

# AP 3420 Equal Employment Opportunity

## Reference:

*Education Code Section 87100 et seq.; Title 5, Section 53000, et seq., Section 59320 et seq.*

The Equal Employment Opportunity (EEO) Plan is a district-wide, written plan that implements the District's EEO Program, includes the definitions contained in Title V, Section 53001, and complies with all legal requirements as listed in Title V. (See also Imperial Community College District – Faculty & Staff Diversity Plan).

## Annual Evaluation

An annual survey is completed by the Human Resources /EEO Department on its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.

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 job categories:

- Executive/Senior Level Officials and Managers
- First/Mid-Level Officials and Managers
- Faculty and other instructional staff
- Professional non-faculty
- Administrative Support Workers
- Technical and paraprofessional
- Craft Workers (skilled)
- Operatives (semi-skilled)
- Service and maintenance or Laborers and helpers

The opportunity for each employee 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

- That the District shall establish an EEO Advisory Committee; and
- That the advisory committee shall include 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.
- recommend changes needed in the Plan; and
- 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 Chief Human Resources Officer 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, 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 or electronic media.

#### 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 *shall* immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action 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 *shall* 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 [designate position] 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 designation of a single person as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

Although, the Chief Human Resources Officer will lead in the implementation of this plan, the lines of administrative responsibility extend to the Board of Trustees, Superintendent/President, Vice-Presidents, Deans, Associate Deans, Directors, Managers, and Supervisors.

### **Complaint Procedure**

Any person who believes that the District failed to comply with the commitments set for regarding Equal Employment Opportunity may file a complaint. The District will take the following steps:

- 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 Imperial Community College District has identified the Chief Human Resources Officer/Equal Opportunity Officer to the State Chancellor’s Office and to the Public as the single District officer responsible for receiving all unlawful discrimination complaints filed pursuant to Title 5, Section 59328, and for coordinating their investigation.

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.

If the complainant files a formal complaint, the Chief Human Resources 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 or summary of the investigative report within ninety days from the date the District received the complaint. 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.
- If the complainant is not satisfied with the results of the administrative determination, the complainant must be given the opportunity within fifteen 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 days of receiving the appeal. If the Board does not act within forty-five 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 within 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.

## **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, 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

The following plan should be reviewed and revised as appropriate:

### **S.H.I.N.E (See How I.V.C. Needs Everyone)**

*Imperial Valley College recognizes the value of a diverse staff in providing excellence to our students and for maintaining a great work environment. In accordance with Title 5 of the California Code of Regulations, the Equal Employment Opportunity Policy of the Imperial Community College District ensures 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. The District ensures equal employment opportunity by 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 by law. Feel free to contact the Human Resources office to learn more about how Imperial Valley College S.H.I.N.E.s with diversity.*

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 District's EEO 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 state Chancellor's Office for approval.