



Book	VCCCD Administrative Procedure Manual
Section	Chapter 3 General Institution
Title	AP 3420 Equal Employment Opportunity Plan
Code	AP 3420
Status	Active
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California Community Colleges are mandated by the California Code of Regulations Title 5, Section 53003; and the California Education Code, Section 87100 to develop and implement an Equal Employment Opportunity (EEO) Plan. The EEO Plan is a Districtwide, written plan that implements the District's EEO Program, 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 for review as required.
- The designation of the District employee or employees who have been delegated responsibility and authority for implementing the plan and ensuring 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 receive, prior to their participation, 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 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;
- 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 subdivision (h), who are employed in the District's work force 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 Chancellor of the California Community Colleges, 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;
- Methods for addressing any discrimination that is detected in the District's hiring practices, and;
- 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 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.
- An annual report to the California Community Colleges Chancellor's Office 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; and
 - service and maintenance.
- The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she/they identifies. However, the person may only be counted in one group for reporting purposes.
 - Districts 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:
 - 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; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

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 advisory committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

Employment Procedures

An equitable and inclusive employment process is essential to improve diversity, reduce barriers to employment, and allow potential applicants the opportunity to demonstrate that they meet or exceed the minimum qualifications for employment. The District's employment procedures are driven by diversity, equity, and inclusion.

Job Analysis and Validation: The Director of Employment Services and Personnel Commission shall ensure that a proper job analysis is performed for every classified job filled by the District to determine and validate the knowledge, skills, abilities, and characteristics an employee must possess to perform the job satisfactorily.

For every newly-posted or created provisional, limited term, or other temporary, non-academic position, the Director of Employment Services or designee shall confer with the appropriate department head to ensure that the knowledge, skills, abilities, and characteristics for the position are up-to-date and job-related.

In setting knowledge, skills, abilities, and characteristics for new or updated academic positions, the Director of Employment Services shall initiate the appropriate participatory governance process with the Academic Senates to ensure that: all newly-developed or updated academic positions are assigned appropriate minimum qualifications based on the Minimum Qualifications for Faculty and Administrators in California Community Colleges handbook that is approved by the Board of Governors and distributed by the Chancellor's Office; and the preferred qualifications for all newly-developed or updated academic positions are job-related and constitute reasonable predictors of performance, consistent with the requirements of Title 5 of the California Code of Regulations, and the policy directives of the Board of Trustees to use EEO hiring practices that are equitable and inclusive.

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, lived experiences, and ethnic backgrounds of community college students.

Recruitment: Recruitment must be conducted actively within and outside of the District workforce. 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/managerial 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.

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/herself /themselves voluntarily as to gender, ethnicity and, if applicable, his/her/their 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 Vice Chancellor of Human Resources or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement.

Once the qualified applicant pool is formed, the pool must again be analyzed. If the Vice Chancellor 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, interviewing, and selecting candidates for all positions shall include thorough and fair procedures that are sensitive to issues of equity and diversity.

- Hiring procedures will be provided to the California Community Colleges 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/managers, faculty, and classified staff members; 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 Director of Employment Services and Personnel Commission ensures 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.
- For faculty and administrative/managerial positions, candidates shall be required to demonstrate sensitivity to equity and 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;
- 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; and
 - continue using job-related local qualifications only if no alternative standard is reasonably available; and
 - consider the implementation of additional measures designed to promote diversity.

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.

Complaint Procedure

Any person may file a complaint alleging the District violated this policy and procedures. Individuals should file a written complaint with the Vice Chancellor of Human Resources. The District shall immediately forward a copy of the complaint to the California Community Colleges Chancellor's Office, which may require that the District provide a written investigative report within ninety (90) days. The District shall also process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination

and Harassment Complaints and Investigations.

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 or gender, gender identity, 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 years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies are not in compliance with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

Accountability and Corrective Action

The District shall certify annually to the Chancellor of the California Community Colleges 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.

See Board Policy 3420.

Governance Review

2022 01.13 District Council on Human Resources

2022 02.14 Chancellor's Cabinet

2022 02.24 Administrative Services Committee

2022 02.25 Chancellor's Consultation Council

[Attachment A-List of Community Organizations to Receive Annual Written Notice-Rev.11.05.18.pdf \(69 KB\)](#)

[AttachmentB-ApplicantPoolCompositionData2015-2017.pdf \(167 KB\)](#)

[AttachmentC-NewEmployeeCompositionData-2015-2017.pdf \(154 KB\)](#)

[AttachmentD-WorkforceCompositionData-2015-2017.pdf \(157 KB\)](#)