

Citrus College Equal Employment Opportunity Plan



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Introduction

The District's commitment to equal employment and diversity is reflected in its mission and vision statements, as well as Board Policy 7100-Equal Employment Opportunity.

This Equal Employment Opportunity Plan brings together relevant board policies and administrative procedures to provide the college community with a clear description of the District's process designed to provide for equal employment and diversity among our faculty, staff, management and supervisor/confidential positions.

Board Policy 7100, along with Administrative Procedure 7101-Discrimination Complaint Procedure: Students, Employees, and Job Applicants, set forth the District's activities designed to ensure equal employment opportunity and to foster a diverse work force. The District's commitment to equal employment and diversity is primarily set forth in board policies and administrative procedures (7100 and 7101) in order to support the ongoing shared governance participation and commitment to equal opportunity and diversity. Administrative Procedure 7101 provides students, employees and job applicants with a process for filing a complaint concerning allegations of discrimination (attached as Appendix A).

Every three years, the Board of Trustees will review and approve the Equal Employment Opportunity Plan.

Mission Statement

Citrus College provides innovative educational opportunities and student support services that lead to the successful completion of degrees, transfer, career/technical education and basic skills proficiency. The college fosters personal and professional success through the development of critical thinking, effective communication, creativity, and cultural awareness in a safe, accessible and affordable learning community. In meeting the needs of our demographically diverse student population, we embrace equity and accountability through measurable learning outcomes, ethical data-driven decisions and student achievement.

Vision Statement

Citrus College will provide excellent educational opportunities that are responsive to the needs of the community and help students meet economic, social, and environmental challenges to become active participants in shaping the world of the future.

Board Policy 7100

The District is committed to employment of qualified administrators, faculty, and staff members who are dedicated to student success. The Board of Trustees recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board of Trustees is committed to hiring and staff development processes that support the goals of equal employment opportunity and diversity, and provide equal consideration for all qualified applicants.

Non-Discrimination in Employment

The District's commitment to non-discrimination in its employment activities is set forth in Board Policy and Administrative Procedure 7101.

Board Policy 7101 provides:

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, use of family and medical care leave, genetic information, military or veteran status, gender identity, gender expression, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Superintendent/President shall establish administrative procedures that ensure all members of the college community 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.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, use of family and medical care leave, genetic information, military or veteran status, gender identity, gender

expression, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

General Provisions

The Office of Human Resources shall be responsible for overseeing the District's Equal Employment Opportunity Plan. The Manager of Human Resources/Staff Diversity shall oversee the day-to-day implementation of the District's Equal Employment Opportunity Plan. The District's policy and administrative regulation concerning equal employment opportunity and the discrimination complaint procedure shall be disseminated to all employees.

The Manager of Human Resources/Staff Diversity, in implementing this regulation shall:

- oversee the District's Equal Employment Opportunity Plan and work with appropriate staff in ensuring that the District's program receives the broadest possible commitment from the administration, faculty, staff, and students;
- work closely with district personnel and appropriate committees to ensure achievement of equal employment opportunity requirements;
- prepare and publish a workforce analysis to ensure the District meets its equal employment opportunity requirements;
- review job templates, job postings, job descriptions, job specifications, and other job related statements in cooperation with appropriate staff to ensure compliance with equal employment opportunity requirements;
- review selection, retention, tenure, and promotion criteria to ensure that neither qualified nor qualifiable candidates are excluded from consideration;
- help increase the applicant pool by assisting with recruitment and devising ways and means of helping the District to increase the number of qualified members of historically underrepresented groups;
- assist in developing in-service and Equal Employment Opportunity Plans for administration, faculty, staff, and students;
- receive and seek resolution of unlawful discrimination complaints;
- publicize complaint procedures, receive, investigate, and seek resolution of affirmative action and unlawful discrimination complaints, working with appropriate staff; and,
- provide an annual written notice to appropriate community-based and professional organizations concerning the District's Annual Report and the need for assistance from such organizations in identifying qualified applicants.

Definitions

1. **Adverse Impact:** "Adverse Impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionately negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison
2. **Business Necessity:** "Business Necessity" means circumstances which justify an exception to the requirements of Title 5, 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, which will serve business needs equally well.
3. **Equal Employment Opportunity:** "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 Title 5, Section 53004(a). Ensuring equal employment opportunity also involves 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 by this subchapter.
4. **Equal Employment Opportunity Plan:** An "Equal Employment Opportunity Plan" is a written document in which a District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
5. **Equal Employment Opportunity Plans:** "Equal Employment Opportunity Plans" means the various methods by which equal employment opportunity are 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.
6. **Ethnic Minorities:** "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.
7. **Goals For Persons With Disabilities:** "Goals for persons with disabilities" means 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.

8. **In-House or Promotional Only Hiring:** "In-house or promotional only hiring" means that only existing District employees are allowed to apply for a position.
9. **Monitored Group:** "Monitored group" means those groups identified in Title 5, Section 53004(b) for which monitoring and reporting are required pursuant to Title 5, Section 53004(a).
10. **Person With A Disability:** "Person with a disability" means 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.
11. **Projected Representation:** "Projected representation" means the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.
12. **Reasonable Accommodation:** "Reasonable accommodation" means 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 Title 5, Section 53025.
13. **Screening or Selection Procedure:** "Screening or selection procedure" means any measure, combination of measures, or procedure 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.
14. **Significantly Underrepresented Group:** "Significantly underrepresented group" means 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.

Human Resources Advisory/Staff Diversity Committee

The Human Resources Advisory/Staff Diversity Committee ("Advisory Committee") shall serve as the equal employment opportunity advisory committee to assist and advise the District in implementing the District's Equal Employment Opportunity Plan.

The Advisory Committee shall consist of the following composition, and shall include a diverse membership whenever possible: District Administrators – 3, Full-Time Faculty – 2, Part-Time Faculty – 1, Supervisor/Confidential – 2, Classified Staff – 2, and Students – 2.

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

- review and advise on recruitment efforts, interview protocols, retention efforts and other aspects that impact the District's ability to attract and retain a diverse faculty and staff;
- advise on implementation of the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of community college students;
- develop communications among departments to foster understanding of the District's Equal Employment Opportunity Plan;
- advise on special training or staff development needs;
- review the Equal Employment Opportunity Plan and monitor its progress;
- recommend any changes needed in the Equal Employment Opportunity Plan; and,
- review and approve the annual written report submitted to the Superintendent/President, Board of Trustees, and the California Community Colleges Chancellor's Office.

Recruitment and Selection Procedures

The following shall apply to all hiring procedures.

1. **Job Analysis:** The Manager of Human Resources/Staff Diversity shall assure that a proper job analysis is performed for every academic position 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 essential functions and minimum qualifications shall be developed for all positions. For classified positions, it shall be the responsibility of the Director of Human Resources to assure that a proper job analysis is performed and a statement of essential functions and minimum qualifications are completed for each classified position.

1. **Recruitment:** All job templates and job postings shall contain a statement in substantially the following form: "The District is an equal opportunity employer." It is the policy of the District not to discriminate against and to encourage a diversity of applicants based on national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, use of family and medical care leave, genetic information, military or veteran status, gender identity, gender expression, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.
2. The District will conduct an open recruitment for all new full-time and part-time positions. Interim hires may be utilized provided the interim hire appointment shall not exceed one year.

Recruitment for administrative and faculty positions (full- and part-time) shall include, as appropriate: advertisement in professional journals, job registries, websites, and newspapers of general circulation; distribution of job postings to the EEO Registry, K-12 districts, two and four year colleges, and graduate schools where candidates might be enrolled; recruitment at conferences, fairs and professional meetings; and, notices to institutions and professional organizations that primarily serve members of the monitored groups that are underrepresented in the District. For classified positions, the Office of Human Resources shall be encouraged to advertise for classified positions as broadly as appropriate and should include sending job postings to the Employment Development Department.

All employment applications shall afford each applicant an opportunity to identify himself or herself voluntarily as to gender, ethnicity and, if applicable, his or her disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the Equal Employment Opportunity Plan, or as authorized by law. The identification information of an individual applicant shall not be shared with members of a screening/selection committee.

3. **Applicant Pool:** After the application deadline for a position has passed, the initial applicant pool shall be analyzed to determine whether the projected representation has been achieved for monitored groups. If these projections have not been met, the District shall immediately determine whether the failure to meet the projected representation of monitored groups in the initial pool was due to discriminatory practices. If not, the hiring process may continue to the next level. If, however, the District determines that discriminatory practices caused the underrepresentation, the District shall immediately, and before the selection process continues, consult with legal counsel to determine what, if any, corrective action is required and/or permitted by law.
4. **Screening and Selection:** The screening, selecting, and interviewing of candidates for all positions shall include thorough and fair procedures that are

sensitive to the issues of diversity. The process shall require that a reasonable number of candidates are identified for an interview and selection shall be based solely on the stated job criteria.

Screening and selection committees shall include a diverse membership when possible, and no one who has provided a candidate with a written letter of recommendation shall be permitted to serve on the screening and selection committee.

Annual Evaluation

The Manager of Human Resources/Staff Diversity/Title IX shall, in cooperation with the Human Resources Advisory/Staff Diversity Committee, conduct an annual survey of District employees and applicants in order to evaluate progress in implementing the District's Equal Employment Opportunity Plan and to provide data needed for the analyses required pursuant to Title 5, Sections 53003, 53006, 53023, and 53024. The results of the annual survey shall be forwarded to the California Community Colleges Chancellor's Office.

The annual report shall identify each employee as belonging to one of the following seven job categories:

1. executive/administrative/managerial;
2. faculty and other instructional staff;
3. professional non-faculty;
4. secretarial/clerical;
5. technical and paraprofessional;
6. skilled crafts; and,
7. service maintenance.

Each employee and applicant shall be afforded the opportunity to identify his/her gender, ethnicity, and, if applicable, disability. An employee and/or applicant may designate multiple ethnic groups with which he/she identifies. However, an employee or applicant may be counted only in one group for reporting purposes. For purposes of this report, Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian, Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well in separate subcategories. In determining whether additional steps are necessary to ensure that monitored groups have not been excluded on an impermissible basis, analysis of the separate subgroups is not necessary.

The District will review the annual survey to determine to what degree, if any, monitored groups are underrepresented in comparison to the number of persons from such groups whom the California Community Colleges Chancellor determines to be available and

qualified to perform the work required of each such job category, and whether or not the underrepresentation is significant.

If the District determines that a particular monitored group is significantly under represented with respect to one or more of the job categories as set forth above, the District shall take the following steps:

1. review the recruitment procedure and identify, and implement any additional measures, which might reasonably be expected to attract candidates from the significantly underrepresented group;
2. consult with legal counsel to determine whether there are other, additional measures that may be undertaken that are required and/or permitted by law;
3. 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; and,
4. if significant underrepresentation persists, monitor on an on-going basis, review each locally established job qualification (i.e. any requirements beyond the minimum qualifications established by the Chancellor's Office) 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.

Appendix A

CITRUS COMMUNITY COLLEGE DISTRICT HUMAN RESOURCES

AP 7101 Discrimination Complaint Procedure: Students, Employees, and Job Applicants

Reference: Title 5, California Code of Regulations, Sections 59320-59362

General Provisions

The District will provide all job applicants, employees, and students with an expeditious and effective procedure for resolution of complaints alleging unlawful discrimination and sexual harassment (hereinafter referred to as “Discrimination”) as defined under Board Policy 7101 and 7102. Investigations shall be conducted in a manner that seeks to balance issues of confidentiality and privacy with the need to conduct thorough, objective investigations of all complaints. Rights of Complainants to freedom from retribution shall be protected.

A student, job applicant, or employee who seeks to resolve an allegation of discrimination through this Administrative Procedure is referred to as a “Complainant”. While a Complainant is strongly encouraged to submit his/her complaint in writing, the District will investigate any allegation of unlawful discrimination that it becomes aware of unless the Complainant specifies in writing that he/she does not want the District to investigate his/her allegation(s). All complaints shall 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.

Informal Complaint Procedure

The District encourages the resolution of complaints through the informal process. The informal complaint procedure provides an opportunity to explore an allegation of discrimination and consider prompt alternative means for resolution before resorting to the formal complaint procedures. Participation in the informal complaint process is voluntary on the part of the Complainant.

1. **Filing Complaint:** An informal complaint alleging unlawful discrimination shall be filed in person with the Director of Human Resources, or designee, or the employee's immediate supervisor as soon as possible following the occurrence, which gave rise to the complaint.

2. **Formal Resolution of Complaint:** The complaint shall be reviewed by the Director of Human Resources, or designee, or the employee's immediate supervisor. If a prima facie case supporting the complaint is determined to exist, appropriate steps shall be taken to safeguard the right(s) of the Complainant to fair consideration until final determination of the complaint has been made. The Director of Human Resources, or designee, may discuss with the Complainant options to resolve the issue(s) set forth in the complaint.
3. **Direct Complaint to Compliance Agencies:** At any time, before or during the informal complaint procedure, a Complainant may directly file his/her complaint with the California Department of Fair Employment and Housing Commission (DFEHC), U. S. Equal Employment Opportunities Commission (EEOC), Office for Civil Rights of the U.S. Department of Education (OCR), or the Chancellor's Office of the California Community Colleges.
4. **Timelines for Informal Resolution of Complaints:** Within 30 days of the beginning of the Informal Complaint Procedure, the Complainant will be notified as to the determination whether the complaint sets forth a prima facie case of discrimination and, if any, the recommended remedy. However, efforts to informally resolve the complaint may continue during the time period set forth below for the processing of a formal complaint.
5. **Reports of Informal Complaints:** In the event that the informal complaint process is conducted by a District administrator, manager, or supervisor other than the Director of Human Resources, or designee, any such person shall notify the Director of Human Resources, or designee, of all informal complaints and their resolution.

Formal Complaint Procedure

When a complaint cannot be resolved through the informal procedure, the Complainant may submit a formal complaint.

Filing Complaint

In the event that the Complainant exercised his/her rights under the Informal Complaint Procedure, a formal complaint alleging unlawful discrimination shall be filed in writing with the Director of Human Resources, or designee, or the Chancellor of the California Community Colleges on the District approved complaint form within 10 days following the determination of an informal complaint. In the event that the allegation(s) of unlawful discrimination was not addressed pursuant to the Informal Complaint Procedure, a 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.

Investigation of Complaint

The complaint shall be investigated by the Director of Human Resources, or designee. Upon filing of the complaint, the Director of Human Resources, or designee, shall take the steps necessary to safeguard the right(s) of the Complainant to fair consideration until final determination of the complaint has been reached. The District reserves the right to utilize an investigator hired by the District. The investigator shall conduct an impartial fact-finding investigation and may question witnesses and collect information.

The results of the investigation shall be set forth in a written report, which shall include at least all of the following:

1. A description of the circumstances giving rise to the complaint;
2. A summary of the testimony provided by each witness, including the Complainant and any witnesses identified by the Complainant in the complaint;
3. An analysis of any relevant data or other evidence collected during the course of the investigation;
4. A specific finding as to whether discrimination did or did not occur with respect to each allegation in the complaint; and
5. Any other information deemed appropriate by the District.

Timeline for Concluding Formal Complaints

Within 90 days of receiving a formal complaint, the District shall complete its investigation and forward all of the following to the Complainant:

1. A written Administrative Determination summarizing the investigation and setting forth:
 - a) The determination as to whether discrimination 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;
 - c) The proposed resolution of the complaint; and,
 - d) The Complainant's right to appeal to the District Board of Trustees and the Chancellor.

Direct Complaint to Compliance Agencies

The filing of a formal unlawful discrimination complaint with the District shall in no way prevent the Complainant from filing a complaint with the California Department of Fair Employment and Housing Commission (DFEHC), U. S. Equal Employment Opportunities Commission (EEOC), Office for Civil Rights of the U.S. Department of Education (OCR), or the Chancellor's Office of the California Community Colleges

Appeal of Decision

If the Complainant is not satisfied with the results of the Administrative Determination, the Complainant may, within 15 days, submit a written appeal to the Board of Trustees. The Board of Trustees shall review the original complaint, the investigative report, the Administrative Determination and the appeal, and issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the final District decision rendered by the Board of Trustees shall be forwarded to the Complainant and to the Chancellor of the California Community Colleges. The Complainant shall also be notified of his or her right to appeal this decision. If the Board of Trustees does not act within 45 days, the Administrative Determination shall be deemed approved and shall become the final District decision in the matter.

In any case not involving employment discrimination, the Complainant shall have the right to file a written appeal with the Chancellor of the California Community Colleges within 30 days after the Board of Trustees issues the final District decision or permits the Administrative Determination to become final.

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), or the Equal Employment Opportunity Commission (EEOC).

Information to be Sent to the Chancellor's Office

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

1. The original complaint;
2. The report required describing the nature and extent of the investigation conducted by the District;
3. A copy of the notice sent to the Complainant;
4. A copy of the final District decision rendered by the Board of Trustees or a statement indicating the date on which the Administrative Determination became final;

5. A copy of the required notice to the Complainant; and
6. Such other information as the Chancellor may require.

Requests for Extension of Time to Complete Investigation

If the District, for reasons beyond its control, is unable to comply with the 150-day deadline for submission of material to the Chancellor of the California Community Colleges, the District may file a written request that the Chancellor grant an extension of the deadline. The request shall be submitted not later than 10 days prior to the expiration of the deadline and shall set 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 shall 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 District fails to comply by the required deadline, including any extension granted pursuant to this section, the Chancellor may proceed to review the case based on the original complaint and any other relevant information then available.

Title IX Complaints

The procedures for Title IX, complaints shall be the same as for unlawful discrimination complaints except that job applicants, employees, and students may file informal complaints with the designated Title IX Facilitator.

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