



PASADENA AREA COMMUNITY COLLEGE DISTRICT

EQUAL EMPLOYMENT OPPORTUNITY PLAN

July 1, 2017 to June 30, 2020
Adopted June 2, 2017

Pasadena Area Community College District is committed to equal employment opportunity and dedicated to creating a work and academic environment that welcomes all, fosters diversity and promotes excellence.



Pasadena Area Community College District 1570 E. Colorado Blvd., Pasadena, CA 91106 • (626) 585-7388

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Pasadena Area Community College District ("District") is a community of people from diverse racial, ethnic, linguistic and socio-economic backgrounds, representing a wide range of national origins, religions, political beliefs, physical and mental abilities, ages, sexual orientations and gender expressions. We recognize the nexus between workforce diversification and the District's educational goals and mission. Our activities, programs, classes, workshops, lectures, and the everyday interactions of the District are enriched by our inclusion and mutual respect of one another as we strive to work together and learn from each other in an environment of positive engagement.

The District's Equal Employment Opportunity Plan ("Plan") was adopted by the Board of Trustees on March 5, 2014. 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 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 focus is equal employment opportunity in its recruiting 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 significant underrepresentation of any monitored groups.

The Plan contains:

- An analysis of the demographic makeup of the District's workforce population;
- 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;
- Guidelines for the establishment of an Equal Employment Opportunity Advisory Committee;
- Methods to support equal employment opportunity and an environment that is welcoming to all; and
- Procedures for dissemination of the Plan.

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.

Superintendent/President

Rajen Vurdien, Ph.D.

Dated: June 7, 2017

COMPONENT 2

DEFINITIONS

- (a) 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 that 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 equal employment opportunity for all persons. It requires both the presence of and the respectful treatment of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socioeconomic backgrounds.
- (c) EQUAL EMPLOYMENT OPPORTUNITY means that all qualified individuals have a full and fair opportunity to compete for job vacancies and promotions, and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all employee job categories, which include classified clerical, classified manager, classified service maintenance, classified skills crafts, classified technical, educational administrator, fulltime faculty, and adjunct faculty. Equal employment opportunity also involves (1) identifying and eliminating barriers to employment that are not job-related; and (2) 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 pursuant to Government Code Section 12940.
- (d) EQUAL EMPLOYMENT OPPORTUNITY RECRUITMENT AND HIRING PLAN is 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 are various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, the use of nondiscriminatory employment practices; and 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 Chancellor's Office pursuant to Title 5, Section 53004(b). The Chancellor, consistent with state and federal law, and the Equal Employment Opportunity Commission, shall more specifically define these groups.

- (g) ETHNIC/RACIAL GROUPS referenced in this report are those defined by the Equal Employment Opportunity Commission. Group identity is obtained through voluntary self-identification by employees and applicants for employment.

AFRICAN-AMERICAN: A person having origins in any of the original peoples of the Black racial groups of Africa.

ALASKAN/AMERICAN INDIAN: A person having origins in any of the original peoples of North, Central and South America, and who maintain tribal affiliation or community attachment.

ASIAN: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

HISPANIC: A person having origins in any of the original peoples of Cuba, Mexico, Puerto Rico, South or Central America, or other Spanish-speaking cultures or origins, regardless of race.

PACIFIC ISLANDER: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

WHITE: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

BIRACIAL OR MULTIRACIAL: A person who identifies with two or more racial groups.

- (h) IN-HOUSE TRANSFERS OR PROMOTION-ONLY HIRING means that only existing District employees are permitted to apply for such positions according to the relevant bargaining unit contract.
- (i) JOB CATEGORY used for the purpose of this Plan and reported to the Chancellor pursuant to Title 5, Section 53004(a) are (1) classified clerical, (2) classified manager, (3) classified service maintenance, (4) classified skills crafts, (5) classified technical, (6) educational administrator, (7) fulltime faculty, and (8) adjunct faculty.
- (j) MONITORED GROUPS is a group identified in Section 53004(b) for which monitoring and reporting is required pursuant to Section 53004(a). For the purpose of this plan, monitored groups are: men, women, Alaskan/American Indians, Asians, Pacific Islanders, African-Americans, Hispanics, White, and persons with disabilities.
- (k) PERSON WITH A DISABILITY is one who (1) has a physical or mental impairment, as defined in Government Code Section 12926, which limits one or more of the 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.

- (l) REASONABLE ACCOMMODATION is an effort made by the District to assist an employee with a permanent or temporary medical condition to perform the essential functions of his/her job in compliance with Government Code Section 12926, the Fair Employment and Housing Act (Government Code § 12940) and the Americans with Disabilities Act of 1990 (Pub. L. No. 101-336, 104 Stat. 328).
- (m) SCREENING OR SELECTION PROCEDURES are any measures, 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 paper and pencil tests, performance tests, physicals, education and work experience requirements, interviews, and application review.
- (n) SIGNIFICANTLY UNDERREPRESENTED GROUP is 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.

COMPONENT 3 POLICY STATEMENT

The District is committed to the principles of equal employment opportunity and will maintain a comprehensive program that implements those principles. The District's policy is to ensure that all applicants for employment and employees have full and equal access to employment opportunities; and are not subjected to discrimination in any program or activity of the District on the basis of ethnic group identity, race, color, national origin, religion, age, sex, physical disability, mental disability, ancestry, sexual orientation, language, accent, citizenship status, transgender status, parental status, marital status, economic status, 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 will strive to achieve a workforce that is welcoming to men, women, persons with disabilities, persons of various sexual orientations and individuals from all ethnic groups, and ensure that the District provides an inclusive educational and employment environment for all. Such an environment fosters cooperation, acceptance, democracy, and free expression of ideas. The District's Plan will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

The District shall make a continuous good faith effort to comply with all the requirements of the Plan, and commit to ongoing strategies for increasing the diversity of the District workforce.

COMPONENT 4 DELEGATION OF RESPONSIBILITY, AUTHORITY, AND COMPLIANCE

It is the goal of the District for all employees to promote and support equal employment opportunity, which requires a commitment and contribution from every segment of the District.

The general responsibilities for the prompt and effective implementation of this Plan are set forth in the following sections.

BOARD OF TRUSTEES

The Board of Trustees ("Board") is ultimately responsible for proper implementation of the Plan at all levels of the District and throughout college operation, and for ensuring equal employment opportunity as described in this Plan. The Board shall adopt a policy statement setting forth the District's commitment to an equal employment opportunity program.

SUPERINTENDENT-PRESIDENT

The Board delegates to the Superintendent/President ("President") the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The President shall advise the Board concerning statewide policy emanating from the Board of Governors of the California Community Colleges, and direct the publication of annual reports on Plan implementation. The President shall evaluate the performance of all administrative staff that report directly to him or her on their ability to follow and implement the Plan.

VICE PRESIDENT OF HUMAN RESOURCES

The District has designated the Vice President of Human Resources ("VPHR") as the Equal Employment Opportunity Officer and the party primarily responsible for the day-to-day implementation of the Plan. If the designation of the VPHR as 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 VPHR is responsible for administering, implementing, and monitoring the Plan and for assuring compliance with the requirements of Title 5, Sections 53000 *et seq.* The VPHR or his/her designee is also responsible for receiving complaints described in Component 6 ("Complaints") of this Plan, and for ensuring that applicant pools and selection procedures are properly monitored, per Component 8 (Training for Screening Selections) and Component 12 (Methods to Address Significant Underrepresentation).

The VPHR will collaborate with the President and other administrators to:

- Identify job-related criteria that are likely to enhance the diversity of the applicant pool;
- Develop job descriptions that reflect these criteria, and incorporate the "sensitivity to diversity" consideration;
- Prepare job-related questions for applicants that will allow interviewing committees to assess applicants "sensitivity to diversity;" and
- Plan inclusive recruitment strategies that access professional organizations, media outlets, personal contacts, and other sources to maximize the diversity of applicant pools.

EQUAL EMPLOYMENT OPPORTUNITY ADVISORY COMMITTEE

The District will maintain an Equal Employment Opportunity Advisory Committee ("EEOAC") to act as an advisory body to help promote understanding and support of equal employment

opportunity policies and procedures. The 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.

AGENTS OF THE DISTRICT

Any organization or individual, whether or not an employee of the District, who acts on behalf of the District 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. This includes, but is not limited to, board trustees, executive officers, directors, deans, managers and supervisors.

GOOD FAITH EFFORT

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

COMPONENT 5 EEO ADVISORY COMMITTEE

The District will maintain an EEOAC to assist the District in implementing its EEO Plan. The EEOAC may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The EEOAC may sponsor events, training, or other activities that promote equal employment opportunities, nondiscrimination, retention, and diversity. The VPHR shall train the EEOAC on equal employment compliance and the Plan.

The EEOAC shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District is unable to meet this requirement, it will document that efforts were made to recruit Committee members who are members of monitored groups. The EEOAC shall be composed of three (3) faculty members, three (3) classified members, three (3) administrators/managers, two (2) students, and four (4) members from the campus community without regard to the classification designation. Ex-officio members shall include the Superintendent/President, the VPHR, the Title IX Officer and the ADA Coordinator.

The EEOAC shall hold a minimum of four (4) meetings per academic year, with additional meetings if needed, to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the EEOAC shall make recommendations to the Board of Trustees, the President, and the VPHR. Given that the EEOAC serves in an advisory capacity, the authority to make final decisions resides with the Board of Trustees, the President, and the VPHR.

The EEOAC shall receive training in all of the following: (a) the requirements of this subchapter and of state and federal nondiscrimination laws; (b) identification and elimination of bias in hiring; (c) the educational benefits of workforce diversity; and (d) the role of the advisory committee in carrying out the District's EEO plan.

6.1 COMPLAINTS ALLEGING VIOLATION OF THE EEO REGULATIONS

The District has established the following process to permit any person to file a complaint alleging that the requirements of equal employment opportunity (“EEO”) regulations have been violated:

- Any person who believes that EEO regulations have been violated may file a written complaint describing in detail the alleged violation.
 1. The complainant may request an EEO Violation Complaint Form (See Appendix 1) from the Office of Human Resources or obtain a copy from the District’s Human Resources web page, or may submit a written summary of the alleged violation.
 2. The completed form or summary must include the name(s) of the individual(s) involved, the date(s) of the event(s) at issue, the names of any witnesses, a detailed description of the actions constituting the alleged violation, and the desired outcome.
 3. The complainant must sign and date the complaint, and submit it to the Vice President of Human Resources (VPHR) or his/her designee. If the complaint involves the VPHR, the complaint may be submitted to the Superintendent/President.
- Complaints involving current EEO violations in the hiring processes must be filed as soon as possible after the occurrence of an alleged violation, and no later than sixty (60) days after such occurrence, unless the complainant can present 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 no later than ninety (90) days after such occurrence, unless the violation is ongoing.
- Complaints involving harassment or discrimination in employment or the application process must be filed per the procedures described below, or as set forth in the District’s Unlawful Harassment and Discrimination Policy and Procedures, which can be found on the Human Resources web page.
- The VPHR or his/her designee will review all complaints, perform an appropriate investigation, prepare an investigative report, and make a final outcome determination.
- To the extent practical, a written determination of all accepted complaints will be issued to the complainant of and accused within ninety (90) days of the filing of the complaint. The VPHR or his/her designee will forward copies of the written complaints to the Chancellor’s office upon receipt.
- The VPHR may return to the complainant, without action, any complaint that is inadequate because it does not state a clear violation of the EEO regulations. All

returned complaints would include a statement of the reason for returning the complaint without action.

- A complainant may not appeal the District's determination pursuant to Section 53026 to the Chancellor, however, 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, but the complainant will be required to demonstrate that he or she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at District level using the process provided by Section 53026.

6.2 SAMPLE EEO VIOLATION COMPLAINT FORM



PASADENA AREA COMMUNITY COLLEGE DISTRICT
1570 E. Colorado Blvd., Pasadena, CA 91106

Equal Employment Opportunity Violation Complaint Form

Name: Last First

Address: Street or P.O. Box City State Zip

Phone: (Home) (Cell):

I am a/an (circle one): Applicant Student Faculty Staff/Administrator Other

I wish to complain against: District Faculty Staff/Administrator Other

Name(s):

Date of most recent act(s) or event of Equal Employment Opportunity Violation: (Reports must be filed within sixty (60) days of the date of the act or event that is the subject of the allegation[s]).

Complaint: By signing below, I assert that I have a reasonable belief that an equal employment opportunity violation has occurred in violation of state or federal law and the District Policy involving the below category(ies): (You must select at least one and identify which category: race/ethnicity, gender, disability, sexual orientation, or other)

Table with 2 columns: Category, Description. Rows include Race/Ethnicity, Disability, Gender, Sexual Orientation, and Other (provide brief description).

Statement: Clearly state your complaint. Describe each incident of alleged Equal Employment Opportunity violation. For each action, provide the following information: 1) date(s) action occurred; 2) name of individual(s) or department(s) that participated in activity; 3) what happened; and 4) why you believe the action was in violation of state or federal law, or the District Equal Employment Opportunity Policy. (Attach additional pages as necessary.)

Three horizontal lines for writing the statement.

Witness(es): List name(s) and contact number(s) of anyone who may have witnessed the incident:

Name: Contact Number:

Name: Contact Number:

Name: Contact Number:

Documentation: List any documentation you may have or that may be available to support your allegation(s):

Did you verbally report the issue to anyone? Yes No Date: _____

Describe to whom you reported, what happened, and results (if any):

Resolution: What would you like the District to do to resolve this issue?

I certify that this information is correct to the best of my knowledge.

Signature: _____ Date: _____

Submit Complaint To:

Vice President of Human Resources
Human Resources Office
1570 E. Colorado Boulevard
Pasadena, CA 91106
(626) 585-7388

Complaints may also be submitted to:

California Community College
Chancellor's Office
1002 Q Street
Sacramento, CA 95811-6549

(916) 445-8752

6.3 COMPLAINTS ALLEGING UNLAWFUL DISCRIMINATION OR HARASSMENT

The District has adopted procedures for processing complaints of unlawful discrimination or harassment. The VPHR is the primarily responsible party appointed to receive such complaints and to coordinate investigations when appropriate.

A claim of harassment or discrimination may be filed pursuant to the procedure detailed below, and the District Board Policy BP 3430 and Administrative Procedure AP 3430, Prohibition of Harassment. Copies of these policies may be found on the Board web page, and the accompanying forms may be obtained from the Human Resources web page or from the Office of Human Resources.

6.4 UNLAWFUL HARASSMENT & DISCRIMINATION POLICY AND PROCEDURE

POLICY

The District is a community of people from diverse racial, ethnic, linguistic and socio-economic backgrounds, representing a wide range of national origins, religions, political beliefs, physical and mental abilities, ages, sexual orientation and gender expression. The activities, programs, classes, workshops, lectures, and the everyday interactions of the District are enriched by our inclusion and mutual respect of one another as we strive to work together and learn from each other in an environment of positive engagement. Implicit in this mutual respect is the right of each of us to live, study, teach, and work free from unlawful harassment and discrimination.

The District will not tolerate any form of harassment of or discrimination against our students, staff, or faculty members in whole or in part, on the basis of race, color, national origin, religion, gender and gender identity, sex (including pregnancy), physical or mental disability, age (40 and older), genetic information, marital status, sexual orientation, medical condition (including AIDS/HIV), or military or veteran status. Furthermore, 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, no one may be denied full and equal access to the benefits of any program or activity administered by the District.

Our primary responsibility is to ensure that our programs, activities, and employment opportunities are available to all persons without regard to actual or perceived characteristics; and that we operate in compliance with the California Education Code, Title 5 of the California Code of Regulations, and all relevant state, federal, and local laws.

The District will undertake efforts to resolve any complaint of unlawful harassment and discrimination in accordance with the provisions of this policy.

The District will take all reasonable steps to uphold the privacy rights of all persons involved in investigations and, to the extent possible, keep confidential all information that may violate such rights.

The District will not tolerate retaliation against anyone who files an unlawful harassment or discrimination complaint, who refers a matter for investigation, who participates in the investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this discrimination policy. Violation of this policy may result in discipline, up to and including expulsion and/or termination of employment.

PROCEDURE

Any District student, staff, faculty, or administrator who wishes to file an unlawful harassment or discrimination complaint against a District student, staff member, faculty or administrator, vendor or contractor may do so by filing a written complaint with the VPHR, a District officer, the Board, and/or the Chancellor's Office.

In addition to filing a complaint with the District, a complaint of unlawful discrimination not related to employment may also be filed with the Office of Civil Rights ("OCR") of the U.S. Department of Education. Employment-related complaints may also be filed with the U.S. Equal Employment Opportunity Commission ("EEOC") and/or the California Department of Fair Employment and Housing ("DFEH").

This complaint procedure does not include contractual grievances or disciplinary appeals, which are subject to the terms set forth in the applicable collective bargaining agreements.

Complaints regarding academic matters should be submitted to the Office of Student Affairs, pursuant to the Academic Complaint Procedure.

DISTRICT OFFICER

The District has designated the VPHR as the District Officer. The District Officer or his or her designee will receive all unlawful harassment and discrimination complaints and conduct a preliminary review of the allegations and documents submitted. The District Officer will also inform the complainant and accused of their rights; oversee the investigation processes; and assign the duty of performing an impartial investigation to other staff or to other persons or organizations under contract with the District. The District Officer may reject any complaint that is defective because it does not state a clear violation of an unlawful discrimination and/or harassment policy or law. The District officer will provide the complainant a statement of the reason for rejecting the complaint and the defects it contains.

ADMINISTRATIVE DETERMINATION OFFICER

The District has designated the VPHR as the Administrative Determination Officer ("ADO"). The ADO will review all accepted unlawful harassment and discrimination complaints and the resulting investigative findings reports. The ADO will determine whether the District accepts the

investigator's findings and determine a course of action as a result of the finds. The ADO will provide a resolution recommendation to the appropriate manager/supervisor, suggest actions to be taken to prevent similar problems from occurring in the future, and provide a written summary of the findings report to the complainant and the accused. The ADO will also inform the parties of their right to appeal to the District Board and the Chancellor's Office.

WHO MAY FILE A COMPLAINT

A complaint may be filed by any student, staff, faculty, or administrator of the District who believes he or she has personally suffered harassment or discrimination on the basis of race, color, national origin, religion, gender and gender identity, sex (including pregnancy), physical or mental disability, age (40 and older), genetic information, marital status, sexual orientation, medical condition (including AIDS/HIV), or military or veteran status; 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; or by one who has learned of such harassment or discrimination in his or her official capacity as a faculty or staff member or administrator; or by other parties such as a peer, family member, or third party on behalf of the aggrieved party.

COMPLAINT DEFINITION AND PROCEDURE

In the context of this policy, a complaint is a written and signed statement that alleges unlawful harassment or discrimination in violation of the District Unlawful Harassment and Discrimination Policy and the California Code of Regulations, Title 5. A complainant may file an in or complaint.

COMPLAINT PROCEDURE

A complaint may be filed when a student, staff, faculty, or administrator of the District believes that he or she has suffered as the result of unlawful harassment or discrimination.

A complaint that is not related to employment may be filed within one (1) year of the date of the alleged unlawful harassment or discrimination, or within one (1) year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful harassment or discrimination.

An employment-related complaint must be filed within one hundred eighty (180) days of the date the alleged unlawful harassment or discrimination occurred, or the period may be extended by ninety (90) days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of one hundred eighty (180) days.

To the extent practical, a written determination on all accepted complaints will be issued to the complainant of and accused within ninety (90) days of the filing of the complaint.

HOW TO FILE A COMPLAINT

Any person who believes he/she has been subjected to harassment and/or discrimination may file a written complaint describing in detail the alleged violation.

1. The complainant may request an Unlawful Harassment and Discrimination Complaint Form (see Appendix 2) from the Office of Human Resources or obtain a copy from the District's Human Resources web page, or may submit a written summary of the alleged violation.
2. The completed form or summary must include the name(s) of the individual(s) involved, the date(s) of the event(s) at issue, the names of any witnesses, a detailed description of the actions constituting the alleged violation, and the desired outcome.
3. The complainant must sign and date the complaint, and submit it to the VPHR or his/her designee. If the complaint involves the VPHR, the complaint may be submitted to the Superintendent/President.

Upon receipt of the complaint, the District Officer or his/her designee will:

- Discuss the charges with the complainant and explain the complaint process;
- Inform the complainant of his or her rights and responsibilities, including the rights to appeal the final administrative determination;
- Review the complainant's allegations and determine whether the alleged act(s), if substantiated, violated District policy, Title 5, or state or federal laws;
- Commence an impartial fact-finding investigation and interview relevant witnesses, as deemed appropriate; or assign the investigation to an in-house or outside investigator;
- Inform all parties of the need for confidentiality and that the District will take all reasonable steps to uphold the privacy rights of all persons involved;
- Notify the accused that a complaint has been filed, disclose the general nature of the allegation(s), and provide him or her with an opportunity to respond;
- Inform the accused of his or her rights and responsibilities;
- Inform all parties that retaliatory actions against any party to the investigation are prohibited; and
- Prepare (or receive from investigator) a report of the investigation findings, which indicates whether or not the claims were substantiated; and
- Submit report to the ADO for a final determination.

ADMINISTRATIVE DETERMINATION PROCEDURE

Non-employment and employment related harassment or discrimination claims are reviewed by the ADO. The ADO will review the initial complaint and investigative report; then make a final determination of whether the District accepts the investigator's findings. The ADO will inform all parties of the investigation findings by written notice. If either party is not satisfied with the outcome of the investigation, he or she may file a written appeal with the Board of Trustees within fifteen (15) days from the date of the notice from the ADO. The documents for the appeal may be obtained from the Office of Human Resources.

Based on the facts presented, the investigation and determination shall be completed within ninety (90) days of the date the District Officer received the written complaint. An extension of this timeline may be required in some cases. The ADO will provide notice to the parties if an extension is needed.

The ADO shall also inform any accused who is a member of a collective bargaining group that his or her right to address the outcome of the investigation may be subject to the terms of the collective bargaining agreement.

INVESTIGATION EXTENSIONS

If for any reason the District is unable to comply with the ninety (90) -day deadlines, the ADO will notify the parties of the need for an extension of time to complete the investigation. The District Officer will also file a written request to the Chancellor's Office for an extension of the deadline. The request shall be submitted no later than ten (10) days prior to the expiration of the deadline and will set forth the reason(s) for the request and the date by which the ADO expects to be able to submit the required materials.

A copy of the request for extension will be sent to the complainant, who will be advised that he or she may file written objection with the Chancellor within five (5) days of receipt of the notice.

The Chancellor may grant the extension upon consideration of the request and any objection submitted by the complainant, unless the delay would be prejudicial to the investigation.

COMPLAINANT'S RIGHTS

Complainants have the right to file an employment-based complaint on the basis of violation of the District's unlawful harassment and discrimination policy, Title 5, and/or other state and federal laws, to have the matter reviewed by the District Officer and ADO, and be assured that the matter will be kept confidential, to the extent possible. The District may forward the complaint to the Chancellor's Office as appropriate.

Complainants have the right to file a complaint that is not related to employment with the OCR of the U.S. Department of Education, or file an employment-related complainant with the U.S. EEOC and/or the DFEH.

Complainants have the right to be informed of the investigation status, and to be notified of the final outcome. However, the complainant does not have the right to know all details of the resolution, up to and including discipline administered.

Complainants have the right to appeal the final determinations of the Administrative Officer and the Board to the Chancellor's Office.

ACCUSED'S RIGHTS

The accused has the right to be notified that a complaint alleging violation of the District's unlawful harassment and discrimination policy, Title 5, and/or other state and federal laws has been filed against him or her; and to be informed of the general nature of the charges.

The accused has the right to address the complaint filed against him or her and to present his or her response to the allegations to the District Officer during the initial investigation; and to be assured that the matter will be kept reasonably confidential to the extent possible.

The accused has the right to be informed of the outcome and the basis for the complaint determination. However, the accused does not have the right to the names of the witnesses, a copy of the initial written complaint, or a copy of the investigative report unless disclosure is compelled by the courts or if such is the basis for disciplinary action.

An accused that is a member of a collective bargaining group has the right to have a representative present during all interviews and meetings pursuant to his or her collective bargaining agreement.

DISTRICT'S RIGHTS

The District has the right to refuse to conduct an investigation of any complaint the District Officer and/or the Administrative Determination Officer deems is not a violation of the District's unlawful harassment and discrimination policy, Title 5, or any state or federal law.

The District has the right to choose the form of investigation that will be conducted, including the right to assign the investigation to other staff or to persons or organizations under contract with the District.

The District has the right to keep reasonably confidential all investigative material and matters, unless disclosure is compelled by the courts or required as a result of due process.

The District has the right to reprimand or discipline any party determined to have violated the District's unlawful harassment and discrimination policy, Title 5, or any other state or federal law, in a manner consistent with the District's policies and procedures and the relevant collective bargaining agreement, up to and including expulsion and/or termination of employment.

CONFIDENTIALITY

An investigative process can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed to the accused or public.

Complainants must recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

The District's policy is to take all reasonable steps to uphold the privacy rights of all persons involved in investigations and keep reasonably confidential all information that may violate such rights, up to and including withholding names of complainants and witnesses when revelation is not necessary, and withholding details of disciplinary action taken against anyone determined to have violated the District's policies.

The complainant, the accused, and all witnesses are strongly urged to keep details of the complaint and investigation confidential and within the confines of the investigation. All District employees are required to comply with and participate in investigations.

RETALIATION

It is unlawful for anyone to retaliate against someone who files a harassment or discrimination complaint, refers a matter for investigation, participates in an investigation of a complaint, represents or serves as an advocate for an alleged victim or alleged offender, or otherwise furthers the principles of this unlawful harassment and discrimination policy.

Anyone who violates this policy or is found to have retaliated against someone who has filed a complaint will be subject to reprimand or discipline, up to and including expulsion and/or termination of employment.

Anyone who feels that he or she has been subjected to retaliation may file a complaint with the VPHR or the Superintendent/President.

APPEAL PROCEDURE

If not satisfied with the results of the administrative determination, an employee complainant may submit an appeal to the District Board of Trustees, and simultaneously file with the EEOC, and/or the DFEH. Student complainants may file an appeal with the Chancellor's Office and with the OCR.

BOARD OF TRUSTEES APPEAL

The complainant has the right to file a written appeal with the Board within fifteen (15) days of the date of receipt of the administrative determination. The Board of Trustees will review the original complaint, the investigative report, the administrative determination, and the appeal request.

The Board shall issue a final decision in the matter within forty-five (45) days after receiving the appeal. Alternatively, the Board may elect to take no action within the forty-five (45) days, in which case the original administrative determination will be deemed affirmed and shall become

the final District decision in the matter. A copy of the final decision rendered by the Board will be forwarded to the complainant and to the Chancellor.

To file an appeal with the Board of Trustees:

1. Obtain the forms to submit appeal and instructions from the Office of Human Resources;
2. Complete the forms and provide written details of the reason(s) the appeal is being requested;
3. Attach a copy of the decision rendered by the Administrative Determination Officer; and
4. Submit the completed forms to the Office of Human Resources to be submitted to at the next Board meeting.

CALIFORNIA COMMUNITY COLLEGE CHANCELLOR'S OFFICE

The complainant has the right to file a written appeal with the California Community College Chancellor's Office in any case not related to employment involving unlawful harassment or discrimination within thirty (30) days from the date that the final District decision issued by the Board or within forty-five (45) days if, by taking no action, the Board permits the administrative determination to become the final District decision.

To file an appeal with the Chancellor Office:

1. Obtain an Appeal Request Form from the District's Human Resources web page or from the Chancellor's website;
2. Complete the form and provide written details of the reason(s) why you are requesting an appeal, including whether the Board took no action within the forty-five (45)-day period;
3. Attach a copy of the decision of the Board or evidence showing the date on which you filed an appeal with the Board, and a statement under penalty of perjury that no response was received from the Board within forty-five (45) days of that date;
4. Submit the completed form to the Chancellor's Office.

OTHER APPEAL SOURCES

In any case involving unlawful employment harassment or discrimination, in addition to or instead of filing complaints or appeals to the Office of Human Resources, Board of Trustees, or the Chancellor's Office, the complainant may file an employment-related complaint with the EEOC, and/or the California DFEH where the case is within the jurisdiction of the agency.

Complainants do not have a right to appeal employment discrimination decisions to the Chancellor, but may instead file with the California DFEH, which has final jurisdiction over employment-related cases.

Complainants may also file discrimination complaints not related to employment with the OCR of the U.S. Department of Education.

SOURCES TO FILE COMPLAINTS

OFFICE OF HUMAN RESOURCES
Pasadena Area Community College
District
1570 E. Colorado Blvd.
Building C-204
Pasadena, CA 91106
(626) 585-7177 or (626) 585-7388

BOARD OF TRUSTEES
Pasadena Area Community College District
1570 E. Colorado Blvd.
Building C-235
Pasadena, CA 91106
(626) 585-7202

OFFICE OF STUDENT AFFAIRS
Pasadena Area Community College
District
1570 E. Colorado Blvd.
Building CC-105
Pasadena, CA 91106
(626) 585-7798

CALIFORNIA COMMUNITY COLLEGES
Chancellor's Office
1002 Q Street
Sacramento, CA 95811-6549
(916) 445-8752

EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
255 E Temple St # 4
Los Angeles, CA 90012
(213) 894-1000

OFFICE FOR CIVIL RIGHTS
U.S. Department of Education
50 United Nations Plaza
San Francisco, CA 94102
Telephone: (415) 486-5555

6.5 SAMPLE - UNLAWFUL HARASSMENT & DISCRIMINATION COMPLAINT FORM



PASADENA AREA COMMUNITY COLLEGE DISTRICT
 1570 E. Colorado Blvd., Pasadena, CA 91106
 Equal Employment Opportunity Violation

Sample Unlawful Harassment & Discrimination Complaint Form

Name: _____
 Last First

Address: _____
 Street or P.O. Box City State Zip

Phone: (Home) _____ (Cell) _____

I am a: (circle one) Student Faculty Staff/Administrator Other _____

I wish to complain against: Student Faculty Staff/Administrator Other _____

Name(s): _____

Date of most recent incident(s) of alleged harassment or discrimination: _____

(Non-employment complaints must be filed within one (1) year of the date of the alleged discrimination/harassment. The complaint may also be filed with the Office for Civil Rights of the U.S. Department of Education.

Employment complaints must be filed within one hundred eighty (180) days of the date of the alleged discrimination/harassment. The complaint may also be filed with the U.S. Equal Employment Opportunity Commission or the Department of Fair Employment and Housing where such complaint is within their jurisdiction.

Complaint: I allege harassment/discrimination based on the following California protected category (ies):

(You must select at least one)

<input type="checkbox"/>	Age (40 and older)	<input type="checkbox"/>	Medical Condition	<input type="checkbox"/>	Race/Ethnicity
<input type="checkbox"/>	Color	<input type="checkbox"/>	Military or Veteran Status	<input type="checkbox"/>	Religion
<input type="checkbox"/>	Gender/Gender Identity	<input type="checkbox"/>	Mental Disability	<input type="checkbox"/>	Retaliation
<input type="checkbox"/>	Genetic Information	<input type="checkbox"/>	National Origin	<input type="checkbox"/>	Sex (including pregnancy)
<input type="checkbox"/>	Marital Status	<input type="checkbox"/>	Physical Disability	<input type="checkbox"/>	Sexual Orientation
<input type="checkbox"/>	Perceived association with a member of a protected group				

Statement: Clearly state your complaint. Describe each incident of alleged discrimination/harassment.

For each action, provide the following information: 1) date(s) the discriminatory/harassment action occurred; 2) name of individual(s) who discriminated/harassed; 3) what happened; 4) witnesses (if any); and 5) why you believe the discrimination/harassment was because of protected group status [basis you indicated above] and/or, if applicable, why you believe you were retaliated against for filing a complaint or asserting your rights. (Attach additional pages as necessary.)

Witnesses: List name(s) and contact number(s) of anyone who may have witnessed the incident:

Name: _____ Contact Number _____

Name: _____ Contact Number _____

Name: _____ Contact Number _____

Resolution: What would you like the District to do to resolve this issue?

Have you addressed this issue directly with the Accused? Yes No Date: _____
If so, describe the process and response (if any):

I certify that this information is correct to the best of my knowledge.

Signature: _____ Date: _____

Send original to:

Vice President of Human Resources
Office of Human Resources
1570 E. Colorado Boulevard
Room C204
Pasadena, CA 91106
(626) 585-7388

Superintendent/President
President's Office
1570 E. Colorado Boulevard
Room C235
Pasadena, CA 91106
(626) 585-7201

Complaint may also be filed with:

California Community Colleges
Chancellor's Office
1002 Q Street
Sacramento, CA 95811
(916) 445-8752

6.6 SEXUAL HARASSMENT POLICY AND PROCEDURES

POLICY

The District is committed to providing for its employees, applicants, and students a work and educational environment free from all forms of harassment, including sexual harassment. While the District is committed to the principles of free inquiry and free expression, sexual harassment as identified in this policy and procedure is neither a legally protected expression nor the proper exercise of academic freedom. Therefore, no member of the District community, including students, faculty, administrators, staff, vendors, contractors, or third parties associated with the District may sexually harass any other member of the community.

Sexual harassment means any unwelcome sexual advance, unwelcome request for sexual favors, or other unwelcome verbal, visual, or physical conduct of a sexual nature made by someone from or in the educational or work setting, whether it occurs between individuals of the same sex or individuals of opposite sexes.

Any person who feels he or she has been subjected to sexual harassment is encouraged to report the matter immediately to the VPHR in the Office of Human Resources, the President/Superintendent, any administrator, any faculty member or any supervisor.

All District employees and supervisors are responsible for helping ensure that the District is kept free of sexual harassment. If any employee or supervisor witnesses or receives a report of sexual harassment, he or she is to report the incident to the Vice President of Human Resources so that prompt action may be taken to end the harassment. All complaints will be treated seriously, kept as reasonably confidential as possible, and investigated fully.

If an investigation confirms that a violation of the District's sexual harassment policy has occurred, appropriate corrective actions will be taken against the person(s) found to be in violation of the policy, up to and including expulsion and/or termination of employment.

The District expressly forbids any retaliation against anyone for reporting or participating in a sexual harassment investigation. Anyone found to have retaliated against someone who participated in an investigation would be subjected to disciplinary action up to and including expulsion and/or termination of employment.

PROCEDURE

Any student, staff, faculty, or administrator of the District who wishes to file a sexual harassment complaint against a District student, faculty, administrator, staff, vendor, contractor, or third party associated with the District may do so by submitting a written complaint as described in the below sections, with either the VPHR, the Superintendent/President, or any District administrator or supervisor. Complaints regarding sexual discrimination should be submitted pursuant to the District Unlawful Harassment and Discrimination Complaint Policy and Procedure.

Charges of sexual assault may also be filed with the District Police and Safety Service at (626) 585-7484 or the City of Pasadena Police Department at 911, and per the Title IX procedure discussed below.

WHO MAY FILE A COMPLAINT

A complaint may be filed by any student, staff, administrator, faculty, vendor, contractor, or third party associated with the District who believes he or she has personally suffered harassment in violation of the District's Board Policy BP 3410 and Administrative Policy AP 3410 regarding sexual harassment, or who has witnessed or has knowledge of another party being subjected to sexual harassment.

SEXUAL HARASSMENT DEFINITION

In the context of this policy and according to the California Code of Regulations Title 5, Section 4916 *et seq.*, sexual harassment means any unwelcome sexual advance, unwelcome requests for sexual favors, or other unwelcome verbal, visual, or physical conduct of a sexual nature made by someone from or in the educational or work setting, whether it occurs between individuals of the same sex or individuals of opposite sexes, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's academic status, employment, or progress.
2. Submission to or rejection of the conduct by the individual is used as the basis of academic or employment decisions affecting the individual.
3. The conduct has the purpose or effect of having a negative impact upon the individual's academic performance, work, or progress; or has the purpose or effect of creating an intimidating, hostile, or offensive educational or working environment. The conduct is sufficiently severe, persistent, pervasive, or objectively offensive to create a hostile or abusive educational or working environment; or to limit the individual's ability to participate in or benefit from an education program or activity.
4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the college.

COMPLAINT PROCESS

A sexual harassment complaint may be filed with the VPHR when a person believes he or she has suffered sexual harassment to the extent that the conduct is sufficiently severe, persistent, pervasive, or objectively offensive as to create a hostile or abusive educational or working environment or to limit the individual's ability to participate in or benefit from an education program or activity.

The complainant need not confront the accused before filing a complaint, but instead may immediately report the incident(s) to a supervisor, administrator, the VPHR, or the President. If the complaint pertains to the complainant's supervisor or someone with direct authority over the complainant, the charge should be filed with the VPHR.

TO FILE A COMPLAINT

The complainant can file a sexual harassment complaint as follows:

1. Request a Sexual Harassment Complaint form from the Office of Human Resources or obtain a copy from the District Human Resources web page.
2. Complete the form and provide written details of the incident, the name of the accused, the names of any witnesses, and the desired outcome.
3. Submit the completed form to the VPHR, or to the President.

VICE PRESIDENT
 Office of Human Resources
 Pasadena Area Community
 College District
 1570 E. Colorado Blvd.
 Building C-204
 Pasadena, CA 91106
 (626) 585-7388

SUPERINTENDENT/PRESIDENT
 Office of the President
 Pasadena Area Community
 College District
 1570 E. Colorado Blvd.
 Building C-235
 Pasadena, CA 91106
 (626) 585-7201

Once the claim of sexual harassment is brought to the attention of the VPHR, he or she will do the following:

1. Discuss the charges with the complainant and explain the complaint process.
2. Inform the complainant of his or her rights and responsibilities, including the right to appeal the final determination.
3. Review the complainant's allegations and determine whether the alleged act(s), if true, violated the District policy, Title 5, or state or federal laws.
4. Commence an impartial fact-finding investigation and interview relevant witnesses, as deemed appropriate. The investigation may be assigned to outside persons or organizations under contract with the District.
5. Inform all parties of the need for confidentiality and that the District will take all reasonable steps to uphold the privacy rights of all persons involved.
6. Notify the accused that a complaint has been filed, of the general nature of the allegation(s), and provide him or her with an opportunity to respond.
7. Inform the accused of his or her rights and responsibilities, and remind the accused that retaliatory actions against the complainant or any witness are prohibited.
8. Prepare a report of the investigation findings and a final determination.

If the complainant is not satisfied with the outcome of the investigation, he or she may file a written appeal with the President within fifteen (15) days from the date of the notice of determination.

COMPLAINANT'S RIGHTS

Complainants have the right to file a complaint on the basis of violation of the District's sexual harassment policy, Title 5, and/or other state and federal laws, to have the matter reviewed by the VPHR and to be assured that the matter will be kept reasonably confidential to the extent possible.

Complainants have the right to be informed of the investigation status and to be notified of the final outcome. However, the complainant does not have the right to know all details of the resolution, up to and including the discipline administered. Complainants that are members of a collective bargaining group have the right to have a representative present during all interviews and meetings.

Complainants have the right to file an appeal of the VPHR's final determination with the District President.

Complainants have the right to file a sexual harassment complaint with the OCR of the U.S. Department of Education, the U.S. EEOC, and/or the California DFEH.

ACCUSED'S RIGHTS

The accused has the right to be notified that a complaint has been filed against him or her, alleging violation of the District's sexual harassment policy, Title 5, and/or other state and federal laws; and to be informed of the general nature of the charges.

The accused has the right to address the complaint filed against him or her and to present his or her response to the allegations to the VPHR or investigator during the investigation, and to be assured that the matter will be kept reasonably confidential to the extent possible.

The accused has the right to be informed of the outcome and the basis for the complaint determination. However, the accused does not have the right to the names of the witnesses, a copy of the initial written complaint, or a copy of the investigative report, unless disclosure is compelled by the courts or if such is the basis for disciplinary action.

Accused employees who are members of a collective bargaining group have the right to have a representative present during all interviews and meetings, and to address the complaint subject to his or her collective bargaining agreement.

DISTRICT'S RIGHTS

The District has the right to refuse to conduct an investigation of any complaint that the VPHR deems to not illustrate a violation of the District's sexual harassment policy, Title 5, or any state or federal law.

The District has the right to choose the form of investigation that will be conducted, including the right to assign the investigation to other staff or to outside persons or organizations under contract with the District.

The District has the right to keep reasonably confidential all investigative material, unless disclosure is compelled by the courts or required as a result of due process.

The District has the right to reprimand or discipline any party determined to have violated the District's sexual harassment policy, Title 5 or any other state or federal law, in a manner consistent with the District's policies and procedures, up to and including expulsion and/or termination of employment.

CONFIDENTIALITY

Due to the extremely sensitive nature of the matters involved in a claim of sexual harassment, the process must be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed to the accused or the public. Complainants must recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

The District's policy is to take all reasonable steps to uphold the privacy rights of all persons involved in investigations and to keep reasonably confidential all information that may violate such rights, up to and including withholding names of complainants and witnesses when revelation is not necessary, and withholding details of disciplinary action taken against someone determined to have violated the District's policies.

The complainants, accused, and all witnesses are strongly urged to keep details of the complaint and investigation reasonably confidential and within the confines of the investigation. All District employees are required to participate in administrative investigations if called upon to serve, or if they receive a report or witness an occurrence of sexual harassment.

RETALIATION

It is unlawful for anyone to retaliate against someone who files a sexual harassment complaint, who refers a matter for investigation, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this sexual harassment policy.

Anyone who violates this policy or is found to have retaliated against someone who has filed a complaint, will be subject to reprimand or discipline, up to and including termination and/or expulsion.

Anyone who feels he or she has been subjected to retaliation may file a complaint as outlined in the District Unlawful Harassment and Discrimination Policy and Procedures.

APPEAL PROCEDURE

If not satisfied with the results of the determination by the VPHR, the complainant may submit an appeal to the Board of Trustees. The complainant may also simultaneously file complaints with the EEOC, the California DFEH, and/or the OCR of the U.S. Department of Education where the complaint is within the jurisdiction of those agencies.

6.7 TITLE IX COMPLAINTS

TITLE IX

Title IX of the Education Amendments of 1972 ("Title IX") is a federal civil rights law, which prohibits sex/gender discrimination in federally funded education programs and activities. The OCR at the U.S. Department of Education has issued guidelines on the requirements and standards of such claims. For purposes of the Title 5 discrimination process, there may be situations when a Title 5 sexual harassment investigation overlaps with a Title IX investigation. This situation can occur when a district encounters a sex/gender discrimination, harassment or sexual violence claim that falls under both sets of laws.

The U.S. Department of Education has made it clear that when investigating incidents that fall within Title IX, districts should coordinate with other ongoing school or criminal investigations, including any unlawful discrimination claims. In doing so, districts should consider whether certain information might be shared to expedite the process and to prevent complainants from unnecessarily providing multiple statements about the allegations.

WHO MAY FILE A COMPLAINT

Any staff member or student who believes he or she has been subjected to sexual assault or sexual discrimination in violation of Title IX or the District's Board Policy BP 3540 and Administrative Policy AP 3540, may file a Title IX complaint with either the Vice President of Human Resources or the Superintendent/President.

TO FILE A TITLE IX COMPLAINT

The Title IX complainant filing process is the same as the sexual harassment process stated above. To file a Title IX complaint:

1. Request a Sexual Harassment / Title IX Complaint form from the Office of Human Resources or obtain a copy from the District Human Resources web page.
2. Complete the form and provide written details of the incident, the name of the accused, the names of any witnesses, and the desired outcome.
3. Submit the completed form to the VPHR, or to the Superintendent/President.

VICE PRESIDENT OF HUMAN RESOURCES
Office of Human Resources
Pasadena Area Community
College District
1570 E. Colorado Blvd.
Building C-204
Pasadena, CA 91106
(626) 585-7388

SUPERINTENDENT/PRESIDENT
Office of the President
Pasadena Area Community
College District
1570 E. Colorado Blvd.
Building C-235
Pasadena, CA 91106
(626) 585-7201

Once a Title IX claim is brought to the attention of the VPHR, he or she will review the claim, conduct an investigation, and notify the parties of the results. The complainant's and the accused's rights, the appeal procedure, and the confidentiality and retaliation requirements are the same as for sexual harassment claims as stated above.

6.8 SAMPLE - SEXUAL HARASSMENT / TITLE IX COMPLAINT FORM



PASADENA AREA COMMUNITY COLLEGE DISTRICT
1570 E. Colorado Blvd.
Pasadena, CA 91106

SAMPLE SEXUAL HARASSMENT / TITLE IX COMPLAINT FORM

Name: _____

_____ Last First

Address: _____

Street or P.O. Box City State Zip

Phone: (Home) _____ (Cell): _____

I am a: Student Faculty Staff/Administrator Other

I wish to complain against: Student Faculty Staff/Administrator Other

Name(s): _____

Date of most recent incident(s) of alleged harassment or discrimination: _____

Statement: Clearly state your complaint. Describe each incident of alleged discrimination/harassment.

For each action, provide the following information: (1) date(s) action occurred, (2) name of individual(s) who harassed you or violated your Title IX rights; (3) what happened; (4) witnesses (if any); (5) why you believe the behavior was of a sexual nature and/or based on your gender or gender identity, and (6) if applicable, why you believe you were retaliated against for filing a complaint or asserting your rights. (Attach additional pages as necessary.)

Four horizontal lines for writing the statement.

Witnesses: List name(s) and contact number(s) of anyone who may have witnessed the incident:

Name: _____ Contact Number _____

Name: _____ Contact Number _____

Name: _____ Contact Number _____

Resolution: What would you like the District to do to resolve this issue?

Has in resolution been attempted? Yes No Type: _____ Date: _____

Describe in process (if any) and results:

I certify that this information is correct to the best of my knowledge.

Signature: _____ Date: _____

Send original To:

Vice President of Human Resources
Office of Human Resources
1570 E. Colorado Boulevard
Room C204
Pasadena, CA 91106
(626) 585-7388

Superintendent/President
President's Office
1570 E. Colorado Boulevard
Room C235
Pasadena, CA 91106
(626) 585-7201

Complaint may also be filed with:

California Community Colleges
Chancellor's Office
1002 Q Street
Sacramento, CA 95811
(916) 445-8752

The Board and the Superintendent/President are committed to equal employment opportunity throughout the District as emphasized through the broad dissemination of this Plan. The District's EEO policy statement will be printed in the college catalogs and class schedules. The Plan and subsequent revisions will be distributed to the Board, Superintendent/President, administrators, academic senate leadership, union representatives, and members of the EEOAC. The Plan will be available on the Human Resources web page, and when appropriate, may be distributed by email.

Each year, the District will provide all employees a copy of the equal employment opportunity policy statement and a written summary of the Plan (see the following section). The Office of Human Resources will provide all new employees with a copy of the policy statement and a Plan summary. The EEOAC will provide an annual notice, which will contain the following provisions:

1. The importance of the employees' participation and responsibility in ensuring the Plan's implementation.
2. Where complete copies of the Plan are available, including in every campus library, on the Human Resources web page, in each department office, in each academic senate and union representative's office.

7.1 SAMPLE - NOTICE TO DISTRICT EMPLOYEES



PASADENA AREA COMMUNITY COLLEGE DISTRICT
1570 E. Colorado Blvd.
Pasadena, CA 91106

Sample Notice to District Employees Equal Employment Opportunity Plan Summary

Dear Colleagues,

In our continuing effort to promote equal employment opportunities throughout Pasadena Area Community College District ("District"), we have adopted the attached Equal Employment Opportunity Plan ("Plan"), which contains the District's policies and procedures for creating equal employment opportunities at the District and for maintaining an inclusive environment that is welcoming to all.

The Plan includes:

- An analysis of the demographic makeup of the District's workforce
- The complaint procedure for violations of the equal employment opportunity policy
- Complaint procedures for allegations of unlawful discrimination, sexual harassment and Title IX violations
- Guidelines for the establishment of an Equal Employment Opportunity Advisory Committee
- Methods to support equal employment opportunity programs

From time to time, as changes or additions are made to the Plan, we will promptly notify you.

We welcome your input and suggestions in terms of methods to increase outreach to diverse populations and for improving current measures for ensuring diversity.

Should you have any questions or concerns, please feel free to contact me or representatives the Equal Employment Opportunity Advisory Committee.

Respectfully,

Vice President of Human Resources

COMPONENT 8

TRAINING FOR SCREENING/SELECTION COMMITTEE

Screening/selection committees are a group of individuals involved in the recruitment and selection of employees. The committee members may or may not be employees of the District, but act on behalf of the District. All Screening/Selection Committee members are subject to the equal employment opportunity requirements of Title 5 and of this Plan. Such persons shall receive appropriate training regarding the Plan; Title 5 regulations on equal employment opportunity; federal and state nondiscrimination laws; equal employment in recruitment and hiring; the District's nondiscrimination, recruitment, and hiring policies and procedures; and principles of diversity and cultural competence.

The VPHR is responsible for providing, or designating qualified other to present, the mandatory training to employees who wish to serve on a hiring committee. Persons serving on hiring committees are required to complete training within the 24 months (two years) prior to serving on the Committee. Individuals who do not receive training will not be allowed to serve on any screening/selection committee. Screening/Selection Committees will also receive EEO compliance and diversity awareness instruction at the start of each hiring committee.

Cultural awareness and equity training is required for all staff and faculty who serve on hiring committees per Title 4, Section 53024.1(c)(d). The purpose of this training is to assist the participants in identifying and eliminating biases in hiring and employment; and to addresses issues of inclusion/exclusion in a transparent and collaborative fashion. Participants are required to be retrained in cultural awareness and equity every two years.

COMPONENT 9:

ANNUAL WRITTEN NOTICE TO COMMUNITY ORGANIZATIONS

The EEOAC 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 will solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the Plan, copies of current job vacancies, the internet address and contact information for the Office of Human Resources, and locations where employment information can be obtained. The EEOAC will actively seek to reach those institutions, organizations, agencies that may be recruitment sources. The EEOAC will network with community and professional institutions, organizations and agencies, to seek assistance in identifying qualified diverse candidates.

9.1 SAMPLE - NOTICE TO COMMUNITY ORGANIZATIONS



PASADENA AREA COMMUNITY COLLEGE DISTRICT
1570 E. Colorado Blvd.
Pasadena, CA 91106

Sample Notice to Community Organizations

The Pasadena Area Community College District ("District") is a community of people from diverse racial, ethnic, linguistic and socio-economic backgrounds, representing a wide range of national origins, religions, political beliefs, physical and mental abilities, ages, sexual orientation and gender expression. To properly reflect our growing population, we strive to achieve a workforce that is welcoming to men, women, and persons with disabilities, veterans, and individuals from all ethnic backgrounds in order to ensure that the District provides an inclusive educational and employment environment. To that end, we have adopted an Equal Employment Opportunity Plan, which illustrates our commitment to providing equal employment opportunities and underscores our dedication to providing a learning experience that will better prepare our students to work and live in an increasingly global society.

We are seeking your help to identify qualified candidates who can assist us in creating an environment that welcomes all, fosters diversity, and promotes excellence. We ask that you refer potential applicants to the Human Resources web page on the District website, where they can learn about the District and review our current job vacancies. We also hope that you will contact us with suggestions you may have regarding how we can better reach out to diverse populations.

In the weeks to come, we will send you more information about activities at the District and keep you abreast of job vacancies as they occur. We have enclosed a summary of our Equal Employment Opportunity Plan and the current job listings for your review.

We look forward to networking with you in the future. If you have any questions or suggestions, please feel free to contact me at (626) 585-7388.

Respectfully,

EEO Advisory Committee Chair

Attachment:
Current Pasadena Area Community College District Job Vacancies
Equal Employment Opportunity Plan Summary

COMPONENT 10: ANALYSIS OF DISTRICT WORKFORCE AND APPLICANT POOL

The Office of Human Resources annually surveys the District's workforce composition and monitors applicant pools to evaluate the District's progress in implementing its EEO Plan; to provide data needed for reporting required by the Plan; and to determine whether any monitored group is significantly underrepresented within the District workforce.

Title 5 Section 53004(b) states that for purposes of the data collection and report required pursuant to Title 5 Section 53004(a), each applicant or employee shall be afforded the opportunity to self-identify his or her gender, ethnic group identification and, if applicable, his or her disability. Thus, the monitored groups reported in this Plan are: men, women, Alaskan/American Indian, Asian, Pacific Islander, African-American, Hispanic, White, and persons with disabilities.

The District will annually report the results of the survey of employees to the Office of the Chancellor. At least every three years, the District will review the Plan and, if necessary, make revisions based on an analysis of gender, ethnicity, and disability composition of the existing workforce and applicant pool for each job category. Each employee shall be reported so that he or she may be identified 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 and maintenance.

The tables on the following pages are based on available information for fall 2016, which identifies the District's workforce distribution by job category, gender and ethnicity. Each applicant or employee was afforded the opportunity to voluntarily self-identify his or her gender, ethnicity, and disability status. The demographic identification information was kept confidential and separate from the other documents contained in the application packets forwarded to selection committees and hiring administrators.

10.1 WORKFORCE DISTRIBUTION BY HEAD COUNT

This section provides explanation of the tables for Component 10.2: *Workforce Head Count Distribution* and Component 10.3: *Workforce Head Count Distribution by Percentage*.

DEFINITIONS

DESIGNATION: The self-designated gender and ethnicity of District employees and applicants for employment.

JOB CATEGORY: The general categories assigned to District jobs for recording purposes.

HEAD COUNT: The quantity of District employees within a specific job category.

GRAND TOTAL: The aggregate quantity of District employees of a specific gender or ethnicity.

DESIGNATION/CATEGORY INTERSECTION: The number or percentage found where a row and column intersects is the quantity or percentage of employees for that specific gender or ethnicity within a specific job category.

10.2 WORKFORCE DISTRIBUTION HEAD COUNT – FALL 2013 & 2016

FALL 2016	Classified Clerical 2016	Classified Clerical 2013	Classified Manager 2016	Classified Manager 2013	Classified Service Maintenance 2016	Classified Service Maintenance 2013	Classified Skills Craft 2016	Classified Skills Craft 2013
Head Count	157	146	44	22	43	57	23	21
Female	142	129	22	11	7	9	1	1
Male	15	17	22	11	36	48	22	20
African American	25	23	8	3	7	14	2	0
Alaskan/Amer. Indian	1	2	0	0	0	2	0	0
Asian	5	7	2	0	1	0	1	2
Hispanic	60	47	11	4	24	27	11	9
Pacific Islander	11	13	3	3	2	2	0	1
White	55	56	20	11	9	12	9	9

FALL 2016	Classified Technical 2016	Classified Technical 2013	Educational Administrator 2016	Educational Administrator 2013	Full-time Faculty 2016	Full-time Faculty 2013	Adjunct Faculty 2016	Adjunct Faculty 2013	Workforce Total 2016
Head Count*	101	106	31	25	411	365	1012	783	1822
Female	48	54	18	11	241	216	542	408	1021
Male	53	52	13	14	170	149	470	375	801
African American	15	12	6	6	37	33	66	52	166
Alaskan/Amer. Indian	0	1	0	0	2	4	7	0	10
Asian	7	5	1	1	21	47	103	97	141
Hispanic	27	30	7	5	71	49	183	126	394
Pacific Islander	10	10	1	1	42	10	49	10	118
White	42	48	16	12	238	222	604	481	993

10.3 WORKFORCE DISTRIBUTION BY PERCENTAGE – FALL 2013 & 2016

FALL 2016	Classified Clerical 2016	Classified Clerical 2013	Classified Manager 2016	Classified Manager 2013	Classified Service Maintenance 2016	Classified Service Maintenance 2013	Classified Skills Craft 2016	Classified Skills Craft 2013
Head Count*	157	146	44	22	43	57	23	21
Female	90%	88%	50%	50%	16%	16%	4%	5%
Male	10%	12%	50%	50%	84%	84%	96%	95%
African American	16%	16%	18%	14%	16%	25%	9%	0%
Alaskan/ Amer Indian	1%	1%	0%	0%	0%	4%	0%	0%
Asian	3%	5%	5%	0%	2%	0%	4%	10%
Hispanic	38%	32%	25%	18%	56%	47%	48%	43%
Pacific Islander	7%	9%	7%	14%	5%	4%	0%	5%
White	35%	38%	45%	50%	21%	21%	39%	43%

FALL 2016	Classified Technical 2016	Classified Technical 2013	Educational Administrator 2016	Educational Administrator 2013	Full-time Faculty 2016	Full-time Faculty 2013	Adjunct Faculty 2016	Adjunct Faculty 2013	Workforce Total 2016
Head Count*	101	106	31	25	411	365	1012	766	1822
Female	48%	51%	58%	44%	59%	59%	54%	52%	56%
Male	52%	49%	42%	56%	41%	41%	46%	48%	44%
African American	15%	11%	19%	24%	9%	9%	7%	7%	9%
Alaskan/ Amer Indian	0%	1%	0%	0%	0%	1%	1%	0%	1%
Asian	7%	5%	3%	4%	5%	13%	10%	12%	8%
Hispanic	27%	28%	23%	20%	17%	13%	18%	16%	22%
Pacific Islander	10%	9%	3%	4%	10%	3%	5%	1%	6%
White	42%	45%	52%	48%	58%	61%	60%	61%	55%

*Note: The "head count" totals are by ethnicity only, and does not include gender.

10.4 WORKFORCE DISTRIBUTION ANALYSIS BY GENDER AND ETHNICITY

The overall total workforce increased by 16% in fall 2016 from 1,525 employees in 2013 to 1,822 employee in 2016. The 2016 gender distribution was 56% (1,021) females and 44% (801) males. The overall total workforce by ethnicity distribution from highest percentage to lowest percentage was as follows: White 55% (993); Hispanic 22% (394); African-American 9% (166); Asian 8% (141); Pacific Islander 6% (118); and Alaskan/American Indian 1%¹ (10). The data illustrates that the White group (55%) occupied the majority of jobs within the District, and all other ethnic groups (45%) combined occupied the remaining of the jobs.

However, it should be noted that the Hispanic group increased from 19% in 2013 to 22% (+3%) in 2016; Pacific Islander increased from 3% to 6% (+3); African-American group increased from 7% to 9% (+2%); and Alaskan/American Indian group remained at 1%.

Below are highlights of significant changes in the various job categories.

- Similar to fall 2013, in 2016 female employees held a significant majority of classified clerical jobs at 90%, whereas male employees held the majority of classified service maintenance jobs at 84% and classified skills craft jobs at 96%.
- A shift has occurred in the educational administrator's job category in which the female work force increased from 44% in 2013 to 58% (+14%) in 2016, as the male workforce decreased from 56% to 42% (-14%).
- Since 2013, the Hispanic group substantially increased in various job categories in 2016 including in the classified clerical job category from 32% to 38% (+5%); classified managers from 18% to 25% (+7); classified service maintenance from 47% to 56% (+9%); classified skilled crafts from 43% to 48% (+5%); and full-time faculty from 13% to 17% (+4%).
- The Pacific Islander group increased from 3% of the full-time faculty job in 2013 to 10% (+7%) in 2016; and 1% of the adjunct faculty jobs to 5% (+4%). However, the Pacific Islander group decreased in 2016 in the classified manager category from 14% in 2013 to 7% (-7%); and in classified skills craft from 5% to 0% (-5%).
- The Asian group increased in classified manager jobs from 0% in 2013 to 5% (+5%) in 2016; and from 5% of the classified technical jobs in 2013 to 7% (+2%) in 2016. However, the Asian group sustained decreases in 2016 from the 2013 workforce in the classified skills craft category from 10% to 4% (-6%); and the full-time faculty category from 13% to 5% (-8%).

¹ The total for any group that is mathematically less than 1% is rounded up to 1%.

- The African American group increased from 14% of the classified manager jobs in 2013 to 18% (+4%) in 2016; 0% of the classified skills craft jobs to 9% (+9%); and 11% of the classified technical jobs to 15%.
- The White group increased in educational administrator jobs from 48% in 2013 to 52% (+4%) in 2016. Contrarily, the White group decreased in jobs in the classified clerical category from 38% in 2013 to 35% (-3%) in 2016; classified manager category from 50% to 45% (-5%); classified skill craft from 43% to 39% (-4%); and full-time faculty from 61% to 58% (-3%).

This analysis indicates that the District is making some progress in its effort to recruit and hire a more diverse workforce. For example, there has been some increase in the overall workforce of African-American (+2%) and Pacific Islander (+3%) groups, which were identified as underrepresented in 2013. The Asian group, also identified as underrepresented, sustained a decrease (-2%), and the Alaskan/American Indian group remained the same. As a result, the District shall institute measures to actively engage in activities to attract qualified applicants from various ethnic groups, including but not limited to, forwarding notices of employment opportunities to sources underrepresented groups are likely to encounter such as ethnic, social, religious, and community organizations; and post job announcement in diverse publications and other media forums.

10.5 APPLICANT POOL ANALYSIS

The District has developed an applicant pool analysis tool to track applicant demographics and to provide a deeper understanding of our recruitment efforts and processes that will be used to increase hiring efficiency. Below is a sample analysis of a full-time faculty recruitment and hires during the 2016-17 year.

	Female	Male	Hispanic	Pacific Islander	American Native/ Alaska Native	African American	Asian	White	Two or more races	Declined to state	Disability
Total Applicants	1485	1526	510	10	8	295	381	1343	124	375	48
Percentages	49%	51%	17%	.33%	.26%	10%	13%	44%	4%	12%	2%
Qualified Applicant Pool	850	825	313	6	3	147	220	735	70	202	21
Percentages	51%	49%	18%	.35%	.18%	9%	13%	43%	4%	12%	1%
1st Level Interviews	199	199	85	0	2	30	48	188	10	45	4
Percentages	50%	50%	21%	0%	.49%	7%	12%	46%	2%	11%	1%
2nd Level Interviews	71	95	40	0	1	14	15	77	2	20	1
Percentages	43%	57%	24%	0%	.59%	8%	9%	46%	1%	12%	.60%
3rd Level Interviews	40	48	21	0	1	10	8	37	1	10	2
Percentages	45%	54%	24%	0%	1.14%	11%	9%	42%	1%	11%	2%
Hired	33	27	15	0	0	8	8	24	1	4	1
Percentages	55%	45%	25%	0%	0%	13%	13%	40%	2%	7%	2%

The calculated data indicates 3,011 applicants applied for the various full-time faculty positions; 1485 (49%) were female and 1526 (51%) were male. All applications were screened for minimum qualifications, which yielded 1,675 (55%) applicants who were qualified for first level interviews. The applicant pool was comprised of 50% (199) males and 50% (199) females.

Of the total number of applicants interviewed at first level, 166 moved forward to second level interviews. This total consisted of 43% (71) female applicants and 57% (95) male applicants. Finally, 88 applicants moved forward to third level interviews, which consisted of 45% (40) female applicants and 54% (48) male. Overall, 60 new employees were hired, which was 3.6% of the total qualified applicants. The gender distinctions consisted of 55% (33) females and 45% (27) male.

This analysis also demonstrated the demographics of the applicant pool by ethnicity. All applicants voluntarily self-identified during the application submittal process, and this information was kept separate from other application materials and was not accessed by the hiring committees.

Among the total number of applications received (3011), 44% (1343) were from White applicants; 17% (510) from Hispanic applicants; 13% (381) from Asian applicants; 10% (295) from African-American applicants; .33% (10) from Pacific Islander applicants; and .26% (8) from Alaskan/American Indian applicants. Additionally, 124 (4%) of the applicants indicated their ethnicity as "two or more races," and 375 applicants indicated that they declined to state their ethnicity.

The remaining analysis will detail the statistics of the following ethnicities: White, Hispanic, Asian, African-American, Pacific Islander, and Alaskan/American Indian. These ethnicities coincide with the longitudinal data analysis comparisons in the proceeding sections. However, it does not record applicants that list their ethnicity as 2 or more races and declined to state. Dependent on the growth in these areas, the District may include these two groups in the future.

The screening process for minimum qualifications included 1675 applicants from the qualified applicant pool. This resulted in 735 (43%) White applicants, 313 (18%) Hispanic applicants, 220 (13%) Asian applicants, 147 (9%) African-American applicants, 6 (35%) Pacific Islander applicants, and 3 (.18%) Alaskan/American Indian applicants.

Of the qualified applicant pool, 398 (13%) were interviewed at first level, which included 188 (46%) White applicants, 85 (21%) Hispanic applicants, 48 (12%) Asian applicants, 30 (7%) African-American applicants, 0 (0%) Pacific Islander applicants, and 2 (.49%) Alaskan/American Indian applicants.

Among all qualified applicants interviewed and hired (60), 24 (40%) were White; 15 (25%) were Hispanic; 8 (13%) were Asian; 8 (13%) were African-American, 0 (0%) were Pacific Islander, and 0 (0%) were Alaskan/American Indian.

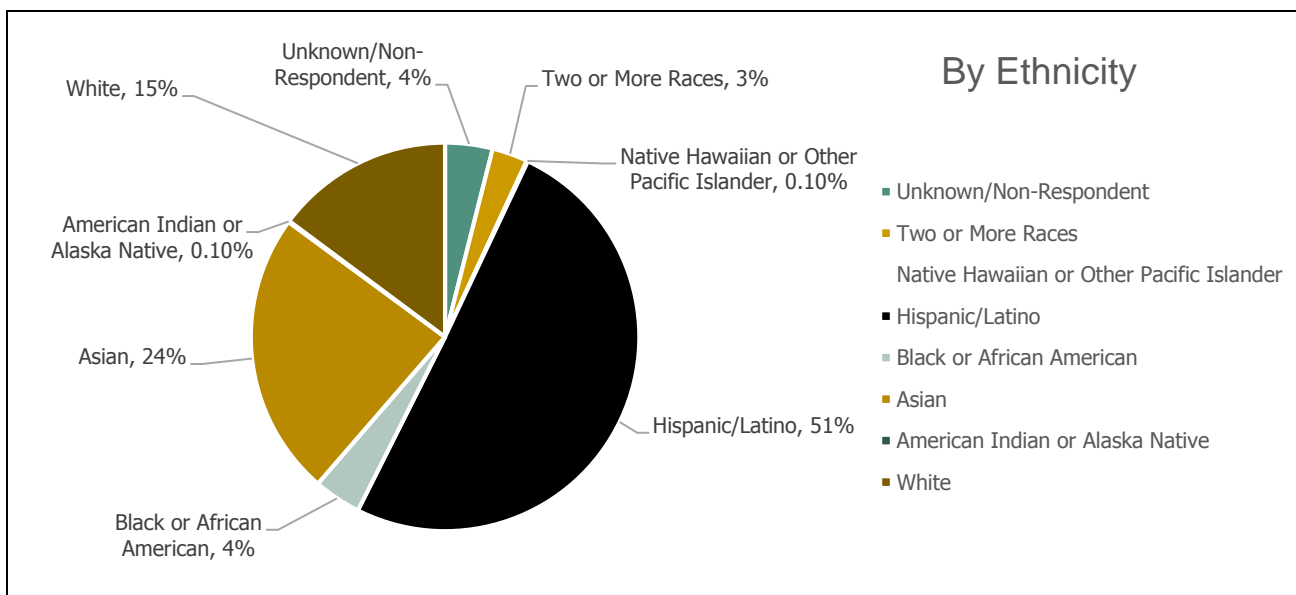
This data also shows that 4% of all female applicants for the full-time faculty positions in this sample were hired; 3% of all male qualified applicants; 3% of all White applicants, 5% of all

Hispanic applicants, 4% of all Asian applicants, 5% of all African-American applicants, 0% of all Pacific Islander applicants, and 0% of all Alaskan/American Indian applicants.

The results of this analysis show that slightly more than one-third (35%) of all faculty hired during this 2016-17 sample were from underrepresented groups. With this data, the District will continue to focus on ways to increase opportunities for more diversification of its workforce, and undertake efforts to enhance the recruitment and selection process. For example, the District has developed a hiring committee survey that will allow hiring committee members to express their concerns and suggestions about the hiring committee process. In addition, the District received feedback from participants of a new and enhanced EEO hiring committee training from a qualified expert in the field, of what these individuals considered best practices to be instituted by the District. These best practices will enable the District to understand how to overcome cultural biases in hiring, and to select the most qualified and culturally competent staff for the best interest of our students.

10.6 STUDENT DATA ANALYSIS

Below is a diagram of our student population by ethnicity.



47% Male, 52% Female, 1% Not Reported

The California Community College Chancellor’s Office has recognized, *"The future of our state depends on the success of our community college students, and studies have clearly shown the educational benefits of a diverse faculty on student success"* (EEO & Diversity Best Practices

Handbook, 2016²). With this recognition, the District has endeavored to examine, implement and strengthen recruitment and hiring practices with regard for the demographics that represent the student population we serve.

As demonstrated by the data, the female student population consists of 52% of the overall population and male students are at 47%. Hispanic students are the majority of students at 51%; Asian students are at 24%; White students are 15%; Black are at 4%; Two or more races are 3%; and all other groups are less than 1% of the total population. This data is significant toward informing the District of the students we serve, and how it coincides with the our representation of diverse faculty and staff. Although it is understood that our data should not be defined as providing an equal percentage of faculty and staff, to equally match the percentage of the student population in various groups; the District will make efforts to put forward and achieve outcomes attempt balance in these areas . In this effort, District has and will continue to value the benefits a diverse faculty and staff provides, which leads to educational benefits for our students.

COMPONENT 11 ANALYSIS OF UNDERREPRESENTATION

11.1 UNDERREPRESENTATION AND SIGNIFICANT UNDERREPRESENTATION

The District is required to collect longitudinal data, to identify any underrepresented group, and to conduct a Title 5 adverse impact analysis using numerical data. The District recognizes that Section 53004 (a) requires that the selection process of applicants will not create a disparate impact for monitored groups. The selection of applicants is measured upon hire. However, it is understood that current job assignments demonstrate some groups to be disproportionately represented due to hiring patterns from the past. The District's intent going forward is to directly address any disparate impact using the 80% rule as a measure to identify significant underrepresentation and underrepresentation.

Significant underrepresentation is defined as 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. The District determines the projected representation by identifying a representative group, which is the group that holds the majority of positions in a job category. The District then measures the total jobs held by other groups in comparison to the representative group to determine whether those groups hold at least 80% of the number of jobs held by the representative group.

² The EEO and Diversity Best Practices Handbook; California Community Colleges Chancellor's Office; Eloy Ortiz Oakley.

In addition, the District defines “underrepresented groups” as any monitored group in a job category that falls below the projected representation, but to a lesser degree. Although the quantity for “underrepresented groups” still falls within the scope of “significantly underrepresented,” it is identified as a subcategory within this definition. The data assessed to determine represented groups can include the following:

- Workforce demographics for each job categories or classifications;
- Student demographics at the college or district;
- Previous demographics of applicants.

Any projections made from the data assessment will not serve as hiring goals/quotas, but instead the projection is merely the criteria to be used to assess whether the District has “underrepresented” or “significantly underrepresented” groups. The existence of an “underrepresented” or a “significantly underrepresented” group is not proof of discrimination or adverse impact. Rather, by determining that a group is “underrepresented” or “significantly underrepresented,” the District becomes obligated to review and amend its current policies and practices to determine if the underrepresentation of a group may be the result of non-job-related factors. This information can also assist the District in determining what additional measures must be created and implemented to address the significant underrepresentation of monitored groups.

11.2 ANALYSIS OF UNDERREPRESENTATION AND SIGNIFICANTLY UNDERREPRESENTATION

The District determines underrepresentation by first considering the workforce head count for each job category or classification. For this analysis, the District has chosen to apply Title 5 section 53001³ 80% rule to define “underrepresentation,” and has applied a further definition to define “significant underrepresentation.” The District recognizes that although frequently mentioned in the Model EEO Plan, Title 5 does not provide a definition for determining “underrepresentation.” Rather, the recommendation is to separate the terms based on an analysis of stated degree (percentage), that underrepresentation and significant underrepresentation exists.

In general, per Title 5, the District determines “underrepresentation” by identifying any monitored group(s) that holds less than 80% of the position in a job category based on the projected representation data as defined above. However, distinguishing and disaggregating the disproportionality between significant underrepresentation and underrepresentation, the District considers any group(s) that holds 40% or less of the jobs in a particular job category as “significantly underrepresented.” The below charts illustrate the projections for the District.

³ The District recognizes that the definition we are using in these area to define “underrepresentation” is actually used in Title 5 section 53001 to define “significant underrepresentation.”

As distinguished in the charts below, the blue highlighted areas denote “significantly underrepresented” groups, which hold 0-40% of the jobs held by the majority group in that classification. The green highlighted areas denote “underrepresented” groups, which hold 41-79% of the jobs held by the majority. The red-bolded percentages indicate growth within a specific underrepresented classification from 2013 to 2016.

FALL 2016	Classified Clerical 2016	Classified Clerical 2013	Classified Manager 2016	Classified Manager 2013	Classified Service Maintenance 2016	Classified Service Maintenance 2013	Classified Skills Craft 2016	Classified Skills Craft 2013
Head Count	157	146	44	22	43	57	23	21
African American	16%	16%	18%	14%	16%	25%	9%	0%
Alaskan/American Indian	1%	1%	0%	0%	0%	4%	0%	0%
Asian	3%	5%	5%	0%	2%	0%	4%	10%
Hispanic	38%	32%	25%	18%	56%	47%	48%	43%
Pacific Islander	7%	9%	9%	14%	5%	4%	0%	5%
White	35%	38%	45%	50%	21%	21%	39%	43%

FALL 2016	Classified Technical 2016	Classified Technical 2013	Educational Administrator 2016	Educational Administrator 2013	Full-time Faculty 2016	Full-time Faculty 2013	Adjunct Faculty 2016	Adjunct Faculty 2013
Head Count	103	106	31	25	411	365	1010	766
African American	15%	11%	19%	24%	9%	9%	7%	7%
Alaskan/American Indian	0%	1%	0%	0%	.4%	1%	0%	0%
Asian	8%	5%	3%	4%	5%	13%	11%	12%
Hispanic	26%	28%	23%	20%	17%	13%	18%	16%
Pacific Islander	9%	9%	3%	4%	10%	3%	5%	1%
White	41%	45%	52%	48%	58%	61%	60%	61%

Since the first publication of the EEO Plan in 2014, the District’s workforce distribution by ethnicity has slightly improved, which can be attributed to various factors that led to a more

diverse workforce within some classifications. For example, the majority groups has slightly decreased in some categories over the past three years, while the head count for other racial/ethnic groups considered underrepresented and significantly underrepresented have slightly increased. Overall, the Hispanic group has shown the largest gain, particularly in the categories of classified clerical positions and full-time faculty positions. This may be attributed to the changes in the general population from which District applicants come. However, because the increase in headcount has occurred across the board for most groups, the gains appear slight, yet we find them meaningful.

It is the District's intent to increase diversity across all job categories, therefore, we must focus our efforts towards increasing participation of groups identified as underrepresented. Most importantly, the District recognizes it must apply efforts to address significant underrepresentation among monitored groups, such as increasing our Asian group, in that Asian students comprise a large majority of our student population. With this effort the District will ensure its workforce is comprised of a diverse community that is in the best interest of the student body it serves.

COMPONENT 12 METHODS TO ADDRESS SIGNIFICANT UNDERREPRESENTATION

To address the significant underrepresentation of the workforce, the District has taken the following steps:

1. The EEOAC, in conjunction with the VPHR, annually reviews the District's recruitment and hiring process and procedures, and recommends modifications to address underrepresentation.
2. The District annually evaluates its advertising and recruitment methods to ensure its efforts are broad and inclusive, including reaching out to sources likely to reach underrepresented populations. Increase the advertising and recruitment budget as needed to ensure that recruitment is broad and inclusive.
3. The VPHR engages with department/division heads and administrators to develop and improve recruiting and hiring practices to address underrepresentation in their department/divisions. Examples of practices include,
 - Require mandatory training regarding the value of workforce diversity and EEO for administrators and staff who serve on hiring committees;
 - Provide equity and diversity training for all administrators and staff at standard and second advanced levels;
 - Through training, assist hiring committee to develop interview questions that do not have a disparate impact on particular groups; and assist them to create questions that address the skills and knowledge actually needed;

- Educate faculty, staff and administrators of the need for and value of a diverse workforce through the use of workshops and learning opportunities;
 - Conduct surveys of hiring committees to determine whether additional training is needed and whether the training received is having the desired effect;
 - Changes in staffing, curricular offerings, or department structure that would assist in attracting candidates from significantly underrepresented groups;
 - Recommendations for changes to the job announcement, screening criteria and interview questions that may reasonably be expected to attract candidates from the significantly underrepresented group
 - Hold and attend job fairs that are likely to attract qualified persons of underrepresented groups
4. The VPHR actively monitors the representation rate of the various groups throughout the application process. If underrepresentation for any group(s) is identified, the VPHR will:
- Review the "required," "desired," or "preferred" qualification being used to screen applicants for positions in the job category to determine whether it is job-related and consistent with business necessity through a process meeting the requirements of federal law.
 - Discontinue the use of any qualification that is found to not satisfy the requirements of the job.
 - Develops a recruitment committee - composed of the VPHR, division or department head where the significant underrepresentation persists, and members of the EEOAC - to review the effectiveness of the recruitment and hiring process for that area. The committee will provide recommendations to modify the recruitment and hiring process to address the significant underrepresentation.

12.1 RECRUITMENT

It is the policy of the District to aggressively pursue a program of verifiable recruitment that is inclusive and open to all qualified individuals. Efforts will be undertaken on a regular basis to maintain and update current recruitment sources and to develop new sources that ensure recruitment of diverse pools of candidates that include men, women, persons with disabilities, and individuals from various ethnic backgrounds.

Pursuant to Board Policy 7120 Recruitment and Selection, the superintendent/president has establish procedures for the recruitment and selection, which establishes as a criteria that academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Trustees.

All recruitment announcements will state that the District is an "Equal Opportunity Employer." For any job category for which significant underrepresentation exists, the District will include among its hiring and recruitment practices the following:

1. For any job category for which 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 53021(c)(7) for engaging an administrator through a professional services contract, unless the President or his/her designee first notifies the Board of Trustees and the Equal Employment Opportunity Advisory Committee in writing of the compelling reason to limit the persons who may be considered for a vacancy in a job category for which significant underrepresentation persists.

This shall include outreach designed to ensure that all qualified 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, and managerial positions.

2. Recruitment efforts for all open positions shall include, but not be limited to, placement of job announcements in the following instruments:
 - General circulation, local and regional newspapers and publications.
 - General-market radio and television stations, including those that provide information in languages other than English, and to low-income communities.
 - Electronic media and social network sites that have an audience composed of the general market and groups found to be significantly underrepresented in the District's workforce.
 - District social media outlets such as Twitter, Facebook, the District's blog, and YouTube.
 - Recruitment booths at job fairs or conferences oriented toward the general market and the economically disadvantaged, and at events drawing significant participation by groups found to be significantly underrepresented in the District's workforce.
 - 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 College's 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 section.
3. "In-house or promotional only" recruitment shall not be used to fill any vacancy for any position described in 53021(a) 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 pursuant to 53021(b) (1), 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 Section 53022 and the selection process shall be consistent with the requirements of this subchapter

4. At least every two (2) years, the District shall host a job fair for persons interested in employment with the District. The job fair may allow potential candidates to meet deans, faculty, and classified employees of the District. Attendees shall be provided with information regarding current job vacancies, hiring criteria and procedures, information regarding the District's commitment to equal employment opportunity, and student body demographics. Efforts will be made to attract diverse groups of individuals to the job fair.
5. District employees may be surveyed regarding suggestions for resources and locations in which open positions may be advertised to ensure that recruitment is as inclusive and broad as possible, and includes recruitment of monitored groups. Human resources will compile, store, and maintain the information received.

12.2 JOB ANNOUNCEMENTS

The District's Recruitment and Hiring Procedures section on "Job Announcements" procedures shall include the following provisions:

1. Job announcements shall clearly state the job specifications, setting forth the knowledge, skills, and abilities necessary to perform the job. For all positions, job requirements shall include demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of the District's students. For faculty and administrative positions, requirements will also include knowledge of the history and culture of monitored groups and groups that have experienced discrimination. All faculty and administrative positions will state knowledge of multiculturalism and training in cultural proficiency as a preferred or desired qualification.

Job specifications that the District wants to use, which include a "required," "desired," or "preferred" qualification beyond the state minimum qualifications, shall be reviewed by the VPHR 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 Employment 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, the District shall conduct an analysis to ensure that such a requirement meets the standard of a bona fide occupational requirement.

A bona fide occupational requirement is an employment qualification that employers are allowed to consider while making decisions about hiring and retention of employees. The

qualification should relate to an essential job duty and is considered necessary for operation of the particular business.

The District shall identify specific positions that will require bilingual ability and the language(s) needed; and which positions bilingual ability in a particular language may be listed as a required, preferred, or desired qualification.

12.3 REVIEW OF INITIAL AND QUALIFIED APPLICANT POOLS

Initial applicant pools will be reviewed for projected representation of monitored groups and to ensure that no monitored group was adversely impacted. Once the qualified applicant pool is approved, the pool may be forwarded to the screening/selection committee.

The District's hiring and recruitment procedures may include the following:

GROUP IDENTITY: The application for employment shall provide for self-identification of applicant's ethnic group identification and his or her disability, if applicable. 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 in this subchapter, or by any applicable statute or regulation.

INITIAL APPLICANT POOL: 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 job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the "qualified applicant pool."

QUALIFIED APPLICANT POOL: The composition of the qualified applicant pool shall be reviewed and compared with 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 in section 53006(a).

12.4 SCREENING/SELECTION COMMITTEE 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 may extend a fair and impartial examination of qualifications to all candidates, based on job-related criteria. The District's hiring and recruitment procedures may include the following provisions in its section on applicant screening by selection committees:

1. All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, will be:
 - Designed to ensure for all positions that 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 District's students. "Meaningful consideration" means that candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position;

- Designed to ensure that for all faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate knowledge of multiculturalism, training in cultural proficiency, and knowledge of the history and culture of significantly underrepresented groups and groups that have experienced discrimination;
 - Based solely on job-related criteria; and
 - Designed to avoid an adverse impact and monitored by means consistent with this section to detect and address adverse impact which does occur for any monitored group.
2. When possible and within the limits allowed by federal and state law, every effort shall be made to ensure that selection committees include a diverse membership that brings a variety of perspectives to the assessment of applicant qualifications. Selection committees will be encouraged to include members from monitored groups.
 3. The VPHR shall approve the makeup of selection committees. If the VPHR does not approve a selection committee for lack of diversity, he or she must take the necessary steps to remedy the lack of diversity.
 4. Before a person can serve on a selection committee, he or she must receive equal employment opportunity and diversity training.
 5. Interviews must include at least one question that assesses the candidate's understanding of and commitment to equal employment opportunity, and his or her level of cultural proficiency.
 6. All selection materials must be approved for compliance with equal employment opportunity principles.
 7. Monitoring for adverse impact may occur at each of the following stages of the selection committee process:
 - After the selection committee has conducted the paper screening and prior to contacting any of the applicants for interviews. Interviews cannot be scheduled until the applicant pool has been approved and cleared for adverse impact.
 - Or after the applicants have been interviewed and prior to forwarding finalists to the President for hiring. Please note that finalists cannot be forwarded for hiring consideration until the applicant pool has been approved and cleared of any adverse impact.
 8. The District may 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, gender, religion, sexual orientation, marital status, disability, medical condition,

or any other monitored group that results in discriminatory or preferential treatment prohibited by state or federal law. The District may not apply this Plan in a rigid manner that has the purpose or effect of so discriminating.

9. The District may review all its current and future job specifications to ensure that seniority or length of service is taken into consideration only to the extent that it is job-related, is not the sole criterion, and is included in the job announcement. Service may be considered job-related for purposes of taking seniority or length of service into account only if it is closely related to the actual teaching or other faculty assignment. Service in the same department may not automatically be considered closely related unless the actual assignments within the department are similar. The use of seniority or length of service may be assessed for adverse impact in each selection process in which it is taken into account. If adverse impact results from the use of seniority or length of service as a job-related factor, the process will continue only if applicants, who were eliminated by the use of seniority or length-of-service considerations, are placed back in the pool and continue to be considered during the hiring process.
10. Seniority or length of service may be 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 Section 53022.
11. Selection testing for employees will follow procedures as outlined in the EEOC Uniform Guidelines on Employee Selection Procedures.
12. The VPHR, or his or her designee, shall make the final determination as to the validity of the applicant pool. 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 this Plan and to ensure equal employment opportunity.
13. 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 this Plan, the District may request that the EEOAC recommend new methods to meet the Plan objectives; or, if necessary, may modify the Plan itself to ensure equal employment opportunity.

COMPONENT 13 OTHER MEASURES NECESSARY TO FURTHER EQUAL EMPLOYMENT OPPORTUNITY

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, women, and persons with disabilities, individuals from all ethnicities, and other monitored groups.

To address significant underrepresentation, the District will maintain a diversity program. Having a campus that has accepted principles of diversity and multiculturalism can make implementation and maintenance of an effective equal employment opportunity program much easier. For that reason, institutionalizing a diversity program that is well planned, well-funded, and supported by the leadership of the District can be of great value.

The District will sponsor cultural events and speakers on issues dealing with diversity and explore how to infuse diversity into the classroom and curriculum. The District will promote the concept of cultural proficiency and may develop an evaluation form that integrates diversity into the evaluation of employees. The District will also 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.

In maintaining a diversity program, the District shall do the following:

1. Commit to an equal employment program that is visible, valued, and part of the structure of the District; and that will be adequately funded and supported by the District and campus leadership.
2. Conduct campus climate studies to identify hidden barriers.
3. Host events with guest speakers from significantly underrepresented groups who are in leadership positions and who may inspire students and employees alike.
4. Highlight the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications. Include language in job announcements indicating that candidates are required to demonstrate that they can infuse diversity into their major job duties.
5. Conduct diversity dialogues, forums, and cross-cultural workshops.
6. Work with the Campus Curriculum Committee to assist in the development of a "Diversity Instructional Tool Kit" as a resource for faculty interested in infusing diversity and multiculturalism into their instruction or services to students.
7. Review and revise District publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
8. Recognize and value staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.
9. Require a series of EEO/diversity workshops at all instructional improvement or staff development days.
10. Evaluate administrators yearly on their ability and efforts to meet the District's equal employment opportunity and diversity efforts.
11. Establish an "Equal Employment Opportunity and Diversity" online presence by highlighting the District's diversity and equal employment opportunity, ADA, sexual harassment, harassment and discrimination policies and procedures, and programs on the District's

website. The website will also list contact persons for further information on all of these topics.

12. Promote sabbaticals that will assist the District in achieving its equal employment opportunity and diversity objectives.
13. Promote various cultural celebrations on campus.
14. Recognize multilingualism and knowledge of multiculturalism as a desired or required skill or qualification for District employees.
15. Consider providing for alternative educational or experience requirements for nonacademic positions.
16. Develop leadership opportunities with current staff focusing on diversity.
17. Establish Community Outreach Advisory Council to involve community-based organizations in the recruitment and other equal employment opportunity efforts of the District. Recommended membership will include representatives from local business and industry as well as from diverse community groups such as the Asian Pacific American Legal Center ("APALC"), Mexican American Legal Defense and Educational Fund ("MALDEF"), National Association of the Advancement of Colored People ("NAACP"), Chamber of Commerce, City Council, and others.
18. Ensure that top administrative staff support diversity objectives and that the VPHR position is maintained as a cabinet or other high-level administrative position.
19. 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.
20. Use social media such as the District's blog, Twitter, Facebook, and YouTube to reach a broader audience and to keep employees and the public up-to-date on employment opportunities throughout the District.

COMPONENT 14 PERSONS WITH DISABILITIES ACCOMMODATIONS

Pursuant to Title 5 Section 53025, the District shall ensure that applicants and employees with disabilities 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, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aids such as readers, interpreters, and note takers. Such accommodations may be paid for with funds provided pursuant to Title 5 Section 53030.

14.1 REASONABLE ACCOMMODATIONS

The Accommodations Officer, or his or her designee, is responsible for handling requests for accommodations from current employees and applicants seeking such accommodations during

the application process. An employee or applicant seeking accommodations must contact the Office of Human Resources. He or she will be given an Employee Accommodations Request form. The request form is also available on Office of Human Resources web site.

Once an employee submits a request for accommodation, the Accommodations Officer will conduct an interactive process, which includes the employee, the employee's supervisor and the employee's medical provider. The Accommodation Officer will review the request; contact the employee's medical provider for certification of his or her condition and for possible accommodation suggestions for the employee. At the end of the interactive process, the employee may be granted a reasonable accommodation to assist in performing the essential functions of his or her job. The interactive process for applicants is similar, but usually handled without the assistance of a supervisor.

COMPONENT 15 GRADUATE ASSUMPTION PROGRAM OF LOANS FOR EDUCATION

The District recognizes that students from significantly underrepresented groups are sometimes unable to continue their education to the graduate level due to the cost of higher education and an inability to take on additional debt. The Graduate Assumption Program of Loans for Education ("GAPLE"), authorized by Education Code, Section 69618 *et seq.*, was designed to encourage persons to complete their graduate education and serve as faculty at accredited California colleges or universities. The GAPLE program is administered by the California Student Aid Commission, and because it is subject to funding priorities, it will not be available from time to time.

The District will encourage employees and students to become qualified for GAPLE, get their graduate degree, and seek employment as faculty with the District. The District will research and inform students about programs that may assist them to complete their graduate studies and become community college employees. The District will post informational flyers on the campuses concerning such programs, and make information available in student newspapers;

the course catalog; and in locations accessible to students, including, but not limited to, Counseling, Financial Aid, Admissions and Records, the Bookstore, and the Student Center. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

LEGAL AUTHORITY

The California Code of Regulations Title 5, Section 53003(a); and the California Education Code, Section 87100 to develop and implement an Equal Employment Opportunity Plan, mandate California community colleges.

California Code of Regulations Title 5, Section 53003(A)—District Plan

The governing board of each community college district shall develop and adopt a district-wide written equal employment opportunity plan to implement its equal employment opportunity program. Such plans shall be submitted to the Chancellor's Office. The Chancellor's Office retains the authority to review district plans on a case-by-case basis.

California Education Code, Section 87100—Legislative Finds and Declarations:

- (a) The Legislature finds and declares all of the following:
- (1) In fulfilling its mission within California's system of public higher education, the California community colleges are committed to academic excellence and to providing all students with the opportunity to succeed in their chosen educational pursuits.
 - (2) Academic excellence can best be sustained in a climate of acceptance and with the inclusion of persons from a wide variety of backgrounds and preparations to provide service to an increasingly diverse student population.
 - (3) A workforce that is continually responsive to the needs of a diverse student population may be achieved by ensuring that all persons receive an equal opportunity to compete for employment and promotion within the community college districts and by eliminating barriers to equal employment opportunity.
- (b) It is the intent of the Legislature to establish and maintain within the California community college districts a policy of equal opportunity in employment for all persons, and to prohibit discrimination or preferential treatment based on ethnic group identification, or on any basis listed in subdivision (a) of section 12940 of the Government Code, as those bases are defined in Sections 12926 and 12926.1 of the Government Code, except as otherwise provided in Section 12940 of the Government Code. Every aspect of personnel policy and practice in the community college districts should advance the realization of inclusion through a continuing program of equal employment opportunity.
- (c) The Legislature recognizes that it is not enough to proclaim that community college districts must not discriminate and must not grant preferential treatment on impermissible bases. The Legislature declares that efforts must also be made to build a community in which nondiscrimination and equal opportunity are realized. It is the intent of the Legislature to require community college districts to adopt and implement programs and plans for ensuring equal employment opportunity in their employment practices.

Title 5, Section 53026 Complaints—Violation of Equal Employment Opportunity Regulations

Each community college district shall establish a process permitting any person to file a complaint alleging that the requirements of this subchapter have been violated. A copy of the complaint shall immediately be forwarded to the Chancellor, who may require that the district provide a written investigative report within ninety (90) days. Complaints that also allege discrimination prohibited by Government Code Sections 11135 *et seq.* shall be processed according to the procedures set forth in subchapter 5 (commencing with Section 59300) of Chapter 10 of this division.

OTHER LEGAL AUTHORITY RELIED UPON

1. Title 5, California Code of Regulations
2. Education Act Education Code Sections 200 *et seq.*
3. Government Code Sections 12940, 12945, 12945.2
4. Sex Equity in Education Act Education Code Sections 66250 *et seq.*; 72010 *et seq.*
5. Titles VI and VII of the Civil Rights Act of 1964
6. Title IX of the Education Amendment of 1972
7. Section 504 of the Rehabilitation Act of 1973
8. Fair Employment and Housing Act
9. California Government Code 11135 *et seq.* 12900 *et seq.*, 12940 *et seq.*
10. Age Discrimination Act
11. Americans with Disabilities Act of 1990; Education Code Sections 87100 *et seq.*
12. Student Equity, Chapter V-1.