

El Camino Community College District

2016-2019

**Equal Employment
Opportunity Plan**



**Approved by the
ECCCD Board of Trustees
on June 20, 2016**



**16007 Crenshaw Boulevard
Torrance, CA 90506**

Equal Employment Opportunity Plan for El Camino Community College District

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Appendices

Appendix A (1-10) – The District’s Policies and Procedures which outline the prohibition of unlawful discrimination, harassment, and retaliation

Appendix B – List of Community Organizations and Professional Groups for Annual Written Notice of the District’s EEO Plan

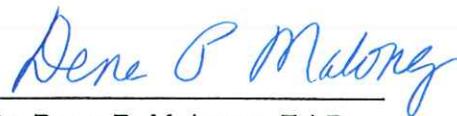
Appendix C – Allocation Model Certification Form, Fiscal Year 2015-16

I. Introduction

The El Camino Community College District Equal Employment Opportunity Plan (the "Plan") has been tentatively adopted pending approval from the District Board of Trustees on June 20, 2016. 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 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.



Dr. Dena P. Maloney, Ed.D.
Superintendent/President
El Camino College

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 screening/interview 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 screening/interview 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 Title 5 of the California Code of Regulations 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*: 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*: a set of circumstances in which 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 all individuals, 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) *Ethnic Minorities*: American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

- h) *Ethnic Group Identification*: 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.
- i) *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.
- j) *Monitored Group*: 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 "challenged" 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.

III. Policy Statement

The El Camino 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 employees and qualified applicants for employment 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, genetic information, 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 shall 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.

IV. Delegation of Responsibility, Authority and Compliance

It is the goal of the El Camino Community 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 District's Board of Trustees 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. *Superintendent/President*

The District's Board of Trustees delegates to the Superintendent/President the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Superintendent/President shall advise the District's Board of Trustees 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.

3. *EEO Officer*

The District has designated the Director of Staff & Student Diversity as its equal employment opportunity officer (“EEO Officer”) who is responsible for the day-to-day implementation of the Plan. If the designation of the EEO Officer changes before this Plan is next revised, the District will notify employees and applicants for employment of the new designee. The EEO 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 EEO Officer is also responsible for receiving complaints described in Plan Component 6 and for ensuring that applicant pools and screening/interview procedures are properly monitored.

4. *Equal Employment Opportunity Advisory Committee*

The District will establish an Equal Employment Opportunity Advisory Committee (“EEO Committee”) to act as an advisory body to the EEO Officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Committee 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 District’s Board of Trustees 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.

V. Advisory Committee

The District has established an Equal Employment Opportunity Advisory Committee (“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 EEO Officer shall train the advisory committee on equal employment compliance and the Plan itself.

The committee shall receive training in all of the following areas as required in Title 5, Section 53005:

1. The requirements of Section 53005 of Article 1 of Chapter 4 of Division 6 of Title 5 of the California Code of Regulations and of state and federal nondiscrimination laws;
2. Identification and elimination of bias in hiring;
3. The educational benefits of workforce diversity; and
4. The role of the advisory committee in carrying out the District's EEO plan.

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 representation for faculty, administration, classified employees, the Human Resources Office, Professional Development Office, Special Resource Center, and Institutional Research and Planning Office. Ex officio members shall include the human resources director and the EEO Officer.¹

The Committee 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 advisory committee shall make recommendations to the District's Board of Trustees and the Superintendent/President.

VI. Complaints

a. Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026)

The District has established a process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations (see California Code of Regulations, Title 5, Section 53000 et seq.) 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 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

¹ Title 5 does not require any specific composition for the advisory committee.

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 s/he made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the 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>.

In addition, complaints can be filed using the District's complaint procedures at:
<http://www.elcamino.edu/administration/hr/diversity/complaint.asp>

and

<http://www.elcamino.edu/administration/hr/diversity/docs/provisional-T9-procedures.pdf>

All unlawful discrimination complaints shall be filed with the EEO Officer. If the complaint involves the EEO Officer, the complaint may be filed with the Superintendent/President. 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 EEO Officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

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.

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.

b. *Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.)*

The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The EEO Officer is responsible for receiving such complaints and for coordinating their investigation. The EEO Officer may assign a designee to investigate any such matters.

The District's discrimination and sexual harassment complaint procedures are attached to this Plan. See Appendix A.

VII. Notification to District Employees

The commitment of the District's Board of Trustees and Superintendent/President to equal employment opportunities is emphasized through the broad dissemination of its Board Policies and Administrative Procedures, Equal Employment Opportunity Policy Statement, and the Plan.² 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 Board of Trustees, the Superintendent/President, administrators, academic senate leadership, union representatives and members of the District EEO Committee.

The Human Resources department will provide each new employee with a copy of the Equal Employment Opportunity Policy Statement and written notice summarizing the provisions of the District's EEO Plan when they commence their employment with the district.

The Plan will be available on the District's website and, when appropriate, may be distributed by email.³ Each year, the District will inform all employees of the Plan's availability, including a written summary of the provisions of the Plan. The annual notice will emphasize the importance of the employee's participation and responsibility in ensuring the Plan's implementation.

VIII. Training for Screening/Interview Committees

Any organization or committee member, whether or not an employee of the District, who is involved in the recruitment and screening/interview 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.

Screening/Interview Committees

Persons serving in the above capacities will be required to receive training within the twelve months prior to service. Individuals who have not received this training will not be allowed to serve on screening/interview committees. The Offices of Staff & Student Diversity and of Professional Development are responsible for providing the required training.

² The District's Equal Employment Opportunity Policy Statement is its Notice of Non-Discrimination.

³ Complete copies of the Plan will be made available in the Campus Library, the Office of the Superintendent/President, the Office of Human Resources, each division office, and the Office of Staff & Student Diversity.

Any organization or individual acting on behalf of the District, with regard to the recruitment and screening of personnel, is an agent of the District, and thereby, subject to the requirements, stipulations, and provisions of the EEO Plan.

EEO Representatives

EEO Representatives are required to have received specific training in the role of an EEO Representative on an annual basis. EEO Representative must receive both the general committee training described above and separate training in the roles and responsibilities of an EEO Representative serving on a screening/interview committee. The Director of Staff & Student Diversity is responsible for providing the required training.

Committee members serving the first time in the above capacities will be required to receive training prior to serving. Individuals who have not received the EEO Representative training will not be allowed to serve as an EEO representative.

IX. Annual Written Notice to Community Organizations

The EEO 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 contact information 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 may receive this notice is attached to this Plan. This list may be revised from time to time as necessary.

X. Analysis of District Workforce and Applicant Pools

The Institutional Research and Planning Office, in conjunction with the Office of Human Resources, seeks to annually survey 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/Alaskan Natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.⁴ Sufficient data regarding persons with disabilities were unavailable for the current analysis. Moving forward, voluntary information regarding persons with

⁴ Sufficient data regarding persons with disabilities were unavailable for the District's current analysis. Moving forward, information regarding persons with disabilities will be collected on a voluntary basis in the survey, and the District will provide updated analyses accordingly.

disabilities will be collected in the survey, and the District will provide updated analyses accordingly.

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/interview committee and hiring administrator(s). The district will annually report to the Chancellor the results of its annual survey.

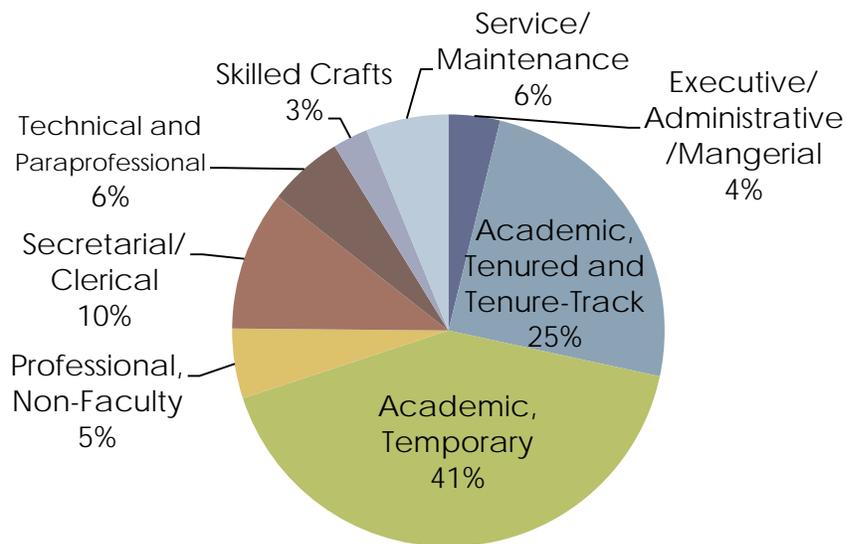
At least every three years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

- 1) Executive/Administrative/Managerial
- 2) Full-Time Faculty and Other Instructional Staff (or Academic, Tenure Track)
- 3) Part-Time/Temporary Faculty and Other Instructional Staff (or Academic, Temporary)
- 4) Professional Non-Faculty
- 5) Secretarial/Clerical
- 6) Technical & Paraprofessional
- 7) Skilled Crafts
- 8) Service and Maintenance

District Workforce Analysis

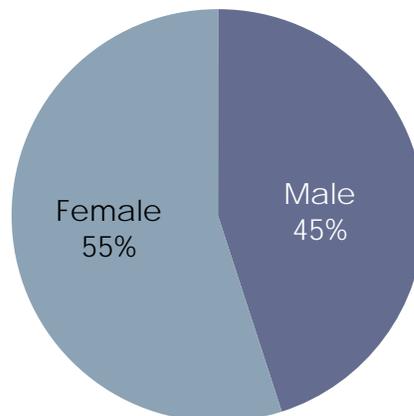
The analysis of the District's workforce is detailed in the following pages (See page 17 for detailed report).⁵ In Fall 2015, there were a total of 1,376 employees. More than half of the employees consisted of temporary and tenured/tenure-track academics (66%), followed by secretarial/clerical (10%), service/maintenance (6%), technical and paraprofessionals (6%), non-faculty professionals (5%), executive/administrative/managerial employees (4%), and skilled craftspeople (3%).

District Workforce by Employee Group



The gender distribution in the overall workforce was fairly balanced, with a slightly larger percentage of female (55%) than male employees (45%).

Gender Distribution of District Workforce

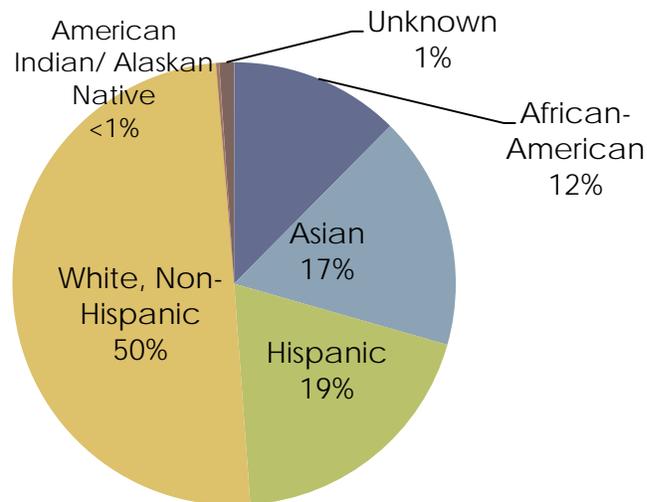


⁵ The District Workforce Analysis contained in this Plan does not include casual employees.

Gender distribution for the executive/administrative/managerial group and tenured/tenure-track academics represented that of the overall workforce (See page 15). Temporary faculty's gender distribution (53% female, 47% male) was also fairly representative of the overall workforce's gender distribution. On the other hand, there was a greater percentage of female employees within the non-faculty professional (79% female, 21% male) and secretarial/ clerical (84% female, 16% male) groups, while a greater percentage of male employees made up the skilled crafts (19% female, 81% male) and service/maintenance (26% female and 74% male) groups.

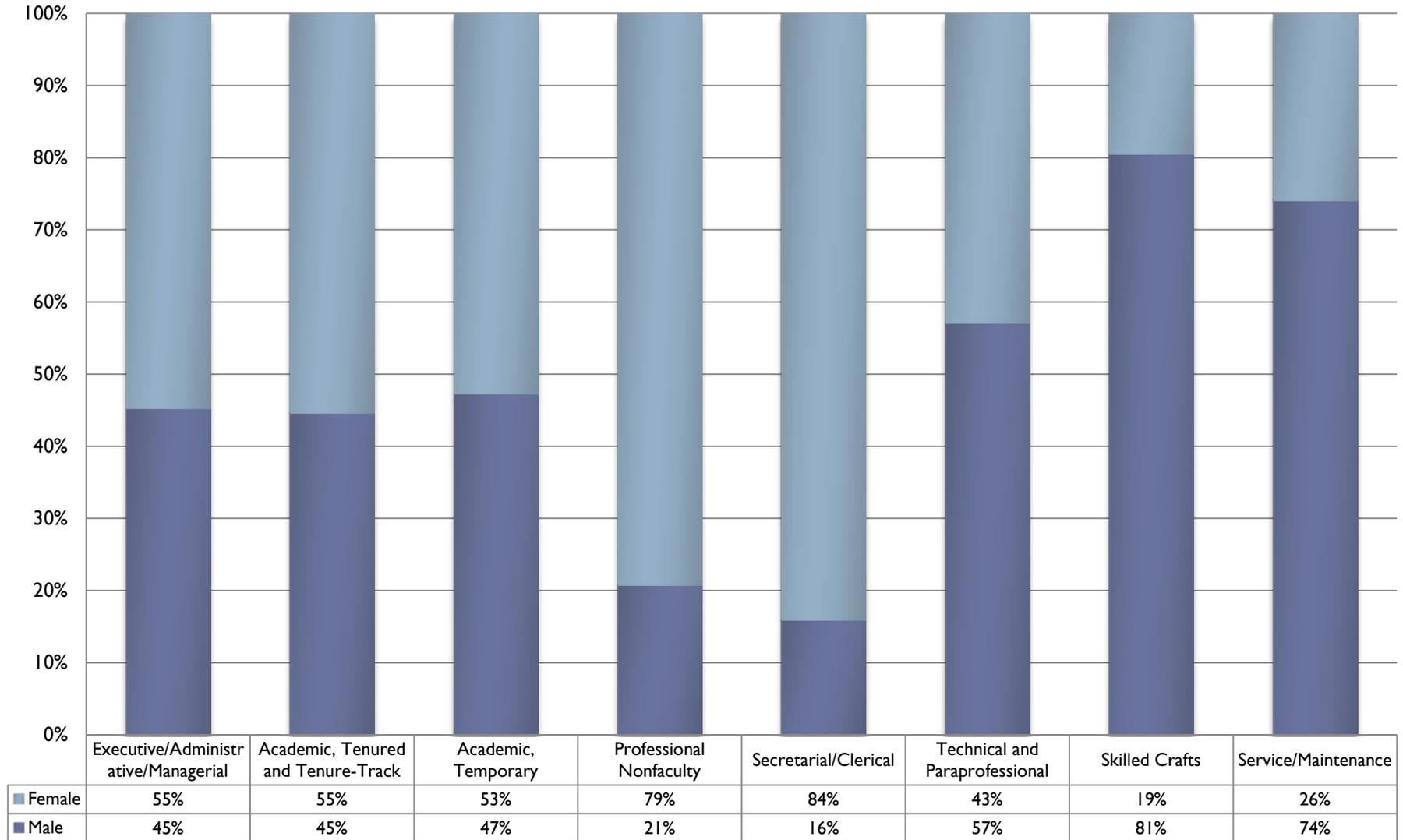
Monitored ethnic groups (non-white employees) constituted roughly 50% of the District's employee population; 19% were Hispanic, 17% Asian, 12% African-American, less than 1% American Indian/Alaskan Native, and about 1% Unknown.

Ethnic Group Distribution of District Workforce

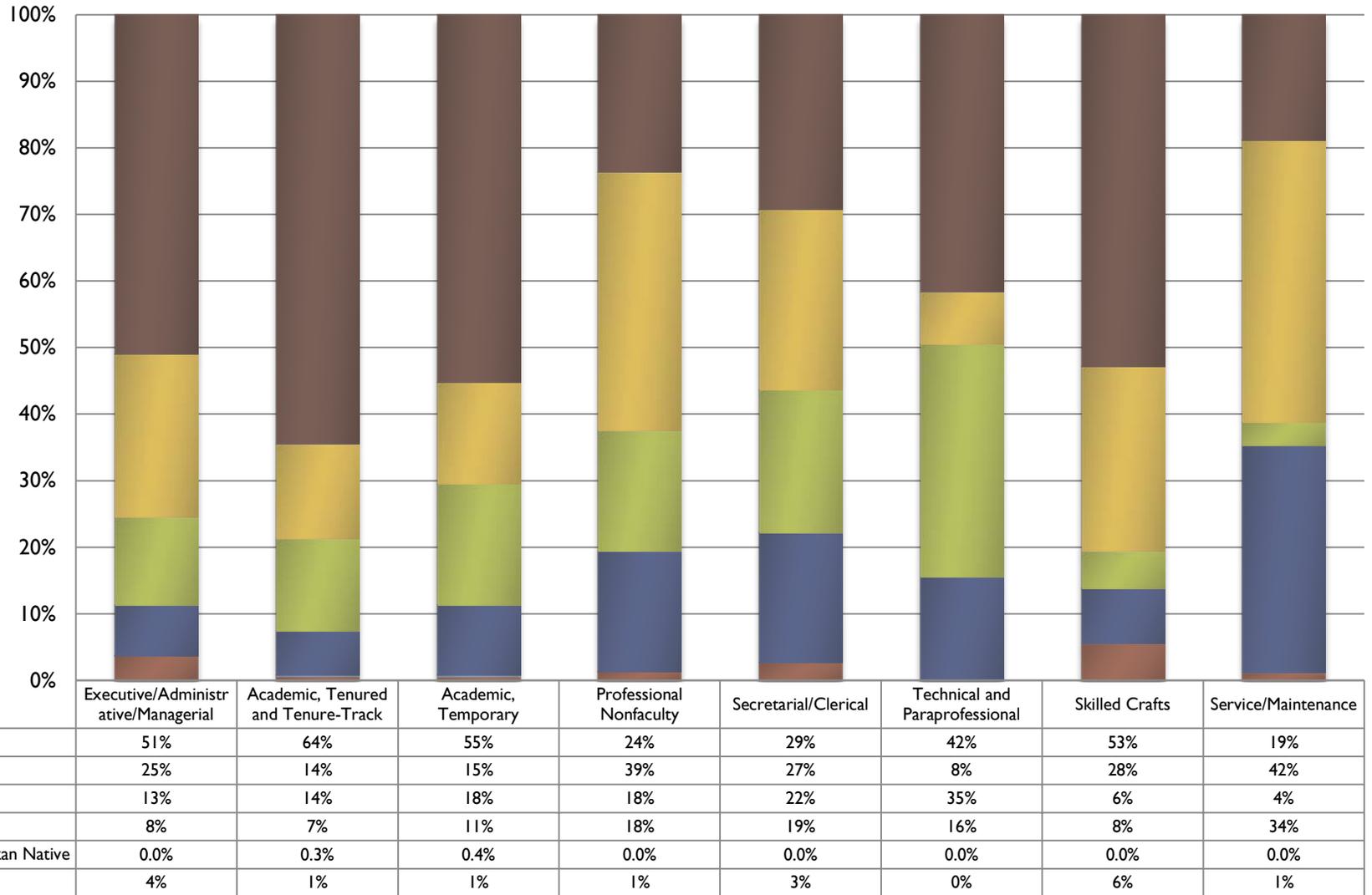


As shown on page 16, monitored ethnic groups represented less than half of the executive/administrative /managerial group (49%), skilled craft group (47%), and academic groups (both temporary (45%) and tenured/tenure-track (36%)). Within the monitored ethnic groups, Hispanics represented the greatest percentage within service/maintenance (28%) and executive/administrative/managerial employees (25%); whereas Asians represented the greatest percentage within the temporary academic group (18%). An equal percentage of Asian and Hispanic (14%) represented tenure-track academic group. On the other hand, monitored ethnic groups represented more than half of the service/ maintenance group (81%), non-faculty professional group (76%), secretarial/clerical group (71%), and technical and paraprofessional group (58%). Within these employee categories, Hispanics comprised the greatest percentage within the monitored races/ethnicities for the service-maintenance group (42%), non-faculty professional group (39%) and secretarial/clerical group (27%). Asians constituted the greatest percentage within the monitored race/ethnicity for the technical and paraprofessional group (35%).

Gender Distribution by Employee Group



Ethnic Group Distribution by Employee Group

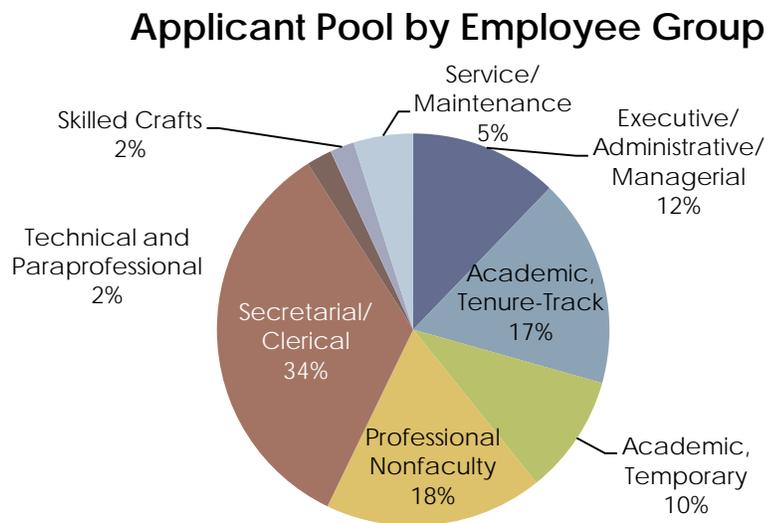


Fall 2015 District Workforce Demographics

	Total	Gender				Ethnicity											
		Female		Male		African-American		American Indian/Alaskan Native		Asian		Hispanic		Unknown		White Non-Hispanic	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Executive/Administrative/Managerial	53	29	55%	24	45%	4	8%	0	0.0%	7	13%	13	25%	2	4%	27	51%
Academic, Tenured and Tenure-Track	338	187	55%	151	45%	22	7%	1	0.3%	47	14%	48	14%	2	1%	218	64%
Academic, Temporary	571	301	53%	270	47%	60	11%	2	0.4%	104	18%	87	15%	3	1%	315	55%
Professional Non-Faculty	72	57	79%	15	21%	13	18%	0	0.0%	13	18%	28	39%	1	1%	17	24%
Secretarial/Clerical	144	121	84%	23	16%	28	19%	0	0.0%	31	22%	39	27%	4	3%	42	29%
Technical and Paraprofessional	77	33	43%	44	57%	12	16%	0	0.0%	27	35%	6	8%	0	0%	32	42%
Skilled Crafts	36	7	19%	29	81%	3	8%	0	0.0%	2	6%	10	28%	2	6%	19	53%
Service/Maintenance	85	22	26%	63	74%	29	34%	0	0.0%	3	4%	36	42%	1	1%	16	19%
Total	1376	757	55%	619	45%	171	12%	3	0.2%	234	17%	267	19%	15	1%	686	50%

District Applicant Pool Analysis

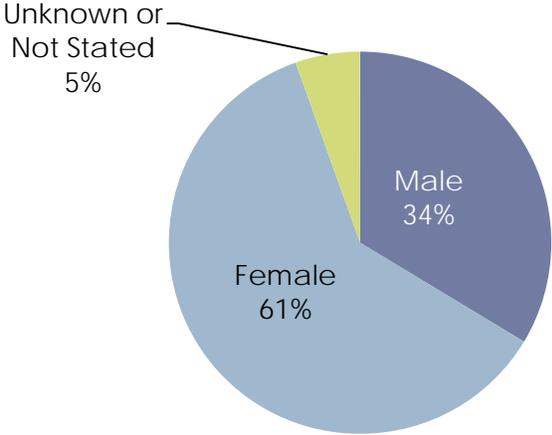
This report's applicant pool data represent recruitments conducted from August 2014 to October 2015.⁶ The District conducted a total of 113 recruitments: 14 executive/administrative/managerial positions (1,091 applicants), 56 faculty positions both tenure-track (22 with 1,537 applicants) and temporary (34 with 879 applicants), 12 non-faculty professional positions (1605 applicants), 16 secretarial/clerical positions (3,024 applicants), six technical and paraprofessional positions (188 applicants), six skilled crafts positions (177 applicants), and three service and maintenance positions (439 applicants). The total number of applicants was 8,940. The greatest percentage of these applicants applied for secretarial/clerical positions (34%). See pages 22 to 25 for detailed reports.



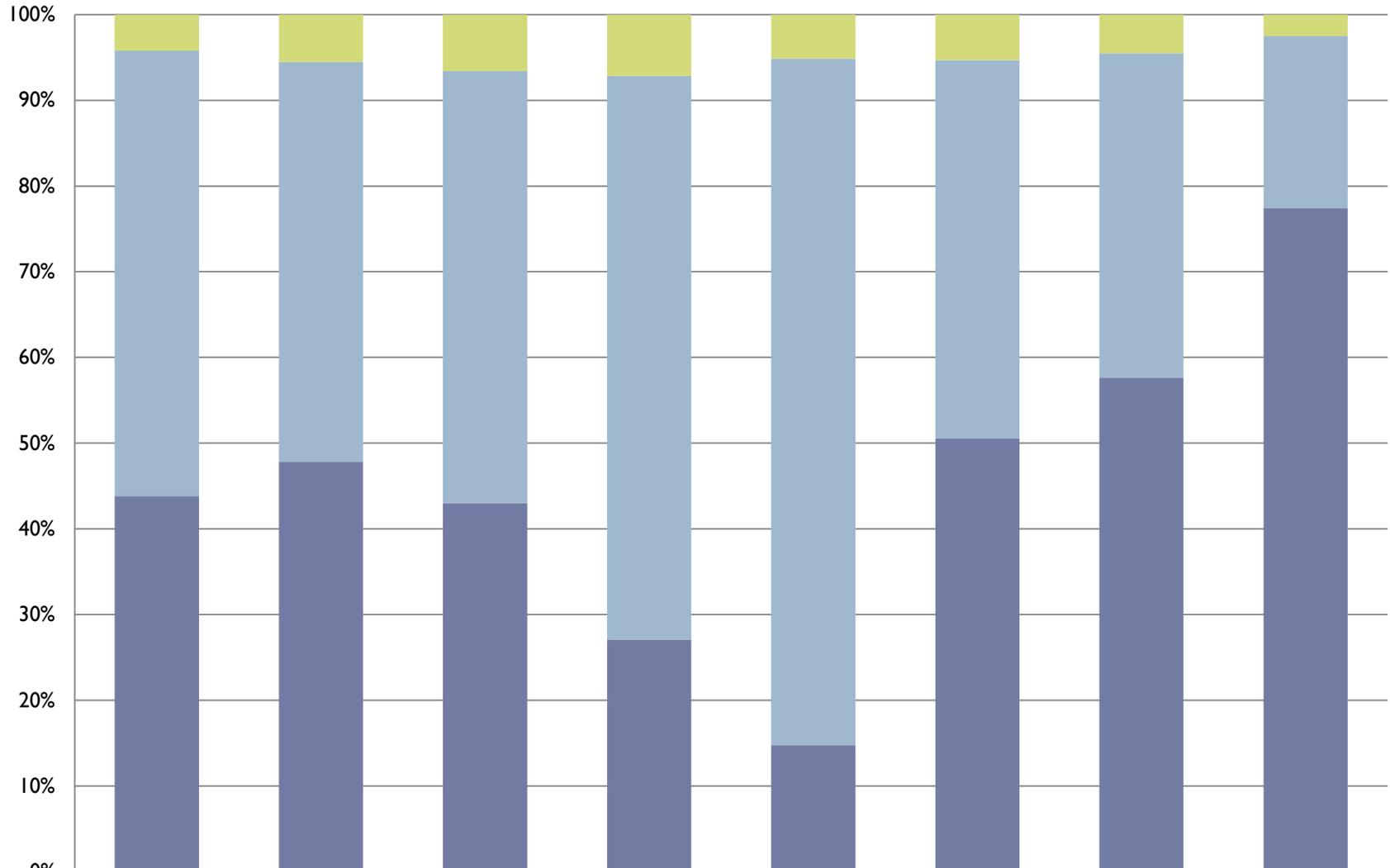
There was a greater percentage of female applicants (61%) than male applicants (34%), and 5% of the applicants either reported Unknown or did not state their gender.

⁶ Data provided by Human Resources.

Gender Distribution of District Applicants



Gender Distribution of Applicants by Employee Group

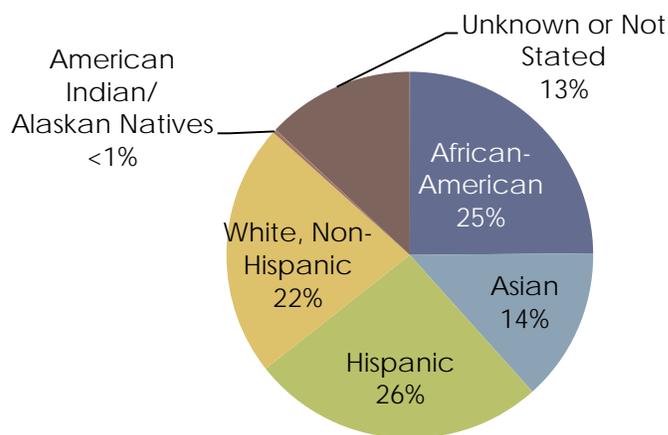


Unknown or Not Stated	4%	6%	7%	7%	5%	5%	5%	3%
Female	52%	47%	50%	66%	80%	44%	38%	20%
Male	44%	48%	43%	27%	15%	51%	58%	77%

Gender distribution by employee group (as represented on page 20) showed a fairly equal percentage of female and male applicants only for tenure-track academic positions (47% female, 48% male, 6% unknown). There was a greater percentage of female applicants for temporary academic (50% female, 43% male, 7% unknown), executive/administrative/managerial (52% female, 44% male, 4% unknown), non-faculty professional (66% female, 27% male, 7% unknown), and secretarial/clerical (80% female, 15% male, 5% unknown) positions. There was a greater percentage of male than female applicants who applied for technical and paraprofessional (51% male, 44% female, 5% unknown), skilled crafts (58% male, 38% female, 5% unknown) and service and maintenance (77% male, 20% female, 3% unknown) positions.

Monitored ethnic groups represented at least 65% of the total district applicants and 13% of the applicants either reported Unknown or declined to state their ethnicity. Of these groups, there was a greater percentage of Hispanic applicants (26%), followed by African-American (25%), Asian (15%), and American Indian/Alaskan Natives (<1%). 22% of the applicants reported as Non-Hispanic White.

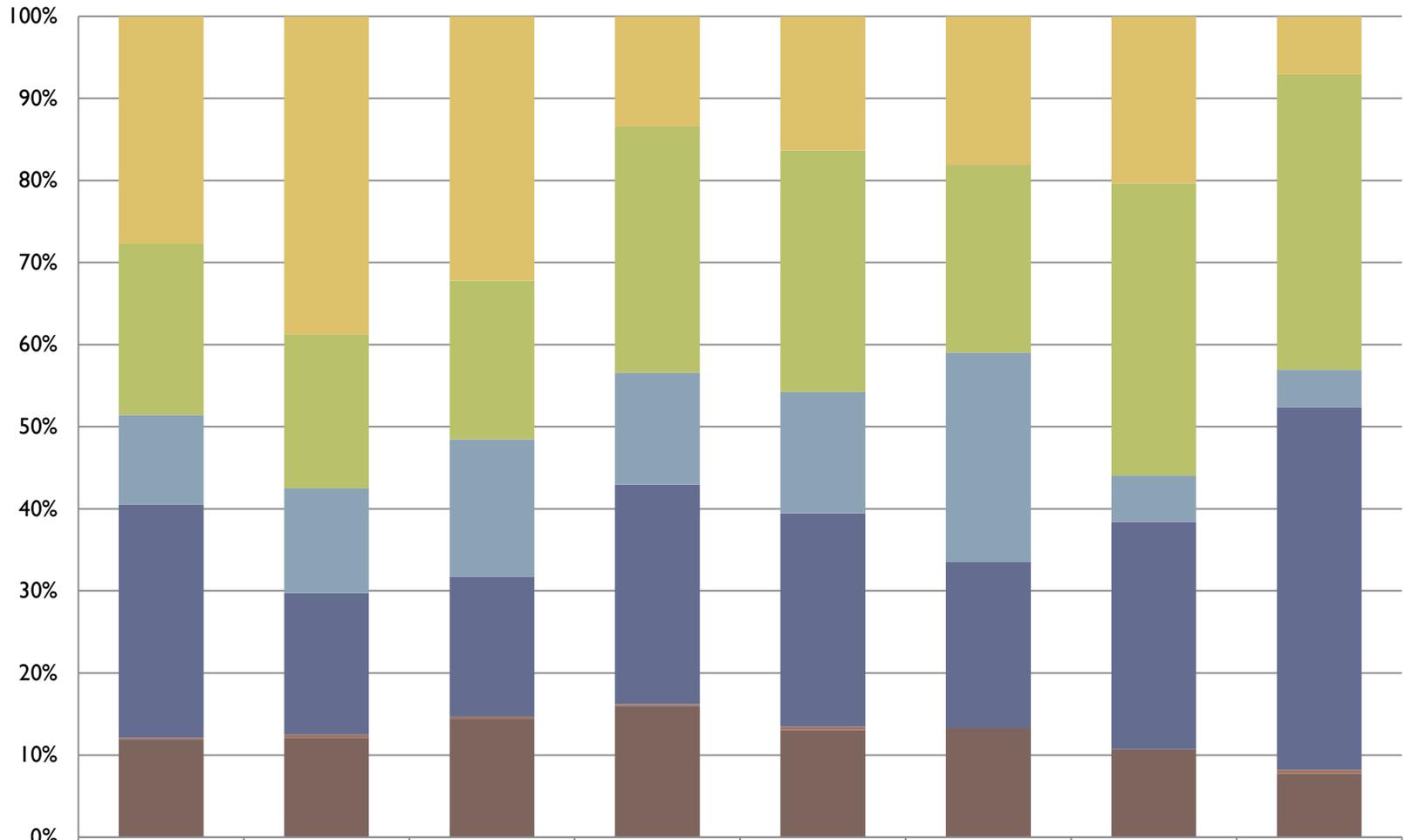
Ethnic Group Distribution of District Applicants



The greatest percentage of Non-Hispanic White applicants applied for both tenure-track (39%) and temporary (32%) academic positions (See page 21). Both Non-Hispanic White (28%) and African-American (28%) applicants made up the largest percentage of ethnic groups to apply for executive/ administrative/managerial positions. African-American applicants also made up the largest percentage of ethnic group to apply for service and maintenance positions (44%). In the case of non-faculty professional (30%), secretarial and clerical (29%) and skilled crafts (36%), the greatest percentage of applicants were Hispanic. Asian applicants on the other hand represented the largest percentage of ethnic group to apply for technical and paraprofessional positions (26%).

The District continues to strive to broaden the applicant pool to attract a more diverse workforce.

Ethnic Group Distribution of Applicants by Employee Group



	Executive/Administrative/Managerial	Academic, Tenure-Track	Academic, Temporary	Professional Non-Faculty	Secretarial/Clerical	Technical & Paraprofessional	Skilled Crafts	Service and Maintenance
White - Non Hispanic	28%	39%	32%	13%	16%	18%	20%	7%
Hispanic	21%	19%	19%	30%	29%	23%	36%	36%
Asian	11%	13%	17%	14%	15%	26%	6%	5%
African American	28%	17%	17%	27%	26%	20%	28%	44%
American Indian/ Alaskan Natives	0.2%	0.4%	0.2%	0.2%	0.4%	0.0%	0.0%	0.5%
Unknown or Not Stated	12%	12%	14%	16%	13%	13%	11%	8%

2014-2015 District Applicant Demographics

	Total	Gender						Ethnic Group											
		Female		Male		Unknown or Not Stated		African American		Asian		Hispanic		White - Non Hispanic		American Indian/ Alaskan Natives		Unknown or Not Stated	
		#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Executive/ Administrative/ Managerial	1091	567	52%	478	44%	46	4%	310	28%	119	11%	228	21%	302	28%	2	0%	130	12%
Full-Time Faculty and Other Instructional Staff	1537	717	47%	735	48%	85	6%	265	17%	196	13%	289	19%	595	39%	6	0%	186	12%
Part-Time Faculty and Other Instructional Staff	879	443	50%	378	43%	58	7%	150	17%	147	17%	170	19%	283	32%	2	0%	127	14%
Professional Non-Faculty	1605	2066	66%	435	27%	115	7%	429	27%	219	14%	482	30%	215	13%	3	0%	257	16%
Secretarial/Clerical	3024	2423	80%	446	15%	155	5%	786	26%	447	15%	891	29%	493	16%	13	0%	394	13%
Technical & Paraprofessional	188	83	44%	95	51%	10	5%	38	20%	48	26%	43	23%	34	18%	0	0%	25	13%
Skilled Crafts	177	67	38%	102	58%	8	5%	49	28%	10	6%	63	36%	36	20%	0	0%	19	11%
Service and Maintenance	493	88	20%	340	77%	11	3%	194	44%	20	5%	158	36%	31	7%	2	0%	34	8%
Total	8940	5443	61%	3009	34%	488	5%	2221	25%	1206	13%	2324	26%	1989	22%	28	0.3%	1172	13%

Asian Sub-Group of 2014-2015 District Applicants

	Chinese	Japanese	Filipinos	Korean	Vietnamese	Asian Indian	Hawaiian	Guamanian	Samoan	Laotian	Cambodian	Other Asian/ Pacific Islander
Executive/ Administrative/ Managerial	24	18	20	10	16	18	1	0	0	0	1	11
Full-Time Faculty and Other Instructional Staff	43	23	17	24	24	39	1	0	1	0	2	22
Part-Time Faculty and Other Instructional Staff	36	18	16	29	12	18	0	0	1	0	4	13
Professional Non-Faculty	29	25	41	45	23	11	5	1	5	0	10	24
Secretarial/Clerical	37	78	118	53	38	20	5	4	13	5	24	52
Technical & Paraprofessional	10	3	11	2	9	4	1	0	1	0	2	5
Skilled Crafts	1	2	3	0	1	2	1	0	0	0	0	0
Service and Maintenance	1	3	4	0	2	0	1	1	1	1	2	4
Total	181	170	230	163	125	112	15	6	22	6	45	131

Non-White Hispanic Sub-Group of 2014-2015 District Applicants

	Hispanic	Mexican	Central American	South American	Other Hispanic
Executive/Administrative/ Managerial	224	3	1	0	0
Full-Time Faculty and Other Instructional Staff	281	4	1	0	3
Part-Time Faculty and Other Instructional Staff	167	2	0	0	1
Professional Non-Faculty	479	0	1	2	0
Secretarial/Clerical	882	4	5	0	0
Technical & Paraprofessional	42	0	1	0	0
Skilled Crafts	61	0	1	0	1
Service and Maintenance	155	1	1	1	0
Total	2291	14	11	3	5

XI. Analysis of Degree of Underrepresentation and Significant Underrepresentation

Pursuant to the April 25, 2012 letter from the State Chancellor's Office, the availability data needed to fully complete this section of the Plan has not been developed.⁷ Due to the absence of availability data from the State Chancellor's Office, the District could not determine the degree to which underrepresentation and significant underrepresentation exists, as defined in Title 5 Section 53001(n), in the identified job categories.⁸

If the availability data are developed and made available by the State Chancellor's Office, this section will be completed in accordance. Subject to budgetary considerations such as the District's EEO Fund Allocation, and in the absence of data from State Chancellor's Office, the District will seek to utilize other resources, including its own Institutional Research and Planning Office to access demographic data for employees.

XII. Methods to Address Underrepresentation (*Recruitment/Hiring Procedures that Ensure EEO*) & Additional Steps to Remedy any Significant Underrepresentation

The District will ensure equal employment opportunities, 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 legally 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.

By encouraging a diverse pool of applicants, the District takes steps within the screening/interview 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 intended to address the ratio of full-time to part-time faculty that may be required by Education Code Section 87482.6.⁹

To address any identified underrepresentation of monitored groups pursuant to Section 10, the District will revise its recruitment and hiring procedures and policies in accordance with the following provisions. Given their value in ensuring equal employment opportunities, these provisions will remain in effect, henceforth, whether or

⁷ The Chancellor's Office defines "availability data" as a group of individuals identified by the Chancellor to be qualified and available to perform a particular work

⁸ As a result, "districts will not be responsible for parts of the EEO Plan that are dependent upon sound availability data which are pursuant to Title 5 Section 53003(c)(7)-(9) and (d)."

⁹ 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.

not underrepresentation exists. 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 pursue a program of verifiable recruitment that is inclusive and open to all individuals.

Efforts will be undertaken to develop and contact new recruitment sources that ensure diverse pools of candidates. Diverse pools should include, but are not be limited to, men, women, persons with disabilities, and individuals from all ethnic and other groups legally protected from discrimination.

All recruitment announcements will state that the District is an "Equal Employment Opportunity 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 pursuant to Title 5, Section 53021.¹⁰
- b) Subject to budgetary considerations of the Human Resources Division and the EEO Fund Allocation awarded by the Chancellor's Office, recruitment for all open positions shall seek to include, but not be limited to, placement of job announcements in the following instruments:
 - (1) General circulation publications, including electronic media, whose primary audience is comprised of groups found to be underrepresented in the District's workforce.
 - (2) Recruitment booths at job fairs or conferences oriented to the general market and the economically disadvantaged as well as events drawing significant participation by groups found to be underrepresented in the District's workforce.

¹⁰ Pursuant to the April 25, 2012 letter from the State Chancellor's Office, the availability data needed to fully complete this section of the Plan has not been developed. Due to the absence of availability data from the State Chancellor's Office, the District could not determine the degree to which underrepresentation and significant underrepresentation exists for monitored groups (including men, women, American Indians/Alaskan Natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities), as defined in Title 5 Section 53001(n), in the identified job categories. If the availability data are developed and made available by the State Chancellor's Office, this section will be completed in accordance. Subject to budgetary considerations such as the District's EEO Fund Allocation, and in the absence of data from State Chancellor's Office, the District will seek to utilize other resources, including its own Institutional Research and Planning Office to access demographic data for employees.

- c) The Institutional Research and Planning Office will conduct periodic surveys of District employees requesting resources and locations (such as announcements via professional organizations) where open positions may be advertised to ensure recruitment is as inclusive and broad as possible and includes recruitment of monitored groups. They will also 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, desired qualifications will include demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. All job announcements shall state that the District is an "Equal Employment Opportunity Employer."
- b) 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 or desired qualification.¹¹ 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.

3) *Review of Initial and Qualified Applicant Pools*¹²

Initial applicant pools will be reviewed for projected representation of monitored groups.¹³ When the initial pool is approved, the pool will be screened for minimum qualifications, resulting in a qualified applicant pool. The qualified applicant pool will also be reviewed for projected representation of monitored groups. When the qualified

¹¹ See generally 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). 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.

¹² See Title 5, section 53023 for general authority for this section.

¹³ Please see FN 10.

applicant pool is approved, the pool may be forwarded to the screening/interview 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 request an accommodation in order to proceed with the interview process.¹⁴
- 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 recruitment process will be reviewed to ensure that the provisions set forth regarding Recruitment and Job Announcements have been enforced in furtherance of reaching a broad and diverse applicant pool.

Step 2: 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.¹⁵

Step 3: If the projected representation has not been met, the application deadline may be extended or the position reposted so that additional recruitment can be conducted and ensures that recruitment efforts provide a full and fair opportunity for participation to a diverse pool of potential applicants.¹⁶

- 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/interview committee, its composition will be analyzed to ensure that any failure to obtain projected representation for any monitored group is not due to any discriminatory recruitment procedures.¹⁷

If projected representation has not been met, good faith efforts will be taken to address the underrepresentation before the screening/interview process continues. Such steps may include, but are not limited to:

¹⁴ To the extent an applicant voluntarily identifies his or her gender, ethnic group, disability, or any other protected class, such information will not be considered by any screening/interview committee.

¹⁵ Please see FN 10.

¹⁶ Please see FN 10.

¹⁷ Please see FN 10.

Step 1: Ensuring that the provisions set forth regarding Recruitment, Job Announcements, and Initial Applicant Pools have been enforced in furtherance of reaching a broad and diverse applicant pool.

Step 2: Extending the deadline or reposting the position and undertaking inclusive outreach efforts to ensure that members of the adversely impacted group have equal opportunity to seek employment with the District.

Step 3: Determining whether any applicants were previously screened out on the basis of any locally established qualifications beyond the state minimum qualifications. If it is determined through a process meeting the requirements of federal law that any locally established qualifications are not currently consistent with business necessity, these applicants will be rescreened using state minimum qualifications.

If the minimum qualifications stated on the job announcement are changed accordingly, the job announcement will be reposted.

- d) When the qualified applicant pool is approved, the pool will be forwarded to the screening/interview committee for paper screening, interviews, and final recommendations for hiring consideration.

4) *Screening/interview committee Procedures*¹⁸

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 screening/interview process is based on 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/interview committees the following provisions:

- a) All screening or interview techniques, including the procedure for developing interview questions, and the 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;¹⁹

¹⁸ See Title 5, section 53024 for general authority for this section.

¹⁹ Title 5, section 53024 only requires that this criterion be applied to faculty and administrators.

- (2) Designed to ensure that for all faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate recognition of the District's multiculturalism;²⁰
 - (3) Based solely on job-related criteria; and
 - (4) Designed to avoid an adverse impact of any protected class, and monitored by means consistent with this section to detect and address adverse impacts which may occur for any monitored group.
- b) When possible, every effort will be made, within the limits allowed by federal and state law and subject to any applicable bargaining unit agreements, to ensure screening/interview committees include a diverse membership, which will bring a variety of perspectives to the assessment of applicant qualifications. Screening/interview committees will be encouraged to include members from monitored groups.²¹
 - c) The EEO Officer may provide consultation regarding the makeup of screening/interview committees. In the event that the EEO Officer notes a lack of diversity in the screening/interview committee, s/he shall provide recommendations to remedy the lack of diversity.
 - d) Before a person can serve on a screening/interview committee, s/he must receive equal employment opportunity and diversity training.
 - e) Interviews must include at least one question which assesses the candidate's understanding of and commitment to the diversity of the District's workplace and student population.
 - f) All screening materials must be approved for compliance with equal employment opportunity principles.²²
 - g) As set forth in Section XII (3), monitoring for underrepresentation and adverse impact will occur at each of the following stages of the screening/interview committee process:

²⁰ This is not a Title 5 requirement. It is added here as a recommended practice.

²¹ Subject to screening/interview committee compositions set forth in the District's applicable bargaining unit agreements, the District shall make efforts to incorporate and encourage a diverse variety of perspectives on its screening/interview committees.

²² Subsections a) (2), c), e) and f) are not required by Title 5 and are offered here as recommended practices.

- (1) 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) For positions where there is more than one round of interviews, after the applicants have been initially interviewed and **prior** to forwarding interviewees to the hiring administrator. Interviewees cannot be forwarded for hiring consideration until the applicant pool has been approved and cleared for adverse impact.
- h) 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.
 - i) Subject to District policies and procedures and all applicable bargaining unit agreements, selection testing for employees will follow procedures as outlined in the Equal Employment Opportunity Commission's *Uniform Guidelines on Employee Selection Procedures*.
 - j) For positions where there is more than one round of interviews, the District's Superintendent/President, or designee, shall make all final hiring decisions based upon careful review of the candidate or candidates recommended through the screening/interview committee.²³
 - k) The District will review the pattern of its hiring decisions over time, and if it determines that those patterns do not meet the objectives of the Plan, the District will request the Equal Employment Opportunity Advisory Committee recommend new methods to meet the Plan objectives, or if necessary, to modify the Plan itself to ensure equal employment opportunity.

XIII. 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.

²³ Subject to approval by the Board of Trustees for employment.

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, as well as a campus embracing the universal design concept, can make implementation and maintenance of an effective equal employment opportunity program much easier.

Subject to budgetary considerations of the District and the EEO Fund Allocation awarded by the Chancellor's Office, the District will sponsor cultural events and speakers on issues addressing diversity, and explore how to infuse diversity into the classroom and curriculum. 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 seek to do the following:

- 1) Commit to a formal Office of Staff & Diversity and diversity programs that are part of the District structure, are adequately funded, and supported by the District and campus leadership.²⁴
- 2) Conduct campus climate studies to help identify opportunities to strengthen the District's Equal Employment Opportunities.²⁵
- 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.
- 5) Promote diversity dialogues, forums, cultural celebrations and cross-cultural workshops on campus.

²⁴ Funding is subject to budgetary consideration and the EEO Fund Allocation awarded by the Chancellor's Office. 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, the District may seek the advice of legal counsel when implementing specific practices.

²⁵ Equal Employment Opportunities include embracing the Universal Design concept for an accessible campus for all individuals.

- 6) Review and revise college/District publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
- 7) Commit to providing training to all faculty and staff through the District Professional Development Office, including providing an EEO and/or diversity workshop at all professional development days.
- 8) Establish an EEO 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.
- 9) Recognize multilingualism and understanding of multiculturalism as a desired component of our District environment.
- 10) 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.

XIV. Persons with Disabilities: Accommodations and Goals for Hiring

1) Reasonable Accommodations

Applicants and employees with disabilities²⁶ 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 note takers.

The Director of Human Resources is responsible for handling requests for accommodations from current employees and 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.²⁷

3) 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. Sufficient data regarding persons with disabilities were unavailable for the District’s current analysis.²⁸ Moving forward, information regarding persons with disabilities will be

²⁶ 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.

²⁷ Please see FN 10.

²⁸ Please see FN 10.

collected on a voluntary basis in the survey, and the District will provide updated analyses accordingly.

XV. Graduate Assumption Program of Loans for Education

The District, in conjunction with the Office of Outreach and School Relations, will develop a communication and outreach plan to 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 campus concerning such programs, and make information available 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.

Appendix A (1-10)

Appendix A – The District’s Policies and Procedures which outline the prohibition of unlawful discrimination, harassment, and retaliation

- BP 3410 – Non-Discrimination (Appendix A-1)
- BP 3420 – Affirmative Action (Appendix A-2)
- BP 3430 – Prohibition of Harassment (Appendix A-3)
- BP 3540 – Sexual and Gender-Based Misconduct (Appendix A-4)
- BP 7100 – Commitment to Diversity (Appendix A-5)
- AP 3410 – Non-Discrimination (Appendix A-6)
- AP 3430 – Prohibition of Harassment (Appendix A-7)
- AP 3540 – Sexual and Gender-Based Misconduct (Appendix A-8)
- The District’s Notice of Non-Discrimination (Appendix A-9)
- The District’s Procedures on the Informal and Formal Complaint Process for Unlawful Discrimination, including Sexual and Gender-Based Misconduct (Appendix A-10)

Appendix A-1

Board Policy 3410 Nondiscrimination

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics. See Administrative Procedure #3410.

References:

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;;
Title 5 Sections 53000 et seq. and 59300 et seq.;;
Penal Code Section 422.55;
Government Code Sections 12926.1 and 12940 et seq.
Accreditation Standard II.B.2.c

El Camino College
Adopted: 4/16/01
Amended: 12/20/06, 1/21/14

Appendix A-2
Board Policy 3420 Affirmative Action

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment opportunity through a continuing affirmative action program.

The Superintendent/President shall establish a plan for affirmative action that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation. The plan shall include:

1. Goals that ensure participation in and commitment to the program by District personnel,
2. Timetables for its implementation,
3. Steps that the District will take in meeting and improving expected representation of qualified members of historically under-represented groups in the administration, faculty, and staff.

Reference:

Education Code Sections 87100, et seq;
Title 5, Section 53000 et seq.

El Camino College
Adopted: 4/16/01

Replaces Board Policy # 4118

Appendix A-3

Board Policy 3430 Prohibition of Harassment

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence.

It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or because s/he is perceived to any of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

Any student or employee who believes that s/he has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3430. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the Superintendent/President shall ensure that the institution undertakes mandated education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The Superintendent/President shall establish procedures that define harassment on campus. The Superintendent/President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. See Administrative Procedure #3430.

References:

Education Code Sections 212.5, 44100, 66252, and 66281.5;
Government Code Section 12950.1;
Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e
Title I of the Affordable Care Act

El Camino College
Adopted: 4/16/01 (Replaced Board Policy #4274)
Amended: 11/16/09, 2/18/14

Appendix A-4 Board Policy 3540 Sexual and Gender-Based Misconduct

Any sexual assault or gender-based misconduct or physical abuse, including but not limited to rape, sexual violence, sexual harassment, domestic violence, dating violence, and stalking, as defined by California law, whether committed by an employee, student, or member of the public, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Superintendent/President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, 67386, and 34 Code of Federal Regulations Section 668.46 and be made widely available to students through the District's website and other means.

References:

- Education Code Section 67385, 67385.7, and 67386;
- 20 U.S. Code Section 1092(f);
- 34 Code of Federal Regulations Section 668.47(b)(11)

El Camino College
Adopted: 3/19/05
Amended: 11/16/15

Replaces Board Policy 5148

Appendix A-5
Board Policy 7100 Commitment to Diversity

The District is committed to recruiting, employing, classifying, training, and compensating qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity, diversity and affirmative action and provide equal consideration for all qualified candidates.

Reference:

Education Code Section 87100 et seq.

Title 5 Section 53000 et seq.

El Camino College

Adopted: June 11, 2001

Replaces Board Policy #4118

Appendix A-6

Administrative Procedure 3410 Nondiscrimination

Education Programs

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

Employment

The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or status as a Vietnam-era veteran.

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

References for Education Programs:

Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.;
Penal Code Sections 422.55 et seq.;
Title 5 Sections 59300 et seq.;
Accreditation Standard II.B.2.c

References for Employment:

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.;
Government Code Sections 11135 et seq. and 12940 et seq.

El Camino College
Adopted: January 21, 2014

Appendix A-7

Administrative Procedure 3430 Prohibition of Harassment

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member, student, third party, or vendor within the District.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, in District vehicles, or at a class or training program sponsored by the District at an off-campus location.

Definitions

General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or the perception that a person has any of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.

Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.

Environmental: A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

1. submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
2. submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
3. the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or

4. submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

"Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.

"Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. The harassment may impact more than one individual. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

Examples: Harassment includes, but is not limited to the following misconduct:

1. **Verbal:** Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's protected status, including but not limited to sex. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation of a sexual nature; or sexist, patronizing or ridiculing statements that convey derogatory attitudes about a particular gender.
2. **Physical:** Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures.

3. **Visual or Written:** The display or circulation of offensive sexually oriented or other discriminatory visual or written material. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
4. **Environmental:** An academic or work environment that is permeated with racially or sexually-oriented talk, innuendo, insults or abuse not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. An environment may be hostile if unwelcome sexual behavior or other harassing behavior based on a protected status is directed specifically at an individual or if the individual merely witnesses unlawful harassment in his/her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom

To the extent the harassment policies and procedures are in conflict with the District's policy on academic freedom, the harassment policies and procedures shall prevail. If the faculty member wishes to use sexually explicit materials in the classroom as a teaching technique, the faculty member must review that use with an administrator to determine whether or not this violates the sexual harassment policy.

Reporting:

The District designates the Office of Staff and Student Diversity as the area primarily responsible for the administration of this procedure. Individuals alleging incidents of

unlawful harassment or those who become aware of unlawful harassment may contact the Director of Staff and Student Diversity to initiate the submission of a formal or informal complaint.

References:

Education Code Sections 212.5; 44100; 66281.5;
Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.; Title VII
of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

El Camino College

Adopted: February 18, 2014

Appendix A-8

Administrative Procedure 3540 Sexual and Gender-Based Misconduct

Any sexual and gender-based misconduct or physical abuse, including, but not limited to sexual assault such as rape, dating violence, domestic violence, and stalking, as defined by California law, whether committed by an employee, student, or member of the public, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500 titled Standards of Student Conduct.)

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

- a. a current or former spouse of the victim;
- b. a person with whom the victim shares a child in common;
- c. a person who is cohabitating with or has cohabitated with the victim as a spouse;
- d. a person similarly situated to a spouse of the victim under California law; or
- e. any other person against an adult or youth victim who is protected from that person's acts under California law.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity.

It is the responsibility of each person involved in sexual activity to ensure that s/he has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at

any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

This procedure, in addition to the procedures for unlawful discrimination and Title IX investigations from the Office of Staff & Student Diversity, are designed to ensure victims of sexual or gender-based misconduct receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515.)

All students and employees who allege they are the victims of sexual and gender-based misconduct shall be provided with information regarding options and assistance available to them. Information shall be available from the Office of Staff & Student Diversity, which shall maintain discretion and confidentiality, to the extent possible, regarding the identity and other information about alleged sexual assault victims.

The Title IX Coordinator shall make available to alleged victims of sexual or gender-based misconduct the following:

1. A copy of the District's policy and procedures regarding sexual or gender-based misconduct;
2. Information about the victim's option to:
 - a. notify proper law enforcement authorities, including on-campus and local police;
 - b. be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - c. decline to notify such authorities;
3. A description of available services and resources, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Services and resources may include:
 - a. transportation to a hospital by Campus Police, if necessary;
 - b. counseling by a Student Health Center psychologist or referral to a counseling center;
 - c. notice to applicable law enforcement, if desired;
 - d. assistance with the disciplinary process by the District Disciplinary Officer;
 - e. information about existing on- and off-campus counseling, mental health, victim advocacy, legal assistance and remedies, and other services for victims by the Title IX Coordinator;
4. Information about the importance of preserving evidence and the identification and location of witnesses to prove a criminal offense;
5. Information about the following procedures:
 - a. Criminal prosecution;
 - a. Civil prosecution;
 - b. District disciplinary procedures for students and employees;
 - c. Academic accommodations, if necessary.

The District shall investigate all complaints alleging sexual and gender-based misconduct under the procedures for unlawful discrimination and Title IX investigations from the Office of Staff & Student Diversity, regardless of whether a complaint is filed with local law enforcement. These procedures can be found at the Office of Staff and Student Diversity and on the District's website.

Using a preponderance of evidence standard, investigation refers to the fact-finding process the District uses to determine whether it is more likely than not that sexual and gender-based conduct occurred; and shall be adequate, reliable, impartial, and prompt and include the opportunity for both alleged victims and accused to present witnesses and other evidence.

The District shall maintain discretion and confidentiality, to its best ability, amongst the parties involved (including the alleged victim, alleged assailant, witness, or third-party reporter of sexual or gender-based misconduct), unless the parties specifically state otherwise. All inquiries from reporters or other media representatives about alleged incidents of sexual and gender-based misconduct shall be referred to the District's Office of Public Relations, which shall work with the Office of Staff & Student Diversity to assure that any applicable confidentiality and privacy rights are maintained.

All alleged victims and assailants shall be kept informed, through the Office of Staff & Student Diversity of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeals. Alleged victims of sexual or gender-based misconduct are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

Based on its investigative findings, the District may impose sanctions following a determination by a District disciplinary proceeding regarding sexual and gender-based misconduct. Such disciplinary proceedings shall provide prompt, fair, and impartial resolution, where both the accuser and accused are entitled the same opportunities for an advisor and to present witnesses and other evidence.

Additionally, the Annual Security Report ("ASR") issued by the District shall include a statement regarding the District's programs to prevent sexual or gender-based misconduct and procedures that should be followed after an incident of sexual or gender-based misconduct has been reported, including a statement of the standard of evidence that will be used during any District proceeding arising from such a report. The ASR shall be published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and all other applicable state and federal laws.

Education and Prevention Information

The Title IX Coordinator shall:

1. Provide education and prevention information about sexual or gender-based misconduct. The information shall include the District's sexual and gender-based misconduct policy and prevention strategies including awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
2. Post sexual violence prevention and education information on the campus internet website regarding sexual and gender-based misconduct.

References:

Education Code Sections 67385, 67385.7, and 67386;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

11/16/15

Appendix A-9

The District's Notice of Non-Discrimination

(published on the District's website and the District Course Catalog)

<http://www.elcamino.edu/administration/hr/diversity/notice-of-non-discrimination.asp>

Notice of Non-Discrimination

The policy of the El Camino Community College District is, in part, to provide an educational and employment environment in which no person shall be unlawfully denied admission, access or benefit to, nor employment in any program or activity that is administered, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges on the basis of race, color, national origin, sex (including sexual harassment), gender, disability, and age as required by Title VI, Title IX, Section 504, the *Age Discrimination Act*.

Employees, students or other persons acting on behalf of the District who engage in unlawful discrimination as defined in this policy or by state or federal law may be subject to discipline up to and including expulsion or termination. Any retaliation against a person for filing a discrimination charge or making a discrimination complaint is prohibited.

The District has identified the Director of Staff & Student Diversity as the designated responsible employee for receiving all complaints of discrimination, harassment and retaliation and the designated coordinator under the ADA/Section 504, Title IX and the Age Discrimination Act. Inquiries regarding compliance with these statutes, and complaints may be directed to:

Jaynie Ishikawa

Director, Staff & Student Diversity
Office of Staff and Student Diversity
Administration Building – Room 210 (second floor)
El Camino Community College District
16007 Crenshaw Boulevard
Torrance CA 90506-0001
Phone: (310) 660-3813

Fax: (310) 660-3794
Email: TitleIXCoordinator@elcamino.edu

Office Hours: 9:30 a.m. – 3:30 p.m.
Monday through Friday

Inquiries regarding federal laws and regulations concerning nondiscrimination in education or the District's compliance with those provisions may also be directed to:

Office for Civil Rights
San Francisco Office
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: (415) 486-5555
Facsimile: (415) 486-5570
Email: OCR.SanFrancisco@ed.gov

Appendix A-10

The District's Procedures on the Informal and Formal Complaint Process for Unlawful Discrimination, including Sexual and Gender-Based Misconduct

(published on the District's website)

<http://www.elcamino.edu/administration/hr/diversity/unlawful-discrimination.asp>

How to Report or Make a Complaint of Unlawful Discrimination

All reports of unlawful discrimination or harassment should be made or referred directly to the Director of Staff & Student Diversity via email to (jcishikawa@elcamino.edu) via phone (310-660-3813), or in person at the Office of Staff & Student Diversity (Administration Building, Room 210). All incidents where imminent physical danger is known or suspected should be reported to police (9-1-1 or 310-660-3100) immediately. Students may also report incidents of Unlawful Discrimination to the Student Health Center if they wish to remain confidential (see *Confidentiality* section below).

When the District becomes aware of Unlawful Discrimination, it may have an obligation to proceed with an investigation, regardless of a Complainant's wishes to the contrary, in order to ensure the safety of the District Community. If a person requests that their name or other identifying information not be used in an investigation, the District will weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the District Community.

Furthermore, when the Respondent is not a District employee or student, it may severely reduce the District's ability to effectively investigate the complaint and take appropriate action.

In most cases, information including the person's name may be shared with the Respondent, witnesses and with District officials who have a legitimate need to know or law enforcement as applicable. Beyond that, the District will take steps to reasonably protect the person's identity and the identity of all individuals involved.

Informal Complaint Process

Informal complaints are intended to resolve concerns at the earliest stage possible. The use of the informal reporting process serves the dual purpose of educating the District community about discrimination and harassment while working directly and confidentially with the parties involved. Resolution of informal reports may include discussions with the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. See below for more details regarding this process.

What is the informal complaint process?

Step 1: If an individual believes they have been the victim of discrimination or harassment, it is important to discuss the incident with the Director of Staff & Student Diversity, who has been trained in discrimination and harassment complaint procedures.

Step 2: The Complainant should carefully consider the informal options for early resolution that may be proposed by the Director of Staff & Student Diversity. In some situations, it may be possible for the Director to resolve the concern without the direct involvement of the Complainant. Early resolution of informal reports could encompass a full range of possible appropriate outcomes including, but not limited to, mediating an agreement between the parties; separating the parties; interviewing the parties and any relevant witnesses; referring the parties to counseling programs; conducting targeted educational and training programs; or working with appropriate administrators to provide remedies acceptable to the Complainant.

Step 3: Decide on the course of action. If a Complainant chooses to attempt to informally resolve the problem, the Complainant and Director must decide how to proceed (see Step 2 for examples). After discussing the incident with the Director, the Complainant may also decide to go no further with the complaint. However, the Director has the discretion to elevate an informal complaint to formal status depending on the severity of the incident alleged.

Step 4: Take the action decided upon with the assistance of the Director of Staff & Student Diversity.

Step 5: If a Complainant is not satisfied with the results of the informal resolution and decides to file a formal complaint, the Director of Staff & Student Diversity may explain the formal complaint process to the Complainant and may assist with the formal process. The Director of Staff & Student Diversity will provide guidance to the Complainant, including guidance about the importance of compliance with time lines.

When is the informal complaint process appropriate? An informal report is appropriate when the parties desire to resolve the situation cooperatively. Informal reports may be appropriate for responding to anonymous reports and/or third party reports. The District encourages early resolution of a complaint. However, the formal report process will be used when the informal process for early resolution is inappropriate (e.g. allegations of serious misconduct, reports of a pattern of inappropriate behavior, alleged criminal acts such as stalking, sexual assault or physical assault). The Director of Staff & Student Diversity may enlist any help she or he chooses to resolve a complaint on an informal basis.

Formal Complaint Process

Formal Complaint: The Formal Report process will generally be used when the informal report for early resolution is inappropriate (e.g. when the facts are in dispute regarding allegations of serious misconduct or there are reports of a pattern of inappropriate behavior/alleged criminal acts such as stalking or physical assault) or in cases where the informal process is unsuccessful. See below for more details regarding this process.

Before filing a formal complaint, the Complainant should consult with the Director of Staff & Student Diversity.

What is the formal complaint process?

Step 1: You must complete the written Formal Unlawful Discrimination Complaint Form (PDF). Copies of the form are also available from the Office of Staff & Student Diversity (Administration Building, Room 210).

For Unlawful Discrimination involving a District Employee:

A formal unlawful discrimination complaint must be filed within 180 days of the date of the alleged unlawful discrimination occurred, to be extended by no more than 90 days following the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the 180 days. Complaints filed beyond this time period may be investigated, however, failure to timely report will impede the District's ability to investigate and remediate.

For Unlawful Discrimination not involving a District Employee:

A formal unlawful discrimination complaint must be 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 alleged unlawful discrimination.

Step 2: You must file the completed Formal Unlawful Discrimination Complaint Form with the Office of Staff & Student Diversity or directly to the California Community Colleges Chancellor's Office.

Step 3: Within ten (10) business days of the date is received, the Office of Staff & Student Diversity will determine whether the complaint may be credible such that an investigation is necessary. In certain cases, the determination of credibility may take a longer period of time. The District shall make diligent efforts to promptly reach a determination. Additional clarification and/or information may be requested. Complaints will be deemed to be credible if they allege violations of the

District's Discrimination and Harassment policies, or allege violations of state or federal discrimination and harassment laws and administrative rules.

Where complaints are determined by the Office of Staff & Student Diversity to be credible, it will provide to both Parties notice of receipt of the complaint and a request for investigative interviews. The Office of Staff & Student Diversity will also provide written notice of the complaint to the department supervisors for any District employee named as a Respondent. Written notice will not be provided to respective union representatives without the Respondent's consent.

During the investigation process, the Complainant and the Respondent are not to contact each other about the complaint. All parties to a complaint are expected to fully cooperate with any investigation in a timely manner. If either party refuses to cooperate, the failure to cooperate may be considered in the Investigative Findings.

Step 4: The Investigative Process. The Investigator will conduct a fact-finding investigation, which will include interviewing the Complainant, Respondent, and any available witnesses, as well as a review of all available evidence.

Both Complainant and Respondent (including employees subject to a collective bargaining unit) may have a single Advisor present during their own investigative interviews and meetings. The advisor's role is limited to observing and consulting with and providing support to the Complainant or Respondent. An Advisor may not participate (speak) in the interview on the Party's behalf; and may not in any way disrupt or interfere with the investigative or any related appeal process. The advisor should also maintain confidentiality.

All District Employees have the duty to prevent unlawful discrimination at work. Failure to participate in the investigatory process, including refusal to participate in an investigatory interview or withholding relevant evidence, may result in disciplinary action.

Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation will be advised that maintaining confidentiality is essential to protect the integrity of the investigation.

Step 5: The District shall make reasonable, diligent efforts to investigate complete its investigation within ninety (90) days from the date in which the complaint was filed unless there are extenuating circumstances that prohibit the timeliness of the completion of the investigation. If additional time is needed, the Office of Staff & Student Diversity will notify the Parties of the extension.

Notice of the outcome of the investigation will be given to both Parties (and to the department supervisors and/or Union representative for any District employee named as a Respondent, if applicable). The Notice of Administrative Determination (for Complainant) and Notice of Investigative Findings (for Respondent) will include an overview of the allegations, applicable Board Policies, investigative findings, and applicable appeal rights; and will be kept as confidential as possible.

When a violation of discrimination and harassment policies is substantiated, the Investigator will make a recommendation for appropriate remedial action, which may include disciplinary action or sanctions against those involved in the complaint.

Any recommendation for disciplinary action or sanctions by the Investigator shall be forwarded to the District, which will review the recommendations and determine an appropriate course of action. Any discipline or sanctions against a party by the District shall be imposed in accordance with applicable District policy, Board policy, applicable collective agreements, and law.

When is the formal reporting process appropriate? The formal report process will be used when the informal report for early resolution is inappropriate (e.g. allegations of serious misconduct, reports of a pattern of inappropriate behavior, alleged criminal acts such as stalking or assault) or in cases where the informal process for early resolution is unsuccessful.

Appeals Processes

The Complainant may file an appeal of the Notice of Administrative Determination within fifteen (15) days of the Notice pursuant to Title V. For a full explanation of the Appeals Procedure, please see California Code of Regulations, Title V, Section 59338 and 59339.

The Appeal of any applicable sanctions resulting from an unlawful discrimination investigation must be addressed through the appropriate District Disciplinary Officer directly.

The District's primary correspondence and notification mechanism with Parties shall be through the District assigned email account. At the District's discretion, Complainants may be notified via U.S. certified mail, delivery in person, or by an alternate email on record as shown on District record.

Provisional Title IX Procedures

(published on District website)

<http://www.elcamino.edu/administration/hr/diversity/docs/provisional-T9-procedures.pdf>

Appendix B – List of Community Organizations and Professional Groups for Annual Written Notice of the District’s EEO Plan

Organizations listed below are not exhaustive. Job announcements will be sent to all employees in the district asking for their assistance in disseminating information to professional organization with which they have membership, or have knowledge of, to assist in reaching a broader audience, especially for underrepresented populations.

Publications and Websites:

Academic Diversity Search, Inc. (ADS): A national employment resource specializing in connecting women and minorities with academic intuitions that truly value diversity.
American Indian Higher Education Consortium: A national organization that serves as the collective spirit and unifying voice of our nation’s 37 Tribal Colleges and Universities. Issues a quarterly publication that provides journalistic and scholarly articles that highlight issues critical to American and Alaska Native communities. The publication has job posting opportunities.

The Chronicle of Higher Education: The No. 1 source of news, information, and jobs for college and university faculty members and administrators.

California Community Colleges Registry: A large scale database containing the names, qualifications and desired position(s) of potential California Community College faculty, support staff and management job applicants

disABLEDperson: A public charity organization focused on increasing employment opportunities for individuals with disabilities. The organization hosts a job fair for people with disabilities and provides a resume databank for employers to identify candidates. For a small fee, employers can post job advertisements.

Diverse Issues in Higher Education: This publication, previously known as Black Issues in Higher Education, considers itself the portal for diversity information in higher education. Annually, the magazine provides a listing of top degree producers which shows which institutions are producing the most diverse undergraduate and graduates. The publication has a job posting service in print and on its website.

Diversity Web: An interactive resource hub for higher education sponsored by the Association of American Colleges and Universities (AAC&U). In addition to serving as a clearinghouse for diversity innovations and research, they maintain a job posting site to advertise executive, faculty or postdoctoral positions that have a diversity focus.

Edjoin: A national public education job search website.

Faculty for the Future: A nationwide resource to connect female and underrepresented candidates in science, business, and engineering to faculty and research positions.

Hispanic Outlook in Higher Education: A nationwide resource that publishes a bi-weekly publication on issues pertaining to Hispanics in higher education. The publication has job posting services in print and on its website.
Inside Higher Ed: The online source for news, opinion and jobs for all of higher education.

Women in Higher Education: A national monthly publication that focuses on issues specific to women in higher education. The publication reaches thousands of women in higher education. Job posting services are available in print or website.

Professional Groups

American Association of Community Colleges: Nonprofit association that is a primary advocacy organization for community colleges at the national level and works closely with directors of state offices to inform and affect state policy.

American Association of University Women: Nonprofit association that advances equity for women and girls through advocacy, education, and research. The organization has over 1,000 branches and 500 college/university partners across the U.S. Their online career center reaches 100,000 members.

The Association of Black Psychologists: The Association has over 1,400 members. They publish a news journal, Psych Discourse, which is the primary source for communication among the membership. The publication allows for online posting of job advertisements.

Association of Latino Professionals in Finance and Accounting: With 37 chapters and 9,000 members, ALPFA is one of the leading professional organizations for Latinos in accounting and finance related professions. The organization's website had a career center where employers can post positions.

Association for Women in Science: A nationwide advocacy organization dedicated to achieving equity and full participation for women in science, mathematics, engineering and technology. Their website allows organizations to post job advertisements.

Minorities in Agriculture and Natural Resources and Related Sciences: Promotes academic and professional advancement by empowering minorities in agriculture, natural resources, and related sciences. Their website included contact information for student chapter advisors and lists job opportunities.

National Association for Equal Opportunity in Higher Education: Professional association to further the causes of Historically Black Colleges and Universities and predominately Black Institutions.

National Indian Education Association: Focused on improving educational equity and access for American Indian, Alaska Native, and Native Hawaiian populations. It is the largest and oldest Indian educational organization.

National Society of Hispanic MBAs: NSHMBA serves 32 chapters and 8,000 members. The organization works to prepare Hispanics for leadership positions throughout the U.S., so that they can provide the cultural awareness and sensitivity vital in the management of the nation's diverse workforce. Organizations can post position advertisements and search the resume database for potential candidates.

National Society for Hispanic Professionals: With over 10,000 members this organization is one of the primary resources to reach Hispanic professionals. Their website allows employers to post jobs and search a resume database for candidates.

Society for the Advancement of Hispanics/Chicanos and Native Americans in Science: The mission of SACNAS is to encourage Chicano/Latino and Native American students to pursue graduate education and obtain the advanced degrees necessary for science research, leadership, and teaching careers at all levels. Their website allows employers to post jobs.

American Civil Liberties Union California Alliance of African American Educators
16 Drumm St, San Francisco, CA 94111 San Jose www.caaae.org
www.aclunc.org

Asian Pacific Islander American Public Affairs Baymec Moving Equity Forward
www.apapa.org <http://www.baymec.org/>

Deaf Women United Deaf Lesbian Organization
www.dwu.org www.deaflesbianfestival.org/about.html

Federation of Indo Americans Association (FIAA) of Northern California
www.fianc.net

Indo American Community Federation Citizens for a Better Community (CBC)
www.indocommunity.us ww.cbcsfbay.org

Hispanic Community Affairs Council Indo Americans for Better Community
P. O. Box 3151, Hayward, CA 94540 www.indoabc.com
HCAC@hcac-ac.org

Japanese Cultural Center Latina Leadership Network of the CCCC
334 Moorpark Ave, San Jose, CA 95129 latina-leadership-network.org/wp/
www.jpnants.org

National Association of the Deaf

8630 Fenton Street, Suite 820
Silver Spring, MD 20910

National Council of La Raza

8630 Fenton Street, Suite 820, Silver Spring, MD 20910 www.nclr.org
www.nad.org

National Association for the Advancement of Colored People

304N 6th Street, San Jose, CA 95112
www.naacp.org

National Coalition of 100 Black Women, Silicon Valley,

ncbwsvc@yahoo.com

National Association of Multi-Cultural Education,

http://www.nameorg.org/region_6.php

National Federation of Filipino American Associations

ncaawa.org

Puente Project | Center for Educational Partnerships Santa Clara Valley National

Panhellenic Council University of California, Berkeley San Jose, [http://www.next-](http://www.next-stop.com/scvphc/)

[stop.com/scvphc/](http://www.next-stop.com/scvphc/)

ebron@berkeley.edu

APPENDIX C – Equal Employment Opportunity Fund *Multiple Method* Allocation Model Certification Form, Fiscal Year 2015-16

Equal Employment Opportunity Fund *Multiple Method* Allocation Model Certification Form, Fiscal Year 2015-16

District Name: _____

The district met Multiple Method #1 (District's EEO Advisory Committee and EEO Plan).

- Yes
- No

The district met at least 5 of the remaining 8 Multiple Methods? (Please mark your answers.)

- Yes
 - Method 2 (Board policies and adopted resolutions)
 - Method 3 (Incentives for hard-to-hire areas/disciplines)
 - Method 4 (Focused outreach and publications)
 - Method 5 (Procedures for addressing diversity throughout hiring steps and levels)
 - Method 6 (Consistent and ongoing training for hiring committees)
 - Method 7 (Professional development focused on diversity)
 - Method 8 (Diversity incorporated into criteria for employee evaluation and tenure review)
 - Method 9 (Grow-Your-Own programs)
- No

I CERTIFY THAT THIS REPORT FORM IS COMPLETE AND ACCURATE. Please attach meeting agenda of when District's EEO Advisory Committee certified this report form.

Chair, Equal Employment Opportunity Advisory Committee.

Name: _____ Title: _____

Signature: _____ Date: _____

Chief Human Resources Officer

Name: _____ Title: _____

Signature: _____ Date: _____

Chief Executive Officer (Chancellor or President/Superintendent)

Name: _____ Title: _____

Signature: _____ Date: _____

President/Chair, District Board of Trustees

Date of governing board's approval/certification: _____

Name: _____ Title: *President/Chair, Board of Trustees*

Signature: _____ Date: _____

Date Due at the Chancellor's Office: **June 1, 2016**
Return to: Javier Gonzalez (jgonzalez@cccco.edu)
Chancellor's Office California Community Colleges: 1102 Q Street, Ste. 4500, Sacramento, CA 95811

**Equal Employment Opportunity Fund *Multiple Method* Allocation Model
Certification Form, Fiscal Year 2015-16**

This form requires districts to report the various activities that they are implementing to promote Equal Employment Opportunity for each of the 9 *Multiple Methods*. The Chancellor's Office will select some of the practices reported and highlight them in an "EEO and Diversity Best Practices Handbook".

When providing explanation(s) and evidence of your district's success in implementing the *Multiple Methods*, please write a response suitable for publication in the best-practices handbook. Please keep narrative to no more than one page per *Multiple Method*.

Nine (9) Multiple Methods

Pre-Hiring

1. District's EEO Advisory Committee and EEO Plan
2. Board policies & adopted resolutions
3. Incentives for hard-to-hire areas/disciplines
4. Focused outreach and publications

Hiring

5. Procedures for addressing diversity throughout hiring steps and levels
6. Consistent and ongoing training for hiring committees

Post-Hiring

7. Professional development focused on diversity
8. Diversity incorporated into criteria for employee evaluation and tenure review
9. Grow-Your-Own programs

Does district meet Multiple Method #1 (District's EEO Advisory Committee and EEO Plan)?

- Yes**
 No

Under the *Multiple Method* allocation model, districts must minimally have an operational District EEO Advisory Committee and an updated EEO Plan.

- In order to qualify for receipt of the EEO Fund, districts are required to submit a board-adopted EEO plan every three years to the Chancellor's Office. (Title 5, Section 53003).
- EEO Plans are considered active for three years from the date of when the District's Board of Trustees approved the plan.
- The districts are required to establish an EEO Advisory Committee to assist in the development and implementation of the EEO Plan. (Title 5, Section 53005).

Please provide an explanation and evidence of meeting this Multiple Method, #1.

**Equal Employment Opportunity Fund *Multiple Method* Allocation Model
Certification Form, Fiscal Year 2015-16**

To receive funding for that year's allocation amount, districts are also required to meet 5 of the remaining 8 Multiple Methods.

Does the District meet Method #2 (Board policies and adopted resolutions)?

- Yes**
- No**

Please provide an explanation and evidence of meeting this Multiple Method, #2.

Does the District meet Method #3 (Incentives for hard-to-hire areas/disciplines)?

- Yes**
- No**

Please provide an explanation and evidence of meeting this Multiple Method, #3.

**Equal Employment Opportunity Fund *Multiple Method* Allocation Model
Certification Form, Fiscal Year 2015-16**

Does the District meet Method #4 (Focused outreach and publications)?

- Yes**
- No**

Please provide an explanation and evidence of meeting this Multiple Method, #4.

Does the District meet Method #5 (Procedures for addressing diversity throughout hiring steps and levels)?

- Yes**
- No**

Please provide an explanation and evidence of meeting this Multiple Method, #5.

**Equal Employment Opportunity Fund *Multiple Method* Allocation Model
Certification Form, Fiscal Year 2015-16**

Does the District meet Method #6 (Consistent and ongoing training for hiring committees)?

- Yes**
- No**

Please provide an explanation and evidence of meeting this Multiple Method, #6.

Does the District meet Method #7 (Professional development focused on diversity)?

- Yes**
- No**

Please provide an explanation and evidence of meeting this Multiple Method, #7.

**Equal Employment Opportunity Fund *Multiple Method* Allocation Model
Certification Form, Fiscal Year 2015-16**

Does the District meet Method #8 (Diversity incorporated into criteria for employee evaluation and tenure review)?

- Yes**
- No**

Please provide an explanation and evidence of meeting this Multiple Method, #8.

Does the District meet Method #9 (Grow-Your-Own programs)?

- Yes**
- No**

Please provide an explanation and evidence of meeting this Multiple Method, #9.