnic group identification* means 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.** *In-house or promotional only hiring* means that only existing District employees are allowed to apply for a position.

**Monitored Group.** *Monitored group* means those groups identified in Title 5, section 53004(b) for which monitoring and reporting is required pursuant to Title 5, section 53004(a).

**OCR.** An acronym for the Office for Civil Rights of the United States Department of Education.

**Person with a Disability.** *Person with a disability* means 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.

**Projected Representation.** *Projected representation* means the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.

**Reasonable Accommodation.** *Reasonable accommodation* means the efforts made on the part of the District to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in Title 5, section 53025, in compliance with Government Code section 12926, to identify and implement reasonable modifications to the workplace that enable a disabled employee to perform the essential functions of a job.

**Responsible District Officer.** *Responsible District Officer* means the person identified by the District as the person responsible for receiving and coordinating investigations of complaints of unlawful discrimination filed with the Chancellor's Office pursuant to Title 5, section 59328.

**Screening or Selection Procedure.** *Screening or selection procedure* means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

**Significantly Underrepresented Group.** *Significantly underrepresented group* means any monitored group for which the percentage of persons from that group employed by the District in any job category listed in Title 5, section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

### **Plan Component 3. Policy Statement**

#### Board Policy 3420 Equal Employment Opportunity

References: Education Code, sections 87100 et seq; Title 5, sections 53000 et seq.

Adopted April 12, 2011

The Governing Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized and community colleges foster a climate of acceptance with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, respect, harmony, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

In all phases of recruitment and hiring, equal opportunity is afforded to all employees and qualified applicants for employment without discrimination on the basis of characteristics including, but not limited to: ethnic group identification, race, color, national origin, religion, socioeconomic status, age, sex, gender, gender identity, physical or mental disability, sexual orientation, political affiliation, transgender, marital status, veteran status, medical conditions, union membership 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.

The Superintendent/President shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation. The Vice President, Human Resource Services is the responsible District officer charged with receiving formal complaints of equal employment opportunity violations and coordinating the investigation.

Also see BP 3410 titled Nondiscrimination, AP 3420 titled Equal Employment Opportunity, AP 3435 titled Discrimination and Harassment Investigations and Training, BP 7100 titled Commitment to Diversity, BP/AP 7120 titled Recruitment and Hiring, and the District's Equal Employment Opportunity (EEO) Plan.

## **Plan Component 4. Delegation of Responsibility, Authority, and Compliance**

Achieving the goal of a diverse educational culture requires the collective efforts of the college community as a whole. All employees and agents of the District are responsible for promoting and supporting equal employment opportunity in order to realize the full benefits of a diverse, collaborative, and inclusive District culture. The general responsibilities for the prompt and effective implementation of this Plan are set forth below.

**Governing Board.** The Governing Board is ultimately responsible for the proper implementation of the District's Plan at all levels of District operations, for ensuring equal employment opportunity as described in the Plan, and is accountable for the success of the Plan.

**Superintendent/President.** The Governing Board delegates to the Superintendent/President the responsibility for ongoing implementation of the Plan and for providing leadership in supporting and articulating the District's equal employment opportunity policies and procedures. The Superintendent/President shall advise the Governing Board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on Plan implementation.

**Equal Employment Opportunity Officer.** The Governing Board designates the Assistant Superintendent/Vice President, Human Resource Services as the equal employment opportunity officer who is responsible for the day-to-day implementation of the Plan. If the designation of the equal employment opportunity officer changes before this 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 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 Plan Component 6. Complaints and for ensuring that District workforce, applicant pools, and selection procedures are properly monitored.

**Equal Employment Opportunity Advisory Committee.** To promote understanding and support of equal employment opportunity policies and procedures, the District has established an Equal Employment Opportunity Advisory Committee (EEOAC), as further detailed in Plan Component 5. Advisory Committee and as specified in Title 5, section 53005. The EEOAC acts as an advisory body to the equal employment opportunity officer and the District as a whole; assists in the implementation of the Plan in conformance with state and federal regulations and guidelines; monitors equal employment opportunity progress; and provides suggestions for Plan revisions as appropriate.

**District Employees.** Consistent with applicable state and federal laws and applicable collective bargaining agreements and employee handbooks, employees shall actively promote equal employment opportunity and the diversity goals of the Plan in all facets of District operations and processes, including, but not limited to, recruitment, selection, evaluation, and tenure.

**Agents of the District.** Any organization or individual, whether or not an employee of the District, who acts on behalf of the Governing Board with regard to the recruitment and screening of personnel, is an agent of the District and is subject to all the requirements of this Plan.

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

## **Plan Component 5. Advisory Committee**

**Role.** The District has established an Equal Employment Opportunity Advisory Committee (EEOAC) to assist in the articulation and implementation of the Plan. The EEOAC assists the District in achieving understanding of and support for equal employment opportunity and non-discrimination policies and procedures consistent with the purposes of the Plan. As further delineated in Plan Component 8. Training for Screening/Selection Committees, the Equal Employment Opportunity Officer or qualified designees shall train the EEOAC on equal employment compliance and the Plan itself. The specific responsibilities of the EEOAC include:

1. Assisting in developing the District's Plan in compliance with state and federal regulations, statutes, and guidelines.
2. Monitoring the implementation and progress of the Plan and recommending corrective action when necessary.
3. 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.
4. Assisting the District's Equal Employment Opportunity Officer in developing and coordinating information programs for District employees.
5. Reviewing and suggesting revisions in services, employment policies, and other written and unwritten rules, policies, practices, and procedures that affect persons with disabilities.
6. Monitoring the implementation of and compliance with the Americans with Disabilities Act.

**Meetings.** The EEO Advisory Committee meets once each month during the regular academic year. Meeting agendas and minutes are posted on the District's website at [www.palomar.edu](http://www.palomar.edu).

**Composition.** The EEOAC is comprised of District students, faculty, staff, administrators, and community members. A good faith effort shall be made to establish and maintain a committee comprised of a diverse membership and with respect to the principles of shared governance. The membership of the EEOAC is as follows:

- Chair: Assistant Superintendent/Vice President, Human Resource Services (District Equal Employment Opportunity Officer)
- Four (4) full-time faculty members appointed by the Faculty Senate

- One (1) full-time faculty member appointed by the Palomar Faculty Federation
- One (1) part-time faculty member appointed by the Faculty Senate
- Two (2) classified unit employees
- One (1) member of the Confidential and Supervisory Team
- One (1) member of the Administrative Association
- One (1) senior administrator
- Two (2) students appointed by the Associated Student Government
- Two (2) community representatives
- Three (3) at-large members

## **Plan Component 6. Complaints**

**Overview: EEO and Unlawful Discrimination Complaints.** Pursuant to Title 5, section 53003(c)(2), this component addresses two sources of complaints: (a) those alleging violations of the equal employment opportunity regulations under Title 5, section 53026; and (b) those alleging unlawful discrimination or harassment under Title 5, section 59300, with or without reference to equal employment opportunity violations. All such complaints shall be filed with the District's Equal Employment Opportunity Officer, except those against the Equal Employment Opportunity Officer, which shall be filed with the Superintendent/President.

**Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Title 5, Section 53026).** The District is committed to the principles of equal employment opportunity and has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment regulations, as outlined in Title 5, sections 53000 et seq., have been violated. All complaints shall be in writing, signed and dated by the complainant, and shall contain the following: the name(s) of the individual(s) involved, the date(s) of the alleged violation(s), and a detailed description of the actions constituting the alleged violation(s).

All complaints must be filed as soon as possible after the occurrence of an alleged violation unless the violation is ongoing. Complaints involving current hiring processes must be filed no later than 60 calendar days after such occurrence unless the complainant can verify a compelling reason for the District to waive the 60-day limitation. Complaints alleging violations of the Plan that do not involve a current hiring process must be filed no later than 90 days after such occurrence unless the violation is ongoing.

A complainant may not appeal the District's determination pursuant to Title 5, 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 cases, 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 District level using the process provided by Title 5, section 53026. Guidelines for minimum conditions complaints are provided on the website of the Chancellor's Office at [www.cccco.edu](http://www.cccco.edu).

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. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within 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 Title 5, section 59300 et. seq.

***Complaints Alleging Discrimination or Harassment (Title 5, Section 59300 et seq).***

Complaints alleging unlawful discrimination or harassment follow the procedures set forth in Title 5, section 59300 et. seq., regardless of whether such complaints also include allegations of equal employment opportunity violations. The District has adopted procedures for complaints alleging unlawful discrimination or harassment, which are included in Appendix A.

## **Plan Component 7. Notification to District Employees**

The commitment of the Governing Board and the Superintendent/President to equal employment opportunity is emphasized through the broad dissemination of the District's equal employment opportunity policy statement and the Plan. The policy statement will be printed in the college catalogs and class schedules, and will include information on how to review or obtain a copy the Plan.

The Plan and subsequent revisions will be distributed to the Governing Board, the Superintendent/President, administrators, the Faculty Senate's leadership, union and employee group representatives and members of the District's Equal Employment Opportunity Advisory Committee. The Plan will also be available on the District's website and notifications of updates and revisions will be made via the website and e-mail notification.

Each year, the District will provide all employees with a copy of the District's equal employment opportunity policy statement, Board Policy 3420 (located in Plan Component 3. Policy Statement of the Plan) and written notice summarizing the provisions of the Plan. The Human Resource Services Department 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:

1. The importance of the employee's participation and responsibility in ensuring the Plan's implementation.
2. A list of locations where complete copies of the Plan are available, to include, at minimum, the District's website, the President's Office, the Human Resource Services office, the District's libraries, and at each department office.

## **Plan Component 8. Training for Screening/Selection Committees**

Any individual or organization, whether or not an employee of the District, who participates in the recruitment and screening/selection of personnel shall receive appropriate training on the following information:

- The requirements of the Title 5 regulations on equal employment opportunity (section 53000 et. seq.)
- The requirements of federal and state nondiscrimination laws
- The District's policies on nondiscrimination, recruitment, and hiring
- The requirements of the District's Plan
- Principles of diversity and cultural proficiency
- The value of a diverse workforce
- Recognizing bias

Persons serving in the above capacities will be required to receive training within the 12 months prior to service on a hiring process. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/selection committees. The Human Resource Services Department is responsible for providing the required training.

Any individual, whether or not an employee of the District, acting on behalf of the District with regard to recruitment and screening/selection of employees is subject to the equal employment opportunity requirements of Title 5 as pursuant to section 53020(c) and the Plan. Appendix B contains the District's current training materials related to the screening/selection process.

**Plan Component 9.**  
**Annual Written Notice to Community Organizations**

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the Plan for the purpose of seeking assistance from the community in identifying qualified applicants. The notice will inform these organizations of how they may obtain a copy of the Plan and shall request their assistance in identifying diverse, qualified candidates. The notice will include a summary of the Plan and the website address where the District advertises its job openings, as well as contact information for District employees and departments from which employment information may be obtained.

The District will actively seek to reach those institutions, organizations, and agencies that may serve as recruitment resources. A list of the organizations that will receive this notice is contained in Appendix C of this Plan and will be revised periodically as necessary.

## **Plan Component 10. Analysis of District Workforce and Pool**

The Human Resource Services Department will annually survey the District's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the Plan, to provide data needed for the reports required by this Plan, and to determine whether any monitored group is underrepresented. Monitored groups are males, females, American Indians/Alaskan Natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Whites, and persons with disabilities.

For purposes of the survey and reports each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committees and hiring administrators.

The District will annually report to the Chancellor the results of its annual survey of employees. At least every three years the 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:

- 1) Executive/Administrative/Managerial
- 2) Faculty
- 3) Professional Non-faculty
- 4) Secretarial/Clerical
- 5) Technical and Paraprofessional
- 6) Skilled Crafts
- 7) Service and Maintenance

**Analysis of District Workforce.** The District's current employee demographic data is shown on page 16. Data on employees with disabilities is not currently available. This information will be provided at such time that the Chancellor's Office provides availability data on applicants with disabilities to all districts.

**Palomar College Employee Demographic Data, Fall 2012**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Ethnicity
<b>Executive/Administrative/Managerial</b>	30	14	16	2	1	2	5	20	0
<b>Full-Time Faculty</b>	260	131	129	4	4	14	38	199	1
<b>Professional Non-faculty</b>	33	7	26	0	0	3	6	24	0
<b>Secretarial/Clerical</b>	226	33	193	5	4	7	68	141	1
<b>Technical and Paraprofessional</b>	100	59	41	0	2	9	27	59	3
<b>Skilled Crafts</b>	20	20	0	1	0	0	11	8	0
<b>Service and Maintenance</b>	54	50	4	1	6	7	18	22	0

The District's workforce in the job categories of Executive/Administrative/Managerial, Full-Time Faculty is balanced equally in terms of gender and near-balanced in the Technical and Paraprofessional category. The Professional Non-faculty, Secretarial/Clerical, and Service and Maintenance categories are each associated with a higher number of staff of a particular gender. All staff in positions in the Skilled Crafts category are male. This higher number of employees of specific genders within three of these last four categories is associated with a higher number of jobs within these categories that tend to be staffed historically by individuals of particular genders. This trend results in larger numbers of females employed in the office support positions that are predominant in the Secretarial/Clerical category, which is the non-faculty job category with the largest number of staff, and higher numbers of males employed in trades, maintenance, and campus security positions in the Skilled Crafts and Service and Maintenance categories. For each job category, the proportion of male/female gender diversity is similar to that of prior years.

Ethnic diversity within the job categories currently varies. As has been the case for a number of years, diversity within non-faculty job categories is higher than that of the Faculty job category. Approximately one third of employees in the Executive/Administrative/Managerial category and slightly one fourth of employees in the Professional Non-faculty categories are of historically underrepresented ethnic groups. Relative to most of the other job categories, a small number of positions exist in each of these categories and the overall ethnic diversity of these categories are subject to frequent fluctuations with the ebb and flow of hires and employee attrition. Slightly under one fourth of the District's full-time faculty are of historically underrepresented ethnic groups. In recent years, the District has experienced a large number of faculty retirements annually, but has experienced delays in replacing the resulting vacancies due to the impacts of statewide fiscal constraints. These issues have lessened the District's ability to increase the diversity of its faculty. The District has enjoyed greater success in diversifying staff within the job categories of Secretarial/Clerical, Technical and Paraprofessional, Skilled Crafts, and Service and Maintenance, which are associated with large numbers of classified employees. The Secretarial/Clerical category has approximately 37% staff of underrepresented ethnic groups and the Technical and Paraprofessional category has 41% of staff of diverse

ethnic groups. Both the Skilled Crafts and Service and Maintenance categories have approximately 60% staff of underrepresented ethnic groups.

**Analysis of Applicant Pools.** The District collects applicant demographic data for completed recruitments each fiscal year commencing on July 1 and ending on June 30. This information consists of the ethnic, gender, and disability composition of applicant pools, interviewees, and hires. The applicant demographic data for the past three fiscal years of 2009-10, 2010-11, 2011-12 is presented below on pages 18-20. Data on applicants with disabilities is not available. This information will be provided at such time that the Chancellor's Office provides applicant availability data to all districts.

There has been significant variance in the total number of applicants, interviewees, and hires for the past three fiscal years due to large differences in the number of positions recruited each year: only 12 in 2009-10, and 36 and 43 in 2010-11 and 2011-12, respectively. Additionally, in each of these three years, the District did not recruit positions for all seven job categories. In the Executive/Administrative/Managerial and Full-Time Faculty categories, overall applicant diversity from initial application to hire has been inconsistent due to the smaller number of positions that were recruited and smaller applicant pools. Despite these fluctuations, some trends in applicant demographic data emerge. Broad applicant ethnic diversity is evident in most initial applicant pools. In all three years, most applicant pools for all job categories were at least approximately 30% diverse ethnically. Diversity in each pool generally persists through the application screening phase to the interview process, again with most pools of interviewees over 30% diverse over the prior three-year period. Those successfully hired to the District were also of underrepresented backgrounds, with the overall percentage of diverse hires in most job categories commonly 50% and above.

Gender diversity in applicant pools, interviewees, and hires over the past three years is similar to that of the workforce analysis on page 16. Females were hired more frequently than males, and more positions were filled in the Secretarial/Clerical job category than any other, in which historically more females have been employed than males. During the three-year span, mostly males were hired in the Skilled Crafts and Service/Maintenance job categories, the two categories in which a higher ratio of males to females are also employed in the District's workforce analysis. Across the three-year period, the proportion of hires of each monitored gender were more balanced within the other job categories of Executive/Administrative/Managerial, Full-Time Faculty, Professional Non-Faculty, and Technical and Paraprofessional, which is reflective of the current gender balance of employees in each of these job categories as indicated in the workforce analysis.

**Palomar College 2009-10 Applicant Pool Data: All Applicants**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and Ethnicity
Executive/Administrative/Managerial	0	0	0	0	0	0	0	0	0
Full-Time Faculty	12	0	11	0	2	0	1	8	1
Professional Non-faculty	70	17	44	1	4	1	31	23	9
Secretarial/Clerical	683	65	318	8	30	61	170	346	59
Technical and Paraprofessional	40	20	15	1	2	4	5	21	5
Skilled Crafts	121	114	2	2	3	9	37	61	5
Service and Maintenance	0	0	0	0	0	0	0	0	0

**Palomar College 2009-10 Applicant Pool Data: Interviewed Applicants**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and Ethnicity
Executive/Administrative/Managerial	0	0	0	0	0	0	0	0	0
Full-Time Faculty	4	0	4	0	0	0	0	4	0
Professional Non-faculty	6	0	5	0	0	0	3	2	1
Secretarial/Clerical	51	5	36	0	0	1	16	29	3
Technical and Paraprofessional	6	3	2	1	1	1	0	2	1
Skilled Crafts	7	6	1	0	0	0	1	6	0
Service and Maintenance	0	0	0	0	0	0	0	0	0

**Palomar College 2009-10 Applicant Pool Data: Hires**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and Ethnicity
Executive/Administrative/Managerial	0	0	0	0	0	0	0	0	0
Full-Time Faculty	2	0	2	0	0	0	0	2	0
Professional Non-faculty	1	0	1	0	0	0	1	0	0
Secretarial/Clerical	7	1	6	0	0	0	4	3	0
Technical and Paraprofessional	1	0	1	0	0	0	0	1	0
Skilled Crafts	1	1	0	0	0	0	0	1	0
Service and Maintenance	0	0	0	0	0	0	0	0	0

**Palomar College 2010-11 Applicant Pool Data: All Applicants**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and Ethnicity
Executive/Administrative/Managerial	91	79	8	1	3	11	11	60	4
Full-Time Faculty	373	209	104	12	18	49	73	194	15
Professional Non-faculty	84	19	23	1	2	2	26	52	1
Secretarial/Clerical	469	89	347	6	32	42	146	208	27
Technical and Paraprofessional	263	151	91	5	9	45	43	138	19
Skilled Crafts	169	161	1	5	3	14	45	87	7
Service and Maintenance	662	509	32	18	68	65	256	214	33

**Palomar College 2010-11 Applicant Pool Data: Interviewed Applicants**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and Ethnicity
Executive/Administrative/Managerial	14	11	2	0	1	2	3	7	1
Full-Time Faculty	44	22	9	1	0	4	8	28	1
Professional Non-faculty	9	3	2	0	0	0	3	6	0
Secretarial/Clerical	55	14	37	1	4	3	15	26	4
Technical and Paraprofessional	39	22	15	1	1	9	4	20	2
Skilled Crafts	11	11	0	2	1	2	1	5	0
Service and Maintenance	33	29	1	0	2	6	0	8	2

**Palomar College 2010-11 Applicant Pool Data: Hires**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and Ethnicity
Executive/Administrative/Managerial	1	1	0	0	0	0	0	1	0
Full-Time Faculty	6	4	2	0	0	0	1	5	0
Professional Non-faculty	3	1	2	0	0	0	1	2	0
Secretarial/Clerical	10	2	8	0	1	0	4	5	0
Technical and Paraprofessional	8	5	3	0	1	3	1	3	0
Skilled Crafts	2	2	0	1	0	0	0	1	0
Service and Maintenance	6	6	0	0	1	1	3	1	0

**Palomar College 2011-12 Applicant Pool Data: All Applicants**

	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>American Indian/ Alaskan Native</b>	<b>Black/ African-American</b>	<b>Asian/ Pacific Islander</b>	<b>Hispanic/ Latino</b>	<b>White</b>	<b>Unknown Gender and Ethnicity</b>
<b>Executive/Administrative/Managerial</b>	261	149	95	8	19	13	40	162	11
<b>Full-Time Faculty</b>	0	0	0	0	0	0	0	0	0
<b>Professional Non-faculty</b>	62	32	28	0	4	4	25	27	2
<b>Secretarial/Clerical</b>	1438	264	1083	36	88	180	295	746	59
<b>Technical and Paraprofessional</b>	87	43	40	3	0	19	9	51	3
<b>Skilled Crafts</b>	62	60	0	2	1	0	14	41	2
<b>Service and Maintenance</b>	634	521	73	13	67	49	252	224	21

**Palomar College 2011-12 Applicant Pool Data: Interviewed Applicants**

	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>American Indian/ Alaskan Native</b>	<b>Black/ African-American</b>	<b>Asian/ Pacific Islander</b>	<b>Hispanic/ Latino</b>	<b>White</b>	<b>Unknown Gender and Ethnicity</b>
<b>Executive/Administrative/Managerial</b>	47	27	19	1	1	3	7	31	1
<b>Full-Time Faculty</b>	0	0	0	0	0	0	0	0	0
<b>Professional Non-faculty</b>	14	8	5	0	0	1	5	7	1
<b>Secretarial/Clerical</b>	128	14	108	3	3	18	25	75	4
<b>Technical and Paraprofessional</b>	29	16	14	1	0	8	2	17	1
<b>Skilled Crafts</b>	8	8	0	0	0	0	1	8	0
<b>Service and Maintenance</b>	46	38	7	1	2	3	24	15	1

**Palomar College 2011-12 Applicant Pool Data: Hires**

	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>American Indian/ Alaskan Native</b>	<b>Black/ African-American</b>	<b>Asian/ Pacific Islander</b>	<b>Hispanic/ Latino</b>	<b>White</b>	<b>Unknown Gender and Ethnicity</b>
<b>Executive/Administrative/Managerial</b>	6	4	2	1	0	0	2	3	0
<b>Full-Time Faculty</b>	0	0	0	0	0	0	0	0	0
<b>Professional Non-faculty</b>	3	1	2	0	0	0	2	1	0
<b>Secretarial/Clerical</b>	19	1	18	1	0	2	4	12	0
<b>Technical and Paraprofessional</b>	4	2	2	0	0	1	0	3	0
<b>Skilled Crafts</b>	1	1	0	0	0	0	0	1	0
<b>Service and Maintenance</b>	10	8	2	0	1	1	5	3	0

**Plan Component 11.**  
**Analysis of Degree of Underrepresentation and Significant Underrepresentation**

This component cannot be completed until such time as the Chancellor's Office provides workforce availability data. At the time that such data is provided, the District will revise this component of the Plan.

**Plan Component 12.  
Methods to Address Any Underrepresentation**

This component cannot be completed until such time as the Chancellor's Office provides workforce availability data. At the time that such data is provided, the District will revise this component of the Plan.

**Plan Component 13.**  
**Additional Steps to Remedy Any Significant Underrepresentation**

This component cannot be completed until such time as the Chancellor's Office provides workforce availability data. At the time that such data is provided, the District will revise this component of the Plan.

**Plan Component 14.**  
**Other Measures Necessary to Further Equal Employment Opportunity**

Equal employment opportunity means that all qualified individuals have a fair and equitable opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. The District's goal is to ensure that equal employment opportunity exists at all levels of the institution and within all job categories. Ensuring equal employment opportunity also involves cultivating an environment that fosters cooperation, acceptance, democracy, and the free expression of ideas and is welcoming to individuals from all groups protected from discrimination under federal and state law.

The District recognizes that multiple approaches beyond the specific requirements of Title 5, section 53000 et. seq. are necessary to creating a broadly inclusive academic culture that ensures equal employment opportunity and the creation of a diverse workforce. Specific approaches that the District will implement to promote diversity and the goals of equal employment opportunity include, but are not limited, to the following approaches:

**District-Wide Approaches.**

1. The District's vision, mission, and values, included in Appendix D, emphasize the District's commitment to diversity and shapes the concepts of equitable and fair treatment of individuals in all aspects of District operations.
2. Information about the District's EEO and non-discrimination policies and procedures is posted on the District's website and cross-referenced on a number of District web pages so that the information is easily available to students, employees, job seekers, and the public. Appendix D provides links to these pages.
3. A variety of events are hosted by various District entities throughout the academic year that focus on diversity topics, including the annual Unity in Diversity event hosted by the Equal Employment Opportunity Advisory Committee. Further information about current diversity-related activities can be found on the District website at [www.palomar.edu](http://www.palomar.edu).

**Recruitment.**

1. The District advertises positions in a broad range of venues to attract large, diverse, well-qualified applicant pools. The District's current advertising resource list is in Appendix D.
2. Employment applicants are required to address their sensitivity to various facets of diversity found within a community college in their application materials and, in

turn, requiring selection committees to assess each qualified applicant's understanding of diversity based on the provided information. The selection process training materials in Appendix B outline this requirement.

3. Selection committees are required to develop interview questions that assess candidates' understanding of diversity in relation to the specific position. The selection process training materials in Appendix B outline this requirement.
4. Per the District's Faculty Hiring Policy, appearing in Appendix B, District Compliance Officers are faculty and administrators that serve on selection committees as non-voting observers to ensure that all District selection procedures and federal and state EEO regulations are followed.
5. The District subscribes to the services offered by the Cooperative Organization for the Development of Selection Procedures (CODESP) in part to obtain assistance in developing content-valid interview materials and tests that comply with EEO regulations. CODESP's website address is [www.codesp.com](http://www.codesp.com).

### **Employee Training.**

1. Sexual harassment prevention training is available to all District employees, including those employees mandated to receive such training under AB 1825. Information about the District's current AB 1825 training is provided in Appendix D.
2. Trainings on other diversity, non-discrimination, and cultural proficiency topics are offered to all employees through the Human Resource Services Department and the District's Professional Development program. Information about trainings provided by Human Resource Services is provided in Appendix D. The Professional Development program's current list of course offerings may be viewed at [www.palomar.edu/pd](http://www.palomar.edu/pd).

### **Other Practices.**

The District shall seek to further enhance its commitment to diversity and equal employment opportunity through review of current practices and the development of additional ongoing measures. Such practices, when implemented, shall be included in future revisions of the Plan.

**Plan Component 15.**  
**Persons with Disabilities: Accommodations and Goals for Hiring**

This component cannot be completed until such time as the Chancellor's Office provides workforce availability data. At the time that such data is provided, the District will revise this component of the Plan.

**Plan Component 16.**  
**Graduate Assumption Program of Loans for Education**

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 in completing their graduate studies and becoming community college employees. The District will make this information available through venues and in locations accessed regularly by students, including, but not limited to, the District website; the college catalog; Counseling Services; Enrollment Services; and Financial Aid, Veterans, and Scholarship Services. Additionally, efforts will be made to inform graduate students enrolled at local colleges and universities about the benefits of employment at a community college.

## **Appendix A.**

### **Unlawful Discrimination Complaint Procedure and Sexual Harassment Policy**

- A.I. Unlawful Discrimination Complaint Procedure: Page A-1
- A.II. Sexual Harassment Policy: Page A-15

## Appendix A.I. Unlawful Discrimination Complaint Procedure

### UNLAWFUL DISCRIMINATION

#### Complaint Procedure

#### Introduction and Scope

These are the written procedures for filing and processing complaints of unlawful discrimination in the Palomar Community College District. These procedures incorporate the legal principles contained in nondiscrimination provisions of the California Code of Regulations, Title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

A copy of the written policy and procedures on unlawful discrimination are available in the Office of Human Resource Services.

Authority: 20 U.S.C. § 1681 et seq.; Ed. Code, §§ 66270, 66271.1, 66281.5; Gov. Code, § 11135-11139.5; Cal. Code Regs., tit. 5, § 59326. Reference: Cal. Code Regs., tit. 5, § 59300 et seq.; 34 C.F.R. § 106.8(b).

#### Definitions

Definitions applicable to nondiscrimination policies are as follows:

- "Appeal" means a request by a complainant made in writing to the Palomar Community College District governing board pursuant to Title 5, section 59338, and/or to the State Chancellor's Office pursuant to Title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.
- "Complaint" means a written and signed statement meeting the requirements of Title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at Title 5, section 59300 et seq.<sup>1</sup>
- "Days" means calendar days

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<sup>1</sup> If a complaint of unlawful discrimination is presented in another written format, such as a letter, the District may request that the complainant complete the form. If there is a delay in obtaining a completed form, or the complainant refuses to transfer the information or otherwise complete the form but wishes to pursue the formal complaint process, the District may attach the letter to the form and open a formal investigation. While a complaint filed in an improper form is still procedurally defective under title 5 standards, the merits of the complaint itself may still be valid and must be addressed.

- "Mental disability" includes, but is not limited to, all of the following:
  - (1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity.  
For purposes of this section:
    - (A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
    - (B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
    - (C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.
  - (2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.
  - (3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.
  - (4) Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.
  - (5) Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).
- "Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- "Physical disability" includes, but is not limited to, all of the following:
  - (1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
    - (A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

- (B) Limits a major life activity. For purposes of this section:
- (i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
  - (ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
  - (iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.
- (2) Any other health impairment not described in paragraph (1) that requires specialized supportive services.
  - (3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.
  - (4) Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
  - (5) Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).
  - (6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- "District" means the Palomar Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes any other organization associated with the District or its educational centers that receives state funding or financial assistance through the District.
  - "Responsible District Officer" means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints

filed pursuant to Title 5, section 59328, and coordinating their investigation.

- “Sexual harassment” is unlawful discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:
  - (1) Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of possible sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, invitations. Examples of possible verbal sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
  - (2) Continuing to express sexual interest after being informed that the interest is unwelcomed.
  - (3) Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
  - (4) Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee’s career, salary, and/or work environment.
  - (5) Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
  - (6) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
- “Unlawful discrimination” means any complaint of unlawful discrimination based on a category protected under Title 5, section 59300, including sexual harassment and retaliation.
- “Complainant” means an individual who alleges that he or she has personally suffered unlawful discrimination or one who has learned of such unlawful discrimination and is reporting it.

Authority: Gov. Code, § 12926; Cal. Code Regs., tit. 5, § 59311; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX*, Office for Civil Rights, January 19, 2001.

### **Students and Employees Notice**

The Palomar Community College District's responsible officer shall make available to employees and students the District's unlawful discrimination policy and procedures. Faculty members, members of the administrative staff, and members of the classified service will be provided with a copy of the District's written policy on unlawful discrimination at the beginning of the first semester of the college year after the policy is adopted.

All District employees will receive a copy of the unlawful discrimination policies and procedures during the first year of their employment. In years in which a substantive policy or procedural change has occurred all District employees will receive a copy of the revised policies and/or procedures. A copy of the District's written policy on unlawful discrimination will be available to students in the Student Affairs Office.

Authority: Ed. Code, § 66281.5; Cal. Code Regs., tit. 5, §§ 59324 and 59326.  
Reference: Cal. Code Regs., tit. 5, § 59300 et seq.; 34 C.F.R. § 106.8(b).

### **Retaliation**

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

Authority: 20 U.S.C. § 1681 et seq.; 34 C.F.R. § 106; Cal. Code Regs., tit. 5, § 59300 et seq.; *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX*, Office for Civil Rights, January 19, 2001

### **Responsible District Officer**

The Palomar Community College District has identified the Assistant Superintendent/Vice President, Human Resource Services, to the State Chancellor's Office and to the public as the single District officer responsible for receiving all unlawful discrimination complaints filed pursuant to Title 5, section 59328, and for coordinating their investigation. The actual investigation of complaints may be assigned to other staff or

to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

Authority: Cal. Code Regs., tit. 5, § 59324; 34 C.F.R. § 106.8.

## PROCEDURE

### Informal/Formal Complaint Procedure

When a person brings charges of unlawful discrimination to the attention of the District's responsible officer, that officer will:

- (1) Undertake efforts to informally resolve the charges;
- (2) Advise the complainant that he or she need not participate in informal resolution;
- (3) Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so;
- (4) Assure the complainant that he or she will not be required to confront or work out problems with the person accused of unlawful discrimination;
- (5) Advise the complainant that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- (6) If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to Title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to Title 5, section 59336.

to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

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accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

Authority: Cal. Code Regs., tit. 5, §§ 59311 and 59328.

### **Threshold Requirements Prior to Investigation of a Formal Written Complaint**

When a formal written complaint is filed it will be reviewed to determine if the complaint meets the following requirements:

- The complaint should be filed on a form prescribed by the State Chancellor's Office. If the complaint is not filed on this form, every effort should be made to have the complaint filed on this form and to obtain complainant's signature. However, where a complainant has indicated that he or she wishes to pursue the formal complaint process, a complaint should not be rejected solely based on the failure to file the complaint on this form.
- The complaint must allege unlawful discrimination prohibited under Title 5, section 59300.
- The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination, including a faculty member, staff member, or administrator, student, family member, or other third party.
- In any complaint not involving employment, the complaint must be 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 specific incident or incidents of alleged unlawful discrimination.
- In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.

If the complaint is defective it will be immediately returned to the complainant with a complete explanation of why an investigation could not be initiated under Title 5, California Code of Regulations, section 59300 et seq. Additional information about this initial review of complaints can be found in the Guidelines for Processing Formal Title 5 Unlawful Discrimination Complaints prepared by the State Chancellor's Office.

Authority: Cal. Code Regs., tit. 5, § 59328.

## **Notice to State Chancellor or District**

A copy of all complaints filed in accordance with the Title 5 regulations will be forwarded to the State Chancellor's Office immediately upon receipt. Similarly, when the State Chancellor's Office receives a complaint a copy will be forwarded to the District.

Authority: Cal. Code Regs., tit. 5, § 59330.

## **Confidentiality of the Process**

Investigative processes can best be conducted within a confidential climate, and the District does not reveal information about such matters except as necessary to fulfill its legal obligations. However, potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed.

The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.

It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination will all be asked to sign a confidentiality acknowledgement statement.

A victim of discrimination who is informed of disciplinary action must keep the information confidential.

Authority: Cal. Const. Art. I, § 1; Civil Code § 47; Ed. Code, §§ 76234 and 87740; *Silberg v. Anderson* (1990) 50 Cal.3d. 205; Revised *Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX*, Office for Civil Rights, January 19, 2001.

## **Administrative Determination**

Within 90 days of receiving an unlawful discrimination complaint filed under Title 5, sections 59300 et seq., the responsible District officer will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report<sup>3</sup> to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor:

- (a) The determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- (b) a description of actions taken, if any, to prevent similar problems from occurring in the future;
- (c) the proposed resolution of the complaint; and
- (d) the complainant's right to appeal to the District governing board and if the complainant meets the definition contained in Title 5, section 59328(a),<sup>4</sup> the State Chancellor.

The Palomar Community College District recognizes the importance of and is therefore committed to completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

Authority: Cal. Code Regs., tit. 5, § 59336.

## **Complainant's Appeal Rights**

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary is mailed to the complainant, the responsible District officer or his/her designee shall notify the complainant of his or her appeal rights as follows:

- First level of appeal: The complainant has the right to file an appeal to the District's governing board within 15 days from the date of the administrative determination. The District's governing board will review the original complaint, the investigative report, the administrative determination, and the appeal.

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<sup>3</sup> The summary report will contain a summary of the evidence obtained, the determination made regarding the discrimination allegation, a rationale for the determination made, and the actions taken, if any, as a result of the determination.

<sup>4</sup> An individual who alleges that he or she has personally suffered unlawful discrimination or one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.

- The District's governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the District's governing board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District's governing board will be forwarded to the complainant and to the State Chancellor's Office.
- Second level of appeal: A complainant who meets the definition contained in Title 5, section 58328(a)<sup>5</sup> has the right to file an appeal with the California Community College Chancellor's Office in any case not involving employment-related discrimination within 30 days from the date that the governing board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days. The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complainant filed an appeal with the governing board, and a statement under penalty of perjury that no response was received from the governing board within 45 days from that date.

Complainants must submit all appeals in writing.

The Title 5 process provides no corresponding appeal rights to any other parties aside from the complainants.

Authority: Cal. Code Regs., tit. 5, §§ 59338 and 59339.

### **Forward to State Chancellor**

Within 150 days of receiving a complaint, the responsible District officer will forward the following to the State Chancellor:

- A copy of the final District decision rendered by the governing board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days.
- A copy of the notice of appeal rights the District sent the complainant.
- Any other information the State Chancellor may require.

Authority: Cal. Code Regs., tit. 5, §§ 59338 and 59340.

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<sup>5</sup> See footnote 4.

## **Extensions**

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the responsible District officer will file a written request that the State Chancellor grant an extension of the deadline. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by Title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant, who may file written objections with the State Chancellor within 5 days of receipt.

The State Chancellor may grant the request unless delay would be prejudicial to the complainant. If an extension of the 90-day deadline is granted by the State Chancellor the 150-day deadline is automatically extended by an equal amount.

Authority: Cal. Code Regs., tit. 5, § 59342.

## **Record Retention**

Unlawful discrimination records that are part of an employee's employment records may be classified as Class-1 Permanent records and retained indefinitely or microfilmed in accordance with Title 5, California Code of Regulations, Section 59022. Unlawful discrimination records of a student that are deemed worthy of preservation but not classified as Class-1 Permanent may be classified as Class-2 Optional records or as Class-3 Disposable records, to be retained for a period of three years.

Authority: Cal. Code Regs., tit. 5, § 59020.

Board Approved: December 10, 2002



**PALOMAR COLLEGE**  
**Unlawful Discrimination Complaint Form**

Name: \_\_\_\_\_  
*Last* *First*

Address: \_\_\_\_\_  
*Street or P.O. Box* *City* *State* *Zip*

Phone: Day (\_\_\_\_) \_\_\_\_\_ Evening (\_\_\_\_) \_\_\_\_\_

I Am A:  Student  Employee  Other: \_\_\_\_\_

I Wish To Complain Against:

District: \_\_\_\_\_ College: \_\_\_\_\_

Date of Most Recent Incident of Alleged Discrimination: \_\_\_\_\_

*(Nonemployment complaints must be filed within one year of the date of the alleged unlawful discrimination.  
Employment complaints must be filed within six months of the date of the alleged unlawful discrimination)*

I Allege Discrimination Based on the Following Category Protected under Title 5 (you must select at least one):

- Age  Ethnic Group Identification  Physical Disability  Retaliation
- Ancestry  Mental Disability  Race  Sex (includes Harassment)
- Color  National Origin  Religion  Sexual Orientation

Clearly state your complaint. Describe each incident of alleged discrimination separately. For each action provide the following information: 1) date(s) the discriminatory action occurred, 2) name of individual(s) who discriminated; 3) what happened; 4) witnesses (if any); and 5) why you believe the discrimination was because of protected group status [religion, age, race, sex or whatever basis you indicated above] and/or, if applicable, why you believe you were retaliated against for filing of complaint or asserting your rights. (Attach additional pages as necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What would you like the District to do as a result of your complaint -- what remedy are you seeking?: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

I certify that this information is correct to the best of my knowledge.

\_\_\_\_\_  
*Signature of Complainant* *Date*

# Appendix A.II. Sexual Harassment Policy

## Palomar Community College District

### SEXUAL HARASSMENT POLICY

#### I. Statement of Policy

##### A. Introduction

It is the policy of the Palomar Community College District, in keeping with efforts to establish and maintain an environment in which the dignity and worth of all members of the college community are respected, that sexual harassment of students and employees is unacceptable conduct and will not be tolerated.

This Policy applies to the unlawful harassment of any student on the basis of sex by any employee of the District including, but not limited to, classroom conditions, grades, academic standing, scholarships, recommendations, employment opportunities, disciplinary action, or any other aspect of college life within the control of the District or its employees.

This Policy also applies to the unlawful sexual harassment of any employee with respect to all terms and conditions of employment with the District, including but not limited to hiring, placement, evaluation, promotion, disciplinary action, layoff, recall, transfer, leaves of absence, training opportunities, compensation, work assignments, and hours of work, shifts, or workload.

Employees who violate this Policy may be subject to corrective measures and to disciplinary action up to and including termination of employment. Students who violate this Policy may be subject to corrective measures, including discipline, up to and including expulsion.

##### B. Dissemination of Policy

This Policy shall be posted in prominent locations on the college campuses and in the District Office, incorporated into orientation materials for new students, and for new and current faculty and staff. Questions regarding this Policy should be directed to the Assistant Superintendent/Vice President, Human Resources and Affirmative Action.

##### C. Definitions

1. **Sexual harassment** is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, written, or physical conduct of a sexual nature. It occurs when:
  - a. Submission to the conduct is procured by force, threat, intimidation, trick or surprise, or is made a term or condition of an individual's employment, or status as a student;
  - b. Submission to the conduct or rejection or avoidance of the conduct by an individual in the making of employment or academic decisions regarding that individual is used as a basis for a positive or adverse decision or one which maintains the status quo;
  - c. The conduct is intended to and/or does interfere with or have a negative effect on

the individual's work or educational performance, or creates an intimidating, hostile or offensive educational or work environment; or

d. The conduct takes place in the presence of another, or others, between people of the same or different gender and fits one of the above definitions.

## 2 Forms of Sexual Harassment

a. "Quid pro quo" sexual harassment occurs when a person in a position to effectively recommend, grant, deny, or adversely effect the terms or conditions of employment or a student's status, educational, or career opportunities, offers or suggests that such effects are conditional on an individual's willingness to engage in or tolerate the unwelcome sexual conduct.

b. "Hostile environment" sexual harassment occurs when the unwelcome sexual conduct is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment.

## D. Examples of Prohibited Sexual Harassment

1. **Verbal harassment** – Includes, but is not limited to, unwelcome derogatory comments, remarks, slurs, jokes or innuendo based on sex or of a sexual nature and may include, but is not limited to, unwelcome sexual comments, obscenities or innuendo regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome or repeated flirting, or proposals to meet, date, or engage in conversations which include the verbal statements defined above; demands for sexual favors, or verbal abuse, threats or intimidation of a sexual nature; or patronizing or ridiculing statements which convey derogatory attitudes toward or are demeaning to a particular gender.
2. **Physical harassment** - Includes, but is not limited to, unwelcome and offensive touching, assault, impeding or blocking free movement, attempting to kiss or kissing, patting, stroking, grabbing, or invading the space of another; pinching, leering, unnecessarily brushing against, whistling or making sexual signs or gestures toward or in the presence of another.
3. **Visual harassment** - Includes, but is not limited to, the display or circulation of sexually derogatory, demeaning, or offensive posters, pictures, cards, cartoons, graffiti, drawings, or gestures; or reading sexually derogatory materials, computer graphics or electronic media transmission.
4. **Solicitation of sexual favors** - Includes, but is not limited to, unwelcome sexual advances, demands, suggestions or requests for sexual acts or favors.

## E. Complaints of Sexual Harassment

Complaints of sexual harassment filed by students or employees will be investigated and resolved in accordance with the Sexual Harassment Complaint Procedure set forth in Section II herein. If the investigation results in a determination that disciplinary action or corrective

measures are necessary or appropriate, the District, in its sole discretion, may impose such action or measures in accordance with law which may include, but is/are not limited to, warning, reprimand, suspension without pay, dismissal or any other preventive or corrective measure deemed appropriate by the District.

**F. District Responsible Officer**

The District Assistant Superintendent/Vice President of Human Resources and Affirmative Action is the District Responsible Officer ("Responsible Officer") who is responsible for receiving complaints of sexual harassment, coordinating the timely investigation and resolution of such complaints in accordance with this Policy, and assuring compliance with all state and federal complaint procedures and reporting requirements. The Responsible Officer shall take steps to assure the confidentiality of complaints, and that access to complaint and investigative information is confined to those individuals and entities with a need to know, or where the information is otherwise permitted or required to be released in accordance with law.

**G. Sexual Harassment Complaint Investigators**

The District Responsible Officer and/or designee(s) shall investigate singularly or in a team only those complaints which are not resolved at the informal complaint level and which, additionally, do not identify as the harasser a supervisor or administrator in a position superior to that of any designated investigator(s). Where appropriate, the Responsible Officer may recommend that the Governing Board appoint another person or organization not employed by the District to conduct the investigation under contract with the District. Neither the Responsible Officer nor any investigator will be appointed to investigate any complaint in which the officer or investigator is named as a percipient witness, is accused in the complaint of sexual harassment or retaliation, as defined above, or is otherwise implicated by the allegations in the complaint.

**II. Sexual Harassment Complaint Procedure**

**A. Introduction**

**1. Applicability**

This procedure applies to students, employees and applicants for employment who, either allege that they have personally suffered sexual harassment discrimination or retaliation, or to an individual who learned of the alleged conduct in his or her official capacity. Any oral or written complaint of sexual harassment discrimination or retaliation must be made to one of the individuals identified in paragraph B below within one year of the date of the alleged harassment or retaliation, or within one year of the date on which the Complainant knew or should have known of the facts underlying the alleged unlawful discrimination.

**2. Definitions**

**Complainant:** A student, employee or applicant for employment who believes that they have been personally sexually harassed, or an individual who learned of it in his or her official capacity.

**Respondent:** The individual who allegedly sexually harassed or took reprisals upon the Complainant, or an individual who participated in the complaint procedure.

**Complaint:** A written statement which contains as much detail as possible as to the circumstances surrounding the alleged harassment including date(s), time(s), description of incident(s), witnesses and the desired remedy.

**Informal Complaint:** An unwritten complaint, which the Complainant has verbally provided to a District supervisor or management employee and which contains the information described in the Complaint definition above.

**Days:** Days, as used in this Policy, mean days in which the District Office is open for business.

## **B. Reporting Unwelcome Conduct**

Sexual harassment is unlawful only when it is conduct which is not solicited, welcome or voluntarily engaged in or participated in. Therefore, where possible or practicable, an individual who believes that such unwelcome conduct constitutes sexual harassment should clearly inform the perpetrator that such conduct is not wanted, not appropriate and should cease. Where it is not possible or practicable to do so, or if the harassment continues after clear notice to the alleged harasser that the conduct is unwelcome, employees, applicants and students should take the action set forth below.

**Employees** should immediately inform their supervisor or the Responsible Officer. If it is not practicable to inform the immediate supervisor, or that individual is the alleged harasser, employees shall promptly report any charges of discrimination to the next higher level supervisor or the Responsible Officer. Immediate supervisors who learn of such a complaint shall immediately report it to the Responsible Officer or President as appropriate. All charges shall be reported to the District Responsible Officer.

**Students** should immediately report any allegations of sexual harassment to the Director of Student Activities, the Assistant Superintendent/Vice President of Student Services or, if not available, to the Responsible Officer. Any such report shall be promptly reported to the Responsible Officer. Any District employee to whom an oral or written harassment complaint is reported shall immediately notify the Responsible Officer.

## **C. Informal Complaint Procedure**

Upon the receipt of notice of the filing of a timely, within one (1) year of the date of the alleged harassment or retaliation, written or oral harassment complaint, the District Responsible Officer shall:

1. Clarify the specific nature of the allegations whether written or oral, and attempt to informally resolve the complaint.
2. Advise the individual that he or she need not participate in any informal efforts to resolve the complaint, and that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education (OCR), or the Chancellor for Community College Districts.
3. Take appropriate action to assist in preventing conduct by the alleged harasser or others which may constitute or appear to constitute reprisal for filing the complaint.

4. Within ten (10) days of the receipt of the complaint, provide a copy of this Policy to both the Respondent and the Complainant; provide to the Respondent written notice of the substance of the allegations of the complaint where oral, a copy of the complaint where written, and request that the Respondent provide a written response to the written complaint or to the summary of the allegations provided within ten (10) days. Failure or refusal of the individual making the complaint to provide requested information regarding the allegations, other facts or circumstances surrounding the charges, or necessary for the continued processing of the complaint, or to cooperate in the complaint procedure shall result in dismissal of the complaint without investigation or any further action.
5. Within ten (10) days of receipt of the statement of the Respondent, or if no statement is submitted within ten (10) days of the notice to the Respondent in paragraph 4 above, the Responsible Officer shall provide the Respondent the opportunity to discuss the allegations of the complaint and any possible resolution of them. If within the above ten (10) day period no statement is submitted, the Responsible Officer shall review what information is available to determine whether the allegations are sufficiently serious to warrant the initiation of a formal complaint.
6. If the matter is resolved, the Responsible Officer will put the agreed upon resolution in writing and shall meet individually with both parties who will review and sign an agreement which shall include the specific nature of the allegations and all of the terms of the resolution.
7. If the parties agree that there has been no sexual harassment and are satisfied with the resolution, the written agreement shall state these facts, and that the parties agree. The documents and the original of the agreement shall be retained by the Responsible Officer for a period of three (3) years, after which time the documents and the agreement will be shredded. The documents and the agreement will not be filed in the personnel files of either party.
8. If the parties agree that sexual harassment has occurred, but are satisfied with the resolution, then the agreement, specifically describing the conduct alleged, the resolution and the complaint shall be placed in a sealed envelope in the personnel file of the Respondent marked to the effect that it may be opened only at the direction of the President, or if otherwise required by law.
9. If the Complainant is not satisfied with the resolution of the complaint, or if the Responsible Officer determines that an informal resolution either cannot be reached or cannot be reached within thirty (30) days of the submission of the complaint at the informal level, the Responsible Officer will provide written notice of that determination to the parties and of the Complainant's right to file a formal complaint with the Responsible Officer under this Policy and/or with any federal or state enforcement agency such as the Office of Civil Rights, the Equal Employment Opportunity Commission, or the Department of Fair Employment and Housing.
10. Even if the Complainant is satisfied with the resolution of the complaint, or agrees that no sexual harassment or retaliation occurred, the Responsible Officer shall determine, subject to the approval of the President, whether the alleged conduct is of such a serious nature under all of the facts and circumstances that, if true, corrective action in addition to that agreed upon by the parties, if any, and/or disciplinary action would be appropriate. In such cases, the Responsible Officer will direct the formal investigation of the Complaint as

provided in paragraph D below, provide a copy of the report of the investigation to the Respondent for review, comment and submission of any statement or evidence not previously provided within the time required to submit a statement in response to documents to be placed in the personnel file. The Responsible Officer shall submit such report and statement to the President for appropriate disposition.

**D. Formal Complaint Procedure**

1. Except as provided in paragraph C 10 above, the Complainant shall initiate the formal complaint procedure by filing a complaint in writing after ~~either~~ completing the informal resolution process. A formal complaint form is attached as Exhibit A to this Policy.
2. Upon receipt of the formal complaint, the Responsible Officer, or trained designee, shall investigate the complaint. Any designated investigator is required to notify the Responsible Officer immediately when it comes to his/her attention that such member is a witness to allegations, or for any other reason may not be able to fairly or impartially investigate the allegations.
3. The Responsible Officer or designee will examine the complaint, and will interview the Respondent and the Complainant, with their consent, and any other witnesses deemed necessary to make a determination as to whether the conduct alleged occurred as stated in the complaint, or if not, what conduct did occur. If sexual harassment did occur, the Responsible Officer will determine the nature and seriousness of the conduct in light of all of the surrounding facts and circumstances. The above determinations and the bases for such determinations shall be included in a written report drafted or submitted to the Responsible Officer for review within eighty (80) days of the filing of the formal written complaint. The Responsible Officer shall review the report for sufficiency and, if found to be sufficient, will review the report with the appropriate site manager and President for recommended action.
4. Within ninety (90) days of receiving the formal written complaint, the Responsible Officer shall provide the Complainant with:
  - a) A copy of the report of the District's investigation or a summary of the investigation;
  - b) A written notice of the administrative decision setting forth the determination of the President, or his or her designee, as to whether sexual harassment 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; notice of the Complainant's right to submit a written appeal to the District Governing Board within fifteen (15) days of receipt of the report; and to submit an appeal to the Chancellor of the California Community Colleges. The results of the investigation and the determination as to whether harassment occurred shall also be reported to the Respondent and to the Respondent's supervisor. The Responsible Officer shall be responsible for preparing and submitting the above notice.

**E. Appeal to the Governing Board**

If the Complainant timely files a written appeal to the Governing Board, the Board shall review the original complaint, the investigation report, the administrative decision, and the appeal. The Governing Board shall issue a final decision within forty-five (45) days after receiving the appeal, or the administrative decision will become final automatically upon the expiration of the forty-five (45) day period. The Complainant and the Respondent shall be notified in writing of the Governing Board's decision, or that the administrative decision has become final by operation of law.

**F. Further Appeal**

Within thirty (30) days after the Governing Board issues its final decision or the administrative decision otherwise becomes final, the Complainant shall have the right to file a written appeal with the Chancellor of Community College Districts. If the complaint involves allegations of employment related discrimination, the Complainant may, at any time, also file a complaint with the Department of Fair Employment and Housing or the Equal Employment Opportunity Commission instead of, or in addition to, filing a petition for review with the Chancellor of Community College Districts within thirty (30) days after the Governing Board issues a final decision or permits the administrative decision to become final. Any complaint filed with the Chancellor of Community College Districts must be filed within one (1) year of the date of the alleged unlawful discrimination or within one (1) year of the date on which the Complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.

**G. Reports**

The District Responsible Officer shall make any required reports to the Chancellor of California Community College Districts.

March 10, 2000

## **Appendix B.**

### **Selection Process Training Materials**

- B.I. Selection Committee Training: Page B-1
- B.II. District Compliance Officer Training: Page B-7
- B.III. Faculty Hiring Policy: Page B-19

## Appendix B.I. Selection Committee Training

**Note:** Selection Committee training is presented in a multimedia format. The following is the content of the training in a text format.

### Training Outline

- Vision and Mission Statements
- Diversity
- EEO Laws, Regulations and Policies
- Confidentiality
- Overview of Selection Committee's Responsibilities
- Compliance Officers
- Developing Application Screening and Interview Materials
- Screening Applications
- First- and Single-level Interviews
- Reference Checks
- Second-level Interviews
- Selection and Hire

### Vision and Mission Statements

- Vision: Learning for Success.
- Values: Palomar College's core values include access in programs and services; equity and the fair treatment of all in our policies and procedures; diversity in learning environments, philosophies, cultures, beliefs, and people; and inclusiveness of individual and collective viewpoints in collegial decision-making processes.
- Strategic Goal #4 (from Strategic Plan 2013): Recruit, hire, and support diverse faculty and staff to meet the needs of students.
- For the College's comprehensive Vision, Mission, Values, and Goals, visit: <http://www.palomar.edu/about/goals.aspx>.

### Diversity

- I. Vision of Diversity and Demographics
  - Why is Diversity Important? Recognizing diversity in the hiring process assists Palomar College in fulfilling its vision, mission, values, and goals.
  - Hiring persons of diverse backgrounds and individuals that embrace diversity provides a variety of important benefits to the District.
  - Local, student and staff demographics:
    - Local: <http://quickfacts.census.gov/qfd/states/06/06073.html>
    - Student: [http://datamart.cccco.edu/Students/Enrollment\\_Status.aspx](http://datamart.cccco.edu/Students/Enrollment_Status.aspx)
    - Staff: <https://misweb.cccco.edu/mis/onlinestat/staff.cfm>
- II. Equal Employment Opportunity (EEO)
  - Federal Laws

- Civil Rights Act of 1964, Title VII: prohibits discrimination on the basis of race, color, religion, sex, and national origin.
- Age Discrimination in Employment Act of 1967 (ADEA): prohibits discrimination against persons age 40 and over in employment.
- Americans with Disabilities Act of 1990 (ADA): prohibits discrimination against those with physical and mental disabilities in employment and public services.
- California State Laws
  - California Fair Employment and Housing Act (FEHA): prohibits discrimination in employment on the basis of age (40 and over), ancestry, color, religious creed, disability (mental and physical, including HIV and AIDS), marital status, medical condition (including cancer and genetic characteristics), genetic information, national origin, race, religion, sex (including pregnancy, childbirth, and medical conditions associated with pregnancy or childbirth), gender, gender identity, gender expression, and sexual orientation. Note: Protects individuals of the listed classes, as well as individuals associated with members of or assumed to be members of the listed classes.
  - California Code of Regulations, Title 5, §§ 53020 – 53026: outlines recruitment and selection practices related to required equal employment opportunity (EEO) programs for community colleges in California
  - Proposition 209: Amended the California state constitution to prohibit preferential treatment towards any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, public education and/or contracting.
- District Policies
  - B.P. 3410 – Nondiscrimination: The District, and each individual who represents the District, shall provide equal access to its services, classes, and programs without regard to national origin, religion, age, sex, gender, gender identity, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.
  - B.P. 3420 – Equal Employment Opportunity: The Governing Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized and community colleges foster a climate of acceptance with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, respect, harmony, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.
  - B.P. 7100 – Commitment to Diversity: The Governing Board is committed to hiring and staff development processes that support the goals of equal

opportunity and diversity and provide equal consideration for all qualified candidates.

- For complete District Policies, visit:  
[www.palomar.edu/gb/Web%20Pages/PoliciesAndProcedures.html](http://www.palomar.edu/gb/Web%20Pages/PoliciesAndProcedures.html).

### **Confidentiality**

- The hiring process is a highly sensitive and confidential process. It is critical that committee members maintain the highest degree of confidentiality – before, during and after the screening/interviewing process.
- As a member of the selection committee, you agree that you are acting as an agent of Palomar College and understand that you are participating in a confidential process. You recognize that all actions related to this process are subject to the laws and regulations relating to equal and fair employment practices. Failure to maintain confidentiality could result in violation of Federal or state regulations and incur liability on behalf of the District.
- You will be required to sign a Confidentiality Agreement for each committee on which you serve.
- Examples Of What To Avoid
  - Personal knowledge and hearsay: Do not participate in hearsay at any time – before, during and after the recruitment process.
  - Do not discuss personal knowledge or what you have heard outside of the process about any of the candidates or potential candidates whether that information is positive or negative.
  - Do not conduct internet searches on applicants at any point during the recruitment process. This includes, but is not limited to, online searches using search engines (i.e. Google) or social media websites (i.e. Facebook).
  - Attempting to influence other committee members: Do not discuss any of the candidates or potential candidates with committee members until deliberations.
  - Discussions outside of deliberations: No discussion (oral, written or electronic) should take place outside of deliberations about candidates or potential candidates.
- Conflict of Interest
  - By participating in this process, you also agree that you will immediately inform the Chairperson and remove yourself from the committee if you are related by blood, adoption, marriage or domestic partnership to any applicant for the position, or have a personal or financial relationship with any applicant that would prevent you from being objective during the screening process or could be perceived by an outside party as preventing objectivity.
  - Not revealing a conflict of interest could lead to a complaint of an unfair hiring practice.

### **Overview of Selection Committee's Responsibilities**

- Summary of Responsibilities
  - Selection Committee Goal: Select and hire the most qualified candidate who will support the learning and working environment of Palomar College and

who will provide the greatest asset to our diverse student body, faculty and staff workforce, and community.

- Develop job-related application screening and interview materials.
- Review all applications.
- Participate in all interviews.
- Conduct reference checks on finalists (some committee members).
- Turn in all screening, interview evaluations, and reference check forms, and other written materials to your Committee Chair.
- Maintain integrity throughout the hiring process.
- Report any concerns to the Committee Chair or to HRS.

### **Compliance Officers**

- A Compliance Officer is a non-voting member of a selection committee whose purpose is to ensure the hiring process is equitable for all applicants and protect the District from liability.
- Compliance Officers receive extensive training from HRS on EEO regulations and the District's hiring procedures.
- Main responsibilities:
  - Observes and monitors each stage of the process
  - Attends all meetings and interviews
  - Serves as a resource to committee members
  - Intervenes or halts the process when necessary

### **Developing Application Screening and Interview Materials**

- Screening Criteria
  - Purpose: To review each applicant's materials using standardized criteria to ensure consistency in the application review phase of the hiring process.
  - Must be developed from and directly related to the position announcement and job description.
  - Sections of the announcement that contain items to screen include the preferred qualifications and the duties and responsibilities sections.
  - Must have a scoring scale.
  - Must have one screening item related to sensitivity to diversity.
  - Screening criteria must be submitted and approved by HRS before applications will be released to the committee for screening.
- Interview Materials – Interview Questions
  - Develop job-related interview questions directly related to the position requirements and responsibilities listed in the announcement and job description.
  - Create a variety of questions: Basic information question, a.k.a. the icebreaker question; behavioral questions; knowledge questions; scenario questions; learning outcomes question (faculty positions)
  - Include at least one question regarding diversity. Diversity questions should relate directly to the position whenever possible.
  - Sample questions are available by contacting HRS.
- Interview Answers:

- Develop suggested/desired answers to the interview questions. Answers should demonstrate desired characteristics and breadth of knowledge and experience of the ideal candidate.
- Develop a method to score each question consistently.
- Interview questions and answers must be submitted and approved by HRS before applications will be released to the committee for screening.
- Skills Test (optional):
  - Decide if the candidates will perform any skills tests as part of the interview process (i.e. writing assignment or Excel exercise).
  - Remember, all tests must be approved by HRS before applications will be released to the committee.

### **Screening Applications**

- Reviewing Applications
  - Be consistent in your evaluation of each application using the screening criteria as a guide to select applicants for interviews.
  - All applications must be kept secure and confidential at all times!
  - Screening must be done individually and confidentially.
  - Committee members must screen all applications.
  - Please turn in all screening forms to HRS after the committee has decided who to interview.

### **Selecting Interviewees**

- Select the most qualified candidates to interview based on how the applicants' scores in the screening process.
- If in doubt about whether or not to interview a candidate, select for an interview.

### **First- and Single-level Interviews**

- General Information
  - Purpose: To assess experience, knowledge, and skills related to the position.
  - Committee members must attend each interview in its entirety and evaluate each candidate.
  - A standard and consistent introduction should be given to each candidate.
  - Please write your name on the interview evaluation forms.
- Guidelines
  - Maintain appropriate body language and tone of voice during each interview, and be respectful of each candidate's background.
  - Each committee member should ask the same questions of each candidate.
  - Ask appropriate follow-up questions if needed.
  - Stay within pre-determined time allotted for the interviews
  - Take notes on objective, interview-related information only. Wait until all candidates have been interviewed and all committee members have finished their individual evaluations and scoring before discussing the candidates.
  - Do not offer the position to a candidate or invite candidates to second-level interviews during the interview.
- Determining Finalists

- Use information from the interviews as well as the application materials when deliberating after interviews.
- All finalists should be individuals who the committee would seriously consider hiring based on the outcome of the first-level interviews.
- Finalists for second-level interviews should not be ranked. All finalists who make it to second-level interviews are given equal consideration.
- Reference checks should be conducted before a hire recommendation is made, or before second-level interviews.
- Return all interview evaluation forms and the completed and signed Selection Committee Interview Report to HRS after a decision to hire has been made or finalists have been selected.

### **Reference Checks**

- Reference checks must be conducted before second-level interviews, or before a hire recommendation is made.
- Please do not begin calling references before receiving notification from HRS.
- At least two individuals from the selection committee must conduct reference checks.
- If you have difficulty contacting references, please notify HRS as soon as possible.
- Return all reference checks forms to HRS after reference checks have been conducted.
- Detailed reference check guidelines and sample questions are available from HRS.

### **Second-level Interviews**

- Purpose: To assess suitability as a potential employee of the department and District, and to recap and confirm information learned at the first level.
- During the interviews, the committee must adhere to the same guidelines described for first-level interviews.
- A minimum of two finalists must be interviewed.

### **Selection and Hire**

- Requirements
  - As a committee, complete the interview report. Give specific, job-related reasons as to why each candidate was/wasn't selected.
  - If appropriate, the committee may identify second choice candidates on the interview report in case the first choice declines the position.
- HRS will usually make the job offer to the selected candidate.
- Pre-employment requirements must be fulfilled in order for the new hire to be placed on the Governing Board agenda.
  - TB test results and LiveScan (fingerprinting) results are required for all new hires. In most cases, official transcripts are also required.
  - Governing Board ratification is required prior to starting employment.

## B.II. District Compliance Officer Training

**Note:** Selection Committee training is presented in a multimedia format. The following is the content of the training in a text format.

### I. District Compliance Officers: A Brief Overview

- Purpose: To verify that the selection process was fair, equitable, and consistent for all applicants
- Serves as a **non-voting** (but bona fide) member of the selection committee
- Defined by Faculty Hiring Policy (pp. 5-6)

### **Main Responsibilities**

- *Observes* and *monitors* each stage of the selection process to ensure compliance with employment laws and regulations
- *Serves as a resource* to the committee regarding questions and concerns; facilitator role
- *Attends* all committee meetings and interviews for the duration of the process (hours report); *reviews* committee correspondence for appropriateness
- *Intervenes* or *halts* the process to correct and/or prevent violations from occurring

### **Fulfillment of the District's Vision, Mission, and Values**

- **Vision:** Learning for Success
- **Mission:** Our mission is to provide an engaging teaching and learning environment for students of diverse origins, experiences, needs, abilities, and goals.
- **Values:** Palomar College's core values include **access** in programs and services; **equity** and the fair treatment of all in our policies and procedures; **diversity** in learning environments, philosophies, cultures, beliefs, and people; and **inclusiveness** of individual and collective viewpoints in collegial decision-making processes.
- **Strategic Goal #4** (from Strategic Plan 2013): Recruit, hire, and support diverse faculty and staff to meet the needs of students.
- importance of compliance officers

### **Sensitivity to and Understanding of Diversity**

- Hiring persons of diverse backgrounds and individuals that embrace diversity provides a variety of important benefits to the District:
  - Provides role models for our students, whether from underrepresented or other backgrounds
  - Teaches students how to successfully interrelate with others in a diverse society (cultural competence)
  - Ensures a variety of perspectives are considered in the institution in decision-making, planning, and participation
- Chancellor's Office requires that all new hires demonstrate "sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds in a community college."

- Affirmative action is no longer legal, but EEO is still required – difference between AA and EEO

## II. Laws and Regulations

### *Federal EEO Laws*

- **Civil Rights Act of 1964**, Title VII: prohibits discrimination on the basis of race, color, religion, sex, and national origin.
- **Age Discrimination in Employment Act** of 1967 (ADEA): prohibits discrimination against persons age 40 and over in employment.
- **Americans with Disabilities Act of 1990** (ADA): prohibits discrimination against those with physical and mental disabilities in employment and public services.
- laws and regulations

### *California EEO Laws*

- **California Fair Employment and Housing Act** (FEHA): prohibits discrimination in employment on the basis of age (40 and over), ancestry, color, religious creed, disability (mental and physical, including HIV and AIDS), marital status, medical condition (including cancer and genetic characteristics), genetic information, national origin, race, religion, sex (including pregnancy, childbirth, and medical conditions associated with pregnancy or childbirth), gender, gender identity, gender expression, and sexual orientation. Note: Protects individuals of the listed classes, as well as individuals associated with members of or assumed to be members of the listed classes.
- **California Code of Regulations, Title 5, §§ 53020 – 53026**: Outlines recruitment and selection practices related to required equal employment opportunity (EEO) programs for community colleges in California
- **Proposition 209**: Amended the California state constitution to prohibit preferential treatment towards any individual or group on the basis of race, sex, color, ethnicity, or national origin in public employment, public education and/or contracting.

### *District Policies*

- **B.P. 3410 – Nondiscrimination**: The District, and each individual who represents the District, shall provide equal access to its services, classes, and programs without regard to national origin, religion, age, sex, gender, gender identity, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.
- **B.P. 3420 – Equal Employment Opportunity**: The Governing Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized and community colleges foster a climate of acceptance with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, respect, harmony, and

suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

- **B.P. 7100 – Commitment to Diversity:** The Governing Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity and provide equal consideration for all qualified candidates.
- **Faculty Hiring Policy:** Outlines procedures for hiring full-time faculty at Palomar College.

### **III. Confidentiality and Conflicts of Interest**

#### ***Importance of Confidentiality***

- The hiring process is a highly sensitive and confidential process. It is critical that committee members maintain the highest degree of confidentiality – before, during and after the screening/interviewing process.
- As a District Compliance Officer, you agree that you are acting as an agent of Palomar College and understand that you are participating in a confidential process. You recognize that all actions related to this process are subject to the laws and regulations relating to equal and fair employment practices. Failure to maintain confidentiality could result in violation of Federal or state regulations and incur liability on behalf of the District.

#### ***Conflicts of Interest***

- By participating in this process, you also agree that you will immediately inform the Chairperson and remove yourself from the committee if you are related by blood, adoption, marriage or domestic partnership to any applicant for the position, or have a personal or financial relationship with any applicant that would prevent you from being objective during the screening process or could be perceived by an outside party as preventing objectivity.
- Not revealing a conflict of interest could lead to a complaint of an unfair hiring practice.

#### ***Compliance Officer's Role***

- Ensures that confidentiality is maintained by all committee members throughout the selection process
- Ensures that conflicts of interest do not occur
- Reports all breaches of confidentiality and conflicts of interest to Human Resource Services

#### ***Confidentiality – Specific Examples***

Committee members are prohibited from releasing the following information to non-authorized persons\* during the selection process:

- Written material turned in by the applicants or evaluations made by the committee members about applicants.
- Oral discussions by or about applicants or committee members during or following the interview process.
- Any other information that relates to the selection process, including, but not limited to:
  - Names of persons who have applied for employment with the District
  - Number of applications received
  - Application or applicant ratings or status
  - Any information pertaining to references, results or questions that are asked
  -

\*A non-authorized person is someone who is not on the selection or hiring committee or who is not a human resources employee of the District.

### ***Confidentiality – What Compliance Officers Must Prevent***

- **Personal knowledge and hearsay:**
  - Hearsay may not be discussed at any time – before, during and after the recruitment process.
  - Personal knowledge or information obtained about applicants (or potential applicants), whether that information is positive or negative, is not to be considered.
  - Only job-related qualifications tied directly to the position may be discussed.
- **Attempts to influence other committee members:**
  - Committee members must refrain from discussing applicants (or potential candidates) until deliberations to prevent undue bias from forming during the selection process.
- **Discussions outside of deliberations:**
  - Committee members are only permitted to discuss applicants during deliberations following screening of applications and interviews. No discussion of applicants may take place outside deliberations.
  - Written, and electronic communications about applicants are also prohibited outside of deliberations.

### **IV. Selection Process Overview**

- **Main objective:** To select and hire the most qualified candidate who will support the learning and working environment of Palomar College and who will provide the greatest asset to our diverse student body, faculty and staff workforce, and community.
- **Selection committee responsibilities:**
  - Develop job-related, legally-compliant application screening and interview materials
  - Review all qualified applications for interview consideration (not required for Compliance Officers)
  - Attend and participate in all interviews and deliberations
  - Conduct reference checks on all finalists (some committee members)

- Submit all written materials to committee chair/HRS at appropriate points in the process
- **Maintaining integrity and consistency during the process – required of all committee members and the Compliance Officer:**
  - Maintain confidentiality during and forever after the hiring process.
  - Attend all meetings and interviews and give your input regarding your schedule.
  - Be fair, consistent and impartial during the process.
  - Do not write on the applications.
  - Be professional and courteous at all times to candidates and other committee members.
  - Do not write irrelevant comments on screening and interview materials.
  - Intervene to address and/or prevent concerns and violations, and report serious violations to HRS as necessary.

### ***Developing Screening Criteria***

- Purpose: To review each applicant's materials using standardized criteria to ensure consistency in the application review phase of the hiring process.
- Must be developed from and directly related to the position announcement and job description.
- Sections of the announcement that contain items to screen include the preferred qualifications and the duties and responsibilities sections.
  - HRS will screen applications for minimum qualifications.
- Must have a scoring scale.
  - Committee develops an evaluation/scoring method that will be used by all committee members.
- Must have one screening item related to sensitivity to diversity.
  - Sensitivity to diversity is a minimum qualification for every position at Palomar College.
- Screening criteria must be submitted and approved by HRS before applications will be released to the committee for screening.

### ***Compliance Officer's Role in Development of Screening Criteria***

- To observe the development of screening materials in compliance with District practices – do not offer suggestions for specific screening criteria, scoring methods, and/or language
- To ensure that all portions of screening materials are produced (i.e. screening criteria, diversity criterion, and a scoring scale) before submission to HRS
- To prevent bias for or against specific candidates and/or members of protected groups in the development of screening criteria
- To prevent inappropriate information from being discussed (i.e. hearsay)

### ***Developing Interview Materials***

- The committee will develop job-related interview questions directly related to the position requirements and responsibilities listed in the announcement and job description.

- A variety of different types of questions will be created based on samples provided by HRS. The committee must include at least one question regarding the importance of diversity.
- The committee must develop suggested/desired answers to the interview questions.
- A method to score each question consistently must be developed. Some questions can be weighted more heavily if desired.
- Interview questions and answers must be submitted and approved by HRS before applications will be released to the committee for screening.

### ***Developing the Teaching Demonstration***

- The teaching demonstration is a required component of the faculty selection process.
- The topic must be specific and concrete – all candidates must give a presentation on the same exact topic.
- The intended audience must be identified.
- How long will the demonstration be?
- What audio-visual equipment will the committee provide to candidates?
- The committee must develop a rubric and scoring method to evaluate the demonstration. The total score should be no more than 3x the value of an interview question.
- The teaching demonstration and rubric must be submitted and approved by HRS before applications will be released to the committee for screening.

### ***Developing Other Interview Materials***

- The committee may optionally develop job-related tests for candidates to perform during interviews.
- Common types of tests: Writing assignments; inbox exercises; skills tests
- An evaluation rubric or scoring scale is required for all tests. The total score for each test should be no more than 3x the value of a single interview question.
- The committee must identify the length of time allotted for each candidate to complete each test.
- Tests and associated rubrics/scoring scales must be submitted and approved by HRS before applications will be released to the committee for screening.

### ***Compliance Officer's Role in Developing Interview Materials***

- To observe the development of interview materials in compliance with District practices – do not offer suggestions for specific questions, teaching demonstration topics, answers to questions, scoring methods, and/or language
- To ensure that all interview materials are developed (i.e. interview questions; diversity question; answers to questions, a scoring scale; teaching demonstration and rubric; and, if applicable, tests and scoring methods) before submission to HRS
- To prevent bias for or against specific candidates and/or members of protected groups in the development of interview materials
- To prevent inappropriate information from being discussed (i.e. hearsay)

- application screening

### ***Application Screening Process***

- HRS will screen applications for minimum qualifications and release minimally-qualified applications to the committee to screen for interview consideration using the HRS-approved screening criteria.
- Committee members will screen applications online through PeopleAdmin, the District's application management system.
- All committee members and the Compliance Officer will receive a special login (username and password) to access applications in PeopleAdmin.
- Applications must be screened individually and confidentially by all committee members.
- Committee members may not print copies of applications to protect confidentiality – all applications must be viewed online.
- Committee members are prohibited from discussing applicants until the committee meets as a group to select interviewees.

### ***Compliance Officer's Role During Application Screening***

- To ensure that committee members do not discuss applicants before the committee meets to select interviewees
- To remind committee members of the importance of confidentiality if needed
- No requirement to review applications
- application screening

### ***Meeting to Select Interviewees***

- Purpose: To select the best-qualified candidates to interview based on how applicants were scored.
- Most committee members will agree on some applicants, not discuss those with low scores, and need to discuss some on which there is no consensus.
  - Scores are to be used as a guide to selection.
  - If the committee cannot arrive at consensus on an applicant after discussion, the candidate should be invited to interview.
  - All interviewees must be those the committee is seriously considering based on the outcome of the screening process.

### ***Compliance Officer's Role During Meeting to Select Interviewees***

- To ensure that committee members consider job-related qualifications that match the screening criteria only
- To prevent inappropriate comments from entering discussion
- To advocate for interviewing candidates when consensus cannot be established
- To ensure that all committee members have equal participation
- To assist the chair with recording (i.e. offering to write the names of candidates on the board, ensuring that votes are tallied correctly, etc.)
- To observe the discussion - do not offer your opinions on applicants
- interviews

### ***Preparing for Interviews***

- The committee will determine all the information needed for HRS to schedule interviews as follows:
  - Interview dates and times (two-week minimum notice for faculty and administrator positions; one-week notice for classified, CAST and Child Development Center Teacher positions)
  - Length of time allotted for each component of the interview process:
    1. How long will the interviews be? (usually 45-60 minutes)
    2. How long will the teaching demo and/or skills test be? (usually 15-30 minutes, depending on the topic)
    3. Will applicants be able to review the interview questions beforehand and if so, for how long? (usually 5-10 minutes)
    4. Will there be breaks in between the interviews and if so, how long will the breaks be?
    5. How long will the lunch break be and when will it take place?
  - Interview location and location for question review and tests
  - Name and phone extension for the person who will be escorting and proctoring the test and question review
  - List of candidates to be interviewed

### ***Compliance Officer's Role During Interview Preparation***

- To ensure that the committee identifies all components listed above
- To provide scheduling input to ensure attendance at all interviews and deliberations

### ***Interviews – General Information***

- Purpose: To assess experience, knowledge, and skills related to the position.
- Candidates will arrive in HRS, room ST-1 for weekday interviews or at the clock tower for weekend interviews.
- Committee members must attend each interview in its entirety and evaluate each candidate.
- A standard and consistent introduction will be given to each candidate consisting of the committee members introducing themselves, followed by information about the interview process (i.e. time allotted for each portion of the process).

### ***Compliance Officer's Role Related to General Information***

- To ensure that the introduction given to candidates is consistent, interjecting if the chair forgets to provide required information
- To ensure that committee members attend all segments of each interview and prevent committee members from participating if arriving late or leaving the interview for any period of time

### ***Interviews – Fairness, Equity, and Courtesy Towards Candidates***

- Committee members must maintain appropriate body language and tone of voice during each interview.
- The committee must be respectful of each candidate's background.

- A candidate's facial expressions, posture, gestures, speech characteristics, and verbal response style may be a reflection of his/her background – however, please avoid assumptions and be conscious of the impact of personal bias.

### ***Compliance Officer's Role Related to Fairness, Equity, and Courtesy***

- Observe committee members and ensure that no inappropriate body language and/or tone of voice is displayed.
- Ensure that committee members treat candidates fairly and equally with regard to background and personal characteristics
- If necessary, halt the process or intervene to correct violations.
- Report any serious violations to HRS.
- interviews

### ***The Interview Process***

- Each committee member should ask the same questions of each candidate in the same order.
- Scripted questions must be asked as written.
- Follow-up questions may be asked for clarification.
  - Follow-up questions must relate directly to an original interview question, do not lead the candidate to the suggested answer, and do not infringe on the candidate's ability to complete the interview within the allotted timeframe.
- Stay within pre-determined time allotted for the interviews.
- Take notes on objective, interview-related information only.
- Do not offer the position to a candidate or invite candidates to second-level interviews during the interview.
- Wait until all candidates have been interviewed and all committee members have finished their individual evaluations and scoring before discussing the candidates.

### ***The Compliance Officer's Role During the Interview Process***

- To ensure that scripted interview questions are asked by the proper committee members, as written, and in the correct order.
- To ensure that follow-up questions are used for clarification purposes only and follow guidelines.
- To ensure that no irrelevant discussion occurs during interviews, such as casual conversation with applicants.
- To time all components of candidates' interviews, including providing verbal warnings and halting candidates from continuing when time has run out for any portion of the process.
- To ensure that interviews are conducted consistently for each candidate and that any unplanned changes that occur during the first interview are incorporated into subsequent interviews.
- To take notes during the process on any unusual circumstances.
- To prevent committee members from commenting on and/or discussing candidates between interviews.

- To prevent committee members from commenting on candidates during the interviews and/or inviting them to subsequent stages of the hiring process.
- To intervene and/or halt interviews as necessary to correct violations, and to report any serious violations to HRS.
- To observe the process only – do not participate in asking questions.
- interviews

### ***Post-Interview Deliberations***

- Finalists/hires must be selected on job-related information and based on the results of interview evaluation scores.
- Committee members may use information from the interviews and the application materials when deliberating after interviews.
  - Hearsay, outside information, personal knowledge of the candidates, and personal characteristics are prohibited from the discussion.
- All finalists should be individuals who the committee would seriously consider hiring based on the outcome of the first-level interviews.
- Finalists for second-level interviews may not be ranked. All finalists who make it to second-level interviews are given equal consideration.
- Reference checks must be conducted before second-level interviews for faculty and administrative positions and are optional for other position types.
- Reference checks may not begin until HRS permits the committee to do so.
- Committee members must return all applications, interview evaluation forms, and the completed and signed Selection Committee Interview Report to HRS after a decision to hire has been made or finalists have been selected.

### ***Compliance Officer's Role During Post-Interview Deliberations***

- To ensure that finalists/hires are selected based on job-related criteria and interview scoring.
- To prevent discussion of irrelevant information, including hearsay, personal knowledge of candidates, and protected characteristics during deliberations.
- To ensure that the committee only forwards suitable candidates in the process and forwards them to the next stage unranked.
- To remind the committee that reference checks may not begin until permitted by HRS.
- To ensure that the committee submits all required paperwork to HRS.
- To assist the chair with recording during deliberations.
- To observe the discussion – do not offer opinions about candidates.

### ***Second-Level Faculty Interviews***

- Purpose: To assess suitability as a potential employee of the department and District, and to recap and confirm information learned at the first level.
- During the interviews, the committee must adhere to the same guidelines described for first-level interviews.
- The recommended number of finalists to forward to second-level interviews is as follows:
  - Filling one position: Preferably 3 candidates (minimum of 2)

- Filling two positions: Preferably 4 candidates (minimum of 3)
- Filling three positions: Preferably 5 candidates (minimum of 4)
- The second-level interview process consists of two interviews per finalist. One interview will be with the Superintendent/President, and the other interview will be with the Joint Selection Committee.
- interviews
- The Joint Selection Committee is composed of the following members:
  - Division Dean (committee chair)
  - Vice President of Instruction or Student Services, as appropriate
  - Chair of the first-level selection committee
  - At least two other faculty members from the first-level selection committee
  - Compliance Officer
- President's interviews:
  - A Compliance Officer will observe all interviews with the President.
  - A faculty observer is optional. The faculty observer is a voting faculty member of the first-level committee selected by that committee to serve as a non-voting, silent observer at the President's interviews and final deliberations.
- Interview questions for the President's interviews are developed by the President, and questions for the Joint Selection Committee interviews are developed by the Division Dean.
- Candidates will have a specific amount of time (typically one hour) for their interview, and the time will be monitored by the Compliance Officer to ensure consistency.
- The President and the Joint Selection Committee will meet after all finalists have been interviewed to discuss a hiring decision. At this time, the committee members who conducted reference checks will be asked to discuss the information they obtained.

### ***Second-Level Interviews for Other Positions***

- A minimum of two finalists must be interviewed for administrator positions.
- For classified, CAST, and Child Development Center Teacher positions, no minimum number of finalists is required since second-level interviews are optional.
- All senior administrator and director-level positions require a Compliance Officer at the second-level interviews.
- Interview questions are developed by the second-level committee chair.
- The committee must adhere to the same guidelines described for first- and single-level interviews.

### ***Compliance Officer's Role During Second-Level Interviews***

- During deliberations after first-level interviews, to ensure that the committee forwards the correct minimum number of finalists.
- To ensure that all committee members follow the same guidelines with regards to timing, asking questions appropriately, refraining from speaking between, and treating applicants fairly during interviews.

- To ensure that post-interview deliberations focus on job-related criteria only and to prevent irrelevant information (hearsay, personal knowledge, personal characteristics of candidates) from entering the discussion.
- To take notes on unusual circumstances that occur.
- To ensure that candidates stay within the pre-determined timeframes for all components of the second-level interview process.
- To ensure that committee members submit all required documentation to HRS following the interviews.
- To intervene and/or halt the process as necessary to prevent violations from occurring, and to report any serious violations to HRS.
- To observe only – do not offer any opinions on the candidates.

## **V. Hire**

### ***Final Steps in the Hiring Process***

- HRS (or, for faculty and some administrative positions, the appropriate Dean, Vice President, or the President) will make the job offer to the selected candidate.
- Pre-employment requirements must be fulfilled in order for the new hire to be placed on the Governing Board agenda.
  - TB test results and LiveScan (fingerprinting) results are required for all new hires. In most cases, official transcripts are also required.
- Governing Board ratification is required prior to starting employment.

## **VI. Questions and Concerns**

### ***If Violations Occur...***

- Take notes on what happened.
- Contact HRS as soon as possible!
- Action taken usually involves interviewing all involved parties, including the Compliance Officer.
- Consequences are in relation to the severity of the violation.

## **B.III. Faculty Hiring Policy**

### **Faculty Hiring Procedure**

#### **Introduction**

The Selection Committee, the Joint Selection Committee, and the Compliance Officer, are significant to the faculty hiring procedures. All voting and non-voting members of the Selection Committee and Joint Selection Committee (defined below) are required to sign a confidentiality agreement. The confidentiality agreement is a document mutually agreed upon by the Faculty Senate and District representatives.

All persons involved in faculty hiring will be trained in the process. The training shall include:

- A. The philosophy and commitment of the District to diversity;
- B. the role and responsibilities of all participants;
- C. the selection process;
- D. interview procedures and techniques, including guidelines on appropriate follow-up questions and reference checks;
- E. cultural diversity in the interview process;
- F. confidentiality of the selection process.

#### **Faculty Hiring Timeline (for routine hiring situations)**

- A. The recruitment and timeline process will begin in the spring semester one academic year prior to the hiring of faculty members.
- B. Vice Presidents for Instruction and Student Services, through their individual Planning Councils, prioritize and submit faculty position recommendations to the Strategic Planning Council (SPC) by April 15.
- C. The Strategic Planning Council forwards its recommendations to the Superintendent/President and the Resource Allocation Committee by May 15.

- D. After the Resource Allocation Committee identifies the available funds for new positions, the Superintendent/President submits a list of position recommendations to the Governing Board for approval.
- E. Human Resource Services (HRS) develops job announcements for approved positions by September 1.
- F. The recruitment period from September 1 to December 1.
  - Special mailing lists are forwarded to HRS by departments/programs.
  - Publication recruiting requirements are submitted to HRS by departments/programs.
  - Other special requirements.
- G. Selection Committees are formed prior to September 15.
- H. Search Committees develop screening criteria and interview questions prior to November 1.
- I. Interviews begin mid-February.
- J. Recommendation to Governing Board by May 30.

**The Faculty Hiring Procedures Incorporates Five (5) Distinct Elements:**

- 1. Establishing the position
- 2. Recruiting candidates
- 3. Selection Committee
- 4. Joint Selection Committee
- 5. Governing Board review and approval

**1. Establishing the Position**

- A. New and replacement faculty positions are identified by the department/program and submitted through the division dean and the appropriate Vice President, and to the appropriate Planning Council on or before March 31.

The following criteria should be addressed:

- 75/25 ratio (i.e., ratio of WSCH taught by full-time to adjunct faculty)
- Average class size in the department/program
- WSCH/FTE ratio
- Number of sections offered each semester, excluding concurrent sections and special projects classes
- Number of adjunct faculty employed each semester
- Position's inclusion in the department/program plan
- Professional standards for staffing
- Course requirements
- Program growth or demand
- District goals and objectives
- Safety considerations
- External regulatory agency requirements or standards
- Technological or other changes requiring the hiring of faculty with special skills
- Scarcity of qualified adjunct faculty
- Any other relevant factors specific to the department's/program's needs not included above

## **2. Recruiting Candidates**

- A. The position announcement is developed through a collaborative process involving the department/program, appropriate administrators, and Human Resource Services.
  
- B. Human Resource Services provides technical assistance, including the identification of recruitment areas and appropriate advertising media.
  
- C. The position announcement must include the following qualifications and hiring criteria:
  1. A description of the position duties and responsibilities, including a statement of required participation in department/program activities and College governance;
  2. Minimum qualifications:
    - a. As determined by the department/program in accordance with Education Code Section 87356.
  3. Preferred Qualifications
    - a. Additional desirable qualifications that are job related and support the responsibilities of the position may be included.

- b. A statement in accordance with Education Code section 87360 that requires that all applicants be sensitive to and have an understanding of the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students. Departments/programs may require applicants to explain or submit written materials that provide evidence of such understanding;
  - c. Provision for presentation of qualifications that are equivalent to the minimum qualifications.
- 4. Legal qualifiers established by Human Resource Services to comply with federal, state, and District regulations.
  - 5. The position announcement must be approved by the Department Chair/Director, the Dean, the appropriate Vice President, and Human Resource Services.

### **Advertising**

- A. Positions are open and advertised for a minimum of eight weeks. In unusual or extenuating circumstances, the time frame may be reduced to not less than six weeks with the approval of the appropriate Vice President.
- B. Position announcements are posted on the Palomar College website, mailed to colleges, universities, and organizations committed to referring applicants from under-represented groups. In addition, positions are advertised locally and in professional publications recommended by the Selection Committee and/or the Department Chair/Director. Every effort is made to recruit qualified applicants from historically under-represented groups, including the utilization of the Chancellor's Office Diversity Registry.
- C. As part of the recruitment process, departments/programs are expected to contact appropriate organizations to assist in identifying qualified candidates and to disseminate information regarding the position.

### **Applications**

- A. Human Resource Services accepts applications and supplemental materials until 4:30 p.m. on the closing date.

- B. Applications which do not meet minimum qualifications but which have a completed equivalency form will be forwarded to the Faculty Senate Equivalency Committee for review and action.
- C. All applicants with completed applications who meet stated minimum qualifications will be forwarded to the Selection Committee.

### 3. Selection Committee

#### **Selection Committee Composition**

- A. The Selection Committee is composed of the following members:
  - Chair of Selection Committee
    - Department Chair/Director or designee
  - Committee Members
    - Faculty members from the discipline or closely related discipline (May substitute one (1) community member or faculty person from another institution). These faculty members shall constitute a majority of the selection committee.
  - One (1) faculty member from outside the department/program
  - One (1) compliance officer - non-voting
  - One (1) ASG member (optional) – non voting

The Selection Committee is encouraged to include representation from historically under-represented groups. Historically under-represented groups include racial and ethnic minorities, women, and persons with disabilities. The Selection Committee should generally have no more than nine voting members.

#### **Compliance Officer**

It is the responsibility of the Compliance Officer to observe and monitor the faculty hiring process to ensure complete fairness and consistency for each applicant and to serve as a non voting resource person to the Selection and Joint Selection Committees regarding questions and concerns about the hiring process. Specific tasks include the following:

- A. Participate in training provided by Employment Services regarding the faculty hiring procedures and processes.
- B. Serve as the District's agent in verifying that the hiring process was fair and equitable for all candidates during a particular assignment. The Compliance Officer's testimony may be necessary should a candidate file litigation against the District regarding a particular hiring process.
- C. Remind the committee members of the confidentiality of the recruiting

process at every stage. Ensure that potential breaches of confidentiality are dealt with immediately and brought to the attention of the Assistant Superintendent/Vice President for Human Resource Services if appropriate.

- D. Provide input to the hiring timeline regarding one's availability for the recruiting process, scheduled meetings, and interviews.
- E. The Compliance Officer will not screen applicants, but should otherwise attend any and all meetings of one's assigned faculty Selection Committee and Joint Selection Committee, including meetings to develop and score screening criteria and interview questions. The Selection Committee and Joint Selection Committee may not meet without the Compliance Officer being present.
- F. Remind the committee members of cultural differences and possible approaches to the interview process.
- G. Listen to concerns and questions of the committee members and provide input when requested or required, and consult immediately with Human Resource Services personnel when questions cannot be answered.
- H. In relation to the interview process the Compliance Officer has the following duties.
  - 1. Assist the committee chair with distribution of materials, timing, introductions, totaling of points at the conclusion of the process, etc.
  - 2. Observe and evaluate the interview process to ensure that all applicants are treated equally and fairly in the following areas: introductions to the committee, the interview process, the time allowed for the interview, the questions asked, etc. The Compliance Officer will also ensure that follow up questions, when asked, are appropriate to the original intent of the approved questions, and do not hinder the applicant's ability to complete the interview in a timely manner.
  - 3. Listen to, but not participate in, the discussion of candidates after the interview to ensure that job related factors, as evidenced by the application materials and responses to the interview questions, are the ones considered in determining finalists.
  - 4. See to it that any unanticipated or unplanned changes from the agreed upon format that occur in the first interview, are incorporated into procedures for subsequent interviews.

5. Caution committee members that discussion of candidates between interviews is not appropriate.
- I. Though the Compliance Officer's primary role is passive, i.e. to act as an advisor to the hiring committees and function as a liaison to Human Resource Services, the Compliance Officer may intervene or halt the hiring process to correct or prevent potential violations.

The Vice President of Human Resource Services will appoint the Compliance Officer from a pool composed of mid level administrators (not to include Academic Deans) and faculty. Every effort will be made by the Vice President of Human Resource Services to ensure that appointments will be fair and balanced in terms of the number of administrators and faculty appointed, and that all Compliance Officers will be utilized. The Vice President will not appoint a Compliance Officer to serve on a Selection and Joint Selection Committee from the Compliance Officer's own department.

The Faculty Senate will call for volunteers and appoint faculty members willing to serve as Compliance Officers. This list will be forwarded to the Vice President of Human Resources Services to be included in the Compliance Officer pool.

### **Selection Committee Responsibilities**

- A. The Compliance Officer must be present during all meetings of the selection committee
- B. Voting members of the Selection Committee identify selection criteria based on the minimum and desirable qualifications of the position in light of the expected duties and responsibilities of the position. Selection criteria will include an evaluation of the extent to which applicants have and demonstrate sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.
- C. Voting members of the Selection Committee develop job related interview questions designed to distinguish candidates who will best meet the needs of students. No interviews may be conducted without a Compliance Officer.
- D. Voting members of the Selection Committee determine the subject matter and format of the demonstration of teaching, counseling, or librarianship skills required of all faculty candidates.

- E. All voting members of the Selection Committee screen all applications to select candidates for interview.
- F. All members of the Selection Committee establish interview times so that all members can attend.
- G. All members of the Selection Committee interview all selected candidates using pre-approved questions. Follow-up questions may be asked as long as they do not lead the candidate to a desired response and stay within the scope of the original question or answer. In addition, information on the application, resume, or portfolio may be specifically addressed if not included in the original answer (and remains in the scope of the original question).
- H. The voting members of the Selection Committee recommend the finalists for consideration by the Joint Selection Committee. All recommended finalists must be acceptable to the Selection Committee since only a candidate recommended by the Selection Committee will be hired. After at least two voting members of the Selection Committee (who have received additional training in conducting reference checks) have conducted references checks on the recommended finalists from the candidates' application materials, and reported back to the Selection Committee, the names will be forwarded to the Joint Selection Committee.

The recommended number of candidates forwarded to the Joint Selection Committee is as follows:

- Filling one position: Preferably 3 candidates –minimum of 2
- Filling two positions: Preferably 4 candidates –minimum of 3
- Filling three positions: Preferably 5 candidates –minimum of 4
- Filling four positions: Preferably 6 candidates –minimum of 5

### **Selection Committee Applicant Screening**

- A. Screening criteria and interview questions must be approved by the Human Resource Services Office before Selection Committee members have access to applications. Screening criteria help members to review objectively each application. The screening criteria must be listed on the Selection Criteria Report, along with the point value assigned to each criterion and the method of evaluation. Screening criteria are developed from the position description and the qualifications and requirements listed in the position announcement.
- B. All voting members of the Selection Committee complete screening forms for each applicant.

- C. Upon determination of applicants to be interviewed, all applications and screening forms are returned to Human Resource Services.

**Selection Committee Interviews**

- A. Interviews are scheduled by Human Resource Services upon notification by the Selection Committee.
- B. Human Resource Services provides copies of the application and interview screening forms to the Selection Committee with an interview schedule.
- C. All members of the Selection Committee must be present for all interviews. If a voting committee member misses an interview, that committee member is removed from the Selection Committee. No interviews may be conducted without a Compliance Officer.
- D. At the request of the Selection Committee, a candidate who must travel more than 150 miles to interview with the Selection Committee may be interviewed by the Joint Selection Committee and the Superintendent/President or designee within a day of the Selection Committee interview. If the candidate becomes a finalist for the position, these interviews will serve as finalist interviews.
- E. After interviews are completed, members of the Selection Committee discuss and evaluate the qualifications of the candidates. The Committee also considers whether the candidates selected as finalists will contribute to diversity at Palomar College.
- F. If the Selection Committee is not satisfied with the interviewed candidates, the Committee Chair may request to review the applicant pool to ensure that qualified applicants have not been overlooked.
- G. The Selection Committee Chair forwards the application materials of the finalists to the Dean who then convenes the Joint Selection Committee. The Selection Committee Chair returns the screening and interview forms and all other non-finalist application materials to the Human Resource Services Office.

**4. Joint Selection Committee**

**Joint Selection Committee Composition**

The Joint Selection Committee is composed of the following members:

- Division Dean
- Compliance Officer

- Chair of Selection Committee
- Vice President for Instruction or Student Services, as appropriate
- At least two (2) faculty members from Selection Committee

This committee will be chaired by the Division Dean. The Joint Selection Committee should generally have no more than seven voting members.

**Joint Selection Committee Interviews and Recommendations**

- A. The Joint Selection Committee interviews all finalists forwarded by the Selection Committee.
- B. The Joint Selection Committee refers all interviewed finalists to the Superintendent/President.
- C. The Superintendent/President, or designee, interviews the finalists and presents his/her assessments and recommendations to the Joint Selection Committee.
- D. The Joint Selection Committee will consider the Superintendent/President's assessment and recommendations before coming to consensus. If the Joint Selection Committee and Superintendent/President agree on the recommended finalist, the name is recommended to the Governing Board. If no agreement is reached, the Joint Selection Committee and Superintendent/President will meet to discuss the finalists. The Superintendent/President will make the recommendation to the Governing Board. In addition, the Selection Committee will appoint a representative from the committee to attend the Superintendent/President's interviews as an observer. This representative must attend all of the finalists' interviews and subsequent meetings between the Committees and the Superintendent/President. The Selection Committee Representative may not comment on the Superintendent/President's interviews with the finalists unless invited to do so by the Superintendent/President.
- E. The appropriate Vice President or designee extends the tentative offer of employment to the selected finalist and coordinates all necessary intake and orientation procedures with the Human Resource Services Office.

**5. Governing Board Review/Approval**

All offers of employment require approval by the Governing Board. GB 10-12-93, rev. GB 6/9/98, 1/22/02

Revised: February 26, 2003

## **Appendix C.**

### **Diversity Organizations in San Diego County to Provide Written Notice of Plan**

- Appendix C.I. Diversity Organizations in San Diego County: Page C-1

# Appendix C.I. Diversity Organizations in San Diego County

## Diversity Organizations in San Diego County

### General Organizations:

- Neighborhood House Association: (858) 715-2642; [nha@neighborhoodhouse.org](mailto:nha@neighborhoodhouse.org); [www.neighborhoodhouse.org](http://www.neighborhoodhouse.org)
- San Diego Urban League: (619) 234-1140
- MAAC Project: (619) 426-3595; [www.maacproject.org](http://www.maacproject.org)
- Anti-Defamation League, San Diego chapter: (619) 293-3770; [www.adl.org](http://www.adl.org)
- American Civil Liberties Union, San Diego chapter: (619) 232-2121; [info@aclusandiego.org](mailto:info@aclusandiego.org); [www.sandiegoaclu.org](http://www.sandiegoaclu.org)
- Interfaith Community Services: (760) 489-6380; [www.interfaithservices.com](http://www.interfaithservices.com)
- Fair Housing Council San Diego: (619) 699-5888; [www.fhcsd.com](http://www.fhcsd.com)

### Asian and Pacific Islander Organizations:

- Asian Business Association of San Diego: (858) 277-2822; [info@abasd.org](mailto:info@abasd.org); [www.abasd.org](http://www.abasd.org)
- San Diego Alliance for Asian Pacific Islander Americans: (858) 405-3326; [www.sdalliance.org](http://www.sdalliance.org)
- Chinese Service Center of San Diego: (858) 505-8899; [www.cscsandiego.org](http://www.cscsandiego.org)
- Filipino-American Chamber of Commerce of San Diego: [info@faccsd.com](mailto:info@faccsd.com); [www.faccsd.com](http://www.faccsd.com)
- Japanese Americans Citizens League of San Diego: (619) 512-2534; [info@jacsandiego.org](mailto:info@jacsandiego.org); [www.jacsandiego.org](http://www.jacsandiego.org)

### Black Organizations

- 100 Black Men of San Diego: (619) 270-9422
- NAACP North San Diego County: (760) 754-9636; [info@nsdcnaacp.org](mailto:info@nsdcnaacp.org); [www.nsdcaacp.org](http://www.nsdcaacp.org)
- NAACP San Diego Chapter: (619) 263-7823
- San Diego Black Chamber of Commerce: (619) 262-2121
- National Black MBAs San Diego Chapter: (619) 599-3577

### Disability Organizations

- San Diego Committee on Employment of People with Disabilities: (619) 767-2136; [sdcepd@gmail.com](mailto:sdcepd@gmail.com)
- Disability Rights California, San Diego chapter: (619) 239-7861; [www.disabilityrightsca.org](http://www.disabilityrightsca.org)
- ARC of San Diego: (619) 685-1175; [www.arc-sd.com](http://www.arc-sd.com)
- Goodwill San Diego: (619) 225-2200; [www.sdgoodwill.org](http://www.sdgoodwill.org)

### Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Organizations:

- San Diego LGBT Community Center: (619) 692-2077; [www.thecentersd.org](http://www.thecentersd.org)
- Greater San Diego Business Association/Gay & Lesbian Chamber of Commerce: (619) 296-4543; [info@gsdba.org](mailto:info@gsdba.org); [www.gsdba.org](http://www.gsdba.org)
- San Diego Pride: (619) 297-7683; [www.sandiegopride.org](http://www.sandiegopride.org)
- Gay and Lesbian Alliance Against Defamation: [www.glaad.org](http://www.glaad.org)
- North County LGBT Coalition: (760) 672-1848

### Latino/Hispanic/Chicano Organizations:

- San Diego County Hispanic Chamber of Commerce: (858) 268-0790; [info@sdchcc.com](mailto:info@sdchcc.com); [www.sdchcc.com](http://www.sdchcc.com)
- Casa Familiar: (619) 428-1115; [www.casafamiliar.org](http://www.casafamiliar.org)
- Chicano Federation of San Diego County: (619) 285-5600; [www.chicanofederation.org](http://www.chicanofederation.org)
- National Society of Hispanic MBAs San Diego Chapter: [president@sandiego.nshmba.org](mailto:president@sandiego.nshmba.org); [www.nshmba.org/sandiego](http://www.nshmba.org/sandiego)
- League of United Latino American Citizens: [www.lulac.net](http://www.lulac.net)

### Native American Organizations:

- Visit [www.kumeyaay.info/southern\\_calif\\_tribes/](http://www.kumeyaay.info/southern_calif_tribes/) for a list of local tribes and current contact information.

## **Appendix D.**

### **Resources for Other Measures of Furthering Equal Employment Opportunity**

- D.I. District Vision, Mission, and Values: Page D-1
- D.II. Links to Equal Employment Opportunity and Non-Discrimination Policies and Procedures on Palomar College Website: Page D-2
- D.III. Palomar College Employment Advertising Resources: Page D-3
- D.IV. Sexual Harassment Prevention and Diversity Training Information: Page D-7

## Appendix D.I. District Vision, Mission, and Values

### ***Vision***

Learning for Success

### ***Mission***

Our mission is to provide an engaging teaching and learning environment for students of diverse origins, experiences, needs, abilities, and goals. As a comprehensive college, we support and encourage students who are pursuing transfer-readiness, general education, basic skills, career and technical training, aesthetic and cultural enrichment, and lifelong education. We are committed to promoting the learning outcomes necessary for our students to contribute as individuals and global citizens living responsibly, effectively, and creatively in an interdependent and changing world.

### ***Values***

Palomar College is dedicated to achieving student success and cultivating a love of learning. Through ongoing planning and self-evaluation, we strive to improve performances and outcomes. In creating the learning and cultural experiences that fulfill our mission and ensure the public's trust, we are guided by our core values of

- **Excellence** in teaching, learning, and service
- **Integrity** as the foundation for all we do
- **Access** to our programs and services
- **Equity** and the fair treatment of all in our policies and procedures
- **Diversity** in learning environments, philosophies, cultures, beliefs, and people
- **Inclusiveness** of individual and collective viewpoints in collegial decision-making processes
- **Mutual respect** and **trust** through transparency, civility, and open communications
- **Creativity** and **innovation** in engaging students, faculty, staff, and administrators
- **Physical presence** and **participation** in the community

## **Appendix D.II. Links to Equal Employment Opportunity and Non-Discrimination Policies and Procedures on Palomar College Website**

- Human Resource Services website: [www.palomar.edu/hr/forms](http://www.palomar.edu/hr/forms)
- Palomar College employment opportunities website: [palomar.peopleadmin.com](http://palomar.peopleadmin.com)
- College catalog: [www.palomar.edu/catalog](http://www.palomar.edu/catalog)
- Class schedule: [www.palomar.edu/schedule](http://www.palomar.edu/schedule)
- Governing Board Policies and Procedures:  
[www.palomar.edu/gb/Web%20Pages/PoliciesAndProcedures.html](http://www.palomar.edu/gb/Web%20Pages/PoliciesAndProcedures.html)

## **Appendix D.III. Palomar College Employment Advertising Resources**

### **Standard Advertising Provided for All Permanent Positions:**

#### *Palomar Resources:*

- Palomar College employment opportunities website: [palomar.peopleadmin.com](http://palomar.peopleadmin.com)
- Palomar College Human Resource Services website [www.palomar.edu/HR](http://www.palomar.edu/HR)
- Job board inside of Human Resource Services
- Palomar College Employment Opportunity Bulletin (sent to all departments weekly)

#### *External Websites:*

- California Community College Registry website: [www.ccregistry.org](http://www.ccregistry.org)
- California's Job Bank website: [www.caljobs.ca.gov](http://www.caljobs.ca.gov); all ads placed on CalJOBS are cross-listed automatically on the America's Job Bank website at [www.ajb.dni.us](http://www.ajb.dni.us)
- Ed-Join website: [www.ed-join.org](http://www.ed-join.org)
- HigherEdJobs.com
- HotJobs.com
- [SanDiego.Craigslist.org](http://SanDiego.Craigslist.org)

### **Standard Additional Advertising for Faculty and Director-Level and Above Administrative Positions:**

#### *Print Publications:*

- Chronicle of Higher Education
- North County Times
- San Diego Union Tribune

#### *Websites:*

- ChronicleCareers.com (job board hosted by the Chronicle of Higher Education)
- InsideHigherEd.com
- IMDiversity.com

#### *Bulk Mailings of Position Announcements:*

- Bulk email to appropriate candidates listed in the CCC Registry's database

#### *Other:*

- CCC Registry Job Fair (on an occasional basis)

### **Specialized and Discipline/Department-Specific Advertising:**

#### *Administrative and Supervisory Positions:*

- All positions: Association of California Community College Administrators website at [www.accca.com](http://www.accca.com)
- Director, dean, and executive administrator positions: department/position-specific ads in major professional journals and/or websites (such as the CASBO and WACUBO websites for Fiscal Services positions).
- Manager-level and lower administrative, supervisory, and confidential positions: Additional at-cost advertising, including newspaper ads, may be requested and are paid for by the hiring department.

#### *Classified and Child Development Center Teacher Positions:*

- Additional at-cost advertising, including newspaper ads, is arranged through HR and paid for by the hiring department.

*Faculty Positions:*

- One ad per recruitment in the North County Times and San Diego Union Tribune.
- HR will pay for the first \$200 of discipline/position-specific advertising beyond the standard resources listed above. The hiring department pays the remainder.

**Previously-Used Resources by Academic Discipline/Department (for reference only):**

**Accounting/Finance/Business Administration Positions**

- CASBO (California Association of School Business Officials): [www.casbo.org](http://www.casbo.org)
- WACUBO (Western Association of College and University Business Officers): [www.wacubo.org](http://www.wacubo.org)

**Africana Studies**

- Diverse Issues in Higher Education (print and online) – formerly known as Black Issues in Higher Education

**American Indian Studies**

- Indian Country Today (print and online): [www.IndianCountry.com](http://www.IndianCountry.com)
- Nativeweb.com

**American Sign Language**

- Registry for Interpreters of the Deaf *Views* (print): [www.rid.org/views.html](http://www.rid.org/views.html)
- National Association for the Deaf (print, email newsletter, and online): [www.nad.org](http://www.nad.org)
- American Sign Language Teachers Association (online): [www.aslta.org](http://www.aslta.org)
- [www.deafdigest.org](http://www.deafdigest.org)

**Anatomy & Physiology**

- Human Anatomy and Physiology Society: [www.hapsweb.org](http://www.hapsweb.org)

**Anthropology**

- American Anthropological Association *American Anthropologist* and *Anthropology News* (print): [www.aaanet.org](http://www.aaanet.org)

**Art**

- College Art Association *Art Journal*, *Art Bulletin*, *CAA News* (print and online): [www.collegeart.org](http://www.collegeart.org)
- New York Foundation for the Arts *NYFA Current* (print and online): [www.nyfa.org](http://www.nyfa.org)
- [www.ArtJob.org](http://www.ArtJob.org)
- [www.ArtistResource.org](http://www.ArtistResource.org)
- [Artsedge.Kennedy-Center.org](http://Artsedge.Kennedy-Center.org)
- [www.h-net.org](http://www.h-net.org)

**Automotive Technology**

- Automotive Service Association (ASA): [www.asashop.org](http://www.asashop.org)

**Business Education**

- California Business Education Association: [www.cbeaonline.org](http://www.cbeaonline.org)
- California Society of Certified Public Accountants: [www.calcpa.org](http://www.calcpa.org)
- Institute of Management Accountants, San Diego Chapter: [www.imasd.org](http://www.imasd.org)

**Cabinetry/Furniture Technology**

- [www.americanwoodworker.com](http://www.americanwoodworker.com)

**Child Development**

- National Association for the Education of Young Children website: [www.naeyc.org](http://www.naeyc.org)

**Cinema**

- [www.namac.org](http://www.namac.org)

- [www.h-net.org](http://www.h-net.org)

### **Computer Science & Information Systems (CSIS)**

- [www.aect.org](http://www.aect.org)
- [www.ComputerEdge.sandiego.com](http://www.ComputerEdge.sandiego.com)

### **Dance**

- [www.danceusa.org](http://www.danceusa.org)
- *Dance* magazine (print and online): [www.dancemagazine.com](http://www.dancemagazine.com)

### **Emergency Medical Education**

- Journal of Emergency Medical Services (print and online): [www.jems.com](http://www.jems.com)
- National Association of EMS Educators website: [www.naemse.org](http://www.naemse.org)

### **English**

- MLA (print and online): [www.mla.org](http://www.mla.org)
- National Council for Teachers of English: [www.ncte.org](http://www.ncte.org)

### **English as a Second Language**

- CATESOL Listserv
- TESOL website: [www.vv-vv.com/TESOL](http://www.vv-vv.com/TESOL)
- [ESLEmployment.com](http://ESLEmployment.com)

### **Foundation**

- Council for Advancement for Support of Education: [www.case.org](http://www.case.org)
- Council for Resource Development: [www.crdnet.org](http://www.crdnet.org)
- San Diego Foundation: [www.sdfoundation.org](http://www.sdfoundation.org)

### **French**

- American Council on the Teaching of Foreign Languages: [www.actfl.org](http://www.actfl.org)
- MLA (print and online): [www.mla.org](http://www.mla.org)

### **Graphics**

- [www.piasd.org](http://www.piasd.org)
- [www.aiga.org](http://www.aiga.org)

### **History**

- [www.oah.org/announce/jobs.html](http://www.oah.org/announce/jobs.html)
- [www.h-net.org](http://www.h-net.org)
- [www.TheAHA.org](http://www.TheAHA.org)

### **Human Resources**

- College and University Professional Association for Human Resources (CUPA-HR): [www.cupa.org](http://www.cupa.org)
- Bulk email to ACHRO (Association of College Human Resources Officer) members: [achro@rh.cc.ca.us](mailto:achro@rh.cc.ca.us)

### **Math**

- American Mathematics Association of Two-Year Colleges (online; flyers distributed at conference) [www.amatyc.org](http://www.amatyc.org)
- [www.nctm.org](http://www.nctm.org)

### **Library**

- American Library Association: [www.ala.org](http://www.ala.org)
- College & Research Libraries (publication printed by ALA)

**Nursing**

- National League for Nursing (online job bank): [www.nln.org](http://www.nln.org)
- [www.iHireNursing.com](http://www.iHireNursing.com)
- *NurseWeek* (print and online): [www.nurseweek.com](http://www.nurseweek.com)
- American Psychiatric Nurses Association, California chapter (website; also has a listserv that job announcements can be sent to): [www.calapna.org](http://www.calapna.org)
- American Psychiatric Nurses Association, national chapter (online job bank): [www.apna.org](http://www.apna.org)
- Advance NewsMagazine for Nurses (print and online): [www.advanceweb.com](http://www.advanceweb.com)
- [www.minoritynurse.com](http://www.minoritynurse.com)

**Physics**

- [www.physicstoday.org](http://www.physicstoday.org)

**Political Science**

- American Political Science Association website: [www.apsanet.org](http://www.apsanet.org)

**Psychology**

- American Psychological Society *Observer* (print and online): [www.psychologicalscience.org](http://www.psychologicalscience.org)
- American Psychological Association *Monitor* (print and online): [www.apa.org](http://www.apa.org)
- Western Psychological Association *Western Psychologist* (print only): [www.westernpsych.org](http://www.westernpsych.org)

**Radio/Television**

- Broadcast Education Association: [www.beaweb.org](http://www.beaweb.org)
- [www.h-net.org](http://www.h-net.org)
- National Association of Asian Journalists: [www.aaja.org](http://www.aaja.org)
- National Association of Native American Journalists: [www.naja.com](http://www.naja.com)
- National Association of Black Journalists: [www.nabj.org](http://www.nabj.org)
- National Association of Hispanic Journalists: [www.nahj.org/career.html](http://www.nahj.org/career.html)

**Sociology**

- American Sociological Association: [www.asanet.org](http://www.asanet.org)
- [www.h-net.org](http://www.h-net.org)

**Spanish**

- American Council on the Teaching of Foreign Languages: [www.actfl.org](http://www.actfl.org)
- MLA (print and online): [www.mla.org](http://www.mla.org)

**Speech**

- [www.h-net.org](http://www.h-net.org)

## **Appendix D.IV. Sexual Harassment Prevention and Diversity Training Information**

**Note:** *The trainings listed below are offered to District employees in an online, multimedia format through the Keenan SafeColleges website at <http://www.palomar.keenan.safecolleges.com>. The following are course descriptions as provided by Keenan.*

### **Sexual Harassment: Policy and Prevention (AB 1825)**

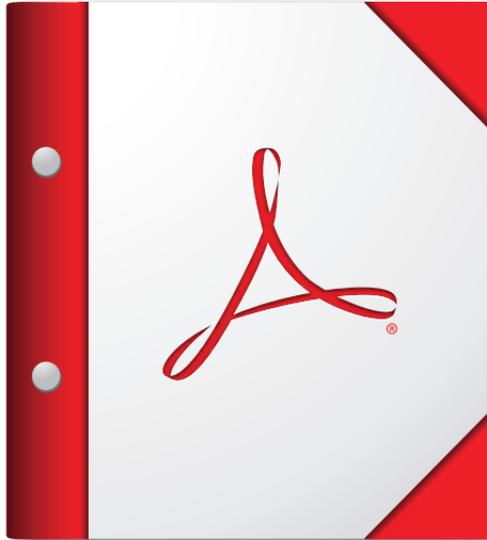
The goals of the course are to train administrators and supervisors how to handle sexual harassment concerns.

### **Discrimination: Avoiding Discriminatory Practice**

As a supervisor, it's essential that you help to establish and maintain a respectful and positive environment for learning. You set the example for students and the community at large, which makes consistent displays of civility – respect and politeness – toward others important. The goal of this course is to provide supervisors with an overview of some best practices that will help them manage a diverse workplace, avoid discriminatory behaviors and create a culture that embraces acceptance and respect for all.

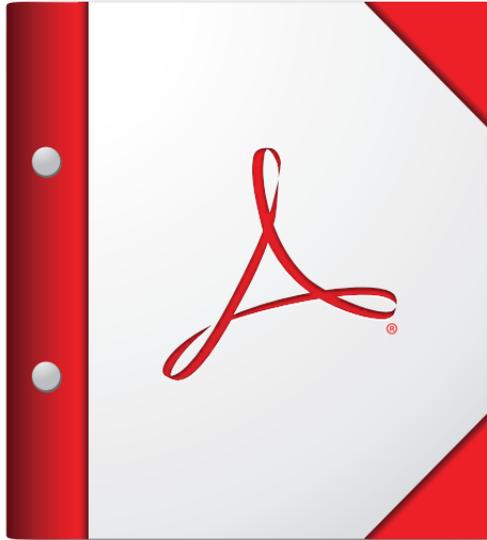
### **Diversity Awareness & Appreciation**

The goals of the course are to provide staff with an awareness of how a diverse workforce strengthens a college or university; equip staff to recognize and respond to incidents of harassment, bigotry, and prejudice; and to appreciate the rich benefits of a diverse, multicultural workforce in the campus environment.



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# GOVERNANCE STRUCTURE GROUP

<b>Request submitted by:</b> Berta Cuaron	<b>Date:</b> 4/2/02 (rev. 4/16/02, 5/7/02, 9/16/03, 10/7/03, 10/13/04, 1/25/06, 1/27/06, 2/8/06, 3/8/13)
--	---

**Proposed Name of Requested Group:**  
Instructional Planning Council

<input checked="" type="checkbox"/>	Council		Committee		Subcommittee		Task Force
			<b>Add</b>		<b>Delete</b>	<input checked="" type="checkbox"/>	<b>Change</b>

**Roles, Products, Reporting Relationship:**

- Roles:
- Develops, implements, evaluates, and revises college plans and initiatives relevant to Instruction, both short- and long-term
  - Develops, reviews, updates, and implements the Program Review and Planning (PRP) process for Instruction, including the form and data elements to be used
  - Reviews, summarizes, and provides feedback on PRPs and makes funding recommendations
  - Summarizes and recommends global priorities for Instruction as a result of PRP reviews, including budget allocations, equipment, technology, facilities, and other resources essential to support instruction and the success of students
  - Develops and updates the Staffing Plan for Instruction utilizing PRP and data provided by Human Resource Services
  - Makes recommendations and provides input to the District's Educational Master Plan and the Strategic Plan
  - Implements goals and objectives of the Annual Action Plan as assigned by SPC
  - Makes recommendations on matters relevant to Instruction or the District at the request of SPC
  - Convenes IPC subcommittee to (a) review and update the process [qualitative and quantitative elements and instruments] and timeline for full-time faculty position requests and (b) annually develop and recommend a prioritized list of full-time faculty positions, forwarded to SPC for information

- Products:
- Program Review and Planning summaries and funding recommendations
  - Recommendations for global needs for Instruction, as determined from PRP analysis
  - Progress reports on assigned Annual Action Plans
  - Annual goals and accomplishments
  - Full-time Faculty Position Priority Recommendations
  - Other products as determined through College planning and operational matters

Reporting Relationship: Strategic Planning Council

**Meeting Schedule:**  
Second and Fourth Wednesdays, 2:00 – 4:00 p.m.(or more frequently as needed for special tasks)

**Chair:** \*Vice President for Instruction

- Members:**
- \*Five (5) instructional deans
  - \*Seven (7) Faculty Members (one each from the five instructional divisions, Library, and Student Services appointed by Faculty Senate)
  - \*One Faculty Member who is also on the Faculty Senate appointed by the Faculty Senate
  - One Classified Unit Employee from Instruction appointed by CCE/AFT
  - One Student appointed by ASG
  - Director of Occupational and Noncredit Programs
  - Research Analyst
  - One CAST Member appointed by CAST
  - One Administrator appointed by AA
  - \*One Faculty Member appointed by PFF

\*The Faculty Position Priority Subcommittee membership includes asterisked members plus two (2) faculty appointed by the Faculty Senate.

If change is requested, attach current structure and list proposed changes.  
 Reviewed by Strategic Planning Council: Comments:  
 9/16/03 First Reading 10/7/03 Approved 03/06/06 Revisions Approved Approved by PAC: 10/2/01  
 Approved by IPC 3/20/13

## INSTRUCTIONAL PLANNING COUNCIL

### **Role**

The Instructional Planning Council develops, implements, evaluates continuously and revises, if necessary, Instruction's plans and initiatives, both long- and short-term. A three-year planning cycle is used to implement the Instruction Strategic Plan. An Annual Implementation Plan outlines the tasks and actions to be accomplished during the upcoming year. The Instructional Planning Council reports its actions, makes recommendations and requests related to the Instruction Plan and to policies and procedures related to Instruction in response to the changing needs of the student population, business and industry, and the internal and external environment. Based on plans, determine staffing needs. \*For prioritizing faculty positions, IPC will convene a subcommittee to develop each year's prioritized list of faculty positions for discussion and endorsement by IPC who will then forward the recommendation to SPC.

### **Products**

Instruction Strategic Plan, Annual Implementation Plan (including staffing, equipment, facilities, technology, and budget recommendations), Criteria for Annual Evaluation of the planning outcomes, Annual Progress Report, Policies and Procedures recommendations related to Instruction, Annual Priorities of Staffing Needs.

### **Reporting Relationship**

Strategic Planning Council

### **Meeting Schedule**

Second and Fourth Wednesday of the month from 2:30 p.m. to 4:00 p.m.

### **Chair**

Vice President, Instruction

### **Members**

- Five instructional deans\*
- Director of Extended Education
- Seven Faculty representatives (one each from the five instructional divisions, library, and student services) appointed by Faculty Senate\*
- One Faculty representative who is also on the Faculty Senate appointed by the Faculty Senate\*
- Two Classified Unit Employee representatives appointed by CCE/AFT (one from Instruction area)
- One Student representative appointed by ASG
- Director of Occupational and Non-Credit Programs
- Research Analyst
- One Confidential and Supervisory Team representative appointed by CAST

\*The Faculty Position Priority Subcommittee membership includes asterisked members plus two (2) faculty appointed by the Faculty Senate.

Approved by SPC 10-07-03  
Latest Revision 11-18-08



# HOLIDAY SCHEDULE

2013-2014

Board Approved:

DATE HOLIDAY OBSERVED	HOLIDAY
Thursday, July 4	Independence Day
Monday, September 2	Labor Day
Monday, November 11	Veterans' Day
Thursday, November 28	Thanksgiving Day
Friday, November 29	Local Holiday
Tuesday, December 24	Local Holiday
Wednesday, December 25	Christmas Day
Thursday, December 26	Admission Day (Observed)
Friday, December 27	Added Board Holiday
Monday, December 30	Added Board Holiday
Tuesday, December 31	Local Holiday
Wednesday, January 1	New Year's Day
Monday, January 20	Martin Luther King, Jr. Day
Friday, February 14	Lincoln's Day
Monday, February 17	Washington's Day
Friday, March 21	Spring Holiday
Monday, May 26	Memorial Day

**WINTER HOLIDAYS  
FY14-FY16**

**WINTER HOLIDAYS SCHEDULE  
FOR 2013-2014; 2014-2015 and 2015-2016**

**December/January 2013-2014**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
December 15	December 16	December 17	December 18	December 19	December 20	December 21
	Work day	Work day	Work day	Work day	Work day	
December 22	December 23	December 24	December 25	December 26	December 27	December 28
	Work day	Local Holiday	Christmas Day	Admission Day	Added Bd. Holiday	
December 29	December 30	December 31	January 1	January 2	January 3	January 4
	Added Bd. Holiday	Local Holiday	New Year's Day	Work day	Work day	

**December/January 2014-2015**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
December 14	December 15	December 16	December 17	December 18	December 19	December 20
	Work day	Work day	Work day	Work day	Work day	
December 21	December 22	December 23	December 24	December 25	December 26	December 27
	Work day	Work day	Local Holiday	Christmas Day	Admission Day	
December 28	December 29	December 30	December 31	January 1	January 2	January 3
	Added Bd. Holiday	Added Bd. Holiday	Local Holiday	New Year's Day	Work day	

**December/January 2015-2016**

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
December 13	December 14	December 15	December 16	December 17	December 18	December 19
	Work day	Work day	Work day	Work day	Work day	
December 20	December 21	December 22	December 23	December 24	December 25	December 26
	Work day	Work day	Work day	Local Holiday	Christmas Day	
December 27	December 28	December 29	December 30	December 31	January 1	January 2
	Admission Day	Added Bd. Holiday	Added Bd. Holiday	Local Holiday	New Year's Day	

Board Approved:



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**Strategic Plan DRAFT Goals and Topics for Objectives**  
**EDITED by Workgroup 05/02/13**

**Goal 1: Student Connections, Pathways, Learning, and Success**

Integrate and implement effective pathways, academic programs, and support services to improve student access, progress, learning, and achievement of goals.

Student Connections and Support (Palomar Access to Student Success or PASS)

1. Coordinated outreach plan
2. Expand EAP (could go under partnerships as well; or be a part of the coordinated outreach plan)
3. First Year Experience for all entering students
4. Online support services (orientation, academic advising)

Student Direction and Progress

5. Basic Skills completion
6. Career Pathways

Assessment, Analysis, and Planning/Decision-making

7. SLOs/SAOs, program review, and resource allocation
8. ILO assessment across the curriculum
9. Analysis and use of evidence

\*\*\*Student Success Task Force recommendations...

**Goal 2: Partnerships**

Strengthen educational, business, and community partnerships to enhance student learning opportunities, experiences, and connections.

Objectives/Strategies:

1. K12-Palomar Faculty Connections
2. College Advisory Council (Business and Community Members)
3. Business Internship/connections opportunities
4. Alternative and increased resources (grants and advocacy)

**Goal 3: Human Resources**

Recruit, hire, and support a diverse faculty and staff who are committed to student learning and achievement.

Objectives/Strategies:

1. Staff levels
2. Diversity
3. Professional development/training faculty and staff (technology, innovation/action-based research or evaluation, student success initiatives targeted at improving student achievement and completion, vulnerable student population)

**Goal 4: Facilities and Infrastructure**

Ensure that existing and future facilities and infrastructure support student learning, programs, and services.

Objectives/Strategies:

1. Ongoing resources to support technology and equipment replacement needs
2. North and south center plans
3. San Marcos planned facilities
4. Emergency Preparedness (Implement plan and provide training)
5. Wireless network capacity and coverage

**Strategic Plan DRAFT Goals**  
**EDITED by Workgroup on 05/02/13**

**Goal 1: Student Connections, Pathways, Learning, and Success**

Integrate and implement effective pathways, academic programs, and support services to improve student access, progress, learning, and achievement of goals.

**Goal 2: Partnerships**

Strengthen educational, business, and community partnerships to enhance student learning opportunities, experiences, and connections.

**Goal 3: Human Resources**

Recruit, hire, and support a diverse faculty and staff who are committed to student learning and achievement.

**Goal 4: Facilities and Infrastructure**

Ensure that existing and future facilities and infrastructure support student learning, programs, and services.

**Faculty Hiring Priority Recommendations for 2014-2015**  
**Instructional Planning Council Subcommittee**

Priority	Department/Discipline
1	Biology #1
2	English #1
3	Mathematics #1
4	History #1 (American)
5	Cinema
6	Chemistry
7	Philosophy
8	Anthropology #1 (Anthropology)
9	German
10	Cabinet & Furniture Technology
11	Economics
12	Biology #2
13	English #2
14	Reading
15	Psychology
16	Speech
17	Music (Choral/Vocal & Theory)
18	Emergency Medical Education
19	Sociology
20	Multicultural Studies
21	American Sign Language
22	Italian
23	American Indian Studies
24	Mathematics #2
25	Child Development
26	Computer Science & Information Systems
27	History #2 (World-Asian/African focus)
28	English #3
29	Photography
30	English as a Second Language
31	Kinesiology #2 (Women's)
32	Administration of Justice
33	Anthropology #2 (Archaeology)
Remaining position requests were not prioritized.	

	A	B	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI	AJ	AK
1	Palomar Community College District																		
2	Fund 11 Unrestricted (with Designated including Lottery)																		
3	Tentative	P1																	
4	5/6/2013		For Tentative		For Tentative		For Tentative		For Tentative		For Tentative		For Tentative		For Tentative		For Tentative		For Tentative
5			2013-14		2013-14		2013-14		2013-14		2013-14		2013-14		2013-14		2013-14		2013-14
6			Unrestricted		Unrestricted		Unrestricted		Unrestricted		Unrestricted		Unrestricted		Unrestricted		Unrestricted		Unrestricted
7																			
8	Account	Description							Student		Admin &		Human		Governing		Institutional		Designated
9					Instruction				Services		Finance		Resources		Board		(with lottery)		(without lottery)
10	Projected Beginning Fund Balance (including lottery)		12,277,054			% of		% of											
11	Projected Non-Lottery Designated Beginning Fund Balance		1,125,983			Total		Total											
12	Total Beginning Fund Balance		13,403,037																
13																			
14	REVENUE																		
15		Apportionment	88,886,902																
16		Potential Restoration	4,183,400																
21	Subtotal Apportionment		93,070,302		0		0		0		0		0		0		0		0
23		Apprenticeship	645,236																
24		Mandated Claim Block Grant	512,064																
25		Follett Contract	525,000																
26		Interest	100,000																
27		Part Time Faculty Apportionment	421,311																
28		Non Resident Tuition	1,765,000																
29		2% BFAP Admin	190,676																
30		2% Enrollment Fees	188,558																
31		Transcript Income	5,000																
32		Non-Lottery Designated	976,354																976,354
34		Lottery	2,600,000																
38	Revenue Grand Total		100,999,501		0		0		0		0		0		0		0		976,354
40	110000	Instructional Salaries - Contract	22,260,420		21,784,487		475,933		0		0		0		0		0		0
41		Budgeted Savings	(2,400,000)		0		0		0		0		0		0		(2,400,000)		0
42	120000	Non-Instructional Salaries - Contract	8,362,236		4,603,745		2,888,519		154,569		164,028		416,553		0		134,822		0
43		Budgeted Savings	(300,000)		0		0		0		0		0		0		(300,000)		0
44	130000	Instructional Salaries - Other	15,155,110		14,734,265		420,845		0		0		0		0		0		0
46	140000	Non-Instructional Salaries - Other	1,328,119		484,269		818,975		0		4,436		0		0		20,439		0
49	1000's	ACADEMIC SALARIES SUBTOTAL	44,405,885		41,606,766	93.7%	4,604,272	10.4%	154,569	0.3%	168,464	0.4%	416,553	0.9%	0	0.0%	(2,544,739)	-5.7%	0
51	210000	Non-Instructional Salaries - Regular	21,516,428		6,259,537		3,740,105		9,190,998		915,707		996,316		30,240		383,525		187,714
52		Budgeted Savings	(2,400,000)		0		0		0		0		0		0		(2,400,000)		0
53	220000	Instructional Aides - Regular	1,742,829		1,672,795		0		70,034		0		0		0		0		0
54	230000	Non-Academic Salaries - Other	1,200,897		529,528		246,970		360,161		53,830		10,408		0		0		59,750
56	240000	Instructional Aides - Other	536,431		484,497		51,934		0		0		0		0		0		0
58	2000's	NON ACADEMIC SALARIES SUBTOTAL	22,596,585		8,946,357	39.6%	4,039,009	17.9%	9,621,193	42.6%	969,537	4.3%	1,006,724	4.5%	30,240	0.1%	(2,016,475)	-8.9%	247,464
60	300000	Employee Benefits																	
61	310010	STRS	3,326,927		2,976,982		308,892		0		250		28,534		0		12,269		0
62	320010	PERS	2,878,253		983,325		494,855		1,130,115		126,497		128,337		0		15,124		22,579
63	330010	FICA & Medicare	2,562,877		1,273,293		383,091		724,377		81,072		86,809		2,316		11,919		15,232
64	340010	Health & Welfare	17,574,025		10,569,392		2,352,847		3,519,425		356,066		398,676		71,643		305,976		68,746
65	350000	Unemployment	148,753		104,765		17,903		20,245		2,299		2,947		11		583		516
66	360010	Worker's Comp	1,230,230		866,331		147,915		167,294		18,998		24,361		519		4,812		4,240
67	370010	Apple	145,226		117,740		16,253		9,492		1,371		261		0		109		1,494
68	390010	Other (SERPs, Vacation accrual, TB Tests, etc)	3,500														3,500		
70		Budgeted Savings	(2,800,000)														(2,800,000)		
73	3000's	EMPLOYEE BENEFITS SUBTOTAL	25,069,791		16,891,828	67.4%	3,721,756	14.8%	5,570,948	22.2%	586,553	2.3%	669,925	2.7%	74,489	0.3%	(2,445,708)	-9.8%	112,807



# FY 13-14 BUDGET ASSUMPTIONS

- **3.6% Increase Apportionment Funding**
  - Approx. \$3.2M
- **Workload Restoration (P1)**
  - \$983,000
  - 237 FTES
- **Discretionary Budgets**
  - Roll Over
- **Step/Column Advances (all salary schedules)**
  - \$700,000
- **Benefits**
  - Health, Dental, Vision, PERS, STRS
  - \$1M
- **Faculty Hires**
  - 21 - \$2.1M
- **Vacancies**
  - Academic - \$2.7M, Non-Academic - \$2.4M, Benefits - \$2.8M
- **Actuary Contribution - Fund 69**
  - \$1.6M
- **COLA**
  - \$1.15M
- **Athletics - (Operational Augmentation)**
  - \$50,000
- **Teaching Learning Center (TLC) (Institutionalization of Services)**
  - \$550,000

Tentative Agreement  
District – CCE Negotiations  
January 22, 2007

T/A  
2/9/07

Classification

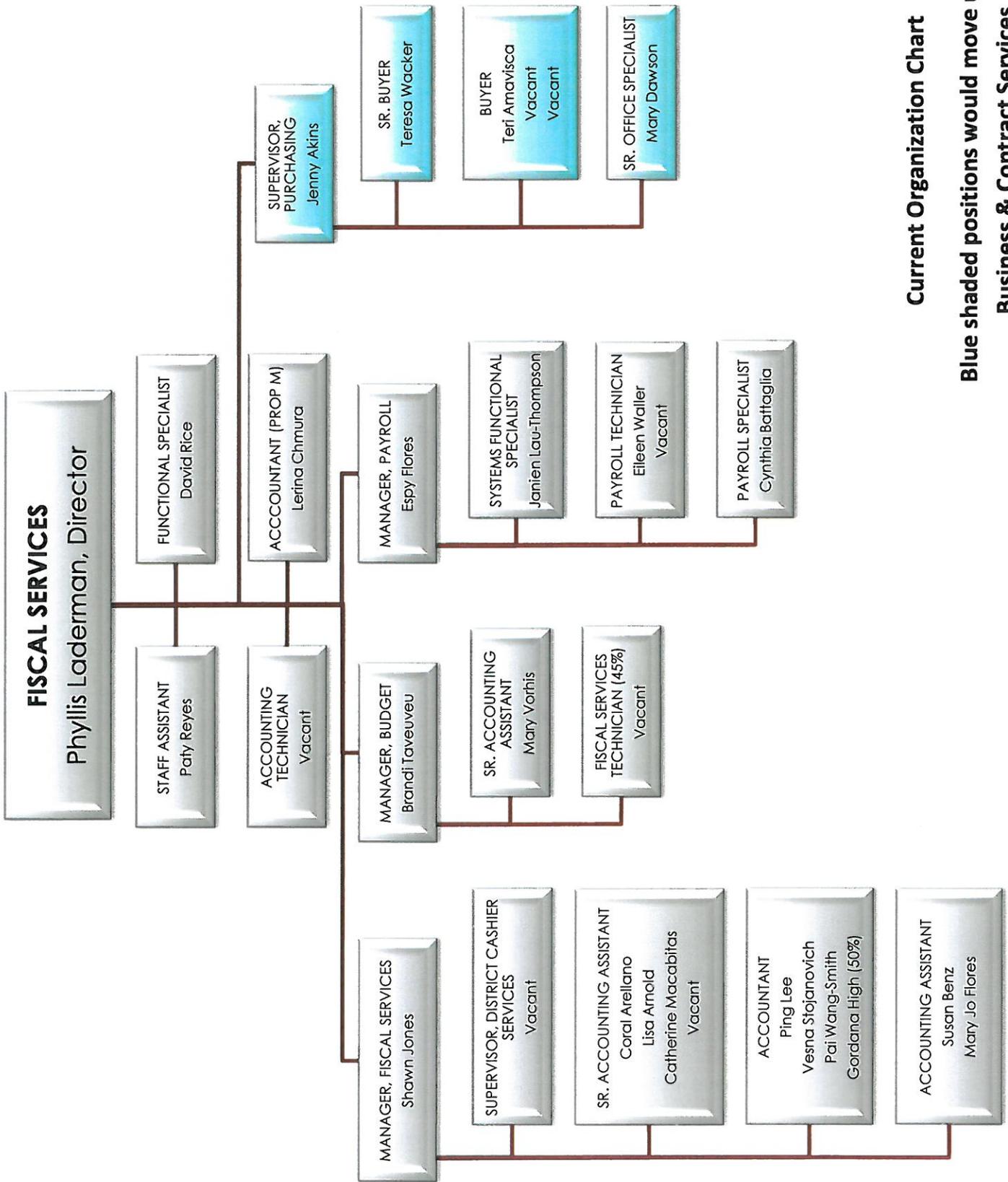
2/9/07  
Bobby McKinstry  
CCE  
J. G. G. / 0  
DISTRICT

The parties tentatively agree to the following regarding a comprehensive classification study and changes to board policy B.P. CCE/AFT-6: New Positions, Classifications, & Reclasses

The District will conduct a comprehensive classification and compensation study for classified bargaining unit members as soon as is practical. This proposal is subject to the following conditions:

- Excluded from the classification portion of the study are all reclassifications initiated and/or approved during reclassification cycles in 2006.
- No new reclassification requests, other than those submitted for the September 30, 2006 cycle will be considered outside of the comprehensive reclassification study.
- The scope of the compensation portion of the study is defined to be an analysis of total compensation, including all salaries and employee benefits which accrue to classified employees, for all bargaining unit classifications.
- The CCE handbook shall be revised to include the following:
  - No Reclassification Requests will be accepted for a period of two (2) years following the completion of study implementation negotiations.
  - One classification period per fiscal year with a deadline for application submittal of December 15<sup>th</sup>, and an effective date of the following July 1<sup>st</sup>.
  - Recommended reclassification time frames shall be adjusted to reflect a twenty-four (24) week study period, a ten (10) working day appeal deadline, ~~and~~ twenty (20) working days for the

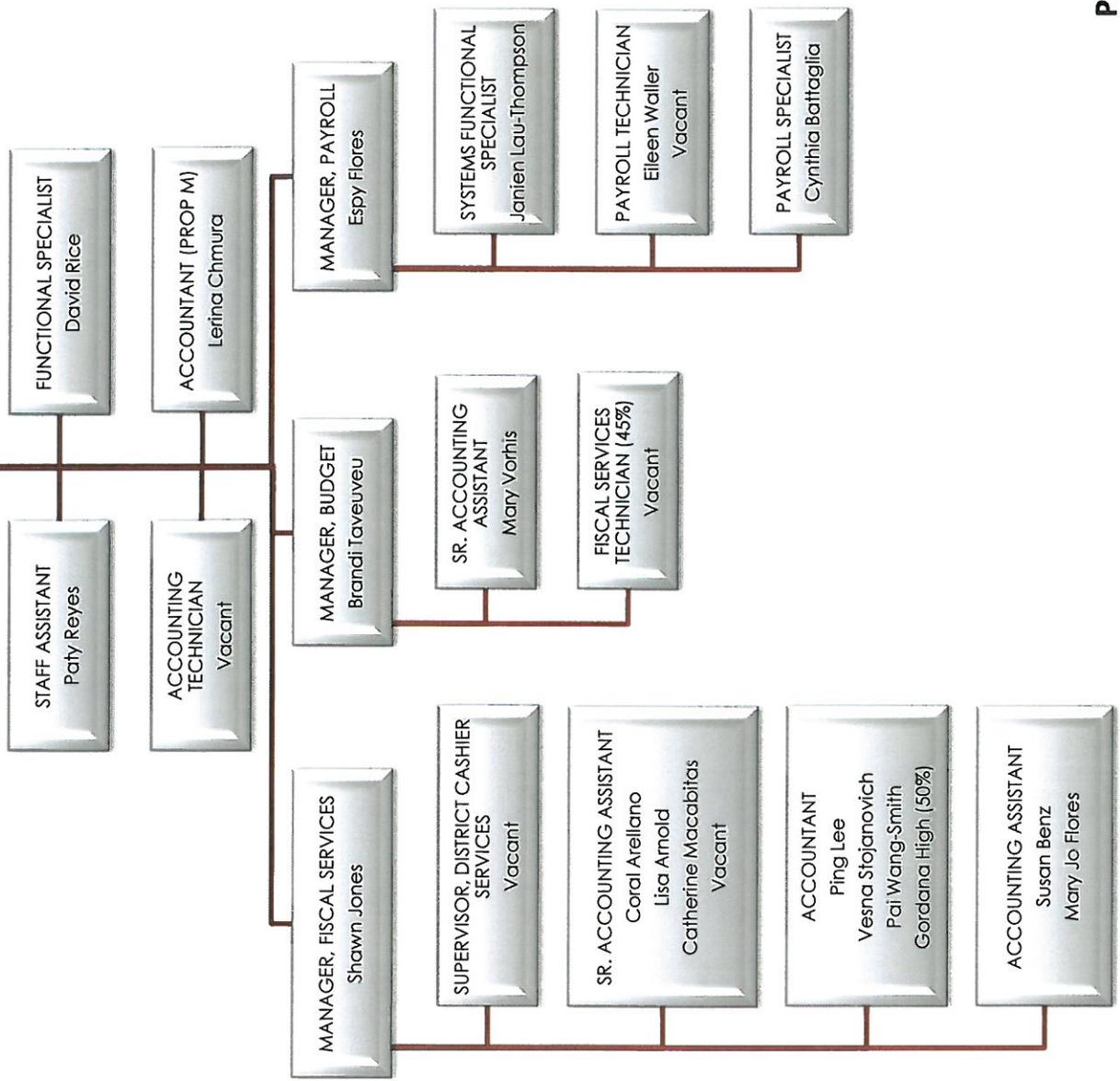
MOVE



**Current Organization Chart**

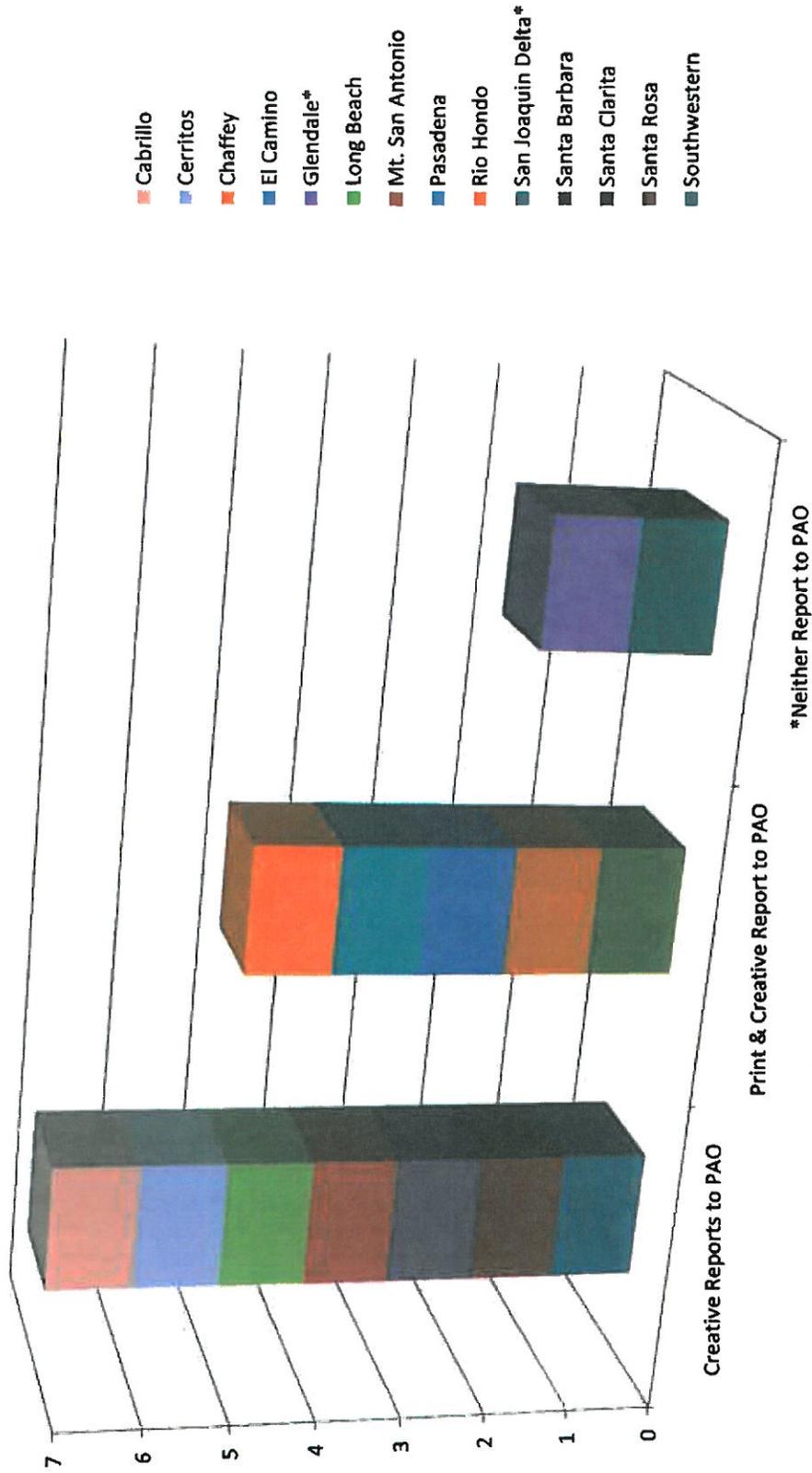
**Blue shaded positions would move under Business & Contract Services**

**FISCAL SERVICES**  
Phyllis Laderman, Director



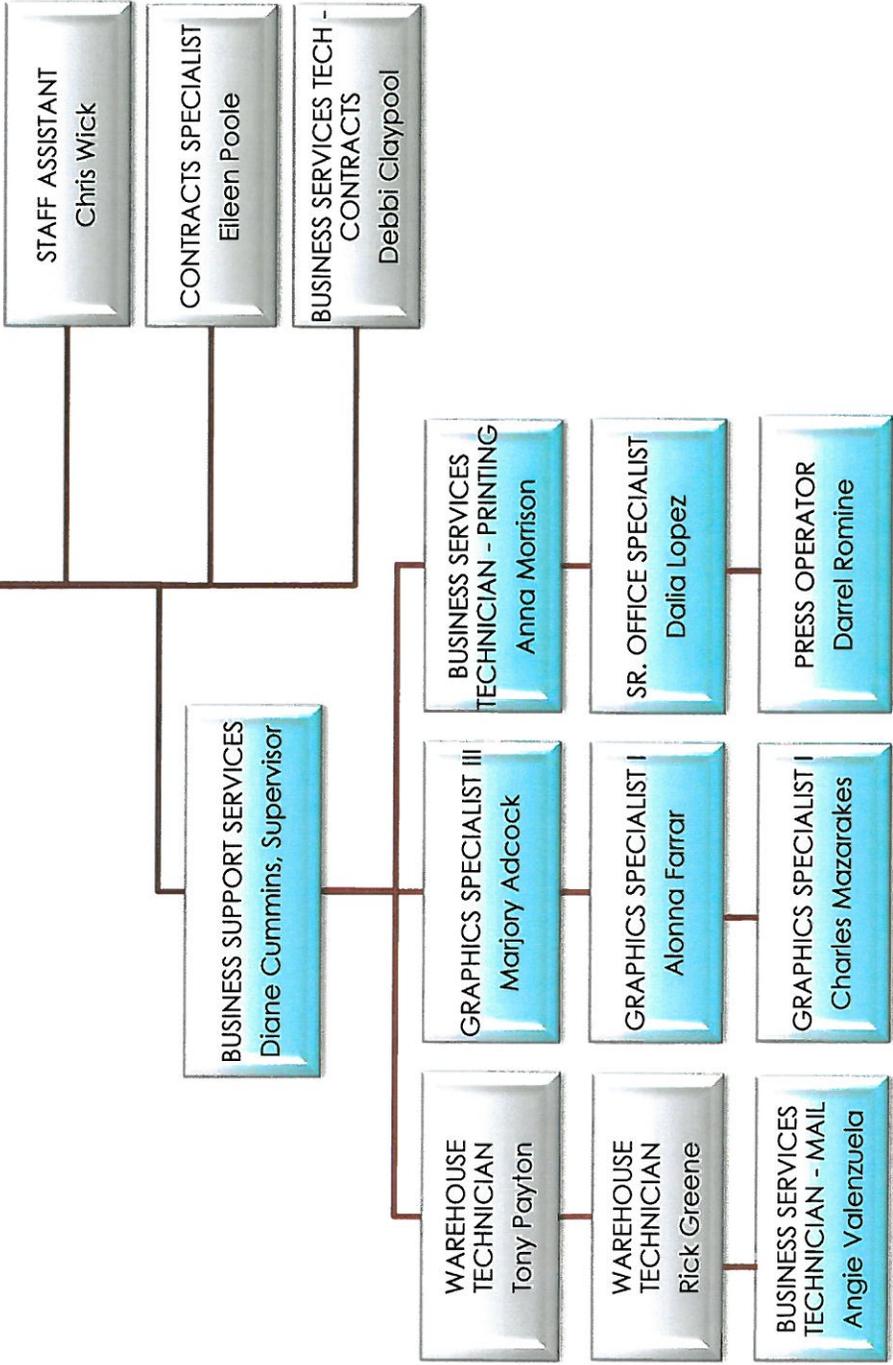
**Proposed Organization Chart**

# Gooder Colleges Reporting Relationships



In the course of researching marketing and communications best practices at community colleges throughout the state, we found that colleges are most often recognized as demonstrating “best practices” when creative services, at least, reports to the Marketing and Communications department. This department is referred to as the Public Affairs Office (PAO) at Palomar CCD. This chart details the reporting relationships of Gooder Colleges. \*The two colleges listed as “Neither” do not currently have a Marketing or Communications department.

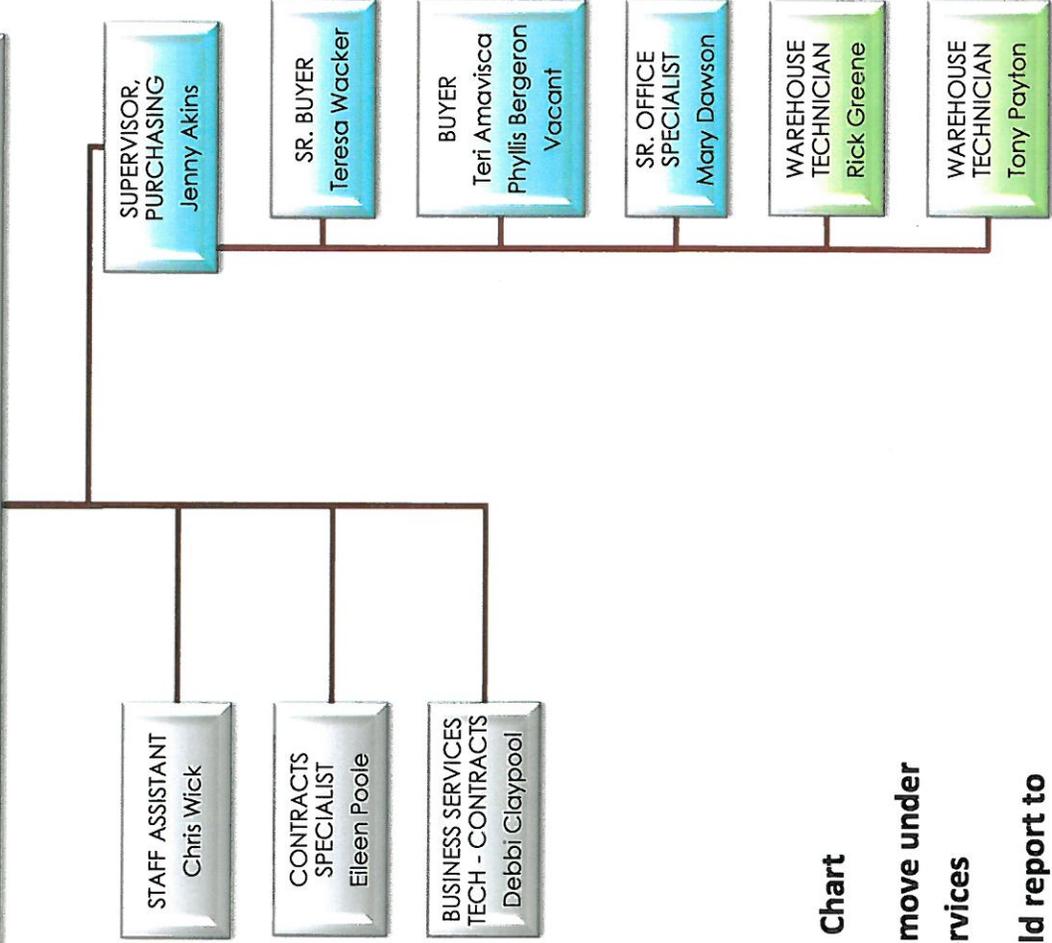
**BUSINESS & CONTRACT SERVICES**  
 (Vacant), Director  
 \* VP, F&AS has assumed duties



**Current Organization Chart**

**Blue shaded positions would move under  
 Communications, Marketing & Public Affairs**

**BUSINESS & CONTRACT SERVICES**  
 (Vacant), Director  
 \* VP, F&AS has assumed duties

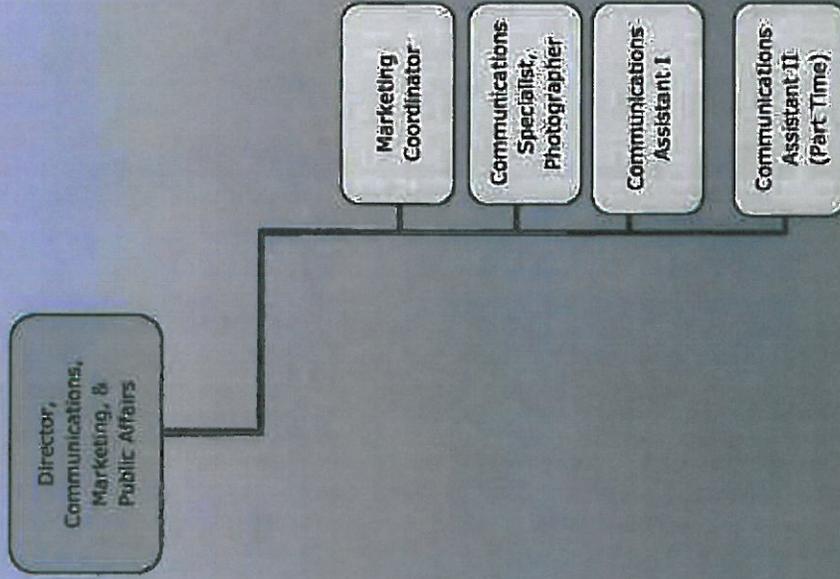


**Proposed Organization Chart**

**Blue shaded positions would move under Business & Contract Services**

**Green shaded positions would report to Purchasing Supervisor**

# Current Organization Chart: Communications, Marketing & Public Affairs



# Proposed Organization Chart: Communications, Marketing & Public Affairs

