

**ADMINISTRATIVE PROCEDURE 3420****EQUAL EMPLOYMENT OPPORTUNITY**

The Equal Employment Opportunity (EEO) Plan is a district-wide written plan that implements the District's EEO Program, includes the definitions contained in Title 5 Section 53001, and complies with all legal requirements as listed in Title 5. The District's EEO Plan will be developed from the Model EEO Plan as provided by the California Community Colleges Chancellor's Office, given local modifications based on legal recommendations from the District legal counsel. The District will comply with implementation timelines of the California Community Colleges Chancellor's Office for the EEO Plan. Prior to implementation, the Board of Trustees will adopt the EEO Plan.

The EEO Plan and subsequent revisions shall be submitted to the California Community Colleges Chancellor's Office for review and approval as required. The Vice Chancellor of Human Resources (Chief Human Resources Officer) shall have the responsibility and authority for implementing the EEO Plan and assuring compliance with the requirements of this procedure.

The EEO Plan will include, but is not limited to, the following:

- The Vice Chancellor of Human Resources (Chief Human Resources Officer) shall ensure that all District employees are notified of the provisions of the EEO Plan.
- District Employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of the applicable Title 5 regulations and of state and federal nondiscrimination laws. The training shall be conducted by a qualified member of the District Human Resources staff.
- Any discrimination that is detected in the District's hiring practices should be brought to the attention of the Vice Chancellor of Human Resources (Chief Human Resources Officer).
- Complaints shall be filed with the District Office of Human Resources in accordance with the procedure as specified in the EEO Plan.
- The EEO Plan shall be a public record.
- The District shall make a continuous good faith effort to comply with the requirements of the EEO Plan.
- The District has a Faculty Diversity Internship Program.

The current Peralta Community College District EEO Plan was adopted for 2019-2022 and can be found at the following website <https://web.peralta.edu/hr/files/2021/05/2019-2022-EEO-PLAN-05-23-19.pdf>

Also see the following:

BP 3410 Nondiscrimination

AP 3410 Nondiscrimination

AP 3430 Prohibition of Unlawful Harassment

BP 7100 Commitment to Diversity

**Annual Evaluation (per Title 5 sections 53004 and 53006) [new section]**

- The District shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses.
- An annual report to the California Community Colleges Chancellor's Office of this demographic data. The report shall identify each employee as belonging to one of the following seven job categories:
  - o executive/administrative/managerial
  - o faculty and other instructional staff
  - o professional non-faculty
  - o secretarial/clerical
  - o technical and paraprofessional
  - o skilled crafts; and
  - o service and maintenance.

- The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability. This opportunity must allow for a person to designate multiple ethnic groups with which he/she/they identifies. However, the person may only be counted in one group for reporting purposes.
- Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to:
  - longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool; and analysis of data regarding potential job applicants, to the extent provided by the Chancellor of the California Community Colleges, which may indicate significant underrepresentation of a monitored group.

**EEO Advisory Committee [per Title 5 section 53005] (new section)**

- The District shall establish an EEO Advisory Committee; and
- The advisory committee shall include a diverse membership whenever possible.
- The advisory committee shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the District's EEO Plan.

**Per CCLC all of the following information is required and is currently not in this Peralta Administrative Procedure**

**Employment Procedures**

**Job Analysis and Validation:** The Vice Chancellor of Human Resources shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities and characteristics an employee must possess to perform the job satisfactorily.

A statement of bona fide essential functions and minimum qualifications shall be developed for all positions.

**Job Description:** Every job description shall provide a general statement of job duties and responsibilities.

Job specifications shall include functions and tasks; knowledge; skills; ability; and job- related personal characteristics, including but not limited to sensitivity to and understanding of the diverse academic, socioeconomic, cultural, linguistic, disability, and ethnic backgrounds of community college students.

**Recruitment:** Recruitment must be conducted actively within and outside of the District work force.

Open recruitment is mandated for all new full-time and part-time positions, except under limited circumstances involving interim hires.

Recruitment must utilize outreach strategies designed to ensure that all qualified individuals are provided the opportunity to seek employment with the District.

Recruitment for administrative and faculty positions (full and part-time) may include advertisement in appropriate professional journals, job registries and newspapers of general circulation; distribution of job announcements to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where appropriate candidates might be enrolled; recruitment at conferences, fairs, and professional meetings; notices to institutions and professional organizations.

Recruitment for classified positions shall include notice to all District personnel; notice to Employment Development Department; and advertising in area newspapers of general circulation.

**Applicant Pools:** The application for employment shall afford each applicant an opportunity to identify himself/herself/themselves voluntarily as to gender, ethnicity and, if applicable, his/her/their disability. This

information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the Plan, or as authorized by law.

After the application deadline has passed, the initial applicant pool shall be recorded and reviewed by the Chief Human Resources Officer or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the “qualified applicant pool.”

Once the qualified applicant pool is formed, the pool must again be analyzed. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job related, the District may immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required by law.

**Screening and Selection:** Screening, selecting and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity.

- Hiring procedures will be provided to the California Community Colleges Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the District community and campus; include administrators, faculty, and classified staff members; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor conformance with EEO requirements. The Vice Chancellor of Human Resources assures that the screening and selection process conforms to accepted principles and practices, including preparation of job related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

If the District determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the District shall take the following additional steps:

- review its recruitment procedures;
- consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law;
- consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account and implement any such techniques that are feasible;
- If significant underrepresentation persists:
  - review each locally-established job qualification to determine if it is job related and consistent with business necessity;
  - discontinue the use of any non-job-related local qualification; and
  - continue using job-related local qualifications only if no alternative standard is reasonably available; and
  - consider the implementation of additional measures designed to promote diversity.

**Delegation of Authority** (in keeping with Title 5 Section 53020)

- The designation of a single person as the “EEO Officer” charged with overseeing the day-to-day implementation of the EEO Plan and programs.
- Processes and responsibilities when the EEO Officer is named in a complaint or implicated by the allegations in a complaint.

## **Complaint Procedure**

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

## **Job Announcements**

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District's workforce, including ethnic and racial minorities, women, and persons with disabilities. No person shall be denied employment because of ethnicity or race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, color, sex, gender, gender identity, gender expression, age, marital status, sexual orientation, veteran or military status, or political or organizational affiliation.

## **Dissemination and Revision of the Plan**

All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

Statements of nondiscrimination shall be posted at locations where applications for employment are distributed.

Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revision or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies do not comply with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

## **Accountability and Corrective Action**

The District shall certify annually to the Chancellor of the California Community Colleges that they have timely:

- Recorded, reviewed and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the district's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division.

## **References:**

Education Code Sections 87100 et seq.;  
Title 5 Sections 53000 et seq. and 59300 et seq.;  
ACCJC Accreditation Standard III.A.12  
Government Code Sections 7400 et seq. and 12950 et seq.

## **Nondiscrimination References for Employment:**

Education Code Sections 67100 et seq.;  
Title 5 Sections 53000 et seq.;  
Government Code Sections 11135 et seq. and 12940 et seq.;  
Title 2 Sections 10500 et seq.;  
Labor Code Section 1197.5

Approved by the Chancellor: October 21, 2015  
Revised and approved by the Chancellor: March 28, 2018  
Revised and approved by the Chancellor: May 14, 2021  
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