AFFIRMATIVE ACTION PROGRAM

FOR

SANTA BARBARA COMMUNITY COLLEGE DISTRICT

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CHAPTER I - DISTRICT AFFIRMATIVE ACTION POLICY

I. POLICY STATEMENT

The Santa Barbara Community College District shall not discriminate against any person in employment or in any program affiliated with the District because of race, color, religion, sex, family relationship, marital status, age, disability, status as Vietnam-era veteran, sexual orientation, creed or national origin. The Santa Barbara Community College District will implement affirmatively equal employment opportunity in all employment programs and all position classifications for all employees and qualified applicants for employment. Positive action will be taken by the administration, faculty, staff, and students to ensure the implementation of this policy and to overcome any forms of exclusion or discrimination, whether purposeful or inadvertent. This policy is consistent with the requirements and objectives set forth by the President's Executive Order Number 11246 as amended by 11375, by revised order number 4, and by Title 6 and Title 7 of the Civil Rights Act of 1964 as amended.

Specifically, the Santa Barbara Community College District shall:

A. Without establishing quotas, have as its goal an institutional work force in which the employment of minority group members, the disabled and women is adjusted at all levels until the distribution of minority group members, the disabled and women on the staff is reflective of the available and qualified work force. Procedures shall be established for implementing affirmative action which will ensure that an equitable distribution is achieved. Effectiveness of the procedures shall be determined by analyzing utilization of minority group members, the disabled and women separately;

B. Support the rights of minority group members, the disabled and women to equal employment commensurate with their qualifications and to equal compensation for equal work;

C. Take positive action to recruit, hire, and retain qualified minority group members, the disabled and women at all levels of employment and assure that its system of tenure and promotion does not discriminate against minority group members, the disabled and women;

D. Make a special effort to encourage minority group, the disabled and women employees to prepare for higher level positions or to acquire qualifications needed for advancement and promotion;

E. Ensure that no reprisals or coercion are brought to bear against any person or persons who avail themselves of the services of the affirmative action office; and

F. Require compliance with Executive Order Number 11246 as amended of all companies and agencies entering into contractual agreements with the Santa Barbara Community College District.
II. DISSEMINATION OF POLICY

The District's Affirmative Action Officer will publicize and disseminate the District Affirmative Action Policy to members of the College District and community groups concerned with the promotion of equal opportunity and affirmative action. This shall be accomplished by:

A. Publishing the Affirmative Action Policy in the Faculty Manual provided to all regular teachers.

B. Preparation of a brochure containing the policy along with a summary of the District's overall Affirmative Action Program. The brochure shall be distributed to all regular employees of the District and provided to new employees during their orientation. In addition, the brochure shall be distributed annually to various community organizations and recruitment sources and they shall be asked for assistance in identifying qualified members of historically underrepresented groups for job openings with the District.

C. Reviewing and distributing the Affirmative Action Policy to administrators and all members of the selection committees for District positions, both classified and certificated. In addition, the selecting supervisor will receive a copy of the policy.

D. A selection committee orientation booklet will be developed which will be provided to all members involved in the selection process. The orientation booklet will contain the Affirmative Action Policy and other EEO legal considerations.

E. The Affirmative Action Policy will be posted in various areas on campus, including the Personnel Office and Administration Building.

F. The Equal Employment Opportunity clause and the requirements of Executive Order 11246, as amended, will be included in all purchase orders and contracts as required by applicable federal rules and regulations.

G. Meetings will be held with administrators to explain the Affirmative Action Policy and recommend methods to facilitate its implementation.

H. A Notice of Nondiscrimination Policy and Grievance Procedure will be disseminated to all members of the College Community (Appendix A).
CHAPTER II - APPOINTMENT OF AN AFFIRMATIVE ACTION COMMITTEE AND AFFIRMATIVE ACTION OFFICER

The Superintendent-President is responsible for the development and implementation of a meaningful Affirmative Action Program for the Santa Barbara Community College District. An Affirmative Action Committee will be appointed by the Superintendent-President to assist him in implementing a program that will assure that affirmative action goals are obtained. When vacancies occur, replacements will be recommended by the Affirmative Action Committee to the Superintendent-President. The appointment of new members to the Committee by the Superintendent-President will be made with the concurrence of the Academic Senate for faculty members and the Associated Student Senate for student members. The Committee will consist of fourteen (14) members and, whenever possible, represent all ethnic groups, the disabled and females (1 Affirmative Action Officer, 1 Vice President Academic Affairs, 1 Dean, 4 faculty, 4 classified, and 3 students), The CSEA may appoint a representative to the Committee.

A. RESPONSIBILITIES OF THE AFFIRMATIVE ACTION COMMITTEE ARE:

1. Assists in establishing procedures and methods to identify and overcome the underutilization of employees, particularly minority, disabled and female employees in Classified, Administrative, and Certificated positions.

2. Assists in developing policies and procedures assuring opportunities for advancement of employees within each category, Classified, Administrative, and Certificated, as well as for transfers from one category to another.

3. Assists in developing training programs and promotional opportunities for all employees.
   a. Assists in development of supervisory training programs for all involved in selecting, training, and supervising others.
   b. Reviews staffing patterns, job descriptions, and job requirements. The committee may periodically meet with department heads to discuss female/disabled/minority department composition.
   c. Assists in development of techniques that will identify candidates qualified for promotion as well as those employees needing to upgrade their skills through either refresher courses or on-the-job training programs.

4. Assists in identifying sources of recruitment for qualified minority, disabled and female candidates needed for positions in Classified, Administrative, and Certificated categories of employment; expands lists of addresses to whom announcements for positions should be distributed in order to reach candidates needed to meet Affirmative Action Goals.

5. Reviews employment practices regulating hiring, transfer, and promotions from within to ensure that neither qualified nor qualifiable employees and applicants are excluded from consideration.

6. Examines and analyzes progress reports prepared periodically by the Affirmative Action Officer/Vice President, Human Resources regarding the implementation of Santa Barbara Community College's Affirmative Action Program. Such reports shall include results achieved or not achieved in respect to meeting established hiring goals.
B. RESPONSIBILITIES OF THE AFFIRMATIVE ACTION OFFICER/VICE PRESIDENT, HUMAN RESOURCES

1. Implements Santa Barbara Community College's Affirmative Action Program with assistance of Affirmative Action Committee and the support of Superintendent-President and Board of Trustees. The Affirmative Action Officer has the responsibility and has been delegated the authority to implement the faculty and staff development plan and assure compliance with the requirements of Title 5 Sections 53020-53034.

2. Publicizes grievance procedures and investigates all complaints of discrimination. After investigation of any complaints, recommends to Superintendent-President and Board of Trustees any action to be taken.

3. Works closely with administrators, supervisors, and department heads to ensure achievement of goals for both Classified and Certificated staff.

4. Provides guidance and clerical assistance to the Affirmative Action Committee as required in development and implementation of District's Affirmative Action Program.

5. Develops and implements an in-service orientation program embracing all facets of Civil Rights for entire college community using resources of Public Information Office and other available resources.

6. Develops and updates goals and timetables so as to effect positive action toward correction of identifiable underutilization.

7. Assumes responsibility for the revision of the Affirmative Action Program as the need for such change is identified.

8. Advises the District regarding status of recruitment for all personnel, including ethnic minorities, the disabled and women, for those classified and certificated positions in areas that may be falling short of goals.

9. Assumes, in cooperation with appropriate personnel, the role of contract compliance officer on behalf of the District to the extent required by applicable Federal and State laws.

10. Reviews, in cooperation with appropriate personnel, job announcements, job specifications and other job statements to ensure compliance with all Affirmative Action requirements.

11. Advises and assists all administrators of the nature, purpose and intent of laws, executive orders, policies, regulations, prepare memoranda, instructions and reports necessary for the implementation of the District's Affirmative Action Program.

12. Maintains liaison with County, State, and Federal agencies, as well as organizations concerned with the promotion of fair employment practice.

13. Represents the District at meetings, conferences, and other gatherings pertaining to affirmative action programs as approved by the Superintendent-President.

14. Works with appropriate individuals and agencies in ascertaining current population characteristics data for the District.

15. Compiles an annual report to the Superintendent-President and Board of Trustees on the progress of the District's Affirmative Action Program.

16. Reviews application forms and other hiring procedures to assure that information required is pertinent and necessary for duties to be performed (degrees, physical requirements, years of experience, skills, etc.).

17. Assumes other responsibilities and performs other duties as assigned by the Superintendent-President.
CHAPTER III - AFFIRMATIVE ACTION PROCEDURES FOR CLASSIFIED PERSONNEL

A. RECRUITMENT

OBJECTIVE: In carrying out the recruitment process, no qualified person shall be denied consideration of employment because of race, color, religion, sex, family relationship, age, disability, sexual orientation, marital status, creed, ancestry or national origin.

IMPLEMENTATION:

1. The Affirmative Action Officer will examine and monitor the District's recruitment processes to determine whether any discriminatory practices exist, and move to correct all such practices in accordance with Federal and State laws. To ensure equal employment opportunity, promotional opportunities will be open to all qualified employees and to all qualified applicants.

2. All permanent vacant positions will be advertised by the Personnel Department and various channels of recruitment will be contacted in developing a nondiscriminatory applicant pool. Vacancies will be posted for a minimum of one week. The mailing list shall include members of protected groups and related professional organizations. Any exception to this recruitment requirement shall be in accordance with Section 53021 of Title 5 Regulations.

3. All recruiting announcements must carry the statement, "An Affirmative Action-Equal Opportunity Employer." Under no circumstances shall a recruiting announcement or advertisement state that only members of a particular minority group or sex will be considered.

4. Application forms and position descriptions shall be carefully examined to eliminate any requirements or criteria which have the effect of excluding minorities, the disabled and women. This would also include the elimination of any criteria that unnecessarily exclude the disabled, senior citizens, etc.

5. When deemed appropriate, employment advertisements shall be used in newspapers and/or publications with wide minority, disabled and female circulation.

6. The Classified Personnel Director shall review each applicant pool. If qualified minorities, the disabled, and women are not adequately represented, the Classified Personnel Director shall take appropriate steps to address this issue. Such steps may include additional advertising, modifying any locally established qualifications beyond the State minimum qualifications, deferring the filling of the position, filling with a Temporary employee, etc.

7. Job announcements shall state clearly job specifications, setting forth those skills necessary to job performance and the required training and experience related to those skills. Only bonafide occupational qualifications may be included in job announcements.
B. SELECTION/HIRING

OBJECTIVE: It shall be the objective of the District to hire classified personnel in conformance with its Affirmative Action goal of providing equal employment opportunity. Appointments will be made in accordance with the current rules and regulations of the Santa Barbara Community College District providing they are consistent with the goals of Affirmative Action.

IMPLEMENTATION:

1. The nondiscrimination requirements of the Affirmative Action Program apply to all persons; no person may be denied employment or related benefits on the grounds of race, color, religion, sex, family relationship, age, disability, sexual orientation, marital status, creed, ancestry or national origin.

2. Hiring decisions and/or offers of employment may not be governed by unverified assumptions about an individual's willingness or ability to relocate because of his or her minority/sex/disability status.

3. Screening committees will be used in the selection process. Minority and women representation will be a requirement on each screening committee. Disabled representation is encouraged. In the event that no minorities and women are present in the department, the Affirmative Action Chairperson shall be contacted for assistance.

4. The selection process shall be documented and records maintained. A case file shall be maintained in the Personnel Office for each permanent vacancy providing: a summary of applicants and ethnic/sexual/disabled composition, job announcement, selection committee membership, questions and rating forms used, and related materials.

5. A nondiscriminatory selection process does not mean that an institution should indulge in "reverse discrimination" or "preferential treatment" which leads to the selection of the less qualified persons over the more qualified ones. The District is interested in staffing all of its positions with qualified persons without regard to race, color, religion, sex, family relationship, age, disability, sexual orientation, marital status, creed, ancestry or national origin.

6. All applicants shall be given an opportunity to identify themselves as being a member of a protected group when their application is submitted for purposes of monitoring employment practices. This confidential information will be maintained in the Affirmative Action Office for use in research and in evaluating the effectiveness of the District's Affirmative Action Program.

7. Selection devices such as interviews shall be solely based on job-related requirements. The Affirmative Action Officer shall ensure that the entire selection process shall be solely based on job-related criteria, a fair and impartial examination of the candidates based on job-related criteria, with job-related questions prepared in advance.

8. The Classified Personnel Director will, as appropriate, monitor the hiring process for adverse impact effect and, if found, implement solutions or confer with the Affirmative Action Officer to determine remedy.

C. TRAINING, UPGRADING, AND PROMOTION (UPWARD MOBILITY PROGRAM)
OBJECTIVE: It shall be the objective of the District to provide programs to upgrade the skills of all employees, including women and minority persons, in an effort to eliminate discrimination and ensure equal opportunity in promotion. In addition, in-service orientation for all employees, particularly supervisors, on the goals of Affirmative Action shall be instituted.

IMPLEMENTATION:

1. The District shall ensure that all employees are advised of promotional opportunities when they occur by announcing all vacancies.

2. When apparently qualified minority or female employees are passed over for promotion, department heads and/or supervisors may be required to submit written justification to the Personnel Department and to explain the decision to affected employees.

3. Each selection committee shall receive legal/AA orientation (Title 5 Sections 53020-53034 and state and federal non-discrimination laws) prior to the commencement of the interview process as deemed appropriate by the Affirmative Action Officer.

4. The District shall make special efforts to provide upward mobility and promotional opportunities for its employees, consistent with its Affirmative Action Policy:
   a. Upward Mobility Promotional Recruitment: In those cases where it has been determined by the Personnel Department that a sufficient number of qualified applicants exists among current District employees, and the pool of district employees has achieved proportionate representation, the Personnel Department may restrict competition to regular employees of the District who meet the prescribed qualifications for the class. This shall be done after review by the Director of Classified Personnel to ensure compliance with this policy.
   b. Upward Mobility Training: A vacant classified position may be underfilled by competitive appointment of a candidate to a lower, related class, provided approval is granted by the Director of Personnel Services and the selection process complies with the Affirmative Action Policy. The employee shall be trained for the higher level class, to which the employee may be promoted, upon successful completion of a prescribed training program. The promotion may be without further competition, provided that competition has been assured for appointment to the training class.
   c. Permanent Employee Preference: All persons involved in the screening, interviewing and selection process are encouraged to give preference to permanent classified service employees of the District, provided that education, experience, knowledge, and abilities of such employees are equal to those of non-district applicants.

5. Classified employee in-service training shall be provided in coordination with the Professional Growth Program to improve professionally the classified employees of the district. College course work, specialized training and other recognized educational activity shall be encouraged by providing cash bonuses for completion of approved activities.

6. The Affirmative Action Officer shall provide for a New Employee Orientation Program which shall include a review of the Affirmative Action Program.
D. ANTI-NEPOTISM POLICIES

OBJECTIVE: It shall be the objective of the District to eliminate any practice which prohibits or limits the simultaneous employment of two or more qualified members of the same family and which has an adverse impact upon one sex or another in employment.

IMPLEMENTATION:

1. The District shall review and monitor its practices to ascertain that an individual may not be denied an opportunity for employment, advancement, or benefits on the basis of any anti-nepotism rule or practice.

E. PLACEMENT, JOB CLASSIFICATION, AND ASSIGNMENT

OBJECTIVE: It shall be the objective of the District to develop placement, job classification, and assignment procedures which provide equal opportunity for all, including minority persons and women.

IMPLEMENTATION:

1. The District shall conduct an inventory of all classified job clusters to identify areas of "underutilization" of women and ethnic minority persons. Once completed, the personnel data should be controlled in strict confidence so that access is limited to only those who need to know and are involved in administering and reviewing the Affirmative Action Program and its goals. Summary data shall be made public.

2. Race, color, religion, sex, blood relationship, age, birth, disability, ancestry or national origin shall not be the basis for differentiating among job classifications. Special attention will be given to education, experience, and skill requirements to ensure that the requirements in themselves do not constitute inadvertent discrimination.

3. Classification language which discriminates against either sex will be eliminated. Any inequities in salaries paid men and women for comparable work will be eliminated.

F. LAYOFF

OBJECTIVE: Seniority rule will be applied in cases of layoff unless the District is legally enjoined to follow other prescribed procedures.

IMPLEMENTATION:

1. Seniority is an acceptable standard for termination with one exception: where an incumbent has been found in a court of law to have been the victim of discrimination and as a result has less actual seniority than he or she would have had but for such discrimination, either seniority cannot be used as the primary basis for termination, or the incumbent must be presumed to have the seniority which he or she would have had in the absence of discrimination.

2. Whenever such discrimination is charged as having denied an employee of rightful seniority, it shall be identified with respect to the specific circumstances alleged to have been the cause of discrimination. An unproved claim of discrimination shall not be sufficient to set aside applicable seniority rule.
G. CONDITIONS OF WORK, RIGHTS AND BENEFITS, SALARY, LEAVE POLICIES

OBJECTIVE: It shall be the objective of the District to adhere carefully to the concept of equal pay for equal work, and to ensure that conditions of work, rights and benefits, salary, and leave policies are nondiscriminatory.

IMPLEMENTATION:

1. The District will review existing policies regarding conditions of work, rights and benefits, salary and leave policies to ensure nondiscriminatory practices.

H. CLASSIFIED EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURES

OBJECTIVE: It shall be the objective of the District that Classified employees have an established procedure available for review of job-related complaints of discrimination.

IMPLEMENTATION

1. Whenever a job-related complaint of discrimination occurs, the employee may use the established grievance procedure provided in Appendix A. A complaint alleging that the District has violated the requirements of Subchapter 1 of Chapter 4 of Division VI of Title 5, Affirmative Action, of the California Code, may be submitted to the Vice President Human Resources/AAO who shall immediately forward the complaint to the Chancellor's Office.

2. Nothing in institutional grievance procedures prevents an employee from taking legal recourse where he/she feels a State or Federal law has been violated. The District's Affirmative Action Officer/Vice President, Human Resources shall not participate in Federal or State agency proceedings or lawsuits except as authorized by the District.
CHAPTER IV-AFFIRMATIVE ACTION PROCEDURES FOR CERTIFICATED PERSONNEL

A. RECRUITMENT

OBJECTIVE: In carrying out the recruitment process, no qualified person shall be denied consideration for employment because of race, color, religion, sex, family relationship, age, marital status, creed, disability, sexual orientation, ancestry or national origin.

IMPLEMENTATION

1. The Affirmative Action Officer will examine and monitor the District's recruitment and hiring processes to determine where discriminatory practices exist and move to correct all such practices in accordance with Federal and State laws. Where such an examination reveals that minority persons and women have been underutilized because of discriminatory practices, every good faith effort will be undertaken to ensure equal employment opportunity.

2. All permanent vacancies will be advertised by the Personnel Department and various channels of recruitment will be contacted in developing a nondiscriminatory applicant pool. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include the use of the California Community College Faculty and Staff Diversity Registry. Any exceptions to this recruitment requirement shall be in accordance with Section 53021 of Title 5 Regulations. Vacancies will be posted for a minimum of one week. The mailing list shall include members of protected groups and related professional organizations and shall be updated as necessary. Part-time opportunities will be periodically advertised using the area affirmative action mailing list and an annual pool of candidates established.

3. All recruiting announcements must carry the statement, "An Affirmative Action-Equal Opportunity Employer." Under no circumstances shall a recruiting announcement or advertisement state that only members of a particular minority group or sex will be considered.

4. Application forms and position descriptions shall be carefully examined to eliminate any requirements or criteria which have the effect of excluding minorities and women. This would also include the elimination of any criteria that unnecessarily exclude the disabled, senior citizens, etc.

5. When deemed appropriate, employment advertisements shall be used in newspapers and/or publications with wide minority and female circulation.

6. The Vice President, Human Resources shall review each applicant pool. If qualified minorities, the disabled, and women are not adequately represented, the Vice President, Human Resources shall take appropriate steps to address this issue. Such steps may include additional advertising, modifying any locally established qualifications beyond the State minimum qualifications, deferring the filling of the position, filling with a Temporary employee, etc.

7. Job announcements shall state clearly job specifications, setting forth those skills necessary to job performance and the required training and experience related to those skills. Only bonafide occupational qualifications may be included in job announcements.
B. **SELECTION/HIRING**

**OBJECTIVE:** It shall be the objective of the District to hire certificated personnel in conformance with its Affirmative Action goal of providing equal employment opportunity.

**IMPLEMENTATION:**

1. Affirmative Action goals are to be sought through recruitment and hiring for vacancies created by normal growth and attrition in existing positions.

2. Hiring decisions may not be governed by unverified assumptions about an individual's willingness or ability to relocate because of his or her minority status or sex.

3. Screening and interviewing committees will be used in the selection process. Minority and women representation will be a requirement on each committee. Disabled representation is encouraged. In the event that no minorities and women are present in the department, the Affirmative Action Committee Chairperson shall be contacted for assistance.

4. The selection process shall be documented and records maintained. A case file shall be maintained in the Personnel Office for each permanent vacancy providing: a summary of applicants and ethnic/sexual/disabled composition, job announcement, selection committee membership, questions and rating forms used, and related materials.

5. A nondiscriminatory selection process does not mean that an institution should indulge in "reverse discrimination" or "preferential treatment" which leads to the selection of the less qualified persons over the more qualified ones. The District is interested in staffing all of its positions with qualified persons without regard to race, color, religion, sex, family relationship, age, disability, sexual orientation, marital status, creed, ancestry or national origin.

6. All applicants shall be given an opportunity to identify themselves as being a member of a protected group when their application is submitted for purposes of monitoring employment practices. This confidential information will be maintained in the Affirmative Action Office for use in research and in evaluating the effectiveness of the District's Affirmative Action Program.

7. Hiring criteria for all faculty and administrators shall include demonstration of sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.

8. The Affirmative Action Officer will, as appropriate, monitor the hiring process for adverse impact effect and, if found, implement solutions or confer with the Superintendent-President to determine remedy.

9. Selection devices such as interviews shall be solely based on job-related requirements. The Affirmative Action Officer shall ensure that the entire selection process shall be solely based on job-related criteria, a fair and impartial examination of the candidates based on job-related criteria, with job-related questions prepared in advance.
C. TRAINING, UPGRADING, AND PROMOTION

OBJECTIVE: The District will make special effort to ensure that all employees in its certificated staff are given equal employment opportunity for in-service training, promotion and/or advancement. In-service orientation/training for all employees, particularly supervisors, on the goals of Affirmative Action shall be instituted.

IMPLEMENTATION:
1. The District shall ensure that all employees are advised of promotional opportunities when they occur by announcing all vacancies.
2. When apparently qualified minority or female employees are passed over for promotion, the selecting official or person directly responsible may be required to submit written justification.
3. The District shall sponsor various activities designed to professionally develop members of the faculty, e.g., seminars, workshops, Sabbatical Leave program, education abroad program, "Improvement of Instruction" grants, travel/conference funds, and Faculty Enrichment Committee.
4. Each selection committee shall receive legal/AA orientation (Title 5 Sections 53020-53034 and state and federal non-discrimination laws) prior to commencement of the interview process as deemed appropriate by the Affirmative Action Officer.
5. The Affirmative Action Officer shall provide for a New Employee Orientation Program which shall include a review of the Affirmative Action Program.
6. The District will establish a Faculty and Staff Development Program and Committee and the Affirmative Action Officer shall be a member of the committee.

D. ANTI-NEPOTISM POLICIES

OBJECTIVE: It shall be the objective of the District to eliminate any practices which prohibit or limit the simultaneous employment of two or more qualified members of the same family and which has an adverse impact upon one sex or another in employment.

IMPLEMENTATION:
1. The District shall review its current practices to ascertain that an individual may not be denied an opportunity for employment, advancement, or benefits on the basis of any anti-nepotism rule or practice.

E. PLACEMENT, JOB CLASSIFICATION, AND ASSIGNMENT

OBJECTIVE: It shall be the objective of the District to develop placement, job classification, and assignment procedures which provide equal opportunity for all.

IMPLEMENTATION:
1. The District shall conduct an inventory to identify areas of "underutilization" of women and minority persons in its certificated staff. Once completed, summary data will be made public.
2. No particular job classification shall be assigned to any particular group identified by race, color, religion, sex, family relationship, age, birth, marital status, disabled, sexual orientation, creed, ancestry or national origin.
F. LAYOFF

OBJECTIVE: Seniority rule will be applied in cases of layoff unless the District is legally enjoined to follow other prescribed procedures.

IMPLEMENTATION:

1. Seniority is an acceptable standard for termination with one exception: where an incumbent has been found in a court of law to have been the victim of discrimination and as a result has less actual seniority than he or she would have had but for such discrimination, either seniority cannot be used as the primary basis for termination, or the incumbent must be presumed to have the seniority which he or she would have had in the absence of discrimination.

2. Whenever such discrimination is charged as having denied an employee of rightful seniority, it shall be identified with respect to the specific circumstances alleged to have been the cause of discrimination. An unproved claim of discrimination shall not be sufficient to set aside applicable seniority rule.

G. CONDITIONS OF WORK, RIGHTS AND BENEFITS, SALARY, LEAVE POLICIES

OBJECTIVE: It shall be the objective of the District to adhere carefully to the concept of equal pay for equal work, and to ensure that conditions of work, rights and benefits, salary, and leave policies are nondiscriminatory.

IMPLEMENTATION:

1. The District will review and monitor existing policies regarding conditions of work, rights and benefits, salary and leave policies to ensure nondiscriminatory practices.

H. CERTIFIED EMPLOYEE DISCRIMINATION COMPLAINT PROCEDURES

OBJECTIVE: It shall be the objective of the District that Certificated employees have an established procedure available for review of job-related complaints of discrimination.

IMPLEMENTATION

1. Whenever a job-related complaint of discrimination occurs, the employee may use the established grievance procedure provided in Appendix A. A complaint alleging that the District has violated the requirements of Chapter 4 of Division VI of Title 5, Affirmative Action, of the California Code, may be submitted to the Vice President Human Resources/AAO who shall immediately forward the complaint to the Chancellor's Office.

2. Nothing in institutional grievance procedures prevents an employee from taking legal recourse where he/she feels a State or Federal law has been violated. The District's Affirmative Action Officer/Vice President, Human Resources shall not participate in Federal or State agency proceedings or lawsuits except as authorized by the District.
CHAPTER V - ESTABLISHMENT OF GOALS AND TIMETABLES

In accordance with adopted District Affirmative Action Policy, the District shall:

"Without establishing quotas, have as its goal an institutional work force in which the employment of minority group members, the disabled and women is adjusted at all levels until the distribution of minority group members, the disabled and women on the staff is reflective of the available and qualified work force. Procedures shall be established for implementing affirmative action which will ensure that an equitable distribution is achieved. Effectiveness of the procedures shall be determined by analyzing utilization of minority group members, the disabled and women separately."

IMPLEMENTATION:

1. Goals and timetables will be established in accordance with the requirements of Title 5, Sections 53003, 53006 and will be adjusted as the availability of minorities, the disabled and women and as their employment in the District change.
   a. Goals and timetables shall be determined and displayed separately for ethnic minorities, the disabled and women and established for each of the seven job categories of employment listed in the work force analysis discussed below.
   b. When deficiencies exist, the District shall establish and set forth specific three-year goals and timetables district-wide and submit them to the Chancellor's Office as required. Such goals and timetables shall be documented as part of the District's written Affirmative Action Program and shall be maintained in the District's Personnel Office.
   c. The goals and timetables shall be established in terms of the District work force analysis of deficiencies and a projection of anticipated vacancies, expansion, and attrition.

2. The Affirmative Action Officer shall conduct a work force analysis, in accordance with the provisions of Title 5, 53003 (6) and (7), for the following seven categories:

   Executive/Administrative/Managerial, Faculty and Other Instructional Staff, Professional Non-faculty, Secretarial/Clerical, Technical and Paraprofessional, Skilled Crafts, Service and Maintenance.

   The District shall annually survey its employees and supply the information required by the Chancellor's Office Information System, Staff Data File.

PLAN OF CORRECTIVE ACTION

In addition to the affirmative action recruitment and selection efforts outlined in Chapter III and IV of this Affirmative Action Program Plan and corrective action required by Title 5, Section 53006, special efforts will be made for identified areas to correct any underrepresentation reflected in the District's Affirmative Action Goals and Timetables. These special efforts for identified areas will include the following:

1. The Superintendent-President will meet with faculty, department heads, Deans and Vice Presidents who have regular vacancies to discuss the importance of the selection process and will request department head personal involvement in the recruitment efforts.

2. Faculty department heads with vacancies will be invited to participate in Job Fairs and will be urged to make personal recruitment contacts with their colleagues at other schools for underrepresented faculty.

3. Faculty and staff diversity funds shall be used to support travel and attendance at appropriate conferences for the purposes of affirmative action recruitment.

4. Expanded affirmative action advertising in local newspapers will be made for adjunct part-time faculty. Faculty internships with area colleges will be encouraged.

5. Classified advertising via area newspapers will be expanded when vacancies occur. Department heads will be asked to provide the Personnel Department with targeted recruitment sources.
6. Expand the use of recruitment sources including the use of the internet and the California Community College Faculty & Staff Registry.
CHAPTER VI - AFFIRMATIVE ACTION FOR THE STUDENT BODY

A. AFFIRMATIVE ACTION FOR HIGH SCHOOL STUDENT RECRUITMENT

OBJECTIVE: In accordance with State Law (ACR 151), it shall be the objective of the District to prepare an annual evaluation and plan that will address the minority, economic and sexual underrepresentation in the makeup of the District's student body as compared to the composition of area high school graduates.

IMPLEMENTATION:

The Vice President, Student Affairs, will be responsible for preparation of an annual report. The report shall consider the following methods for fulfilling this objective:

1. Affirmative efforts to search out and contact qualified students.
2. Additional services provided for students with unique needs.
3. Augmented students financial assistance programs.
4. Improved matriculation for disadvantaged and underrepresented students.

The plan and subsequent progress reports will include appropriate statistical data regarding high school and District student body composition. A copy of the plan will be submitted to the Affirmative Action Committee and the Board of Trustees.

B. AFFIRMATIVE ACTION FOR COLLEGE STUDENT BODY

OBJECTIVE: It shall be the objective of the District that an annual report and plan be made by each program area in Student Affairs to determine whether any of the following conditions exist: discrimination; ethnic/sexual/disabled underrepresentation or program inequities based upon sex; job recruitment and job placement which discriminates on the basis of sex, disabled or minority status. Whenever such conditions are found to exist, affirmative corrective steps will be taken.

IMPLEMENTATION:

It shall be the responsibility of the Vice President, Student Affairs to provide for an annual report by all Student Support Services program heads, to be submitted to the Affirmative Action Committee for their review. The report will include the following informational data:

1. Overview and objectives of the program.
2. Number and percentage of minority and underrepresented program participants (if available).
3. Affirmative steps taken or planned to increase the number of minorities and women in each program. Steps taken which will encourage the coordination of and referral to other Student Services and Instructional programs (i.e., EOPS, DSPS, C.A.R.E., Gender Equity, Child Care Center, Tutorial, etc.).
C. CURRICULA

OBJECTIVE: In all areas of instruction, there shall be no discriminatory treatment of women and minorities, either by omission or commission.

IMPLEMENTATION:

1. In the classrooms all instructors should make sincere efforts to cease using the generic masculine forms "man," "he," "him," and "his" and to avoid using terms in reference to minorities which these groups find derogatory, distasteful, or pejorative. Future textbook selections should reflect these values.

2. In instructional materials, lectures, and classroom discussion, the contributions and participation of minorities and women shall be introduced.

3. Department chairpersons shall make reports to the Affirmative Action Committee when so requested.

D. TITLE IX

The Women's Athletic Coordinator is designated as the Title IX Coordinator and shall be responsible for coordinating Title IX efforts and to process complaints. The Coordinator shall notify all employees and students of the name, office address, and telephone of the Title IX Coordinator.
CHAPTER VII -AFFIRMATIVE ACTION REQUIREMENTS FOR OFF-CAMPUS FIRMS AND CONTRACTORS

OBJECTIVE: It shall be the objective of the District to discharge its legal responsibilities as required by Executive Order 11246, as amended, providing for off-campus subcontractor implementation of the Equal Opportunity Clause and certification of nonsegregated facilities.

IMPLEMENTATION

1. Any contract with a total price of $10,000* or more entered into with an outside firm or contractor must comply with the Equal Opportunity Clause and the provision for certification of nonsegregated facilities as set forth in Title 41, Chapter 60-1. It is the District's responsibility to notify the firm or contractor of their responsibility and their intent to comply.

2. Should questions arise regarding such intent, the District may require that the outside firms or contractors submit copies of their Affirmative Action Program, if appropriate, and attend pre-award conferences.

3. The Vice President, Business Services will be responsible for insuring that the above legal requirements and procedures are complied with and appropriate documentation is maintained.

* Less than $10,000 if District has reason to believe that the amount to be ordered in any year will exceed $10,000.
CHAPTER VIII - AFFIRMATIVE ACTION FOR PEOPLE WITH DISABILITIES

POLICY STATEMENT

The Santa Barbara Community College District shall not discriminate against any employee or applicant for employment because of disabilities in regard to any position for which the employee or applicant for employment is qualified. The District will take affirmative action to employ, advance in employment and otherwise treat qualified disabled individuals, without discrimination based upon their physical or mental handicap, in all employment practices such as the following: employment, promotion, demotion, recruitment, layoff or termination, compensation and selection for training.

IMPLEMENTATION:

1. The District will review its personnel practices and policies to determine whether any discriminatory practices exist and move to correct all such practices.

2. Hiring decisions and/or offers of employment shall not be governed by unverified assumptions about an individual's willingness or ability to perform the job. All interviewing committees will be informed that it is the District's medical doctor, not the committee, who determines whether an applicant is physically or mentally able to do the job or whether he or she has a disability which would disqualify him/her from doing the job.

3. All District Classified and Certificated job vacancy announcements will be distributed to appropriate service organizations and vocational rehabilitation agencies. Contact will be maintained with these agencies for purposes of advice and technical assistance regarding problems and concerns of the handicapped.

4. The District will attempt to make a reasonable accommodation to the disabilities of employees and applicants. For example, improving access to the facilities, changing equipment, and adaptive equipment.

5. All District minimum pre-employment physical requirements will be reviewed for their job relatedness.

6. Whenever a job related complaint of discrimination occurs, a discussion between the affected employee and the appropriate supervisor and department head will be held. During the discussion an attempt will be made to resolve the issue on an informal basis. The District Affirmative Action Officer/Vice President, Human Resources will, if requested, act in an advisory capacity and may utilize the resources of the Disabled Student Program and Services as appropriate. If the issue is not resolved at this level, the employee may use the established grievance procedures.

7. The Coordinator of the Disabled Student Program and Services (DSPS) is designated as the District's Americans with Disabilities Act (ADA) and 504 Coordinator and shall be responsible for coordinating compliance with the ADA and Section 504 and shall take continuing steps to notify employees, students, and the public that the District does not discriminate on the basis of disability.

8. The District shall establish goals and timetables for the disabled, as described in Chapter V of this program plan, provided that data on the availability of persons with disabilities who are qualified is furnished by the Chancellor's Office.
CHAPTER IX - SEXUAL HARASSMENT

I. POLICY STATEMENT

It is the policy of Santa Barbara City College to provide an educational and employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined and otherwise prohibited by State and Federal statutes.

It shall be a violation of this policy for anyone to engage in sexual harassment and any person who engages in such sexual harassment, as defined below, will be subject to disciplinary action pursuant to established District policies and applicable laws.

II. DEFINITION

The following definition* will aid in identifying the kinds of behavior which constitute sexual harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other College activity; 2) submission to or rejection of such conduct by an individual is used as a basis for making academic or personnel decisions affecting an individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive College environment.

III. EXAMPLES

Sexual harassment includes, but is not limited to the following misconduct:

- Unwanted sexual advances.
- Offering employment benefits in exchange for sexual favors.
- Making or threatening reprisals after a negative response to sexual advances.
- Visual conduct: leering, making sexual gestures, inappropriately displaying of sexually suggestive objects or pictures, cartoons or posters not legitimately related to the subject matter of the work, course, program or activity in which one is involved.
- Inappropriate verbal conduct: making or using derogatory comments, epithets, slurs, and jokes.
- Verbal sexual advances and propositions.
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, notes, or invitations.
- Inappropriate physical conduct: touching, assault, impeding or blocking movements.

In determining whether the alleged conduct constitutes sexual harassment, consideration should be given to the record as a whole and to the totality of the circumstances, including the nature of the sexual advances and the context in which the alleged incidents occurred.
IV. PROCESS

Any person who feels s/he is subject to sexual harassment should follow the grievance procedures contained in Appendix A of this program plan.

* Equal Employment Opportunity Commission (EEOC) Guidelines
APPENDIX A

SANTA BARBARA COMMUNITY COLLEGE DISTRICT

NOTICE OF NON-DISCRIMINATION POLICY AND GRIEVANCE PROCEDURE

This notice is disseminated to all students, applicants for admission and employment, employees, program participants, employee organizations, and other members of the college community.

POLICY

All programs and activities in the Santa Barbara Community College District shall be available to all qualified persons without regard to ethnic group identification, religion, age, sex, sexual orientation, color, or physical or mental disability. No person shall be denied the benefits of any District program or activity on the basis of ethnic group identification, religion, age, sex, sexual orientation, color, or physical or mental disability.

GRIEVANCE PROCEDURES

A. The District is adopting regulations to ensure that its programs and activities are available to all persons without regard to ethnic group identification, religion, age, sex, color, or physical or mental disability. The regulations provide for the investigation of alleged unlawful discrimination in its programs or activities. This District will seek to resolve the complaints in an expeditious manner and within ninety (90) days.

B. The District officer responsible for ensuring District compliance with rules and regulations adopted by the Board of Governors of the California Community Colleges regarding unlawful discrimination shall be:

   Daniel Oroz, Vice President, Human Resources
   Personnel Department (SS-230)
   721 Cliff Drive
   Santa Barbara, CA 93109-2394

C. The District will provide annual notice of this policy against unlawful discrimination at this community college district to students, job applicants and new employees when they commence working, and to all current employees. Posters which contain the basic legal requirements will be posted in places readily accessible to students, job applicants, and current employees.

D. The responsible District officer shall make available to all students, job applicants and employees the complaint form established by the Chancellor.

E. In accordance with Section 59328a(4) of Title 5, the complaint shall 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 allegation of unlawful discrimination.

F. District Investigation

1. Applicants for Employment
Discrimination complaints by applicants for employment shall be investigated by the Vice President, Human Resources.

2. Employees

a. Informal: Whenever a job-related complaint of discrimination occurs, the affected employee may contact the Vice President, Human Resources for advice. In addition, a discussion between the affected employee and the appropriate supervisor and department head may be held. During the discussion an attempt will be made to resolve the issue on an informal basis.

   In addition, the complainant will be informed:
   (1) that he/she need not participate in an informal resolution.
   (2) of the procedure for filing a complaint with the Chancellor of the California Community Colleges or the officer designated in this policy for the District.
   (3) that he/she may file a complaint with the office for Civil Rights of the U.S. Department of Education.

b. Formal: If the issue is not resolved at this informal level, the employee may file a formal complaint. The formal complaint shall be in a form prescribed by the Vice President, Human Resources. Discrimination complaints by district employees shall be investigated by a committee appointed by the Superintendent/President. Whenever possible, the committee shall include minorities and females and shall be composed of three (3) members, one (1) from each of the following areas: classified, faculty, and administration/management. The committee shall elect a Chairperson who shall be responsible for coordinating the investigation. The Vice President, Human Resources, shall, if requested, act in an advisory capacity. Upon conclusion of the investigation, a confidential written report as described in section F(4) of this policy will be prepared for the Superintendent/President by the committee.

The Vice President, Human Resources shall be responsible for District compliance with the provisions of AB803 and its reporting requirements for all employment discrimination complaints.

3. Students

Discrimination complaints by students will be assigned to the Assistant Dean, Admissions and Records or his/her designee, who shall be responsible for investigation of all student discrimination complaints and compliance with provisions of AB803 and its reporting requirements. An attempt will be made for resolution of the issue on an informal basis.

   In addition, the complainant will be informed:
   (1) that he/she need not participate in an informal resolution.
   (2) of the procedure for filing a complaint with the Chancellor of the California Community Colleges or the officer designated in this policy for the District.
   (3) that he/she may file a complaint with the office for Civil Rights of the U.S. Department of Education.
4. If either of the above officers or a member of his/her staff is a party to the complaint, the Superintendent/President shall appoint another person to investigate the complaint.

5. In accordance with Section 59334 of Title 5, the District investigation shall proceed as follows:

Upon receiving a complaint which is properly filed in accordance with Section E of this policy, the district will commence an impartial fact-finding investigation of that complaint and notify the complainant and Chancellor that it is doing so. The results of the investigation shall be set forth in a confidential written report which shall include at least all of the following:

a. A description of the circumstances giving rise to the complaint;

b. A summary of the testimony provided by each witness, including the complainant and any witnesses identified by the complainant in the complaint;

c. An analysis of any relevant data or other evidence collected during the course of the investigation;

d. A specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint; and

e. Any other information deemed appropriate by the District.

G. Administrative Determination and Notice to Complainant

In accordance with Section 59336 of Title 5 and when the investigation is completed, the District will attempt to resolve any valid complaint and will take such action as it deems necessary to correct the effect of the unlawful discrimination and to ensure that no unlawful discrimination will occur in the District.

Within ninety (90) days of receiving a complaint, the district shall complete its investigation and forward all of the following to the complainant:

1. A copy or summary of the investigative report required pursuant to Section F(4) of this policy;

2. A written notice setting forth:
   a. the determination of the Superintendent/President as to whether discrimination did or did not occur 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 Chancellor pursuant to Section H of this policy.

H. Final District Decision/Appeals

Appeals will be handled in accordance with Section 59338 of Title 5 as follows:

1. If the complainant is not satisfied with the results of the administrative determination of the Superintendent/President pursuant to Section G of this policy, the complainant may within fifteen (15) days submit a written appeal to the Board of Trustees. The Board of Trustees shall review the original complaint, the investigative report, the administrative determination, and the appeal and issue a final district decision in the matter within
forty-five (45) days after receiving the appeal. A copy of the final district decision rendered by the Board of Trustees shall be forwarded to the complainant and to the Chancellor. The complainant shall also be notified of his or her right to appeal this decision. If the Board of Trustees does not act within forty-five (45) days, the administrative determination by the Superintendent/President shall be deemed approved and shall become the final district decision in the matter.

2. In any case not involving employment discrimination, the complainant shall have the right to file a written appeal with the Chancellor within thirty (30) days after the Board of Trustees issues the final district decision or permits the administrative determination to become final pursuant to subsection (1).

3. In any case involving employment discrimination, the complainant may file a complaint with the Department of Fair Employment and Housing. In addition, in such cases, the complainant may file a petition for review with the Chancellor within thirty (30) days after the Board of Trustees issues the final district decision or permits the administrative determination by the Superintendent/President to become final. The Chancellor shall have discretion to accept or reject any such petition for review in employment discrimination cases.

I. Forward to Chancellor

In accordance with Section 59340 of Title 5, within 150 days of receiving a complaint, the district will forward the following to the Chancellor:

a. The original complaint;

b. The Report required pursuant to Section F(4) of this policy describing the nature and extent of the investigation conducted by the district;

c. A copy of the notice sent to the complainant pursuant to Section G(2) of this policy;

d. A copy of the final district decision rendered by the Board of Trustees or a statement indicating the date on which the administrative determination of the Superintendent/President became final pursuant to Section H of this policy;

e. A copy of the notice to the complainant required pursuant to Section H of this policy;

f. Such other information as the Chancellor may require.

J. Extensions: Failure to Comply

If a district, for reasons beyond its control, is unable to comply with the 150 day deadline specified in Section I of this policy for submission of materials to the Chancellor, the district may file a written request that the Chancellor grant an extension of the deadline. The request shall be submitted no later than ten (10) days prior to the expiration of the deadline established pursuant to Section I of this policy and shall set 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 shall be sent to the complainant who may file written objections with the Chancellor within five (5) days of receipt.

The Chancellor may grant the request unless delay would be prejudicial to the complainant.

Orozaff, lb

December, 1997