



## STRATEGIC PLANNING COUNCIL AGENDA

Date: March 6, 2018  
Meeting Time: 2:30p-4:00p  
Place: AA-140

**CHAIR:** Joi Lin Blake

**MEMBERS:** Jenny Akins, Michelle Barton, Colleen Bixler, Lisa Carmichael, Carmelino Cruz, Patti Dixon, Dan Dryden, Kelly Falcone, Margie Fritch, Adrian Gonzales, Anel Gonzalez, Laura Gropen, Jack Kahn, Teresa Laughlin, Martha Martinez, Connie Moise, Lisa Norman, Ron Perez, Travis Ritt, Erin Scott, Stacy Rungaitis, Connie Sterling, Brian Stockert, Sherry Titus, Fari Towfiq

**RECORDER:** Cheryl Ashour

- 
- A. MINUTES** 2 min
1. Approve Minutes of February 20, 2018
- B. ACTION ITEMS/FIRST READING**
1. Policies and Procedures: AP 7234-Classified Attachment B1 5 min  
Employee Overtime; AP 7330-Communicable Disease;  
AP 7336-Certification of Freedom from Tuberculosis;  
AP 7345-Catastrophic Leave Program;  
AP 7700-Whistleblower Protection
- C. INFORMATION/DISCUSSION**
1. Budget Update 5 min
  2. South Center Drone Video 5 min
  3. Update on SEM Action Plan 5 min
  4. Employee Service and Recognition Ceremony 5 min
  5. HRS Policies and Procedures Lanyards Attachment C5 5 min
  6. Community Book Club Reading: 20 min  
*Redesigning American's Community Colleges*
- D. REPORTS OF PLANNING COUNCILS/DEPARTMENTS** 5 min
1. Finance & Administrative Services Planning Council – Ron Perez
  2. Human Resource Services Planning Council – Lisa Norman
  3. Instructional Planning Council – Jack Kahn
  4. Student Services Planning Council – Adrian Gonzales
  5. Foundation – Stacy Rungaitis
  6. Professional Development – Kelly Falcone
- E. REPORTS OF CONSTITUENCIES** 5 min
1. Administrative Association – Connie Sterling
  2. Associated Student Government – Erin Scott
  3. CCE/AFT – Anel Gonzalez
  4. Confidential/Supervisory Team – Jenny Akins
  5. Faculty Senate – Travis Ritt
  6. PFF/AFT – Teresa Laughlin/Colleen Bixler
- F. OTHER ITEMS**



**STRATEGIC PLANNING COUNCIL  
MINUTES  
March 6, 2018**

A regular meeting of the Palomar College Strategic Planning Council scheduled March 6, 2018, was held in AA-140. Superintendent/President called the meeting to order at 2:35 p.m.

**ROLL CALL**

Present: Jenny Akins, Michelle Barton, Colleen Bixler, Joi Blake, Carmelino Cruz, Patti Dixon, Dan Dryden, Kelly Falcone, Anel Gonzalez, Jack Kahn, Teresa Laughlin, Connie Moise, Lisa Norman, Ron Perez, Travis Ritt, Stacy Rungaitis, Connie Sterling, Sherry Titus  
Absent: Lisa Carmichael, Margie Fritch, Adrian Gonzales, Laura Gropen, Martha Martinez, Erin Scott, Brian Stockert, Fari Towfiq  
Guest: Buddy Springer  
Recorder: Cheryl Ashour

**A. MINUTES**

**1. Approve Minutes of February 20, 2018**

MSC (Titus/Dixon) to approve the February 20, 2018 Minutes as presented

**B. ACTION ITEMS/FIRST READING**

**1. Policies and Procedures: AP 7234-Classified; Employee Overtime; AP 7330-Communicable Disease; AP 7336-Certification of Freedom from Tuberculosis; AP 7345-Catastrophic Leave Program; AP 7700-Whistleblower Protection (Exhibit B1)**

There was no discussion. This item will return for action/second reading at the next meeting.

**C. INFORMATION/DISCUSSION**

**1. Budget Update**

Ron Perez reported the District has a \$6.1 million budget cut goal for this fiscal year; reductions will be made this week. The budget development process for 2018-19 has begun; there is no new money for FY18-19. The VP's will reallocate money within their division.

Mr. Perez reported a new community college funding model is being discussed. The District is developing the budget on the present way we are being funded at 100% FTES; however, it will also be developed with the new model once it is finalized.

Joi Blake reported on discussion from a recent statewide CEO meeting:

- The new funding formula will negatively impact rural colleges. The CEOs agreed to not support the new funding formula unless this can be mitigated.
- The CEOs requested the transfer language be changed to "transfer ready" because community colleges cannot control whether transfer-ready students are admitted into the CSU and UC systems.
- Hold harmless a District in stability or restoration for two years.
- The CEOs are opposed to the recommendation to combine categorical funds into one block grant.

Mr. Perez discussed the change to the Pell Grant and loan repayment. Districts will be obligated to pay back a larger percentage if a student drops out. Adrian Gonzales is closely following the developments.

**2. South Center Drone Video (Exhibit C2)**

Mr. Perez discussed the progress of the South Center and presented a drone video of the site. The City of San Diego is again requesting information on signage, which was previously sent. The project manager is looking at the signage of other educational institutions in the area and will align ours with those.

**3. Update on SEM Action Plan**

Jack Kahn reported the Strategic Enrollment Action Plan is almost completed. Action items have been identified for the entire plan. Dr. Blake stated the District is moving forward on integrating all its plans. The SEM plan will be able to react to whichever funding scenario is approved by the State.

**4. Employee Service and Recognition Ceremony**

Lisa Norman discussed the Employee Service and Recognition Ceremony scheduled for March 29, 5:00 pm, at the California Arts Center in Escondido. Dinner will be provided and a motivational speaker is scheduled. The service pinning and Employee of the Year awards for all groups will be awarded. It is a time for all employees to celebrate together.

**5. HRS Policies and Procedures Lanyards**

Lisa Norman reported HRS distributed over 500 lanyards; more have been ordered and they will be given to those employees who did not receive one. The lanyards contain the mandatory policies and procedures employees need to be made aware on a yearly basis. Connie Moise stated there are other policies and procedures that employees need to read; perhaps they could be combined the next time they are sent out. Dr. Norman responded HRS' focus this time out was to provide employees with mandatory human resource policies and procedures.

Dr. Blake discussed the idea of having a celebration after the Commencement Ceremony, perhaps with food trucks. The purpose is to give students and their families, with faculty and staff, the opportunity to celebrate together. This is especially helpful for those students who have no family attending.

**6. Community Book Club Reading: *Redesigning American's Community Colleges***

Kelly Falcone led a discussion of Chapter 2. She reviewed a summary of comments and discussion from those online and from other meetings. Members shared their thoughts, especially regarding educational planning, sequence of classes, orientation process, and information students need to know. Starfish came up in many conversations; most people did not understand what Starfish does. A condensed demonstration of Starfish will be provided at the next SPC meeting and employee training will also take place.

**D. REPORTS OF PLANNING COUNCILS**

**1. Finance & Administrative Services Planning Council**

Ron Perez reported there was not a quorum at the last meeting. FASPC plans to send a survey to the campus on their services. The supervisors, managers and directors are working on staffing to make sure they are up-to-date on the hiring process. Sherry Titus and Chelsea Kott came to the last FASPC meeting to discuss the student mural at the Student Union. Ms. Titus discussed the details of the mural.

**2. Human Resource Services Planning Council**

Lisa Norman reported HRSPC is working on the Staffing Plan. They are looking to change the recruitment and hiring process; next week they hope to have a structure in place.

**3. Instructional Planning Council**

Jack Kahn reported IPC finalized its membership recommendations; talked about the request for resources process, and the grant process; held a Book Club discussion; and talked about a process to help recommend faculty hires that are not in current disciplines that exist. The waitlist process sub group plans to report their findings and make suggestions at the next meeting. An event is being planned toward the end of the semester, where programs can present on their program and review process.

**4. Student Services Planning Council**

Sherry Titus reported SSPC discussed the Maag Center groundbreaking; providing a case manager at the Hub; the new funding formula and block funding; and budget reductions.

**5. Foundation**

Stacy Rungaitis reported a Presidents' Association event is scheduled this week to tour the new Veterans Center. They are sending the nomination form for the Alumna of the Year this week. The Foundation is working with the Leachtag Foundation for a crowd funding campaign for the food bank; Leachtag will match donations.

**6. Professional Development**

Kelly Falcone discussed working on a pilot with 3C Tech Connect to bring other colleges into using the same software program for professional development. It would allow PD coordinators to connect and work together. Ms. Falcone met with faculty to plan the Faculty Achievement event, which will be held Friday, May 18. She attended a basic skills partnership meeting with our faculty in English, Math and Reading, along with the local high school teachers. The meeting went very well and she received great feedback. The PD Portal has a problem with content integration and experts are working on it now.

**H. REPORTS OF CONSTITUENCIES**

**1. Administrative Association**

There was no report.

**2. Associated Student Government**

There was no report

**3. CCE/AFT**

Anel Gonzales reported one of the goals of the union is to connect with members. The last two weeks they conducted "Pop-Ins", visiting various individual classified with popcorn and conversation; they spoke to over 200 employees throughout the District, including the Escondido Center and Tech TV.

**4. Confidential/Supervisory Team**

There was no report.

**5. Faculty Senate**

Travis Ritt reported the Distinguished Faculty Award Committee met and identified the recipients. The focus at the Faculty Senate the last few weeks has been on Distance Education; they discussed scheduling processes, departmental procedures, and how to balance the face-to-face classes. A best practices document will be created. A National Student Walkout is scheduled on March 14 at 10:00 am in remembrance of the students killed in Florida. A statement went out to faculty today on behalf of the Faculty Senate to inform them of the event and asking them to not give negative recompressions if their students participate.

**6. PFF/AFT**

Colleen Bixler reported the Governing Board ratified the contract; it will go to faculty tomorrow for a vote. She reminded everyone that the Political Economy Days is April 11 and 12.

**I. Other**

**1. Town Hall Meeting**

Joi Blake reported a Town Hall Meeting is scheduled for tomorrow. Notice was sent out to all employees. Dr. Blake reviewed the topics that will be discussed at the meeting.

**2. Educational and Master Planning Meeting Groups**

Focus group meetings will be held next week to assist in the update of the Educational Master Plan. The District is considering going out for a bond and an updated Educational and Facilities Master Plan is a requirement. A joint SPC/Budget focus meeting will be held Tuesday, March 13.

**J. ADJOURNMENT**

There being no remaining items, the meeting was adjourned at 4:15 pm.

## HUMAN RESOURCES

REV 10/18/17 no proposed changes

**AP 7234 CLASSIFIED EMPLOYEE OVERTIME****References:**

Education Code Sections 88027, 88028, 88029, and 88030

Overtime is defined to include any time required to be worked in excess of eight hours in any one day and in excess of 40 hours in any calendar week. If the Governing Board establishes a workday of less than eight hours but seven hours or more and a workweek of less than 40 hours but 35 hours or more for all of its classified positions or for certain classes of classified positions, all time worked in excess of the established workday and workweek shall be deemed to be overtime.

The foregoing provisions do not apply to:

- classified positions for which a workday of fewer than seven hours and a workweek of fewer than 35 hours has been established
- positions for which a workday of eight hours and a workweek of 40 hours has been established, but in which positions employees are temporarily assigned to work fewer than eight hours per day or 40 hours per week when such reduction in hours is necessary to avoid layoffs for lack of work or lack of funds and the consent of the majority of affected employees to such reduction in hours has been first obtained

For the purpose of computing the number of hours worked, time during which an employee is excused from work because of holidays, sick leave, vacation, compensatory time off, or other paid leave of absence shall be considered as time worked by the employee.

When compensatory time off is authorized in lieu of cash compensation, such compensatory time off shall be granted within 12 calendar months following the month in which the overtime was worked and without impairing the services rendered by the District.

An employee having an average workday of four hours or more during the workweek shall, for any work required to be performed on the sixth or seventh day following commencement of the workweek, be compensated at a rate equal to 1 1/2 times the regular rate of pay of the employee designated and authorized to perform the work.

An employee having an average workday of less than four hours during a workweek shall, for any work required to be performed on the seventh day following the commencement of his/ or her workweek, be compensated for at a rate equal to 1 1/2

**Date Approved: 11/18/08; Revised:***(Replaces all previous versions of AP 7234.)*

38 times the regular rate of pay of the employee designated and authorized to perform the  
39 work.

40 Persons serving in supervisory, administrative, or executive positions that are classified  
41 as administrators shall be excluded from these procedures regarding overtime.

42 Also refer to the applicable collective bargaining agreement or employee handbook

43 Office of Primary Responsibility: Human Resource Services

## HUMAN RESOURCES

REV 2/2/18

## AP 7330 COMMUNICABLE DISEASE

## References:

Education Code Sections 87408, 87408.6, and 88021

The intent of this procedure is to protect public health from diseases that could be transmitted via the scope/nature of the position and not to discriminate against individuals.

For **successful** applicants for academic positions who have not been previously employed in academic positions within the state:

- A medical certificate is required showing that the applicant is free from communicable disease, including but not limited to active tuberculosis, which would render the applicant unfit to instruct or associate with students. Such certificate shall be obtained from the applicant after an offer of employment is made but before the applicant commences employment
- The medical certificate shall be submitted by a physician/**physician assistant/nurse practitioner or surgeon** as authorized by code.
- The medical examination upon which the certification is based shall be conducted not more than six months before the submission of the certificate and shall be at the expense of the applicant
- A contract of employment may be offered to an applicant subject to the submission of the required medical certificate
- The medical certificate becomes a part of the personnel record of the employee and is open to the employee or his or her designee

For current employees:

- Subject to the provisions of applicable collective bargaining agreements and employee handbooks, the District may require an employee to undergo a medical examination at District expense to determine that the employee is free from communicable disease which would render the employee unfit to instruct or associate with students, including but not limited to active tuberculosis, that could be transmitted via activities reasonably within the scope of employment
- Human Resource Services shall provide notice to the employee of the District-paid examination. Such notice shall state the reason for the examination and the date by which the examination must be completed

**Date Approved: SPC 4/5/11; Revised:**

*(Replaces former Palomar Procedure 104 and all previous versions of AP 7330.)*



- 37
- 38
- 39
- 40
- 41
- 42
- 43
- Following a District-paid medical examination, the District may require that the employee submit a medical certificate from a licensed physician/physician assistant/nurse practitioner or surgeon stating that the employee is free from communicable disease. Failure or refusal to submit such certification in a timely manner may cause the District to exclude the employee from service until such time as the employee provides the certification

44 If an employee is not certified as free from communicable disease, the District will refer  
45 the applicant and report to a local public health official. The local public health official  
46 shall advise the District when the applicant or employee can be certified free from  
47 communicable disease.

48 This procedure is limited to examinations and certification for freedom from  
49 communicable disease. For fitness for duty applicant and employee physical and/or  
50 mental examinations, see BP 7335 titled Health Examinations.

51 Also, see BP/AP 5210 titled Communicable Disease (related to students), BP 7335  
52 titled Health Examinations, and AP 7336 titled Certification of Freedom from  
53 Tuberculosis

54 Office of Primary Responsibility: Human Resource Services

## HUMAN RESOURCES

REV 2/2/18

**AP 7336 CERTIFICATION OF FREEDOM FROM TUBERCULOSIS****Reference:**

Education Code Section 87408.6

Except as provided herein, no person shall be initially employed by the District in an academic or classified position unless the person has, ~~submitted to an examination within the past 60 days to determine that he/she is free of active tuberculosis, by a physician and surgeon licensed under the California Business and Professions Code, within the last 60 days, submitted to a tuberculosis risk assessment developed by the State Department of Public Health and the California Tuberculosis Controllers Association and, if risk factors are present, an examination~~ to determine that he/she is free of active tuberculosis, by a physician ~~or and~~ surgeon licensed under the California Business and Professions Code. This examination shall consist of an X-ray of the lungs or an approved intra-dermal tuberculin test, which, if positive, shall be followed by an X-ray of the lungs. This examination is a condition of initial employment and the expense shall be borne by the applicant.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician ~~/physician assistant/nurse practitioner or and~~ surgeon licensed under the Business and Professions Code.

Human Resource Services may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intra-dermal tuberculin test be followed by an X-ray of the lungs.

Thereafter, employees who are skin test negative, ~~or were not tested because of a lack of risk factors,~~ are required to undergo the foregoing ~~tuberculosis risk assessment and, if risk factors exist,~~ examination at least once every four years upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing ~~tuberculosis risk assessments and~~ examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow up care.

~~If risk factors were present at the tuberculosis risk assessment and an examination occurs, a~~After the examination, ~~each an~~ employee shall cause to be on file with the District a certificate from the examining physician ~~/physician assistant/nurse practitioner or and~~ surgeon showing the employee was examined and found free from active tuberculosis.

This procedure shall not apply to any employee of the District who files an affidavit stating that he/she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his/her knowledge and belief he/she is free from active tuberculosis. If at any time there should be probable cause to believe that the applicant is afflicted with active tuberculosis, he/she may be excluded from service until the Office of Human Resource Services is satisfied that he/she is not so afflicted.

A person who transfers his/ ~~or~~ her employment from another school or community college district shall be deemed to meet the requirements of this procedure if the person can produce a certificate that verifies that he/she ~~was examined~~ within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis or if it is verified by the district previously employing him/ ~~or~~ her that it has a certificate on file that contains that showing.

A person who transfers his/ ~~or~~ her employment from a private or parochial elementary school, secondary school, or nursery school to the District shall be deemed to meet the requirements of this procedure if the person can produce a certificate as provided for in Health and Safety Code Section 121525 ~~of the Health and Safety Code~~ that shows that he/she within the past four years had a tuberculosis risk assessment that showed no risk factors were present or was examined and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him/ ~~or~~ her that it has the certificate on file.

Office of Primary Responsibility: Human Resource Services

HUMAN RESOURCES

REV 10/23/17 negligible changes

**AP 7345 CATASTROPHIC LEAVE PROGRAM**

**Reference:**

Education Code Section 87045

The District has established a catastrophic leave program consistent with Education Code Section 87045 to permit employees of the District to donate eligible leave credits to an employee when that employee or a member of his/ or her family suffers from a catastrophic illness or injury.

See the applicable collective bargaining agreement or employee handbook for specific information related to Catastrophic Leave.

Office of Primary Responsibility: Human Resource Services

## HUMAN RESOURCES

**AP 7700 WHISTLEBLOWER PROTECTION****References:**

Education Code Sections 87160-87164;  
Labor Code Sections 1102.5 and 2698 (Private Attorney General Act of 2004);  
Government Code Section 53296;  
Affordable Care Act (29 U.S.C. Code Section 218C)

Individuals are encouraged to report suspected incidents of unlawful activities by District employees in the performance of their duties. Reports will be investigated promptly and appropriate remedies applied. Employees who, with reasonable cause, reported such activities and/or assist the District in the investigation will be protected from retaliation.

This procedure sets out the processes for responding to and investigating reports of unlawful activities, as defined in BP 7700 titled Whistleblower Protection, and addressing complaints of retaliation for making such reports.

**Filing a Report of Suspected Unlawful Activities**

Any person may report allegations of suspected unlawful activities. Knowledge or suspicion of such unlawful activities may originate from academic personnel, staff, or administrators carrying out their assigned duties, internal or external auditors, law enforcement, regulatory agencies, customers, vendors, students, or other third parties.

Anonymous reports will be investigated to the extent possible. However, employees are strongly encouraged not to report anonymously because doing so impedes the District's ability to thoroughly investigate the claim and take appropriate remedial measures. As set forth fully below, retaliation against individuals who report suspected unlawful activities will not be tolerated.

Normally, a report by a District employee of allegations of a suspected unlawful activity should be made to the reporting employee's immediate supervisor or other appropriate administrator or supervisor within the operating unit. However, if the report involves or implicates the direct supervisor or others in the operating unit, the report may be made to any another District official whom the reporting employee believes to have either responsibility over the affected area or the authority to review the alleged unlawful activity on behalf of the District. When the alleged unlawful activity involves the Superintendent/President, the report should be made to the President of the Governing Board. When the alleged unlawful activity involves the Governing Board or one of its members, the report should be made to the Superintendent/President who will confer with the President of the Governing Board and/or legal counsel on how to proceed.

Allegations of suspected unlawful activities should be made in writing so as to assure a clear understanding of the issues raised, but may be made orally. Such reports should

be factual and contain as much specific information as possible. The receiving supervisor or administrator should elicit as much information as possible. If the report is made orally, the receiving supervisor or administrator shall reduce it to writing and make every attempt to get the reporter to confirm by his/ or her signature that it is accurate and complete.

Once the receiving supervisor or administrator has received and/or prepared a written report of the alleged unlawful activity, he/she must immediately forward to the Superintendent/President. However, if this process would require submitting the report to an employee implicated in the report, the receiving supervisor or administrator should follow the reporting options outlined, above. The high-level administrator or trustee who receives the written report pursuant to this paragraph is responsible for ensuring that a prompt and complete investigation is made by an individual with the competence and objectivity to conduct the investigation, and that the assistance of counsel and/or an outside investigator is secured if deemed necessary.

In the course of investigating allegations of unlawful conduct, all individuals who are contacted and/or interviewed shall be advised of the District's no-retaliation policy. Each individual shall be: a) warned that retaliation against the reporter(s) and/or others participating in the investigation will subject the employee to discipline up to and including termination; and b) advised that if he/ or she experiences retaliation for cooperating in the investigation, then it must be reported immediately.

In the event that an investigation into alleged unlawful activity determines that the allegations are accurate, prompt, and appropriate corrective action shall be taken.

### **Protection from Retaliation**

When a person makes a good-faith report of suspected unlawful activities to an appropriate authority, the report is known as a protected disclosure. District employees and applicants for employment who make a protected disclosure are protected from retaliation. A District employee or applicant whose family member makes a protected disclosure is also protected from retaliation.

Any employee who believes he/ or she has been (1) subjected to or affected by retaliatory conduct for reporting suspected unlawful activity, or (2) for refusing to engage in activity that would result in a violation of law, should report such conduct to the appropriate supervisory personnel (if such supervisory personnel is not the source of or otherwise involved in the retaliatory conduct). Any supervisory employee who receives such a report, or who otherwise is aware of retaliatory conduct, is required to advise the Superintendent/President or the Superintendent/President's designee. If the allegations of retaliation or the underlying allegations of unlawful conduct involve the Superintendent/President, the supervisor shall report to the highest level administrator and/or Governing Board member who is not implicated in the reports of unlawful activity and retaliation.

79 All allegations of retaliation shall be investigated promptly and with discretion, and all  
80 information obtained will be handled on a "need to know" basis. At the conclusion of an  
81 investigation, as appropriate, remedial and/or disciplinary action will be taken where the  
82 allegations are verified and/or otherwise substantiated.

### 83 **Requirement to Post Whistleblower Hotline**

84 Employees who have information regarding possible violations of state or federal  
85 statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or  
86 limited liability company to its shareholders, investors, or employees should contact the  
87 **California** Community College Chancellor's Office or the Governing Board for the  
88 District. Employees can contact the State Personnel Board with complaints of  
89 retaliation resulting from whistleblower activities. The State Personnel Board hotline is  
90 (916) 653-1403.

### 91 **Other Remedies and Appropriate Agencies**

92 In addition to the internal complaint process set forth above, any employee who has  
93 information concerning allegedly unlawful conduct may contact the appropriate  
94 government agency.

95 Office of Primary Responsibility: Human Resource Services

## GENERAL INSTITUTION

**AP 3430 PROHIBITION OF HARASSMENT****References:**

Education Code Sections 212.5, 44100, and 66281.5;  
Title 5 Sections 59320 et seq.;  
Title IX, Education Amendments of 1972;  
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and in conjunction with associated administrative procedure AP 3435 titled Discrimination and Harassment Investigations and Training, sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students and employees in connection with all academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

**Academic Freedom**

This policy works with BP 4030 titled Academic Freedom and is not intended to inhibit or interfere with freedom of expression and freedom of inquiry within the framework of responsibility. It is understood that all employees exercising their rights under Academic Freedom will accept responsibility for both the substance and the manner of their expression.

**Definitions**

- **General Harassment** -- Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment.
- **Sexual Harassment** -- In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:
  - submission to the conduct is made a term or condition of an individual's employment, academic status, or progress



- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college

This definition encompasses two kinds of sexual harassment:

- "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct
- "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender 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. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.
- Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

### **Consensual Relationships**

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of an instructor over a student. Such action by the

District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Also see BP 3410 titled Nondiscrimination, BP 3420 titled Equal Employment Opportunity, BP 3430 titled Prohibition of Harassment, AP 3435 titled Discrimination and Harassment Investigations and Training, BP 4030 Academic Freedom, and relevant provisions of applicable collective bargaining agreements/employee handbooks.

Office of Primary Responsibility: Human Resource Services

## GENERAL INSTITUTION

## AP 3510 WORKPLACE VIOLENCE

**References:**

Cal/OSHA – Labor Code Sections 6300 et seq.;  
Title 8 Section 3203;  
Code of Civil Procedure Section 527.8;  
Penal Code Sections 273.6, 422, 626.9, 626.10, and 12021

**Responding to Threats of Violence**

The top priority in this process is effectively handling critical workplace (actual or virtual) incidents, especially those dealing with real or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.

Should an employee demonstrate or threaten violent behavior which is disruptive to the workplace or District operations or services, he/she may be subject to disciplinary action and/or criminal prosecution.

Violent acts or behaviors include, but are not limited to:

- Striking, punching, slapping, or assaulting another person
- Fighting or challenging another person to fight
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise
- Engaging in dangerous, threatening, or unwanted horseplay
- Possession, use, or threat of use of a firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm

- Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of his/her duties

Any employee who is the victim of any violent or threatening conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to his/her supervisor or administrative personnel. Immediate notification shall also be made to the Palomar College Police Department.

No one, acting in good faith, who initiates a complaint or reports an incident under this policy will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and union representation, if appropriate, before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, the District Police and/or appropriate law enforcement personnel shall be called.

Office of Primary Responsibility: Palomar College Police Department

## GENERAL INSTITUTION

**AP 3518 CHILD ABUSE REPORTING****References:**

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;  
Welfare and Institutions Code Sections 300, 318, and 600;  
Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892

The District recognizes the responsibility of its employees to report to the appropriate agency when there is a reasonable suspicion that an abuse or neglect of a child may have occurred. Mandated reporters include faculty members, administrators, classified staff members, and part-time employees. Volunteers are not mandated reporters but are encouraged to report suspected abuse or neglect of a child.

Child abuse is defined as physical abuse, neglect, sexual abuse, and/or emotional maltreatment. This procedure addresses the sexual assault, sexual exploitation, and/or sexual abuse of a child; the willful cruelty or unjustifiable punishment of a child; incidents of corporal punishment or injury against a child; abuse in out-of-home care; and the severe and/or general neglect of a child (definitions contained in Penal Code Section 11165).

“Reasonable suspicion” occurs when “it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on his/her training and experience, to suspect child abuse” (Penal Code Section 11166(a)).

A child protective agency is a police or sheriff’s department, a county probation department, or a county welfare department. The Palomar College Police Department is not a child protective agency (Penal Code Section 11165.9).

Any person not mandated by law to report suspected child abuse has immunity unless the report is proven to be false and the person reporting knows it is false, or the report is made with reckless disregard of the truth or falsity of the incident (Penal Code Section 11172(a)). Reporting is an individual responsibility. An employee making a report cannot be required to disclose his/her identity to the employer (Penal Code Section 11166(h)). However, a person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (Penal Code Section 11172(e)).

Mandated reporters must report immediately any reasonable suspicion of child abuse to the County of San Diego Child Protective Services and follow up with a written report within 36 hours.

The written report may be mailed or submitted by facsimile or electronic transmission.

38 Child abuse reporting forms are available at Human Resource Services and at the  
39 Palomar College Police Department.

40 No mandated reporter who reports a known or suspected instance of child abuse shall  
41 be civilly or criminally liable for any report required or authorized by the Penal Code.  
42 Any person other than a child care custodian reporting a known or suspected instance  
43 of child abuse shall not incur any liability as a result of making any report of child abuse,  
44 unless it can be proven that a false report was made and the person knew that the  
45 report was false (Penal Code Section 11172(a)).

46 When an employee releases a minor pupil to a peace officer for the purpose of  
47 removing the minor from the campus, the District official shall take immediate steps to  
48 notify the parent or guardian regarding the release of the minor to the officer and  
49 regarding the place to which the minor is reportedly being taken (Education Code  
50 Section 87044), except when a minor has been taken into custody as a victim of  
51 suspected child abuse, as defined in Section 11165 of the Penal Code, or pursuant to  
52 Section 305 of the Welfare and Institutions Code. In those cases, the official shall  
53 provide the peace officer with the address and telephone number of the minor's parent  
54 or guardian.

55 Non-accidental physical injury is considered to be a health and safety emergency, and  
56 parental consent is not required for release of student information under the Family  
57 Education Rights and Privacy Act or the California Student Records Act (Education  
58 Code Sections 76200 et seq.).

59 Information relevant to the incident of child abuse may be given to an investigator from  
60 a child protective agency who is investigating the known or suspected cause of child  
61 abuse (Penal Code Section 11167(b)).

62 The District shall provide a mandated reporter with a statement informing the employee  
63 that he/she is a mandated reporter and inform the employee of his/her reporting  
64 obligations under Penal Code Section 11166 and of his/her confidentiality rights under  
65 subdivision (d) of Penal Code Section 11167. The District shall provide a copy of Penal  
66 Code Sections 11165.7, 11166, and 11167 to the employee. Prior to commencing  
67 his/her employment and as a prerequisite to that employment, the employee shall sign  
68 and return the statement to the District. The signed statements shall be retained by the  
69 District (Penal Code Section 11166.5).

70 The District will distribute this procedure to all employees.

71 Office of Primary Responsibility: Student Services

**GENERAL INSTITUTION****AP 3540 SEXUAL ASSAULTS ON CAMPUS****References:**

Education Code Section 67385;  
20 U.S. Code Section 1092(f);  
34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking as defined by California law, whether committed by an employee, student, or member of the public, occurring, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District or on grounds or facilities maintained by a student organization is a violation of District policies and regulations and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 titled Standards of Student Conduct)

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim as a spouse;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts California law.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 titled Reporting of Crimes).

All students, faculty members, or staff members who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Palomar College Police Department, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Palomar College Police Department is authorized to release such information.

The Palomar College Police Department shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding sexual assault
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents. The Chief of Police or designee shall notify the following individuals, as applicable:
  - Superintendent/President
  - Vice President of Student Services
  - Vice President of Human Resources Services
  - Director of Student Affairs
  - Director, Communications, Marketing & Public Affairs
- Services include:
  - Facilitate transportation to a hospital, if necessary
  - Referral to a counseling center
  - Notification to appropriate police authorities, if desired
  - A list of other available campus resources or appropriate off-campus resources
- A description of available services and the persons on campus available to provide those services if requested. The departments responsible for providing or arranging them include:
  - Palomar College Police Department
  - Health Services
  - Office of Student Affairs
  - Counseling Department
  - Human Resource Services



- A description of each of the following procedures:
  - Criminal prosecution
  - Civil prosecution (i.e., lawsuit)
  - District disciplinary procedures, both student and employee
  - Modification of class schedules
  - Tutoring, if necessary

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault or stalking on District property shall be kept informed, through the Palomar College Police Department of any ongoing investigation.

Information shall include the status of any student or employee disciplinary proceedings or appeal. Alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the District's Communications, Marketing, & Public Affairs Office, which shall work with the Palomar College Police Department to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests
- Information for students about existing on and off-campus counseling, mental health, or other student services for victims of sex offenses

- Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking, including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding and
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking

Regarding Education and Prevention Information, the Palomar College Police Department shall:

- Provide, as part of the District's established on-campus orientation program, education, and prevention information about domestic violence, dating violence, sexual assault, or stalking. The information shall be developed in collaboration with District-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Also see BP/AP 3430 titled Prohibition of Harassment and AP 3435 titled Discrimination and Harassment Investigations

Office of Primary Responsibility: Student Services

**GENERAL INSTITUTION****AP 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM****References:**

Drug Free Schools and Communities Act Amendment of 1989 (20 U.S. Code Section 1145g);  
41 U.S. Code Section 702;  
34 Code of Federal Regulations Sections 86.1 et seq.;  
Federal Drug-Free Workplace Act of 1988

The District is committed to providing its employees and students with a drug-free workplace and campus environment. It emphasizes prevention and intervention through education.

**Prohibition of Drugs**

The unlawful manufacture, distribution, dispensing, possession, or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field trips, field courses, activities, or workshops, and in any facility or vehicle operated by the District.

Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program.

**Action**

Although the District will treat violations of the Drug and Alcohol policy as serious matters that may result in disciplinary actions up to and including expulsion or termination, its first concern is for the health and safety of employees and students. The District is committed to creating an environment that promotes and reinforces healthy, responsible living, respect for community and District standards, individual responsibility, and the intellectual, social, emotional, ethical, and physical well-being of employees and students. While unsatisfactory work performance or inappropriate student behavior will not be tolerated, the District will encourage and assist an employee or student with an alcohol- or drug-dependency or related problem to seek and obtain the appropriate treatment to deal with the dependency.

**Employee Program**

The District Policy is focused on rehabilitation and recovery, not on discipline. Therefore, the District will encourage and assist employees who participate in efforts to deal effectively with dependency problems and will provide reasonable accommodation for such participation. (Such assistance/accommodation will normally be limited to granting appropriate leave when requested, continuation of medical benefits while on such leave, flexible work schedules to allow attendance at required meetings, etc.)

---

**Date Approved: SPC 10/18/2011 Revised: 5/7/2013**

*(Replaces former Palomar College Policy 108 and Procedures 109 and 110)*

Direct financial support or payment for rehabilitation treatment is not included. An employee who is alcohol or drug dependent will be permitted to participate in outpatient treatment/rehabilitation and inpatient treatment/rehabilitation before any final action is taken as a result of violations of the prohibitions in the District policy on Drugs and Alcohol. However, to protect the District from potential liability, the District may alter the duties and responsibilities of an employee participating in a treatment/rehabilitation program and/or may reassign the employee during that period of time.

**Employee Rights and Responsibilities**

In accordance with the Drug-Free Workplace Act of 1988, an employee must notify the Superintendent/President or the Vice President for Human Resource Services in writing within five (5) days of any conviction under a criminal drug statute for conduct in the workplace. An employee also must notify the Superintendent/President or the Vice President for Human Resource Services in writing within five (5) days of any conviction of driving under the influence of alcohol or under the influence of illegal drugs occurring in any workplace or while the employee is acting within the scope of employment.

The District is required to inform any agencies that require this drug-free policy within ten days after receiving notice of a workplace drug conviction.

All employees are required to comply with this policy as a condition of their continued employment, and any employee violating this policy will be subject to disciplinary action which may include termination.

The terms "workplace" and "scope of employment" have the same meaning as described in District Policy. A conviction includes any finding of guilt, including a no-contest plea, or imposition of a sentence by any judicial body. An employee convicted of driving under the influence of illegal drugs, a controlled substance, or alcohol when driving a District vehicle while acting within the scope of employment is subject to immediate termination.

When an employee through self-identification or intervention of a co-worker or supervisor seeks assistance for an alcohol or drug related problem, the District will provide access and referral through appropriate employee assistance programs that offer counseling, assistance, and treatment.

When an employee experiences performance problems or violates District Policy related to an alcohol or drug-related problem, the District will comply with the appropriate discipline policy and in accordance with District Policy will permit the employee to participate in outpatient treatment and inpatient treatment before any final disciplinary action is taken or the employee is dismissed.

**District Rights and Responsibilities**

The District has the right, upon reasonable suspicion, to ask an employee whether he or she has a drug- or alcohol- related problem and to request that the employee seek assistance in dealing with that problem. Reasonable suspicion includes, but is not

limited to, the employee appearing to be under the influence of alcohol or drugs, the employee being found in possession of alcohol or suspected controlled substances, the employee being involved in an accident whose nature indicates impairment of ability or judgment, or the employee being involved in an incident in which a safety precaution was violated or a careless act was performed. If an employee denies that such a problem exists and/or refuses to seek assistance, then the employee must provide reasonable explanation for the performance or behavior problem that prompted the District to suspect that the employee may have a drug- or alcohol-related problem. The District may then proceed with the appropriate disciplinary policy that applies to the employee. However, in case of blatant violations of safety rules, drinking alcoholic beverages on the job, and other overt violations of the Policy on Drugs and Alcohol or when the employee has repeated violations after having had the opportunity to participate in rehabilitation/treatment, the District has the right to begin the disciplinary process whether or not the employee agrees to seek assistance/treatment.

**Student Program**

Students at Palomar College are responsible for regulating their own conduct and for respecting the rights and privileges of others. Palomar students are expected to conduct themselves in a manner compatible with the function of the District as an educational institution and respect and obey all civil and criminal laws. Failure to abide by the Rules and Regulations for Student Behavior of Palomar College is cause for disciplinary action which could result in suspension or expulsion.

Guidelines for student conduct are set forth in the California Education Code, California Administrative Code Title 5, policies of the Board of Trustees, and all civil and criminal codes.

**Student Rights and Responsibilities**

The academic status of a student seeking assistance will not be jeopardized based on the act of seeking assistance. However, seeking assistance cannot be used to change or excuse the academic record of the student. Such decisions will continue to be based on the student's performance in the class and changes will be made only with the approval of the instructor. Details of communication between students and Referral Team members will not be disclosed without the written consent of the student. If a student rejects a suggestion to seek assistance, it is the student's responsibility to correct the problem and/or comply with any disciplinary action imposed as a result of the problem or behavior. Also see BP 3550 titled Drug Free Environment and Drug Prevention Program-and BP 3560 titled Serving of Alcoholic Beverages.

Offices of Primary Responsibility:    Student Services  
   Palomar College Police Department  
   Facilities  
   Human Resource Services

**GENERAL INSTITUTION****BP 3410 NONDISCRIMINATION****References:**

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;  
Penal Code Sections 422.55 et seq.;  
Government Code Sections 11135-11139.5, 12926.1, and 12940 et seq.;  
Title 5 Sections 53000 et seq. and 59300 et seq.;  
Accreditation Standard II.B.2.c

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities. In addition, all students have the right to participate fully in the educational process, free from discrimination and harassment.

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, gender, gender identity, gender expression, race, ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, 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.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, 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 because of his/her association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. The District shall not prohibit any student from enrolling in any class or course on the basis of gender. Academic staff, including but not limited to counselors, instructors, and administrators shall not offer program guidance to students which differs on the basis of gender. Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity. The

Superintendent/President shall establish administrative procedures that ensure all members of the District community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

Also see BP/AP 3420 titled Equal Employment Opportunity, BP/AP 3430 titled Prohibition of Harassment, AP 3435 titled Discrimination and Harassment Investigations and Training, and BP/AP 7120 titled Recruitment and Hiring.

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

Education Code Sections 87100 et seq.;  
Title 5 Sections 53000 et seq.

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, socio-economic 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



**GENERAL INSTITUTION****BP 3430 PROHIBITION OF HARASSMENT****References:**

Education Code Sections 212.5, 44100, 66252, and 66281.5;  
Government Code Section 12950.1;  
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

**Academic Freedom**

This policy works with BP 4030 titled Academic Freedom and is not intended to inhibit or interfere with freedom of expression and freedom of inquiry within the framework of responsibility. It is understood that staff members exercising their rights under Academic Freedom will accept responsibility for both the substance and the manner of their messages.

Any student or employee who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Investigations and Training. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the Superintendent/President shall ensure that the District undertakes education and training activities to counter discrimination and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish procedures as defined by law that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents. The Vice President, Human Resource Services is the responsible District officer charged with receiving complaints of harassment and coordinating the investigation.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

Also see BP 3410 titled Nondiscrimination, BP/AP 3420 titled Equal Employment Opportunity, AP 3435 titled Discrimination and Harassment Investigations and Training, BP 4030 titled Academic Freedom, and appropriate provisions of applicable collective bargaining agreements/employee handbooks

**GENERAL INSTITUTION****BP 3510 WORKPLACE VIOLENCE****References:**

Cal/OSHA – Labor Code Sections 6300 et seq.;  
Title 8 Section 3203;  
Code of Civil Procedure Section 527.8;  
Penal Code Sections 273.6, 422, 626.9, 626.10, and 12021

The Governing Board is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace (actual or virtual) violence incidents, including those dealing with real or potential violence.

The Superintendent/President shall establish administrative procedures that:

- ensure employees are informed regarding what actions will be considered violent acts
- require any employee who is the victim or witness to violent conduct to report the incident
- ensure employees are informed there will be no retaliation for such reporting

This policy is also subject to the applicable collective bargaining agreement or employee handbook.

**GENERAL INSTITUTION**

**BP 3518 CHILD ABUSE REPORTING**

**References:**

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;

Welfare and Institutions Code Sections 300, 318, and 601;

Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892

The Superintendent/President shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

## GENERAL INSTITUTION

**BP 3540 SEXUAL ASSAULTS ON CAMPUS****References:**

Education Code Sections 67385 and 67385.7;  
20 US. Code Section 1092(f);  
34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including but not limited to rape as defined by California law, whether committed by an employee, student, or member of the public, that occurs on District property, is a violation of District policies and procedures and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

“Sexual assault” includes but is not limited to rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information, emergency treatment, and referral, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385 and 67385.7 as well as 34 Code of Federal Regulations Section 668.46.

Also see BP/AP 3430 titled Prohibition of Harassment and AP 3435 titled Discrimination and Harassment Investigations.

**GENERAL INSTITUTION****BP 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM****References:**

Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g;  
34 Code of Federal Regulations Sections 86.1 et seq.;  
Drug Free Workplace Act of 1988, 41 U.S. Code Section 702

The unlawful possession, use, or distribution of illicit drugs and alcohol is prohibited on District property. Students and employees shall not possess or use alcohol on District property or at District sponsored functions or activities except as provided for in BP 3560 titled Serving of Alcoholic Beverages.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

The Superintendent/President shall assure that the District distributes annually to each student the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

All employees are absolutely prohibited from the possession or consumption of alcohol when acting within the scope of employment. The "scope of employment" includes all duties performed as a District employee whether or not the duties are performed at any workplace of the District. "Scope of employment" does not include social functions away from any workplace nor does it include presence at a voluntary social activity at a non-workplace related to any conference, workshop, seminar, or similar event where attendance is approved by the District.

All students and employees are clearly and expressly prohibited from being under the influence of alcohol while on District property, at any District facility, while acting within the scope of employment, or while attending any school-related activity.

All employees and students are clearly and expressly prohibited from the manufacture, distribution, dispensation, possession, or use of illegal drugs or controlled substances on campus, at any school-sponsored event, or while acting within the scope of employment. The terms "illegal drugs" and "controlled substances" include all chemical substances or drugs listed in any controlled substances laws or regulations.

All employees and students are clearly and expressly prohibited from being under the influence of illegal drugs or controlled substances while on campus, at any school-sponsored event, or while acting within the scope of employment.

Any employee or student may possess or use prescribed drugs as long as any such possession or use is under and consistent with the specific direction of a physician and does not seriously impair the performance of the employee or class activity of the student.

The Palomar Community College District is committed to maintaining the highest safety and health standards for its students and employees. The use of controlled substances or alcohol in the performance of safety-sensitive functions is contrary to these high standards. The District thus establishes a controlled substance and alcohol testing program to meet the requirements of Federal Law.

This policy is intended to bring the District into compliance with Federal law. The purpose of the Controlled Substance and Alcohol Policy is to reduce accidents that result from the use of controlled substances and misuse of alcohol, thereby reducing fatalities, injuries, and property damage.

Also see AP 3550 titled Drug Free Environment and Drug Prevention Program, and BP 3560 titled Serving of Alcoholic Beverages.

**Human Resources****BP 7100 COMMITMENT TO DIVERSITY****References:**

Education Code Sections 87100 et seq.;  
Title 5 Sections 53000 et seq.

The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Governing Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. 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.

Also see BP/AP 3050 titled Institutional Code of Ethics, BP 3410 titled Nondiscrimination, BP/AP 3420 titled Equal Employment Opportunity, BP/AP 3430 titled Prohibition of Harassment, AP 3435 titled Discrimination and Harassment Investigations and Training, and the District's Equal Employment Opportunity Plan.





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

*Adopted by the Governing Board on June 14, 2016*

## **Table of Contents**

Chapter 1. Introduction	1
Chapter 2. Definitions	2
Chapter 3. EEO Policy Statement	5
Chapter 4. Delegation of Responsibility, Authority, and Compliance	6
Chapter 5. EEO Advisory Committee	8
Chapter 6. Unlawful Discrimination and Sexual Harassment Complaints	10
Chapter 7. Annual Notification to District Employees Regarding EEO Plan	12
Chapter 8. Training for Selection Committees	13
Chapter 9. Annual Written Notice to Community Organizations Regarding EEO Plan	14
Chapter 10. Analysis of District Workforce, Applicant Pools, and Degree of Underrepresentation	15
Chapter 11. Methods for Addressing Underrepresentation	21
Chapter 12. Reasonable Accommodations for Persons with Disabilities	22
Chapter 13. Other Measures to Demonstrate Commitment to Diversity and EEO	23
Appendix A. Unlawful Discrimination and Sexual Harassment Policies and Procedures	A-0
Appendix B. Selection Process Trainings	B-0
Appendix C. Diversity Organizations in San Diego County	C-0
Appendix D. District Hiring Practices	D-0
Appendix E. Resources for Other Measures of Furthering Equal Employment Opportunity	E-0

## **Chapter 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; to ensure 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 accordance 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 June 14, 2016.

Adrian Gonzales  
Interim Superintendent/President

## **Chapter 2. Definitions**

Included in this chapter are definitions for terms used in the Plan and related concepts.

**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.

**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.

**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.

**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.

### **Chapter 3. EEO 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.

## **Chapter 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.

**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 Chapter 6. Complaints and for ensuring that District workforce, applicant pools, and selection procedures are properly monitored. For purposes of receiving, investigating, and resolving complaints of unlawful discrimination and harassment, the Equal Employment Opportunity Officer is referred to as the Responsible District Officer pursuant to Title 5, Section 59324.

**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 Chapter 5. The EEOAC acts as an advisory body to the equal employment opportunity officer and the District as a whole and assists in the implementation of the Plan pursuant to Title 5, Section 53003.

**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.

## **Chapter 5.**

### **EEO 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 Chapter 8. Training for 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/committees/eeoc](http://www.palomar.edu/committees/eeoc).

**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 (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 appointed by CCE/AFT
- One (1) member of the Confidential and Supervisory Team
- One (1) member of the Administrative Association
- Director, Extended Opportunity Programs and Services (EOP&S)
- One (1) senior administrator
- Two (2) students appointed by the Associated Student Government
- Two (2) community representatives

## **Chapter 6.**

### **Unlawful Discrimination and Sexual Harassment Complaints**

**Overview: EEO and Unlawful Discrimination Complaints.** Pursuant to Title 5, Section 53003(c)(2), this chapter 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 Responsible District 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 Title 5, Section 53026 alleges unlawful discrimination, it will be processed according to the requirements of Title 5, Section 59300 et. seq.

**Complaints Alleging Unlawful 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 policies and procedures for complaints alleging unlawful discrimination or harassment, which are included in Appendix A.

## **Chapter 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 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 Chapter 3. EEO Policy Statement) 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.

## **Chapter 8.**

### **Training for Selection Committees**

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, Section 53020(c) and the Plan. 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 (Sections 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 and preventing 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.

In addition, the District appoints a District Compliance Officers (DCOs) to each selection committee. DCOs are permanent employees that observe each selection process to verify that all selection practices, laws, and regulations were followed and all applicants are treated equitably. DCOs receive training prior to beginning their service in concepts similar to those of the selection committee members but relevant to their unique role.

Appendix B contains the District's current training materials related to the selection process.

## **Chapter 9.**

### **Annual Written Notice to Community Organizations Regarding EEO Plan**

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.



## **Chapter 10.**

### **Analysis of District Workforce, Applicant Pools, and Degree of Underrepresentation**

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 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 demographic data for permanent employees as of Fall 2015 is presented on page 16. The District will survey all permanent employees during the three-year period of the Plan to validate ethnicity, gender, and disability data for the 2019 EEO Plan.

### Palomar College Employee Demographic Data, Fall 2015

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Ethnicity
Executive/Administrative/Managerial	42	24	18	1	0	2	11	26	2
Full-Time Faculty	251	117	134	3	6	19	34	187	2
Professional Non-faculty	40	16	24	0	2	8	5	22	3
Secretarial/Clerical	163	21	142	2	6	5	55	93	2
Technical and Paraprofessional	102	59	43	1	3	12	25	58	3
Skilled Crafts	21	21	0	2	0	0	9	10	0
Service and Maintenance	44	40	4	0	4	6	13	21	0

Ethnic diversity varies by job category, and is similar to the demographics reported in the EEO Plan 2013. Full-Time Faculty is the least diverse job category, with nearly 75% of employees in the category reporting White as their ethnicity. Approximately 40% or more of the employees in the other six job categories report that they belong to underrepresented ethnic groups, with about 53% of the employees in the Skilled Crafts and Service and Maintenance categories indicating they are of underrepresented ethnicities.

An analysis of the individual ethnic groups indicates that Hispanics/Latinos are represented in each of the job categories, while the other ethnic groups are not. American Indians/Alaskan Natives are included in the Executive/Administrative/Managerial, Full-Time Faculty, Secretarial/Clerical, Technical and Paraprofessional, and Skilled Crafts groups. Employees of Asian/Pacific Islander ethnic groups are included in all categories except Skilled Crafts. Black/African-American employees are included in all categories except Executive/Administrative/Managerial and Skilled Crafts.

In terms of gender diversity, four of the job categories are somewhat balanced in the number of female and male employees, while employees in the three other job categories are predominantly either female or male. The Executive/Administrative/Managerial, Full-Time Faculty, Professional Non-faculty, and Technical and Paraprofessional job categories are mostly balanced in the number of female and male employees. Approximately 87% of the employees in the Secretarial/Clerical category are female, 100% of the Skilled Crafts staff are male, and over 90% of the Service and Maintenance employees are male.

**Analysis of Applicant Pools.** The District collects employment 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 2012-13, 2013-14, and 2014-15 is presented below on pages 18-20.

The total number of positions recruited varied widely over the timeframe studies, and in 2012-13 and 2014-15, the District did not hire in all categories. Overall, the total percentage of underrepresented hires hired in each job category each year was greater than one third of the District's total hires in 2012-13 and 2014-15 and over one quarter of all hires in 2013-14. Strong persistence of diversity was noted throughout the entire hiring process from application to hire when the number of underrepresented applicants is aggregated across all ethnic groups for most job categories. This persistence was also observed for most individual ethnic groups in most job categories each year.

Of the underrepresented ethnic groups, Hispanics/Latinos were hired in each job category over the three-year period, and each year. Asians/Pacific Islanders were also hired each year and in all job categories except Skilled Crafts and Service/Maintenance. Black/African-American applicants were hired in 2012-13 and 2013-14 in three categories: Full-Time Faculty, Professional Non-Faculty, and Skilled Crafts. Only one American Indian/Alaskan Native was hired in 2013-14, in the Faculty job category. These results are similar to prior years.

Gender demographics continue to follow the District's past trends. Hires in the Executive/Administrative/Managerial, Full-Time Faculty, Professional Non-Faculty, and Technical and Paraprofessional job categories was balanced across the three-year period. The Secretarial/Clerical category garnered mostly female hires, and the Skilled Crafts and Service and Maintenance categories resulted in all male hires.

**Palomar College 2014-15 Applicant Pool Data: All Applicants**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and/or Ethnicity
Executive/Administrative/Managerial	75	44	26	1	3	12	3	43	13
Full-Time Faculty	1193	633	530	8	56	146	85	792	106
Professional Non-faculty	305	69	233	5	50	23	84	120	23
Secretarial/Clerical	992	156	824	11	90	98	249	462	82
Technical and Paraprofessional	298	117	180	2	28	20	59	176	13
Skilled Crafts	0	0	0	0	0	0	0	0	0
Service and Maintenance	370	312	53	6	55	18	160	114	17

**Palomar College 2014-15 Applicant Pool Data: Interviewed Applicants**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and/or Ethnicity
Executive/Administrative/Managerial	14	8	6	0	0	2	0	11	1
Full-Time Faculty	84	31	50	1	2	5	9	61	6
Professional Non-faculty	40	7	32	0	8	4	14	10	4
Secretarial/Clerical	66	8	58	0	4	10	16	32	4
Technical and Paraprofessional	52	26	26	0	3	3	11	35	0
Skilled Crafts	0	0	0	0	0	0	0	0	0
Service and Maintenance	36	32	4	0	4	2	12	17	1

**Palomar College 2014-15 Applicant Pool Data: Hires**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and/or Ethnicity
Executive/Administrative/Managerial	3	2	1	0	0	1	0	1	1
Full-Time Faculty	10	1	9	0	0	1	2	7	0
Professional Non-faculty	6	0	6	0	0	0	4	1	1
Secretarial/Clerical	9	0	9	0	0	3	2	4	0
Technical and Paraprofessional	9	5	4	0	0	1	2	6	0
Skilled Crafts	0	0	0	0	0	0	0	0	0
Service and Maintenance	6	6	0	0	0	0	3	3	0

**Palomar College 2013-14 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/or Ethnicity</b>
<b>Executive/Administrative/Managerial</b>	374	206	139	5	21	14	10	129	195
<b>Full-Time Faculty</b>	1569	137	208	1	1	0	2	23	1542
<b>Professional Non-faculty</b>	327	87	237	5	34	33	70	161	24
<b>Secretarial/Clerical</b>	2349	370	1810	43	138	183	221	883	881
<b>Technical and Paraprofessional</b>	195	73	119	3	16	23	36	109	8
<b>Skilled Crafts</b>	39	28	9	1	1	3	2	12	20
<b>Service and Maintenance</b>	327	288	39	4	47	15	146	104	11

**Palomar College 2013-14 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/or Ethnicity</b>
<b>Executive/Administrative/Managerial</b>	65	31	31	1	2	3	2	29	28
<b>Full-Time Faculty</b>	163	23	25	1	1	0	2	17	142
<b>Professional Non-faculty</b>	29	13	16	1	3	1	4	20	0
<b>Secretarial/Clerical</b>	125	13	99	2	2	4	24	52	41
<b>Technical and Paraprofessional</b>	26	11	15	1	1	4	3	17	0
<b>Skilled Crafts</b>	13	12	0	1	1	0	1	6	4
<b>Service and Maintenance</b>	16	16	0	0	2	0	10	3	1

**Palomar College 2013-14 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/or Ethnicity</b>
<b>Executive/Administrative/Managerial</b>	9	4	5	0	0	1	1	7	0
<b>Full-Time Faculty</b>	21	10	11	1	1	0	2	17	0
<b>Professional Non-faculty</b>	6	2	4	0	1	1	1	3	0
<b>Secretarial/Clerical</b>	18	2	16	0	0	1	5	12	0
<b>Technical and Paraprofessional</b>	5	2	3	0	0	1	0	4	0
<b>Skilled Crafts</b>	2	2	0	0	1	0	0	1	0
<b>Service and Maintenance</b>	3	3	0	0	0	0	1	2	0

**Palomar College 2012-13 Applicant Pool Data: All Applicants**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and/or Ethnicity
Executive/Administrative/Managerial	201	81	35	0	10	9	19	65	98
Full-Time Faculty	0	0	0	0	0	0	0	0	0
Professional Non-faculty	167	34	117	4	15	5	51	67	18
Secretarial/Clerical	465	58	204	5	20	49	74	130	187
Technical and Paraprofessional	326	47	177	6	11	18	52	66	173
Skilled Crafts	60	55	0	0	0	5	19	33	3
Service and Maintenance	386	342	25	5	15	8	63	58	237

**Palomar College 2012-13 Applicant Pool Data: Interviewed Applicants**

	Total	Male	Female	American Indian/ Alaskan Native	Black/ African-American	Asian/ Pacific Islander	Hispanic/ Latino	White	Unknown Gender and/or Ethnicity
Executive/Administrative/Managerial	39	25	8	0	2	3	5	19	10
Full-Time Faculty	0	0	0	0	0	0	0	0	0
Professional Non-faculty	20	3	14	1	0	2	6	7	4
Secretarial/Clerical	41	6	17	0	3	3	7	13	15
Technical and Paraprofessional	30	10	14	1	1	4	4	10	10
Skilled Crafts	7	7	0	0	0	0	2	5	0
Service and Maintenance	30	17	1	0	3	3	6	6	12

**Palomar College 2012-13 Applicant Pool Data: Hires**

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

## **Chapter 11.**

### **Methods for Addressing Underrepresentation**

The District's hiring practices, presented in Appendix D, consist of methods of fair and equitable selection that meet the requirements of Title 5, Sections 53021, 53022, 53023, and 53024. These methods are intended to safeguard against underrepresentation of monitored groups in all job categories and promote inclusion and diversity. The District reviews and updates these practices periodically to ensure continued efficacy and legal compliance. The District takes additional interventions as necessary on the basis of individual recruitments, or when patterns of inequity are apparent across multiple recruitments, to further address underrepresentation.

Pursuant to Title 5, Section 53003(c)(7), the District will perform an analysis of the degree to which monitored groups are underrepresented to the extent that data regarding potential job applicants is provided by the Chancellor's Office. At the time of this writing, no such data is available.

## **Chapter 12.**

### **Reasonable Accommodations for Persons with Disabilities**

Pursuant to Title 5, Section 53025, the District shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code sections 11135 et seq. and 12940(m), Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aids such as readers, interpreters, and note takers. Accommodations may be requested through Human Resource Services.



## **Chapter 13.**

### **Other Measures to Demonstrate Commitment to Diversity and EEO**

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, Sections 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 E, 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. The District includes goals and objectives related to equal employment opportunity and diversity in its three-year, overarching Strategic Plans. Strategic Plan 2016 includes the following goal and objective related to the EEO Plan:

*Goal 4: Human Resources and Professional Development - Recruit, hire, and support a diverse faculty and staff who are committed to student learning and achievement.*

*Objective 4.1: Assess the effectiveness of the faculty and staff hiring processes, and identify recommendations to strengthen the college's ability to attract and recruit diverse candidates for employment.*

3. In 2015, the District adopted a Diversity Plan with the purpose of identifying and recommending the resources and tools necessary for the College to achieve its Governing Board and Strategic Plan 2016 goals of increasing faculty and staff diversity. The Diversity Plan is included in Appendix E.
4. 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 E provides links to these pages.

5. A variety of events are hosted by various District entities throughout the academic year that focus on diversity topics, including, but not limited to, 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.**

### **Current Approaches to Recruiting**

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 presented in Appendix E.
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. As stated previously in Chapter 8, District Compliance Officers are permanent employees that serve on selection committees as non-voting observers to ensure that all District selection procedures and federal and state EEO regulations are followed. The District Compliance Officer training materials are presented in Appendix B.
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).

### **New Objectives for Recruiting**

1. Working with the Faculty Senate, Instructional Planning Council, and the Policies and Procedures Committee, develop improved policies and procedures for recruiting and selecting new and replacement faculty positions that may result in a larger, more diverse pool of candidates. Some possibilities include:

- a. Explore the current Human Resource Services staffing structure and the possibility of hiring or assigning a current employee to serve as a faculty recruiter who would:
    - i. Develop targeted recruitment strategies as permissible by Education Code and Title 5 of the California Code of Regulations.
    - ii. Form relationships with graduate schools for purposes of recruiting potential applicants.
    - iii. Examine position announcements, selection committee membership, and interview processes to identify and strengthen possible barriers to hiring diverse individuals.
  - b. Recruit for positions in a timeframe consistent with the specific disciplines' typical statewide meetings or conferences. It is more likely candidates will be recruited at these conferences and should be directed to a current posting where they may submit an application, rather than waiting until sometimes months later when the position is posted with other faculty positions. A byproduct of this change would be that all faculty recruitments would not occur at the same time, lessening the load on faculty, administration, and Human Resource Services.
  - c. The District will determine methods to understand how position postings are perceived by potential job seekers and whether there are any unintended barriers to candidates securing interviews.
  - d. Provide travel reimbursement for first-level interviews to eligible candidates.
  - e. Provide an option to offer first-level interviews and teaching demonstrations via videoconference for out-of-state candidates.
2. Working with the District's current applicant tracking system vendor (PeopleAdmin), Human Resource Services will explore reports and processes for informing the District's administration and Governing Board of the aggregate demographic makeup of qualified applicant pools within the scope of applicable laws and regulations (Education Code; Title 5 sections 53000 et seq. of the California Code of Regulations). Sharing this aggregate information must be accompanied with instructions for the permissible use of the data and a reminder of the confidential nature of this information.
  3. Provide District-wide training on recruitment-related issues that includes, but is not limited to, opportunities such as:

- a. Basic diversity awareness training that provides an overview of the importance of diversity in hiring and the “Four A’s” (Awareness, Analysis, Action, and Assessment).
- b. Faculty-hosted campus forums on diversity to be presented to faculty, staff, administration, and Governing Board members.
- c. Strengthening the District’s selection committee training with regards to eliminating bias and embracing diversity during the interview process.
- d. Implicit bias in hiring decisions (facilitated by an outside consultant or District expert).
- e. Recruitment fairs that invite internal and external job seekers to learn about Palomar College’s application and interview process.

### **Employee Training on Other Topics.**

- 1. Sexual harassment prevention training is available to all District employees, including those employees mandated to receive such training under California A.B. 1825. Information about the District’s current A.B. 1825 training is provided in Appendix E.
- 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 E. 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.

## **Appendix A.**

### **Unlawful Discrimination and Sexual Harassment Policies and Procedures**

#### Contents

- A-1. Unlawful Discrimination Policy (B.P. 3410 Nondiscrimination)
- A-2. Unlawful Discrimination Complaint Procedure
- A-3. Sexual Harassment Policy (B.P. 3430 Prohibition of Harassment)
- A-4. Sexual Harassment Administrative Procedure (A.P. 3430 Prohibition of Harassment)
- A-5. Sexual Harassment Complaint Procedure
- A-6. Unlawful Discrimination Complaint form

**GENERAL INSTITUTION****BP 3410 NONDISCRIMINATION****References:**

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;  
Penal Code Sections 422.55 et seq.;  
Government Code Sections 11135-11139.5, 12926.1, and 12940 et seq.;  
Title 5 Sections 53000 et seq. and 59300 et seq.;  
Accreditation Standard II.B.2.c

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities. In addition, all students have the right to participate fully in the educational process, free from discrimination and harassment.

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, gender, gender identity, gender expression, race, ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, 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.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, 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 because of his/her association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. The District shall not prohibit any student from enrolling in any class or course on the basis of gender. Academic staff, including but not limited to counselors, instructors, and administrators shall not offer program guidance to students which differs on the basis of gender. Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity. The

Superintendent/President shall establish administrative procedures that ensure all members of the District community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

Also see BP/AP 3420 titled Equal Employment Opportunity, BP/AP 3430 titled Prohibition of Harassment, AP 3435 titled Discrimination and Harassment Investigations and Training, and BP/AP 7120 titled Recruitment and Hiring.



## Unlawful Discrimination Complaint Procedure

*Governing Board Approved: December 10, 2002*

### **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.

These policies and procedures were adopted by the Palomar College Community College District Governing Board on December 10, 2002, in accordance with the procedures of the Board.

*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.
- “Days” means calendar days.
- “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.

*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.

In employment-related cases, if the complainant files with the Department of Fair Employment and Housing, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether a further investigation under Title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the Department of Fair Employment and Housing.

The District will make every effort to complete investigations and resolve complaints as quickly as possible. In discrimination complaints containing issues of academic freedom, the District must consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery. The District will provide for representation where required by law and may allow for representation for the accused and complainant in other circumstances on a case by case basis.

*Authority: Cal. Code Regs., tit. 5, §§ 59327, 59328, 59334, 59336, and 59339; NLRB v. Weingarten, Inc. (1975) 420 U.S. 251.*

### ***Filing of Formal Written Complaint***

If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also at the State Chancellor's website, as follows:

The completed form must be filed with the District representative or mailed directly to the State Chancellor's Office of the California Community Colleges.

Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct should be advised of that filing and the general nature of the complaint. This should occur as soon as possible and appropriate under the circumstances. The District will also advise the accused that an assessment of the 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 must be filed on a form prescribed by the State Chancellor's Office.
- 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 in his or her official capacity as a faculty member, staff member, or administrator.
- 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.

Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code, section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered 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 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 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.
- 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: The complainant 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.

*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.*

### **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.*

**GENERAL INSTITUTION****BP 3430 PROHIBITION OF HARASSMENT****References:**

Education Code Sections 212.5, 44100, 66252, and 66281.5;  
Government Code Section 12950.1;  
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

**Academic Freedom**

This policy works with BP 4030 titled Academic Freedom and is not intended to inhibit or interfere with freedom of expression and freedom of inquiry within the framework of responsibility. It is understood that staff members exercising their rights under Academic Freedom will accept responsibility for both the substance and the manner of their messages.

Any student or employee who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435 titled Discrimination and Harassment Investigations and Training. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities, and compensation.

To this end, the Superintendent/President shall ensure that the District undertakes education and training activities to counter discrimination and to prevent, minimize, and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish procedures as defined by law that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents. The Vice President, Human Resource Services is the responsible District officer charged with receiving complaints of harassment and coordinating the investigation.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

Also see BP 3410 titled Nondiscrimination, BP/AP 3420 titled Equal Employment Opportunity, AP 3435 titled Discrimination and Harassment Investigations and Training, BP 4030 titled Academic Freedom, and appropriate provisions of applicable collective bargaining agreements/employee handbooks



## GENERAL INSTITUTION

**AP 3430 PROHIBITION OF HARASSMENT****References:**

Education Code Sections 212.5, 44100, and 66281.5;  
Title 5 Sections 59320 et seq.;  
Title IX, Education Amendments of 1972;  
Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and in conjunction with associated administrative procedure AP 3435 titled Discrimination and Harassment Investigations and Training, sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students and employees in connection with all academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location.

**Academic Freedom**

This policy works with BP 4030 titled Academic Freedom and is not intended to inhibit or interfere with freedom of expression and freedom of inquiry within the framework of responsibility. It is understood that all employees exercising their rights under Academic Freedom will accept responsibility for both the substance and the manner of their expression.

**Definitions**

- **General Harassment** -- Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment.
- **Sexual Harassment** -- In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:
  - submission to the conduct is made a term or condition of an individual's employment, academic status, or progress

- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college

This definition encompasses two kinds of sexual harassment:

- "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct
- "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender 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. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.
- Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

### **Consensual Relationships**

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of an instructor over a student. Such action by the

District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Also see BP 3410 titled Nondiscrimination, BP 3420 titled Equal Employment Opportunity, BP 3430 titled Prohibition of Harassment, AP 3435 titled Discrimination and Harassment Investigations and Training, BP 4030 Academic Freedom, and relevant provisions of applicable collective bargaining agreements/employee handbooks.

Office of Primary Responsibility: Human Resource Services



## Sexual Harassment Complaint Procedure

*Original: March 10, 2000*

*Revised: July 3, 2014*

### 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 procedure, mean days in which the District 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 Affairs, 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 California Community Colleges.
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 completing the informal resolution process. A formal

complaint form is attached to this Procedure.

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 Colleges. 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 Colleges 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 Colleges 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 Colleges.



## Unlawful Discrimination Complaint Form

1. Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

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

4. Email Address: \_\_\_\_\_

5. I am a: ☐ Student ☐ Employee ☐ Other: \_\_\_\_\_

6. I wish to complain against:

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

7. Date of most recent incident of alleged discrimination: \_\_\_\_\_

(Non-employment complaints must be filed within one (1) year of the alleged unlawful discrimination. Employment complaints must be filed within six (6) months of the date of the alleged unlawful discrimination.)

8. I allege discrimination based on the following category protected under Title 5 (you must select at least one):

- |                                   |  |  |   |
|-----------------------------------|--|--|---|
| <input type="checkbox"/> Age      | <input type="checkbox"/> Ethnic Group Identification | <input type="checkbox"/> Physical Disability | <input type="checkbox"/> Retaliation** (see below)        |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Mental Disability           | <input type="checkbox"/> Race                | <input type="checkbox"/> Sex/Gender (includes Harassment) |
| <input type="checkbox"/> Color    | <input type="checkbox"/> National Origin             | <input type="checkbox"/> Religion            | <input type="checkbox"/> Sexual Orientation               |

9. Clearly state your complaint (attach additional pages as necessary). Describe each incident of alleged discrimination separately. for each action provide the following information: 1) Date(s) on which the discriminatory action occurred; 2) name(s) of individual(s) who discriminated; 3) what happened; 4) witnesses (if any); and 5) why you believe the discrimination was because of your protected group status you indicated in section 8 above (such as your race, sex, age, or religion).

\*\* If applicable, explain why you believe you were retaliated against for filing a complaint or asserting your right to be free from discrimination on any of the above grounds.

---

---

---

---

10. What would you like the District to do as a result of your complaint – what remedy are you seeking?

---

---

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

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

*Please submit this form to Human Resource Services, Room A-1 or mail to:  
Palomar College, Human Resource Services, 1140 W. Mission Rd., San Marcos, CA 92069*

## **Appendix B.**

### **Selection Process Trainings**

#### Contents

- B-1. Selection Committee Training (Non-Faculty Positions)
- B-2. Selection Committee Training (Faculty Positions)
- B-3. District Compliance Officer Training





## Selection Committee Training

### 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 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 #3 (from Strategic Plan 2016): Recruit, hire, and support a diverse faculty and staff who are committed to student learning and achievement.

For the College's comprehensive Vision, Mission, Values, and Goals, visit:  
<http://www.palomar.edu/about/goals.aspx>.



## 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/quickstates/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/misforline/stat/staff.cfm>

# 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



## 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.
- **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.



## Summary of Responsibilities (Continued)

- 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

## 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.

## Screening Criteria (Continued)

- 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 Materials (Continued)

- 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



## Overview

- 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

## 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 Live Scan (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.



**Any questions?**

Contact:  
Monique Dumbrique: ext. 2852; [mdumbrique@palomar.edu](mailto:mdumbrique@palomar.edu)  
Eloisa Castro: ext. 3043; [ecastro@palomar.edu](mailto:ecastro@palomar.edu)  
Thank you.



## Selection Committee Training

### 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 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 #3 (from Strategic Plan 2016): Recruit, hire, and support a diverse faculty and staff who are committed to student learning and achievement.

For the College's comprehensive Vision, Mission, Values, and Goals, visit:  
<http://www.palomar.edu/about/goals.aspx>.



## 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/quickstates/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/misforhr/stat/staff.cfm>

# 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



## 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.

## Consequences

- A breach of confidentiality and/or the presence of a real or apparent conflict of interest may result in one or more of the following consequences, dependent upon the nature and/or severity of the violation:
  - Removal from the selection committee
  - Restriction from service on future selection committees
  - Suspension and/or cancellation of the recruitment

## 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.

## Summary of Responsibilities (Continued)

- 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

## 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.

## Screening Criteria (Continued)

- 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 Materials (Continued)

- 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

## Overview

- 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

### 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 Live Scan (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.



**Any questions?**

Contact:  
Monique Dumbrique: ext. 2852; [mdumbrique@palomar.edu](mailto:mdumbrique@palomar.edu)  
Eloisa Castro: ext. 3043; [ecastro@palomar.edu](mailto:ecastro@palomar.edu)  
Thank you.



# District Compliance Officer Training



## District Compliance Officers: A Brief Overview

### Definition

- From A.P. 7120: "It is the responsibility of the Compliance Officer to observe and monitor the hiring process to ensure complete fairness and consistency for each applicant and to serve as a non-voting resource person to the selection committee(s)."
- Serves as a **non-voting** (but bona fide) member of the selection committee

### 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; *reviews* committee correspondence for appropriateness
- *Intervenes or halts* the process to correct and/or prevent violations from occurring
- *Tracks hours* spent serving as a District Compliance Officer

ROLE  
and  
RESPONSIBILITIES





### District Compliance Officer Assignments by Position Type

Type of Position Being Recruited	Position Types Permitted to Serve as District Compliance Officers
Administrator	Administrators; Faculty
Faculty	Administrators; Faculty
Confidential & Supervisory Team (CAST)	Administrators; Faculty; CAST
Classified	Administrators; Faculty; CAST; Classified
Child Development Center Teachers	<u>Optional</u> – Administrators; Faculty; CAST; Classified

**Note:** To avoid potential conflicts of interest, District Compliance Officers cannot serve on committees for recruitments in their own departments.

### ROLE and RESPONSIBILITIES



Year	History
1961	Executive Order No. 10925 issued by President Kennedy, establishing the concept of affirmative action
1964	Civil Rights Act is passed; Title VII prohibits employment discrimination
1967	Age Discrimination in Employment Act passed
1974	California Fair Employment and Housing Act passed
1978	<i>Regents of the U.C. v. Bakke</i> - AA upheld; quotas outlawed
1990	Americans with Disabilities Act passed
1996	Prop. 209 is passed in CA, abolishing AA in public sector; Chancellor's Office requires districts to continue AA programs until final rulings on appeals
2001	Final appeal to Prop. 209 denied; Chancellor's Office requires all districts to dismantle AA programs. Districts still required to conduct EEO programs.
2001-2002	Palomar ends AA program by removing AA representatives from selection committees and no longer audits applicant pools for diversity.
2001-2002	Several serious violations in hiring occur at Palomar, causing recruitments to be cancelled; some positions never reopened.
2002	Faculty Hiring Policy developed by Faculty Senate and the District to address and prevent process violations; District Compliance Officers are required for all faculty and some administrative recruitments.
2003	Accreditation site visit. Visiting team issues a recommendation for the District to diversify its employees, and especially its faculty.
2006-Present	Increasing the diversity of employees becomes an ongoing goal of the District's Strategic Plans for 2009, 2013, and 2016. Several Board policies and procedures supporting diversity, nondiscrimination, and EEO are passed. The District adopts its new state-mandated EEO Plan in 2013.

### EEO, AA, AND DISTRICT COMPLIANCE OFFICERS:

### History and Context



### ***Federal EEO Laws***

- **Civil Rights Act of 1964, Title VII:** Prohibits discrimination on the basis of race, color, religion, sex, and national origin in employment.
- **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:** FEHA 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. Hiring decisions must be based only on job-related information. AA is no longer permitted, but EEO is mandatory.
- **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.

LAWS AND  
REGULATIONS



#### *District Policies, Procedures, and Plans*

- **B.P. 3410 – Nondiscrimination:** Affirms the District’s commitment to equal opportunity in all programs and services.
- **B.P. 3420 – Equal Employment Opportunity:** Describes the importance of the inclusion of faculty and staff from a wide variety of backgrounds to create a climate of acceptance, including in employment.
- **B.P. and A.P. 3430 – Prohibition of Harassment:** Prohibits harassment based on personal background is prohibited, including, but not limited to, sexual harassment.
- **B.P. 7100 – Commitment to Diversity:** Recognizes the importance of hiring and staff development processes that support the goals of equal opportunity and diversity and provide equal consideration for all qualified candidates.
- **B.P. and A.P. 7120 – Recruitment and Hiring:** The District’s philosophy and procedures for attracting and selecting qualified, diverse candidates.
- **Equal Employment Opportunity Plan:** Identifies the District’s practices for promoting diversity and equal treatment of employment applicants and employees.

#### **DISTRICT REGULATIONS**



#### *District’s Vision, Mission, Values, and Goals*

- **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.
- **Relevant 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 2016): Recruit, hire, and support a diverse faculty and staff who are committed to student learning and achievement.
  - **Objective 4.2:** [I]dentify recommendations to strengthen the College’s ability to attract and recruit diverse candidates for employment.

#### **MISSION, VISION, VALUES, AND GOALS**



### ***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
  - *Cultural competence*: Teaches students how to successfully interrelate with others in a diverse society
  - 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 "the respectful treatment, of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socio-economic backgrounds."

### **IMPORTANCE OF DIVERSITY**



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

- Confidentiality is required of all committee members and the District Compliance Officer before, during and after the hiring process.
- All aspects of the hiring process are subject to the laws and regulations relating to equal and fair employment practices.
- Failure to maintain confidentiality could result in the violation of federal or state regulations and incur liability on behalf of the District. Report all breaches of confidentiality to Human Resource Services.

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

- Committee members and District Compliance Officers must remove themselves from the committee if they are:
  - Related by blood, adoption, marriage or domestic partnership to any applicant for the position
  - Have a personal or financial relationship with any applicant that would prevent them from being objective during the process
  - Have a relationship with any applicant could be perceived by an outside party as preventing objectivity
- Failure to reveal a conflict of interest could lead to a complaint of an unfair hiring practice!
- Report all real or apparent conflicts of interest to Human Resource Services.

### **CONFIDENTIALITY AND CONFLICTS OF INTEREST**



### ***Confidentiality – Specific Examples of What to Protect***

Committee members, and the District Compliance Officer, are prohibited from releasing the following information 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 applicants
  - Number of applications received
  - Application or applicant ratings or status
  - Any information pertaining to references, results or questions that are asked
  - All other information related to the hiring process!
- Information about the hiring process can only be shared with the committee members and select individuals in Human Resource Services.

### **CONFIDENTIALITY AND CONFLICTS OF INTEREST**



### ***General Selection Process Timeframe and Time Commitment***

Meeting/Interview Type	Timeframe
Meeting(s) to develop screening and interview materials	<ul style="list-style-type: none"><li>• 1-2 hours (usually completed in 1-2 meetings)</li><li>• Takes place before position closes</li></ul>
Meeting to select first-level interviewees	<ul style="list-style-type: none"><li>• 1-1 ½ hours</li><li>• Takes place after application review</li></ul>
First-level interviews	<ul style="list-style-type: none"><li>• Interviews: 45 minutes to 1 hour per candidate</li><li>• Deliberations: 1 hour following interviews</li><li>• Held 1-2 weeks following the meeting to select interviewees depending on position type</li></ul>
Second-level interviews	<ul style="list-style-type: none"><li>• Interviews: 1 hour per candidate</li><li>• Deliberations: 1 hour following interviews</li><li>• Held 1-2 weeks after finalists selected</li></ul>

**Note:** These timeframes are general; actual timeframes may vary. Volunteer accordingly!

### **SELECTION PROCESS OVERVIEW**



#### ***What District Compliance Officers Must Ensure***

- **Ensure the integrity and consistency of the hiring process.**
  - Ensure all committee members participate equally in the process.
  - Ensure all committee members follow relevant laws and regulations.
  - Ensure all applicants are treated in a professional and courteous manner throughout the process.
  - Ensure all interviewees are treated consistently during interviews.
- **Ensure facilitation of the hiring process.**
  - Assist with tasks as requested by the committee chair or as required (i.e. timing, calculating applicant ratings, etc.)
  - Answer the committee's questions about the process.
  - Contact Human Resource Services with questions you cannot answer, situations you cannot correct, and any other concerns.
- **Ensure your complete objectivity throughout the process.**
  - Do not comment on, score, or rank the applicants.
  - Do not offer suggestions for developing materials related to the process (except where noted).
  - Do not provide information that could lead committee members to making a decision regarding any candidate.

#### **OVERVIEW OF SPECIFIC RESPONSIBILITIES**



#### ***What District Compliance Officers Must Prevent***

- **Prevent committee members from discussing inappropriate information about applicants.**
  - Only job-related qualifications tied directly to the position from application materials and interviews may be discussed (required by Title 5).
  - Personal knowledge and hearsay about applicants, whether that information is positive or negative, cannot be considered.
  - Information about an applicant's personal background may not be discussed, even if brought up by the candidate.
- **Prevent committee members from discussing applicants at the inappropriate time or manner.**
  - Committee members are only permitted to discuss applicants: a) after application screening, and b) during deliberations.
  - Written and electronic communications about applicants are prohibited.
- **Prevent inappropriate situations from occurring at any stage of the process.**
  - Follow all guidelines for each stage of the process.
  - Speak up! If something goes wrong, your role is to correct any inconsistencies and violations.

#### **OVERVIEW OF SPECIFIC RESPONSIBILITIES**



### ***The Hiring Process in a Nutshell***

- **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.
- **Major steps of the hiring process:**
  1. Develop job-related, legally-compliant application screening and interview materials
  2. Screen qualified applications for interview consideration
  3. Determine logistics for interviews
  4. Conduct interviews and post-interview deliberations
  5. Conduct reference checks on finalists and selected candidates
  6. Submit recruitment materials to Human Resource Services as required and for hire

### **SELECTION PROCESS OVERVIEW**



### ***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.
- Must have a scoring scale.
- Must have one screening item related to sensitivity to diversity.
- Must have one screening item to evaluate letters of recommendation (if required for the position).
- Submit screening criteria to HRS for approval.
- Applications will not be released for screening until HRS approves the screening criteria.

### ***District Compliance Officer's Role in Developing Screening Criteria***

- Ensure that the materials are developed in line with applicable regulations.
- Ensure that all portions of screening materials are produced.
- Ensure that no inappropriate information is discussed during the development of the criteria.
- Remind the committee that applications will not be released until HRS approves the materials.

### **DEVELOPING SCREENING AND INTERVIEW MATERIALS**



#### ***Developing Interview Questions***

- Interview questions must relate directly to the position requirements and responsibilities listed in the announcement and job description.
- A variety of different types of questions will be created to obtain broad information from each candidate.
- Include at least one question regarding the importance of diversity.
- Develop suggested/desired answers to the interview questions.
- Determine a scoring method.
- Submit interview questions to HRS for approval.
- Applications will not be released for screening until HRS approves the questions.

#### ***Developing the Teaching Demonstration (Faculty Positions)***

- The teaching demonstration is required for first-level interviews. (A teaching demonstration may optionally be required for second-level interviews.)
- Develop a specific topic for all candidates.
- Develop a rubric for evaluating and scoring the demonstration (total score should be no more than 3x one of the interview questions).
- Identify the following:
  - Time limit for demonstration
  - Audio-visual and other materials provided and/or required (e.g., handouts)
- Applications will not be released for screening until HRS approves the teaching demonstration.

#### **DEVELOPING SCREENING AND INTERVIEW MATERIALS**



#### ***Developing Interview Testing Materials (Optional)***

- Tests are encouraged, but optional.
- Common types of tests: Writing assignments; hands-on skills demonstrations; computer application tests.
- Tests must be directly related to the responsibilities in the job description.
- Develop a rubric for evaluating and scoring each test (total score should be no more than 3x one of the interview questions).
- Identify the time limit for the test.
- Submit interview questions to HRS for approval.
- Applications will not be released for screening until HRS approves the testing materials.

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

- Ensure that the materials are developed in line with applicable regulations.
- Ensure that all required items are produced.
- Ensure that no inappropriate information is discussed during the development of the interview materials.
- Remind the committee that applications will not be released until HRS approves the materials.

#### **DEVELOPING SCREENING AND INTERVIEW MATERIALS**





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

- HRS will screen applications for completeness and minimum qualifications, and releases minimally-qualified applications to the committee to screen.
- 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 can print copies of applications, but they must be turned into HRS after screening with screening forms to protect confidentiality.
- Committee members are prohibited from discussing applicants until the committee meets as a group to select interviewees.

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

- Ensures that committee members do not discuss applicants before the committee meets to select interviewees.
- Reminds committee members of the importance of confidentiality if required.
- No requirement to review applications – access provided for review purposes in case of potential violations.

#### **APPLICATION SCREENING**



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

- Purpose: To select the best-qualified candidates to interview based on how applicants were scored during the screening process.
- 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.

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

- Monitor the discussion to ensure that committee members consider job-related qualifications that match the screening criteria only.
- Ensure inappropriate information is not discussed or considered.
- Ensure that all committee members have equal participation.
- Advocate for interviewing candidates when consensus cannot be established.
- Assist the chair with recording votes for candidates. Sample scoring grid:

	Screener 1	Screener 2	Screener 3	Total Votes
Candidate 1	Yes	Yes	Yes	3
Candidate 2	No	Yes	Yes	2
Candidate 3	Yes	No	Yes	2

#### **APPLICATION SCREENING**



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

The committee must identify and submit to HRS all of the following information to schedule interviews:

- **Interview dates and times** (two weeks' notice for faculty plus an additional two weeks if a candidate requires equivalency; two weeks for administrators; one week for all other position types)
- **How long each interview will be** (usually 45 or 60 minutes)
- **How long the teaching demonstration will be** (between 15 and 30 minutes depending on the topic)
- **How long the skills test(s) will be** (dependent on requirements)
- **How much time candidates will have to review questions** (optional; usually 5 or 10 minutes depending on length/complexity)
- **How long breaks between interviews will be** (optional; usually 5 or 10 minutes in between each interview)
- **How long and what time the lunch break will be**
- **Interview, question review, and test location(s)**
- **Name and contact information** for escort and test proctor
- **List of candidates** to be interviewed

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

- Ensure that the committee identifies all components listed above
- Provide input on your schedule to the chair to ensure your attendance at all interviews and deliberations

## **INTERVIEW PREPARATION**



### ***First- and Single-Level 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.
- All committee members must attend **each interview in its entirety** and **evaluate each candidate**.
- All committee members must also attend the deliberations afterwards and participate in the discussion.

### ***Second-Level Interviews: General Information***

- 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- and single-level interviews.
- See the Faculty Hiring Procedures for specific details pertinent to final interviews for faculty.

## **INTERVIEWS**



### ***Fairness, Equity, and Courtesy Towards Interview Candidates***

- Candidates must be treated **consistently and courteously**.
- Committee members **must maintain appropriate body language and tone of voice** during each interview.
- The committee must **be respectful of each candidate's background**.
- Remember that only job-related qualifications may be considered.
- **Discussion of personal information**, hearsay, and membership in a protected class may violate employment laws and regulations.
- **Intervene if necessary and as soon as possible** to correct inconsistencies and prevent violations from occurring.

## INTERVIEWS



### ***Pre-Interview Introductions (All Interviews)***

- A standard introduction will be given by the chair to each candidate consisting of:
  - Committee members introducing themselves
  - Interview timeframe
  - Notification that the District Compliance Officer will monitor time

### ***District Compliance Officer's Role During Pre-Interview Introductions***

- Ensure all committee members introduce themselves to the candidate
- Ensure the chair gives the correct information
- Correct the chair if information given is incorrect or if the chair forgets to provide it

### ***The General Process for All Interviews and Position Types***

- Each committee member will ask the same questions of each candidate in the same order.
- Scripted questions must be asked exactly as written.
- Follow-up questions may be asked for clarification within the following guidelines:
  - Must relate directly to one or more scripted interview questions
  - Cannot lead the candidate to the suggested answer
  - Cannot infringe on the candidate's ability to complete the interview within the allotted timeframe
- Adhere to pre-determined time allotted for the interviews and other components.
- Ensure answers to candidate's questions at the end of the interview are answered appropriately and consistently.
- 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.

## INTERVIEWS



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

- Consists of two interviews: one with the Joint Selection Committee, and the other with the Superintendent/President.
- The Joint Selection Committee is composed of the following members:
  - Dean of the appropriate division (committee chair)
  - Vice President of Instruction or Student Services, depending on discipline
  - Chair of the first-level selection committee
  - At least two other faculty members from the first-level selection committee
  - District Compliance Officer
- President's interviews:
  - The President is the sole committee member.
  - A District Compliance Officer will observe each interview.
  - A faculty observer appointed by the first-level committee is optional.
- Interview question development:
  - Joint Selection Committee questions and optional teaching demo are developed by the Dean with input from the faculty and the Vice President.
  - President's interview questions are developed by the President.
  - Questions are approved by HRS prior to use.
- The President and the Joint Selection Committee will meet after all finalists have been interviewed to discuss the hiring decision.

## INTERVIEWS



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

- Ensures that interviews are conducted consistently for each candidate.
- Ensures that scripted interview questions are asked by the proper committee members, as written, and in the correct order.
- Ensures that follow-up questions are used for clarification purposes only and follow the guidelines.
- Times all components of candidates' interviews:
  - Provides verbal notifications on time remaining to candidates to assist them in staying on track.
  - A good rule: warn at 5 minutes remaining and 1 minute remaining.
  - Directs candidates to stop when time has run out for any component of the interview process.
- Notifies committee to incorporate any unplanned changes that occur during the first interview into subsequent interviews.
- Ensures that no irrelevant or inappropriate discussion occurs before, during, or after interviews between committee members and candidates.
- Prevents committee members from commenting on candidates until deliberations begin.
- Prevents committee members from offering a position to candidates and inviting candidates to subsequent stages of the hiring process.
- Takes notes during the process on any unusual circumstances.

## INTERVIEWS



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

- Finalists/hires must be selected on job-related information only and based on the results of interview evaluation scores.
- Committee members may use information from the interviews and the application materials when deliberating.
- Hearsay, outside information, personal knowledge of the candidates, and personal characteristics are prohibited from the discussion.
- All finalists must be individuals who the committee would seriously consider hiring.
- Finalists for second-level interviews are forwarded unranked and given equal consideration.
- The chair will complete the Selection Committee Interview Report with the input of committee members.
- Reference checks must be conducted before job offers are made and/or second-level interviews are conducted.
- Reference checks may not begin until HRS permits the committee to do so.
- Committee members must return all recruitment documents to HRS after a decision to hire has been made or finalists have been selected.

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

- Ensures that finalists/hires are selected based on job-related criteria and interview scoring only.
- Ensures that the committee only forwards suitable candidates to second-level interviews and forwards them to the next stage unranked.
- Assists chair with recording votes for candidates.
- Prevents discussion/consideration of irrelevant/inappropriate information.
- Reminds the committee that reference checks may not begin until permitted by HRS.
- Ensures that the committee completes the interview report properly.
- Ensures that the committee submits all required paperwork to HRS.

## INTERVIEWS



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

- **Tentative job offers** are made by:
  - Faculty positions – division dean
  - Executive and senior administrator and director positions – next-level administrator
  - All other positions – Human Resource Services
- **Pre-employment requirements** must be fulfilled in order for the new hire to be placed on the Governing Board agenda.
  - TB test results
  - LiveScan (fingerprinting) criminal background check
  - Official transcripts (if required)
  - Other requirements specific to the position
- **Governing Board ratification** is required prior to starting employment.

## HIRE



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

- **Take notes** on what happened.
- **Contact Human Resource Services as soon as possible!**  
*For issues related to a specific recruitment:* Contact the recruiter for the position. Or, contact:
  - Monique Dumbrique, Employment Technician, ext. 2852; mdumbrique@palomar.edu
  - Lisa Hornsby, Manager, Human Resources, ext. 2201, lhornsby@palomar.edu*For general District Compliance Officer issues/questions:*
  - Shawna Cohen, Human Resources Analyst, ext. 2608; scohen@palomar.edu
- Action taken usually involves interviewing all involved parties, including the District Compliance Officer.
- Consequences are in relation to the severity of the violation.

**QUESTIONS  
and  
CONCERNS**



## **Appendix C.**

### **Diversity Organizations in San Diego County**

#### Contents

- C-1. List of Diversity Organizations in San Diego County

## Diversity Organizations in San Diego County

### General Organizations:

- Neighborhood House Association: (858) 715-2642; [www.neighborhoodhouse.org](http://www.neighborhoodhouse.org)
- Urban League San Diego County: (619) 266-6247; [sdul@sdul.org](mailto:sdul@sdul.org); [www.sdul.org](http://www.sdul.org)
- MAAC Project: (619) 426-3595; [www.maacproject.org](http://www.maacproject.org)
- Anti-Defamation League, San Diego chapter: (858) 565-6896; [regions.adl.org/san-diego](http://regions.adl.org/san-diego)
- American Civil Liberties Union of San Diego and Imperial Counties: (619) 232-2121; [info@aclusandiego.org](mailto:info@aclusandiego.org); [www.aclusandiego.org](http://www.aclusandiego.org)
- Interfaith Community Services: (760) 489-6380; [info@interfaithservices.org](mailto:info@interfaithservices.org); [www.interfaithservices.org](http://www.interfaithservices.org)
- Fair Housing Council of 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) 565-8008; [www.cscsandiego.org](http://www.cscsandiego.org)
- Filipino-American Chamber of Commerce of San Diego: [www.facebook.com/faccsd](https://www.facebook.com/faccsd)
- Japanese Americans Citizens League, San Diego chapter: (619) 512-2534; [info@jaclsandiego.org](mailto:info@jaclsandiego.org); [www.jaclsandiego.org](http://www.jaclsandiego.org)
- Vietnamese Federation of San Diego: [info@vietfederationsd.org](mailto:info@vietfederationsd.org); [vietfederationsd.org](http://vietfederationsd.org)

### Black/African-American Organizations

- NAACP North San Diego County: (760) 754-9686; [info@nsdcnaacp.org](mailto:info@nsdcnaacp.org); [www.nsdcaacp.org](http://www.nsdcaacp.org)
- NAACP San Diego Chapter: (619) 263-7823; [sandiegonaacp@earthlink.net](mailto:sandiegonaacp@earthlink.net); [www.sandiegonaacp.org](http://www.sandiegonaacp.org)
- Central San Diego Black Chamber of Commerce: (858) 939-1849; [info@csdbcc.com](mailto:info@csdbcc.com); [www.csdbcc.com](http://www.csdbcc.com)
- National Black MBAs, San Diego chapter: (760) 774-2214; [www.nbmbaa.org/Chapters/ChapterOverview/sanDiego.aspx](http://www.nbmbaa.org/Chapters/ChapterOverview/sanDiego.aspx)

### Disability Organizations:

- Disability Rights California, San Diego chapter: (619) 239-7861; [www.disabilityrightsca.org](http://www.disabilityrightsca.org)
- ARC of San Diego: (619) 685-1175; [info@arc-sd.com](mailto:info@arc-sd.com); [www.arc-sd.com](http://www.arc-sd.com)
- Goodwill San Diego: (888) 446-6394; [info@sdgoodwill.org](mailto:info@sdgoodwill.org); [www.sdgoodwill.org](http://www.sdgoodwill.org)
- TERI: (760) 721-1706; [www.teriinc.org](http://www.teriinc.org)

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

- San Diego LGBT Community Center: (619) 692-2077; [comments@thecentersd.org](mailto:comments@thecentersd.org); [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 LGBTQ Resource Center: (760) 672-1848; [info@ncresourcecenter.org](mailto:info@ncresourcecenter.org); [www.ncresourcecenter.org](http://www.ncresourcecenter.org)
- Parents, Families, and Friends of Lesbians and Gays (PFLAG), San Diego County: [www.pflag.com](http://www.pflag.com)
- Gay, Lesbian and Straight Education Network, San Diego County: [glsen@glsensandiego.org](mailto:glsen@glsensandiego.org); [chapters.glsen.org/cgi-bin/iowa/sandiegocounty/home.html](http://chapters.glsen.org/cgi-bin/iowa/sandiegocounty/home.html)

### Latina/Latino, Hispanic, and Chicana/Chicano Organizations:

- San Diego County Hispanic Chamber of Commerce: (858) 268-0790; [info@sdchcc.com](mailto:info@sdchcc.com); [info.sdchcc@gmail.com](mailto:info.sdchcc@gmail.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; [info@chicanofederation.com](mailto:info@chicanofederation.com); [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, San Diego council: (619) 894-1113; [www.lulac.net](http://www.lulac.net)

Native American/American Indian 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.**

## **District Hiring Practices**

### Contents

- D-1. Board Policy 7120 Recruitment and Hiring
- D-2. Administrative Procedure 7120 Recruitment and Hiring
- D-3. Faculty Hiring Procedures

## HUMAN RESOURCES

**BP 7120 RECRUITMENT AND HIRING****References:**

Education Code Sections 70902(d) and 87100 et seq.;  
Title 5 Sections 53000 et seq.;  
Accreditation Standard III.1.A

The Superintendent/President shall establish procedures to recruit and select faculty, staff, and administrators who have a clear understanding of and commitment to the mission, vision, and values of the institution. In order to best promote student learning within a culture of inclusion, successful candidates must be sensitive to, understand, and work well with individuals with a broad range of backgrounds and needs, including but not limited to individuals with disabilities and those with diverse academic, socioeconomic, cultural, and ethnic backgrounds. Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors. Classified employees shall possess minimum qualifications described by their classification specification.

Faculty hiring procedures shall be established and implemented in accordance with Board Policies and Administrative Procedures regarding the Faculty Senate's role in local decision-making (see BP 2510 titled Participation in Local Decision-Making) as an academic and professional matter.

Staff hiring procedures shall be established after first affording the staff constituent groups an opportunity to participate in the formulation of staff hiring policies and procedures under the Governing Board's policies regarding local decision-making.

Hiring procedures for administrative, confidential, and supervisory employees shall encourage participation of executive and senior administrators, the Administrative Association, the Confidential and Supervisory Team, faculty, and classified staff in all appropriate phases of the process.

Also see BP 3410 titled Nondiscrimination and BP 3420 titled Equal Employment Opportunity.

---

**Date Adopted: 11/08/2011**

*(Replaces current Palomar Policy 7120)*

**HUMAN RESOURCES****AP 7120 RECRUITMENT AND HIRING****References:**

Education Code Sections 70902 (d); 87100 et seq., 87400, 87408-87408.6, 88003, and 88021;  
Title 5 Code Sections 53000 et seq.;  
Accreditation Standard III.A

**GENERAL PROVISIONS**

**Equal Employment Opportunity (EEO) – Commitment to Diversity:** In all phases of recruitment and hiring, equal opportunity is afforded to all employees and qualified applicants for employment without discrimination on bases including but not limited to: ethnic group identification, race, color, national origin, religion, socio-economic status, age, gender, gender identity, gender expression, sex, 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. Applicants not possessing specific qualifications as outlined in the job announcement who feel that their background and experience is equivalent to the minimum requirements are encouraged to apply.

Equal employment opportunity issues (e.g., diversity of applicant pool) are addressed in BP/AP 3420 titled Equal Employment Opportunity and the District's EEO Plan.

**ANNOUNCEMENTS AND RECRUITMENT****A. Announcements**

Human Resource Services must approve all announcements prior to posting. Full-time faculty positions are requested by departments or disciplines and then are prioritized by a subcommittee of the Instructional Planning Council (IPC), utilizing a procedure developed by IPC. The position announcement is developed through a collaborative process involving the department/program, appropriate administrators, and Human Resource Services (HRS).

1. Approval: Announcements must receive final authorization as indicated in Table 1.

**Table 1. Announcement Authorizations by Position Type.**

Position Type	Required Approval
Superintendent/President	Governing Board
Vice President	Superintendent/President or Designee
Directors and Deans	Appropriate Executive Administrator
Administrators Below Director	Supervisor of Position or Designee
Faculty	Hiring Committee Chair, Department Chair or Program Director, Dean of the appropriate division, and the appropriate Vice President
Classified	Supervisor of Position or Designee
CAST (Confidential and Supervisory Team)	Supervisor of Position or Designee
Child Development Center Teachers	Supervisor of Position or Designee

2. Components: The position announcement must include the following:
  - A description of the position duties, responsibilities, salary, assignment, benefits, and terms of employment (including working hours and conditions, employment group, and status);
  - For academic positions, minimum qualifications as determined by the Board of Governors, and for classified positions, as determined by the Governing Board (Board);
  - Preferred qualifications (when listed) that are job related and consistent with business necessity;
  - For faculty positions, a provision for determination of equivalency;
  - Depending on employment unit, a statement regarding required participation in shared governance;
  - Additional language required for compliance with federal, state, and District regulations (e.g., Equal Opportunity Employer notice);
  - Any application procedures specific to the posted position.

## **B. Advertising**

1. HRS provides assistance including the identification of appropriate advertising media. Table 2 outlines minimum advertising durations.
2. Job announcements are advertised through various organizations (e.g., the California Community Colleges Registry) and through various electronic and print media;
3. Transfer Opportunities: For eligible positions, notice of transfer opportunities will be distributed internally to provide current employees notice of such positions, subject to provisions of applicable collective bargaining agreements or employee handbooks.

---

**Date Approved: 10/21/14**

*(Replaces current Palomar Procedures 26, 174, 174.1, 174.2, and 190)*

**Table 2. Advertising Durations for Permanent Positions.\***

Position	Minimum Advertisement Duration
Educational Administrators	8 weeks, open until filled
Classified Administrators	4 weeks, open until filled
CAST	4 weeks, open until filled
Classified	2 weeks, open until filled
Faculty	8 weeks,** open until filled
Child Development Teachers	4 weeks, open until filled

\* A minimum two-week advertising period is required for all interim appointments.

\*\* In extenuating circumstances, a six-week advertising period may be authorized by the appropriate Vice President.

### C. Recruitment Methods

- HRS recruits all permanent positions.
- Presidential searches will be handled in accordance with BP 2431 titled Superintendent/President Selection.
- Part-Time Faculty: HRS will accept applications on an ongoing basis for part-time faculty positions (see the section titled Part-Time Faculty).
- All applications shall be submitted to HRS.

### D. Applications

1. Applications are attached to each job announcement and are available online through the District website. Hard copy applications are available in the HRS Office. The application will contain the following basic components:
  - Application form inclusive of educational and professional histories, skills and qualifications and references;
  - Attachment to application (conviction history questionnaire); and
  - Confidential data sheet for federal and state collection and reporting purposes.
2. HRS will accept application materials until the position is filled.

## SCREENING AND INTERVIEW

### A. Pre-Screening

HRS will pre-screen all applications for completeness and evidence of minimum qualifications prior to forwarding applications to the selection committee.

### B. Selection Committee Screening

Screening criteria and interview questions must be approved by HRS before Selection Committee members receive applications. Screening criteria are developed from the position description and the qualifications and requirements listed in the position announcement. Depending on the volume of applications received for a particular position, additional screening criteria may apply.

---

**Date Approved: 10/21/14**

*(Replaces current Palomar Procedures 26, 174, 174.1, 174.2, and 190)*

### C. Selection Committee Composition

1. Selection Committee composition is outlined in Table 3 below and applies to both permanent and interim appointments.

**Table 3. Composition of Selection Committee by Position Type and Interview Level.**

Position	Committee Chair	1st-Level Committee	2nd-Level Committee
<b>Assistant Superintendent/ Vice President for Instruction*</b> †‡ Ψ	<ul style="list-style-type: none"> <li>• 1st-Level: Another Vice President</li> <li>• 2nd-Level: Superintendent/President</li> </ul>	<ul style="list-style-type: none"> <li>• At least one faculty member from each instructional division; and one faculty member from Student Services</li> <li>• Two Instructional Deans appointed by the Superintendent/President</li> <li>• One member of the Administrative Association</li> <li>• One member of the Confidential &amp; Supervisory Team</li> <li>• Two classified employees to include one from Instruction and one at-large</li> <li>• Two students</li> </ul>	<ul style="list-style-type: none"> <li>• All other Vice Presidents</li> </ul>
<b>Assistant Superintendent/ Vice President for Student Services*</b> †‡ Ψ	<ul style="list-style-type: none"> <li>• 1st-Level: Another Vice President</li> <li>• 2nd-Level: Superintendent/President</li> </ul>	<ul style="list-style-type: none"> <li>• Four faculty members, to include two from Student Services and two at-large</li> <li>• Two Student Services administrators appointed by the Superintendent/President</li> <li>• One member of the Confidential &amp; Supervisory Team</li> <li>• One member of the Administrative Association</li> <li>• Four classified employees to include three from Student Services and one at-large</li> <li>• Two students</li> </ul>	<ul style="list-style-type: none"> <li>• All other Vice Presidents</li> </ul>
<b>Assistant Superintendent/ Vice President for Finance &amp; Administrative Services*</b> †‡ Ψ	<ul style="list-style-type: none"> <li>• 1st-Level: Another Vice President</li> <li>• 2nd-Level: Superintendent/President</li> </ul>	<ul style="list-style-type: none"> <li>• Four faculty members to include three instructional faculty members and one from Student Services</li> <li>• One representative from Instruction appointed by the Assistant Superintendent/Vice President for Instruction</li> <li>• One representative from Student Services appointed by the Assistant Superintendent/Vice President for Student Services</li> <li>• Two Finance &amp; Administrative Services Directors appointed by the Superintendent/President</li> <li>• One member of the Confidential &amp; Supervisory Team</li> <li>• One member of the Administrative Association</li> <li>• Four classified employees to include three from Finance &amp; Administrative Services and one at-large</li> <li>• Two students</li> </ul>	<ul style="list-style-type: none"> <li>• All other Vice Presidents</li> </ul>

Position	Committee Chair	1st-Level Committee	2nd-Level Committee
<b>Assistant Superintendent/ Vice President for Human Resource Services*</b> †‡ Ψ	<ul style="list-style-type: none"> <li>1st-Level: Another Vice President</li> <li>2nd-Level: Superintendent/President</li> </ul>	<ul style="list-style-type: none"> <li>One faculty member from each division;</li> <li>One Instructional Dean appointed by the Assistant Superintendent/Vice President for Instruction</li> <li>One Student Services Dean or Director appointed by the Assistant Superintendent/Vice President for Student Services</li> <li>One Finance &amp; Administrative Services Director appointed by the Assistant Superintendent/Vice President for Finance &amp; Administrative Services</li> <li>One member of the Administrative Association</li> <li>One member of the Confidential &amp; Supervisory Team</li> <li>Four classified employees</li> <li>One representative of Human Resource Services appointed by the Superintendent/President</li> <li>Two students</li> </ul>	<ul style="list-style-type: none"> <li>All other Vice Presidents</li> </ul>
<b>Dean*</b> †‡	<ul style="list-style-type: none"> <li>1st-Level: Co-chairs consisting of an existing Dean from any division (with the approval of the appropriate Vice President) and a faculty member appointed by the Faculty Senate</li> <li>2nd-Level: Superintendent/President</li> </ul>	<ul style="list-style-type: none"> <li>One faculty member from each constituent discipline/department within the affected division</li> <li>One representative from each of the other constituent employee groups: Administrative Association, Confidential &amp; Supervisory Team, and the bargaining unit represented by CCE/AFT</li> <li>Additional members may be appointed at the President's discretion</li> </ul>	<ul style="list-style-type: none"> <li>The appropriate Vice President</li> <li>The Dean co-chair of the 1st-level committee</li> <li>An additional member from relevant/affected divisions may be appointed by the Supt./President where appropriate</li> </ul>
<b>Director*</b> †‡	<ul style="list-style-type: none"> <li>1st-Level: Any executive, senior, or Administrative Association administrator (for directors who report to the Superintendent/President, the chair shall be appointed by the Superintendent/President or designee)</li> <li>2nd-Level: Appropriate executive or senior administrator</li> </ul>	<ul style="list-style-type: none"> <li>One representative from each of the constituent employee groups: Administrative Association, Faculty, Confidential &amp; Supervisory Team, and the bargaining unit represented by CCE/AFT</li> <li>Additional members may be appointed at the discretion of the executive or senior administrator to whom the position reports</li> </ul>	<ul style="list-style-type: none"> <li>Chair of the 1st-Level Committee</li> <li>An additional member from relevant/affected divisions may be appointed by the executive or senior administrator where appropriate</li> </ul>
<b>Faculty*</b>	<ul style="list-style-type: none"> <li>1st-Level: Department Chair/Director or faculty designee (co-chairs may be appointed)</li> <li>2nd-Level: Two interviews are conducted for each finalist and are as follows:</li> <li>President's interviews: Superintendent/President (serves as both chair and the sole committee member)</li> <li>Joint Selection Committee's interviews: Appropriate Dean</li> </ul>	<ul style="list-style-type: none"> <li>Majority of committee must consist of faculty members from the discipline or a closely related discipline (Note: may substitute one community member or faculty member from another institution)</li> <li>One faculty member from outside of the department</li> <li>One student (optional – non-voting)</li> </ul>	<ul style="list-style-type: none"> <li>Joint Selection Committee:</li> <li>Appropriate Vice-President</li> <li>Chair of the first-level committee</li> <li>At least two additional members from the 1st-level committee</li> </ul> <p><b>Note:</b> Not to exceed seven members, including the chair, except where extenuating circumstances exist</p>

Date Approved: 10/21/14

(Replaces current Palomar Procedures 26, 174, 174.1, 174.2, and 190)



Position	Committee Chair	1st-Level Committee	2nd-Level Committee
<b>All other Administrative Association positions, Confidential &amp; Supervisory Team positions, and Classified positions*</b>	<ul style="list-style-type: none"> <li>Supervisor of the position or designee</li> </ul>	<ul style="list-style-type: none"> <li>Majority of committee must consist of employees from within the affected department/program</li> <li>One employee from outside of the department</li> </ul> <p><b>Note:</b> Committee must consist of three members at minimum; at least one committee member must be of the same constituent employee group as the vacant position</p>	<p>2nd-Level interviews are not required; if conducted, the committee consists of the following:</p> <ul style="list-style-type: none"> <li>Supervisor of the position</li> <li>All or some members of the 1st-level committee</li> <li>The executive, senior, or other administrator to whom the position's supervisor reports (optional)</li> <li>Additional members may be appointed at the executive, senior, or other administrator's discretion (optional)</li> </ul>
<b>Child Development Center</b>	<ul style="list-style-type: none"> <li>Coordinator or Center Liaison or designee</li> </ul>	<ul style="list-style-type: none"> <li>Majority of committee must consist of employees from within the affected department/program</li> <li>One employee from outside of the department</li> </ul> <p><b>Note:</b> Committee must consist of three members at minimum; at least one committee member must be of the same constituent employee group as the vacant position</p>	<p>2nd-Level interviews are not required; if conducted, the committee consists of the following:</p> <ul style="list-style-type: none"> <li>Supervisor of the position</li> <li>All or some members of the 1st-level committee</li> <li>The executive, senior, or other administrator to whom the position's supervisor reports (optional for all positions except site supervisor or coordinator)</li> </ul>

\* A District Compliance Officer, appointed by HRS, is required to observe and monitor all stages of the 1st- and 2nd-level hiring processes.

† For these positions, the 1st-level committee shall appoint a faculty member of the committee to serve as a non-voting observer during the 2nd-level interviews (for faculty positions, the non-voting observer is appointed to the Superintendent/President's interviews).

‡ For these positions, except where otherwise indicated, constituent group representatives are appointed by the leadership of their representative constituent groups (e.g. classified employees are appointed by the CCE/AFT Executive Council; students are appointed by the Associated Student Group leadership; faculty are appointed by the Faculty Senate, and administrators by the Administrative Association).

Ψ For these positions, interim Vice Presidents who are not applying for the position in question may serve on 2<sup>nd</sup>-Level Committees.

**Date Approved: 10/21/14**

*(Replaces current Palomar Procedures 26, 174, 174.1, 174.2, and 190)*

2. **Verification of Committee Composition:** HRS verifies compliance of selection committee membership with applicable Board policies and procedures.
3. **Diversity:** The selection committee should be balanced in its diversity and, to this end, will seek representation from under-represented groups whenever possible.
4. **Confidentiality:** Each participant in the hiring process is responsible for maintaining the confidentiality of all aspects of the selection process, including written materials, oral discussions and any other information that relates to the selection process. Such information may be shared only with members of the Selection Committee, HRS, and the administrators involved. Confidentiality must be maintained permanently.
5. **Training:**
  - a. Prior to participating as a selection committee member, members must receive training on the selection process. Such training must occur within one year prior to serving on a selection committee. HRS shall provide selection committee training. See the Selection Committee Training Packet available through HRS.
  - b. Training shall include the philosophy and commitment to staff diversity as outlined in the District's Equal Employment Opportunity Plan and inclusive of cultural diversity, the roles and responsibilities of all members of the selection committee, the selection process, interview procedures and techniques (including guidelines on appropriate follow-up questions and reference checks), and the confidentiality of the selection process.
6. **Responsibilities:**
  - a. The Committee Chair/Co-Chairs shall be responsible for:
    - Ensuring compliance with District policies and procedures in conjunction with the hiring process;
    - Coordination of calendars to ensure participation of all committee members, including the Compliance Officer;
    - Coordination of candidate interviews with HRS;
    - Maintaining committee records;
    - Performing other duties determined by agreement with the committee.
  - b. Voting Committee Members shall be responsible for:
    - Identifying selection criteria based on the minimum and preferred qualifications of the position in light of the expected duties and responsibilities of the position. Screening criteria will include an evaluation of the extent to which applicants have and demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of the community college;

- Developing interview questions, directly related to the position announcement criteria, designed to distinguish candidates who will best meet the needs of the District in the position;
  - Screening all applications forwarded by HRS to select candidates for interview;
  - Interviewing candidates selected for interview using pre-approved questions.
  - The voting members of the Selection Committee recommend an unranked list of finalists for consideration. All of the finalists recommended must be fully acceptable to the Committee.
7. Attendance: All members of the Selection Committee must be present for all interviews. If a voting member of the committee misses any part of an interview, the committee member is ineligible for further participation in the hiring process.
8. The Compliance Officer's Role: It is the responsibility of the Compliance Officer to observe and monitor the hiring process to ensure complete fairness and consistency for each applicant and to serve as a non-voting resource person to the selection committee(s). For faculty positions, see the Faculty Senate's Faculty Hiring Procedure on the Faculty Senate website for details on the Compliance Officer's role. For all other positions, see the Selection Committee Training Packet available on the HRS website.
9. The Observer's Role:
- a. The observer may observe the interviews, but not actively participate. S/he may not ask questions of or comment on the candidates during or between the interviews;
  - b. The observer may attend the deliberations for Vice President, Dean, and Director positions at the discretion of the chair of the second-level hiring committee. For faculty positions, the observer is required to attend the deliberations;
  - c. If attending the deliberations after the interviews, the observer's role remains non-participatory. He/she will be invited to comment on factual observation and process only.
    - Since the observer's role is non-participatory, he/she is not permitted to conduct reference checks on finalists;
    - Other first-level committee members, including the chair of the first-level committee, may conduct the reference checks.

**D. Background Checks**

Policies and procedures governing applicant background checks are as outlined in AP 7126 titled Applicant Background Checks.

## E. Reference Checks

Reference checks are required for all positions. See the Selection Committee Training Packet, available via the HRS website, for specific procedures designed to assist committees in conducting reference checks.

**Table 4. Reference Check Process by Employment Unit.\* †**

Employment Unit	Deciding Authority/Process
Classified, Confidential & Supervisory Team, and Administrative Association* (except directors)	Supervisor or designee checks prior to submitting finalists or making a hiring recommendation.
Faculty, Directors*, Deans*, and Vice Presidents*	1 <sup>st</sup> -level committee conducts reference checks and forwards to 2 <sup>nd</sup> -level committee

\* The supervisor of the position may conduct additional reference checks in accordance with established procedures prior to the job offer.

† For all non-faculty positions, HRS may conduct reference checks in lieu of or in addition to those conducted as provided in Table 4.

## F. Interviews

1. Practical Skills, Demonstrations and Testing: The initial interview process may involve skills testing and performance demonstrations appropriate to the position. All skills tests and performance evaluation processes must be approved in advance by HRS.
  - a. Faculty positions require in-person teaching demonstrations as indicated in the Faculty Hiring Procedure available on the Faculty Senate's website.
2. Interviews are conducted as outlined in Tables 3 and 5.
3. In the event a selected applicant declines the position or is otherwise unable to be employed in the position, the qualified applicant pool for any posted position may be utilized for up to 90 days after an offer of employment has been extended.

**Table 5. Positions Requiring Second-Level Interviews and Specific Components.**

	Vice Presidents	Directors	Deans	Faculty
Open Forum	X (required)			
Site Visits	X (optional)		X (optional)	
Reference Checks between 1st and 2nd level Interview	X (required)	X (required)	X (required)	X (required)
Teaching Demonstration				X (required)

**Date Approved: 10/21/14**

(Replaces current Palomar Procedures 26, 174, 174.1, 174.2, and 190)

4. Final Administrative Interviews: The Superintendent/President interviews the finalists for all senior and executive administrative positions recommended by the Selection Committee. It is at the Superintendent/President's discretion to include other Palomar employees in the final interview or to arrange additional interviews or meetings with appropriate campus constituencies.
5. Joint Selection Committee for Full-Time Faculty 2<sup>nd</sup> Level Interviews: The Joint Selection Committee and the Superintendent/President meet after completing separate interviews of each of the final candidates. Each candidate is discussed and assessed relevant to the separate interviews, reference checks, teaching demonstration, and needs of the discipline/department. The Superintendent/President considers input from each Committee member and works towards consensus as much as possible in making the final selection. The Superintendent/President will make the final recommendation to the Governing Board.

#### **G. Applicant Travel Expenses**

Palomar College does not reimburse applicants for first-level interviews for expenses incurred during the application and/or first-level interview process. Second-level applicant expenses will be eligible for reimbursement as follows:

1. For full-time faculty and some administrator positions (president, vice-president, director, dean), applicants who must travel 150 miles or more one way from their residence to the District are eligible for reimbursement with proper verification. Reimbursement is available only for 2nd-level interviews.
2. All expense documentation must be submitted to HRS within 30 days of completing travel. Only original receipts shall be accepted as proper travel expense documentation for reimbursement purposes.
3. Reimbursement is limited to \$1,000.00 to cover the travel costs incurred by the applicant on behalf of him/herself only. Allowable travel costs and associated processes are outlined in the District's travel procedure contained in the Finance and Administrative Services Handbook.

#### **H. Deliberation and Selection Process**

1. Deliberations: For all positions, after interviews are completed, the voting members of the Selection Committee discuss and evaluate the qualifications of the interviewed candidates.
2. For positions requiring second-level interviews, a minimum of two unranked candidates must be forwarded. Exceptions require the approval of the Superintendent/President or designee. Where an exception to the minimum candidates is not warranted, the original applicant pool shall be revisited for potential candidates and the position recruitment shall be extended.

---

**Date Approved: 10/21/14**

*(Replaces current Palomar Procedures 26, 174, 174.1, 174.2, and 190)*

3. Table 6 below outlines the alternatives where there are insufficient finalists for a position.

**Table 6. Actions and Required Authorization for Insufficient Position Finalists for non-faculty positions.**

Authorized Action	Deciding Authority
Cancel the recruitment	Responsible administrator
Authorize a single candidate	Superintendent/President or designee
Review the applicant pool again	Responsible administrator and the 1st Level Committee
Extend 1st Screening Duration	Responsible administrator and the 1st Level Committee, subject to HRS approval

4. Selection: Final selection is the sole responsibility of the Superintendent/ President, and is subject to Governing Board approval. See BP 2430 titled Delegation of Authority to the Superintendent/ President and BP/AP 7110 titled Delegation of Authority.
5. If none of the finalists are selected for hire, the Selection Committee and the appropriate administrator will:
  - a. Review information regarding the recommended finalists and/or the nature of the position; and/or
  - b. Review the interview pool to ensure that other potential finalists have not been overlooked; and/or
  - c. Recommend that the search be extended..

## EMPLOYMENT OFFERS

- A. **Conditional Offers:** All employment offers are conditional pending satisfaction of employment requirements, including submission of required forms, background and/or reference checks, fingerprinting, proof of eligibility for employment, TB test results and certificate of freedom from communicable disease (see BP/AP 7330 titled Communicable Disease) and Governing Board approval. All conditions of employment must be met prior to employment.
- B. **Pre-Employment Requirements:**
  1. Physical Examination: Depending on the nature of the position, a pre-employment physical examination may be required to ensure sufficient fitness for the duties associated with the particular position. See BP 7335 titled Health Examinations.
  2. Criminal History-Live Scan Verification: All offers of employment are conditional pending receipt of satisfactory criminal history reviews via Live Scan. See: AP 7337 titled Fingerprinting.
- C. **Conditional employment offers are made as follows:**
  1. For classified, CAST, administrative and child development teacher positions, HRS will make the offer;

---

**Date Approved: 10/21/14**

*(Replaces current Palomar Procedures 26, 174, 174.1, 174.2, and 190)*

2. For full-time faculty positions, the appropriate dean will make the offer;
3. For dean positions, the appropriate vice president will make the offer; and
4. For vice-president positions, the president will make the offer.
5. HRS coordinates all necessary intake and orientation procedures and extends the formal job offer after completion of all pre-employment requirements.

## **FULL-TIME FACULTY SELECTION**

The selection process is described in the Faculty Hiring Procedure, which can be obtained through the Faculty Senate, and is intended to reflect the District's commitment to shared governance, as outlined in BP/AP 2510 titled Participation in Local Decision Making.

## **PART-TIME FACULTY RECRUITMENT AND SELECTION**

The following provisions shall apply to all faculty for part-time positions.

### **A. Announcement and Recruitment:**

1. Establishing the Position: Departments shall notify HRS when a position becomes available.
2. Advertising the Position: HRS shall advertise all part-time faculty positions.

### **B. Applications, Screening and Selection:**

1. All application packets (including the appropriate application form and attachments, transcripts, and other documents/forms as required by the appropriate departments) shall be submitted directly to HRS;
2. HRS shall record all legally required applicant information and remove and/or redact any confidential data;
3. Prior to forwarding applications to the appropriate departments for selection, HRS shall conduct a preliminary screen to determine completeness of application and satisfaction of minimum qualifications and/or possible need for equivalency;
4. The Department shall select qualified candidates for interview, and conduct all interviews. The Department Chair/Director shall notify the appropriate Dean and HRS of his/her selection of part-time faculty.
5. HRS shall retain all applications for a minimum of three years.

Also see BP/AP 3410 titled Nondiscrimination; BP/AP 3420 titled Equal Employment Opportunity; BP/AP 7211 titled Faculty Service Areas and Competencies, BP/AP 4015 titled Minimum Qualifications and Equivalencies; AP 7126 titled Applicant Background Checks; and AP 7127 titled Restrictions Governing the Employment of Applicants with Criminal Records.

Office of Primary Responsibility: Human Resource Services

---

**Date Approved: 10/21/14**

*(Replaces current Palomar Procedures 26, 174, 174.1, 174.2, and 190)*



1  
2 Approved by the Faculty Senate, 9-28-15

3 Reviewed and amended by the Senate, 10-26-15, to be posted to the Faculty Senate website.

### 4 5 **Faculty Hiring Procedures**

6 The Faculty of Palomar College, in establishing the procedures for the hiring of full and part-  
7 time faculty, is guided by the following principles:

8  
9 **The Faculty's role in Shared Governance:** Pursuant to rules adopted by the Board of  
10 Governors of the California Community Colleges, the Palomar College Governing Board  
11 elects to rely primarily on the advice and judgment of Faculty Senate on academic and  
12 professional matters. Among these matters are "faculty hiring policy, faculty hiring criteria, and  
13 faculty hiring procedures," specifically noted as number 11 in the "10+1+1."

14  
15 **Commitment to Diversity** – The faculty of Palomar College is committed to the goal of  
16 diversity in hiring. To that end, while the faculty maintains discipline/subject expertise as a first  
17 priority, the elements related to hiring should reflect the faculty's commitment to building  
18 diversity as described in AP 7120:

19 In all phases of recruitment and hiring, equal opportunity is afforded to all employees  
20 and qualified applicants for employment without discrimination on bases including but  
21 not limited to: ethnic group identification, race, color, national origin, religion, socio-  
22 economic status, age, gender, gender identity, gender expression, sex, physical or  
23 mental disability, sexual orientation, political affiliation, transgender, marital status,  
24 veteran status, medical conditions, union membership or on the basis of these  
25 perceived characteristics, or based on association with a person or group with one or  
26 more of these actual or perceived characteristics. Applicants not possessing specific  
27 qualifications as outlined in the job announcement who feel that their background and  
28 experience is equivalent to the minimum requirements are encouraged to apply.

29  
30 In defining diversity with a broad list of groups and individual characteristics, the Faculty  
31 recognizes the complex dynamics of the goal of diversity, acknowledging that while our  
32 differences may be evident in ways that are sometimes overt and obvious, they often become  
33 evident in language, tone, and attitude. We are committed to an understanding of diversity that  
34 acknowledges both visible and invisible registers of difference, and we embrace the goal of a  
35 more diverse faculty in all elements of recruitment and hiring.

36  
37 **The goal of the 75/25 Ratio:** In 1988, the California Legislature in section 70 of AB1725 (the  
38 fundamental California Community College reform bill) found and declared: "Because the  
39 quality, quantity and composition of full-time faculty have the most immediate and direct impact  
40 on the quality of instruction, overall reform cannot succeed without sufficient numbers of full-  
41 time faculty."



Based on this declaration, the reform bill established the current system goal regarding full-time faculty standards: “the Legislature wishes to recognize and make efforts to address longstanding policy of the Board of Governors that at least 75 percent of the hours of credit instruction in the California Community Colleges, as a system, should be taught by full-time instructors.”

**The Faculty of Palomar College has developed the following procedures** for the hiring of full and part-time faculty. These procedures are generally in line with the College’s Administrative Procedure (AP) 7120. Where they diverge from that procedure, they are specifically recommended for faculty hiring. The Faculty’s intention is to maintain the standard of excellence which has been the hallmark of the Palomar College Faculty and to encourage the principles noted above.

## **FULL TIME FACULTY**

These procedures are established for the regular, routine process for hiring full-time faculty. The Faculty recognizes the central role of the Human Resource Services (HRS) in the success of these procedures. In every stage of the process, the goal is collaboration in the service of high standards and the growth of a first-rate, diverse faculty.

### **A. IDENTIFICATION OF POSITIONS**

1. Full-time faculty positions are requested by departments or disciplines and then are prioritized by a subcommittee of the Instructional Planning Council (IPC), utilizing the procedure developed by IPC.

2. Full-time positions for counseling and library faculty are identified through a specific formula developed by counselors, librarians, and the District.

3. As early as possible, IPC will publish the priority list of positions to be hired, ideally by May 1.

4. With the goal of establishing the strongest and most diverse pools of candidates, a preliminary number of positions to be hired will be determined by the Superintendent/President and submitted to the Governing Board as early as possible, ideally by August 15.

5. In the interest of a more efficient process, multiple positions for specific departments may be considered where appropriate. Departments which are designated for multiple positions may forfeit priority consideration in the one to three years following.

6. Departments may begin work on preliminary preparations relating to announcements, etc. in order to act as quickly as possible when positions are approved by the Governing Board. These steps will be contingent upon HRS requirements relating to training.

## **B. ANNOUNCEMENTS AND RECRUITMENT**

A crucial element of these procedures is the goal of flexibility in the steps outlined below. After the positions to be hired are identified and approved, departments will work with HRS to establish appropriate timelines. Considerations relating to discipline expertise and diversity should guide the establishment of timelines between the notification of positions to be hired and the expected hire date.

### **1. Announcements**

a. The position announcement is developed through a collaborative process involving the department/program, appropriate administrators, and Human Resource Services (HRS).

b. Human Resource Services must approve all announcements prior to posting.

c. Announcements must receive final authorization by the Hiring Committee Chair, Department Chair / Program Director (or designee), Dean of the appropriate division, and the appropriate Vice President.

### **2. Components:** The position announcement must include the following:

a. A description of the position duties, responsibilities, salary, benefits, and terms of employment (including classification, working hours, conditions).

b. Minimum qualifications, as determined by the State Academic Senate and the Board of Governors in accordance with Education Code Section 87356 et seq.

c. Preferred qualifications (when listed) that are job-related and consistent with the demands of the discipline/subject area.

d. A provision for determination of equivalency, if applicable.

e. Depending on employment unit, a statement regarding required participation in shared governance

f. Additional language required for compliance with federal, state, and District regulations (e.g., Equal Opportunity Employer notice)

134 **g.** Any application procedures specific to the posted position.

135  
136 **h.** A statement in accordance with Title 5 that requires that all applicants be “sensitive to  
137 and have an understanding of the diverse academic, socioeconomic, cultural, disability,  
138 gender identity, sexual orientation, and ethnic backgrounds of community college  
139 students, faculty, and staff.” Departments/programs will require applicants to explain or  
140 submit written materials that provide evidence of such understanding.

141  
142 **i.** Legal qualifiers established by Human Resource Services to comply with federal,  
143 state, and District regulations.

### 144 145 146 **3. Advertising and Recruitment**

147  
148 **a.** HRS provides assistance including the identification of appropriate advertising  
149 media. The Department Chair/Director or designee will confer with HRS to  
150 establish venues outside the standard advertising methods and sites.

151  
152 **b.** Venues additional to the standard will be at the expense of the  
153 department/division

154 **c.** Job announcements are advertised through various organizations (e.g., the  
155 California Community Colleges Registry) and through various online sources.

156  
157 **d.** Transfer Opportunities: For eligible positions, notice of transfer opportunities will be  
158 distributed internally to provide current employees notice of such positions, subject to  
159 provisions of applicable collective bargaining agreements or employee handbooks.

### 160 161 162 163 164 **C. APPLICATIONS**

165  
166 **1.** All applications shall be submitted to HRS.

167  
168 **2.** Applications for open positions are available online through the District website.

169  
170 **3.** Applicants must establish a digital profile (individual user account) in the online system in  
171 order to be considered. Applicants may visit HRS for assistance with this first step.

172  
173 **4.** For assistance with any element of the process, applicants should contact HRS directly.

174  
175 **5.** The application will contain the following basic components:

176  
177 **a.** Application form inclusive of educational and professional histories, skills and  
178 qualifications and references

180           **b.** Conviction history.

181  
182           **c.** Confidential data for federal and state collection and reporting purposes.

183  
184  
185 **6.** HRS will accept application materials until the position is closed.

186  
187 **7.** Letters of recommendation will be accepted for one week after the position is closed.

188  
189  
190  
191  
192 **D. SCREENING**

193 **1. Pre-Screening**

194  
195           **a.** HRS will pre-screen all applications for completeness and evidence of minimum  
196 qualifications prior to forwarding applications to the Selection Committee.

197  
198           **b.** Completed applications which do not meet minimum qualifications but which have a  
199 completed equivalency form will be forwarded to the Selection Committee for review.

200  
201           **c.** All applicants with completed applications who meet stated minimum qualifications  
202 will be forwarded to the Selection Committee.

203  
204           **d.** Hiring Committee Chairs will be given the option to have HRS contact applicants with  
205 incomplete applications to obtain missing materials (i.e. missing transcripts). This  
206 includes applicants who do not meet the minimum qualifications and did not complete  
207 an equivalency form. Applicants will be given one week to complete their application  
208 once notified by HRS.

209  
210           **e.** Hiring Committee Chairs will have access to all applications for the purpose of  
211 review.

212  
213  
214 **2. Selection Committee Screening**

215  
216 Screening criteria and interview questions must be approved by HRS before Selection  
217 Committee members receive applications. Screening criteria and interview questions are  
218 developed from the qualifications and requirements listed in the position announcement.

219  
220 **E. COMMITTEE FORMATION**

221  
222 **1. Verification of Committee Composition:** HRS verifies compliance of Selection  
223 Committee membership with applicable Board policies and procedures.

224  
225 **2. Diversity:** Per Title 5, 53024.e, "Whenever possible, screening committees shall include a  
226 diverse membership which will bring a variety of perspectives to the assessment of applicant

qualifications.” The Selection/Joint Selection Committee will maintain discipline expertise as the primary value in committee formation and will make every reasonable effort to include representation that will advance the Faculty’s commitment to diversity as described in the guiding principles at the start of this document. In defining diversity with a broad list of groups and individual characteristics, the Faculty recognizes the complex dynamics of the goal of diversity, acknowledging that while our differences may be evident in ways that are sometimes overt and obvious, they often become evident in language, tone, and attitude. We are committed to an understanding of diversity that acknowledges both visible and invisible registers of difference, and we embrace the goal of a more diverse faculty in all elements of recruitment and hiring.

**3. Confidentiality:** Each participant in the hiring process is responsible for maintaining the confidentiality of all aspects of the selection process, including written materials, oral discussions and any other information that relates to the selection process. Such information may be shared only with members of the Selection/Joint Selection Committee, HRS, and the administrators involved. Confidentiality must be maintained permanently.

#### **4. Training:**

a. Prior to participating as a selection committee member, members must receive training on the selection process. Such training must occur within one year prior to serving on a selection committee. HRS shall provide selection committee training. Selection Committee Training materials are available through HRS.

b. Training shall include the philosophy and commitment to staff diversity as outlined in the District’s Equal Employment Opportunity Plan and inclusive of cultural diversity, the roles and responsibilities of all members of the selection committee, the selection process, interview procedures and techniques (including guidelines on appropriate follow-up questions and reference checks), and the confidentiality of the selection process.

**5. Attendance:** All members of the Selection Committee must be present for meetings, interviews, and deliberations.

a. If a voting member of the committee misses any part of an interview or deliberation, the committee member is ineligible for further participation in the hiring process.

b. Each Selection Committee will establish its specific policy with regard to attendance at preparatory meetings (i.e. development of announcement and materials, etc).

**6. The Compliance Officer’s Role:** It is the responsibility of the Compliance Officer to observe and monitor the hiring process to ensure complete fairness and consistency for each applicant and to serve as a non-voting resource person to the selection committee(s). The Selection Committee Training materials are available through HRS.

## **F. COMMITTEE CHAIR/CO-CHAIR RESPONSIBILITIES (for Selection/Joint Selection)**

### **1. Committee Chairs/Co-Chairs shall be responsible for:**

- a.** Ensuring compliance with District policies and procedures in conjunction with the hiring process
- b.** Coordination of calendars to ensure participation of all committee members, including the Compliance Officer
- c.** Coordination of candidate interviews with HRS
- d.** Maintaining committee records
- e.** Performing other duties determined by agreement with the committee.

## **G. SELECTION COMMITTEE COMPOSITION**

- 1.** The First-level interview is conducted by the Selection Committee.
- 2.** The Selection Committee should generally have no more than nine voting members.
- 3.** The First-level Selection Committee is composed of the following members:

- Committee Chair or Co-chairs (Department Chair/Director or faculty designee)
- Faculty members from the discipline or a related discipline (Note: may substitute one community member or a faculty member from another institution with expertise in the appropriate discipline, at the discretion of the committee).
- One (1) faculty member from outside of the department.
- One (1) student (optional – non-voting)
- One (1) compliance officer

## **H. SELECTION COMMITTEE RESPONSIBILITIES**

- 1.** All members of the Selection Committee are voting members, with the exception of the Compliance Officer and the student (in cases where the committee exercises the option of including a student member).

- 319 **2.** The Compliance Officer must be present during all meetings of the selection committee. For  
320 the Compliance Officer's duties, see the HRS Training materials.  
321
- 322 **3.** Voting members of the Selection Committee identify selection criteria based on the  
323 minimum and desirable qualifications of the position in light of the expected duties and  
324 responsibilities of the position. Selection criteria will include an evaluation of the extent to  
325 which applicants have and demonstrate sensitivity to and understanding of the diverse  
326 academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college  
327 students.  
328
- 329 **4.** Voting members of the Selection Committee develop job related screening criteria and  
330 interview questions designed to distinguish candidates who will best meet the needs of  
331 students. A question related to diversity is required, and voting members should assess  
332 candidates' attitudes about and level of awareness of diversity in light of the "commitment to  
333 diversity" articulated at the start of this document.  
334
- 335 **5.** No Selection Committee meetings or interviews may be conducted without a Compliance  
336 Officer.  
337
- 338 **6.** Voting members of the Selection Committee determine the subject matter and format of the  
339 demonstration of teaching, counseling, or librarianship skills required of all faculty candidates.  
340
- 341 **7.** All voting members of the Selection Committee screen all applications to select candidates  
342 for interview.  
343
- 344 **8.** All voting members of the Selection Committee complete screening forms for each  
345 applicant, and, upon determination of applicants to be interviewed, all applications and  
346 screening forms are returned to HRS.  
347
- 348 **9.** All members of the Selection Committee establish interview times so that all members can  
349 attend.  
350
- 351 **10.** All members of the Selection Committee interview all selected candidates using pre-  
352 approved questions. Follow-up questions may be asked as long as they do not lead the  
353 candidate to a desired response and stay within the scope of the original question or answer.  
354 In addition, information on the application, resume, or portfolio may be specifically addressed if  
355 not included in the original answer (and remains in the scope of the original question).  
356
- 357 **11.** The voting members of the Selection Committee recommend the finalists for consideration  
358 by the Joint Selection Committee. All recommended finalists must be acceptable to the  
359 Selection Committee since only a candidate recommended by the Selection Committee will be  
360 hired.  
361
- 362 **12.** Following notification confirming that HRS has contacted the candidates, at least two  
363 voting members of the Selection Committee who are moving forward to the Joint Selection  
364 Committee will conduct reference checks on the recommended finalists per the "Reference

Check Guidelines.” Information gathered through reference checks will be shared with the Joint Selection Committee and the Superintendent/President during deliberations.

## **I. JOINT SELECTION COMMITTEE COMPOSITION**

a. The Joint Selection Committee is composed of the following members:

- Committee Chair (Appropriate Dean)
- Chair of the first-level committee
- Vice President for Instruction or Student Services, as appropriate
- At least two (2) additional members from the first-level committee
- Note: not to exceed seven members, including the chair, except where extenuating circumstances exist.

**7. The Observer’s Role:** The Selection Committee may appoint a faculty member of the committee to serve as a non-voting observer for the President’s Interview.

a. The observer may not initiate interaction with the candidates (asking questions or commenting) during or between the interviews. The President is free to involve the observer in any way he or she deems appropriate.

b. The observer is required to attend the deliberations, and will be invited to comment on factual observation and process only.

c. Because the observer’s role is non-voting, he/she is not permitted to conduct reference checks on finalists.

## **J. FIRST-LEVEL INTERVIEW**

### **1. Practical Skills, Demonstrations and Testing:**

a. The first-level interview process may involve skills testing and performance demonstrations appropriate to the position. All skills tests and performance evaluation processes must be approved in advance by HRS.

b. In-person teaching demonstrations are required at the first level.

**2.** Interviews are scheduled by Human Resource Services upon notification by the Selection Committee.



411 3. Human Resource Services provides copies of the application and interview screening  
412 forms to the Selection Committee with an interview schedule.

413  
414 4. All members of the Selection Committee must be present for all interviews. If a voting  
415 committee member misses an interview, that committee member is removed from the  
416 Selection Committee. No interviews may be conducted without a Compliance Officer.

417  
418 5. At the request of the Selection Committee, a candidate who must travel more than 150  
419 miles to interview with the Selection Committee may be interviewed by the Joint Selection  
420 Committee and the Superintendent/President or designee within a day of the Selection  
421 Committee interview. If the candidate becomes a finalist for the position, these interviews will  
422 serve as finalist interviews.

423  
424 6. After interviews are completed, members of the Selection Committee discuss and evaluate  
425 the qualifications of the candidates. The Committee also considers whether the candidates  
426 selected as finalists demonstrate appropriate sensitivity to and understanding of the diversity  
427 of the Palomar College community.

428  
429 7. If the Selection Committee is not satisfied with the interviewed candidates, the Committee  
430 Chair may request to review the applicant pool to ensure that qualified applicants have not  
431 been overlooked.

432  
433 8. The Selection Committee Chair forwards the application materials of the finalists to HRS.

434  
435 9. Selection Committee members return the screening and interview forms and all other non-  
436 finalist application materials to the HRS.

437  
438 10. HRS notifies the Dean and the Chair of the Selection Committee to confirm the list of  
439 finalists.

440  
441 11. HRS sends materials related to the second-level interview to the Dean, who then convenes  
442 the Joint Selection Committee.

## 443 444 445 446 **K. SECOND-LEVEL INTERVIEWS**

447  
448 1. Two separate second-level interviews are conducted, one by the Joint Selection Committee  
449 and the other by the Superintendent/President.

### 450 451 452 **Joint Selection Committee Interview:**

453  
454 2. The Joint Selection Committee interviews all finalists forwarded by the Selection  
455 Committee.

3. Teaching demonstrations are optional at the second-level. The Department responsible for the position will make the determination relating to a second-level teaching demonstration.

4. The Joint Selection Committee will consider the Superintendent/ President's assessment and recommendations before coming to consensus.

#### **The President's Interview:**

1. The President interviews all finalists forwarded by the Selection Committee.

2. The President's Interview is conducted by the Superintendent/President, who serves as both Chair and sole committee member.

3. Also present at the President's Interview are:

a. Compliance Officer

b. Observer (The first-level committee may appoint a faculty member of the committee to serve as a non-voting observer during the Superintendent/President's interviews).

4. The Superintendent/President, or designee, interviews the finalists and presents his/her assessments and recommendations to the Joint Selection Committee.

#### **L. DELIBERATION AND SELECTION PROCESS**

1. **Background Checks:** Regulations regarding background checks are outlined in Board Policies and Procedures, AP 7126 & AP 7337.

#### **2. Reference Checks:**

a. Reference checks are required for all positions.

b. Following notification confirming that HRS has contacted the candidates, at least two voting members of the Selection Committee who are moving forward to the Joint Selection Committee will conduct reference checks on the recommended finalists per the "Reference Check Guidelines." Information gathered through reference checks will be shared with the Joint Selection Committee and the Superintendent/President during deliberations.

3. **Selection / Seeking Consensus:** The Joint Selection Committee and the Superintendent/President meet after completing separate interviews of each of the final candidates. Each candidate is discussed and assessed relevant to the separate interviews, reference checks, teaching demonstration, and needs of the discipline/ department. The

Superintendent/President considers input from each Committee member and works towards consensus as much as possible in making the final selection. The Superintendent/ President will make the final recommendation to the Governing Board.

**5. Candidate's Notification:** The appropriate Dean extends the tentative offer of employment to the selected finalist and coordinates all necessary intake and orientation procedures with the Human Resource Services Office.

**6. If none of the finalists are selected for hire,** or if a selected candidate declines the position or is otherwise unable to be employed in the position, the Joint Selection Committee, in consultation with the President, will:

a. Review information regarding the recommended finalists and/or the nature of the position; and/or

b. Review the interview pool to ensure that other potential finalists have not been overlooked; and/or

c. Recommend that a new search be initiated.

**7.** In any of the situations described above, the pool of finalists for any posted position may be utilized for up to 90 days after an offer of employment has been extended.

**8. Governing Board Review/Approval:** All offers of employment require approval by the Governing Board.

## **N. PART-TIME FACULTY RECRUITMENT AND SELECTION**

**This process is currently under review, pending revision.**

**1.** The following provisions shall apply in hiring for all part-time faculty positions.

### **2. Announcement and Recruitment:**

a. Departments shall notify HRS when a position becomes available.

b. Advertising the Position: HRS shall advertise all part-time faculty positions.

### **3. Applications, Screening and Selection:**

- 545       **a.** All application packets (including the appropriate application form and attachments,  
546 transcripts, and other documents/forms as required by the appropriate departments)  
547 shall be submitted directly to HRS
- 548       **b.** HRS shall record all legally required applicant information and remove and/or redact  
549 any confidential data
- 550       **c.** Prior to forwarding applications to the appropriate departments for selection, HRS  
551 shall conduct a preliminary screen to determine completeness of application and  
552 satisfaction of minimum qualifications and/or possible need for equivalency
- 553       **d.** The Department shall select qualified candidates for interview, and conduct all  
554 interviews. The Department Chair/Director shall notify the appropriate Dean and HRS  
555 of his/her selection of part-time faculty.
- 556       **e.** HRS shall retain all applications for a minimum of three years.

557  
558 Also see BP/AP 3410 titled Nondiscrimination; BP/AP 3420 titled Equal Employment  
559 Opportunity; BP/AP 7211 titled Faculty Service Areas and Competencies, BP/AP 4015 titled  
560 Minimum Qualifications and Equivalencies; AP 7126 titled Applicant Background Checks; and  
561 AP 7 27 titled Restrictions Governing the Employment of Applicants with  
562 Criminal Records.

563  
564 Equal employment opportunity issues (e.g., diversity of applicant pool) are addressed in BP/AP  
565 3420 titled Equal Employment Opportunity and the District's EEO Plan.  
566  
567  
568  
569  
570  
571  
572  
573  
574

## **Appendix E.**

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

#### Contents

- E-1. District's Vision, Mission, and Values
- E-2. Diversity Plan
- E-3. Links to EEO Policies and Procedures on District Web Pages
- E-4. Employment Advertising Resources
- E-5. Employee Trainings on EEO- and Diversity-Related Topics

## Palomar Community College 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

# Palomar College –Increasing Faculty & Staff Diversity

---

## Introduction

The purpose of this plan is to identify and recommend the resources and tools necessary for the College to achieve the Board and Strategic Plan 2016 goal of increasing faculty and staff diversity.

## Goals and Objectives

In the 2014-15 Governing Board Goals, the Board established a goal to improve the diversity of its faculty and staff. In Strategic Plan 2016, the College established a corresponding Goal 4 – “Recruit, hire, and support a diverse faculty and staff who are committed to student learning and achievement”, and Objective 4.2 – “Assess the effectiveness of the faculty and staff hiring processes, and identify recommendations to strengthen the College’s ability to attract and recruit diverse candidates for employment.” This plan addresses this goal and objective.

## Process

The College requested the Faculty Senate to 1) review the full-time faculty hiring process, and 2) to establish a uniform part-time faculty hiring process, to ensure that diversity is fostered and embraced throughout each recruitment.

The Equal Employment Opportunity Advisory Committee was charged with identifying opportunities for recruitment and retention process improvements that support achieving the College’s SP 2016 Goal 4 and Objective 4.2. The Committee established an ongoing informal discussion group of faculty and administrators to explore these opportunities. The discussion group met multiple times, reviewed the practices of other colleges and universities, and identified opportunities for improvement.

The College reviewed its online application system, identified improvements, and implemented them. For faculty recruitments, the College changed internal procedures to provide all completed applications to faculty 1<sup>st</sup> level screening committees to improve faculty recruitment inclusivity. With the support of the Senate and administration, supporting documents required for a complete application were reduced to cover letter, resume, and unofficial transcripts.

# Palomar College –Increasing Faculty & Staff Diversity

---

## Action Plan

In addition to the actions noted in Process, the EEO Advisory Committee and its discussion group has made the following supportive recommendations.

- Incorporate into all hiring procedures, the Title 5, Section 53024(e) requirement that “whenever possible, screening committees shall include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.” This membership should be voting membership.
- Comprehensively improve the College’s web content to reflect diversity in faculty, staff, and students.
- Emphasize the importance of diversity in all hiring committee training.
- Establish the District compliance officer role in all classified staff hiring committees.
- Establish and staff a position in Human Resource Services that specifically and directly supports the College’s diversity and equal employment opportunity goals, and implements improvement recommendations.
- Rename and repurpose the Equal Employment Opportunity Advisory Committee to the Diversity and Equal Employment Opportunity Committee, and elevate its role to a full shared governance committee reporting through the Human Resource Services Planning Council to the Strategic Planning Council.
- Expand diversity events from a single annual event, to add additional diversity workshops for faculty and staff in each academic semester. Consider cultural simulation games to help existing faculty and staff gain a greater understanding and appreciation of the importance of diversity to the College.
- Design and administer a cultural climate survey for faculty, staff, and students to better assess further improvement opportunities.
- Reach out to regional graduate schools and educate prospective diverse graduate students on Palomar College employment opportunities.
- Increase awareness that, to prepare students for a globally diverse society, the College must understand and appreciate diversity and infuse it into the student,



## Palomar College –Increasing Faculty & Staff Diversity

---

faculty, and staff populations, the curriculum, and into the fabric of the institution.

- Broadly market College employment opportunities to diverse communities.

### Progress

1. In May 2015, the College reported to the Board on diversity performance and areas to improve.
2. The Faculty Senate has drafted revisions to the full-time hiring procedure, and is actively discussing a uniform part-time faculty hiring procedure, both of which add diverse voting members to the screening committee's composition.
3. The EEO Advisory Committee and Diversity Discussion Group reviewed a variety of materials from colleges and universities, and identified the specific areas for improvement noted above.
4. The EEO Advisory Committee agrees that the committee should be renamed and its role elevated to that of full shared governance stature.
5. At the College's request, a marketing plan has been drafted, and funding budgeted for marketing College employment opportunities to diverse communities.
6. Initial conversations have taken place with other institutions that have administered or are considering using a cultural climate survey. The College has budgeted the development of the survey.

## **Links to EEO Policies and Procedures on District Web Pages**

- Human Resource Services Equity and Diversity website:  
[www.palomar.edu/hr/equitydiversity](http://www.palomar.edu/hr/equitydiversity)
- 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.htm](http://www.palomar.edu/gb/Web%20Pages/PoliciesAndProcedures.htm)

## **Palomar College Employment Advertising Resources**

The following standard advertising is provided for all permanent positions, unless otherwise noted:

- [SanDiego.Craigslist.org](http://SanDiego.Craigslist.org)
- [CalJobs.ca.gov](http://CalJobs.ca.gov)
- [CCCRegistry.org](http://CCCRegistry.org)
- [EdJoin.org](http://EdJoin.org)
- [HigherEdJobs.com](http://HigherEdJobs.com)
- [AsiansInHigherEd.com](http://AsiansInHigherEd.com)
- [BlacksInHigherEd.com](http://BlacksInHigherEd.com)
- [HispanicsInHigherEd.com](http://HispanicsInHigherEd.com)
- [NativeAmericansInHigherEd.com](http://NativeAmericansInHigherEd.com)
- [DisabledInHigherEd.com](http://DisabledInHigherEd.com)
- [LGBTInHigherEd.com](http://LGBTInHigherEd.com)
- [VeteransInHigherEd.com](http://VeteransInHigherEd.com)
- [ACCCA.org](http://ACCCA.org) (all administrator positions)
- [ChronicleVitae.com](http://ChronicleVitae.com) (all faculty positions)

Human Resource Services actively researches additional advertising venues to assist departments with position/discipline-specific advertising beyond the minimum resources provided above. Additional advertising may be arranged at the hiring department's expense.

## **Employee Trainings on EEO- and Diversity-Related Topics**

The trainings listed below are offered to all 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, unless otherwise noted.

### **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. This course provides supervisors with an overview of some best practices that will help them manage a diverse environment, avoid discriminatory behaviors and create a culture that embraces acceptance and respect for all.

### **Diversity Awareness: Staff to Staff**

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.

### **Discrimination Awareness in the Workplace**

This course is designed to instill staff with a basic awareness and understanding of discrimination which can help you avoid discriminatory behaviors as well as build a culture that reflects acceptance and respect for all.

### **Safe Zone Training (District-Developed Course)**

Faculty and staff who participate in the Palomar College Pride Center Safe Zone workshops will successfully demonstrate knowledge of LGBTQ issues, including impact of lack of acceptance of LGBTQ students, faculty, and staff on the learning environment. In addition, participants will demonstrate respect for those differences.

### **Title IX and Sexual Misconduct**

This course provides college and university staff members with information about the importance and implications of Title IX and sexual misconduct.

### **Campus SaVE Act for Employees – Sexual Violence Awareness**

Sexual assault remains a significant problem on college campuses, despite the fact that federal law guarantees all students the right to an education free from sexual harassment and sexual violence. The effects of sexual violence can be long-lasting as well as emotionally and physically devastating, even disrupting a student's academic career. This course educates college and university staff on proper identification, response, and handling of incidents of sexual violence



## Sexual Harassment Complaint Procedure

*Original: March 10, 2000*

*Revised: July 3, 2014*

### 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 procedure, mean days in which the District 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 Affairs, 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 California Community Colleges.
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 completing the informal resolution process. A formal

complaint form is attached to this Procedure.

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 Colleges. 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 Colleges 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 Colleges 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 Colleges.



## Unlawful Discrimination Complaint Procedure

*Governing Board Approved: December 10, 2002*

### **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.

These policies and procedures were adopted by the Palomar College Community College District Governing Board on December 10, 2002, in accordance with the procedures of the Board.

*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.
- “Days” means calendar days.
- “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.

*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.

In employment-related cases, if the complainant files with the Department of Fair Employment and Housing, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether a further investigation under Title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the Department of Fair Employment and Housing.

The District will make every effort to complete investigations and resolve complaints as quickly as possible. In discrimination complaints containing issues of academic freedom, the District must consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery. The District will provide for representation where required by law and may allow for representation for the accused and complainant in other circumstances on a case by case basis.

*Authority: Cal. Code Regs., tit. 5, §§ 59327, 59328, 59334, 59336, and 59339; NLRB v. Weingarten, Inc. (1975) 420 U.S. 251.*

### ***Filing of Formal Written Complaint***

If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also at the State Chancellor's website, as follows:

The completed form must be filed with the District representative or mailed directly to the State Chancellor's Office of the California Community Colleges.

Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct should be advised of that filing and the general nature of the complaint. This should occur as soon as possible and appropriate under the circumstances. The District will also advise the accused that an assessment of the 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 must be filed on a form prescribed by the State Chancellor's Office.
- 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 in his or her official capacity as a faculty member, staff member, or administrator.
- 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.

Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code, section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered 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 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 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.
- 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: The complainant 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.

*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.*

### **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.*