

Administrative Procedure 3420

Equal Employment Opportunity

The Equal Employment Opportunity (EEO) Plan is a public record implementing the District's EEO Program in compliance with current Title 5 regulations, which addresses the following:

- The District EEO Plan and appropriate revisions are submitted to the Chancellor's Office of the California Community Colleges for review as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this Procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the plan and the policy statement required;
- A process for ensuring that District employees who participate on screening or selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- A process for gathering information and periodic, longitudinal analysis of the District's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001(i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below.
- To the extent data regarding potential job applicants is provided by the Chancellor of the California Community Colleges, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its work force; and
- Methods for addressing any discrimination that is detected in the District's hiring practices.

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

Annual Evaluation

- The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- The annual report requested by the Chancellor's Office of the California Community Colleges shall be submitted regarding 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.
- For purposes of the survey and report, each applicant or employee will be afforded the opportunity to voluntarily identify their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which they identify. Persons may only be counted in one group for reporting purposes.
- The District shall, to the best of its ability, review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. The information to be reviewed may include longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

EEO Advisory Committee

The District has established an Equal Employment Opportunity Advisory Committee to assist the District in implementing its EEO Plan. The committee shall include a diverse membership whenever possible and shall receive training in all of the areas in compliance with current Title 5 regulations.

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

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote communication with community groups and organizations for people with disabilities;
- promote hiring of faculty who have, themselves, graduated from a community college;
- develop communications among departments to foster understandings of the Plan;
- advise the President/Superintendent regarding special training or staff development needs;
- review the Plan and monitor its progress; and
- recommend changes needed in the Plan.

Employment Procedures

Employment procedures will comply with current Title 5 regulations.

Job Analysis and Validation: The Vice President of Human Resources shall assure that 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.

Job Announcements

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. No person shall be denied employment because of actual or perceived race, color, ancestry, national origin, religion, creed, age

(over 40), disability (mental or physical), sex, gender (including pregnancy and childbirth), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or retaliation; or on any other basis as required by state and federal law.

Recruitment: Recruitment shall be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment shall utilize outreach strategies designed to ensure that all qualified individuals are provided the opportunity to seek employment with the District.

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

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

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Vice President of Human Resources or designee. All initial applications shall be screened by Human Resources staff to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool shall again be analyzed. If the Vice President of Human Resources or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may, before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

- **Screening and Selection:** Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of

diversity: Hiring procedures will be provided to the California Community Colleges Chancellor's Office on request.

- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty, classified staff members, and/or others; include a diverse membership when possible; do not include applicants or persons who have a conflict of interest with any individuals within the applicant pool.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. Human Resources 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 and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

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

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

If significant underrepresentation persists:

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

Delegation of Authority

The EEO Officer (located in the Office of Staff & Student Diversity) is charged with overseeing the:

- day-to-day implementation of the EEO Plan;
- compliance with EEO laws and regulations; and
- EEO Complaint Procedure. If the EEO Officer is named in the complaint, the District President/Superintendent will appoint another designee or employ an outside investigator to serve in this capacity.

Complaint Procedure

A. Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Title 5 §53026)

The District's process permits any person to file a complaint alleging that the requirements of the equal employment opportunity regulations 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 EEO 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. As directed by the Chancellor's Office, the decision of the District in complaints pursuant to Title 5 §53026 is final. (See California Community Colleges Chancellor's Office website for the Guidelines for Minimum Conditions Complaints.)

The District may return without action any complaints that are inadequate because they do not state a clear violation of 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 EEO Officer. If the complaint involves the EEO Officer, the complaint may be filed with the Superintendent/President. A written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. If this is not practical, a written notification will be provided to the complainant as to the reasons for the extension and estimated date of completion. The EEO Officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

In the event that a complaint filed under Title 5 §53026 alleges unlawful discrimination, it will be processed according to the requirements of Title 5 §59300 et seq.

B. Complaints Alleging Unlawful Discrimination or Harassment (Government Code §59300 et seq.)

The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Office of Staff & Student Diversity is responsible for receiving complaints. Informal and formal charges of unlawful discrimination should be brought to the attention of this office to oversee the informal and formal complaint process in compliance with current Title 5 regulations.

Accountability and Corrective Action

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

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the District's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division.

References:

20 U.S. Code Sections 1681 et seq.;
Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
ACCJC Accreditation Standard III.A.12

El Camino College
Adopted: 5/21/18