MiraCosta College Equal Employment Opportunity Plan

May 15, 2013

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I. Introduction

The current iteration of the MiraCosta Community College District Equal Employment Opportunity Plan (Plan) was initially adopted by the district's governing board on July 15, 2008. Our goal as an academic community is to craft, nurture, and sustain a working environment that is welcoming to all, fosters and celebrates diversity, and promotes and rewards excellence. An exemplary academic community involves an inclusive environment that best prepares our faculty, staff and students to live, work, and contribute to a global society. The Plan reflects the district's commitment to equal employment opportunity and outlines the active steps that ensure nondiscriminatory practices.

The Plan's immediate focus is equal employment opportunity in its recruitment and hiring policies and practices pursuant to the applicable Title 5 regulations (Section 53000 et seq.) and the steps the district takes in the event of underrepresentation of monitored groups. The Plan contains an analysis of the demographic makeup of the district's workforce population; the requirements for a complaint procedure for noncompliance with the Title 5 provisions, relating to equal employment opportunity programs; establishment of an Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity; and procedures for dissemination of the Plan.

To properly serve a growing and diverse population, the district endeavors to attract, hire and retain faculty and staff who are sensitive to, and knowledgeable of, the needs of an increasingly diverse student body and the communities it serves. This Plan is intended to begin this important conversation of broadening our focus on inclusion and equity, and on building campus community. We welcome your thoughts and comments on how best to achieve these goals.

Francisco C. Rodriguez, Ph.D.
Superintendent/President

II. Definitions

1) *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 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*: circumstances which justify an exception to the requirements of 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 that will serve business needs equally well.

3) *Chancellor's Office:* California Community College's Chancellor's Office.

4) *Diversity:* means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. A diverse educational community recognizes the educational benefits that flow from employee populations that are varied by age, ancestry, color, gender, gender identify, gender expression, genetic information, marital status, medical condition, national origin, parental status, physical or mental disability, race, religion, sexual orientation, or veteran status.

5) *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 Section 53004(a). Ensuring equal employment opportunity also involves 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 by Title 5, Section 53000 et seq.

6) *Equal Employment Opportunity Plan*: a written document in which a district's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

7) *Equal Employment Opportunity Programs*: 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 Section 53006.

8) (a) Ethnic Minorities: American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

(b) *Ethnic Group Identification*: means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to Section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

9) *Goals for Persons with Disabilities*: 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.

10) *In-house or Promotional Only Hiring*: means that only existing district employees are allowed to apply for a position.

11) *Monitored Group*: means those groups identified in Section 53004(b) for which monitoring and reporting is required pursuant to Section 53004(a). (These groups are men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African Americans, Hispanics/Latinos, Caucasians, and persons with disabilities).

12) *Person with a Disability*: 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.

13) *Projected Representation*: the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.

14) *Reasonable Accommodation*: 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 Section 53025.

15) *Screening or Interview Procedures*: any measure, combination of measures, or procedure~~s~~ 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.

16) *Significantly Underrepresented Group:* any monitored group for which the percentage of persons from that group employed by the district in any job category listed in Section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

17) *Target Date*: a point in time by which the district plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.

18) *Timetable:* a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

III. Policy Statement

The MiraCosta Community College District is committed to the principles of equal employment opportunity and will implement a comprehensive program to put those principles into practice. The District is committed to a continuing good faith effort to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity, and are not subjected to discrimination in any program or activity of the district on the basis of age, ancestry, color, gender, gender identity, gender expression, marital status, medical condition, national origin, parental status, physical or mental disability, race, religion, sexual orientation, veteran status, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. In addition, the District also has an interest in nondiscrimination based on additional factors such as accent, citizenship status, economic status and ethnic group identification even though students or employees could not make a legal claim of discrimination based on these factors. The district strives to achieve a workforce that is welcoming to all individuals in legally protected categories 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 is maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

IV. Delegation of Responsibility, Authority and Compliance

It is the goal of MiraCosta Community College that all employees promote and support equal employment opportunity because such a goal requires a commitment and a contribution from every segment of the district. The general responsibilities for the prompt and effective implementation of this *Plan* are set forth below.

1. Board of Trustees

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

2. Superintendent/President

The Board of Trustees delegates to the Superintendent/President the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the district's equal employment opportunity policies and procedures. The Superintendent/ President shall advise the governing board 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. The Superintendent/President shall include in the evaluation of the performance of all administrators who report directly to him/her actions taken in support of the Plan.

3. Equal Employment Opportunity Officer

The district has designated the Human Resources Director as its equal employment opportunity officer who is 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, Sections 53000 et seq. The equal employment opportunity officer is also responsible for receiving complaints described in section VI of the Plan and for ensuring that applicant pools and selection procedures are properly monitored.

4. Equal Employment Opportunity Advisory Committee

The district has established 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 assists in the development and implementation of the Plan in compliance with state and federal regulations and guidelines, monitors equal employment opportunity progress, and provides suggestions for Plan revisions as appropriate.

5. *Agents of the District*

Any 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 and will be expected to uphold it.

6. *Good Faith Effort*

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

V. Advisory Committee

The district has established an Equal Employment Opportunity Advisory Committee to assist the district in implementing its Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may work in coordination with other groups on campus to sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The equal employment opportunity officer shall train the advisory committee on equal employment compliance and the Plan itself. The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the district has been unable to meet this objective, it will document efforts made to recruit advisory committee members who represent diversity. The committee will be composed of two members of the faculty appointed by the Academic Senate President; two members of the classified staff appointed by the Classified Senate President; two students recommended by the student government association; two community representatives appointed by the Superintendent/President; and one member of the administration appointed by the Superintendent/President.

The committee will be convened initially each year and chaired by the Equal Employment Officer. Terms of office for the voting members shall be for two years. The Equal Employment Opportunity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review equal employment opportunity and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the governing board, the Superintendent/President, and the equal employment opportunity officer.

VI. Complaints

- *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[1] 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. All complaints shall be signed and dated by the complainant and shall 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. As directed by the Chancellor's office, the decision of the district in complaints pursuant to Section 53026 is final. (See *California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints* at:

  http://californiacommunitycolleges.cccco.edu/ComplaintsForm.aspx#complaintForm

  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.

  The complaint shall be filed with the equal employment opportunity officer. If the complaint involves the equal employment opportunity officer, the complaint may be filed with the Superintendent/President. A written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. If this is not practical, a written notification will be provided to the complainant as to the reasons for the extension and estimated date of completion. The equal employment opportunity officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

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

- *Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.)* The district has adopted procedures for complaints alleging unlawful discrimination or harassment. The Human Resources Director is responsible for receiving such complaints and for coordinating their investigation.

[1] The equal employment opportunity regulations are found in California Code of Regulations, title 5, section 53000 et seq.

VII. Notification to District Employees

The commitment of the Board of Trustees and the Superintendent/President to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity policy statement and the *Plan*. The policy statement will be printed in the college catalog and class schedule. The *Plan* and subsequent revisions will be distributed to the district's Board of Trustees, the Superintendent/President, administrators, the academic and classified senate councils, union representatives and members of the District Equal Employment Opportunity Advisory Committee. The *Plan* will be available on the district's website and employees will be notified electronically. The Human Resources department will provide all new employees with a copy of the written notice described above when they commence their employment with the district. Each year, the district will inform all employees of the *Plan*'s availability including a written summary of the provisions of the *Plan*. The annual notice will emphasize the importance of the employee's participation and responsibility in ensuring the *Plan*'s implementation.

VIII. Training for Screening/Interview Committees

Any organization or individual, whether or not an employee of the district, who is involved in the recruitment and screening/selection of personnel shall receive training on the requirements of the Title 5 regulations on equal employment opportunity (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[2]; and the value of a diverse workforce. Persons serving in the above capacities will be required to undergo training within the 12 months prior to beginning of service on a committee. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/interview committees. The Equal Employment Opportunity Officer is responsible for providing the required training.

[2] "Cultural proficiency" involves successful teaching and other interactions with both students and colleagues from a variety of cultures. It requires a contextual understanding that numerous social and institutional dynamics, including the effects of inequities, affect how students have been taught and treated, and translates that understanding to the removal of barriers to student success. "Culture" refers to those things that are shared within a group or society: shared knowledge and beliefs, shared values, shared behavioral expectations, and principles that are widely used or recognized. "Culture" therefore refers to more than simply race and ethnicity.

IX. 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 include a summary of the *Plan*, inform these organizations how they may obtain a copy, and shall solicit their assistance in identifying diverse qualified candidates. The notice will also include the internet address where the district advertises its job openings and the HR department phone number to call in order to obtain employment information. The district will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources, especially for underrepresented populations. A list of organizations, which will receive this notice, is attached as Appendix A of this *Plan*. This list may be revised from time to time as necessary.

X. Analysis of District Workforce and Applicant Pools

The Human Resources department will annually survey the district's workforce composition and shall monitor applicant pools for employment on an ongoing basis to evaluate the district's progress in implementing the *Plan*, to provide data needed for the reports required by this *Plan*, and to determine whether any monitored group is underrepresented. Monitored groups are men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For purposes of the survey each applicant or employee are afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with. This information is kept confidential and is separated from the applications that are forwarded to the screening/interview committee and hiring administrator(s). At least every three years the *Plan* is 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 each of the following identified job categories:

1) Executive/Administrative/Managerial

2) Full Time Faculty

3) Professional Nonfaculty

4) Secretarial/Clerical

5) Technical and Paraprofessional

6) Skilled Crafts

7) Service and Maintenance

The district's workforce and applicant pools for fiscal year 2011-12 are as follows.

District Workforce Analysis

NOTE: In Fall 2012 the district conducted an EEO survey of current employees in order to provide them with the opportunity to identify using the expanded breakdown in the Hispanic category as adopted by the federal government, as well as to utilize the new category of "2 or more races". Thus the percentage of employees reporting in most categories has changed from previous years. The survey also provided updated information about the disability status of all employees, since this status may change over time. This accounts for the increase in number of individuals who identified themselves as being disabled from 10 to 37.

The budgetary constraints faced by the district over the last several years meant that a hiring "frost" remained in effect and many positions were either delayed in the hiring of replacements, or were left vacant in order to save money. This was done in order to avoid having to lay off employees and to achieve a balanced budget. Therefore, from Fall 2011 to Fall 2012

MiraCosta's contract workforce (this includes administrators, full time faculty and all classified employees) decreased by 3 employees (from 462 to 459). The number of part time or "associate" faculty increased from 512 to 579. This is largely due to the non-replacement of several full time faculty who retired and the backfilling of their classes with associate faculty.

The overall diversity of permanent staff increased by 1.7% to a new total of 37.0% diversity (excluding those in the "other/unknown" category). The percentage of diversity shifted from some of the previously used ethnic categories in favor of the newly available option of identifying as "2 or more races". 8.3% of the contract workforce identified themselves as 2 or more races.

The diversity of associate faculty showed an even larger increase of 6.2% to a new total of 26.1% diversity. This is a result of a focused effort to recruit and retain diverse individuals in this job category.

MiraCosta College
Workforce Analysis
Fall 2012

	Total	Male	Female	American Indian/Alaska Native[3]	Asian/Pacific Islander	Black/African American	Hispanic	White	2 or more races	Other/ Unknown
Exec/Admin	28	13	15	1	2	2	4	18	1	0
Professional/non faculty	17	3	14	0	2	1	1	13	0	0
Secretarial/Clerical	126	14	112	1	8	4	26	75	12	0
Technical and Paraprofessional	75	40	35	0	6	2	10	50	6	1
Skilled Craft	7	7	0	0	0	2	0	4	1	0
Service and Maintenance	34	34	0	0	5	3	6	13	6	1
Faculty–Full Time	172	83	89	0	10	9	26	114	12	1
SUBTOTAL OF CONTRACT EMPLOYEES	**459**	**194**	**265**	**2**	**33**	**23**	**73**	**287**	**38**	**3**
Faculty–Part Time	579	206	373	2	34	16	58	424	40	5
Persons with Disabilities [1]	37	15	22	1	1	1	4	26	4	0
GRAND TOTAL	**1038**	**400**	**638**	**4**	**67**	**39**	**131**	**711**	**78**	**8**

[1] Counted in category of position held by disabled individual and thus not duplicated in grand total below

Analysis of Applicant Pools

During the 2011-12 fiscal year a total of 11 recruitments were completed. This number was fewer than in recent years due to a hiring “frost” which was in place due to declining district revenues. There were 3 administrator and 8 classified searches most of which were to replace individuals who left critical positions. (This count does not include associate (part-time) faculty for whom applications are accepted throughout the year.) The total number of applicants for the 11 recruitments was 744.

The overall diversity of all applications in 2011-12 was 36.6%. This represents a decrease of 1.8% in the overall diversity compared to the previous fiscal year. The small number of recruitments conducted in 2011-12 makes a comparison to the previous year diversity totals difficult to rely upon in terms of trends.

Differences in overall diversity between '10-11 and '11-12

Exec/Admin	-21.6%
Professional/non faculty	14.6%
Secretarial/Clerical	1.1%
Technical and Paraprofessional	-5.0%
Skilled Crafts	N/A
Service and Maintenance	N/A
Full time faculty	N/A
Faculty–Part-Time	0.4%

MiraCosta College
Analysis of Applicant Pool
Fiscal Year 2011-12

	Total	**Male**	**Female**	**Gender unknown**	**American Indian/ Alaskan Native**	**Asian/ Pacific Islander**	**Black/ African-American**	**Hispanic/ Latino**	**White**	**2 or more races**	**Other/ Unknown**	**Persons w/ disabilities**
Exec/Admin	113	62	46	5	0	6	8	12	69	4	14	Not available
Professional/nonfaculty	103	23	75	5	3	5	7	21	50	2	15	Not available
Secretarial/Clerical	356	72	268	16	3	23	22	72	176	4	56	Not available
Technical and Paraprofessional	172	52	111	9	1	15	17	25	91	7	16	Not available
Skilled Crafts	0	0	0	0	0	0	0	0	0	0	0	Not available
Service and Maintenance	0	0	0	0	0	0	0	0	0	0	0	Not available
Faculty–Full Time	0	0	0	0	0	0	0	0	0	0	0	Not available
Faculty–Part Time	2186	848	1229	109	17	197	113	298	1211	40	310	Not available
GRAND TOTAL	**2930**	**1057**	**1729**	**144**	**24**	**246**	**167**	**428**	**1597**	**57**	**411**	

XI. Analysis of Degree of Underrepresentation and Significant Underrepresentation

This section is intentionally left blank because no “availability data” has been provided by the state Chancellor’s office to compare to MiraCosta’s workforce and applicant data.

XII. Methods to Address Underrepresentation

The district will ensure equal employment opportunity, which involves 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 that are protected from discrimination. In so doing, the district places great emphasis on the recruitment of potential applicants in order to create a diverse pool of qualified individuals from which to hire. With a diverse pool, the district takes steps within the screening/selection process to allow for the hiring of candidates with varied backgrounds who can contribute and effectively communicate in a diverse community. The equal employment opportunity provisions below are applicable to all full-time and part-time hiring, including any hiring meant to address the ratio of full-time to part-time faculty that may be required by Education Code Section 87482.6. [4]

To address any identified underrepresentation of monitored groups the district will revise its recruitment and hiring procedures and policies in accordance with the following provisions. These provisions will be in place henceforth, whether or not underrepresentation exists, because the provisions are also valuable in ensuring equal employment opportunity. The district's recruitment and hiring procedures will include the following provisions:

1) Recruitment

It is the policy of the district to aggressively pursue a program of recruitment that is inclusive and open to all individuals.

Efforts will be undertaken on a regular basis to develop and contact new recruitment sources that ensure diverse pools of candidates. Diverse pools should include, but not be limited to, men, women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. The Equal Employment Opportunity Advisory Committee is encouraged to utilize and notify the district of additional recruitment options that may enable the district to obtain a diverse pool of applicants. The district's recruitment and hiring procedures will include the following provisions:

a) For any job category where continuing underrepresentation exists, the district will apply the recruitment procedures set forth in Title 5, Section 53021 to conduct full and open recruitment for all new openings and will not invoke the provisions for in-house interim appointments or the exception under 53021(c)(7) for engaging an administrator through a professional services contract unless the Superintendent/ President or his/her designee first notifies the governing board and the Equal Employment Opportunity Advisory Committee in writing of the compelling reason to limit the persons who may be considered for a vacancy in a job category where underrepresentation persists.

[4] Education Code Section 87102 requires each district's *Plan* to address how the district will make progress in achieving the ratio of full-time to part-time faculty hiring as required by Education Code Section 87482.6, while still ensuring equal employment opportunity.

b) Recruitment for all open positions shall include, but not be limited to, placement of job announcements in the following instruments:

(1) General circulation newspapers, general circulation publications, including electronic media.

(2) Local and regional community newspapers.

(3) Newspapers and other publications that provide information in languages other than English and to low-income communities.

(4) Publications, including electronic media that are distributed to the general market and to newspapers, publications whose primary audience is comprised of groups found to be underrepresented in the district's workforce.

(5) Recruitment booths at job fairs or conferences oriented to both the general market and the economically disadvantaged as well as those events drawing significant participation by groups found to be underrepresented in the district's workforce.

c) At least every two years, or when employment data indicate a necessity, the district shall host an open house for persons interested in employment with the district. The open house will allow potential candidates to meet deans, division chairs, faculty, and classified employees of the district. Attendees will be provided with information regarding current job openings, the demographic makeup of the student body, hiring criteria and procedures, and information on the district's commitment to equal employment opportunity. Efforts will be made to attract diverse groups of individuals to the open house.

2) Job Postings

The district's recruitment and hiring procedures section on "Job Postings" will be revised to include the following provisions:

a) Job postings will state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For all positions, job requirements will include demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. Job specifications, including any "required," "desired," or "preferred" qualifications beyond the state minimum qualifications which the district wishes to utilize, will be reviewed by the equal employment opportunity officer before the position is announced, to ensure conformity with equal employment regulations and state and federal nondiscrimination laws.[5] All job announcements shall state that the district is an "Equal Opportunity Employer."

[5] See generally Title 5, Section 53022

3) Review of Initial and Qualified Applicant Pools

Initial applicant pools will be reviewed for projected representation of monitored groups. Once the initial pool is approved, the pool will be screened for minimum qualifications, resulting in a qualified applicant pool**.** The qualified applicant pool will be reviewed so that no monitored group is adversely impacted. Once the qualified applicant pool is approved, the pool will be forwarded to the screening/interview committee. The district's recruitment and hiring procedures will include the following provisions:

a) The application for employment will afford each applicant an opportunity to voluntarily identify his or her gender, ethnic group and, if applicable, his or her disability.

b) *Initial Applicant Pool*: The initial applicant pool is composed of all applications received by the application deadline. The following steps will be taken when reviewing the initial applicant pool.

Step 1: The composition of the initial applicant pool will be analyzed to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures.

Step 2: If projected representation has not been met, the application deadline may be extended so that additional recruitment can be conducted that eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for participation to a wide diversity of potential applicants.

Step 3: When recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts would be futile, applications will be screened to determine which candidates satisfy the minimum qualifications set forth in the job description.

c) *Qualified Applicant Poo*l: The qualified applicant pool is composed of those applicants from the initial applicant pool who satisfy the minimum qualifications set forth in the job description. Before the qualified applicant pool is forwarded to the screening/interview committee, its composition will be analyzed to ensure that no monitored group is adversely impacted. If adverse impact is found to exist, effective steps will be taken to address the adverse impact before the selection process continues. Such steps may include, but are not limited to:

Step 1: Extending the deadline and undertaking inclusive outreach efforts to ensure that members of the adversely impacted group have equal opportunity to seek employment with the district.

Step 2: Including all applicants who were screened out on the basis of any locally established qualifications beyond the state minimum qualifications which have not been specifically demonstrated to be job-related and consistent with business necessity through a process meeting the requirements of federal law.

Step 3: If the minimum qualifications stated on the job announcement are changed, the job announcement will be reposted.

Step 4: If adverse impact persists after taking ***Steps 1*** and ***2*** above, the selection process may proceed only if:

(i) The job announcement does not require qualifications beyond the statewide minimum qualifications, or

(ii) Locally established qualifications beyond state minimum qualifications, if any, are demonstrated to be job-related and consistent with business necessity through a process meeting the requirements of federal law and suitable alternative selection procedures to reduce the adverse impact were unavailable.

Step 5: Once the qualified applicant pool is approved, the pool will be forwarded to the screening/interview committee for paper screening, interviews, and final recommendations for hiring consideration.

d) The district will not advertise or utilize in future hiring processes for the same position or a substantially similar position any locally established qualifications beyond state minimum qualifications that the district was unable to verify under *Step (c) 2* above unless such qualifications are so verified in advance of commencing any such future hiring process.

4) Screening/Interview Committee Procedures

The district seeks to employ qualified persons with a broad range of backgrounds and abilities who have the knowledge and experience to work effectively in a diverse environment. The selection process is based on merit, and will extend to all candidates a fair, impartial examination of qualifications based on job-related criteria. The district's recruitment and hiring procedures will include in its section on applicant screening by screening/interview committees the following provisions:

a) All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, will be:

(1) Designed to ensure that, for all positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(2) Designed to ensure that for all faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate knowledge of multiculturalism, and training in cultural proficiency;

(3) Based solely on job-related criteria; and

(4) Designed to avoid an adverse impact, and monitored by means consistent with this section to detect and address adverse impact which does occur for any monitored group.

b) When possible, every effort will be made, within the limits allowed by federal and state law, to ensure departments and others responsible for establishing selection/ screening committees include a diverse membership, which will bring a variety of perspectives to the assessment of applicant qualifications. Selection/screening committees will be encouraged to include members from monitored groups.

c) The equal employment opportunity officer shall approve the makeup of selection/screening committees. If the equal employment opportunity officer does not approve a selection/screening committee for lack of diversity, he or she should take necessary steps to remedy the lack of diversity.

d) Before a person can serve on a selection/screening committee, he or she must receive equal employment opportunity and diversity training.

e) Interviews must include at least one question which assess the candidate's understanding of and commitment to equal employment opportunity and his or her level of cultural proficiency.

f) All screening materials must be approved by the equal employment opportunity officer for compliance with equal employment opportunity principles.

g) Monitoring for adverse impact will occur at each of the following stages of the screening/interview committee process:

(1) After the selection/screening committee has conducted the paper screening and **prior** to contacting any of the applicants for interviews. Interviews cannot be scheduled until the applicant pool has been approved and cleared for adverse impact.

(2) After the applicants have been interviewed and **prior** to forwarding finalists to the hiring administrators. Finalists cannot be forwarded for hiring consideration until the applicant pool has been approved and cleared for adverse impact.

h) If monitoring for adverse impact reveals that any selection technique or procedure (other than a bona fide occupational qualification that has been approved by Human Resources) has adversely impacted any monitored group, the Superintendent/President or his/her designee will do the following:

(1) Suspend the selection process and take timely and effective steps to remedy the problem before the selection process resumes.

(2) When appropriate, assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures, which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed.

(3) Where necessary, the position may be reopened at any time and a new selection process initiated in a way designed to avoid adverse impact.

i) The district will not designate or set aside particular positions to be filled by members of any group defined in terms of age, ancestry, color, gender, gender identity, gender expression, genetic information, marital status, medical condition, national origin, parental status, physical or mental disability, race, religion, sexual orientation, or veteran status or engage in any other practice, which would result in discriminatory or preferential treatment prohibited by state or federal law. The district will not apply the *Plan* in a rigid manner that has the purpose or effect of so discriminating.

j) The Governing Board or its designee shall make all final hiring decisions based upon careful review of the candidate or candidates recommended through the screening/interview committee. This includes the right to reject all candidates and to order further review or to reopen the position where necessary to achieve the objectives of the *Plan* or to ensure equal employment opportunity.

k) The district will review the pattern of its hiring decisions over time, and if it determines that those patterns do not meet the objectives of the *Plan*, the district will request the Equal Employment Opportunity Advisory Committee to recommend new methods to meet the *Plan* objectives, or if necessary, to modify the *Plan* itself to ensure equal employment opportunity.

XIII. Additional Steps to Remedy Significant Underrepresentation

In an earlier section, the district has identified particular monitored groups that are significantly underrepresented with respect to one or more job categories. In order to address these instances of significant underrepresentation, the district will take the following steps:

1) The district will request that the Equal Employment Opportunity Advisory Committee, in conjunction with appropriate human resources staff, review the district's recruitment procedures and make recommendations on modifications that would address the underrepresentation.

2) The district will increase the advertising and recruitment budget for a three-year period to ensure that recruitment is broad and inclusive.

3) The district will require that the responsible administrator for the division or department where the significant underrepresentation occurs develop, in conjunction with the equal employment opportunity officer, a recruitment and hiring action plan to assist in addressing the significant underrepresentation. The action plan will include, but is not limited to:

    a) additional locations or resources to advertise positions that would likely attract candidates from the significantly underrepresented groups;

    b) promotion of curricular offerings that would assist in attracting candidates from significantly underrepresented groups;

    c) additional training for current faculty and staff on the value of a diverse workforce;

    d) recommended changes to the job posting and screening criteria, including interview questions, which may reasonably be expected to attract candidates from the significantly underrepresented group.

4) The district will focus particular attention on its intern programs where graduate students will be provided the opportunity to co-teach a class offered by the district in the significantly underrepresented discipline.

5) The district will actively monitor the representation rate of each group, which was identified as being significantly underrepresented in one or more categories. If significant underrepresentation persists for a particular group in the job category in question, after the measures described above have been in place for a period of at least three years, the district will**:**

    a) Review each locally established "required", "desired", or "preferred" qualification being used to screen applicants for positions in the job category to determine if it is job-related and consistent with business necessity through a process meeting the requirements of federal law.

b) Discontinue the use of any locally established qualification that is not found to satisfy the requirements set forth in the previous paragraph and continue using qualification standards meeting the requirements in the previous paragraph only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of the previous paragraph, and be expected to have a less exclusionary effect.

c) Significantly increase the recruitment budget for another three years.

d) Develop a recruitment committee composed of the Superintendent/President, the equal employment opportunity officer, the dean or responsible administrator for the division or department where the significant underrepresentation persists and members of the Equal Employment Opportunity Advisory Committee to review the effectiveness of the recruitment and hiring program described in *section 3* above. The committee will provide recommendations to modify the recruitment and hiring program to better address the significant underrepresentation. The Superintendent/President will be evaluated on his/her ability to successfully implement the recruitment and hiring program.

XIV. Other 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. To that end, in addition to the steps to address underrepresentation and/or significant underrepresentation, the district will implement a diversity program. Having a campus that has accepted principles of diversity and multiculturalism can make implementation and maintenance of an effective equal employment opportunity program much easier. For that reason, institutionalizing a diversity program that is well planned out, well funded, and supported by the leadership of the district can be of great value. The district will sponsor cultural events and speakers on issues dealing with diversity, and explore how to infuse diversity into the classroom and curriculum. The district will promote the concept of cultural proficiency and it will develop an evaluation form that integrates diversity into the evaluation of employees. The district will also promote learning opportunities and personal growth in the area of diversity and evaluate how the physical environment can be responsive to its diverse employee and student populations. In implementing a diversity program, the district shall consider steps such as:

1) Establishing a formal Office of Diversity that is part of the structure of the district and that will be adequately funded and supported by the district leadership.

2) The district EEO advisory committee will work with the Academic Senate's Diversity and Equity Committee (DEqC) to develop an implementation strategy of stated goals.

3) Conducting campus climate studies to identify hidden barriers.

4) Including guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.

5) Highlighting the district's equal employment opportunity and diversity policies in job postings and in its recruitment, marketing, and other publications.

6) Conducting diversity dialogues, forums, and cross-cultural workshops.

7) Working with the Academic Senate, DEqC, President's Advisory Committee on Diversity & Equity (PADE) and Courses & Programs (C&P; a sub-committee of the Academic Affairs Committee) to assist in the development of a "Diversity Instructional Tool Kit" as a resource for faculty interested in infusing diversity and multiculturalism into their instruction or services to students.

8) Reviewing and revising college publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.

9) Recognizing and valuing staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.

10) Offering a series of EEO/diversity workshops during faculty flex week and classified "Staff Development Days" programs.

11) Evaluating administrators on their efforts to meet the district's equal employment opportunity and diversity efforts.

12) Establishing an "Equal Employment Opportunity and Diversity" online presence by highlighting the district's diversity and equal employment opportunity, ADA, sexual harassment and nondiscrimination policies, procedures and programs on the district's website. The website will also list contact persons for further information on all of these topics.

13) Promoting sabbaticals that will assist the district in achieving its equal employment opportunity and diversity objectives.

14) Promoting various cultural celebrations on campus.

15) Recognizing multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for community college employees.

16) Establishing a *Community Outreach Advisory Council* to involve community-based organizations in the recruitment and other equal employment opportunity efforts of the college. Recommended membership will include representatives from local business and industry as well as from diverse community groups such as NAACP, Chamber of Commerce, and City Council(s).

17) Ensuring that top administrative staff support diversity objectives and that the diversity and/or equal employment opportunity officer position is maintained as a cabinet or other high-level administrative position.

XV. Persons with Disabilities: Accommodations

1) Reasonable Accommodations

Applicants and employees with disabilities[6] shall receive reasonable accommodations consistent with the requirements of Government Code, Sections 11135 et seq. and 12940(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 aides such as readers, interpreters, and note takers.

The ADA Coordinator is responsible for handling requests for accommodations from current employees as well as from applicants seeking such accommodations during the application process. Requests can be made on the "Request for Reasonable Accommodation" form.

2) Procedures When Underrepresentation is Found

When persons with disabilities are found to be significantly underrepresented, measures required in this *Plan* will be implemented.

3) Analysis of workforce and applicant data

Since an employees' disability status may change during their service, every three years the college will survey current employees to collect updated information on disability status.

[6] See the definition of "person with a disability" in the definitions section of the *Plan*. A more detailed definition of physical and mental disability is found in Government Code, Section 12926. California has a broader definition of disability than the ADA. California also requires accommodations to be made under circumstances where accommodations might not be necessary under federal law.

XVI. Graduate Assumption Program of Loans for Education

The district encourages community college students to become qualified for, and seek employment as, community college employees. The district shall inform students about graduate studies programs that may qualify them to apply for community college faculty jobs. The district will post informational flyers on the campuses concerning such programs, and make information available in locations accessible to students. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

Appendix A – Community Organizations & contact information

American Civil Liberties Union
ACLU of San Diego & Imperial Counties
P.O. Box 87131
San Diego, CA 92138-7131
(619) 232-2121

California Alliance of African American Educators (CAAAE)
P.O. Box 3134
San Jose, CA 95156
(408) 977-4188

Japanese Cultural Center
150 Cedar Road
Vista, CA 92083
(760) 941-8800

League of Women Voters
North Coast San Diego County
P.O. Box 131272
Carlsbad, CA 92013

Mexican American Legal Defense and Education Fund
634 S. Spring Street
Los Angeles, CA 90014
(213) 629-2512

National Association for the Advancement of Colored People
North San Diego County Branch
P.O. Box 5786
Oceanside, CA 92052-5786
(760)754-9686

National Council of La Raza
523 W 6th St, Ste 840
Los Angeles, CA 90014
(213) 489-3428

National Federation of Filipino American Associations
2607 24th St. NW, Ste. 4
Washington, D.C. 20008-2600
Phone: (202) 986-1153

North County African American Women's Association
Warner Davis
P.O. Box 5786
Oceanside, CA 92052