



## **AP 3420      EQUAL EMPLOYMENT OPPORTUNITY**

### **References:**

- Education Code Sections 87100 et seq.;
- Title 5 Sections 53000 et seq. and Sections 59300 et seq.;
- ACCJC Accreditation Standard III.A.11

### **Equal Employment Opportunity (EEO) Plan**

The Board shall adopt a District-wide, written plan that implements the District's EEO Program, that includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of plans and revisions to the State Chancellor's Office for review as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this procedure;
- 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 District employees who are to participate on screening or selection committees 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 applicants for openings within the District;
- An analysis of the number of persons from "monitored groups", as defined by Title 5 Section 53001(i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below.
- An analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the State Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the 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, and;
- Additional steps to address any significant underrepresentation of monitored groups identified in the plan.

The plan shall be a public record.



The District shall make a continuous good faith effort to comply with the requirements of the plan.

### **Annual Evaluation**

- The District shall conduct an annual analysis of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- The District shall provide an annual report to the State Chancellor's Office on the results of its annual survey of employees. The report shall identify each employee as belonging to one of the following seven job categories:
  - executive/administrative/managerial
  - faculty and other instructional staff
  - professional non-faculty
  - secretarial/clerical
  - technical and paraprofessional
  - skilled crafts; and
  - service and maintenance.
- Each employee shall be provided the opportunity to identify his/her gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she identifies. However, the person may only be counted in one group for reporting purposes.

### **EEO Advisory Committee**

The District shall establish an EEO Advisory Committee which will be comprised of a diverse membership whenever possible.

## **EMPLOYMENT PROCEDURES**

### **Job Analysis**

The Chief Human Resources Officer shall assure that a proper job analysis is performed for every job filled by the District to determine 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 list of the representative 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 current District work force.

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

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, 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 primarily serve members of monitored groups that are underrepresented in the District.

Recruitment for classified positions shall include notice to all District employees, notice to Employment Development Department, notice to local public agencies, and advertising on relevant websites.

### **Applicant Pools**

The application for employment shall afford each applicant an opportunity to identify himself/herself voluntarily as to gender, ethnicity and, if applicable, his/her 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 analyzed to determine whether the desired representation has been achieved for monitored groups. If the recruitment efforts have failed to attract a sufficiently diverse applicant pool, the District may extend the recruitment period and expand the recruitment efforts accordingly to improve the diversity of the applicant pool.

### **Screening and Selection**

Screening, selecting, and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. Pursuant to Title 5 Section 53024, whenever possible, screening committees shall include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.

- Hiring procedures will be provided to the State Chancellor's Office on request.
  - All job-related assessments and exercises conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.



- Selection committees are developed that are representative of the District community and campus; include a diverse membership; do not include persons who have written letters of recommendation unless the author of the letter can remain objective and neutral throughout the selection process.
- Every selection committee participates in an orientation with Human Resources which includes training related to conformance with EEO requirements. The Chief Human Resources 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; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.

### **Delegation of Authority**

- The Chief Human Resources Officer shall be designated as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- In the event the EEO Officer is named in a complaint or implicated by the allegations in a complaint, the Superintendent/President shall appoint an outside investigator to review the complaint. In the event the Superintendent/President is named in a complaint or implicated by the allegations in a complaint, the President of the Board of Trustees shall appoint the investigator, will receive the report, and the Board of Trustees will make determination on any final action.

### **Complaint Procedure**

The Chief Human Resources Officer has been appointed the EEO Officer. Informal charges of unlawful discrimination should be brought to the attention of the EEO Officer. The EEO Officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the EEO Officer is named in the complaint or implicated by the allegations in the complaint.

When a person brings charges of unlawful discrimination the EEO Officer must:

- Undertake efforts to resolve the charge informally;
- Advise the complainant that he/she need not participate in an informal resolution of the complaint;
- Notify the complainant of the procedures for filing a formal complaint;
- Notify the complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.
- If the complainant, a student or an employee, files a formal complaint, the EEO Officer must also forward a copy of the complaint to the State Chancellor’s Office.

A formal complaint not involving employment must be processed if it is 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.



A formal complaint alleging discrimination in employment must be filed within 180 calendar days of the date of the alleged unlawful discrimination, unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 calendar days.

The complaint must be filed by someone who alleges that he/she has personally suffered unlawful discrimination, or by someone who has learned about unlawful discrimination in his/her official capacity.

When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the State Chancellor's Office that it is doing so.

When the investigation is done, the results must be set forth in a written report. The written report must include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.

In any case that does not involve employment discrimination, the District must provide the State Chancellor's Office with a copy of the investigative report within 90 calendar days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within 90 calendar days from the date the District received the complaint. The State Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the EEO Officer as to whether discrimination 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; and notice of the complainant's right to appeal to the Board of Trustees and the State Chancellor's Office.

In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the EEO Officer as to whether discrimination 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; and the complainant's right to appeal to the Board of Trustees and to file a complaint with the Department of Fair Employment and Housing (DFEH).

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the Board of Trustees within 15 working days from the date of the notice of the administrative determination. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within 45 calendar days of receiving the appeal.



In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the State Chancellor's Office. The complainant must be notified of his/her right to appeal. In any case involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his/her right to file a complaint with the DFEH.

Where the Board does not act within 45 calendar days the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and in cases not involving employment discrimination, the State Chancellor's Office, that the Board took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his/her right to appeal the District's decision to the State Chancellor's Office. In cases involving employment discrimination, the complainant shall be notified of his/her right to file a complaint with the DFEH.

In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the State Chancellor's Office within 30 calendar days after the Board issues the final District decision, permits the administrative decision to become final or from the date that notice of the District's final decision was provided to the complainant pursuant to Title 5 Section 59338(b) or (d), as applicable.

The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the State Chancellor's Office may require.

### **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 ethnic and racial minorities, women, persons with disabilities, and veterans. No person shall be denied employment because of 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, military and veteran status, 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, 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 all units of employees.



Statements of nondiscrimination shall be posted on the District website, where applications for employment are available.

The EEO Plan shall be reviewed at least every three years and, if necessary, revised and submitted to the State Chancellor's Office within 90 calendar days of the effective date of the revision or amendment(s).

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**Date Approved:** April 10, 2015

**Legal Reference Update #25:** November 2015

**Legal Reference Update #26:** April 2015