

# **CITRUS COMMUNITY COLLEGE DISTRICT HUMAN RESOURCES**

## **AP 7100 Equal Employment Opportunity**

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

### **General Provisions**

The Office of Human Resources shall be responsible for overseeing the District's Equal Employment Opportunity Plan. The Manager of Human Resources/Staff Diversity shall oversee the day-to-day implementation of the District's Equal Employment Opportunity Plan. The District's policy and administrative regulation concerning equal employment opportunity and the discrimination complaint procedure shall be disseminated to all employees.

The Manager of Human Resources/Staff Diversity, in implementing this regulation shall:

- Oversee the District's Equal Employment Opportunity Plan and work with appropriate staff in ensuring that the District's program receives the broadest possible commitment from the administration, faculty, staff, and students.
- Work closely with district personnel and appropriate committees to ensure achievement of equal employment opportunity requirements.
- Prepare and publish a workforce analysis to ensure the District meets its equal employment opportunity requirements.
- Review job templates, job postings, job descriptions, job specifications, and other job related statements in cooperation with appropriate staff to ensure compliance with equal employment opportunity requirements.
- Review selection, retention, tenure, and promotion criteria to ensure that neither qualified nor qualifiable candidates are excluded from consideration.
- Help increase the applicant pool by assisting with recruitment and devising ways and means of helping the District to increase the number of qualified members of historically underrepresented groups.
- Assist in developing in-service and Equal Employment Opportunity Plans for administration, faculty, staff, and students.
- Receive and seek resolution of unlawful discrimination complaints. Publicize complaint procedures, receive, investigate, and seek resolution of affirmative action and unlawful discrimination complaints, working with appropriate staff.
- Provide an annual written notice to appropriate community-based and professional organizations concerning the District's Annual Report and

the need for assistance from such organizations in identifying qualified applicants.

## **DEFINITIONS**

1. **ADVERSE IMPACT:** "Adverse impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionately negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison
2. **BUSINESS NECESSITY:** "Business necessity" means circumstances which justify an exception to the requirements of Title 5, Section 53021(b)(1) because compliance with that section would result in substantial additional financial cost to the District or pose a significant threat to human life or safety. Business necessity requires greater financial cost than mere business convenience. Business necessity does not exist where there is an alternative, which will serve business needs equally well.
3. **EQUAL EMPLOYMENT OPPORTUNITY:** "Equal Employment Opportunity" means 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. Equal employment opportunity should exist at all levels and in all job categories listed in Title 5, Section 53004(a). Ensuring equal employment opportunity also involves creating an environment, which 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 this subchapter.
4. **EQUAL EMPLOYMENT OPPORTUNITY PLAN:** An "Equal Employment Opportunity Plan" is a written document in which a District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
5. **EQUAL EMPLOYMENT OPPORTUNITY PLANS:** "Equal Employment Opportunity Plans" means the various methods by which equal employment opportunity are ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring, and taking additional steps consistent with the requirements of Title 5, Section 53006.
6. **ETHNIC MINORITIES:** "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

7. GOALS FOR PERSONS WITH DISABILITIES: "Goals for persons with disabilities" means a statement that the District will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the workforce and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.
8. IN-HOUSE OR PROMOTIONAL ONLY HIRING: "In-house or promotional only hiring" means that only existing District employees are allowed to apply for a position.
9. MONITORED GROUP: "Monitored group" means those groups identified in Title 5, Section 53004(b) for which monitoring and reporting are required pursuant to Title 5, Section 53004(a).
10. PERSON WITH A DISABILITY: "Person with a disability" means any person who: (1) has a physical or mental impairment as defined in Government Code Section 12926, which limits one or more of such person's major life activities; (2) has a record of such an impairment; or, (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.
11. PROJECTED REPRESENTATION: "Projected representation" means the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.
12. REASONABLE ACCOMMODATION: "Reasonable accommodation" means the efforts made on the part of the District to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in Title 5, Section 53025.
13. SCREENING OR SELECTION PROCEDURE: "Screening or selection procedure" means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including, but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.
14. SIGNIFICANTLY UNDERREPRESENTED GROUP: "Significantly underrepresented group" means any monitored group for which the percentage of persons from that group employed by the District in any job category listed in Title 5, Section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

## **ANNUAL EVALUATION**

The Manager of Human Resources/Staff Diversity shall, in cooperation with the Human Resources Advisory/Staff Diversity Committee, conduct an annual survey of District employees and applicants in order to evaluate progress in implementing the District's Equal Employment Opportunity Plan and to provide data needed for the analyses required pursuant to Title 5, Sections 53003, 53006, 53023, and 53024. The results of the annual survey shall be forwarded to the California Community Colleges Chancellor's Office.

The annual report shall identify each employee as belonging to one of the following seven job categories:

1. executive/administrative/managerial
2. faculty and other instructional staff
3. professional non-faculty
4. secretarial/clerical
5. technical and paraprofessional
6. skilled crafts
7. service maintenance

Each employee and applicant shall be afforded the opportunity to identify his/her gender, ethnicity, and, if applicable, disability. An employee and/or applicant may designate multiple ethnic groups with which he/she identifies. However, an employee or applicant may be counted only in one group for reporting purposes. For purposes of this report, Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian, Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well in separate subcategories. In determining whether additional steps are necessary to ensure that monitored groups have not been excluded on an impermissible basis, analysis of the separate subgroups is not necessary.

The District will review the annual survey to determine to what degree, if any, monitored groups are underrepresented in comparison to the number of persons from such groups whom the California Community Colleges Chancellor determines to be available and qualified to perform the work required of each such job category, and whether or not the underrepresentation is significant.

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

1. Review the recruitment procedure and identify, and implement any additional measures, which might reasonably be expected to attract candidates from the significantly underrepresented group.
2. Consult with legal counsel to determine whether there are other, additional measures that may be undertaken that are required and/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.
4. If significant underrepresentation persists, monitor on an on-going basis, review each locally established job qualification (i.e. any requirements beyond the minimum qualifications established by the Chancellor's Office) 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.

### **HUMAN RESOURCES ADVISORY/STAFF DIVERSITY COMMITTEE**

The Human Resources Advisory/Staff Diversity Committee ("Advisory Committee") shall serve as the equal employment opportunity advisory committee to assist and advise the District in implementing the District's Equal Employment Opportunity Plan.

The Advisory Committee shall consist of the following composition, and shall include a diverse membership whenever possible: District Administrators – 3, Full-Time Faculty – 2, Part-Time Faculty – 1, Supervisor/Confidential – 2, Classified Staff – 2, and Students – 2.

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

1. Review and advise on recruitment efforts, interview protocols, retention efforts and other aspects that impact the District's ability to attract and retain a diverse faculty and staff;
2. Advise on implementation of 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. Develop communications among departments to foster understanding of the District's Equal Employment Opportunity Plan;
4. Advise on special training or staff development needs;
5. Review the Equal Employment Opportunity Plan and monitor its progress;
6. Recommend any changes needed in the Equal Employment Opportunity Plan and;
7. Review and approve the annual written report submitted to the Superintendent/President, Board of Trustees, and the California Community Colleges Chancellor's Office.

### **EMPLOYMENT PROCEDURES**

The following shall apply to all hiring procedures.

1. **JOB ANALYSIS:** The Manager of Human Resources/Staff Diversity shall assure that a proper job analysis is performed for every academic position 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. For classified positions, it shall be the responsibility of the Director of Human Resources to assure that a proper job analysis is performed and a statement of essential functions and minimum qualifications are completed for each classified position.

2. **RECRUITMENT:** All job templates and job postings shall contain a statement in substantially the following form: "The District is an equal opportunity employer." It is the policy of the District not to discriminate against and to encourage a diversity of applicants based on national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, use of family and medical care leave, genetic information, military or veteran status, gender identity, gender expression, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District will conduct an open recruitment for all new full-time and part-time positions. Interim hires may be utilized provided the interim hire appointment shall not exceed one year.

Recruitment for administrative and faculty positions (full- and part-time) shall include, as appropriate: advertisement in professional journals, job registries, websites, and newspapers of general circulation; distribution of job postings to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where candidates might be enrolled; recruitment at conferences, fairs and professional meetings; and, notices to institutions and professional organizations that primarily serve members of the monitored groups that are underrepresented in the District. For classified positions, the Office of Human Resources shall be encouraged to advertise for classified positions as broadly as appropriate and should include sending job postings to the Employment Development Department.

All employment applications 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 Equal Employment Opportunity Plan, or as authorized by law. The identification information of an individual applicant shall not be shared with members of a screening/selection committee.

3. **APPLICANT POOL:** After the application deadline for a position 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 and/or permitted by law.

4. SCREENING AND SELECTION: The screening, selecting, and interviewing of candidates for all positions shall include thorough and fair procedures that are sensitive to the issues of diversity. The process shall require that a reasonable number of candidates are identified for an interview and selection shall be based solely on the stated job criteria.

Screening and selection committees shall include a diverse membership when possible, and no one who has provided a candidate with a written letter of recommendation shall be permitted to serve on the screening and selection committee.

All members of a screening committee shall receive appropriate training on the requirements of this Administrative Procedure and applicable state and federal non-discrimination laws.

Every screening and selection committee shall include an individual trained to monitor conformance with equal employment opportunity requirements and this Administrative Regulation.

The Manager of Human Resources/Staff Diversity shall monitor all screening and selection committees to ensure that the questions to be used during an interview are job related; shall maintain records of screening checklists and rating scales and maintain all notes from interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview and; shall monitor the hiring process for adverse impact issues.

If the District determines that a particular monitored group is significantly underrepresented in the group of candidates to be interviewed and that such exclusion was due to discriminatory practices, the District shall immediately, and before the interviews occur, consult with legal counsel to determine what, if any, corrective action is required and/or permitted by law.

Board Approved	05/04/10
Desk Review	10/17/12
Revised:	06/21/16