

## General Institution

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

Education Code Sections 87100 et seq.;

Title 5 Sections 53000 et seq., and 59300 et seq.;

Government Code Sections 7400 et seq. and 12940 et seq.;

ACCJC Accreditation Standard III.A.12

The District has an Equal Employment Opportunity (EEO) Plan which is a District-wide, written plan that implements the District's EEO Program, including the definitions contained in Title 5, Section 53001, and must:

- Be developed in collaboration with the District's Equal Employment Opportunity Advisory Committee;
- Be reviewed and adopted at a regular meeting of the governing board where it is agendaized as a separate action item and not part of the consent agenda;
- Cover a period of three years, after which a new or revised plan shall be adopted; and
- Be submitted to the California Community Colleges Chancellor's Office at least 90 days prior to its adoption. Comments received from the California Community Colleges Chancellor's Office on the proposed plan must be presented to the governing board prior to adoption.

The EEO plan must include all of the following:

- Specific pre-hiring, hiring, and post-hiring EEO strategies the District intends to implement each year over the life of the plan;
- A schedule identifying the timetables for implementation of the identified EEO strategies;
- Identification of the district EEO officer with delegated responsibility and authority for implementing the EEO Plan and assuring compliance with Title 5 regulations;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that individuals directly participating in the screening or selection process shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified, diverse pools of applicants for openings within the District;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices;
- A process for gathering information and periodic, longitudinal analysis of the District's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001, in each job category to determine whether additional diversification measures are required and to implement and evaluate the effectiveness of

those measures. The District shall conduct a data review as part of its plan renewal, and may conduct periodic data reviews more frequently;

- A process for utilizing data available from reliable public and private sources to determine whether monitored groups are underrepresented within district job categories and strategies for addressing any underrepresentation.
- underrepresentation is significant;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices;
- The Plan shall be a public record;
- The District will post a copy of the EEO plan on the District's website; and
- The District shall make a continuous good faith effort to comply with the requirements of the Plan.

### **Annual Evaluation**

- The District shall collect and continually monitor its employee and applicant demographic data to evaluate the implementation of the EEO plan and to conduct the analyses required by Title 5. The District shall report its employment-related data to the California Community Colleges Chancellor's Office annually in a manner prescribed by the Chancellor. To facilitate analysis, all applicants and employees must be assigned a job category.
- The District data collection will allow applicants and employees to identify his/her/their gender (including non-binary options), ethnic group identification and, if applicable, disability in a manner prescribed by the California Community Colleges Chancellor's Office consistent with state and federal law.

### **EEO Advisory Committee**

The District has established an EEO Advisory Committee, which shall include a diverse membership and include members from District stakeholder groups, including but not limited to, students, faculty, and classified staff. Members of the Advisory Committee as well as members of the District governing board shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in drafting and implementing the District's EEO Plan.

The responsibilities of the EEO Advisory Committee shall include but not be limited to the following:

- Review and advise on recruitment efforts, job announcements, interview protocols, retention efforts, and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- Advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;
- Promote communication with community groups and organizations for people with disabilities;
- Promote hiring of faculty who have, themselves, graduated from a community college;
- Develop communications among departments to foster understandings of the plan;

- To advise the Superintendent/President regarding special training or staff development needs;
- Review the plan and monitor its progress;
- Recommend changes needed in the plan; and
- Review and approve the annual written report to the Superintendent/President, the Governing Board, and the state Chancellor's Office.

## **Employment Procedures**

An equitable and inclusive employment process is essential to improve diversity, reduce barriers to employment, and allow potential applicants the opportunity to demonstrate that they meet or exceed the minimum qualifications for employment. The District's employment procedures are driven by diversity, equity, and inclusion.

**Job Analysis and Validation:** The Chief Human Resources Officer shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities, and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

**Job Description:** Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks, knowledge, skills, ability, and job-related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

**Recruitment:** Recruitment must be conducted actively within and outside of the District's work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that qualified individuals are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations that serve diverse and underrepresented populations.

Recruitment for classified positions include notices to District personnel, notice to Employment Development Department, and advertising in websites of general and broad circulation.

**Applicant Pools** -- The application for employment shall afford each applicant an opportunity to identify himself/herself/themselves voluntarily as to gender, ethnicity and, if applicable, his/her/their disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the "qualified applicant pool."

Once the qualified applicant pool is formed, the pool shall again be analyzed. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may, before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

**Screening and Selection** -- Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. The procedures provide that:

- Hiring procedures will be provided to the State Chancellor's Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty and classified staff; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Chief Human Resource Officer assures that the screening and selection process conforms to accepted principles and practices, including preparation of job-related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; and maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview.
- Selection shall be based solely on the stated job criteria.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- Review its recruitment procedures;
- Consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- Consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible; and
- If significant underrepresentation persists:
  - review each locally-established job qualification to determine if it is job related and consistent with business necessity;

- discontinue the use of any non-job-related local qualification;
- continue using job-related local qualifications only if no alternative standard is reasonably available; and
- consider the implementation of additional measures designed to promote diversity.

### **Delegation of Authority**

The District designates the Chief Human Resources Officer as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.

When the EEO Officer is named in a complaint or implicated by the allegations in a complaint, the complaint shall be overseen by the Superintendent/President or the Superintendent/President’s designee other than the EEO Officer.

### **Complaint Procedure**

Any person may file a complaint alleging the District violated this policy and procedures. An individual should file a written complaint with the Chief Human Resources Officer. The District shall process complaints that allege unlawful discrimination according to procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

### **Job Announcements**

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District’s workforce, including ethnic and racial minorities, women, and persons with disabilities. No person shall be denied employment because of ethnicity or race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender expression, age, marital status, sexual orientation, veteran or military status, or political or organizational affiliation.

### **Dissemination and Revision of the Plan**

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the state Chancellor’s Office within 90 days of the effective date of the revision or amendment(s). If the Chancellor determines that the District’s policies do not comply with Section 59300 et al., the Chancellor may require the District to modify its policies.

### **Accountability and Corrective Action**

The District shall certify annually to the Chancellor of the California Community Colleges that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;

- Reviewed and updated, as needed, the Strategies Component of the District’s EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division.

*Also see* BP/AP 7120 Employment Recruitment, BP/AP 3410 Nondiscrimination, BP/AP 3430 Prohibition of Harassment BP/AP 7120 Employment Recruitment, and BP/AP 7310 Nepotism

*Office of Primary Responsibility:* Human Resources

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