

CONTRA COSTA COMMUNITY COLLEGE DISTRICT

Equal Employment Opportunity Plan

December 11, 2007

I: Introduction

The Contra Costa Community College District Equal Employment Opportunity Plan (Plan) reflects the District's commitment to equal employment opportunity. 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 and promote excellence.

Through an educational experience in an inclusive environment, our students will be better prepared to work and live in an increasingly global society. The plan's immediate focus is equal employment opportunity in its 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 under representation of monitored groups. The Plan will contain an analysis of the demographic makeup of the District's workforce population and an analysis of whether under representation of monitored groups exists. The 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; and procedures for dissemination of the Plan. To properly serve a growing diverse population, the District will endeavor to hire and retain faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

Dr. Helen Benjamin
Chancellor

II: Definitions

- a) Adverse Impact: a statistical measure (such as those outlined in the EEO 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 State Chancellor pursuant to section 53004. These groups shall be more specifically defined by the State 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).
- 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 State 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.

Title 5, § 53001 (a)-(p)

III: Policy Statements

The District is committed to the principles of equal employment opportunity and will implement a comprehensive program to put those principles into practice. It is the District's policy to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity, and are not subjected to discrimination in any program or activity of the District on the basis of ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry, sexual orientation, language, accent, citizenship status, transgender, parental status, marital status, economic status, veteran status, medical condition, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. The District will strive to achieve a workforce that is welcoming to men, women, persons with disabilities and individuals from all ethnic and other groups to ensure the District provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy and free expression of ideas. An Equal Employment Opportunity Plan will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws

Board Policy 2052 – Equal Employment Opportunity

The Contra Costa Community College District 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. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, harmony and 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 Associate Vice Chancellor/Chief Human Resources Officer shall develop, after discussion with appropriate constituent groups, 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.

All such policies will provide employees and students due process opportunities and protections.

Education Code section 87100
Title 5, section 53000

Board Policy 2001 – Nondiscrimination Policy

Under the District's policy, no student, vendor, or person employed or seeking employment with the Contra Costa Community College 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. 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 State 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.

Board Policy 2052 – Equal Employment Opportunity

Contra Costa Community College 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 Section 87100
Title 5, section 53000

IV: Delegation of Responsibility, Authority and Compliance

It is the goal of the 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. Governing Board

The Governing Board is ultimately responsible for proper implementation of the District's plan at all levels of District and College operations, and for ensuring equal employment opportunity as described in the plan.

2. Chancellor

The Governing Board delegates to the Chancellor the responsibility for ongoing implementation of the plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Chancellor shall advise the Board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report 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 Associated Vice Chancellor/Chief Human Resources Officer as its equal employment opportunity officer who is responsible for the day-to-day implementation of the plan. If the designation of the equal employment opportunity officer changes before this plan is next revised, the District will notify employees and applicants for employment of the new designee. The equal employment opportunity 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 officer is also responsible for receiving complaints described in Section VI and for ensuring that applicant pools and selection procedures are properly monitored.

4. Equal Opportunity and Diversity Advisory Committee

The Colleges and District Office will establish an Equal Opportunity and Diversity 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 Opportunity and Diversity Advisory Committees 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 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.

Title 5, § 53003 (c)(1) and 53020

V: Advisory Committee

The District has established an Equal Opportunity and Diversity 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, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The equal employment opportunity officer, or designee, 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.

Purpose

It is the purpose of the District Equal Opportunity and Diversity Advisory Committee in conjunction with the College Equal Opportunity and Diversity Committees to advise, assist, and make recommendations to and through the Associate Vice Chancellor/Chief Human Resources Officer to the Chancellor's Cabinet for the development and implementation of effective District-wide equal employment, staff diversity and disability access programs. Furthermore, the District Human Resources Office shall maintain a file on relevant federal and state laws and regulations, and each member of the District Equal Opportunity and Diversity Advisory Committee shall understand and promote a district-wide commitment to the achievement of staff diversity and equal employment opportunities beyond labor force parity.

Title 5, § 53052

Committee Structure

The committee shall equally represent all District Constituent Groups. Therefore, in addition to the Associate Vice Chancellor/Chief Human Resources Officer, Principal Human Resources Representative (Employee Relations), and the College Equal Employment Officers, the committee will be comprised of six (6) representatives from each college designated by each of the following constituency groups:

Academic Senate	United Faculty
Classified Senate	Local 1
Management Council	Student Governing Board Member

AND

Four (4) representatives from the District Office one (1) designated by each of the following constituency groups:

Management Council
Classified Senate
Local 1

Each college shall establish its own Equal Opportunity and Diversity Advisory Committee which shall be composed in a manner similar to the district-wide committee and carry out similar functions regarding hiring and equal employment opportunity issues at that college.

A minimum of at least three (3) of the college representatives shall be current members of each College's Equal Opportunity and Diversity Committee. Appointments to the District Equal Opportunity and Diversity Advisory Committee shall be two (2) years. In order to provide continuity, the District Equal Opportunity and Diversity Advisory Committee membership may be renewed. The student will serve a one (1) year term.

Operational Procedures

The committee shall have one chair and one vice-chair, to be elected from among the Committee members. The terms will be staggered with one serving for two years and one for three years. A vacancy shall be filled in accordance with the District Equal Opportunity and Diversity Advisory Committee appointment process.

The provision of secretarial support for the District Equal Opportunity and Diversity Advisory Committee shall be ensured by the Associate Vice Chancellor/Chief Human Resources Officer.

The committee shall meet monthly, or as needed. All members may suggest agenda items, agendas, minutes and other materials will be distributed one week in advance of each meeting.

The committee may hold an annual retreat for the purpose of on-going strategic planning which involves setting long-term goals and methods for achievement and evaluating the progress of the previous year's projects, and to review the plan for the next academic year. Other retreats may be scheduled as needed. The College Equal Opportunity and Diversity Committees may be invited to meet with the District Equal Opportunity and Diversity Advisory Committee to discuss and plan activities and programs to achieve goals.

The committee will assist the Associate Vice Chancellor/ Chief Human Resources Officer in identifying and selecting staff for orientation and assignments as recruiters to attend career fairs, conferences and community activities.

Amendments to committee procedures and objectives shall be by majority of those members present at the meeting at which the action is agendized.

Sub-committees shall be formed as needed and shall be the mechanism through which much of the work of the District Equal Opportunity and Diversity Advisory Committee is completed. Sub-committee Chairs shall be selected by the Chair of the District Equal Opportunity and Diversity Advisory Committee with approval of a majority of the membership.

Title 5, § 53005

VI: Complaints

(This section of the plan is pending review by the District's legal counsel)

- 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 of the equal employment opportunity regulations¹ 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. 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 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://www.cccco.edu/divisions/legal/guidelines/Guidelines%20for%20Minimum%20Conditions%20Complaints.htm>.

The District may return without action any complaints that are inadequate because they do not state a clear violation of the EEO regulations. All returned complaints must include a District statement of the reason for returning the complaint without action.

¹ The equal employment opportunity regulations are found in California Code of Regulations, Title 5, section 53000 et seq.

The complaint shall be filed with the equal employment opportunity officer. If the complaint involves the equal employment opportunity officer, the complaint may be filed with the chief executive officer. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. The equal employment opportunity officer will forward copies of all written complaints to the State Chancellor's Office upon receipt.

In the event that a complaint filed under section 53026 alleges unlawful discrimination, it will be processed according to the requirements of section 59300 et seq.

2) Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.) The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Associate Vice Chancellor/Chief Human Resources Officer is responsible for receiving such complaints and for coordinating their investigation. Campus complaint officers may be assigned investigation responsibilities. The District's discrimination and sexual harassment complaint procedures are contained in Human Resources Procedure 1040.07.

VII: Notification to District Employees

The commitment of the Governing Board 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 Governing Board, all managers and supervisors, academic and classified senate presidents and vice presidents, and Management Council, United Faculty, and Local 1 Presidents and Vice Presidents.

The Plan shall be made available to all employees. The District Human Resources Department will provide all new employees with a copy of the policies and procedure statements during their District-wide orientation.

The plan will be made available to all employees on the District's website under the Human Resources Department.

Title 5, § 53003(c)(3)

VII: 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, 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; individuals who have not received this training will not be allowed to serve on screening/selection committees. The District Human Resources Office is responsible for developing and implementing the required training. Any individual, whether or not an employee of the District, 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.

Title 5, § 53003(c)(4)

IX: Annual Written Notice to Community Organizations

The Associate Vice Chancellor/Chief Human Resources 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. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. A list of organizations, which will receive this notice, will be made available in the District Human Resource Office. This list may be revised from time to time as necessary.

Title 5, § 53003(c)(5)

X: Analysis of District Workforce and Applicant Pool

The District Human Resources Office will annually analyze the District's workforce composition and monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the plan, to provide data needed for the reports required by this plan and to determine whether any monitored group is underrepresented. Monitored groups are men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For purposes of the survey and report, 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 committees. This analysis will be done for each location in the District. The District will annually report to the Chancellor and the Board the results of its annual analysis of employees.

At least every three years the plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

- 1) Executive/Administrative/Managerial
- 2) Faculty and other Instructional Staff:
- 3) Professional Non-faculty
- 4) Secretarial/Clerical
- 5) Technical and Paraprofessional
- 6) Skilled Crafts
- 7) Service and Maintenance

Title 5, § 53003(c)(6)

District Office/College Workforce Analysis

(Charts to be developed by District Human Resources)

XI: Analysis of Degree of Under Representation and Significant Under Representation

(Summary to be developed based on analysis by District Human Resources)

Title 5, § 53003(c)(7)

XII: Methods to Address Under Representation

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.

To address any identified under representation of monitored groups pursuant to Section XI, the District will review and if necessary revise its recruitment and hiring procedures and policies in accordance with the following provisions. These provisions will be in place henceforth, whether or not under representation exists, because the provisions are also valuable in ensuring equal employment opportunity. The District's recruitment and hiring procedures will be revised to include the following provisions:

1) Recruitment

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. College Equal Opportunity and Diversity Advisory Committees are encouraged to utilize and notify the District of additional recruitment options that may enable the District to obtain a diverse pool of applicants. All recruitment announcements will state that the District is an "Equal Employment Employer." The District will include in the recruitment section of its recruitment and hiring procedures the following provisions:

- a) For any job category where continuing under representation exists, the District will apply the recruitment procedures set forth in Title 5, section 53021 to conduct full and open recruitment for all new openings and will not invoke the provisions for in-house interim appointments or the exception under 53021(c)(7) for engaging an administrator through a professional services contract unless the Chancellor or his/her designee first notifies the Governing Board in writing of the compelling reason to limit the persons who may be considered for a vacancy in a job category where under representation persists.
- b) Recruitment for all open positions shall include, but not be limited to, placement of job announcements in the following instruments:
 - (1) General circulation newspapers, publications and electronic media.
 - (2) Local and regional community newspapers.
 - (3) Newspapers and publications in languages other than English and to low-income communities.
 - (4) Publications, including electronic media that are distributed to the general market and to newspapers, publications whose primary audience is comprised of groups found to be under represented in the District's workforce.
 - (5) Recruitment booths at job fairs or conferences oriented to the general market and the economically disadvantaged as well as those events drawing significant participation by groups found to be under represented in the District's workforce.

2) Job Announcements

The District's recruitment and hiring procedures section on job announcements will be revised to include the following provisions:

- a) 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 diversity in the workplace and educational environment.

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 or designee 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.”

Title 5, § 53003(c)(8)

- b) For identified public contact or community liaison positions, bilingual ability in the language spoken by a significant number of students may be a required qualification. Before bilingual ability in the identified languages can be made a required qualification, District Human Resources will conduct an analysis to ensure that such a requirement meets the standard for a bona fide occupational requirement. The District will identify the specific positions that may require bilingual ability and the language(s) needed; and in which positions bilingual ability in a particular language may be listed as a required, preferred, or desired qualification.

3) 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:

- a) 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.
- b) Initial Applicant Pool: The initial applicant pool is composed of all applications received by the application deadline. The

following steps will be taken when reviewing the initial applicant pool.

Step 1: 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.

Step 2: If projected representation has not been met, the application deadline may be extended so that additional recruitment can be conducted that eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for participation to a wide diversity of potential applicants.

Step 3: 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 the minimum qualifications set forth in the job description.

- c) Qualified Applicant Pool: The qualified applicant pool is composed of those applicants from the initial applicant pool who satisfy the minimum qualifications set forth in the job description. Before the qualified applicant pool is forwarded to the screening/selection committees, its composition will be analyzed to ensure that no monitored group is adversely impacted. If adverse impact is found to exist, effective steps will be taken to address the adverse impact before the selection process continues. Such steps may include, but are not limited to:

Step 1: Extending the deadline and undertaking inclusive outreach efforts to ensure that members of the adversely impacted group have equal opportunity to seek employment with the District.

Step 2: Including 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.

Step 3: If the minimum qualifications stated on the job announcement are changed, the job announcement will be reposted.

Step 4: If adverse impact persists after taking Steps 1 and 2 above, the selection process may proceed only if:

- (i) The job announcement does not require qualifications beyond the statewide minimum qualifications, or
- (ii) 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.

Step 5: Once the qualified applicant pool is approved, the pool will be forwarded to the screening/ selection committees for paper screening, interviews, and final recommendations for hiring consideration.

- d) 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 (c) 2 above unless such qualifications are so verified in advance of commencing any such future hiring process.

4) Screening/Selection Committees Procedures

The District seeks to employ qualified persons with a broad range of backgrounds and abilities who have the knowledge and experience to work effectively in a diverse environment. The selection process is based on merit, and will extend to all candidates a fair, impartial examination of qualifications based on job-related criteria. The District's recruitment and hiring procedures will include in its section on applicant screening by screening/selection committees the following provisions:

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

- (1) Designed to ensure that, for all positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of diversity in the workplace and educational environment.
 - (2) Based solely on job-related criteria; and
 - (3) 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.
- b) 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.
 - c) 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.
 - d) Before a person can serve on a selection/screening committee, he or she must receive equal employment opportunity and diversity training.
 - e) Interviews must include a question which will 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.
 - f) All screening materials must be approved for compliance with equal employment opportunity principles.
 - g) Monitoring for adverse impact will occur at each of the following stages of the screening/selection committee process:

- (1) 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.
 - (2) After the applicants have been interviewed and prior to forwarding finalists to the hiring interview. Finalists cannot be forwarded for hiring consideration until the applicant pool has been approved and cleared for adverse impact.
- h) If monitoring for adverse impact reveals that any selection technique or procedure has adversely impacted any monitored group, the Associate Vice Chancellor/Chief Human Resources Officer, or designee, will do the following:
- 1) Suspend the selection process and take timely and effective steps to remedy the problem before the selection process resumes.
 - 2) 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.
 - 3) 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.
 - 4) Where necessary, the position may be reopened at any time and a new selection process initiated in a way designed to avoid adverse impact.

- i) 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.
- j) 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 Section 12, (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 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.

- k) Selection testing for employees will follow procedures as outlined in the Equal Employment Opportunity Commission's Uniform Guidelines on Employee Selection Procedures.
- l) The Board or its designee shall make all final hiring decisions based upon careful review of the candidate or candidates recommended through the screening/selection committees. 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.
- m) 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 Opportunity and Diversity 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: Additional Steps to Remedy Significant Under Representation

In Section XI of this Plan, the District identified particular monitored groups that are significantly under represented with respect to one or more job categories. In order to address these instances of significant under representation, the District will take the following steps:

- 1) The District will request that the Equal Opportunity and Diversity Advisory Committee, in conjunction with appropriate Human Resources staff, review the District's recruitment procedures and make recommendations on modifications that would address the under representation.
- 2) The District may consider increasing the advertising and recruitment budget for a three-year period to ensure that recruitment is broad and inclusive.
- 3) The District will require that the manager for the division or department where the significant under representation occurs develop, in conjunction with the equal employment opportunity officer, a recruitment and hiring program to assist in addressing the significant under representation.

The program should include additional locations or resources to advertise positions that would likely attract candidates from the significantly under represented groups; whatever changes in staffing, curricular offerings or department structure would assist in attracting candidates from significantly under represented groups; additional training for current employees on the value of a diverse workforce; and recommended changes to the job announcement and screening criteria, including interview questions, that may reasonably be expected to attract candidates from the significantly under represented group.

- 4) The District may develop and implement an intern program where graduate students will be provided the opportunity to co-teach a class offered by the District. The intern program will be designed to interest graduate students in teaching at community colleges and provide them with teaching experience. The program will be designed to provide a diverse group of students with this opportunity.
- 5) The District will actively monitor the representation rate of each group which was identified in Section XI as being significantly under represented in one or more categories. If significant under representation persists for a particular group in the job category in

question, after the measures described above have been in place for a period of at least three years, the District will:

- a) Review each locally 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.
- b) Discontinue the use of any locally established qualification that is not found to satisfy the requirements set forth in the previous paragraph and continue using qualification standards meeting the requirements in the previous paragraph only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of the previous paragraph, and be expected to have a less exclusionary effect.
- c) Develop a recruitment committee composed of the college president, the Associate Vice Chancellor/Chief Human Resources Officer, the manager for the division or department where the significant under representation persists and members of the Equal Opportunity and Diversity Advisory Committee to review the effectiveness of the recruitment and hiring program described in section 3 above. The committee will provide recommendations to modify the recruitment and hiring program to better address the significant under representation.

Title 5, § 53003(c)(9) and 53006

XIV: 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 under representation and/or significant under representation, the District will implement a diversity program. Having a District that has accepted principles of diversity and multiculturalism can make implementation and maintenance of an effective equal employment opportunity program much easier. For that reason, institutionalizing a diversity program that is well planned out, well funded, and supported by the leadership of the District can be of great value.

The District will sponsor cultural events and speakers on issues dealing with diversity, and explore how to infuse diversity into the classroom, curriculum, and the workplace. The District will also promote learning opportunities and personal growth in the area of diversity and evaluate how the physical environment can be responsive to its diverse employee and student populations. In implementing a diversity program, the District shall do the following:

- 1) Commit to a formal 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) Conduct site specific climate studies to identify hidden barriers.
- 3) Include guest speakers from under represented groups who are in leadership positions and who may inspire students and employees alike.
- 4) 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.
- 5) Conduct diversity dialogues, forums, and cross-cultural workshops.

- 6) Work with the College Curriculum Committees 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.
- 7) Review and revise college/district publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
- 8) Recognize and value staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.
- 9) Require a series of EEO/diversity workshops at all instructional improvement days (flex week or staff development days).
- 10) Evaluate administrators yearly on their ability and efforts to meet the District's equal employment opportunity and diversity effort.
- 11) 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.
- 12) Promote sabbaticals that will assist the District in achieving its equal employment opportunity and diversity objectives.
- 13) Promote various cultural celebrations at all locations.
- 14) Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for employees.
- 15) Have a formal diversity program at each location that is visible, valued and adequately funded.
- 16) Consider providing for alternative educational or experience requirements for nonacademic positions.
- 17) Develop leadership opportunities with current staff focusing on diversity.

- 18) Establish a Community Outreach Advisory Council to involve community-based organizations in the recruitment and other equal employment opportunity efforts of the Colleges and District Office. Recommended membership will include representatives from local business and industry as well as from diverse community groups.
- 19) Ensure that top administrative staff support diversity objectives and that the diversity and/or equal employment opportunity officer position is maintained as a cabinet or other high-level administrative position.
- 20) Seek direct contact with student, professional, community and other organizations that represent the diverse community we serve. These organizations can serve as resources for referring potential candidates.

Title 5, § 53003(c)(10)

XV: Persons with Disabilities: Accommodations and Goals for Hiring

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, work station or classroom modifications, job restructuring, work schedule adjustments, and adaptive equipment.

The ADA coordinators are responsible for handling requests for accommodations from current employees. The location Human Resources Office is responsible for handling requests from applicants seeking such accommodations during the application process. Requests can be made on the "Request for Reasonable Accommodations" form. The District's Reasonable Accommodation procedures can be found in Human Resources Procedure 1080.04 for job applicants and HR1080.05 for employees.

Procedures When Under Representation is Found

When persons with disabilities are found to be significantly under represented, measures required under plan Sections XIII and XIV will be implemented concurrently with the goals set forth. The District will make every effort to achieve the hiring goals by the target dates identified and will discontinue them when projected representation has been achieved for persons with disabilities in the category or categories in question.

Goals for Persons with Disabilities

Currently the projected representation for persons with disabilities is only required by the total District workforce and not by job categories.

(Charts and summary to be developed by District Human Resources)

Title 5, § 53003(d), 53025