

# AP 3420 Equal Employment Opportunity

## References:

*Education Code Sections 87100 et seq.;*

*Title 5 Sections 53000 et seq. and 59300 et seq.;*

*ACCJC Accreditation Standard III.A.12;*

The West Kern Community College District's Equal Employment Opportunity (EEO) Plan (available on the District website and in the Human Resource office) is a written plan that implements the District's EEO Program, which includes the definitions contained in Title 5 Section 53001 and addresses the following:

1. Submission of plans and revisions to the California Community Colleges Chancellor's Office for review as required.
2. 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;
3. The procedure for filing complaints and the person with whom such complaints are to be filed;
4. A process for ensuring that District employees who participate on screening or selection committees receive, prior to their participation, training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee;
5. 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;
6. A process for gathering information and periodic, longitudinal analysis of the District's employees and applicants, broken down by number of persons from "monitored groups", as defined by Title 5 Section 53001 subdivision (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.
7. To the extent data regarding potential job applicants is provided by the Chancellor of the California Community Colleges, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the California Community Colleges Chancellor's Office

determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

8. The steps the District will take to promote diversity in its work force;
9. Methods for addressing any discrimination that is detected in the District's hiring practices, and;
10. The plan shall be a public record.

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

### **Annual Evaluation**

1. The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO plan and to provide data needed for required analyses.
2. An annual report to the California Community Colleges Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:
  - A. Executive/Administrative/Managerial
  - B. Faculty and other Instructional Staff
  - C. Professional Non-Faculty
  - D. Secretarial/Clerical
  - E. Technical and Paraprofessional
  - F. Skilled Crafts; and
  - G. Service and Maintenance
3. The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she/they identifies. However, the person may only be counted in one group for reporting purposes.
4. Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to, a longitudinal

analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool. The District shall also provide analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

### **EEO Advisory Committee**

1. The District shall establish an EEO Advisory Committee; and
2. The Advisory Committee shall include a diverse membership whenever possible.
3. The Advisory Committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the Advisory Committee in carrying out the District's EEO plan.

The responsibilities of the Committee shall include but be limited to the following:

1. Review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
2. Advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
3. Promote communication with community groups and organizations for people with disabilities;
4. Promote hiring of faculty who have, themselves, graduated from a community college;
5. Develop communications among departments to foster understandings of the plan;
6. To advise the Superintendent/President regarding special training or staff development needs;
7. Review the plan and monitor its progress;

8. Recommend changes needed in the plan; and
9. Review and approve the annual written report to the Superintendent/President, the Board of Trustees, and the California Community Colleges Chancellor's office.

### **Employment Procedures**

An equitable and inclusive employment process is essential to improve diversity, reduce barriers to employment, and allow potential applicants the opportunity to demonstrate that they meet or exceed the minimum qualifications for employment. The District's employment procedures are driven by diversity, equity, and inclusion.

**Job Analysis and Validation:** The Human Resource Department shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily. A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

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

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

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

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals 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 EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations.

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

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

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

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

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

1. Hiring procedures will be provided to the California Community Colleges Chancellor’s office on request.
2. All tests conform to generally applicable legal standards for uniformity.
3. A reasonable number of candidates are identified for interview.
4. Screening committees are developed that are representative of the District community and campus; include administrators, faculty, and classified staff members; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
5. Every screening committee includes an individual trained to monitor conformance with EEO requirements. The Vice President of Human Resources assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains notes for all interviews and record relevant

factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.

6. Selection shall be based solely on the stated job criteria.
7. For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

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

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

If significant underrepresentation persists:

1. Review each locally-established job qualification to determine if it is job related and consistent with business necessity;
2. Discontinue the use of any non-job-related local qualification; and
3. Continue using job-related local qualifications only if no alternative standard is reasonably available; and
4. Consider the implementation of additional measures designed to promote diversity.

### **Delegation of Authority**

West Kern Community College District shall be responsible for the designation of a single person as the "EEO Officer" charged with overseeing the day-to-day implementation of the EEO plan and programs. The District has designated the Vice President of Human Resources as its EEO Officer, who is responsible for the day-to-day implementation of the EEO plan and procedures. The District shall adopt processes to assign responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

## **Complaint Procedure**

Any person may file a complaint alleging the District violated this policy and procedures. An individual should file a written complaint with the Vice President of Human Resources. The District shall immediately forward a copy of the complaint to the California Community Colleges Chancellor's Office, which may require that the District provide a written investigative report within ninety (90) days. The District shall also process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

## **Job Announcements**

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

## **Dissemination and Revision of the Plan**

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

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

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

## **Accountability and Corrective Action**

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

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