



## **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 3  
Government Code Sections 7400 et seq. And 12940 et seq.

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

The EEO Plan is a District-wide, written plan that implements the District's EEO Program, 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, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- 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;
- A process for gathering information and periodic, longitudinal analysis, broken down by number of persons from "monitored groups," as defined by Title 5 Section 53001 subdivision (i), of those 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 workforce;
- 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.

The District will post a copy of the EEO plan on the District's website.

### **Annual Evaluation**

- The District shall collect and continually monitor its employee and applicant demographic data to evaluate the implementation of the EEO plan and to conduct the analyses required by Title 5. The District shall report its employment-related data to the California Community Colleges Chancellor's Office annually in a manner prescribed by the Chancellor. To facilitate analysis, all applicants and employees must be assigned a job category
- All employees shall be provided the opportunity to identify their gender, ethnicity and, if applicable, disability..

### **EEO Advisory Committee**

The District shall establish an EEO Advisory Committee which will be comprised of a diverse membership and include members from District stakeholder groups, including but not limited to, students, faculty, and classified staff. The advisory committee as well as members of the District governing board shall receive training in all of the following:

- Applicable Title 5 regulations and of state and federal nondiscrimination laws;
- The educational benefits of workforce diversity,
- The identification and elimination of bias in hiring decisions; and
- The role of the advisory committee in drafting and implementing the District's EEO Plan.



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

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire employees with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- to advise the Vice President of Human Resources regarding special training or staff development needs;
- review the Plan and monitor its progress;
- recommend changes needed in the Plan; and
- review and approve the annual written report to the Superintendent/President, the District's governing board, and the California Community Colleges Chancellor's Office.

## **EMPLOYMENT PROCEDURES**

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

### **Job Analysis and Validation**

The Chief Human Resources Officer shall assure that a proper job analysis is performed for every job filled by the District to determine 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 workforce.

Open recruitment is mandated for all full-time and part-time vacant 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 vacant 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 vacant 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 all applicants an opportunity to identify themselves voluntarily as to gender, ethnicity and, if applicable, their disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications



shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool must again be analyzed. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District shall immediately, and before the selection process continues, consult with appropriate counsel to determine what, if any, corrective action is required 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 Superintendent/President, based on consultation with the Chief Human Resources Officer and the hiring committee members, 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 an 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 for that position.
- 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; records 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.
- For all positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

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

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;

If significant underrepresentation persists:

- review each locally-established job qualification to determine if it is job related and consistent with business necessity;
- discontinue the use of any non-job-related local qualification;
- continue using job-related local qualifications only if no alternative standard is reasonably available; and
- consider the implementation of additional measures designed to promote diversity.

### **Delegation of Authority**

- The 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 a determination on any final action.

### **Complaint Procedure**

Any person may file a complaint alleging the District violated this policy and procedure. An individual should file a written complaint with the Chief Human Resources Officer. The District shall process complaints that allege unlawful discrimination according to



the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

### **Job Announcements**

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District's workforce, including ethnic and racial minorities, women, and persons with disabilities. No person shall be denied employment because of national origin, religious creed, age, gender, gender identity, gender expression, race, ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, medical condition, genetic information, pregnancy, military and veteran status, or because they are 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). If the California Community Colleges Chancellor's Office determines that the District's policies do not comply with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

### **Accountability and Corrective Action**

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

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the district's



EEO Plan; and

- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division.

See also AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

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Date Approved: April 10, 2015

Legal Reference Update #25: November 2015

Legal Reference Update #26: April 2015

Legal Reference Update #31: October 2017

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Legal Update #37: October 2020

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