

AP 3420 Equal Employment Opportunity Plan (EEOP)

The plan will be a district-wide written faculty and staff diversity plan that implements the District's equal employment opportunity plan, includes the definitions contained in Title 5, Section 53001, and addresses the following:

- Submission of plans and revisions to the state Chancellor's Office for review and approval.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this Subchapter and of state and federal nondiscrimination laws;
- An analysis of the number of persons from historically underrepresented groups who are employed in the District's work force and those who have applied for employment in each of the job categories listed below;
- The steps the District will take to achieve diversity in its work force;

The plan shall be a public record.

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

Annual Evaluation

The District will conduct an annual survey of its employees and applicants for employment in order to evaluate progress in implementing the Plan and to provide data needed for required analyses.

The District will submit an annual report to the Chancellor's Office of the California Community Colleges on the results of its annual survey of employees. The report shall identify each employee as belonging to one of the following seven job categories:

- executive/administrative/managerial
- faculty and other instructional staff
- professional non-faculty
- secretarial/clerical
- technical and paraprofessional
- skilled crafts; and
- service and maintenance.

The opportunity for each employee to identify his or her gender, ethnicity and, if applicable, disability will occur during the employment process.

Advisory Committee

The advisory committee shall include members of all historically underrepresented groups whenever possible.

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

- review and advise on recruitment efforts,
- promote communications with community, minority, women's, and veterans' groups, and organizations for people with disabilities;
- advise the District President regarding special training or staff development needs;
- review the Plan and monitor its progress;
- recommend changes needed in the Plan; and
- review and approve the annual written report to the District President, the Board of Trustees, and the Chancellor's Office for the California Community Colleges.

Employment Procedures

Job Analysis and Validation

The Director of the Human Resources Development Office shall assure, a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

Job Description

Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations. Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

Applicant Pools

The application for employment shall afford each applicant an opportunity to identify himself or herself voluntarily as to gender, ethnicity and, if applicable, his or her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the applicant pool shall be analyzed to assure that expected representation has been achieved. If adverse impact is found, the District shall take steps to address the adverse impact before the selection process begins. Such steps may include extending the deadline for applications and additional focused recruitment; elimination or modification of qualifications found to cause the adverse impact and extension of the deadline for applications.

Screening and Selection

Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. Procedures to be used must address or include that:

- All tests will conform to generally applicable legal standards for uniformity;
- A reasonable number of candidates are identified for interview;
- Screening and selection committees will be developed that are representative of the District community and campus; include administrators, faculty and classified staff; include members of protected groups when possible; and will not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Equal Employment Representative assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews. The EEO Representative will monitor the hiring process for adverse impact.

Delegation of Authority

The District will designate a single person as the EEO Officer charged with overseeing the day-to-day implementation of the Equal Employment Opportunity Plan.

The District will develop processes and responsibilities to be activated in the event the EEO officer is named in a complaint or implicated by the allegations in a complaint.

Complaint Procedure

The District will identify to the public and to the state Chancellor's Office an individual described in Title 5 as the "responsible District officer," responsible for receiving complaints. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.

When a person brings charges of unlawful discrimination the officer must:

- Undertake efforts to resolve the charge informally;

- Advise the complainant that he or she need not participate in an informal resolution of the complaint;
- Notify the complainant of the procedures for filing a formal complaint;
- Notify the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education.

If the complainant files a formal complaint, the responsible District officer must also notify the state Chancellor's Office of the complaint.

A formal complaint must be processed if it is filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.

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

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

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

The District must provide the complainant with a copy or summary of the investigative report within ninety days from the date the District received the complaint. The complainant must also be provided with a written notice setting forth the determination of the EEO Officer as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the District's governing board and the state Chancellor's Office.

If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity within fifteen days to submit a written appeal to the governing board. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty-five days of receiving the appeal. If the Board does not act within forty-five days the administrative determination must be deemed approved and must become the final District decision.

A copy of the final District decision must be forwarded to the complainant and the state Chancellor's Office. The complainant must be notified of his or her right to appeal.

In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the state Chancellor's Office within 30 days after the Board issues the final District decision or permits the administrative decision to become final.

In cases involving employment discrimination, the complainant may file a complaint with the Department of Fair Employment and Housing or file a petition for review with the state Chancellor's Office within 30 days.

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because of ethnicity or race, color, sex, age, religion, marital status, disability, sexual orientation, national origin, medical conditions, status as a Vietnam-era veteran, ancestry, or political or organizational affiliation.

Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the state Chancellor's Office for approval.