

MINUTES OF THE GOVERNING BOARD  
OF THE CONTRA COSTA COMMUNITY COLLEGE DISTRICT

Special Meeting

Date: October 4, 2013

Time: 10:00 a.m.. – Public Session

Place: George R. Gordon Education Center  
500 Court Street  
Martinez, California 94553

Presiding  
Officer: President John E. Márquez

ROLL CALL

Present

John E. Márquez, President  
Vicki Gordon, Secretary  
Greg Enholm

Absent

John T. Nejedly, Vice President  
Ivan De Los Santos, Student Trustee

Those present constituted a quorum.

OPEN PUBLIC SESSION - CALL TO ORDER

Since Board President Márquez was running late, Board Secretary Vicki Gordon opened the public session at 10:05 a.m. She then led the Pledge of Allegiance to the U.S. flag.

PUBLIC COMMENT

Erich Holtmann, Los Medanos College mathematics professor, commented on the District's current Equal Employment Opportunity Plan.

FACILITATED DISCUSSION ON WORKFORCE DIVERSITY

Board Secretary Vicki Gordon asked that all those in attendance introduce themselves. Afterwards, Vice Chancellor, Human Resources/Chief Negotiator Eugene Huff said Chancellor Benjamin was ill and unable to attend. He then summarized events leading up to this meeting. Mr. Huff said workforce diversity has been a topic of importance to the District for quite some time. Mr. Huff said this is the third meeting related to this topic. Mr. Huff also stated sub-groups were established at two previous meetings to discuss areas of importance related to workforce diversity.

The sub-groups previously expressed interest in discussing Proposition 209 as well as reviewing Governing Board policies and District hiring policies. In this way, Mary Hernández and Nitasha Sawhney, Garcia, Hernández, Sawhney & Bermudez LLP, were hired to lead a *facilitated* discussion on workforce diversity.

Minutes of October 4, 2013

Ms. Hernández summarized the attached presentation and asked the audience for their definition of "diversity." Ms. Hernández also asked the audience, particularly the Governing Board members, what they hoped to achieve at this meeting and how they viewed diversity. Board President Márquez said all students should have the opportunity to attend college and feel welcomed by everyone and have interaction with others who look like them. Board Secretary Gordon said making connections while in college can have a big impact on student success. Mr. Enholm said he understood the importance of having a diverse student government when he attended university.

Diablo Valley College President Peter Garcia said the District needs to prioritize diversity. He said the District needs to figure out how to ground diversity; namely, focus and problem solve to meet the challenges it presents.



CONTRA COSTA  
COMMUNITY COLLEGE  
DISTRICT



Facilitated Discussion on  
Workforce Diversity  
October 4, 2013

*Mary T. Hernández, Esq. &  
Nitasha K. Sawhney, Esq.*

## AGENDA

- Outcomes and Expectations
- Review of Proposition 209
- Break Out on Board Policies
- Overview of the District Hiring Process
- Short Break to Get Lunch
- Break Out on Hiring Process
- Closure/Next Steps



### Number 4 of the Action Plan included:

- ✓ Review every step of hiring process to ensure fairness, equity and diverse elements
- ✓ Conduct anti-bias training for committees
- ✓ Ensure diversity in hiring committee members
- ✓ Implement policies and procedures for organizational change
- ✓ Review Proposition 209 to determine how it can be used to support diversity in the District



# What is Diversity?





# Does diversity make a difference?



## Obama Administration Definition of Workforce Diversity

“[A] collection of individual attributes that together help agencies pursue organizational objectives efficiently and effectively. These include, but are not limited to, characteristics such as national origin, language, race, color, disability, ethnicity, gender, age, religion, sexual orientation, gender identity, socioeconomic status, veteran status and family structures. This concept also encompasses differences among people concerning where they are from and where they have lived and their differences of thought and life experiences.”

Government-Wide Diversity and Inclusion Strategic Plan 2011  
U.S. Office of Personnel Management



## Obama Administration Definition of Workforce Inclusion

“We define inclusion as a culture that connects each employee to the organization; encourages collaboration, flexibility, and fairness; and leverages diversity throughout the organization so that all individuals are able to participate and contribute to their full potential.”

Government-Wide Diversity and Inclusion Strategic Plan 2011  
U.S. Office of Personnel Management



What diversity goal  
should the Contra Costa  
Community College  
District be trying to  
achieve?



## What are the District's Student Demographics?

	African American	Asian/Pac. Is.	Hispanic	White	Other
CCC	26.1%	20.3%	31.4%	12.9%	9.3%
DVC	5.5%	16.6%	18.4%	41.6%	17.9%
LMC	16.4%	11.2%	31.5%	30.3%	10.5%
CCCCD	12.6%	16.0%	24.4%	32.7%	14.3%



## Proposition 209

amended the California State Constitution in 1997

"The State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting."





## Proposition 209 also states:

“If any part or parts of this section are found to be in conflict with federal law or the United States Constitution, the section shall be implemented to the maximum extent that federal law and the United States Constitution permit....”



Proposition 209 Prohibits Preferential Treatment BUT

It Does Not Excuse Compliance with Federal and State  
Anti-Discrimination, Equal Opportunity and Equal  
Access Laws and Regulations

It does not impact the flexibility granted community  
colleges in California to pursue diversity for academic  
purposes and to achieve the District's mission





## Contra Costa Community College District's Vision

Our colleges transform lives. We are agents of equity, compassion, and excellence, building upon the diverse strengths of our students, faculty, and staff. We thrive upon the learning and success of all of our students.



## Contra Costa Community College District's Mission

The mission of the Contra Costa Community College District is to transform students and communities; to cultivate and sustain a culture of wellbeing, learning, success, and achievement for all students.

As a District we are dedicated to continuously increasing our ability to serve the evolving needs of our students and community by providing accessible, equitable, innovative and outstanding higher education learning opportunities and support services.

All decisions about resources and policies are informed by looking at access and success data through an equity lens.



## How will diversity and inclusion advance the District's vision & mission?

- It advances academic excellence and equity, because all students will be better prepared to live and work in a global and multicultural society
- It fosters respect, innovation and collaboration
- Communities are strengthened and our economic well-being is strengthened as the District provides opportunities and utilizes the skills of individuals of different backgrounds, cultures and experiences
- Diversity and inclusion create an attractive place of learning and teaching for students and faculty contributing to a culture of well-being



# BREAK-OUT 1

## Review of Board Policies



## Total Number of Employees in the District by Location

	CCC	DVC	LMC	DST	CCCD
Full Time Faculty	91	237	110	0	438
Part Time Faculty	234	558	245	0	1037
Mgrs/Sups/Conf	19	38	21	37	115
Classified	181	399	192	44	816



## Percentage of Employees in Each Racial Category District-Wide

	Full Time Faculty	Part Time Faculty	Mgrs/Sups/Conf	Classified
African American	8.67%	8.97%	15.66%	13.73%
Asian	7.31%	7.91%	14.78%	13.11%
Latino	11.42%	6.08%	10.44%	16.18%
White	57.07%	59.98%	50.43%	45.83%
All Other Groups	15.53%	17.06%	8.69%	11.15%
Total:	100%	100%	100%	100%





# BREAK-OUT 2

## Review of Hiring Procedures



## Closing Clip

[http://www.ted.com/talks/chimamanda\\_adichie\\_the\\_danger\\_of\\_a\\_single\\_story.html](http://www.ted.com/talks/chimamanda_adichie_the_danger_of_a_single_story.html)





# Closure/ Next Steps



**Minutes of October 4, 2013**

Ms. Sawhney reminded the audience that a Board policy on diversity should be developed. At that time, Ms. Hernández asked the audience to break out into groups to examine the District's vision and mission statement and Board Policy 2001, Nondiscrimination Policy (attached). She also asked that they review and discuss the attached board policy on diversity from the San Jose/ Evergreen Community College District. The three breakout groups agreed that the District should develop a policy on diversity that is both affirmative and affirming. It was agreed that a policy can be developed and approved, but it needs adherence and should ultimately lead to student success and closing the achievement gap. It was further agreed that professional development should be offered so that the District can better serve the communities it encompasses.

At this point in the meeting, Mr. Márquez asked that a brief recess be held and adjourned the meeting at 12:15 p.m. Mr. Márquez reconvened the public session at 12:40 p.m.

# Contra Costa Community College District

**October 4, 2013**

## **Facilitated Discussion on Workforce Diversity Breakout 1**

Presented by:

Mary T. Hernández, Esq.

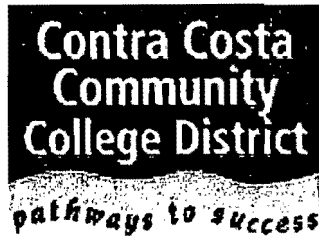
Nitasha K. Sawhney, Esq.

1330 Broadway, Suite 1701

Oakland, California 94612

Telephone: (510)695-2802





## Vision

Our colleges transform lives. We are agents of equity, compassion, and excellence, building upon the diverse strengths of our students, faculty, and staff. We thrive upon the learning and success of all of our students.

## Mission

The mission of the Contra Costa Community College District is to transform students and communities; to cultivate and sustain a culture of wellbeing, learning, success, and achievement for all students.

As a District we are dedicated to continuously increasing our ability to serve the evolving needs of our students and community by providing accessible, equitable, innovative and outstanding higher education learning opportunities and support services.

All decisions about resources and policies are informed by looking at access and success data through an equity lens.

The following five areas of educational focus advance the Mission:

- **General and Transfer Education:** Providing a challenging education in the liberal arts and sciences and providing career opportunities and transfer to four year institutions.
- **Economic and Workforce Development:** Supplying relevant and timely career and technical education to develop skills for the global workplace and to contribute to the region's economic vitality
- **Basic Skills:** Preparing students for success in life and academic programs by improving their skills in math, reading and writing
- **English as a Second Language (ESL) Education:** Implementing quality language programs for students speaking English as a second language
- **Lifelong Learning:** Offering a variety of courses and experiences that support learning throughout a lifetime



**NONDISCRIMINATION POLICY**

Under the District's policy no student, vendor, or person employed or seeking employment with the District shall be unlawfully subjected to harassment, discrimination or denied full and equal access to, or the benefits of District programs or activities on the basis of ethnic group identification, race, color, ancestry, religion, marital status, sex, national origin, gender, or within the limits imposed by law or District regulations, because of age, sexual orientation, physical or mental disability, medical condition, veteran status, parental status, citizenship, or because he or she is perceived to have one or more of these characteristics or based on association with a person or group with one or more of these actual or perceived characteristics. District programs and activities include, but are not limited to any that are administered or funded directly by or that receive any financial assistance from the Chancellor or Board of Governors of the California Community Colleges. This policy applies to all employment practices, including recruitment, selection, promotion, transfer, and employee training and development. The District also does not permit any person or entity using its facilities for commercial purposes to engage in unlawful discrimination. This policy is intended to be consistent with the provisions of applicable state and federal laws and District policies.

The Associate Vice Chancellor/Chief Human Resources Officer shall establish procedures that ensure all members of the District can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

The District is committed to nondiscrimination in compliance with the Civil Rights Act; Title IX of the Education Amendments of 1972; the Rehabilitation Act of 1973 (Section 503 and 504); the Americans with Disabilities Act of 1990; the Executive Orders 11246 and 11375; the Vietnam Era Veterans Readjustment Act of 1974; the Age Discrimination in Employment Act of 1967; the nondiscrimination laws of the State of California; and equal employment opportunity guidelines of the California Community College Chancellor's Office (which incorporates compliance with *Connerly v. State Personnel Board*).

Education Code 66250, 72010, 87100  
 California Code of Regulations, Title 5, 53000, 59300  
 Government Code 11135, 12926.1, 12940  
 Penal Code 42255

**I. GOVERNING BOARD POLICIES**  
**SECTION 1900 – EMPLOYMENT PRACTICES**

**1915 - DIVERSITY POLICY**

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**Board Policy # 1915**

The San Jose/Evergreen Community College District recognizes that cultural diversity in the academic environment promotes academic excellence; fosters cultural, racial and human understanding; provides positive role models for all students; and creates an inclusive and supportive educational and work environment for its employees, students and the community it serves. Diversity includes, but is not limited to ethnicity, race, color, language, accent, immigration status, ancestry, national origin, age, gender, religion, sexual orientation, transgender, marital status, socioeconomic status, veteran status, and physical or mental disability.

The San Jose/Evergreen Community College District is committed to a policy that integrates diversity into its hiring, recruitment, curriculum development, course offerings, teaching methods, retention, contracting, supervision, programs, services, evaluations, policies and procedures, staff development activities, work force and student population. It is the District's belief that an educational experience grounded in this approach will better prepare our students to work and live in an increasingly global society.

All District employees have the responsibility to promote diversity. The Chancellor will be evaluated by the Board of Trustees on an annual basis on her/his support of and ability to infuse diversity into all the above areas. All Management, Supervisory and Confidential personnel will be evaluated by their supervisors on their support and ability to infuse diversity into all of the above areas that are pertinent to their job description. Specifically, all managers and supervisors will be evaluated on their recruitment and retention of a diverse workforce. Continuation of their employment contract is dependent on their demonstrated commitment in this area. Regarding the evaluation of faculty and administrators, all California Education Code sections shall be adhered to; including those that require that the forthcoming demographics of California be addressed, and that peers who review and evaluate be both representative of the demographics of California and sensitive to the principles of diversity and equal opportunity concerns. Faculty will be evaluated on their support and ability to infuse diversity into their work in accordance with state law and their collective bargaining agreement. Classified employees will be evaluated on their ability to infuse diversity into their work in accordance with their collective bargaining agreement.

It is the goal of the District that all employees promote and support diversity in our academic environment.

## I. GOVERNING BOARD POLICIES

### SECTION 1900 – EMPLOYMENT PRACTICES

#### 1920 - RECRUITMENT AND HIRING POLICY

The San Jose/Evergreen Community College District recognizes that a diverse community of faculty, staff and administrators promotes academic excellence and creates an inclusive educational and work environment for its employees, contractors, students and the community it serves. It is the District's policy to recruit, employ, value, and support a highly qualified and diverse workforce.

Through the cooperation and with the assistance of all District staff, the Governing Board assures that all employees and applicants for positions in the District will have equal opportunity for employment regardless of ethnic group identification, race, color, language, accent, immigration status, ancestry, national origin, political beliefs, age, gender, religion, transgender, sexual orientation, marital status, veteran status, and/or physical or mental disability. Nothing in this section will supersede applicable federal and state law.

The San Jose/Evergreen Community College District believes the Governing Board, administration, faculty, staff and students share the responsibility of ensuring that District employees are sensitive to, and knowledgeable of, the diverse backgrounds of its staff and students.

The District seeks candidates who meet the following requirements and who are best prepared to meet the needs, interests and goals of the diverse students we serve. It is the intent of the District that the sensitivity, knowledge, understanding, and experience that candidates bring with them should bear some relation to the demographics of the student population of the District.

All candidates must meet the following three requirements to be qualified for employment in the district.

- 1) All candidates must demonstrate sensitivity, knowledge, and understanding of the diverse academic, socioeconomic, gender, cultural, disability, and ethnic backgrounds of the students we serve and sensitivity to and knowledge and understanding of groups historically underrepresented, and groups who may have experienced discrimination.
- 2) All candidates must demonstrate experience or demonstrated ability integrating diversity into the major duties (as appropriate) outlined in the job description or demonstrates they have equivalent transferable skills to do so.
- 3) Candidates in the following classifications should demonstrate experience and knowledge in diversity in the areas listed below and must have demonstrated experience in integrating diversity into at least three of the areas:

For managers and supervisors: supervision, evaluations, recruitment, hiring, student services, program and/or curriculum development, policies and practices, retention of women, ethnic minorities and the disabled, contracting, mentorship, staff development, and meaningful interaction with diverse students and other employees.

Added: 11/21/67  
 \*Revised: 6/19/73; 8/3/76; 8/2/77;  
 4/5/88; 3/24/92  
 \*\* Revised 03/11/03

San Jose/Evergreen Community  
 College District

For full time faculty: curriculum development, curriculum changes, course offerings, program development, mentorship, teaching methods, creation of a culturally sensitive classroom environment, meaningful interactions with diverse students and other employees, and staff development activities.

Candidates in the following classifications should demonstrate experience and knowledge in integrating diversity into the listed areas below and must have demonstrated experience in integrating diversity into at least two of the areas:

For part-time faculty: curriculum development, curriculum changes, course offerings, program development, mentorship, teaching methods, creation of a culturally sensitive classroom environment, meaningful interactions with diverse students and other employees, and staff development activities.

For classified employees: student services, mentorship, and meaningful interactions with diverse students and other employees.

Candidates who have no prior experience in the position they are currently applying for must demonstrate that they have equivalent transferable skills, from prior jobs or other experiences, to meet this requirement.

In compliance with federal and state legislation the Governing Board, with the governance groups of the quadripartite system, will strengthen and implement procedures to recruit, screen, select, hire, train, and promote all employees of the District according to the District Diversity and Equal Employment Opportunity Plan.

A diverse volunteer recruitment committee shall be formed for the following purposes:

- 1) To recruit and develop a diverse pool of applicants for full and part time faculty, administrative and supervisory positions. Recruitment and advertising for all positions shall be as inclusive and broad as possible to ensure as many diverse populations as possible are reached for each available position.
- 2) To supplement hiring committees that are not diverse.

Any full time faculty, administrative or supervisory position before the board for approval shall be accompanied with a checklist showing compliance with our equal employment regulations which will include, among other things, verification that screening committees were approved for diversity; that all screening committee members received the Human Resources Charge and diversity training; and that all pools were approved at each stage for adverse impact by Human Resources and the Diversity Directors.

The Chancellor is responsible for implementing and communicating this policy and the District Equal Employment Opportunity Plan to all District employees,

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Added: 11/21/67

\*Revised: 6/19/73; 8/3/76; 8/2/77;  
4/5/88; 3/24/92

\*\* Revised 03/11/03

San Jose/Evergreen Community  
College District



San Jose/Evergreen Community College District  
 Board Policies  
 Chapter 7  
 Human Resources

## **BP 7120 RECRUITMENT AND HIRING POLICY**

The San Jose/Evergreen Community College District recognizes that a diverse community of faculty, staff and administrators promotes academic excellence and creates an inclusive educational and work environment for its employees, contractors, students and the community it serves. It is the District's policy to recruit, employ, value, and support a highly qualified and diverse workforce.

Through the cooperation and with the assistance of all District staff, the Governing Board assures that all employees and applicants for positions in the District will have equal opportunity for employment regardless of ethnic group identification, race, color, language, accent, immigration status, ancestry, national origin, political beliefs, age, gender, religion, transgender, sexual orientation, marital status, veteran status, and/or physical or mental disability. Nothing in this section will supersede applicable federal and state law. The San Jose/Evergreen Community College District believes the Governing Board, administration, faculty, staff and students share the responsibility of ensuring that District employees are sensitive to, and knowledgeable of, the diverse backgrounds of its staff and students.

The District seeks candidates who meet the following requirements and who are best prepared to meet the needs, interests and goals of the diverse students we serve. It is the intent of the District that the sensitivity, knowledge, understanding, and experience that candidates bring with them should bear some relation to the demographics of the student population of the District. All candidates must meet the following three requirements to be qualified for employment in the district.

- 1) All candidates must demonstrate sensitivity, knowledge, and understanding of the diverse academic, socioeconomic, gender, cultural, disability, and ethnic backgrounds of the students we serve and sensitivity to and knowledge and understanding of groups historically underrepresented, and groups who may have experienced discrimination.
- 2) All candidates must demonstrate experience or demonstrated ability integrating diversity into the major duties (as appropriate) outlined in the job description or demonstrates they have equivalent transferable skills to do so.
- 3) Candidates in the following classifications should demonstrate experience and knowledge in diversity in the areas listed below and must have demonstrated experience in integrating diversity into at least three of the areas:

For managers and supervisors: supervision, evaluations, recruitment, hiring, student services, program and/or curriculum development, policies and practices, retention of women, ethnic minorities and the disabled, contracting, mentorship, staff development, and meaningful interaction with diverse students and other employees.

Added: 11/21/67

\*Revised: 6/19/73; 8/3/76; 8/2/77;

4/5/88; 3/24/92

\*\* Revised 03/11/03

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Ms. Hernández then called for a second breakout session, in which each group examined the District's Uniform Employment Selection Guide (attached) in comparison to hiring practices outlined in the attachment from the University of California. The breakout groups focused on the process of hiring adjunct faculty.

After review, the breakout groups said student success indicators should be mentioned in all job descriptions and there should be recruitment and diversity training for faculty. It was suggested that different scenarios be required in an applicant's teaching demonstration that would demonstrate a positive approach to promoting and including diversity. It was also suggested that technology be utilized, such as *LinkedIn* to broaden applicant pools.

# Contra Costa Community College District

**October 4, 2013**

## **Facilitated Discussion on Workforce Diversity Breakout 2**

Presented by:

Mary T. Hernández, Esq.

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**Contra Costa Community College District**

**UNIFORM  
EMPLOYMENT  
SELECTION GUIDE**

**DESCRIPTION OF SELECTION PROCESS  
OPEN RECRUITMENT**

**A. Authorization to Fill a Position**

Whenever a permanent or temporary position (other than hourly or C-contract) is to be filled, prior authorization from the Chancellor for District Office positions, or College President for college positions, is required. After authorization, the President or Director of Business Services forwards a completed Position Authorization Request (academic or classified position) to the District Human Resources Office. Once the request is processed, a copy of the request will be forwarded to the College Human Resources Assistant.

**B. Job Evaluation**

The purpose of an evaluation of the job or position is to provide a job-related basis for decisions affecting the selection process. The information from the job evaluation ties together the process of establishing and documenting the "job relatedness" of selection procedures.

For all vacancies, there should be a review of each critical job duty and/or task and the relative importance of the knowledge, skills, abilities and personal characteristics associated with successful performance. It is also essential that these characteristics be identified and verified by individuals who thoroughly understand the work performed; be clearly linked to the work performed; and be stated in as specific and measurable terms as possible. (There shall be no artificial barriers in the position requirements.)

In all cases, care must be taken to ensure that the description of the position accurately reflects the job in question. A selection process should never screen for applicant qualities which are not described in the position description.

If the job evaluation process verifies the need for a position not appropriately described in the current description, it may be necessary to seek authorization to officially create a new position or revise the existing position description. In this case, the request should be discussed with the Chief Human Resources Officer. (Revision of classified unit positions requires Local 1 approval.) In order to evaluate a non-faculty position, the appropriate manager should:

1. Review existing job description.
2. Meet with incumbent(s) and/or supervisor(s) to determine the following:
  - a. What are the major responsibilities and tasks of the job?
  - b. What constitutes effective/ineffective job performance?
  - c. How does this job relate to other jobs?
  - d. What equipment or materials are used? How?
  - e. What are the working conditions? How do they affect the work?
  - f. For each task, what skills are required? Helpful?
  - g. For each task, what knowledge is required? Helpful?
  - h. For each task, what abilities are required? Helpful?
  - i. For each task, what personal characteristics are required? Helpful?

Job evaluation for faculty positions occurs during the process of developing job announcements for open positions as described in Section D.

Based on his/her review of the job description and job evaluation, the appropriate manager should determine the minimum and desirable qualifications for the position, as explained under "D." The minimum qualifications (MQs) and the desirable qualifications (DQs) will be used in the

job announcement and are the basis for developing questions for the supplemental questionnaire. (Note: The minimum qualifications for classified unit positions are included in the official District job description and cannot be changed without Local 1's approval. However, the above mentioned items may be stated in desirable qualifications.)

**C. Review of the Job Description**

The evaluation of the written job description should be completed prior to determining the selection process. This is a basic requirement in documenting the "job relatedness" of the selection process.

**D. Develop Selection Procedures and Job Announcement**

As noted earlier, selection procedures may vary according to the circumstances of the vacancy, availability of staff to participate and relevant provisions in the collective bargaining agreements with employee organizations (Local 1 and United Faculty).

Regardless of the selection procedure, the format for the job announcement must be organized according to the following outline.

1. Job Title
2. Salary range; fringe benefit information; work schedule (classified); bargaining unit dues/fees.
3. Brief Description of the Position:
  - a. Geographical and organizational location
  - b. Major responsibilities
  - c. Example of duties and tasks
  - d. Reporting relationships
4. Minimum Qualifications. A minimum qualification is any characteristic or attribute of an individual that is necessary to perform the job. It is a specification of the kind of experience, training and/or education that provides appropriate job-related evidence that an applicant possesses the minimum required knowledge, skill, ability or personal characteristics for performing the tasks and duties of a job. The minimum qualifications for each position other than a faculty position are set forth in the official District job description. These may include minimum qualifications dictated by legal requirements, such as the need for certain approved credentials and licenses. In general, minimum qualifications should be the lowest qualifications needed for successful job performance (e.g., individuals who do not possess these requirements have little hope of successfully performing the job). Note: Minimum qualifications for non-faculty positions can only be changed with the approval of the Chief Human Resources Officer.

Education Code 87356 authorizes the State Board of Governors to establish the minimum qualifications for hire as a faculty member or educational manager. Any person who possesses a credential shall be entitled to serve under the terms of that credential until it terminates, and during the period the credential is effective shall not be required to meet the minimum qualifications which are applicable effective July 1, 1990. The State minimum qualifications for hiring new academic employees (faculty and educational managers) and the list of disciplines adopted by the State is available at: <http://www.asccc.org/LocalSenates/Discipline-list.htm>

5. Desirable Qualifications. In addition to minimum requirements, various desirable qualifications may also be established and should be submitted to District Human



Resources with the position authorization request for classified non-management positions. All desirable qualifications must relate the knowledge, skills, abilities and personal characteristics needed to perform the tasks, duties and responsibilities as stated in the official District position description.

Desirable qualifications should be established to assist in predicting which applicants will be able to perform satisfactorily from the beginning of their employment and survive a competitive selection process where varying levels of knowledge, skills, abilities and personal characteristics are assessed. In addition, desirable qualifications:

- should not include kinds of experience, education or training that reflect knowledge, skills, abilities and personal characteristics that normally are acquired on the job after appointment
- should be specific enough to be evaluated objectively.

Desirable qualifications should be listed separately on the job announcement.

6. Brief Description of the Selection Procedure, including any testing requirement.
7. Brief Description of the Application Procedure.
8. Filing Period Information (including the time and date for receipt of completed applications). Classified positions should be open for a minimum of two weeks; three to four weeks are preferable. Faculty and management positions are usually open for at least one month. A lengthy recruitment period is advisable in order to get a diverse applicant pool. Positions for which there is an inadequate applicant pool should be reopened.
9. General information about the College and/or the District.
10. Equal Employment Opportunity Statement.
11. Any other information required by law or deemed appropriate by the District Office or College for inclusion in order to attract the best qualified applicants for employment.

**E. Develop Supplemental Job Information Questionnaire**

The supplemental job information questionnaire should be prepared from the qualifications listed in the job announcement. There should be separate headings for minimum qualifications and desirable qualifications - this approach allows an evaluator to easily determine whether the applicant meets the MQs and is eligible to continue the selection process. Each question should be phrased so as to evaluate one of the job-related knowledges, constructed so that they are "measurable," that is, the evaluators can determine the quality of the answer (strong to weak) and assign points accordingly. The District Human Resources Office will review all supplemental questionnaires in order to assure that the questions are appropriate. Potential problems with the supplemental questionnaires will be referred back to the appropriate manager.

**F. Submit to President or Vice Chancellor for Approval**

The selection procedures and completed job announcement and supplemental questionnaires for a faculty or management vacancy must be submitted to the President (college positions) or Vice Chancellor (District Office positions) for approval. The information is then forwarded to the District Human Resources Office.

## **G. Advertising the Position**

In addition to the District website, job postings will appear on selected job posting websites and in newspapers. Career fairs will be utilized for faculty positions, as appropriate.

In certain circumstances, supervisors, managers or any other persons may be aware of specific recruitment sources not ordinarily utilized. In addition, the use of personal contacts to disseminate information about position vacancies is encouraged. "Word of mouth" is always an effective recruiting tool.

Every attempt should be made to get out information about openings to "protected class" groups (i.e., ethnic minorities, women, disabled, Viet Nam Veterans, etc.). Recruiting, such as advertising in publications designed to reach a specific group is particularly important when underrepresentation of a particular, protected class has been identified. In any case, all advertising and other recruiting activities should be designed to produce a diverse applicant pool.

## **H. Evaluation of Applications and Supplemental Questionnaires**

The preliminary evaluation of the applicant begins with the District application form and a supplemental job information questionnaire.

1. **District Application Forms.** There are two separate District application forms (one for classified employees and one for academic employees). All applicants for District employment must complete the appropriate District application form. This form must be completed and signed by the applicant before any employment consideration can be made. In some cases, the College/ District may require that a resume also be submitted with the application. A resume, however, may not be utilized in lieu of the regular application or the supplemental questionnaire.
2. **Supplemental Job Information Questionnaire.** A supplemental job information questionnaire is required to gather information from applicants which are (1) related to some of the knowledge, skills, abilities and personal characteristics which are important in the selection processes and/or (2) information about an applicant's suitability for a specific position or the particular aspects of the position as identified in the desirable qualifications.

The supplemental job information questionnaire must be evaluated to make the first selection decisions. This process is commonly known as "paper screening" or "application screening" and results in some applicants being rejected and others being designated for interviews. This process is a selection practice and, as such, must be shown to be job related and completed in a systematic fashion. The paper screening committee should consist of one to five members who have a thorough understanding of the job in question. Every attempt should be made to include members of protected groups in the process.

Applications should first be screened for the minimum qualifications which establish training, experience, degree, license or certificate requirements. Applicants who do not meet these MQs will be eliminated from consideration. The remaining applications will then be evaluated on the basis of the responses to the other supplemental application questions and points assigned accordingly.

The application screening process will result in rejection of some applicants and a decision to interview the most qualified applicants. Those applicants not chosen to be interviewed will receive a routine letter of rejection from the President, Director of Business Services, Chief Human Resources Officer or designee immediately following the process.

All requests from applicants for specific information surrounding the screening of their applications should be forwarded to the Chief Human Resources Officer for review and response.

#### **I. Administration of Written Tests or Job Performance Tests**

The two other traditional types of selection procedures are written job knowledge tests and job performance (work sample) tests.

1. **Written Job Knowledge Tests.** A job knowledge test is a measure of essential knowledge required for the successful performance of some jobs. It usually is administered to experienced job applicants and measures the individual's knowledge or skill in a particular occupational area in which the applicant has had either experience or specific training. Through thorough job evaluation, the essential knowledge required for doing a job is determined and a test is then constructed to evaluate this knowledge.

To develop job knowledge tests, the job evaluation must focus heavily upon what a successful employee needs to know to do the job. A very highly concrete degree of detail is required and many specific examples of what the employee does must be obtained in the job analysis. The difficulty level of these tasks must be assessed. To whatever degree possible, the test must be a faithful reproduction of what the employee must know to do the job. If a job knowledge test is to be used, it should be approved by the Chief Human Resources Officer.

2. **Job Performance Tests.** A job performance test is one in which job tasks are simulated to a relatively high degree. It measures an applicant's ability to perform a specific job task or set of tasks. Typical job performance tests would be such things as keyboarding, giving a class lecture, or handling office procedures.

In developing a performance test, one must first decide what part of the job should be measured and then how to simulate it. Simulations involve two dimensions. (1) "realism" is the degree of actual job environment detail in the simulation, and (2) "scope" is the degree to which the various aspects of the job are simulated. These aspects must be critical to successful job performance.

#### **J. Administration of Screening and Hiring Interviews**

There are two basic types of interviews typically used in the selection process. The first is called a structured "screening" interview; the second is the "final" or "hiring" interview.

Prior to screening interviews, the local EEO Officer (or designee) reviews the confidential applicant flow data on those selected for a screening interview. The EEO officer will ensure that EEO policies are met, and take action, if required, based on District policy. For faculty positions, this determination is made in consultation with the screening committee and Division Dean. The screening interview provides additional information on the qualifications of the applicants and assists in designating what predetermined minimum number will be recommended for the hiring interview (usually at least three for classified and management positions). If there are not at least three well qualified finalists, the hiring manager should consult with the Chief Human Resources Officer on how to proceed.

The "final" or "hiring" interview is conducted in order to identify the one applicant who will be appointed to the position. Since interview development principles apply equally to both interviews, the following section is applicable to both types of interviews. Each interview committee member should receive training in the process.

1. **Screening Interview Committee.** When using a screening interview committee, it is

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## BEST PRACTICES FOR FACULTY RECRUITMENT

Under current law and University policy, the most important method for promoting equal opportunity is to conduct a vigorous search which should help ensure that qualified women and minorities are well represented in applicant pools for faculty positions. Search waivers should be granted only in exceptional situations and for compelling reasons. Many departments maintain faculty affirmative action committees that are charged with developing and implementing the practices described below to ensure departmental compliance with Federal equal opportunity standards.

### Composing the Search Committee

Each department should make an effort to appoint a search committee that represents a diverse cross section of the faculty and includes members who will monitor the affirmative action efforts of the search committee. In accordance with Federal regulations, a special effort should be made to ensure that minorities and women have equal opportunity to serve on search committees. Departments that lack diversity on their own faculty should consider appointing faculty outside the department to search committees or develop other alternatives to broaden the perspective of the committee and increase the reach of the search. Each department should require search committees to create written search plans that describe, at a minimum, the underutilization and availability of women and minorities in the field, the methods of recruitment and advertising, the position description, and the criteria to be used in selecting candidates.

### Developing Position Announcements

Prior to initiating a search for a faculty position, the position description should be carefully reviewed by the search committee, the department faculty, and the academic administration. Every effort should be made to ensure that the position description reflects the needs of the department and is drafted as broadly as possible to attract the largest available pool of potential applicants. If two or more recruitments in related fields are anticipated in the near future, position announcements may include criteria for all pending appointments, with the understanding that the most exceptional candidate from this larger pool will be hired first, regardless of field. In the following year, the search can be reopened and focused on the fields not filled by the initial hire. Campuses also may want to consider developing policies to encourage cluster hiring and/or spousal hiring policies that may contribute to attracting a more diverse pool of candidates to faculty positions.

In addition to the required notice that the University is an equal opportunity employer, position descriptions and job announcements may contain additional language reflecting the department's interest in attracting applicants whose teaching, research or service activities may contribute to the academic diversity of the campus. For example, a department interested in increasing the participation and success rate of women or minority students in their field may include language in its job descriptions such as, "The department is particularly interested in candidates who have experience working with students from diverse backgrounds and a demonstrated commitment to improving access to higher education for disadvantaged students," or "Candidates should describe previous activities mentoring women, minorities, students with disabilities or other under-represented groups." Job announcements also may contain specific language reflecting

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the institutional commitment to consider dual career appointments and support spousal employment opportunities, such as "The University is responsive to the needs of dual career couples."

### Widespread Advertising

Every effort should be made to conduct a thorough search and advertise widely before filling any faculty position. Search efforts should include all available avenues for publicizing the position, including national publications, personal contacts, listservs, mailing lists, professional and academic conferences, and Web sites. All advertisements for faculty positions should state that the University is an "Equal Opportunity/ Affirmative Action Employer."<sup>29[29]</sup> It also is consistent with University policy and obligations as a Federal contractor for advertisements to state that "all qualified applicants are encouraged to apply, including minorities and women."

### Inclusive Recruitment

All University search committees should engage in inclusive recruitment activities that are consistent with University policy and effective for increasing the numbers of women and minority applicants for academic appointments. An effective faculty affirmative action program will ensure that positions be advertised with organizations and publications that are targeted to women and minority audiences, in addition to advertising in publications for general distribution. This inclusive advertising may be placed in nationally known publications such as "Black Issues in Higher Education" or "The Hispanic Outlook in Higher Education," or in specialized publications such as a newsletter for a women's section of a national academic organization. Each campus should develop and maintain a list of publications, by field, where academic positions could be advertised, that includes publications targeted to specific groups in addition to publications used for general distribution.

### Proactive Informational Outreach

In addition to broad advertising, search committees may engage in other types of proactive informational outreach to increase the numbers of outstanding applicants for faculty positions, including women and minorities. As search committee members write letters or make phone calls to their colleagues to ask about promising candidates, they also may specifically inquire about promising women and minority candidates. As search committee members attend conferences or other academic meetings for the purpose of recruiting or networking with potential candidates, they may also make a specific effort to attend conferences or meetings attended primarily by women and minorities in the field. Search committees should ensure that female and minority members of the campus faculty are not excluded from consultations regarding their knowledge of potential candidates, and should actively encourage all faculty to refer potential candidates. All academic disciplines have professional organizations and most of these have subcommittees for women and/or specific minority groups. Search committees may broaden the pool by utilizing the resources of these specialized academic and professional organizations and also by making efforts to identify individuals who have achieved excellence outside academe.

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<sup>29[29]</sup> 41 C.F.R. 60-1.41



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## BEST PRACTICES FOR FACULTY SELECTION

The Federal affirmative action regulations provide the University with great flexibility in developing action-oriented programs and demonstrating good faith efforts to provide equal employment opportunity in faculty hiring. However, Proposition 209 does not permit the University to grant preferences on the basis of race or gender in the selection process for academic appointments. Therefore, programs that allowed departments to consider affirmative action in hiring decisions such as the Target of Opportunity for Diversity and the "tie-breaker" policy, are no longer available as tools to increase academic employment opportunities for women and minorities. However, there are still important steps that departments can take that will serve to ensure that faculty selection practices provide equal opportunity for all candidates and do not inadvertently create barriers or biases in the selection.

### Analyzing the Pool

Federal affirmative action regulations require each campus to collect data regarding the race and gender of all job applicants, including applicants for faculty positions.<sup>30[30]</sup> It is a good affirmative action practice, and consistent with University policy, to review the applicant pool prior to beginning the selection process to determine if women and minority applicants are represented in the pool. If women and minority applicants are not present in the pool at about the rate of their estimated availability in the field, then departments should review whether recruitment and outreach procedures were sufficiently broad, and if not, consider reopening the search with expanded inclusive recruitment efforts.

### Monitoring the Selection Process

In addition to analyzing the applicant pool for faculty positions, an effective faculty affirmative action plan will include monitoring the selection process.<sup>31[31]</sup> Departments should establish procedures for selection that require applications to be read by more than one person, to minimize the possibility qualified candidates may be overlooked. Search Committees should prepare written deselection documents that describe the reason(s) for rejecting candidates. Deans or department chairs should review these documents and may examine committee selections to ensure that they meet the selection criteria listed in the position announcement. For example, a search process that begins with a position description targeting one specialized field and ends with a recommendation to hire a candidate in a different specialty should be carefully scrutinized to ensure that no qualified candidates were denied an equal opportunity to compete for the position. Academic administrators also may review the race and gender of candidates on the short list. If there is insufficient representation as compared to availability and the applicant pool, the selection process should be scrutinized to ensure that the selection criteria were properly and consistently applied in the review of candidates, and that those criteria were consistent with the documented academic needs of the department. If selection problems are identified, a search committee may either reopen the search to conduct additional outreach or revisit the pool of all qualified candidates and create a new short list according to appropriate selection criteria.

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<sup>30[30]</sup> 41 C.F.R. 60-2.17(b)

<sup>31[31]</sup> 41 C.F.R. 60-2.17(b)(2)

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.



### **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.

Minutes of October 4, 2013

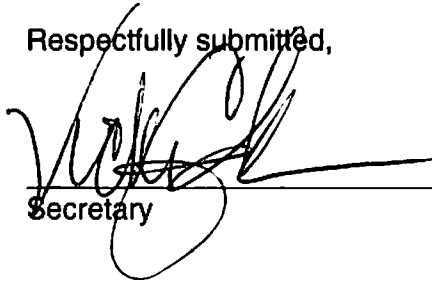
At the end of this discussion, Ms. Hernández said another meeting would be scheduled to draft a board policy .She also said a draft of notes and outcomes from this meeting would be shared.

Mr. Márquez thanked everyone for their participation. Ms. Gordon also thanked everyone and said she appreciated the focus on student success.

**ADJOURNMENT**

There being no further business to come before the Government Board, Mr. Márquez adjourned the meeting at 2:14 p.m. The next regular meeting of the Governing Board will be held at the George R. Gordon Education Center on Wednesday, October 9, 2013.

Respectfully submitted,



Secretary

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