

Plan Component 1: Introduction

The West Valley-Mission Community District Equal Employment Opportunity Plan (*Plan*) was adopted by the governing board on February 19, 2009. The *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 underrepresentation of monitored groups. The *Plan* contains an analysis of the demographic makeup of the district's workforce population and an analysis of whether underrepresentation 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.

Signature of Chief Executive Officer

Adopted by the Board Of Trustees: February 19, 2009

Plan Component 2: 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 Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.
- h) *Goals for Persons with Disabilities*: a statement that the district will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the workforce and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.
- i) *In-house or Promotional Only Hiring*: means that only existing district employees are allowed to apply for a position.
- j) *Monitored Group*: means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).
- k) *Person with a Disability*: any person who (1) has a physical or mental impairment as defined in Government Code, section 12926 which limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.
- l) *Projected Representation*: the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.
- m) *Reasonable Accommodation*: the efforts made on the part of the district to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in section 53025.
- n) *Screening or Selection Procedures*: any measure, combination of measures, or procedures used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.
- o) *Significantly Underrepresented Group*: any monitored group for which the percentage of persons from that group employed by the district in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

- p) *Target Date*: a point in time by which the district plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.
- q) *Timetable*: a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

Plan Component 3: Policy Statement

The West Valley-Mission Community College 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, sex, physical disability, mental disability, ancestry, sexual orientation, language, accent, citizenship status, transgender status, 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.

Plan Component 4: Delegation of Responsibility, Authority and Compliance

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

1. *Governing Board*

The governing board is ultimately responsible for proper implementation of the district's *Plan* at all levels of district and college operation, and for ensuring equal employment opportunity as described in the *Plan*.

2. *Chief Executive Officer*

The governing board delegates to the chief executive officer the responsibility for ongoing implementation of the *Plan* and for providing leadership in supporting the district's equal employment opportunity policies and procedures. The chief executive officer shall advise the governing board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on *Plan* implementation. The chief executive officer 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 Office*

The district has designated Associate Vice Chancellor of Human Resources 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 Plan Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.

4. *Equal Employment Opportunity Advisory Committee*

The District will establish an Equal Employment Opportunity Advisory Committee, referred to as the Diversity Advisory Council, 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 Diversity Advisory Council shall assist in the implementation of the *Plan* in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for *Plan* revisions as appropriate.

5. *Agents of the District*

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

6. *Good Faith Effort*

The district shall make a continuous good faith effort to comply with all the requirements of its *Plan*.

Plan Component 5: Advisory Committee

The district has established an Equal Employment Opportunity Advisory Committee, referred to as the Diversity Advisory Council, 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 Associate Vice Chancellor of Human Resources, acting as equal employment opportunity officer shall train the advisory committee on equal employment compliance and the *Plan* itself. The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the district has been unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups. The committee will be composed of one faculty member from each college, appointed by the college Academic Senate, one classified employee from each college, appointed by the college Classified Senate, one administrator from the District office, appointed by the Chancellor, and one student from each college, appointed by the college student council. Ex officio members shall include the Associate Vice Chancellor of Human Resources and a Human Resources department recruitment specialist. The Diversity Advisory Council shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the Council shall make recommendations to the governing board, the chief executive officer, and the equal employment opportunity officer.

Plan Component 6: Complaints

- 1) *Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026)*. The district has established the following process permitting any person to file a complaint alleging that the requirements 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 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.

The complaint shall be filed with the Associate Vice Chancellor of Human Resources, acting as equal employment opportunity officer, or designee. 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 Chancellor's Office upon receipt.

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

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 of Human Resources is responsible for receiving such complaints and for coordinating their investigation.

Plan Component 7: Notification to District Employees

The commitment of the governing board and the chief executive officer 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 district's governing board, the chief executive officer, administrators, the academic senate leadership, union representatives and members of the District Equal Employment Opportunity Advisory Committees also referred to as the Diversity Advisory Council. The *Plan* will be available on the district's website, and when appropriate, may be distributed by e-mail. Each year, the district office will provide all employees with a copy of the Board's Equal Employment Opportunity Policy Statement (located in Plan Component 3 of this *Plan*) and a notice containing the provisions: The annual notice will contain the following provisions:

- 1) The importance of the employee's participation and responsibility in ensuring the *Plan*'s implementation.
- 2) Where complete copies of the *Plan* are available, including in every campus library, in the district's public folders, on the campus and district internet site, the Office of the Chief Executive Officer, the Office of Human Resources, each department office, and each campus Office of Equal Employment Opportunity.

The Human Resources Department will provide all new employees with a copy of the Board's Equal Employment Opportunity Policy Statement and the notice described above when they commence their employment with the district.

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, 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 Human Resources department is responsible for providing 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 5² and the district's Equal Employment Opportunity Plan.

² See title 5, § 53020(c).

Plan Component 9: Annual Written Notice to Community Organizations

The equal employment opportunity officer will provide annual written notice to appropriate community-based and professional organizations concerning the *Plan*. The notice will inform these organizations that they may obtain a copy of the *Plan*, and shall solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the *Plan*. The notice will also include the internet address where the district advertises its job openings and the names, departments and phone numbers of individuals to call in order to obtain employment information. The district will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. A list of organizations, which will receive this notice, is attached to this *Plan*. This list may be revised from time to time as necessary.

Plan Component 10: Analysis of District Workforce and Applicant Pool

The Human Resources Department will annually survey the district's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the *Plan*, 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/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, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). This survey will be done for each college in the district. The district will annually report to the Chancellor the results of its annual survey 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:

| | |
|-------------------------------|------------------------------------|
| Adult Education | Instructional and Support Services |
| Career Education | Mathematics |
| English | Natural Sciences |
| Health and Physical Education | Social Sciences |
| Humanities | Part-Time |
- 3) Professional Nonfaculty
- 4) Secretarial/Clerical
- 5) Technical and Paraprofessional
- 6) Skilled Crafts
- 7) Service and Maintenance

District Office/College Workforce Analysis Summary

The District's workforce in fall of 2008 is as follows:

| Asian | Black | Filipino | Hispanic | AI/AN* | Pacific Islander | White | Unknown | Other Non-White | D* | F* | M* | Tot H/C |
|-------|-------|----------|----------|--------|------------------|-------|---------|-----------------|------|-------|-------|---------|
| 192 | 45 | 33 | 138 | 10 | 0 | 807 | 23 | 2 | 33 | 701 | 549 | 1250 |
| 15.4% | 3.6% | 2.6% | 11.0% | 0.8% | 0% | 64.6% | 1.8% | 0.2% | 2.6% | 56.1% | 43.9% | |

*AI/AN: Americal Indian/Alaskan Native

D: Disabled

F: Female

M: Male

Ratio of Tull-time to Part-time Instructors (Ed. Code 87482.6)

The West Valley-Mission Community District has achieved the following Ratios:

Fall 2006: 77.23%

Fall 2007: 75.31%

Fall 2008 68.50%

The District will monitor this ratio during the 2009-10 and 2010-11 academic years as part of its recruitment consideration in order to regain the 75% ratio.

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

The district continues to make progress in reducing its demographics and recruitments to identify practices that may interfere with achieving a diverse workforce representative of its community. The State Chancellor's Office has indicated that there will be no baseline data on which to analyze under-representation of administrators and full-time faculty. Nevertheless, the district will continue to monitor changes in applicant pools and retention of faculty and staff, and take steps as outlined in this Plan to address areas of concern. The district will use its Diversity Advisory Council to review data and identify issues.

Baseline data for other staffing categories is not yet available. The district will conduct the necessary analysis when the data becomes available, and revise its Plan as necessary.

Persons with disabilities

- 3) In those areas where significant underrepresentation persists for three years or more, section 53006(b) of title 5 requires that additional measures be taken. When the State Chancellor's Office provides the necessary benchmark data, the district will perform the necessary analysis. Between 2005 and 2008 the district has maintained a representation of persons with disabilities ranging from 2.0% (2006) and 2.6% (2008). The district will continue to monitor its recruitment and retention practices in order to address obstacles to the employment of persons with disabilities.

Plan Component 12: Methods to Address Underrepresentation

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 87482.6.³

To address any identified underrepresentation of monitored groups pursuant to Plan Component 11, the district will revise its recruitment and hiring procedures and policies in accordance with the following provisions. These provisions will be in place henceforth, whether or not underrepresentation exists, because the provisions are also valuable in ensuring equal employment opportunity. The district's Recruitment and Hiring Procedures will be revised to include in its section on recruitment 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. The Diversity Advisory Council is 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-Affirmative Action 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 underrepresentation 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 without first notifying the Associate Vice

³ Education Code section 87102 requires each district's *Plan* to address how the district will make progress in achieving the ratio of full-time to part-time faculty hiring as required by Education Code section 87482.6, while still ensuring equal employment opportunity.

Chancellor of Human Resources in writing of the compelling reason to do so. If the Associate Vice Chancellor determines that an exception to a full and open recruitment is warranted, he/she will notify the Diversity Advisory Council.

- 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, general circulation publications, and general market radio and television stations, including electronic media.
 - (2) Local and regional community newspapers.
 - (3) Newspapers, publications, and radio and television stations that provide information 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, and radio and television stations, whose primary audience is comprised of groups found to be underrepresented in the district's workforce.
 - c) At least every three years the district shall host an open house for persons interested in employment with the district. The open house will allow potential candidates to meet deans, division chairs, faculty, and classified employees of the district. Attendees will be provided with information regarding current job openings, the demographic makeup of the student body, hiring criteria and procedures, and information on the district's commitment to equal employment opportunity. Efforts will be made to attract diverse groups of individuals to the open house.
 - d) District employees will be surveyed on a regular basis requesting resources and locations where open positions may be advertised to ensure recruitment is as inclusive and broad as possible and includes recruitment of monitored groups. Human resources will compile, store, and update this list.
- 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 the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. 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–Affirmative Action Employer.”⁴

- 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, the district 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.⁵

3) *Review of Initial and Qualified Applicant Pools*⁶

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 be revised to 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.

⁴ Please see footnote 23 regarding the use of the term “affirmative action.”

⁵ This section is not required by title 5. It is included here as a recommended practice. For an example of how large numbers of a non-English speaking population may justify requiring bilingual ability, see Government Code section 7296.2 (stating 5% or more of the people served triggers a bilingual requirement for state agencies) and Education Code section 45401 (stating 15% or more triggers a bilingual requirement for K-12 school districts). Since neither of these provisions directly apply to community colleges, districts should not simply rely on these code sections when deciding whether to assess whether they may require bilingual ability for any particular position or what percentage of non-English speakers should trigger the requirement. Each district would conduct its own analysis of whether a bilingual requirement for a particular position would meet the standard of a bona fide occupational requirement. The Education and Government Code sections referenced here are only a guide to what might be considered a reasonable trigger to justify a bilingual requirement. Because of the likelihood that this requirement may cause an adverse impact, districts should ensure such a requirement can be justified before implementing it.

⁶ See title 5, section 53023 for general authority for this section.

- 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 committee, 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 committee 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 Committee Procedures*⁷

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 be revised to 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 the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;⁸
 - (2) Designed to ensure that for all faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate knowledge of multiculturalism, of training in cultural proficiency, and knowledge of the history and culture of underrepresented groups and groups that have experienced discrimination;⁹

⁷ See title 5, section 53024 for general authority for this section.

⁸ Title 5, section 53024 only requires that this criterion be applied to faculty and administrators. The sample district has chosen to apply the criteria to all applicants. The language is added here as a recommended practice.

⁹ This is not a title 5 requirement. It is added here as a recommended practice.

- (3) Based solely on job-related criteria; and
- (4) 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.

- c) The Associate Vice Chancellor of Human Resources, or designee, is responsible for approving the makeup of selection/screening committees. If the equal Associate Vice Chancellor of Human Resources, or designee, does not approve a selection/screening committee for lack of diversity, he or she will 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 at least two questions 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.
- f) All screening materials must be approved for compliance with equal employment opportunity principles.¹⁰
- 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 administrator. 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 chief executive officer or his/her designee will do the following:

¹⁰ Subsections a) (2), c), e) and f) are not required by title 5 and are offered here as recommended practices.

- 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.

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 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.

- 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 governing board or its designee shall make all final hiring decisions 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.
- 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 Diversity Advisory Council to recommend new methods to meet the *Plan* objectives, or if necessary, to modify the *Plan* itself to ensure equal employment opportunity.

Plan Component 13: Additional Steps to Remedy Significant Underrepresentation

In Component 11 of this *Plan*, the district identified particular monitored groups that are significantly underrepresented with respect to one or more job categories. In order to address these instances of significant underrepresentation, the district will take the following steps:

- 1) The district will request that the Diversity Advisory Council, in conjunction with appropriate human resources staff, review the District's recruitment procedures and make recommendations on modifications that would address the underrepresentation.
- 2) The district will require that the responsible administrator for the division or department where the significant underrepresentation occurs develop, in conjunction with the equal employment opportunity officer, a recruitment and hiring program to assist in addressing the significant underrepresentation. The program should include additional locations or resources to advertise positions that would likely attract candidates from the significantly underrepresented groups; whatever changes in staffing, curricular offerings or department structure would assist in attracting candidates from significantly underrepresented groups; additional training for current faculty and staff 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 underrepresented group. The responsible administrator(s) will be evaluated on the ability to develop and implement this recruitment and hiring program.
- 3) The district will actively monitor the representation rate of each group, which was identified in Component 11 as being significantly underrepresented in one or more categories. If significant underrepresentation 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) The administrator for the division or department where the significant underrepresentation persists; a subcommittee of the Diversity Advisory Council chosen by its members, and a Human Resources department recruitment specialist to review the effectiveness of the recruitment and hiring program described in *section 3* above. This group will provide recommendations to modify the recruitment and hiring program to better address the significant underrepresentation. The college president will be evaluated on his/her ability to successfully implement the recruitment and hiring program.

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

The district recognizes that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. To that end, in addition to the steps to address underrepresentation and/or significant underrepresentation, the district will implement a diversity program. Having a campus 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 and curriculum. The district will promote the concept of cultural proficiency and it will develop an evaluation form that integrates diversity into the evaluation of employees. 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 Office of Diversity and diversity program that is part of the structure of the district and that will be adequately funded and supported by the district and campus leadership.¹¹
- 2) Conduct campus climate studies to identify hidden barriers.
- 3) Include guest speakers from underrepresented 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.

¹¹ Districts may look at the Chancellor's Office website for information on Systemwide Commitments to Equity and Diversity. This information may be accessed at www.cccco.edu; click on agency; governmental relations division; equal employment opportunity; equity and diversity taskforce recommendations; and more. The Chancellor's Office has not evaluated the application of specific practices, and inappropriate application could cause a district to violate the law. Additionally, because the information may not have been recently reviewed for consistency with legal requirements, districts should seek the advice of legal counsel when implementing specific practices.

- 5) Conduct diversity dialogues, forums, and cross-cultural workshops.
- 6) Work with Staff Development 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) Include EEO/diversity workshops at flex days or staff development days.
- 10) Evaluate administrators yearly on their ability and efforts to meet the district’s equal employment opportunity and diversity efforts.
- 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 various cultural celebrations on campus.
- 13) Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for community college employees.
- 14) Have a formal diversity program on campus that is visible, valued and adequately funded.
- 15) Consider providing for alternative educational or experience requirements for nonacademic positions.
- 16) Develop leadership opportunities with current staff focusing on diversity.
- 17) Establish a *Community Outreach Advisory Council* to involve community-based organizations in the recruitment and other equal employment opportunity efforts of the college. Recommended membership will include representatives from local business and industry as well as from diverse community groups such as MALDEF, NAACP, Chamber of Commerce, and City Council(s).

- 18) 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.
- 19) 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.
- 20) Other actions to achieve the goals of the *Plan*

Plan Component 15: Persons with Disabilities: Accommodations and Goals for Hiring

1) Reasonable Accommodations

Applicants and employees with disabilities¹² shall receive reasonable accommodations consistent with the requirements of Government Code, sections 11135 et seq. and 12940(m); section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aides such as readers, interpreters, and notetakers.

The Associate Vice Chancellor of Human Resources, in the role of ADA coordinator, is responsible for handling requests for accommodations from current employees. The Office of Human Resources 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.

2) Procedures When Underrepresentation is Found

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

3) Goals for Persons with Disabilities

¹² See the definition of “person with a disability” in the definitions section of the *Plan*. A more detailed definition of physical and mental disability is found in Government Code, section 12926. California has a broader definition of disability than the ADA. California also requires accommodations to be made under circumstances where accommodations might not be necessary under federal law.

Plan Component 16: Graduate Assumption Program of Loans for Education

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