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**Allan Hancock Joint Community College District  
Board Policy  
Chapter 3 – General Institution**

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**BP 3420    EQUAL EMPLOYMENT OPPORTUNITY AND STAFF  
DIVERSITY**

The Board of Trustees of the Allan Hancock Joint Community College District recognizes that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony and creativity, while providing positive images for all students. The board commits the district to the active promotion of campus diversity, including recruitment and selection of qualified employees from a wide variety of backgrounds and equal employment opportunities in all aspects of employment, including assignments, promotions, and transfers. In addition, the Board of Trustees recognizes that to be effective, an equal employment opportunity plan must be developed, reviewed and adopted in compliance with Education Code and Title 5 requirements.

Education Code 87100 et. seq.

Title 5, California Code of Regulations 51965, 53000, 59000, et. seq.

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*(Replaces Board Policy 3010)*

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**Allan Hancock Joint Community College**  
**District Administrative Procedure**  
Chapter 3 – General Institution

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**AP 3420 EQUAL EMPLOYMENT OPPORTUNITY AND STAFF  
DIVERSITY**

The Allan Hancock Joint Community College District's Equal Employment Opportunity (EEO) Plan 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:

- Submission of plans and revisions to the California Community Colleges Chancellor's Office (CCCCO) 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 participate on screening or selection committees prior to their participation receive 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;
- 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(i), who are employed in the District's workforce and those who have applied for employment in each of the job categories listed below.
- To the extent data regarding potential job applicants is provided by the CCCCCO, 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;
- The steps the District will take to promote diversity in its work force; and

- The methods for addressing any discrimination that is detected in the District's hiring practices.

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

### **Annual Evaluation**

- 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.
- The District shall submit an annual report to the CCCCCO of this demographic data. 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
  - service and maintenance
- The District shall 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.
- The District 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 also shall provide analysis of data regarding potential job applicants, to the extent provided by the CCCCCO, which may indicate significant underrepresentation of a monitored group.

### **Equal Employment Opportunity and Staff Diversity Committee**

- The District shall establish an Equal Employment Opportunity (EEO) and Staff Diversity Committee which shall include a diverse membership whenever possible.
- This committee shall receive training in all of the following: applicable Title 5 regulations and state and federal nondiscrimination laws; the educational benefits of

workforce diversity; the identification and elimination of bias in hiring decisions; and the role of this committee in carrying out the District's EEO Plan.

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

- promote communication with community groups and organizations for people with disabilities;
- review the District's obligation to hire faculty, staff, and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- promote hiring of faculty and administrators who have attended and/or graduated from a community college;
- develop communications among departments to foster understanding of the Plan;
- to advise the HR Council and College Council regarding special training or staff development needs;
- review the Plan and monitor its progress; recommend changes needed in the Plan; and
- review and submit the annual completed EEO report to the HR Council and College Council

### **Employment Procedures**

**Job Analysis and Validation:** The Human Resources 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 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 staff and 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 websites, 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 and appropriate websites.

**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.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Director 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 Director 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:

- Hiring procedures will be provided to the CCCCCO 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 members; include a diverse membership when possible.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Director of Human Resources or designee 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 committees will be structured as follows:
  1. An effort will be made to achieve gender balance. At least one voting staff member (non student) will be an ethnic minority, whenever possible. An employee who is trained as an equal employment opportunity representative or the equal employment opportunity officer shall act as a resource and monitor for the entire selection procedure. The equal employment opportunity member will not be a voting committee member. Application screening committees are generally smaller than interview committees and those who serve on the screening committees will automatically serve on the interview committee. Screening committees will not have fewer than three (3) or more than six (6) members.
  2. Faculty Positions - The number of voting members on the screening and interview committee shall not be fewer than six or more than nine unless approved by the superintendent/president. The screening and interview committee, composed of one (1) administrator, who is the dean of the area or designee, at least three (3) and no more than five (5) faculty selected by the department, one of whom is the department chair or designee and one of whom is the discipline liaison, one (1) diversity resource specialist, and one (1) student selected by the department chair and approved by the Associated Student Body Board, shall conduct interviews and recommend candidates for hiring to the superintendent/president. Requests for an additional administrator to serve on the screening and interview committee shall be approved by mutual agreement between the faculty chair and the superintendent/president. The Diversity Resource Specialist (DRS) is selected by the Department Chair, in consultation with human resources, from a pool of trained faculty members. The DRS should not be a member of the department that is hiring.
  3. Administrative Positions - The size of interview committees for administrative positions will be determined by the superintendent/president and may exceed ten (10) depending on the scope of responsibility. In regard to administrative positions, the interview committee is composed of administrators selected by the superintendent/president; an administrator chosen by the Management Association; at least three (3) and, in cases when the committee exceeds ten (10), up to five (5) faculty selected by the Academic Senate; a student selected by the superintendent/president from names provided by the Associated Student Body (ASB); a supervisory/confidential employee chosen by the supervisory/confidential group; and a staff member selected by California School Employees Association (CSEA) will conduct interviews and make recommendations for hiring to the

superintendent/president. Any exceptions to this procedure must be approved by the Staff Diversity/Equal Employment Opportunity Committee. The screening committee will consist of selected members of the interview committee and will review applications and recommend candidates to be interviewed.

4. Staff (Classified) Positions - In regard to staff (classified) positions, an interview committee made up of five representatives from departments, administrators, ASB, and at least one classified staff member appointed by CSEA will conduct interviews and make recommendations for hiring to the superintendent/president. The screening committee will consist of selected members of the interview committee, and will review applications and recommend candidates to be interviewed. Faculty representatives may come from the department for which the candidate is being interviewed.
5. Students will not serve on screening committees.
  - Selection shall be based solely on the stated job criteria.
  - 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:

- review its recruitment procedures; review and advise on recruitment efforts; job announcements, interview protocols,
- consult with counsel to determine whether there are other additional measures that may be undertaken that are required 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, 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; continue using job-related local qualifications only if no alternative standard is reasonably available;
- consider the implementation of additional measures designed to promote diversity;
- review 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 hiring of faculty and administrators who have attended and/or graduated from a community college;

### **Delegation of Authority**

Allan Hancock College 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, policies, and program. The District has designated the Director of Human Resources, as its Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the EEO Plan and procedures. Allan Hancock College 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**

Allan Hancock College must identify to the public and to the California Community Colleges 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. An outside investigator must be used when the responsible District 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/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 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 California Community Colleges 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 employment must be filed within 180 days of the date of the alleged unlawful discrimination, unless the 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 CCCCCO 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 employment discrimination, the District must provide the CCCCCO with a copy of the investigative report within ninety 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 ninety days from the date the District received the complaint. The CCCCCO and the complainant must also be provided with a written notice setting forth the determination of the designated Complaint 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 CCCCCO.

In any case that involves employment discrimination, the District must provide the complainant with a copy or summary of the report, and with written notice setting forth the determination of the designated Complaint 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.

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 fifteen days from the date of the notice of the administrative determination. 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.

In any case not involving employment discrimination, a copy of the final District decision must be promptly forwarded to the complainant and the CCCCCO. The complainant must be notified of his/her right to appeal. In any case involving employment discrimination, 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 Board does not act within forty-five (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 employment discrimination, notify the CCCCCO that the Board took no action and the administrative determination becomes the final District decision. In cases not involving employment discrimination, the complainant must be informed of his/her right to appeal the District's decision to the CCCCCO. In cases involving employment discrimination, 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 employment discrimination, the complainant must be given the right to file a written appeal with the CCCCCO within thirty (30) days after the Board issues the final District decision, 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.

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 CCCCCO may require.

### **Student Complaint Procedure**

A student who feels he/she has been or is being subjected to discriminatory treatment, including harassment or who has learned of such unlawful discrimination in his or her official capacity, should immediately contact the office of the associate vice president, student services. If the complainant is not satisfied with the final decision, he or she may file a complaint with the CCCCCO within 30 days of the determination of the board. The student can complete the form on the CCCCCO website at <http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx>. The District student complaint process can be found in the current Allan Hancock College Catalog.

### **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 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 veteran, ancestry, or political or organizational affiliation.

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

The Plan shall be posted to the District's website. Upon request, all managers and supervisors shall be given paper copies of the Plan as revised from time to time and any guidelines for implementing the Plan. The web link to 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. The Plan shall be reviewed at least every three years and, if necessary, revised and submitted to the CCCCCO within ninety (90) days of the effective date of the revision or amendment(s). If the CCCCCO determines that the District's policies are not in compliance with Title 5 Sections 59300 et seq., the CCCCCO may require the District to modify its policies.

### **Accountability and Corrective Action**

The District shall certify annually to the CCCCCO that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the District's EEO Plan; and
- 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.

References:

Education Code Sections 87100 et seq.;

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

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**Approved: No date**

**Revised: 6/16/15**

*(Replaces Administrative Procedure 3010.01)*