



Book	VCCCD Administrative Procedure Manual
Section	Chapter 3 General Institution
Title	AP 3420 Equal Employment Opportunity Plan
Number	AP 3420
Status	Active
Legal	California Code of Regulations, Title 5, Section 53000 et seq. California Education Code Section 87100 et seq.
Adopted	November 9, 2010
Last Reviewed	July 14, 2015

Plan Component 1. Introduction

The Ventura County Community College District Equal Employment Opportunity Plan (the Plan) was adopted by the Board of Trustees on November 9, 2010. The Plan reflects the District's commitment to equal employment opportunity. It is the District's belief that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment which is welcoming to all, will foster diversity and promote excellence. The Plan's immediate focus is equal employment opportunity in its recruitment and hiring policies and practices pursuant to the applicable Title 5 regulations (Cal. Code Regs., title 5, § 53000 et seq.) The Plan also includes the requirements for a complaint procedure for noncompliance with the Title 5 provisions relating to equal employment opportunity programs; complaint procedures in instances of unlawful discrimination; establishment of an Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all; and procedures for the dissemination of the Plan.

Plan Component 2. Definitions

Adverse Impact: A statistical measure (such as those outlined in the EEO Commission's *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group protected from discrimination pursuant to Government Code section 12940. 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.

Diversity: Means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socio-economic backgrounds.

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 in the seven job categories which include executive/administrative/managerial, faculty and other instructional staff, professional non-faculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and services and maintenance. Equal employment opportunity also involves:

1. Identifying and eliminating barriers to employment that are not job related; and
2. Creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination pursuant to California Government Code section 12940.

Equal Employment Opportunity Plan: An “equal employment opportunity plan” is a written document in which the District’s workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

Equal Employment Opportunity Programs: “Equal employment opportunity programs” means all the various methods by which equal employment opportunity is 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.

Ethnic Group Identification: Means an individual’s identification in one or more of the ethnic groups reported to the California Community Colleges Chancellor pursuant to Title 5, section 53004. These groups shall be more specifically defined by the California Community Colleges Chancellor consistent with state and federal law.

In-House or Promotional Only Hiring: Means that only existing District employees are allowed to apply for a position.

Longitudinal Analysis: Means an analysis of data regarding job applicants, for the purpose of identifying whether over multiple job searches, a monitored group is disproportionately failing to move forward from the initial applicant pool to the qualified applicant pool.

Monitored Group: Means those groups identified in Title 5, section 53004(b), for which monitoring and reporting is required pursuant to Title 5, section 53004(a).

Person with a Disability: Means any person who: (1) has a physical or mental impairment as defined in California 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.

Reasonable Accommodation: Means the efforts made on the part of the District in compliance with Government Code section 12926.

Screening or Selection Procedures: Means any measure, combination of measures, or procedures 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, physical, educational, and work experience requirements, interviews, and review of application materials.

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.

Plan Component 3. Policy Statement

The Ventura County Community College District is committed to the principles of equal employment opportunity and will implement a comprehensive program to put those principles into practice. It is the District’s policy to ensure that all qualified applicants for employment and promotion, both internal and external, have full and equal access to employment opportunities and are not subjected to discrimination in any program or activity of the District on the basis of age, ethnic group identification, race, color, national origin, religious belief, gender, sex, sexual orientation, physical disability, mental disability, marital status, veteran status, or on the basis of these

perceived characteristics. The District will strive to achieve a work environment that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination to ensure the District provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy, and free expression of ideas. An Equal Employment Opportunity Plan will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

Plan Component 4. Delegation of Responsibility, Authority and Compliance

The Ventura County Community College District's goal will be that its employees promote and support equal employment opportunity because equal employment opportunity requires a commitment and a contribution from every segment of the District's workforce. The general responsibilities for the prompt and effective implementation of this Plan are set forth below.

a. Board of Trustees

The Board of Trustees is ultimately responsible for the proper implementation of the District's Plan at all levels of District and college operation, and for ensuring equal employment opportunity as described in the Plan.

b. Chancellor

The Board of Trustees delegates to the Chancellor the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Chancellor shall advise the Board of Trustees concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on Plan implementation.

c. Equal Employment Opportunity Officer

The District designates the Director of Employment Services as its Equal Employment Opportunity Officer as the party primarily responsible for the day-to-day implementation of the Plan. If the designation of the Equal Employment Opportunity Officer changes before this Plan is next revised, the District will notify employees and applicants for employment of the new designee. The Equal Employment Opportunity Officer is responsible for administering, implementing and monitoring the *Plan* and for assuring compliance with the requirements of Title 5, section 53000 et seq. The Equal Employment Opportunity Officer is also responsible for receiving complaints described in Component 5 of the Plan, and for ensuring that applicant pools and selection procedures are properly monitored,

d. Equal Employment Opportunity Advisory Committee

The District will establish an Equal Employment Opportunity Advisory Committee to act as an advisory body to the Equal Employment Opportunity Officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Equal Employment Opportunity Advisory Committee shall assist in the review, update, and implementation of the Plan in compliance with the requirements of Title 5, Section 53000 et seq.

The committee will consist of three faculty members (one from each college) appointed by the Academic Senate Presidents at each college; three classified members appointed in accordance with the agreement between the Ventura County Community College District and the Service Employees International Union, Local 99; and three administrators/managers/supervisors appointed by the Chancellor. Ex officio members shall include the Equal Employment Opportunity Officer (Director of Employment Services) and the Vice Chancellor, Human Resources. The composition of the committee should reflect diversity in, but not be limited to, the areas of race, gender, disability status, belief, age and national origin.

e. Agents of the District

Any authorized organization or individual, whether or not an employee of the District, who acts on behalf of the Board of Trustees with regard to the recruitment and screening of personnel, is an agent of the District and is

subject to all the requirements of this Plan.

f. *Good Faith Effort*

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

The District's Equal Employment Opportunity Advisory Committee will assist the District in implementing its Plan. The Equal Employment Opportunity Officer shall be responsible for training the advisory committee on equal employment compliance and the Plan itself. The Equal Employment Opportunity Advisory Committee shall hold a minimum of two meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the Board of Trustees, the Chancellor, and the Equal Employment Opportunity Officer.

Plan Component 5. Complaints

a. *Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Title 5, Section 53026).*

The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. (e.g., violations of current in-house and promotional hiring processes). All complaint forms shall be made available on the District's websites, shall be signed and dated by the complainant, and contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation.

Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the sixty (60) day limitation. Complaints alleging violations of the Plan that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing.

A complainant may not appeal the District's determination pursuant to Title 5, section 53026, to the Chancellor's Office, but under some circumstances, violations of the equal employment opportunity regulations in Title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the California Community Colleges Chancellor's Office, but the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the college and/or District level using the process provided by Title 5, section 53026.

Other complaints filed by any person who believes that EEO regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints filed with the Equal Employment Opportunity Officer or the Vice Chancellor of Human Resources shall be investigated. The Vice Chancellor of Human Resources shall review the complaint, and ensure that an investigation and investigative report with a final determination of the allegations is conducted by the Vice Chancellor or designee. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. The Equal Employment Opportunity Officer will forward copies of all written complaints to the California Community Colleges Chancellor's Office upon receipt.

The District may return without action any complaints that are inadequate because they do not state a clear violation of the EEO regulations. All returned complaints must include a District statement of the reason for returning the complaint without action with no rights to appeal the District's determination.

In the event that a complaint filed under Title 5, section 53026, alleges unlawful discrimination, the complaint will be processed according to the requirements of Title 5, section 59300 et seq.

b. *Complaints Alleging Unlawful Discrimination or Harassment (Title 5, Section 59300 et seq.)*

The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Vice

Chancellor of Human Resources is responsible for receiving such complaints and shall conduct or assign the investigation in a timely manner in accordance with the process set forth in subsection (a) above.

c. Notification to District Employees

The commitment of the Board of Trustees and the Chancellor to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and Plan. The policy statement will be printed in the college catalogs and class schedules. The Plan and subsequent revisions will be distributed to the District's Board of Trustees, the Chancellor, administrators, the academic senate leadership, union representatives and members of the District Equal Employment Opportunity Advisory Committee. The Plan will be available on the District's website, and when appropriate, may be distributed by e-mail. The Equal Employment Opportunity Policy Statement and Plan will also be posted to the online employee portal to which all District personnel have access.

Plan Component 6. Training for Screening/Selection Committees

Any employee of the District who is involved in the recruitment, screening and selection of candidates for employment opportunities shall receive appropriate and timely training in compliance with the requirements of the Title 5 regulations on equal employment opportunity (Title 5, section 53000 et seq.); the requirements of federal and state nondiscrimination laws; the requirements of the District's Equal Employment Opportunity Plan; the District's policies on nondiscrimination, recruitment, and hiring; principles of diversity and cultural proficiency; the value of a diverse workforce; and recognizing bias. Persons serving in the above capacities will be required to receive training prior to service. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening and selection committees. The Equal Employment Opportunity Officer is responsible for ensuring appropriate training is provided.

Plan Component 7. Annual Written Notice to Community Organizations

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the Plan. The notice will inform these organizations that they may obtain a copy of the Plan and shall solicit their assistance in identifying diverse qualified candidates. The notice will also include the website address where the District advertises its job openings and email contact information to obtain employment information. A list of organizations that will receive this notice shall be developed by the Equal Employment Opportunity Advisory Committee. This list may be revised from time to time as necessary.

Plan Component 8. Analysis of District Workforce and Applicant Pool

The Human Resources Department will annually review the District's workforce composition and will monitor applicants for employment to evaluate the District's progress in implementing the Plan; to provide data needed for reports required by the Plan; and to determine whether any monitored group is significantly underrepresented within the District workforce.

Pursuant to Title 5, section 53004, subdivision(b), each applicant or employee will be afforded the opportunity to self-report and update his/her gender, ethnic group identification, and if applicable, his/her disability information.

The District shall annually report to the State Chancellor the employee demographic data. Each employee shall be reported so that he or she may be identified 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 and Maintenance

For purposes of the data collection and report, each applicant or employee will be afforded the opportunity to

voluntarily identify his or her gender, ethnic group identification and, if applicable, his or her disability. A person may designate as many ethnicities as they identify with but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). This survey will be done for each college in the District and the District Administrative Center. At least every three years, the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in the above-identified job categories.

Plan Component 9. Additional Measures Necessary to Further Equal Employment Opportunity

The District recognizes that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. 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. Ensuring equal employment opportunity also involves 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.

The District will employ the following measures to ensure equal employment opportunity:

- Implement practices and procedures to ensure that the application process is accessible to all potential candidates.
- Review recruitment procedures and identify and implement any additional measures that might reasonably be expected to attract candidates from a significantly underrepresented group.
- Review procedures for auditing and updating job descriptions and job qualifications, including procedures for identifying and eliminating dated or otherwise non-job related criteria that may act as barriers to traditionally excluded groups.
- Review the employee demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job related factors in the employment process which includes recruitment, hiring, retention and promotion.
- Include guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.
- Implement recruitment strategies designed to maximize the diversity of applicant pools and qualified applicant pools.
- Implement protocols for screening and hiring committees to follow with respect to screening, interviewing, and evaluating candidates.

Plan Component 10. Persons with Disabilities

Districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of California Government Code sections 11135 et seq., and 12940, subdivision (m), section 504, of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aids such as readers, interpreters, and note takers.