PERALTA COMMUNITY COLLEGE DISTRICT
Office of Human Resources & Employee Relations

Memorandum

Date: June 7, 2013

To: Dr. José M. Ortiz, Chancellor
Board of Trustees

From: Trudy Largent, J.D.
Vice Chancellor, Human Resources & Employee Relations

Subject: Executive Summary: Peralta Community College District's Equal Employment Opportunity Plan

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The Peralta Community College District serves the communities of Alameda, Oakland, Albany, Berkeley, Emeryville and Piedmont, employs 1,300 full-time and part-time employees, and serves 19,481 total full-time equivalent students.

The Equal Employment Opportunity Plan (hereinafter referred to as the EEO Plan) reflects the District's commitment to equal employment opportunity. The District takes active and vigorous steps to ensure equal employment opportunity and to create a working and academic environment, which is welcoming to all in order to foster diversity and promote excellence.

Through an educational experience in an inclusive environment, our students are better prepared to work and live in an increasingly global society. To properly serve a growing diverse population, the District endeavors to hire, promote, and retain faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

For the Board's information, included are the following demographic data for the District:

1. Ethnicity of the District's workforce population by job category and site location (Appendix I)

2. Ethnicity of the applicant pool data for the 21 full-time faculty positions for Fall 2013 hires funded by the Parcel Tax, according to college discipline. Also included is the ethnicity by discipline of the selected candidate if the recruitment and selection process has concluded. (Appendix II). Once the recommendations for candidates are completed, the demographics report will be updated and included in the District's Diversity Report, which is a component of the EEO Plan.

3. Ethnicity of the part-time faculty by college (Appendix III)

4. Ethnicity of students served by the District and the District Office for Fall 2012 (Appendix IV)

5. Bay Area 2010 Census Report for Alameda County and the communities served by the District (Appendix V).

6. Employee to Student Ethnicity Demographics Ratio by College (Appendix VI)

The Equal Employment Opportunity Plan is the result of a collaborative effort by the appointed representatives from the different constituent groups within the District. The "2006 Model EEO Plan and Guidelines for California Community Colleges" (State's Model Plan) served as the foundation for the development of the Equal Employment Opportunity Plan. The list of Title 5 requirements and legal citations for the Equal Employment Opportunity Plan is enclosed (Appendix VII). The District's Equal Employment Opportunity Task Force reviewed the sixteen (16) components that constitute the Model Plan, and included Board Policy 3420 (Equal Employment Opportunity) and Board Policy 7100 (Commitment to Diversity). The Equal Employment Opportunity Plan was approved by Chancellor's Cabinet and recommended by the Policy and Budget Committee (PBC).

Following the adoption by the Board of Trustees, the Equal Employment Opportunity Plan will be submitted to the State Chancellor's Office by June 28, 2013, as provided by Title 5.

Peralta Community College District

Equal Employment Opportunity Plan

Adopted: June __, 2013

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I. Introduction

The Peralta Community College District's (District) Equal Employment Opportunity Plan (EEO Plan) addresses the requirements of Education Code section 87106(b) for compliance with the Board of Governors' regulations on equal employment opportunity hiring, applicable state and federal nondiscrimination statutes (Title VII Civil Rights Acts of 1964, Rehabilitation Act of 1973, etc...), and for guidance in improving the equality of opportunity at Peralta Community College District. The principle of equal employment opportunity applies to all aspects of the employment relationship and includes, but is not limited to, initial consideration for employment, evaluation of performance, promotion and advancement, compensation, access to training and other professional-development opportunities.

Peralta Community College District's Equal Employment Opportunity Plan was adopted by the Board of Trustees on June __, 2013. The Equal Employment Opportunity Plan reflects the District's commitment to equal employment opportunity where all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. It is the District's belief that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment which is welcoming to all, will foster diversity, promote excellence and provide a positive student learning experience.

Equal employment opportunity should exist at all levels and in all job categories listed in section 53004(a) of Title 5. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to all individuals. This Equal Employment Opportunity Plan is a written document in which workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

Through an educational experience in an inclusive environment, our students will be better prepared to work and live in an increasingly global society. The Equal Employment Opportunity Plan Plan's immediate focus is equal employment opportunity in recruitment and hiring policies and practices pursuant to the applicable Title 5 regulations (section 53000 et. seq.) and the steps the District shall take in the event of underrepresentation of monitored groups. The Equal Employment Opportunity Plan also includes the requirements for a complaint procedure for noncompliance with the Title 5 provisions relating to equal employment opportunity programs; complaint procedures in instances of unlawful discrimination; establishment of an Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all[1]; and procedures for dissemination of the Equal Employment Opportunity Plan. To properly serve a growing diverse population, the District will endeavor to hire and retain diverse faculty and staff who are sensitive to and knowledgeable of the needs of the continually changing student body it serves.

[1] Diversity and equal employment opportunity are related but separate concepts. An environment that promotes principles of diversity simultaneously promotes an accepting environment for implementation of equal employment opportunity. Because of the interrelationship of diversity and Equal Employment Opportunity Plan, Plan Component 14 is dedicated to diversity programs and projects as a way to further Equal Employment Opportunity Plan efforts.

II. Plan Component 2: Definitions

A. Guidelines

The District uses the following definitions to provide clarification and understanding of specific terms used to help define Equal Employment Opportunity Plan vocabulary. The definitions are taken from Title 5, section 53001. The definition of "diversity" is not in Title 5, but it encompasses important considerations of inclusion that appear throughout the District's Plan.

B. Definitions

a) Adverse Impact: a statistical measure (such as those outlined in the Equal Employment Opportunity Plan Commission's Uniform Guidelines on Employee Selection Procedures) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.

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

c) Diversity: means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. A diverse educational community recognizes the educational benefits that flow from employee populations that are varied by race, gender, disability status, belief, age, national origin, cultural background, life experience and other enriching characteristics.

d) Equal Employment Opportunity: means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories listed in section 53004(a). Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination by Title 5, section 53000 et seq.

e) Equal Employment Opportunity Plan: a written document in which a District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

f) Equal Employment Opportunity Programs: all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.

g) *(1) Ethnic Minorities:* American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

(2) Ethnic Group Identification: means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

h) *Goals for Persons with Disabilities:* a statement that the District will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the workforce and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.

i) *In-house or Promotional Only Hiring:* means that only existing District employees are allowed to apply for a position.

j) *Monitored Group:* means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a). (Monitored groups are men, women, American Indians/Alaskan Natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.)

k) *Person with a Disability:* any person who (1) has a physical or mental impairment as defined in Government Code, section 12926 which limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.

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

m) *Reasonable Accommodation:* the efforts made on the part of the District to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in section 53025.

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

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

p) *Target Date:* a point in time by which the District plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.

q) *Timetable:* a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

III. Plan Component 3: Policy Statements - BP 3420 Equal Employment Opportunity and BP 7100 Commitment to Diversity

The District's Board Policy 3420 (Equal Employment Opportunity) states that, "The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. The Board agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, harmony, respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program. The Chancellor shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation."

The District's Board Policy 7100 (Commitment to Diversity) states that, "The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates."

IV. Plan Component 4: Delegation of Responsibility, Authority and Compliance

It is the goal of the Peralta Community College District that all employees promote and support equal employment opportunity because equal employment opportunity requires a commitment and a contribution from every segment of the District. The general responsibilities for the prompt and effective implementation of this Plan are set forth below.

1. **Board of Trustees**
   The Board of Trustees is ultimately responsible for proper implementation of the District's Plan at all levels of District and college operation, and for sustaining equal employment opportunity as described by methods in the Plan.

2. **Chancellor**
   The Board of Trustees delegates to the Chancellor the responsibility for the ongoing implementation, review and recommending approval of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Chancellor shall advise the governing board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report to the Board on Plan implementation. The Chancellor shall evaluate the performance of all administrative staff who report directly to him/her on their ability to follow and implement the Plan.

3. **Equal Employment Opportunity Officer**
   The District has designated the Vice Chancellor for Human Resources and Employee Relations as the Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the Plan. The Equal Employment Opportunity Plan Officer is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of Title 5, sections 53000 et seq. The Equal Employment Opportunity Plan Officer is also responsible for receiving and investigating complaints described in Plan Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.

Examples of Other Activities the Equal Employment Opportunity Plan Officer might engage:

- Develop a Service Award Program for outstanding equal opportunity efforts;
- Conduct open forums to create opportunities to voice concerns, opinions, and achievements;
- Conduct regular "brown bag" information sessions on equal opportunity issues

4. **Equal Employment Opportunity Advisory Committee**
   The District will establish an Equal Employment Opportunity Advisory Committee to act as an advisory body to the Equal Employment Opportunity Officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Equal Employment Opportunity Advisory Committee shall assist in the implementation of the Plan in conformance with state and federal

regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for Plan revisions as appropriate.

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

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

V. Plan Component 5: Advisory Committee

The District will establish an Equal Employment Opportunity Advisory Committee to assist the district in implementing its Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The Equal Employment Opportunity Officer shall train the advisory committee on equal employment compliance and the Plan itself. The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District has been unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups.

The Advisory Committee composition should include the following representatives:

One (1) Student – Appointed by Peralta Student Council
Two (2) DAS Faculty Appointments
One (1) PFT Faculty Appointment
Two (2) Administrators appointed by the Chancellor or designee
Two (2) Classified Senate/Confidential Appointments
One (1) Joint Union Appointment (SEIU/Local 39)
One (1) DSPS Coordinator
One (1) Community Member
One (1) Member from the Peralta Asian Pacific American Association
One (1) Member from the Peralta Association of African American Affairs
One (1) member from any other Peralta organization recognized by the Chancellor's Office

The Equal Employment Opportunity Advisory Committee shall hold a minimum of three (3) meetings per fiscal year, with additional meetings if needed to review Equal Employment Opportunity and diversity efforts, programs, and policies. The committee will issue an annual report to forward recommendations and report on the status of any projects. The committee is charged with:

1. Reviewing the programs of the District as they relate to equal opportunity areas;
2. Recommending administrative measures to improve the District's performance; and
3. Fostering awareness of equal opportunity issues.

VI. Plan Component 6: Complaints

1. Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026). The District has established the following process permitting any person to file a complaint alleging that the requirements. The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the sixty (60) day limitation.

2. Complaints alleging violations of the Plan that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing. A complainant may not appeal the District's determination pursuant to section 53026 to the California Community Colleges State Chancellor's Office, but under some circumstances, violations of the equal opportunity regulations in Title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the Chancellor's Office, but the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the college and/or District level using the process provided by section 53026. (See California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints at: http://extranet.cccco.edu/Portals/1/Legal/Guidelines/Min_Cond_Complaints.pdf.

3. Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.) The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Vice Chancellor for Human Resources and Employee Relations is responsible for receiving such complaints and for coordinating their investigation. The District's discrimination and sexual harassment complaint procedures are posted and maintained on the Human Resources website: http://web.peralta.edu/hr/files/2010/09/Complaint-and-Investigation-Procedures-for-Employees-and-Students-Unlawful-Discrimination-and-Sexual-Harassment2.pdf.

4. Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.) The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Vice Chancellor for Human Resources and Employee Relations is responsible for receiving such complaints and for coordinating their investigation. The District's discrimination and sexual harassment complaint procedures are posted and maintained on the Human Resources website.

VII. Plan Component 7: Notification to District Employees

The commitment of the Board of Trustees and the Chancellor to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the Plan. The policy statement will be printed in the college catalogs and class schedules. The Plan and subsequent revisions will be distributed to the Board of Trustees, the Chancellor, administrators, the academic senate leadership, union representatives and members of the District Equal Employment Opportunity Advisory Committees. The Plan will be available on the District's website, and when appropriate, may be distributed by e-mail.

The Office of Human Resources and Employee Relations will provide all new employees with a copy of the written notice described above when they commence their employment with the District.

An annual notice may contain the following provisions:

1. The importance of the employee's participation and responsibility in ensuring the Plan's implementation.
2. Where complete copies of the Plan are available, including in each college library, in the District's public folders, on the college and District websites, the Chancellor's Office, and the Office of Human Resources and Employee Relations.

VIII. Plan Component 8: Training for Screening/Selection Committees

Any organization or individual, whether or not an employee of the District, who is involved in the recruitment and screening/selection of personnel shall receive appropriate training on the requirements of the Title 5 regulations on equal employment opportunity (section 53000 et. seq.); the requirements of federal and state nondiscrimination laws; the requirements of the District's Equal Employment Opportunity Plan; the District's policies on nondiscrimination, sexual harassment, recruitment, and hiring; principles of diversity and cultural proficiency; the value of a diverse workforce; and recognizing bias. Persons serving in the above capacities will be required to receive training within the 12 months prior to service. This training is mandatory and individuals who have not received this training will not be allowed to serve on screening/selection committees. The training will include an assessment/certification to ensure employees understand the material they were provided with. The District may select to use online training as a method for this mandatory training as well. The Equal Employment Opportunity Office is responsible for providing the required training. Any individual, acting on behalf of the District with regard to recruitment and screening of employees is subject to the equal employment opportunity requirements of Title 5 and the District's Equal Employment Opportunity Plan. This provision includes any individuals who are not employees of the District but are acting on behalf of the District.

IX. Plan Component 9: Annual Written Notice to Community Organizations

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the Plan. The notice will inform these organizations that they may obtain a copy of the Plan, and shall solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the Plan. The notice will also include the internet address where the District advertises its job openings and the contact information of individuals to call in order to obtain employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. The District's Equal Employment Opportunity Officer will maintain a list of organizations which will receive this notice.

X. Plan Component 10: Analysis of District Workforce and Applicant Pool

Annually, the Office of Human Resources and Employee Relations will analyze the District's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the Plan. Human Resources will also provide available data needed for the reports required by this Plan and to determine whether any monitored group is underrepresented when data is provided by the State Chancellor's Office for comparison. Monitored groups (Title 5 section 53004(b) are men, women, American Indians/Alaskan Natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For analysis and reporting purposes, each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). This analysis will be conducted for each location in the District. The District will annually report to the Chancellor the results of its annual analysis of employees.

At least every three years the Plan will be reviewed and, if necessary, revised and submitted to the Chancellor's office for approval based on an analysis of the ethnic group identification (a person may designate multiple ethic groups which he or she identifies, but shall be counted in only one ethnic group for reporting purposes), gender, disability composition of existing staff, and of those who have applied for employment in each of the following identified job categories listed in Title 5 section 53004(a):

1. Executive/administrative/managerial;
2. Faculty and other instructional staff;
3. Professional non-faculty
4. Secretarial/clerical;
5. Technical and paraprofessional;
6. Skilled crafts; and
7. Service and maintenance

XI. Plan Component 11: Analysis of Degree of Underrepresentation and Significant Underrepresentation

Although the California Community College State Chancellor's Office is no longer providing availability data for comparison purposes in job categories, the District will focus on specific efforts in the hiring process and continue to promote equity and diversity in the workplace.

Analysis will be performed as and when data and reporting guidelines are provided by the state Chancellor's Office.

Title 5, § 53003(c)(7)

XII. Plan Component 12: Methods to Address Underrepresentation

Completion of this Plan requirement is contingent upon receiving legal valid availability data from the State Chancellor's Office. Although the Chancellor's Office is no longer providing availability data, for comparison purposes the District will focus on specific efforts in the hiring process and continue to promote equity and diversity in the workplace

The District will ensure equal employment opportunity, which involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas, and that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups that are protected from discrimination. In so doing, the District places great emphasis on the recruitment of potential applicants in order to create a diverse pool of qualified individuals from which to hire. With a diverse pool, the District takes steps within the screening/selection process to allow for the hiring of candidates with varied backgrounds who can contribute and effectively communicate in a diverse community. The equal employment opportunity provisions below are applicable to all full-time and part-time hiring, including any hiring meant to address the ratio of full-time to part-time faculty that may be required by Education Code section 87482.6.

It is the policy of the District to aggressively pursue a program of verifiable recruitment that is inclusive and open to all individuals.

Efforts will be undertaken on a regular basis to develop and contact new recruitment sources that ensure diverse pools of candidates. Diverse pools should include, but not be limited to, men, women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. All recruitment announcements will state that the District is an "Equal Employment Opportunity Employer." The following provisions are included in The Recruitment and Hiring Procedures section:

Recruitment for open positions shall include, but not be limited to, placement of job announcements in the following instruments:

- ☐ CCC Registry,
- ☐ District website,
- ☐ Office of Human Resources and Employee Relations' Job Board,
- ☐ Chronicle of Higher Education (faculty and administrators),
- ☐ Other targeted websites depending on the position,
- ☐ Local and regional community newspapers (special recruitments),
- ☐ Publications, including electronic media that are distributed to the general market and to newspapers, publications, and radio and television stations, whose primary audience is comprised of groups found to be underrepresented in the District's workforce.
- ☐ Recruitment booths at job fairs or conferences oriented to both the general market and the

economically disadvantaged as well as those events drawing significant participation by groups found to be underrepresented in the District's workforce.

Job Announcements

The District's Recruitment and Hiring Procedures section on "Job Announcements" will include the following provisions:

- ☐ Job announcements will state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For all positions, job requirements will include demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.

- ☐ All faculty and administrative positions will state as preferred or desired qualification, "Knowledge of multiculturalism and training in cultural proficiency."
- ☐ Job specifications, including any "required," "desired," or "preferred" qualifications beyond the state minimum qualifications which the District wishes to utilize, will be reviewed by the equal employment opportunity officer before the position is announced, to ensure conformity with equal employment regulations and state and federal nondiscrimination laws.

- ☐ All job announcements shall state that the District is an "Equal Employment Employer."

Review of Initial and Qualified Applicant Pools

Initial applicant pools will be reviewed for projected representation of monitored groups. Once the initial pool is approved, the pool will be screened for minimum qualifications, resulting in a qualified applicant pool. The qualified applicant pool will be reviewed so that no monitored group is adversely impacted. Once the qualified applicant pool is approved, the pool may be forwarded to the screening/selection committee. The District's Recruitment and Hiring Procedures will include the following provisions:

- The application for employment will afford each applicant an opportunity to voluntarily identify his or her gender, ethnic group and, if applicable, his or her disability. This information will be kept confidential and used only in research, validation, monitoring, and evaluation of the effectiveness of the District's equal employment opportunity program, or any other purpose specifically authorized by any applicable statute or regulation.

- After the application deadline has passed, the composition of the initial applicant pool will be analyzed to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary, the application deadline will be extended and additional recruitment will be conducted that eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for a wide diversity of potential applicants. When recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts would be futile, applications will be screened to determine which candidates satisfy job specifications set forth in the job announcement.

- Before the selection process continues, the composition of the qualified applicant pool will be analyzed to ensure that no monitored group is adversely impacted. If adverse impact is found to exist, the Vice Chancellor for Human Resources and Employee Relations or

designee shall take effective steps to address the adverse impact before the selection process continues. Such steps may include, but are not limited to:

1. Extend the deadline and undertake inclusive outreach efforts to ensure a diverse applicant pool that provides equal opportunity to all qualified applicants seeking employment with the District.

2. Include all applicants who were screened out on the basis of any locally established qualifications beyond the state minimum qualifications which have not been specifically demonstrated to be job-related and consistent with business necessity through a process meeting the requirements of federal law.

3. If adverse impact persists after taking steps required as outlined in this component of the Plan, the selection process may proceed only if:

    a. The job announcement does not require qualifications beyond the statewide minimum qualifications, or

    b. Locally established qualifications beyond state minimum qualifications, if any, are demonstrated to be job-related and consistent with business necessity through a process meeting the requirements of federal law and suitable alternative selection procedures to reduce the adverse impact were unavailable or

    c. The particular qualification beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governor has found to be job-related and consistent with business necessity throughout the community college system.

4. The District will not advertise or utilize in future hiring processes for the same position or a substantially similar position any locally established qualifications beyond state minimum qualifications that the District was unable to verify under Step 2 above unless such qualifications are so verified in advance of commencing any such future hiring process.

Screening/Selection Committee Procedures

All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, will be:

- ☐ Designed to ensure that, for all positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

- ☐ Based solely on job-related criteria;

- ☐ Designed to avoid an adverse impact, and monitored by means consistent with this section to detect and address adverse impact which does occur for any monitored group;

- ☐ When possible, every effort will be made, within the limits allowed by federal and state

law, to ensure selection/screening committees include a diverse membership, which will bring a variety of perspectives to the assessment of applicant qualifications;

- ☐ Selection/screening committees will be encouraged to include members from monitored groups;
- ☐ The Equal Employment Opportunity Officer or designee should approve the makeup of selection/screening committees. If the equal employment opportunity officer or designee does not approve a selection/screening committee for lack of diversity, he or she should take necessary steps to remedy the lack of diversity;
- ☐ Before a person can serve on a selection/screening committee, he or she must receive equal employment opportunity and diversity training;
- ☐ Interviews must include at least one question which assess the candidate's understanding of and commitment to equal employment opportunity and his or her level of cultural proficiency. Reference checks must include at least one question addressing such issues;
- ☐ All screening materials must be approved for compliance with equal employment opportunity principles.

Monitoring for adverse impact

- ☐ After the selection/screening committee has conducted the paper screening and prior to contacting any of the applicants for interviews. Interviews cannot be scheduled until the applicant pool has been approved and cleared for adverse impact.
- ☐ After the applicants have been interviewed and prior to forwarding finalists to the hiring administrator. Finalists cannot be forwarded for hiring consideration until the applicant pool has been approved and cleared for adverse impact.
- ☐ If monitoring for adverse impact reveals that any selection technique or procedure has adversely impacted any monitored group, the Equal Employment Opportunity Officer or his/her designee may do the following:

    1. Extend the deadline and undertake inclusive outreach efforts to ensure a diverse applicant pool that provides equal opportunity to all qualified applicants seeking employment with the District.
    2. Suspend the selection process and take timely and effective steps to remedy the problem before the selection process resumes.
    3. When appropriate, assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures, which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed.

- ☐ If adverse impact results from locally established qualifications beyond state minimum qualifications that have not been verified as job-related and consistent with business necessity, the use of such locally established qualifications will be immediately discontinued and any applicants eliminated on the basis of such qualifications will be placed back in the

pool and continue to be considered during the hiring process.

- ☐ Where necessary, the position may be reopened at any time and a new selection process initiated in a way designed to avoid adverse impact.
- ☐ The District will not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, race, color, ancestry, national origin, age, sex, religion, sexual orientation, marital status, disability, or medical condition, or engage in any other practice, which would result in discriminatory or preferential treatment prohibited by state or federal law. The District will not apply the Plan in a rigid manner that has the purpose or effect of so discriminating.

- ☐ The District will review all of its current and future job specifications to ensure that seniority or length of service is taken into consideration only to the extent it is job-related, is not the sole criterion, and is included in the job announcement consistent with the requirements of Plan Component 12, section 2) a) (see Title 5, §§ 53022 and 53024(d)). Service will be considered job-related for purposes of taking seniority or length of service into account only if it is closely related to the actual teaching or other faculty assignment. Service in the same department will not automatically be considered closely related unless the actual assignments within the department are similar. The use of seniority or length of service will be assessed for adverse impact in each selection process where it is taken into account. If adverse impact results from the use of seniority or length of service as a job-related factor, the process will continue only if applicants who were eliminated by the use of seniority or length of service considerations are placed back in the pool and continue to be considered during the hiring process.

- ☐ Selection testing for employees will follow procedures as outlined in the Equal Employment Opportunity Commission's Uniform Guidelines on Employee Selection Procedures.

- ☐ The hiring manager shall make all hiring recommendations based upon careful review of the candidate or candidates recommended through the screening/selection committee. This includes the right to reject all candidates and to order further review or to reopen the position where necessary to achieve the objectives of the Plan or to ensure equal employment opportunity.

- ☐ The District will review the pattern of its hiring decisions over time, and if it determines that those patterns do not meet the objectives of the Plan, the District will request the Equal Employment Opportunity Advisory Committee to recommend new methods to meet the Plan objectives, or if necessary, to modify the Plan itself to ensure equal employment opportunity.

XIII. Plan Component 13: Additional Steps to Remedy Significant Underrepresentation

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District will take additional steps consistent with Section 53006. At a minimum, the District will:

1. Review the District's recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;
2. Consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account, and implement any such techniques which are determined to be feasible and potentially effective;
3. Determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place a reasonable period of time; and;
4. If significant underrepresentation persists, the staffing rate for the significantly underrepresented group in the specified job category or categories will be monitored on an ongoing basis until the projected representation has been achieved for that group in the category or categories in question.
5. If a reasonable period of time passes and significant under representation persists for a particular group in the job category in question, the District will:

   a) Review established "required," "desired," or "preferred" qualification being used to screen applicants for positions in the job category to determine if it is job-related and consistent with business necessity through a process meeting the requirements of federal law or among those qualifications which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

   b) Discontinue the use of District established qualification that is not found to satisfy the requirements set forth in paragraph (1) above; and

   c) Continue using qualification standards meeting the requirements of paragraph (1) only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of paragraph (1) and be expected to have a less exclusionary effect.

6. For the purpose of this section, "a reasonable period of time" means three years, or such longer period as the CCC Chancellor may approve, upon the request of the Equal Employment Opportunity Advisory Committee and the Chancellor, where the District has not filled enough positions to appreciably affect its workforce in the job category in question.
7. Nothing in this section will be construed to prohibit the District from taking any other steps it concludes are necessary to ensure equal employment opportunity, provided that such actions are consistent with the requirements of federal and state constitutional and statutory nondiscrimination law.

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

The District recognizes that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination.

To that end, in addition to the steps to address underrepresentation and/or significant underrepresentation, the District will offer district-wide multicultural diversity training to compliment complement the multicultural diversity programs in existence at each college. Offering district-wide multicultural diversity training promotes the principles of diversity and multiculturalism, thereby contributing to an effective equal opportunity program.

The District will sponsor cultural events and secure guest speakers to highlight diversity related issues as well as the importance and value of developing curriculum that is academically progressive and appropriately reflective of our increasingly culturally diverse society. The District will also promote learning and training opportunities to increase cultural awareness and sensitivity in relationships among colleagues and in the approach to educating and serving students. The District will also periodically evaluate the physical environment and work to maintain a District community that is responsive in meeting the needs of its diverse employee and student populations. Options to consider when implementing a college and District Office diversity/multicultural program may include:

1. Commit to a formal Office of Diversity and Diversity Program that is part of the structure of the District and that will be adequately funded and supported by the District and college leadership.

2. Include guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.

3. Highlight the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications. Include in job announcements language indicating that candidates are required to demonstrate that they can infuse diversity into their major job duties.

4. Conduct diversity dialogues, forums, and cross-cultural workshops.

5. Work with the College Curriculum Committee to assist in the development of a "Diversity Instructional Tool Kit" as a resource for faculty interested in infusing diversity and multiculturalism into their instruction or services to students.

6. Review and revise college/District publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.

7. Recognize and value staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.

8. Provide continuous diversity training opportunities for faculty, staff, and administrators.

9. Establish an "Equal Employment Opportunity and Diversity" online presence by highlighting the District's diversity and equal employment opportunity, ADA, sexual harassment and nondiscrimination policies, procedures and programs on the District's website. The website will also list contact persons for further information on all of these topics.

10. Promote various cultural celebrations at the colleges.

11. Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for community college employees.

12. Have a formal multicultural program at the colleges that is visible, valued and adequately funded.

13. Promote sabbaticals that will assist the District in achieving its equal employment opportunity and diversity objectives.

14. Have formal diversity programs at the colleges and at the District office that are visible, valued and adequately funded.

XV. Plan Component 15: Persons with Disabilities:

See the definition of "person with a disability" in the definitions section of the Plan. A more detailed definition of physical and mental disability is found in Government Code, section 12926. California has a broader definition of disability than the ADA. California also requires accommodations to be made under circumstances where accommodations might not be necessary under federal law.

1. *Reasonable Accommodations:* Applicants and employees with disabilities shall receive reasonable accommodations consistent with the requirements of Government Code, sections 11135 et seq. and 12940(m); section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aides such as readers, interpreters, and note-takers.

   The Director of Risk Management, in coordination with the area manager, is responsible for handling requests for accommodations from current employees. The Office of Human Resources and Employee Relations is responsible for handling requests from applicants seeking such accommodations during the application process.

2. *Procedures When Underrepresentation is Found:* When persons with disabilities are found to be significantly underrepresented, measures required under Plan Component 13 and 14 will be implemented concurrently with the goals set forth below. The District will make every effort to achieve the hiring goals by the target dates identified below and will discontinue them when projected representation has been achieved for persons with disabilities in the category or categories in question.

   Analysis will be performed as and when data and reporting guidelines are provided by the state Chancellor's Office.

XVI. Plan Component 16: Graduate Assumption Program of Loans for Education

[Education Code §§ 87106, 69618 et seq.]

The District will encourage community college students to become qualified for, and seek employment as, community college employees. The District shall research and inform students about programs that may assist them to complete their graduate studies and become community college employees. The District will post informational flyers at the colleges concerning such programs, and make information available in student newspapers, the course catalog, and in locations accessible to students, including but not limited to, Counseling, Financial Aid, Admissions and Records, the Bookstore, and the Student Center. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

[Education Code §§ 87106, 69618 et seq.]
The District will encourage community college students to gain the qualifications necessary for employment as community college employees. The District shall conduct research and inform students about related undergraduate and graduate programs that may assist them in this effort. The District will post informational flyers at the colleges concerning such programs, and make information available in student newspapers, the course catalog, and in locations accessible to students, including but not limited to, Counseling, Financial Aid, Admissions and Records, the Bookstore, and the Student Center. Efforts will be made to inform graduate students at local colleges and universities about the benefits of and opportunities for employment at a community college.