

SOUTHWESTERN COMMUNITY COLLEGE DISTRICT EQUAL EMPLOYMENT OPPORTUNITY PLAN

I. INTRODUCTION

The Southwestern Community College District Equal Employment Opportunity Plan (EEO Plan) was adopted by the Governing Board on August 8, 2007. The Plan reflects the District's commitment to equal employment opportunity. It is the District's belief that taking active and vigorous steps to ensure equal employment opportunity, and creating a working and academic environment which is welcoming to all will foster diversity and promote excellence.

To properly serve a growing diverse population, the District will endeavor to hire and retain faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

II. POLICY STATEMENT

The Southwestern Community College District is committed to the concept and principles of equal employment opportunity in education and employment for all persons and to prohibit discrimination based on ethnic group identification, race, sex, color, religion, age, national origin, ancestry, sexual orientation, gender, disability, marital status or Vietnam-era veteran status, medical condition, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District believes that in order to effectively address and comply with federal and state mandates and guidelines on equal employment opportunity, the Governing Board, administration, faculty and classified staff must recognize that equal employment opportunity is a shared responsibility and all must be held accountable for application and enforcement of the plan within their area of authority. It is through combined efforts that Southwestern Community College District will achieve fairness and equity consistent with the approved Equal Employment Opportunity Plan. The District will strive to achieve a workforce that is welcoming to all persons to ensure the District provides an inclusive educational and employment environment. The District will ensure that the recruitment, screening, selection, hiring and promotional processes are in accordance with principles of equal employment opportunity.

III. DEFINITIONS

In order to understand the terms used throughout the Plan, the following definitions are provided.

- A. *Adverse Impact*: a statistical measure (such as those outlined in the EEO Commission's *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.
- B. *Business Necessity*: circumstances which justify an exception to the requirements of section 53021(b)(1) because compliance with that section would result in substantial additional financial cost to the District or pose a significant threat to human life or safety. Business necessity requires greater financial cost than mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.
- C. *Diversity*: means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. A diverse educational community recognizes the educational benefits that flow from employee populations that are varied by race, gender, disability status, belief, age, national origin, cultural background, life experience and other enriching characteristics.
- D. *Equal Employment Opportunity*: means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories listed in section 53004(a). Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination by title 5, section 53000 et seq.
- E. *Equal Employment Opportunity Plan*: a written document in which a District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
- F. *Equal Employment Opportunity Programs*: all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.

- G. Ethnic Minorities: American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.
- H. Ethnic Group Identification: means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. The Chancellor, consistent with state and federal law, shall more specifically define these groups.
- I. Goals for Person with Disabilities: a statement that the District will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the workforce and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.
- J. In-House or Promotional Only Hiring: means that only existing District employees are allowed to apply for a position.
- K. Monitored Group: means those groups identified in section 53004(b) for which monitoring and reporting are required pursuant to section 53004(a).
- L. 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.
- M. Projected Representation: the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.
- N. Reasonable Accommodation: the efforts made on the part of the District to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in section 53025.
- O. Screening or Selection Procedures: any measure, combination of measures, or procedures used as 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.

- P. Significantly Underrepresented Group: any monitored group for which the percentage of persons from that group employed by the District in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.
- Q. Target Date: a point in time by which the District plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.
- R. Timetable: a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

IV. DELEGATION OF RESPONSIBILITY & AUTHORITY TO ASSURE COMPLIANCE

An environment in which the principles of equal employment opportunity are upheld fosters cooperation, acceptance, democracy and free expression of ideas. Equal employment opportunity requires a commitment and a contribution from every employee 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 operations, and for ensuring equal employment opportunity as described in the Plan.

B. Vice President for Human Resources

The Governing Board delegates to the Vice President for Human Resources the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Vice President for Human Resources shall advise the Governing Board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on Plan implementation. The Vice President for Human Resources shall evaluate the performance of all administrative staff that report directly to Superintendent/President and the vice presidents on their ability to follow and implement the Plan.

The Vice President for Human Resources shall also serve as the 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 shall notify employees and applicants for employment of the new designee. The Equal Employment Opportunity Officer is responsible for

administering, implementing and monitoring the Plan and for assuring compliance with the requirements of title 5, sections 53000 et seq. The Equal Employment Opportunity Officer is also responsible for receiving complaints described herein and for ensuring that applicant pools and selection procedures are properly monitored.

C. Equal Employment Opportunity Advisory Committee

The District shall establish an Equal Employment Opportunity Advisory Committee to act as an advisory body to the Equal Employment Opportunity Officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Equal Employment Opportunity Advisory Committee shall assist in the 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.

D. Agents of the District

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

E. Good Faith Effort

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

V. ADVISORY COMMITTEE

The District shall establish an Equal Employment Opportunity Advisory Committee to assist the District in implementing its Plan. The committee may also assist in promoting and understanding and support of equal employment 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 shall train the advisory committee on equal employment compliance and the Plan itself. The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District has been unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups. The Equal Employment Opportunity Advisory Committee will be composed as follows:

- Three members selected by the Academic Senate

- One classified member appointed by classified supervisors and managers
- Two classified members selected by CSEA President
- Three administrators appointed by Superintendent/President
- Two community members selected by Superintendent/President
- Two classified confidential member
- Two student members selected by ASO President
- Vice President for Human Resources serves as committee liaison to Human Resources.

The Equal Employment Opportunity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the Governing Board, the Superintendent/President, and the Equal Employment Opportunity Officer.

VI. COMPLAINTS

A. *Complaints Alleging Violation of the Equal Employment Opportunity Regulations (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.

1. 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:
 - a) contain the name of the individual involved in the alleged violation, the date of the event at issue, and a detailed description of the action or actions constituting the alleged violation; and
 - b) be signed and dated by the complainant.
2. 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.
3. 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.

4. A complainant may not appeal the District's determination pursuant to section 53026 to the 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 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 District level using the process provided by section 53026.
5. The District may return any complaint that is inadequate because it does 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.
6. The complaint shall be filed with the Equal Employment Opportunity Officer. If the complaint contains allegations against the Equal Employment Opportunity Officer, the complaint may be filed with the Superintendent/President. 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 Chancellor's Office upon receipt.
7. In the event that a complaint filed under section 53026 alleges unlawful discrimination, it will be processed according to the requirements of section 59300 et seq.

B. Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.).

The District has adopted procedures for filing and investigating complaints alleging unlawful discrimination or harassment (District Procedure No. 3435). The Vice President for Human Resources is responsible for receiving such complaints and for coordinating their investigation. Complaints may be investigated by a designee of the Vice President for Human Resources.

VII. NOTIFICATION TO DISTRICT EMPLOYEES

The commitment of the Southwestern Community College District 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 Southwestern Community College catalogs and class schedules.

- A. The Plan and subsequent revisions will be distributed to the District's Governing Board, the Superintendent/President, administrators, the Academic Senate President, faculty and classified union presidents and members of the Diversity Advisory Committee.
- B. The Plan will be available on the District's website, and when appropriate, may be distributed by email.
- C. The District Human Resources office will provide all employees with a copy of the Board's Equal Employment Opportunity Policy Statement and written notice including the importance of all employees' participation and responsibility in ensuring the EEO Plan's implementation; and the location where copies of the EEO Plan are available (i.e., Library, District website, Office of the Superintendent/President, Office of Human Resources, and each department office).
- D. The Human Resources office will provide all new employees with a copy of the Board's Equal Employment Opportunity Policy Statement and written notice described above when they commence their employment with the District.

VIII. TRAINING FOR SELECTION COMMITTEES

Any organization or individual who is involved in the recruitment and selection of personnel, whether or not an employee of the District, shall receive appropriate training on the requirements of the title 5 regulations on equal employment opportunity (section 53000 et seq); the requirements for the federal and state nondiscrimination laws; the requirements of the District's Equal Employment Opportunity Plan; the District's policies on nondiscrimination, recruitment and hiring; cultural diversity awareness/sensitivity; the value of a diverse workforce; and recognizing bias. The Human Resources Office is responsible for training the Selection Committee. Training will take place at the Selection Committee's initial meeting. Each committee member will be required to participate in a recruitment training session conducted by the Human Resources Office each time he or she is appointed to a Selection Committee.

IX. ANNUAL WRITTEN NOTICE TO COMMUNITY ORGANIZATIONS

The Equal Employment Opportunity Officer will provide annual written notice of the Plan to appropriate community-based and professional organizations. 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.

X. ANALYSIS OF DISTRICT WORKFORCE AND APPLICANT POOL

The Office of Human Resources will annually survey the District's workforce composition and shall monitor applicants for employment on an ongoing basis to:

1. Evaluate the District's progress in implementing the Plan;
2. Provide data needed for the reports required by this Plan; and
3. Determine whether any monitored group is underrepresented.

For purposes of the survey and report, each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the Selection Committee and hiring administrator. The District will report to the Chancellor the results of its annual survey of employees. At least every three years the EEO 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:

1. Executive/Administrative/Managerial
2. Faculty and other instructional staff in the following categories:
 - Adult Education
 - Career Education
 - English
 - Health & Physical Education
 - Humanities
 - Instructional & Support Services
 - Mathematics
 - Natural Sciences
 - Social Sciences
 - Part-Time
3. Professional Non-faculty
4. Secretarial/Clerical
5. Technical & Paraprofessional
6. Skilled Crafts
7. Service & Maintenance

An initial analysis of the District's workforce demographic for Fall 2006 by these job categories is attached hereto.