

The MiraCosta College District Equal Employment Opportunity (EEO) Plan is included in the attached appendix. The EEO Plan is reviewed annually and updated as needed by the EEO Advisory Committee.

The EEO Plan components include Annual Evaluation, EEO Advisory Committee, Employment Procedures, Delegation of Authority, Complaint Procedures, Job Announcements, and Dissemination and Revision of the Plan, as excerpted below.

### **Annual Evaluation**

The district shall annually collect the demographic data of its employees and applicants for employment in order to evaluate progress in implementing the EEO Plan and to provide data needed for required analyses. The Human Resources Department will annually survey the district's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the district's progress in implementing the EEO Plan, to provide data needed for the reports required by this plan, and to determine whether any monitored group is underrepresented. Monitored groups are men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For purposes of the survey and report, each applicant or employee will be afforded the opportunity to voluntarily identify their gender, ethnic group identification, and, if applicable, their disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). At least every three years, the EEO Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

- A. Executive/Administrative/Managerial
- B. Faculty and Other Instructional Staff – Faculty full-time and part-time
- C. Professional Non-faculty

---

**MiraCosta Community College District**

Effective Date:	10/6/09, 6/16/15
Reference Update:	1/15
Periodic Review:	
References:	Education Code §§87100 et seq. Title 5, §§53000 et seq., 59300 et seq. ACCJC Accreditation Standard III.A.12
CCLC Update:	#4, 2/03; #10, 2/06; #11, 8/06; #15, 9/08; #23, 10/13; #25, 11/14; #26, 4/15
Steering:	VPHR / N/A

- D. Secretarial/Clerical
- E. Technical and Paraprofessional
- F. Skilled Crafts
- G. Service and Maintenance

The district will review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion. The information to be reviewed shall include, but need not be limited to longitudinal analysis of data regarding job applicants to identify whether, over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool; the qualified applicant pool; and analysis of data regarding potential job applicants (to the extent provided by the State Chancellor's Office), which may indicate significant underrepresentation of a monitored group.

### **EEO Advisory Committee**

The district has established an Equal Employment Opportunity Advisory Committee to assist the district in implementing its EEO Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may work in coordination with other groups on campus to sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention, and diversity. The equal employment opportunity officer shall train the advisory committee on equal employment compliance and the EEO Plan itself. The advisory committee shall receive training in all of the following: applicable Title 5 regulations and state and federal nondiscrimination laws; the educational benefits of workforce diversity, the identification and elimination of bias in hiring decisions; and the role of the advisory committee in carrying out of the district's EEO Plan. The committee shall include a diverse membership whenever possible. A substantial, good-faith effort to maintain a diverse membership is expected. If the district has been unable to meet this objective, it will document what efforts were made to recruit advisory committee members who represent diversity. The committee will be composed of two members of the faculty appointed by the Academic Senate president, two members of the classified staff appointed by the Classified Senate Council president, two students recommended by the Associated Student Government, two community representatives appointed by the superintendent/president, and one member of the administration appointed by the superintendent/president.

The committee will be convened initially each year and chaired by the equal employment opportunity officer. Terms of office for the voting members shall be for two years. The Equal Employment Opportunity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings, if needed, to review equal employment opportunity and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the Board of Trustees, the superintendent/president, and the equal employment opportunity officer.

The responsibilities of the Equal Employment Opportunity Advisory Committee shall include but not be limited to the following:

review and advise on recruitment efforts; job announcements, interview protocols, retention efforts, and other aspects of the hiring, retention, and promotion processes that impact the district's ability to attract and retain a diverse faculty and staff; advise on implementing the district's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students; promote communication with community groups and organizations for people with disabilities; promote hiring of faculty who have themselves graduated from a community college; develop communications among departments to foster understandings of the EEO Plan; to advise the superintendent/president regarding special training or staff development needs; review the EEO Plan and monitor its progress; recommend changes needed in the EEO Plan; and review and approve the annual written report to the superintendent/president, the Board of Trustees, and the California Community Colleges Chancellor's Office.

### **Employment Procedures**

Employment procedures will comply with current Title 5 regulations.

### **Job Analysis and Validation**

The vice president of human resources (VPHR) shall assure that a proper job analysis is performed for every job filled by the district to determine and validate the knowledge, skills, abilities, and characteristics an employee must possess to perform the job satisfactorily.

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

### **Job Description**

Every job description shall provide a general statement of job duties and responsibilities.

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

### **Recruitment**

Recruitment must be conducted actively within and outside of the district work force.

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

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

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

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

### **Applicant Pools**

The application for employment shall afford each applicant an opportunity to identify themselves voluntarily as to gender, ethnicity, and if applicable, their disability. This information shall be maintained in confidence and shall be used only for research, validation, monitoring, evaluation of the effectiveness of the EEO Plan, or as authorized by law.

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

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

### **Screening and Selection**

Screening, selecting, and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity. Procedures to be used must address or include that:

- Hiring procedures will be provided to the California Community Colleges Chancellor’s Office on request.
- All tests conform to generally applicable legal standards for uniformity.
- A reasonable number of candidates are identified for interview.
- Screening and selection committees are developed that are representative of the district community and campus; include administrators, faculty, and classified staff members; include a diverse membership when possible; do not include applicants or persons who have written letters of recommendation.
- Every screening and selection committee includes an individual trained to monitor

conformance with EEO requirements. The EEO representative assures that the screening and selection process conforms to accepted principles and practices, including preparation of job-related questions in advance; maintains records of screening checklists and rating scales, which shall be signed and kept on file; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact.

- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

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

- Review its recruitment procedures.
- Consult with counsel to determine whether there are other, additional measures that may be undertaken that are required or permitted by law.
- Consider various other means of reducing the underrepresentation that do not involve taking monitored group status into account and implement any such techniques that are feasible.

If significant underrepresentation persists:

- Review each locally established job qualification to determine if it is job related and consistent with business necessity.
- Discontinue the use of any non-job-related local qualification.
- Continue using job-related local qualifications only if no alternative standard is reasonably available.
- Consider the implementation of additional measures designed to promote diversity.

### **Delegation of Authority**

It is the goal of the MiraCosta Community College District that all employees promote and support equal employment opportunity because such a goal requires a commitment and a contribution from every segment of the district. The general responsibilities for the prompt and effective implementation of this EEO Plan are set forth below.

#### **A. Board of Trustees**

The Board of Trustees is ultimately responsible for proper implementation of the district's EEO Plan at all levels of district and college operation and for ensuring equal employment opportunity as described in the plan.

B. Superintendent/President

The Board of Trustees delegates to the superintendent/president the responsibility for ongoing implementation of the EEO Plan and for providing leadership in supporting the district's equal employment opportunity policies and procedures. The superintendent/president shall advise the Board of Trustees concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on EEO Plan implementation. The superintendent/president shall include in the evaluation of the performance of all administrators who report directly to them on actions taken in support of the plan.

C. Equal Employment Opportunity Officer

The district has designated the VPHR as its equal employment opportunity officer who is responsible for the day-to-day implementation of the EEO Plan. If the designation of the equal employment opportunity officer changes before the plan is next revised, the district will notify employees and applicants for employment of the new designee. The equal employment opportunity officer is responsible for administering, implementing and monitoring the EEO Plan, and for assuring compliance with the requirements of Title 5, §53000 et seq. The equal employment opportunity officer is also responsible for receiving complaints described in section 6 of the plan and for ensuring that applicant pools and selection procedures are properly monitored.

D. Equal Employment Opportunity Advisory Committee

The district has established an Equal Employment Opportunity Advisory Committee to act as an advisory body to the equal employment opportunity officer and the district as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Equal Employment Opportunity Advisory Committee assists in the development and implementation of the EEO Plan in compliance with state and federal regulations and guidelines, monitors equal employment opportunity progress, and provides suggestions for plan revisions as appropriate.

E. Agents of the District

Any organization or individual, whether or not an employee of the district, who acts on behalf of the Board of Trustees with regard to the recruitment and screening of personnel, is an agent of the district and is subject to all the requirements of this EEO Plan and will be given a copy of it.

F. Good-Faith Effort

The district shall make a continuous, good-faith effort to comply with all the requirements of its EEO Plan.

## Complaint Procedure

### A. Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Title 5 §53026)

The district has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the district to waive the sixty (60)-day limitation. Complaints alleging violations of the EEO Plan that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing. As directed by the Chancellor's Office, the decision of the district in complaints pursuant to Title 5 §53026 is final. (See California Community Colleges Chancellor's Office website for the Guidelines for Minimum Conditions Complaints.

The district may return without action any complaints that are inadequate because they do not state a clear violation of EEO regulations. All returned complaints must include a district statement of the reason for returning the complaint without action.

The complaint shall be filed with the equal employment opportunity officer. If the complaint involves the equal employment opportunity officer, the complaint may be filed with the superintendent/president. A written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. If this is not practical, a written notification will be provided to the complainant as to the reasons for the extension and estimated date of completion. The equal employment opportunity officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

In the event that a complaint filed under Title 5 §53026 alleges unlawful discrimination, it will be processed according to the requirements of Title 5 §59300 et seq.

### B. Complaints Alleging Unlawful Discrimination or Harassment (Government Code §59300 et seq.)

The district has adopted procedures for complaints alleging unlawful discrimination or harassment. The VPHR is responsible for receiving such complaints and for coordinating their investigation.

## **Job Announcements**

Job announcements will clearly state job specifications, setting forth the knowledge, skills, and abilities necessary to job performance. For all positions, job requirements will include demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students. Job specifications, including any “required”, “desired”, or “preferred” qualifications beyond the state minimum qualifications that the district wishes to utilize, will be reviewed by the equal employment opportunity officer 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 Opportunity Employer.”

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

The commitment of the Board of Trustees and the superintendent/president to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the EEO Plan. The policy statement will be printed in the college catalog and class schedule. The EEO Plan and subsequent revisions will be distributed to the Board of Trustees, the superintendent/president, administrators, the Academic and Classified Senate Councils, union representatives, and members of the district Equal Employment Opportunity Advisory Committee. The EEO Plan will be available on the district’s website and employees will be notified electronically. The Human Resources Department will provide all new employees with a copy of the written notice described above when they commence employment with the district. Each year, the district will inform all employees by e-mail of the plan’s availability, including a written summary of the provisions of the plan. The annual notice will emphasize the importance of the employee’s participation and responsibility in ensuring the EEO Plan’s implementation.