



SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • COLLEGE OF CONTINUING EDUCATION

Administrative Procedure

Chapter 3 - General Institution

AP 3420 EQUAL EMPLOYMENT OPPORTUNITY

The San Diego Community College District's Equal Employment Opportunity (EEO) Plan is a districtwide, 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 is developed from the Model EEO Plan guidance provided by the California Community Colleges Chancellor's Office with local processes and priorities incorporated. The EEO Plan addresses at least the following:

- Submission of the Plan and revisions to the California Community Colleges Chancellor's Office for review as required;
- Delegation of responsibility and authority to the Executive Human Resources Officer or other appropriate official for implementing the plan and assuring compliance with the requirements of this procedure;
- Procedures for filing discrimination complaints identifying the official with whom such complaints are to be filed;
- Processes for notifying all District employees of the provisions of the plan and the policy statement required;
- Processes for ensuring District employees participating on screening or selection committees receive training on the requirements of the applicable Title 5 regulations, state and federal nondiscrimination laws, the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices in serving on a screening or selection committee prior to their participation;
- Processes for providing annual written notice to appropriate community-based and professional organizations concerning the District's plan and the need for assistance from such organizations in identifying qualified applicants for openings within the District;
- Processes for conducting periodic longitudinal analyses of the District's workforce and applicant pools for potential adverse impact for "monitored groups" as defined by Title 5 Section 53001 subdivision (i) in each of the job categories listed in Title 5 Section 53004 subdivision (a);
- To the extent data regarding potential job applicants is provided by the California Community Colleges Chancellor, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category whom the California Community Colleges Chancellor's Office determines to be available and qualified and whether the underrepresentation is significant;
- Steps the District will take to promote workforce diversity; and
- Methods for addressing any potential adverse impact detected in the District's employment practices.

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

Annual Evaluation

- The District provides each applicant and employee an opportunity to voluntarily self-identify their sex, race, ethnicity, and disability status in order to evaluate its progress in achieving Plan objectives and conducting required data analyses.
- The District shall complete an annual report to the California Community Colleges Chancellor's Office containing its analyses of the voluntary self-identification data collected. The report shall identify each employee as belonging to the job categories identified in Title 5 Section 53004(a).
- The District shall review employee and applicant demographic data at least once each academic year to determine if significant underrepresentation of any monitored group exists as defined in Title 5 Section 53001. Where significant underrepresentation is identified, the District shall review its employment processes to determine whether the underrepresentation may be the result of non-job-related factors. For the purposes of this subdivision, the phases of the employment process include, but are not limited to, recruitment, hiring, retention, and promotion. The District shall review at least the following data:
 - longitudinal analyses of job applicants' progression through the hiring process to identify whether any monitored group is disproportionately failing to advance from the initial applicant pool to the qualified applicant pool; and
 - analyses 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.

Equal Employment Opportunity Plan Advisory Committee

The Equal Employment Opportunity Plan Advisory Committee and the Campus Diversity Advisory Council (CDAC) will facilitate different aspects of the Plan. The details about their scope and function are stated in Plan Component 4.

Both committees shall be chaired by the EO-DO and include a diverse membership, representing administration, faculty, and classified professionals. A good faith effort to maintain a diverse membership is expected.

The Equal Employment Opportunity Plan Advisory Committee is composed of two representatives each from City College, Mesa College, Miramar College, and the College of Continuing Education who are appointed by the Presidents of the District institutions, as well as the EO-DO, and the Director of Employment. The CDAC is composed of the chairpersons of the diversity committees of each College, Continuing Education, and the EO-DO.

The Committee members shall receive training in all of the following:

- applicable Title 5 regulations;
- state and federal nondiscrimination laws;
- the educational benefits of workforce diversity;
- methods to identify and eliminate bias in hiring decisions; and
- the role of the Committee in carrying out the District's EEO Plan.

The responsibilities of the Committee shall include, but not be limited to, the following:

- review and advise on recruitment efforts, job announcement language, interview protocols, retention efforts, and other aspects of the hiring, retention, and promotion processes impacting the District's ability to attract and retain diverse faculty and staff;
- advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, physical and mental abilities, and ethnic backgrounds of community college students;
- advise on communication with community groups and organizations serving individuals with disabilities;
- advise on strategies to communicate the EEO Plan among all District divisions and departments;
- advise the Superintendent/President on EEO-related training or staff development needs;
- review the EEO Plan periodically, monitor the District's progress in implementing the EEO Plan, and develop recommendations for improvement; and
- review and approve the annual written report to the Superintendent/President, the Board of Trustees, and the California Community Colleges Chancellor's Office.

Employment Procedures

Job Analysis and Validation: The Executive Human Resources Officer shall assure position descriptions are current and valid for each job advertised by the District for recruitment to ensure the knowledge, skills, abilities, and characteristics required are bona fide essential functions consistent with business necessity.

Job Description: Every job description shall provide a general statement of routine job duties and responsibilities. Job specifications shall include functions and tasks, knowledge, skills, abilities, and job-related characteristics necessary to successfully perform in the position, including sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, linguistic, mental and physical abilities, and ethnic backgrounds of community college students.

Job Announcement: 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, sex, gender, gender identity, gender expression, age, marital status, sexual orientation, veteran or military status, or political or organizational affiliation.

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, acting, and short-term positions.

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/themself 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 Executive 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 Executive 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.

Delegation of Authority

All District employees are required to promote and support equal employment opportunity. The general responsibilities for the prompt and effective implementation of the District’s EEO Plan are set forth below.

- **Board of Trustees:** The Board of Trustees is ultimately responsible for proper implementation of the District’s EEO Plan at all levels of District operation and for ensuring equal employment opportunity as described in the Plan.
- **Chancellor:** The Board of Trustees delegates the responsibility for ongoing implementation of the Plan and leadership in support of the District’s EEO policies and procedures to the Chancellor. The Chancellor shall advise the Board of Trustees concerning statewide policy issued by the Board of Governors of the California Community Colleges and direct the publication of an annual report on EEO Plan implementation. The Chancellor shall assume responsibility for receiving complaints described in the Plan if the Executive Human Resources Officer is named in the complaint. The President of the Board of Trustees shall be responsible for receiving complaints when the Chancellor is named.

- Equal Opportunity and Diversity Officer (EO-DO): The District has designated the EO-DO to be responsible for the day-to-day implementation of the Plan. The EO-DO manages the District's Equal Opportunity Program (which includes the Site Compliance Officer Committee) and the Diversity Program. If the designation of the EO-DO changes before this Plan is next revised, the District will notify employees and applicants for employment of the new designee. The EO-DO is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of Title 5, Sections 53000 et seq., which include receiving complaints as described in Plan Component 5 and ensuring that applicant pools and selection procedures are properly monitored.
- Equal Employment Opportunity Plan Advisory Committee: The District has established a District Equal Employment Opportunity Plan Advisory Committee as a component of the District's Equal Opportunity Program. This committee acts as an advisory body to the EO-DO and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The committee also assists with the review, update, and implementation of the Plan in compliance with state and federal EEO regulations and guidelines. Additionally, the committee will monitor equal employment opportunity progress and provide suggestions for Plan revisions as appropriate.
- Campus Diversity Advisory Council (CDAC): The SDCCD has established a Campus Diversity Advisory Council (CDAC) as a component of the District's Diversity Program. The purpose of the CDAC is to develop ways for the colleges to advance diversity and cultural competency via campus events and training/workshops, as well as to track the colleges' activity and development in the areas of diversity and cultural competency. Each college is responsible for advancing their campus' diversity and cultural competency. In addition, each college has its own diversity committee that is chaired by its president (or his/her/their designee).
- Equal Opportunity Site Compliance Officer (SCO) Committee: The District has established and maintains an Equal Opportunity Site Compliance Officer (SCO) Committee as a component of the District's Equal Opportunity Program. Each college, Continuing Education, and the District Office shall have an SCO. Pursuant to District Administrative Procedure 3435, the SCOs primarily perform conflict resolution and manage informal EEO complaints and investigations as well as review interview questions and criteria in the hiring process for non-discriminatory language. In addition, the SCOs are responsible for training all individuals acting on behalf of the District with regard to recruitment and screening of employees. The EODO shall chair this committee and facilitate training and development of the SCOs primarily on EEO laws and policies, conducting effective conflict resolution, and investigations.
- Agents of the District: Any authorized organization or individual, whether or not an employee of the District, who acts on behalf of SDCCD with regard to the recruitment and screening of personnel, is an agent of the District and is subject to all of the requirements in this Plan.
- Good Faith Effort: The District shall make a continuous good faith effort to comply with all the requirements of its Plan.

Dissemination and Revision of the Plan

All managers and supervisors shall be given copies of the District's EEO Plan as revised every three years and any guidelines for implementing the Plan. Copies of the Plan shall be provided to the Academic Senates and the exclusive representatives of any units of employees.

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

The District's EEO Plan 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 the District's policies are not in compliance with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

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 Executive Human Resources Officer or designee. The District shall 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.

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.;
Government Code Sections 7400 et seq. and 12940 et seq.;
Title 5 Sections 53000 et seq. and 59300 et seq.;
ACCJC Accreditation Standard III.A.12

Date Approved: October 20, 2023

Revised:

(This is a new procedure.)