

### EQUITY IN STUDENT ACHIEVEMENT

The Contra Costa Community College District is strongly committed to eliminating persistent disparities in achievement and performance among students and maintaining high expectations for all.

Policies and practices should reflect the goal of equitable outcomes and proficiency, explicitly and emphatically. By purpose and design, the District will advance these goals by:

- providing training for employees in interacting effectively with students from different cultures and socio-economic backgrounds;
- ensuring uniformly high expectations;
- promoting rigorous curricula;
- providing equitable services; and
- maximizing access and success for all students.

The District is committed to developing a diverse cadre of educators, administrators and staff, ensuring proper emphasis on culturally responsive service delivery, and rigorously examining and monitoring policies, programs, and practices to ensure that this goal is implemented.

Employees should understand and contribute to this goal, develop the knowledge and skills needed in their areas of influence to serve diverse students, and be accountable for implementing practices that will create equitable outcomes. It is expected that District and the colleges will engage students, staff, and the community to work in concert to support all students in achieving academic proficiency.

A report shall be provided annually to the Governing Board on the progress made by each college in closing the achievement gap.

## NONDISCRIMINATION POLICY

Under the District's policy no student, vendor, or person employed or seeking employment with the District shall be unlawfully subjected to harassment, discrimination or denied full and equal access to, or the benefits of District programs or activities on the basis of ethnic group identification, race, color, ancestry, religion, marital status, sex, national origin, gender, gender identification, gender expression, or within the limits imposed by law or District regulations, because of age, sexual orientation, physical or mental disability, medical condition, genetic information, military or veteran status, parental status, citizenship, or because he or she is perceived to have one or more of these characteristics or based on association with a person or group with one or more of these actual or perceived characteristics. District programs and activities include, but are not limited to any that are administered or funded directly by or that receive any financial assistance from the Chancellor or Board of Governors of the California Community Colleges. This policy applies to all employment practices, including recruitment, selection, promotion, transfer, and employee training and development. The District also does not permit any person or entity using its facilities for commercial purposes to engage in unlawful discrimination. This policy is intended to be consistent with the provisions of applicable state and federal laws and District policies.

The Chief Human Resources Officer shall establish procedures that ensure all members of the District can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

The District is committed to nondiscrimination in compliance with the Civil Rights Act; Title IX of the Education Amendments of 1972; the Rehabilitation Act of 1973 (Section 503 and 504); the Americans with Disabilities Act of 1990; the Executive Orders 11246 and 11375; the Vietnam Era Veterans Readjustment Act of 1974; the Age Discrimination in Employment Act of 1967; the nondiscrimination laws of the State of California; and equal employment opportunity guidelines of the California Community College Chancellor's Office (which incorporates compliance with *Connerly v. State Personnel Board*).

Education Code 66250, 72010, 87100  
California Code of Regulations, Title 5, 53000, 59300  
Government Code 11135, 12926.1, 12940  
Penal Code 422.55

Historical Annotation:  
Revised 6/27/90  
Second Revision 8/31/94  
Third Revision 10/25/00  
Fourth Revision 5/29/02  
Fifth Revision 6/25/03  
Sixth Revision 1/27/10  
Seventh Revision 1/22/14  
Eighth Revision 10/7/15

Related Board Policy:  
Board Policy 2059

Related Procedures:  
Human Resources Procedure 1010.01, 1040.07  
Management, Supervisory, and Confidential Employees Personnel Manual 2.0

**SELECTION, RETENTION AND TERMINATION OF DISTRICT EMPLOYEES**

The Governing Board adopts the following policy in the formulation of the Chancellor's recommendations regarding selection, retention and termination of District employees:

1. Subject to the discretion of the President and/or the Chief Human Resources Officer, representatives from the appropriate segment of the college community may be consulted in specific cases in the selection, retention or termination process on an advisory basis.
2. All placement papers, applications, evaluations and other confidential information shall be made available only to the Chancellor, Presidents, Chief Human Resources Officer, and their designees.
3. Pursuant to California Education Code Sections 87730 and 88201, the Governing Board or its designee may accept the resignation of any District employee and affix the effective date, which shall not be later than the close of the school year during which the statement of resignation was submitted. The Governing Board hereby designates the Chancellor or his/her designee for this purpose.

Education Code 87730, 88201

**EQUAL EMPLOYMENT OPPORTUNITY**

The District supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, harmony and respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Chief Human Resources Officer shall develop, after discussion with appropriate constituent groups, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

All such policies will provide employees and students due process opportunities and protections.

Education Code Section 87100  
Title 5, Section 53000

## DIVERSITY

The Contra Costa Community College District (District) recognizes that diversity in the academic environment:

- promotes academic excellence;
- fosters cultural, racial and human understanding;
- provides positive role models for all students; and
- creates an inclusive and supportive educational and work environment for its students, employees, and the community it serves.

Diversity includes, but is not limited to ethnic group identification, race, color, ancestry, religion, marital status, sex, national origin, gender, gender identification, gender expression, age, sexual orientation, physical or mental disability, medical condition, genetic information, veteran status, parental status, citizenship, or because an individual is perceived to have one or more of these characteristics or based on association with a person or group with one or more of these actual or perceived characteristics.

The District is committed to the integration of diversity into its recruitment, hiring, curriculum development, course offerings, teaching methods, employee/student retention, contracting, supervision, programs, services, evaluations, policies and procedures, staff development activities, workforce and student population. It is the District's belief that an educational experience grounded in this approach will better prepare our students to work and live in an increasingly global society.

The chancellor, college presidents, and the District chief human resources officer shall ensure the following:

- modification of current and inclusion of new policies and procedures that ensure implementation of this policy;
- systematic training for all employees on the value of diversity, educational equity, equal opportunity, and how to infuse the principles of diversity in their daily work in accordance with state law and collective bargaining agreements; and
- annual reporting to the Board on 1) training programs offered for employees; 2) student, employee, and service area ethnic demographics; and 3) modifications of and updates to policies and procedures on diversity.

It is the goal of the District that all employees promote and support diversity in our academic environment.

**EQUAL EMPLOYMENT OPPORTUNITY PLAN**

The Contra Costa Community College District Equal Employment Opportunity Plan reflects the District's commitment to equal employment opportunity. The current plan is incorporated by reference into this procedure. The plan is available on the District Human Resources website.

California Code of Regulations, Title 5, §§51010, 53003

**UNIFORM EMPLOYMENT SELECTION GUIDE**

The current Uniform Employment Selection Guide is incorporated by reference into this procedure. The guide is available on the District Human Resources website.

Education Code Sections 87100, 87400, 88003  
Accreditation Standard III.A.1.a

Historical Annotation:  
Adopted 1/1/82, Reprinted 1/1/87, Revised 9/89

Personnel 1002.00: 11/6/90; Rev. 12/19/90, 2/91, 6/26/91, 1/26/94, 7/27/94, 9/29/99  
Human Resources 1010.02: Revised 2/5/02, 1/31/07, 4/25/12, 1/22/14

Related Board Policies:  
Board Policy 2059

Related Procedures:  
Human Resources Procedure 3030.02

## UNLAWFUL DISCRIMINATION AND UNLAWFUL HARASSMENT

### 1. **General**

This is the written procedure for filing and processing complaints of unlawful discrimination and unlawful harassment at Contra Costa Community College District. The procedure incorporates the legal principles contained in unlawful discrimination provisions of the California Code of Regulations, Title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

A copy of the written policy and procedure on unlawful discrimination and unlawful harassment will be displayed in a prominent location in the main administrative building or other area where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

California Code of Regulations, Title 5, 59326  
Education Code, 66281.5; 20 U.S.C. 1681  
California Code of Regulations, Title 5, 59300; 34 C.F.R. 106.8(b)

### **Workforce Investment Act- Title I – Financially Assisted Program/Activity**

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the Chief Human Resources Officer for the District, or the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210. If you file your complaint with the District, you must wait either until the District issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the District does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the District to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the District).

If the District does give you a written Notice of Final action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

29 C.F.R. 37.30 Workforce Investment Act 1998

### 2. **Notice, Training, and Education**

The Contra Costa Community College District's Chief Human Resources Officer (or designee) is responsible for providing training to employees, and students on the District's unlawful discrimination and unlawful harassment policy and procedure.

Designated District employees will receive training and a copy of the unlawful discrimination and harassment policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training every two years. Thereafter, in years in which a substantive policy or procedural change has occurred all District employees will attend a training update and receive a copy of the revised policy and procedure.



Training for academic staff will emphasize potential unlawful harassment in the classroom environment.

An online training program will be made available to all students. Any student training should include an explanation of the policy in existence, how it works, and how to file a complaint. In addition, a copy of the District's written policy and procedure on unlawful discrimination and unlawful harassment, as it pertains to students, will be available on the District's website and in the College catalogs.

Education Code, 66281.5;  
California Code of Regulations, Title 5, 59300, 59326, 59324  
34 C.F.R. 106.8(b)

### 3. Definitions

Definitions applicable to nondiscrimination policy and procedure are as follows:

- a. "Appeal" means a request by a complainant made in writing to a community college district governing board pursuant to section 59338 and/or to the Chancellor's Office pursuant to section 59339 to review the administrative determination of a community college district regarding a complaint of discrimination or harassment.
- b. "Complaint" means a written and signed statement meeting the requirements of section 59328 which alleges unlawful discrimination in violation of this subchapter.
- c. "Days" means calendar days unless otherwise specified.
- d. "Designated District Officer" means the district officer identified by the District to the Chancellor's Office as the person responsible for receiving complaints filed pursuant to Section 59328 and coordinating their investigation.
- e. "Discrimination on the basis of sex" means sexual harassment or discrimination on the basis of gender.
- f. "Unlawful Harassment" means harassment based on gender, race, color, religion, ancestry, medical condition, genetic information, marital status, sex, gender identity, gender expression, military or veteran status, national origin, disability, sexual orientation, age, or the perception that a person has one or more of these characteristics. Such harassment is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on any person's race, gender, sexual orientation or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; whistling, or sexual gestures or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, or unnecessarily brushing against or blocking another person. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status.

Visual or Written; Leering or Staring: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions. Examples of leering or staring include looking at a person's body up and down, suggestive glances/winks, prolonged/inappropriate eye contact, and/or inappropriate focus on a particular area of the body.

Environmental: A hostile academic or work environment exists where it is permeated by sexual innuendo, insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his or her immediate surrounding, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct unreasonably interferes with an individual's learning or work.

- g. "Sexual Harassment" in addition to the above, means unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:
- 1) Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of sexual harassment which appear in a written form include, but are not limited to: suggestive or obscene letters, notes, and invitations. Examples of verbal and visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
  - 2) Continuing to express sexual interest after being informed that the interest is unwelcome.
  - 3) Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of this type of sexual harassment within the work place or educational setting: implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
  - 4) Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
  - 5) Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
  - 6) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable

person of the same gender as the victim would perceive the conduct as sufficiently offensive to negatively impact the academic or work environment.

Education Code Sections 212.5, 66281.5  
California Code of Regulations, Title 5, 59311, 59320  
Revised Sexual Harassment Guidance: Harassment of Students by School Employees,  
Other Students, or Third Parties Title IX, Office of Civil Rights  
Title VII, Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

4. **Responsible District Officer**

The Contra Costa Community College District has identified the Chief Human Resources Officer as the single District officer responsible for receiving unlawful discrimination complaints filed pursuant to section 59328 and coordinating their investigation. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

California Code of Regulations, Title 5, 59324; 34 C.F.R. 106.8

5. **Filing a Complaint**

An individual who believes he/she has been unlawfully discriminated against or unlawfully harassed in violation of this procedure in any program or activity that is funded directly by, or that receives any financial assistance from, the Chancellor or Board of Governors of the California Community Colleges may, in those complaints not involving employment, initiate a complaint as soon as possible, but at least within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint. In complaints involving employment, the complainant must initiate a complaint as soon as possible, but at least within 180 days of the date of the alleged unlawful discrimination or unlawful harassment, or 90 days after expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the 180 days expired.

If a complainant decides to file a formal written complaint, he or she should file the complaint on the approved form available from District Human Resources Website or the Student Services Office at the colleges. The completed form must be filed in the District Human Resources Office, Employee Relations Unit. For complaints filed under federal civil rights laws, the complainant does not have to allege that he or she personally suffered unlawful discrimination.

The individual or individuals that allegedly engaged in the prohibited conduct should be advised on the charges against them at the earliest possible time.

California Code of Regulations, Title 5, 59328

6. **Importance of Filing a Timely Complaint**

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages employees and students who believe they are being unlawfully harassed to file a complaint promptly. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of unlawful harassment, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation and/or discrimination.

**7. Importance of Communicating that the Conduct is Unwelcome**

The District further encourages students and staff, where appropriate, to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

**8. Informal/Formal Complaint Procedure<sup>1</sup>**

When a person brings charges of unlawful discrimination or unlawful harassment to the attention of the District's responsible officer or designee, that officer will:

- a. Undertake efforts to informally resolve the charges;
- b. Provide the complainant with a copy of this procedure.
- c. Advise the complainant that he or she need not participate in informal resolution;
- d. Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for filing a formal complaint; and
- e. Advise the complainant that he or she may file a complaint with the Office of Civil Rights of the U.S. Department of Education (OCR).
- f. If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the Department of Fair Employment and Housing (DFEH).

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to Section 59334 and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to Section 59336.

Both parties should be advised that they may be accompanied by a representative throughout the unlawful discrimination/sexual harassment complaint process.

California Code of Regulations, Title 5, 59327, 59334, 59336  
California Code of Regulations, Title 5, 59328

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<sup>1</sup> The purpose of the informal resolution process is to allow an individual who believes she/he has been unlawfully discriminated against or sexually harassed to resolve the issue through a mediation process rather than the formal complaint process. Typically, the informal process will be invoked when there is a simple misunderstanding or the complainant does not wish to file a formal complaint. Resolution of an informal complaint may require nothing more than a clarification of the misunderstanding or an apology from the respondent and an assurance that the offending behavior will cease. The district officer should advise the complainant of his or her rights and responsibilities under both the formal and informal processes. If the complainant declares his or her preference for the informal process, the responsible district officer should present the complainant with a document that describes the informal/formal process that contains the basics of complainant's allegations of unlawful discrimination. This document should clearly indicate that the complainant opted for the informal resolution process and should be signed and dated by the complainant. The informal resolution process will not be made a predicate to the process and investigation of a formal complaint. If a complaint is filed, an investigation must be completed within the time required unless it is voluntarily rescinded by a complainant as a result of a successful informal resolution.

10. **Investigation upon Filing of a Formal Written Complaint**

When a formal written complaint is filed an investigation will be initiated if the complaint meets the following requirements:

- a. The complaint must allege unlawful discrimination or unlawful harassment prohibited under Section 59300.
- b. The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination/harassment or by one who has learned of such unlawful discrimination/harassment.
- c. The complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination or harassment.
- d. In complaints involving employment, the complaint must be filed within 180 days of the date of the alleged unlawful discrimination or unlawful harassment, or 90 days after expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the 180 days expired.

Defective complaints will be immediately returned to the complainant with a complete explanation of why an investigation could not be initiated under Title 5, California Code of Regulations, Section 59300 et seq.

The District shall promptly investigate every complaint of unlawful discrimination or unlawful harassment. No claim of workplace or academic discrimination or harassment shall remain unexamined. The District will fairly and objectively investigate unlawful discrimination/harassment complaints utilizing the following steps: interviewing the complainant(s), interviewing the alleged harasser(s); identifying and interviewing witnesses, if any; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the location pending completion of the investigation; reviewing personnel/academic files of the involved parties and other relevant documentation; reaching a conclusion as to the allegations and any appropriate disciplinary and remedial action; and ensuring that all recommended action is carried out in a timely fashion.

All employees are expected to cooperate with a District investigation into allegations of unlawful discrimination or unlawful harassment. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that unlawful discrimination or unlawful harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

California Code of Regulations, Title 5, 59328

11. **Investigation Guidelines**

A student or employee who complains of sexual harassment will not be required to work out the problem directly with the alleged harasser, and certainly not without appropriate involvement of the Chief Human Resources Officer.

Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office of Civil Rights

12. **Notice to Chancellor or District**

Immediately upon receiving a complaint filed in accordance with the regulations, the District will forward a copy of the formal complaint to the State Chancellor's Office. Similarly, when the State Chancellor's Office receives a complaint filed in accordance with the regulations a copy will be forwarded to the District.

California Code of Regulations, Title 5, 59330

13. **Complainant's Right to Confidentiality**

The District should inform the complainant that if he or she requests that their name not be revealed it may limit the District's ability to respond. The District should inform the complainant that the law protects them against retaliation for filing an unlawful discrimination or unlawful harassment complaint. If the complainant insists that his or her name should not be revealed, the District should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students and employees. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation.

Revised Sexual Harassment Guidance: Harassment of Students by School Employees,  
Other Students, or Third Parties, Title IX, Office of Civil Rights

14. **Right to Privacy**

If an employee or student is disciplined or dismissed as a result of an unlawful discrimination or unlawful harassment charge, Education Code Section 87740 requires that confidentiality be maintained as to the discipline or dismissal and the reasons therefore. In a disciplinary action for a sexual assault/physical abuse charge, Education Code Section 76234 provides that the victim shall be informed of the results of the disciplinary action within three days, but further states that the victim shall keep that information confidential. In addition, an individual's right to privacy is not only protected by the laws of the state, but is deemed an inalienable right under Article I, Section 1 of the California Constitution. Therefore, it is the policy of the Contra Costa Community College District that persons provided with protected information in conjunction with an unlawful discrimination or unlawful harassment complaint may be required to sign a confidentiality agreement.<sup>2</sup>

California Const. Art. I;  
Education Code 76234, 87740

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<sup>2</sup> In cases of severe discipline, such as suspension or termination, the complainant would in all likelihood be required to testify at a hearing on the subject, and would therefore be aware of the proposed discipline. In the less severe cases, however, it is incumbent on the district to advise the complainant of the seriousness of the privacy issue. In cases of severe discipline, such as suspension or termination, the complainant would in all likelihood be required to testify at a hearing on the subject, and would therefore be aware of the proposed discipline. In the less severe the complainant should be able to trust the district to take appropriate action and understand that the district is not at liberty to discuss personnel matters. If a disclosure is made to the accuser, a district should require that the accuser keep the information confidential, otherwise the district exposes itself to possible litigation.

15. **Administrative Determination**

Within ninety (90) days of receiving an unlawful discrimination or unlawful harassment complaint filed under Title 5, sections 59300 et seq., the District will complete its investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the Chancellor:

- a. The determination of the chief executive officer or his/her designee as to whether discrimination or harassment did or did not occur with respect to each allegation in the complaint;
- b. A description of actions taken, if any, to prevent similar problems from occurring in the future;<sup>3</sup>
- c. The proposed resolution of the complaint; and
- d. The complainant's right to appeal to the District Governing Board and the State Chancellor.

For complaints filed under federal civil rights laws, the administrative determination will be made based on a preponderance of the evidence standard.

California Code of Regulations, Title 5, 59336

16. **Complainant's Appeal Rights**

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary is mailed to the complainant the District will notify the complainant of his or her appeal rights as follows:

- a. First level of appeal: The complainant has the right to file an appeal to the District's Governing Board within 15 days from the date of the administrative determination. The District's Governing Board will review the original complaint, the investigative report, the administrative determination, and the appeal.
- b. The District's Governing Board will issue a final District decision in the matter within 45 days after receiving the appeal. Or, the District's Governing Board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District's Governing Board will be forwarded to the complainant, the respondent and to the State Chancellor's Office.
- c. Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any case not involving employment related discrimination within 30 days from the date that the Governing Board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days.<sup>4</sup>

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<sup>3</sup> If it is determined that discrimination did occur, possible remedies to prevent similar problems from occurring in the future include all the standard district disciplinary actions for students and employees, ranging from undocumented reprimand to termination or expulsion. If formal disciplinary action is inappropriate, other possible remedies include, training in the pertinent area(s) of unlawful discrimination, apology, and restricting or forbidding contact between the perpetrator and victim.

<sup>4</sup> The Department of Fair Employment and Housing (DFEH) has final jurisdiction over employment-related cases. Therefore, the State Chancellor's Office has agreed to accept DFEH decisions and generally will not accept appeals in employment discrimination cases. However, in limited circumstances the State Chancellor's Office will intervene, such as when intervention might bring about a resolution at the informal level or when some unique aspect of community college governance is at issue and the expertise of the State Chancellor's Office is needed.

- d. In any case involving employment discrimination the complainant may at any time before or after the final District decision is rendered file a complaint with the Department of Fair Employment and Housing (DFEH). In addition, the complainant may file a petition for review with the Chancellor within thirty (30) days of the Board's final disposition of the complaint. The Chancellor shall have discretion to accept or reject any such petition for review.

Complainants must submit all appeals in writing.

California Code of Regulations, Title 5, 59338, 59339

**17. Forward to Chancellor**

Within 150 days of receiving a complaint, the District will forward the following to the Chancellor:

- a. A copy of the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation and the final District decision rendered by the District's Governing Board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days.
- b. A copy of the notice of appeal rights the District sent the complainant.
- c. Any other information the Chancellor may require.

California Code of Regulations, Title 5, 59338, 59340

**18. Extensions**

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the District will file a written request that the Chancellor grant an extension of the deadline. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by Title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant who may file written objections with the Chancellor within five (5) days of receipt.

The Chancellor may grant the request unless delay would be prejudicial to the complainant. If the Chancellor grants an extension of the 90-day deadline the 150-day deadline is automatically extended by an equal amount.

California Code of Regulations, Title 5, 59342

**19. Record Retention**

Unlawful discrimination records that are part of an employee's employment records may be classified as Class-1 permanent records and retained indefinitely or microfilmed in accordance with Title 5, California Code of Regulations, Section 59022. Unlawful discrimination records of a student that are deemed worthy of preservation but not classified as Class-1 permanent may be classified as Class-2 optional records or as Class-3 disposable records, to be retained for a period of three years.

California Code of Regulations, Title 5, 59020



**EQUAL OPPORTUNITY**

- 2.1 Equal Employment Opportunity.** The Governing Board and the District's management, supervisory, and confidential employees are committed to the concept of equal employment opportunity in recruitment, selection, promotion, transfer, evaluation, reclassification, and employee training and development. The commitment applies also to the administration of all personnel actions as compensation, benefits, transfer, layoffs, and return from layoffs.
- 2.2 Discrimination and Harassment.** No person employed or seeking employment shall be unlawfully subjected to harassment, discrimination or denied full and equal access to, or the benefits of, District programs or activities on the basis of ethnic group identification, race, color, ancestry, religion, marital status, sex, national origin, gender or within the limits imposed by law or District regulations because of age, sexual orientation, physical or mental disability, medical condition, veteran status, parental status, citizenship or because s/he is perceived to have one or more of these characteristics.
- 2.2.1** The District will investigate and take appropriate measures, in accordance with the law, to ensure that unlawful discrimination and harassment does not occur.

6.4.3 Hiring: Refer to Uniform Selection Guide to See Entire Hiring Policy. District Human Resources shall provide support for all full-time faculty recruitments. Support will include, but will not be limited to:

1. Conducting initial paper-screening of all applicants for minimum qualifications. Applications will be sorted into three groups: those that meet minimum qualifications; those that do not meet minimum qualifications; and those that might meet minimum qualifications (or might meet equivalency standards). All three groups of applications will be forwarded to the paper-screening committee.
2. Handling and investigating all complaints related to recruitment initiated by an applicant, committee member, or anyone involved in the recruitment process.

6.4.3.1 The paper screening committee for faculty shall be selected according to department regulations and shall consist of no less than two (2) regular faculty members, or, if necessary, one regular and one contract III faculty member. One hourly rate (part-time) instructor shall be guaranteed a screening interview for a full-time faculty position for which he/she meets the minimum qualifications. The applicant to be interviewed shall be determined through the established paper screening process.

6.4.3.2 Faculty shall participate in the screening of applications and in the screening interview of such classified employees as serve in a direct relationship to the instruction or student service program or fall under a department where such screening is not in conflict with contract provisions of the classified units.

6.4.3.3 An interviewing team shall be selected according to department regulations and shall consist of no less than two (2) and no more than five (5) regular faculty members and a voting manager proposed from a panel of two to three academic administrators from that college. The panel shall be chosen and submitted by the department and agreed to by the college president. If a department is three or less full-time tenured faculty, the faculty in the division shall select the panel of administrators. The same team shall interview all of the candidates who are invited to come to the college.

6.4.3.3.1 Where a department has one (1) position authorized to it, the interviewing committee used in filling such position shall be chosen by the Faculty Senate President in consultation with the division chairperson and Dean. Such committee shall consist of no less than two (2) and no more than five (5) regular faculty members plus the division chairperson who serves as a voting member.

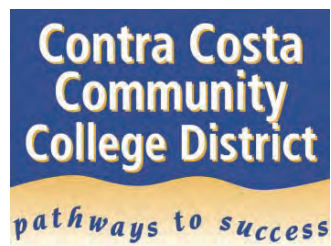
6.4.3.3.2 Where a department has two (2) positions authorized to it and one (1) of those positions is to be filled, the interviewing committee used in filling it shall be jointly chosen by the remaining faculty member and the Faculty Senate President in consultation with the division chairperson and Dean. The committee shall consist of no less than two (2) and no more than five (5) regular faculty members plus the division chairperson who serves as a voting member.

1. Each department shall develop instruments for the rating of the candidates. Such instruments shall be the property of the District.
2. Such instruments and/or questions shall be reviewed and approved by the District. If the District does not approve the department's rating instruments, the District shall consult with the department to resolve the differences. Personal notes and/or information placed on the official rating sheets shall remain the property of the District.
3. Any and all personal notes and/or information developed by individual team members shall remain the property of the team member.
4. The interviewing team shall recommend at least two (2), preferably three-five (3-5), of the best qualified applicants, without indicating any preferences, for consideration by management. After management interviews the referred applicants, management shall meet with the interviewing faculty team to discuss the ranking of the candidates and the president's proposed recommendation to the Chancellor and the Governing Board.
5. Management shall make the final selection based upon the recommendations of the interviewing team, and its own evaluation. If the college president and the interview team do not reach agreement regarding the candidate interviewed under this procedure, both recommendations shall be forwarded to the Chancellor for a final recommendation to the Governing Board.
6. With the concurrence of the appropriate department these hiring procedures may be waived for part-time temporary faculty employees.
7. Faculty may be invited to participate in the selection of management personnel at the discretion of the Chancellor, or his designee.

6.4.4 Staffing: Faculty in departments can make recommendations through the division chairperson on such matters as staffing needs, enrollment trends, use of part-time staff, and affirmative action programs.

6.4.5 Curriculum: Following department procedures, faculty can make recommendations for new courses or curriculum changes to the appropriate

# CONTRA COSTA COMMUNITY COLLEGE DISTRICT EQUAL EMPLOYMENT OPPORTUNITY PLAN



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# Equal Employment Opportunity Plan

## 2 INTRODUCTION

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The Contra Costa Community College District Equal Employment Opportunity Plan (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 that is welcoming to all, will foster diversity and promote excellence.

Through an educational experience in an inclusive environment, our students will be better prepared to work and live in an increasingly global society. 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 shall take in the event of underrepresentation of monitored groups. The Plan contains an analysis of the demographic makeup of the District's workforce population and an analysis of whether underrepresentation of monitored groups exists. 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 (EEO) Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all; and procedures for dissemination of the Plan. To properly serve a growing diverse population, the District is committed to hiring and retaining well-qualified faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

### 3 DEFINITIONS

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Reference: Title 5, § 53001 (a)(l)

- A. Adverse Impact:** means 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.
- B. Diversity:** means a condition of broad inclusion in an employment environment that offers equality and respect 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. The District recognizes that diversity in an academic environment promotes academic excellence; fosters cultural, racial and human understanding; provides positive role models for all students; and creates an inclusive and supportive educational and work environment for students, employees, and the community.
- C. 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 service and maintenance. Equal employment opportunity also involves:

  - a. identifying and eliminating barriers to employment that are not job related; and
  - b. creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination pursuant to Government Code, Section 12940.
- D. Equal Employment Opportunity Plan:** a written document in which the District’s workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
- E. 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 Title 5, Section 53006.
- F. Ethnic Group Identification:** means an individual’s identification in one or more of the ethnic groups reported to the State Chancellor pursuant to Title 5, Section 53004. These groups shall be more specifically defined by the State Chancellor consistent with state and federal law.

- G. In-house or Promotional Only Hiring:** means that only existing District employees are allowed to apply for a position.
- H. Latino:** replaces the term Hispanic in this Plan. This Plan recognizes that the state, county and District traditionally use Hispanic as a demographic term.
- I. 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). Monitored groups are men, women, American Indians or Alaskan Natives, Asians or Pacific Islanders, African-Americans, Latinos, Whites, and persons with disabilities.
- J. 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.
- K. Reasonable Accommodation:** the efforts made on the part of the District in compliance with Government Code, Section 12926.
- L. Screening or Selection Procedures:** 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, and physical, educational, and work experience requirements, interviews, and review of application forms.
- M. 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 Title 5, Section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.



## 4 POLICY STATEMENTS

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Reference: Board Policy 2052, *Equal Employment Opportunity*; Board Policy 2001, *Nondiscrimination Policy*; Board Policy 2059, *Diversity*

The 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 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 ethnic group identity, race, color, ancestry, religion, marital status, sex, national origin, gender, gender identity, gender expression, age, sexual orientation, physical or mental disability, medical condition, genetic information, veteran status, parental status, citizenship or because an individual is perceived to have one or more of these characteristics or based on association with a person or group with one or more of these actual or perceived characteristics. The District will strive to achieve a workforce that is welcoming to everyone, including all genders, persons with disabilities and individuals from all ethnic and other groups 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 and can be found in its entirety on the District's website under the Human Resources Department.

## 5 DELEGATION OF RESPONSIBILITY, AUTHORITY AND COMPLIANCE

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Reference: Title 5, §§ 53003 (c)(1) and 53020

It is the goal of the District that all employees promote and support equal employment opportunity because equal employment opportunity 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.

### **A. Governing Board**

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

### **B. Chancellor**

The Governing Board 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 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 Chancellor shall evaluate the performance of all administrative staff who report directly to him/her on their ability to follow and implement the Plan.

### **C. Equal Employment Opportunity Officer**

The District has designated the chief human resources officer 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, including oversight of training and recruitment activities, 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 Section 7 of this Plan and for ensuring that applicant pools and selection procedures are properly monitored.

### **D. Equal Employment Opportunity Advisory Committee**

The colleges and District Office 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 Committees shall assist in the implementation of the Plan in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for Plan revisions as appropriate.

**E. Agents of the District**

Any organization or individual, whether or not an employee of the District, who acts on behalf of the Board 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.

## 6 ADVISORY COMMITTEE

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Reference: Title 5, § 53005

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 sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The equal employment opportunity officer, or designee, shall train the advisory committee on (1) the requirements of Title 5, Section 53000 et seq. and of state and federal non-discrimination laws; (2) identification and elimination of bias in hiring; (3) the educational benefits of workforce diversity; and (4) the role of the advisory committee in carrying out the District's Plan. 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 requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups.

### A. Purpose

It is the purpose of the District Equal Employment Opportunity Advisory Committee (DEEOAC) in conjunction with the college Equal Employment Opportunity Committees to advise, assist, and make recommendations to and through the chief human resources officer to the Chancellor's Cabinet for the development and implementation of a Districtwide equal employment opportunity program. The District Equal Employment Opportunity Advisory Committee shall understand and promote a Districtwide commitment to diversity, inclusion and equal employment opportunities.

### B. Committee Structure

The structure of this committee shall represent individuals interested and committed to diversity, and shall include a diverse membership whenever possible. The District Equal Employment Opportunity Advisory Committee will include the following:

- three members from the college's Equal Employment Opportunity Committee (including the college's EEO officer); and
- two community members appointed by the Governing Board.

In order to further ensure diverse membership, the DEEOAC is an open committee seeking broad participation. Additional members may be appointed by the following:

- one member designated by Faculty Senate Coordinating Council;
- one member designated by Classified Senate Coordinating Council;
- one member designated by Management Council;
- one member designated by Local 1;
- one member designated by United Faculty; and
- one member designated by Student Trustee Advisory Council.

The chief human resources officer and other District staff will participate as appropriate and shall report directly to the Chancellor, or designee.

Appointments to the District Equal Employment Opportunity Advisory Committee shall be two (2) years. In order to provide continuity, the DEEOAC membership may be renewed.

**C. Operational Procedures**

The committee shall have one chair and one vice-chair, to be elected from among the committee members. The term will be for two years.

The chief human resources officer shall serve as the District equal employment opportunity officer, and shall ensure the provision of secretarial support for the District Equal Employment Opportunity Advisory Committee.

The committee shall meet monthly during the fall and spring semesters, and as needed during the summer. All members may suggest agenda items; agendas, minutes and other materials will be distributed one week in advance for regularly scheduled meetings.

Amendments to committee procedures and objectives shall be by majority of those members present at the meeting.

For any other committee decisions, at least a member from two of the three colleges must be present at the meeting.

The committee may hold an annual retreat for the purpose of on-going strategic planning which involves setting long-term goals and methods for achievement and evaluating the progress of the previous year's projects, and to review the plan for the next academic year. Other retreats may be scheduled as needed.

In accordance with Title 5, Section 53005, the DEEOAC shall receive training in all the following areas:

- the requirements of Title 5 and state and federal nondiscrimination laws;
- identification and elimination of bias in hiring;
- the educational benefits of workforce diversity; and
- the role of the advisory committee in carrying out the District's EEO Plan.

The committee shall evaluate all efforts to promote equal opportunity for underrepresented groups in the recruitment, hiring, retention, and promotion of all Contra Costa Community College District personnel.

Sub-committees shall be formed as needed and shall be the mechanism through which much of the work of the District Equal Employment Opportunity Advisory Committee is completed.

## 7 COMPLAINTS

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Reference: Title 5, §§ 53026, 53000 et seq.

### **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. 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.

A complainant may not appeal the District's determination pursuant to Title 5, Section 53026 to the State Chancellor's Office, but under some circumstances, violations of the equal 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 State 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. (See California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints at:

[http://extranet.cccco.edu/Portals/1/Legal/Guidelines/Min\\_Cond\\_Complaints.pdf](http://extranet.cccco.edu/Portals/1/Legal/Guidelines/Min_Cond_Complaints.pdf).)

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 Chancellor. 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 State Chancellor's Office upon receipt.

In the event that a complaint filed under Title 5, Section 53026 alleges unlawful discrimination, it 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 chief human resources officer is responsible for receiving such complaints and for coordinating their investigation. Campus complaint officers may be assigned investigation responsibilities. The District's discrimination and sexual harassment complaint and investigation procedures are contained in Human Resources Procedure 1040.07, Unlawful Discrimination and Harassment.

## 8 NOTIFICATION TO DISTRICT EMPLOYEES

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Reference: Title 5, § 53003(c)(3)

The commitment of the Governing Board and the Chancellor 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 catalogs and class schedules. The Plan and subsequent revisions will be distributed to the Governing Board, all managers and supervisors, academic and classified senate presidents and vice presidents, and Management Council, United Faculty, and Local 1 presidents and vice presidents.

The Plan will be made available to all employees on the District's website under the Human Resources Office.

All employees will be notified via Districtwide e-mail distribution when the Plan becomes available and of any subsequent revisions to the Plan.



## 9 TRAINING FOR SCREENING/SELECTION COMMITTEES

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Reference: Title 5, § 53003(c)(4)

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 appropriate training on 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 humility<sup>1</sup>; the value of a diverse workforce; and recognizing and mitigating bias. Persons serving in the above capacities will be required to receive training within 24 months prior to service. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/selection committees.

The District Human Resources Office is responsible for developing and implementing the required training. Any individual, whether or not an employee of the District, acting on behalf of the District with regard to recruitment and screening of employees is subject to the equal employment opportunity requirements of Title 5 and the District's Equal Employment Opportunity Plan.

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<sup>1</sup> "Cultural humility" involves valuing diversity and understanding that cultural competence is a process, rather than an end product, for successful teaching and other interactions with both students and colleagues from a variety of cultures. It requires contextual understanding of the numerous social and institutional dynamics, including how the effects of inequities affect how students have been taught and treated, and translates that understanding to the removal of barriers to student success. Moreover, it is a lifelong commitment to self-evaluation and ongoing learning. "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.

## 10 ANNUAL WRITTEN NOTICE TO COMMUNITY ORGANIZATIONS

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Reference: Title 5, § 53003(c)(5)

The chief human resources 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 include a summary of the Plan. The notice will also include the internet address where the District advertises its job openings and the names, departments and phone numbers of individuals 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. A list of organizations, which will receive this notice, will be made available in the District's Human Resources Office. This list may be revised from time to time as necessary.

## 11 ANALYSIS OF DISTRICT WORKFORCE AND APPLICANT POOL

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Reference: Title 5, § 53003(c)(6)

The District Human Resources Office will annually analyze the District's workforce composition and monitor applicants 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, African-Americans, Latinos, Whites, and persons with disabilities.

For purposes of the data collection and report, each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group and, if applicable, disability. 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 analysis will be done for each site in the District. The District will annually report to the Chancellor and the Governing Board the results of its annual analysis of employees and forward required data to the State Chancellor's Office.

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 each of the following identified job categories:

- a. executive/administrative/managerial;
- b. faculty and other instructional staff;
- c. professional non-faculty;
- d. secretarial/clerical;
- e. technical and paraprofessional;
- f. skilled crafts; and
- g. service and maintenance.

To access current and previous District Workforce Diversity reports please click on the following link:  
<http://www.4cd.edu/hr/diversityreport/Forms/AllItems.aspx>

## 12 RECRUITMENT AND HIRING PROCEDURES TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY

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Reference: Title 5, §§ 53021, 53022, 53023 and 53024

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.

Except as otherwise provided in Title 5, Section 53021, the District will actively recruit from both within and outside the District workforce to attract qualified applicants for all vacancies. This shall include outreach designed to ensure that all persons are provided the opportunity to seek employment with the District. The requirement of open recruitment shall apply to all full-time and part-time vacancies in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, and all executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part-time faculty positions may be conducted separately for each vacancy or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this Plan.

“In-house or promotional only” recruitment shall not be used to fill any vacancy for any position described above except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceeds two years in duration. Where in-house or promotional only recruitment is utilized to fill a position on an interim basis, all District employees shall be afforded the opportunity to apply and demonstrate that they are qualified. The job announcement for the interim position shall comply with the requirements set forth in this Plan and the selection process will be consistent with the requirements of this section of the Plan.

For the purposes of this section of the Plan, a vacancy is not created, and the requirements of the above do not apply, when:

- a. there is a reorganization that does not result in a net increase in the number of employees;
- b. one or more lateral transfers are made and there is no net increase in the number of employees;
- c. a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;
- d. the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;
- e. the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code;
- f. a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this section of the Plan, "a substantial break in service" means more than one calendar year of such different period as may be defined by a collective bargaining agreement; or
- g. an individual not currently employed by the District, who is specifically training, experienced, and competent to serve as an administrator, and who satisfies the minimum qualifications applicable to the position, is engaged to serve as an administrator through a professional services contract. No appointment or series of appointments pursuant to this provision may exceed a period of two years.

To address any identified underrepresentation of monitored groups, the District will review, and, if necessary, 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.

#### **A. Recruitment**

It is the policy of the District to aggressively pursue a program of verifiable 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. College Equal Employment Opportunity Advisory Committees are encouraged to utilize and notify the District of additional recruitment options that may enable the District to obtain a diverse pool of applicants. All recruitment announcements will state that the District is an "Equal Opportunity Employer." The District will include in the recruitment section of its recruitment and hiring procedures the following provisions.

1. 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 Title 5, Section 53021(c)(7) for engaging an administrator through a professional services contract unless the Chancellor or his/her designee first notifies the Governing Board in writing of the compelling reason to limit the persons who may be considered for a vacancy in a job category where underrepresentation persists.

2. Open positions that require recruitment shall include, but not be limited to, placement of job announcements in the following instruments:
  - a. general circulation publications and/or electronic media;
  - b. local and regional community newspapers and/or electronic media;
  - c. publications and/or electronic media in languages other than English and to low-income communities;
  - d. publications, including electronic media that are distributed to the general market and to newspapers and/or electronic media, publications whose primary audience is comprised of groups found to be underrepresented in the District's workforce; and
  - e. recruitment booths at job fairs or conferences oriented to 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.
3. The District may host an open house for persons interested in employment with the District. The open house will allow potential candidates the opportunity to meet deans, division chairs, faculty, and classified employees of the District. Attendees will be provided with information regarding current job vacancies, the demographic makeup of the student body, hiring criteria and procedures, and information on the District's commitment to equal employment opportunity and diversity. Efforts will be made to attract diverse groups of individuals to the open house.
4. District employees may be surveyed on a regular basis requesting resources and locations where open positions may be advertised to ensure recruitment is as inclusive and broad as possible and includes recruitment of monitored groups. The District Human Resources Office will compile, store, and update this list.

#### **B. Job Announcements**

The District's recruitment and hiring procedures section on job announcements, outlined in the Contra Costa Community College District Uniform Employment Selection Guide, shall include the following provisions.

1. Job announcements will state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements will include demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, 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 or designee before the position is announced, to ensure conformity with equal employment regulations and state and federal

nondiscrimination laws. All job announcements shall state that the District is an “Equal Opportunity Employer.”

2. For identified public contact or community liaison positions, bilingual ability in the language spoken by a significant number of students may be a required qualification. Before bilingual ability in the identified languages can be made a required qualification, District Human Resources will conduct an analysis to ensure that such a requirement meets the standard for a bona fide occupational requirement. The District will identify the specific positions that may require bilingual ability and the language(s) needed and in which positions bilingual ability in a particular language may be listed as a required, preferred, or desired qualification.

### C. Review of Initial and Qualified Applicant Pools

Applicant pools will be reviewed by the chief human resources officer or designee for compliance with Title 5 and other applicable regulations. The District’s recruitment and hiring procedures, outlined in the Contra Costa Community College District Uniform Employment Selection Guide, will include the following provisions.

1. **Application:** 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. This information shall be kept confidential and shall be used only in research, monitoring, evaluating the effectiveness of the District’s equal employment opportunity program, or any other purpose specifically authorized by Title 5, Section 53023, or by any applicable statute or regulation.
2. **Initial Applicant Pool:** The initial applicant pool is composed of all complete applications received by the application deadline. After the application deadline has passed, the composition of the initial applicant pool shall be recorded and reviewed by the chief human resources officer or designee. All initial applications shall be screened to determine which candidates satisfy the job specification’s minimum qualifications set forth in the job announcement. The group of candidates who meet the job specification’s minimum qualifications shall constitute the “qualified applicant pool.”
3. **Qualified Applicant Pool:** The composition of the qualified applicant pool shall be reviewed and compared to the composition of the initial applicant pool. If the chief human resources officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors that are not job related, appropriate action will be taken. This applicant pool data shall be reviewed in conducting the analysis described Title 5, Section 53006(a). Once the qualified applicant pool is approved, the pool will be forwarded to the screening/selection committees for paper screening, interviews, and final recommendations for hiring consideration.

### D. Screening/Selection Committees 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/selection committees the following provisions.

1. All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, will be:
  - a. 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, gender identity, sexual orientation, and ethnic backgrounds of community college students. "Meaningful consideration" means that candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position;
  - b. based solely on job-related criteria; and
  - c. designed to avoid an adverse impact, as defined in Title 5, Section 53001(a), and monitored by means consistent with this section of the Plan to detect and address adverse impact which does occur for any monitored group.
2. When possible, effort will be made, within the limits allowed by federal and state law, to ensure 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.
3. Before a person can serve on a selection/screening committee, he or she must receive equal employment opportunity and diversity training as outlined in Section 9 of this Plan and Title 5, Section 53003 (c)(4).
4. At every level, interviews must include a question which assesses the candidate's understanding of and demonstrated commitment to diversity, and his or her level of cultural proficiency. Reference checks shall also include one question assessing the candidate's understanding of and demonstrated commitment to diversity, and his or her level of cultural proficiency.
5. Screening materials must be approved for compliance with equal employment opportunity principles.
6. The District will not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, race, color, ancestry, national origin, age, sex, religion, sexual orientation, marital status, disability, or medical condition, 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.

7. The District shall ensure that seniority or length of service is taken into consideration only to the extent it is job-related, is not the sole criterion, and is included in the job announcement consistent with the requirements of this Plan, Section 12, (see Title 5, §§ 53022 and 53024(c)).
8. Selection testing for employees will follow procedures as outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."
9. 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/selection committees. 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.
10. 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.

## 13 ADDITIONAL MEASURES TO SUPPORT DIVERSITY AND ENSURE EQUAL EMPLOYMENT OPPORTUNITY

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Reference: Title 5, § 53006

- A.** The District shall review the information gathered pursuant to Title 5, Section 53003, subdivision (c)(6) to determine if significant underrepresentation of a monitored group may be the result of non-job related factors in the employment process. For these purposes, 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 not be limited to:
1. longitudinal analysis of data gathered 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 at each subsequent phase of the selection process;
  2. analysis of data regarding potential job applicants, to the extent provided by the State Chancellor, which may indicate significant underrepresentation of a monitored group; and
  3. analysis to determine whether the group is significantly underrepresented.
- B.** Where the review described above identifies that significant underrepresentation of a monitored group may be the result of non-job related factors in the employment process, the District shall implement additional measures designed to address the specific areas of concern. These additional measures shall include the following.
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. Review of 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:
    - a. any requirement of federal law; and
    - b. qualifications which the Board of Governors has found to be job-related through the community college system, including the requirement that applicants for academic and administrative positions demonstrate sensitivity to the diversity of community college students.
  3. 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.

4. Consider the implementation of additional measures designed to promote diversity that are reasonably calculated to address the specific areas of need.

## 14 OTHER MEASURES NECESSARY TO FURTHER EQUAL EMPLOYMENT OPPORTUNITY

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Reference: Title 5, § 53003(c)(9)

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.

Having a District that has accepted principles of diversity and inclusion makes implementation and maintenance of an effective equal employment opportunity program much easier. For that reason, institutionalizing this program that is well-planned, well-funded and supported by the leadership of the District is of great value.

The District will 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. The District may sponsor cultural events and speakers on issues dealing with diversity, and explore how to infuse diversity into the classroom, curriculum, and the workplace. The District shall exercise continuous good faith efforts to maintain, develop or improve its equal employment opportunity efforts by implementing a program which may include, but not limited to the following.

- a. Commit to a formal diversity program that is part of the structure of the District and that will be adequately funded and supported by the District and college leadership.
- b. Conduct site-specific climate studies to identify hidden barriers.
- c. Include guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.
- d. Highlight the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications. Include in job announcements language indicating that candidates are required to demonstrate that they can infuse diversity into their major job duties.
- e. Conduct diversity and implicit bias dialogues, forums, and cross-cultural workshops.

- f. Work with the Human Resources and the District and college professional development committees to assist in the development of resources for employees interested in infusing diversity and inclusion into their instruction or services to students.
- g. Review and revise college/District publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
- h. Recognize and value staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.
- i. Require a series of EEO/diversity workshops to be offered on instructional improvement days (flex week or staff development days).
- j. Evaluate administrators yearly on their ability and efforts to meet the District's equal employment opportunity and diversity effort.
- k. Establish an "Equal Employment Opportunity and Diversity" online presence by highlighting the District's diversity and equal employment opportunity, Americans with Disabilities Act (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 these topics.
- l. Promote sabbaticals that will assist the District in achieving its equal employment opportunity and diversity objectives.
- m. Promote various cultural celebrations at all locations.
- n. Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for employees.
- o. Have formal diversity and inclusion programs that are visible, valued and adequately funded.
- p. Consider providing for alternative educational or experience requirements for nonacademic positions.
- q. Develop leadership opportunities with current staff focusing on diversity.
- r. Ensure involvement of community members and community-based organizations in the recruitment and other equal employment opportunity efforts of the colleges and District Office.

- s. Ensure 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.
- t. Seek direct contact with student, professional, community and other organizations that represent the diverse community we serve. These organizations can serve as resources for referring potential candidates.
- u. Regularly review and disseminate research on best practices in diversity, recognizing and managing implicit bias, and equal employment opportunity.
- v. Maintain an institutional commitment to diversity.

## 15 MAINTAINING INSTITUTIONAL COMMITMENT TO DIVERSITY

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Reference: Title 5, § 53024.1

Pursuant to Board Policy 2059, Diversity, the District is committed to the integration of diversity into its recruitment, hiring, promotion, curriculum development, course offerings, teaching methods, employee/student retention, contracting, supervision, programs, services, evaluations, policies and procedures, staff development activities, workforce and student population. It is the District's belief that educational experience grounded in this approach will better prepare our students and employees to work and live in an increasingly global society. The Chancellor, college Presidents, and the chief human resources officer shall ensure the following:

- modification of current, and inclusion of, new policies and procedures that ensure implementation of Board Policy 2059;
- systematic training for all employees on the value of diversity, educational equity, equal opportunity, and how to infuse the principles of diversity in their daily work in accordance with state law and collective bargaining agreements; and
- annual reporting to the Board on 1) training programs offered for employees; 2) student, employee, and service area ethnic demographics; and 3) modification of and updates to policies and procedures on diversity.

The District also recognizes that establishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized effort. The District will develop and implement, on a continuing basis, indicators of institutional commitment to diversity. Such indicators may include, but are not limited to the examples listed in this section of the Plan:

- a. conducting surveys of campus climate on a regular basis, and implementing concrete measures that utilize the information drawn from the surveys;
- b. conducting exit interviews with employees who voluntarily leave the District, maintaining a database of exit interviews, analyzing the data for patterns impacting particular monitored groups, and implementing concrete measures that utilize this information;
- c. providing training on elimination of bias in hiring and employment;
- d. providing cultural awareness training to members of the District and/or college communities;
- e. maintaining a variety of programs to support newly-hired employees such as mentoring, professional development, and leadership opportunities;
- f. auditing and/or maintaining updated job descriptions and/or job announcements;

- g. training the Governing Board on the elimination of bias in hiring and employment at least once every election cycle;
- h. conducting timely and thorough investigations of all EEO complaints and all harassment and discrimination complaints filed under Subchapter 5 (commencing with Section 59300) of Chapter 10, Division 6, Title 5 of the California Code of Regulations, and takes appropriate corrective action in all instances where a violation is found;
- i. complying with the requirements of Government Code, Section 12950.1 (Stats. 2004, ch. 933 [AB1825]), including all forms of harassment and discrimination in the training;
- j. ensuring the District's publications and website convey its diversity and commitment to equal employment opportunity;
- k. ensuring the District's hiring procedures require applicants for all positions to demonstrate sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students in a manner specific to the position;
- l. encouraging District staff members to serve as resources, consultants, mentors and/or leaders to colleagues at other districts in the areas of EEO and diversity enhancement;
- m. maintaining updated curricula, texts, and/or course descriptions to expand the global perspective of the particular course, readings or discipline;
- n. addressing issues of inclusion/exclusion in a transparent and collaborative fashion;
- o. attempting to gather information from applicants who decline job offers to find out why, recording this information, and utilizing it;
- p. conducting longitudinal analysis of various employment events by monitored group status such as: hiring, promotion, retention, voluntary resignation, termination, and discipline;
- q. encouraging community college students to become qualified for, and seek employment as, community college employees; and
- r. informing graduate students in local colleges and universities about the benefits of employment at a community college.
- s. Identifying and adopting objective measures of success and periodically evaluating the EEO Plan and its components against them.



## 16 ACCOUNTABILITY AND CORRECTIVE ACTION

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Reference: Title 5, § 53024.2

The District shall certify annually to the State Chancellor that they have timely complied with all of the following:

- a. recorded, reviewed and reported the data required regarding qualified applicant pools;
- b. reviewed and updated, as needed, the strategies component of the District's EEO Plan; and
- c. investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to Subchapter 5 (commencing with section 59300) of Chapter 10, Division 6, Title 5 of the California Code of Regulations.

Upon review of the District's certification, data reports, or any complaint filed under this subchapter, the State Chancellor may review the District's EEO Plan and strategies component pursuant to Title 5, Section 53024.1 for the required indicia of institutionalized and on-going efforts to support diversity and/or compliance with Title 5, Section 53006. Where the State Chancellor finds that the District's efforts have been insufficient, he/she will inform the District of his/her specific area(s) of concern, and direct the District to submit a revised EEO Plan within 120 days. Upon review of the revised EEO Plan, the State Chancellor will either:

- a. determine the revisions are sufficient, and provide a deadline by which the District must provide proof that the new measures have been implemented; or
- b. if the State Chancellor finds that the revised Plan is still lacking, he/she will direct the District to implement specific measures from those listed in Title 5, Section 53024.1, and provide a timeline for doing so.

## 17 PERSONS WITH DISABILITIES

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Reference: Title 5, § 53025

Applicants and employees with disabilities 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, and auxiliary aids such as readers, interpreters and note-takers.

The college or District Human Resources offices are responsible for handling requests for accommodations from current employees. The District Human Resources Office is responsible for handling requests from applicants seeking such accommodations during the application process. Requests can be made on the “Request for Reasonable Accommodations” form. The District’s reasonable accommodation procedures can be found in Human Resources Procedure 1080.04 for job applicants and Human Resources Procedure 1080.05 for employees.