



AP 3420 Equal Employment Opportunity

The District's Equal Employment Opportunity (EEO) Plan includes the definitions contained in Title 5 Section 53001 and addresses the following:

- Submission of the Plan and revisions to the State Chancellor's Office for review and approval as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the Plan and assuring compliance with the requirements of this procedure;
- The procedure for filing complaints and the person with whom such complaints are to be filed;
- A process for notifying all District employees of the provisions of the Plan and the policy statement required;
- A process for ensuring that District employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws;
- A process for providing annual written notice to appropriate community-based and professional organizations concerning the District's Plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- An analysis of the number of persons from "monitored groups", as defined by Title 5 Section 53001(i), who are employed in the District's work force and those who have applied for employment in each of the job categories listed below.
- When the State Chancellor's Office makes information available, conduct an analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the State Chancellor's Office determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;
- The steps the District will take to promote diversity in its work force;
- Methods for addressing any discrimination that is detected in the District's hiring practices, and;
- Additional steps to address any significant underrepresentation of monitored groups identified in the Plan.

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



AP 3420 Equal Employment Opportunity

Annual Evaluation

The District annually surveys its employees and monitors applicants for employment on an on-going basis in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.

An annual report on the results of its annual survey of employees is submitted to the State Chancellor's Office. The report shall identify each employee as belonging to one of the following seven job categories:

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

The survey will provide an opportunity for each employee to identify his/her gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she identifies. However, the person may only be counted in one group for reporting purposes.

President's Equity Council (EEO Advisory Committee)

The District has an EEO Advisory Committee known as the President's Equity Council which includes a diverse membership of District employees, students, and community members.

The responsibilities of the President's Equity Council shall include, but not be limited to, the following:

- review and advise on processes that impact the District's ability to attract and retain a diverse faculty and staff;
- assist the campus community in increasing its understanding of equity issues;
- advise the Superintendent/President regarding assessed needs related to equity issues; and
- review the Plan and monitor its progress.

AP 3420 Equal Employment Opportunity

Employment Procedures

Job Analysis and Validation: The Chief Human Resources Officer shall assure that a proper job function analysis is developed for every regular position in the District.

Job Description: Every job description shall provide a general statement of job duties and responsibilities. Job specifications shall include functions and tasks, knowledge, skills, ability, and job-related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

Recruitment for Job Openings: Recruitment for job openings must be conducted actively within and outside of the District work force. Open recruitment is mandated for all new full-time and part-time regular job openings, except under limited circumstances involving interim hires. Recruitment must utilize outreach strategies designed to ensure that all qualified individuals, from all monitored groups, are provided the opportunity to seek employment with the District.

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

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

Screening and Selection: Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. See BP/AP 7120 titled Recruitment and Selection for additional details about the hiring process.

Hiring procedures will be provided to the State Chancellor's Office on request. Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Chief Human Resources Officer assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of



AP 3420 Equal Employment Opportunity

screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process.

Delegation of Authority

The District has designated an “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan. An outside investigator must be used when the responsible District officer is named in the complaint or implicated by the allegations in the complaint.

Equal Employment Opportunity Complaint Procedure

The District must identify to the public and to the State Chancellor’s Office an individual described in Title 5 as the “responsible District officer,” responsible for receiving complaints. Informal charges of unlawful discrimination should be brought to the attention of the responsible District officer. The responsible District officer shall oversee the informal resolution process. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract.

When a person files an EEO complaint the officer must:

- Undertake efforts to resolve the charge informally;
- Advise the complainant that he/she need not participate in an informal resolution of the complaint;
- Notify the complainant of the procedures for filing a formal complaint;
- Notify the complainant that he/she may file a complaint with the Office for of Civil Rights of the U.S. Department of Education.
- If the complainant, a student or an employee, files a formal complaint, the responsible District officer must also forward a copy of the complaint to the State Chancellor’s Office.

A formal complaint not involving employment, must be processed if it is filed within one year of the date of the alleged unlawful discrimination, or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation.

A formal complaint alleging discrimination in the employment process must be filed within 180 days of the date of the alleged unlawful discrimination, unless the



AP 3420 Equal Employment Opportunity

complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

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

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

- When the investigation is done, the results must be set forth in a written report. The written report must include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint, and any other appropriate information.
- In any case that does not involve discrimination in the employment process, the District must provide the State Chancellor's Office with a copy of the investigative report within 90 days from the date the District received the complaint. The District must also provide the complainant with a copy or summary of the investigative report within 90 days from the date the District received the complaint. The State Chancellor's Office and the complainant must also be provided with a written notice setting forth the determination of the Chief Human Resources Officer as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the complainant's right to appeal to the District's Governing Board and the State Chancellor's Office.
- In any case that involves discrimination in the employment process, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the Chief Human Resources Officer as to whether discrimination did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and the complainant's right to appeal to the District's Governing Board and to file a complaint with the Department of Fair Employment and Housing.



AP 3420 Equal Employment Opportunity

- If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity to submit a written appeal to the Governing Board within 15 days from the date of the notice of the administrative determination. The Governing Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within 45 days of receiving the appeal.
- In any case not involving discrimination in the employment process, a copy of the final District decision must be promptly forwarded to the complainant and the State Chancellor's Office. The complainant must be notified of his/her right to appeal.
- In any case involving discrimination in the employment process, a copy of the final District decision must be promptly forwarded to the complainant. The complainant must be notified of his/her right to file a complaint with the Department of Fair Employment and Housing.
- Where the Governing Board does not act within 45 days, the administrative determination must be deemed approved and must become the final District decision. The District shall promptly notify the complainant and, in cases not involving discrimination in the employment process, the State Chancellor's Office that the Governing Board took no action and the administrative determination becomes the final District decision.
- In cases not involving discrimination in the employment process, the complainant must be informed of his/her right to appeal the District's decision to the State Chancellor's Office.
- In cases involving discrimination in the employment process, the complainant shall be notified of his/her right to file a complaint with the Department of Fair Employment and Housing.
- In cases not involving discrimination in the employment process, the complainant must be given the right to file a written appeal with the State Chancellor's Office:
 - within 30 days after the Governing Board issues the final District decision or permits the administrative decision to become final; or
 - from the date that notice of the District's final decision was provided to the complainant pursuant to Section 59338(b) or (d), whichever is later.



AP 3420 Equal Employment Opportunity

- The District should retain and make available the original complaint, and copies of the final decision or a statement indicating the date on which the administrative determination became final, the notice given to complainant, the complainant's appeal of the District's administrative determination, the investigative report and any other information the State Chancellor's Office may require.

Job Announcements

All job announcements shall contain a statement in substantially the following form: "The District is an equal opportunity employer." The District encourages applications from diverse populations including ethnic and racial minorities, women, persons with disabilities, and Vietnam-era veterans. No person shall be denied employment because 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.

Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the Plan. Copies of the plan shall be widely distributed throughout the District. Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

The Plan shall be reviewed at least every three years and, if necessary, revised and submitted to the State Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the State Chancellor's Office determines that the District's policies are not in compliance with Title 5 Sections 59300 et seq., the State Chancellor's Office may require the District to modify its policies.

References: Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq. and Sections 59300 et seq.

Approved: 8/20/13