PALO VERDE COMMUNITY COLLEGE DISTRICT
BOARD POLICY **7100**

Commitment to Diversity

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

The District is committed to employing 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 modes for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.

See also BP/AP 3420 - Equal Employment Opportunity

(Formerly PVC Board Policy 4126)

3/5/09 College Council Approval
3/24/09 Board First Read
4/28/09 Board Second Read and Approval

Equal Employment Opportunity

Reference: Government Code Sections 87100, et seq.
Title 5, Section 53000, et seq.

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 and community colleges foster a climate of acceptance with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness and responsiveness, mutual understanding and respect, harmony and respect, and suitable role models for all students. The Board, therefore, commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Superintendent/President shall develop a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

09/03/08 College Council Approval
09/23/08 Board First Read
10/28/08 Board Second Read and Approval
9/2/09 College Council Approval
9/22/09 Board First Read
10/27/09 Board Second Read and Approval

PALO VERDE COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE PROCEDURE **3420**

Equal Employment Opportunity

Reference: Education Code Section 87100 et seq.; Title 5, Sections 53000 et seq., and 59320 et seq.

Equal Employment Opportunity (EEO) Plan
The Board shall adopt a district-wide, written plan that implements the District's EEO program that includes the definitions contained in Title 5, Section 53001, and addresses the following:

- Submission of plans 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.
- 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.

Annual Evaluation
The District shall conduct an annual survey of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.

The District shall provide an annual report to the Chancellor's Office of the California Community Colleges on the results of its annual survey of employees. The report shall identify each employee as belonging to one of the following seven job categories:

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

Each employee shall be provided the opportunity to identify his or her gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he or she identifies. However, the person may only be counted in one group for reporting purposes.

EEO Advisory Committee
The District shall establish an EEO Advisory Committee that includes a diverse membership whenever possible.

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

- review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion processes that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;

- promote communication with community groups and organizations for people with disabilities;

- promote hiring of faculty who have, themselves, graduated from a community college;

- develop communications among departments to foster understandings of the Plan;

- to advise the Superintendent/President regarding special training or staff development needs;

- review the Plan and monitor its progress;

- review and approve the annual written report to the Superintendent/President, the Board of Trustees, and the Chancellor's Office for the California Community Colleges.

Employment Procedures

Job Analysis and Validation

- The Vice President of Administrative Services 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 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, 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 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 that primarily serve members of monitored groups that are underrepresented in the District.

- 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 or herself voluntarily as to gender, ethnicity and, if applicable, his or 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.

- After the application deadline has passed, the initial applicant pool shall be analyzed to determine whether the projected representation has been achieved for monitored groups. If these projections have not been met, the District shall immediately determine whether the failure to meet the projected representation of monitored groups in the initial pool was due to discriminatory practices. If not, the hiring process may continue to the next level. If, however, the District determines that discriminatory practices caused the underrepresentation, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective actions is required by law.

- Once the qualified pool is formed, the pool must again be analyzed. If this analysis reveals adverse impact against any monitored group, 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:

- Hiring procedures will be provided to the state Chancellor's Office on request;

- All tests conform to generally applicable legal standards for uniformity;

- A reasonable number of candidates are identified for interview;

- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty and classified staff; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.

- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Vice President of Administrative Services assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.

- Selection shall be based solely on the stated job criteria.

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

    - review its recruitment procedures;

    - consult with counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;

    - consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;

- If significant underrepresentation persists:

    - monitor on an on-going basis;

    - review each locally-established job qualification to determine if it is job related and ...

    - ... consistent with business necessity;

    - discontinue the use of any non job related local qualification; and

    - continue using job-related local qualifications only if no alternative standard is reasonably available.

Delegation of Authority
The Vice President of Administrative Services shall be designated as the "EEO Officer" charged with overseeing the day-to-day implementation of the EEO Plan and programs.

In the event the EEO Officer is named in a complaint or implicated by the allegations in a complaint, the Superintendent/President shall appoint an outside investigator to review the complaint. In the event the Superintendent/President is named in a complaint or implicated by the allegations in a complaint, the President of the Board of Trustees shall appoint the investigator, will receive the report, and the Board of Trustees will make determination on any final action.

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. The Vice President of Administrative Services has been appointed the EEO Officer. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract. An outside investigator must be used when the EEO officer is named in the complaint or implicated by the allegations in the complaint.

- When a person brings charges of unlawful discrimination, the officer must:

  - Undertake efforts to resolve the charge informally;

  - Advise the complainant that he or 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 or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education; and

  - If the complainant files a formal complaint, the EEO Officer must also notify the state Chancellor's Office of the complaint.

- A formal complaint 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.

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

- When a proper complaint is received, the District will begin an impartial fact-finding investigation, and notify the complainant and the Chancellor 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.

- The District must provide the complainant with a copy of summary of the investigative report within ninety (90) days from the date the District received the complaint. The complainant must also be provided with a written notice setting for the determination of the EEO 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.

- If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity within fifteen (15) days to submit a written appeal to the governing board. The Board must review the original complaint, the investigative report, the administrative determination, and the appeal and must issue a final District decision within forty-five (45) days of receiving the appeal. If the Board does not act within 45 days, the administrative determination must be deemed approved and must become the final District decision.

- A copy of the final District decision must be forwarded to the complainant and the state Chancellor's Office. The complainant must be notified of his or her right to appeal.

- In cases not involving employment discrimination, the complainant must be given the right to file a written appeal with the state Chancellor's Office with thirty (30) days after the Board issues the final District decision or permits the administrative decision to become final.

- In cases involving employment discrimination, the complainant may file a complaint with the Department of Fair Employment and Housing or file a petition for review with the state Chancellor's Office within 30 days.

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 personal shall be denied employment because of ethnicity or race, color, sex, 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 (3) years and, if necessary, revised and submitted to the state Chancellor's Office for approval.

See also BP/AP 3410 – Discrimination and Other Complaints

(Formerly a part of PVC Board Policies and Administrative Regulations 4010 and 4011)

9/2/09 College Council Approval
9/22/09 Board First Read
10/27/09 Board Second Read and Approval