1. **Description of MiraCosta Community College District**

   The MiraCosta Community College District consists of the area located within the boundaries of the Carlsbad and Oceanside Unified School districts and the San Dieguito Union High School District. The District operates campuses in the cities of Oceanside and Encinitas (Cardiff area), and offers programs and services at centers on Camp Pendleton, in downtown Oceanside, and at other locations throughout the District.

2. **Purpose**

   a. **Philosophy**

      MiraCosta College is dedicated to providing excellent educational programs that develop individual abilities, strengthen human relationships, enhance community life, and heighten global consciousness. Recognizing that education is lifelong, the college staff endeavors to provide learning opportunities that are accessible to all who are able and willing to benefit.

      At MiraCosta, education is seen as a process of exploration that depends on mutual responsibility. The College schedules programs that reflect changing local, national, and international needs. Dedicated professionals create an environment that stimulates intellectual curiosity, nurtures learning, and develops an understanding of society and how individuals can influence its workings. Students develop self-understanding, pursue educational objectives, and ultimately stand accountable for their own progress.

      MiraCosta welcomes diversity among its students and staff and takes pride in affording equal educational and employment opportunities through a program of non-discrimination and affirmative action; in practicing the principles of collegial governance; and in creating an environment of cooperation, mutual respect, and trust.
b. Mission

MiraCosta College, one of California’s comprehensive, public two-year community colleges, has served the coastal area of northern San Diego County since 1934. Recognizing that individuals and the domestic and international communities are diverse and changing, the College is committed to offering a variety of programs and services in the following areas:

- **Transfer Education** - Standard collegiate courses at the lower division level for those students who plan to earn an associate degree and/or transfer to four-year colleges and universities.

- **Vocational Education** - Specialized education and training in selected occupational fields leading to job entry, advancement, retraining, certification, and associate degrees.

- **General Education** - Courses to contribute to associate degree programs; broaden knowledge and perspectives; develop critical thinking and communication skills; enhance cultural literacy; encourage a positive attitude toward learning; and equip students to participate in a complex, interdependent world.

- **Basic Skills Education** - Courses in mathematics, reading, and writing for underprepared students, as well as other programs to enable those with special learning needs to reach their educational goals.

- **Community Education** - Conveniently scheduled, state-supported non-credit classes and fee-supported educational, cultural, recreational, and occupational programs that enrich the lives of area residents.

- **Support Services** - Comprehensive services that support the college mission and help students achieve their educational goals through assessment of skills and abilities, counseling and advisement, tutoring, financial aid, job placement, health services, and learning resources.
CHAPTER: The Board of Trustees

The Board’s Legal Authority, Duties and Operational Policies

1.B

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1. Legal Authority

The Board of Trustees of the MiraCosta Community College District exists under and derives its powers from the Constitution of the State of California, acts of the State Legislature and regulations promulgated by the Board of Governors of the California Community Colleges. These provisions are embodied in the Education Code, the Government Code and Title V of the Code of regulations. All policies and actions of the Board shall conform to the aforementioned authority.
2. Duties and Responsibilities

The Board of Trustees is authorized by statutes of the State of California to establish, maintain, operate, and govern one or more community colleges in accordance with law. In so doing, the Board may initiate and carry on any program or activity, or may otherwise act in any manner that is not in conflict with, inconsistent with, or preempted by any law that does not conflict with the purposes for which community college districts are established.

Following are specific fiduciary duties and responsibilities of the Board:

- Establish policies for, and approve, current long-range academic and facilities plans and programs and promote orderly growth and development of the College.

- Establish policies for and approve courses of instruction and educational programs.

- Establish academic standards, probation and dismissal and readmission policies, and graduation requirements consistent with minimum standards adopted by the State Board of Governors. Award degrees, certificates and diplomas to students upon completion of prescribed courses or curriculum.

- Employ and assign all personnel, consistent with minimum standards adopted by the Board of Governors, and, in keeping with statutory guidelines, establish employment practices, salaries, and benefits for all employees. Following applicable due process guidelines, terminate the employment of any employee when, in the Board’s judgment, the best interests of education in the District so require.

- To the extent authorized by law, determine and control the District’s operational and capital outlay budget. Assure that public funds are spent prudently and legally. Determine, if appropriate, the need for elections for override tax levies and bond measures and authorize the calling of such elections.

- Manage and control district property; contract for the procurement of goods and services as authorized by law.

- Establish procedures that are consistent with minimum standards adopted by the Board of Governors to ensure faculty, staff, and students the opportunity to express their opinions at the campus level and to ensure that these opinions are given every reasonable consideration, and the right to participate effectively in district and college governance.

- Establish rules and regulations governing student conduct.

- Establish student fees that are required by law, and, in its discretion, fees it is authorized by law to establish.

- Receive gifts, grants, and scholarships on behalf of the College and its students.

- Within the framework provided by law, determine the District’s academic calendar, including holidays it will observe.

- Hold and convey property for the use and benefit of the District. Acquire by eminent domain any property necessary to carry out the powers or functions of the District.

- Annually review and approve the District’s Deferred Maintenance Plan and Five-year Capital Outlay Plan.
• Participate in the consultation process established by the Board of Governors for the development and review of policy proposals.

• Provide policy direction for the District while delegating administrative authority to the Superintendent/President as chief executive officer.

• Review and evaluate the performance of the Superintendent/President on an annual basis pursuant to Board Policy II.A.

• Review and evaluate its own performance on an annual basis.

3. Board Organization

a. Membership

The Board consists of seven trustees and a student trustee. The District is comprised of seven areas, each of which is represented by one of the seven trustees. All trustees must be qualified electors of the District. The student trustee, who may also be president of the MiraCosta College Associated Students, serves as a non-voting student member of the Board. The Student Trustee can make and second motions. The Student Trustee’s vote is recorded in the minutes as advisory.

b. Term of Office

Each trustee shall be elected for a four-year term, beginning the first Friday in December following the election, and shall serve until a successor is elected and qualified. The term of the student trustee will coincide with the term of president of the Associated Students.

c. Remuneration

Each trustee shall receive compensation as prescribed by law provided the trustee attends all meetings held by the Board during the month. The student trustee shall receive monthly compensation equal to fifty percent (50%) of the compensation paid to the trustees. In any month during which a trustee or student trustee does not attend all scheduled meetings, the monthly compensation will be prorated to reflect any meeting(s) not attended.

A Board member may be paid for any meeting when absent if the Board by resolution duly adopted and included in its minutes finds that at the time of the meeting he or she is performing services outside the meeting for the community college district, he or she was ill or on jury duty, or the absence was due to a hardship deemed acceptable to the Board.

Each trustee and student trustee may be reimbursed for mileage at the District’s current mileage rate for attendance at annual, regular, adjourned, or special board meetings and at meetings when the trustee is on official board business, including official functions to which trustees are invited by virtue of their membership on the Board.

d. Officers of the Board

A President and Vice President shall be elected from among the members of the Board at the annual meeting, which will be held during the fifteen day period beginning the first Friday in December. The Superintendent/President may serve by appointment as the Board Secretary/Clerk. The Board also may appoint an Assistant Secretary. Board officers will be elected on a rotation basis in accordance with the following guidelines:

• The Secretary/Assistant Secretary to the Board will maintain a rotation list reflecting seniority as a trustee and time since each individual served as President of the Board.
• Upon election or appointment, each new trustee will be placed at the bottom of the rotation list. Two or more new trustees elected at the same time determine their positions on the list by random drawing.

• At each annual meeting, the outgoing President will move to the bottom of the rotation list. The Vice President will be elected President and the next trustee on the list will be elected Vice President. The usual term of office for President and Vice President will be one year. Under exceptional circumstances, the Board can vote to suspend the rotation policy for any reason.

• A trustee must have served on the Board at least three years to be eligible to serve as President. If an ineligible trustee would otherwise be elected President, this individual will normally move one position down the rotation list and the next trustee on the list will be elected President. A trustee who would otherwise be elected President or Vice President may exercise the option to delay his/her election one year, and the next trustee on the list will be elected to the office. An individual in any position on the rotation list may request to be moved to the bottom of the list. Individual option requests will be made during the meeting at which the annual meeting date is set.

e. Role of the Board President

The role of the Board President is to lead the Board members in carrying out their duties and responsibilities in partnership with the Superintendent/President.

The Board President shall:

• Be knowledgeable about MiraCosta College and the communities that comprise its District and use that knowledge in part to help the Board and the Superintendent/President focus on the future.

• In leading the District's commitment to planning, ensure a Board role in the planning process, including creating and recreating the Board's vision for the college.

• Communicate regularly with the Superintendent/President and as needed with the Board to keep all members informed about MiraCosta Community College District matters specifically and community college issues in general.

• Represent the Board to the public. The Board President may attend public events on behalf of the Board or designate other trustees to do so.

• Speak for the Board, including advocating Board positions in public forums. In doing so, the President shall speak only on issues on which the Board has agreed. Other trustees shall refer inquiries from the public and the media to the Board President, the Superintendent/President or the District Public Information Officer to ensure coordination of statements regarding the District.

• Strive to develop the effectiveness of the Board as a team and of individual members of the team.

• Recommend trustees for appointment to District standing committees to provide trustee representation in those committees' deliberations.

• Appoint trustees to ad hoc committees to formulate initiatives and policies for recommendation to the Board.
Plan Board retreats to maintain Board vitality and effectiveness; encourage trustees to attend regional, state and national conferences; and include current issues for timely discussion in Board agendas.

Preside over Board meetings, ensuring orderly, deliberate, and appropriate discussion and decision-making.

Play a major role in orientation and in continuing support and informing of new Board members.

Ensure conduct of annual Board self-evaluations and CEO evaluations and appropriate follow-up.

f. Vacancies

In accordance with applicable Government Code provisions, a trustee’s seat becomes vacant upon his/her ceasing to discharge duties of the office for a period of three consecutive months except when prevented by sickness or when absent from the state with permission required by law.

Any vacancy on the Board shall be filled by either a special election or by provisional appointment for a 30-day period. Unless five percent (5%) of the electors petition for a special election to fill the vacancy, a provisional appointment shall be permanent until the next regular election for the Board members.

A charge for the costs involved in filing for board vacancies will be levied against each candidate desiring to have a "candidate’s statement" or "other materials" as described in Elections Code Section 10012 sent to the voters along with the voter’s pamphlet and sample ballot.

If a tie vote makes it impossible to determine which of two or more candidates has been elected to the Board, the County Superintendent of Schools, having jurisdiction, shall so certify to the Board. The Board shall forthwith notify the candidates who have received the tie votes to appear before it either personally or by a representative at the time and place designated by the Board. The Board shall at that time and place determine the winner or winners by lot.

g. Travel

The Board may authorize a member or members, or other representative(s) of the Board, to attend meetings or conventions of any appropriate organization. The actual and necessary expenses of the member(s) or representative(s) incurred for such meeting or convention attendance shall be paid from district funds.

4. Board Meetings

a. Regular Meetings

Regular meetings, for which an agenda will be prepared by the District’s Superintendent/President, shall be held on the first and third Tuesdays of each month. The first Tuesday of each month the meeting will consist of a Board study session and/or Community Link meeting. The meeting will start at 7:30 a.m., Aztlan A and B, Student Center, Oceanside Campus, unless changed by a majority vote of the Board in a regular session. The third Tuesday of each month will be a regular business meeting starting at 3 p.m. in the Boardroom at MiraCosta College, unless changed by a majority vote of the Board in a regular session.
Four trustees eligible to vote who are present at any meeting shall constitute a quorum for the transaction of business, except that a lesser number shall have the power to adjourn a regular or special meeting in the absence of a quorum.

Robert's Rules of Order, Revised shall be a reference guide for the conduct of Board meetings in matters not otherwise covered by statutes or Board policies. However, the Rules shall not be binding on the Board.

b. Special Meetings

A special meeting may be called at any time by the President of the Board or by written request of four or more members eligible to vote. The Board Secretary/Assistant Board Secretary shall advise all members at least twenty-four (24) hours in advance of the time of the meeting. Notice of such meeting, indicating time, place, and agenda of said meeting, shall be posted at the entrance of the district offices.

c. Adjourned Meetings

Regular and special meetings may be adjourned to a different time and place by a majority vote of the trustees, and all business that would have been proper at the meeting from which adjournment is taken may be transacted.

d. Organizational Meeting

The annual organizational meeting of the Board, including the election of officers, shall be held as prescribed by the San Diego County Department of Education.

e. Public Meeting and Closed Sessions

All meetings of the Board, except closed sessions, shall be open to the public, and all actions required by law shall be taken in public sessions. Closed sessions shall be called for and limited to the discussion of personnel and other matters as authorized by the Ralph M. Brown Act. The conduct of all meetings shall comply with requirements of the act.

f. Agenda Requirements

(1) Agendas shall be developed by the Superintendent/President in consultation with the Board President whenever possible. The agenda items must relate to the business of the District. The agenda shall be posted on the district’s web site and at the following locations reasonably accessible to the public:

- Oceanside Campus - Outside bulletin board, (South entrance door, Building 1100, One Barnard Drive, Oceanside, CA)
- San Elijo Campus - Outside Bulletin Board and in the staff/faculty workroom, Administration Building, 3333 Manchester Avenue, Cardiff-by-the-Sea, CA
- Community Learning Center – Window of door at the entrance to CLC (can be seen from the outside), and in the staff/factory workroom, 1831 Mission Avenue, Oceanside, CA 92058

Agendas shall be posted at least 72 hours prior to the meeting time for regular meetings, and at least 24 hours prior to the meeting time for special meetings. The agenda shall contain a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. The agenda shall specify the time and location of the meeting. If requested, the agenda shall be provided in appropriate alternative formats so as to be accessible to persons with a disability.
(2) In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a crippling activity, work stoppage or other activity that severely impairs public health, safety or both, the Board may dispense with the 24 hour notice requirement, and in lieu thereof, shall comply with the applicable provisions of Section 54956.5 of the Government Code, including any Code section revising or replacing such section. Emergency meetings may be called upon one-hour notice to media outlets that have requested notice in writing. Notification of an emergency meeting will be provided to Board members, press, and employees as soon as reasonably possible.

(3) Open meeting agendas will have a section entitled: “Public Comments on Items Not on the Agenda: Members of the audience may address the Board on any topic that is not on the agenda so long as the topic is within the jurisdiction of the District. Under the Brown Act, the Board is not permitted to engage in public discussion or take any action on an agenda item not on the agenda. However, topics brought up that are not on the agenda may be referred to staff for investigation or be placed on a future agenda. Comments from members of the public shall not exceed five (5) minutes unless the time limit is waived by the Board. The Board may also limit the total amount of time for speakers on a particular topic to fifteen (15) minutes.”

- Open meeting agendas will have a section entitled: “Declare Need for Closed Session pursuant to Government Code Section 54957.7. Members of the public may address the Board on Closed Session Items. Each speaker will be permitted to speak for five (5) minutes per item, unless the Board consents to a different time allocation.”

- Open meeting agendas will have a section for closed session reports: “The Board President report on any action taken in Closed Session pursuant to Government Code Section 54957.1.”

- Open meeting agendas will have a section before “action items” for public comments on items on the agenda to say: “Public Comments on Items on the Agenda. Members of the audience may address the Board on any item listed on the agenda when that agenda item comes up for discussion and/or action. Comments will be limited to five (5) minutes per agenda item, and a total of fifteen (15) minutes of public comment on an item unless waived by the Board. Consent calendar items are considered to be routine and customary District business, and are voted on in one vote. However, a Board member or a member of the audience may request that an item listed on the Consent Calendar be removed and considered individually.”

Decorum: Speakers shall speak to the issues and refrain from using defamatory or abusive personal remarks that disturb or impede the meeting or exceed the bounds of civility necessary to the conduct of the business of the District. Speakers should also refrain from discussing personnel issues in a public meeting: The Board cannot respond to or discuss them. Government Code Section 54954.3(c) states: “The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.”

If the speaker is found to be out of order, he or she shall be warned by the Board President and if out of order conduct continues, the right of the speaker to speak shall be terminated. Pursuant to Government Code Section 54957.9, a person who willfully interrupts the orderly conduct of a meeting may be removed from the meeting and/or the Board may order the room cleared except for press and staff, and then continue in session. (See “Guidelines for Persons Who Wish to Speak before the MiraCosta College Board of Trustees”, which shall be adopted and included here by reference).
“Any person attending an open and public meeting of the Board shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the Board president that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.” (Government Code Section 54953.5)

(4) No action or discussion with the public shall be undertaken on any item not appearing on the posted agenda. Members of the Board cannot respond to questions but may briefly ask a question for clarification; provide a reference to the Superintendent/President or other resources for factual information, or request that the Superintendent/President report back to the body at a subsequent meeting concerning any matter. Furthermore, the Board may take consensus to direct the Superintendent/President to place a matter of business on a Board agenda according to policy.

(5) Notwithstanding paragraph (4) above, pursuant to Government Code Section 54954.2(b), the Board may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any matter that was not previously placed on the agenda, the item must be publicly identified so that interested members of the public can monitor or participate in the consideration of the item in question.

- Upon a determination by a majority vote of the Board that an emergency situation exists, as defined in Government Code Section 54956.5. Any discussion held pursuant to this exception must be conducted in open session, since emergency meetings held pursuant to Section 54956.5 cannot be conducted in closed session.

- Upon a determination by a two-thirds vote of the Board or, if less than two-thirds of members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the District subsequent to the agenda being posted as specified under Paragraph (1) above.

- Where an item has been posted on an agenda for a prior meeting, the item may be continued to a subsequent meeting that is held within five days of the meeting for which the item was properly posted. Under these circumstances, the items need not be posted for the subsequent meeting.

(6) The Superintendent/President and the President of the Board shall both and each be entitled to have a matter or matters placed on the agenda. Matters placed on the agenda by the President of the Board shall be so identified on the agenda, with a general description sufficient to comply with Brown Act requirements. All matters thus placed on the agenda shall be designated as either “for possible action” or “for discussion only.”

(7) Each member of the Board, either alone or in conjunction with other Board members, shall have the right to place items on the agenda in accordance with the following procedures:

- A Board member, subject to the provisions of Paragraph (9) below, may request that a matter related to community college business be placed on the agenda by so requesting it at a regular meeting. The request shall be in sufficient detail so that the administration can meet the requirements of the Brown Act as to the subsequently posted agenda. The request shall also specify whether the matter is for possible action or for discussion only. It is recommended that the Board member or members give advance notice to the Superintendent/President in writing so as to receive the benefit of any suggestion or comments that he/she may have.

- At times other than a regular meeting, a Board member or members may propose in writing to the Superintendent/President and the President of the Board that a matter
related to community college business be placed on the agenda. Such a request must be made at least seven (7) business days prior to the posting of the agenda in order to be included on that agenda, and shall specify whether the item is for discussion or possible action. The Board President shall determine if the proposed matter is within the jurisdiction of the Board’s powers, subject to the provisions of Paragraph (9) below. If three or more members of the Board request an item to be put on the agenda, it will be placed on the next agenda, which meets Brown Act requirements without review by the Board President.

(8) Pursuant to Section 72121.5 of the Education Code, members of the public, including employees and constituencies of the District, shall be entitled to place matters on the agenda that are directly related to community college district business for discussion or possible action at a future regular meeting of the Board in one of two ways: (1) by written request filed at the Superintendent/President’s Office at least seven (7) business days prior to the next regular meeting; or (2) orally during the public comment section of a regular meeting, provided that a written description be subsequently provided within two business days of the oral request.

- The Superintendent/President, if finding the matter to be directly related to community college business shall, whenever reasonably possible, place the matter on the agenda of the next regular meeting of the Board occurring after the filing of the request. If the Superintendent/President determines the matter is not directly related to community college district business, the person making the request will be so notified, whenever reasonably possible, by first class United States mail within five (5) working days.

- To appeal a determination that a requested agenda item is not within the community college district business, a written request for a ruling may be made to the Board. Such requests are to be filed with the Superintendent/President’s Office, and he/she shall place the matter on the agenda no later than the second regular meeting occurring after the filing of the appeal. The Board shall consider the appeal and the decision of the Board shall be final.

- The person requesting that a matter be placed on the agenda shall receive a copy of the agenda for the meeting at which the item will be considered, if a self-addressed stamped envelope is left with the Board Secretary at the time the agenda item is submitted.

- To avoid repetitive additions to the agenda, an item cannot be considered for the agenda if the subject matter has been submitted and considered within the past three (3) months.

(9) Whether proposed at a regular meeting to be placed on a future agenda, or placed on the agenda by the Superintendent/President, the President of the Board, Board members, or by members of the public, any proposed agenda items appearing on the agenda are subject to a request for a point of order as to whether the item is directly related to the business of the District. The Board President shall either rule upon the request for a point of order, or refer it to the Board as a whole for decision. If the Board President rules, such a ruling may be appealed by a Board member, with four (4) votes required to overrule the Board President. Should an agenda item be determined to not be related to the business of the District, then no further action or discussion shall take place at the meeting.

(10) Signup sheets and the guidelines for persons who wish to speak before the Board are attached for information.
(11) Board meetings shall be audio recorded and, to the extent possible, be distributed online. The recordings will be retained for twelve months from the date of the meeting. The public agenda will notify the public that the meetings are being recorded and posted online.

g. Meeting Minutes

Pursuant to Education Code Section 72121 (a) minutes shall be taken at all meetings of the Board. The minutes shall record all actions taken by the Board.

Once approved by the Board, the minutes shall be public records and shall be available according to the established procedures for the request of Public Records.

Non-action items shall be recorded in the minutes by stating the name of the speaker and the general topic.

Speakers are welcomed to provide copies of their presentations to the members of the Board.

5. Code of Ethics

The Board commits itself to the highest standards of ethical conduct while carrying out its fiduciary and all other duties and responsibilities under applicable provisions of the Government Code, Education Code of the State of California, The Ralph M. Brown Act, and all other local, state, and federal laws.

The Board shall:

- Understand that its primary duty is to represent and be accountable to the entire community while realizing that occasions may arise when it is appropriate for a member to advocate particular needs of residents in the individual’s trustee area. The authority delegated to each Board member and the Board as a whole must be exercised with as much care and concern for the least influential as for the most influential member of the community.

- Serve as stewards of the college resources and facilities and, as agents of the communities served by the college, protect, advance and promote the interests of all citizens and maintain independent judgment unbiased by private interests, partisan political groups, or in any other way.

- Bear in mind under all circumstances that the Board is legally responsible for the effective operation of the district. Its primary function is to establish the policies by which the college is to be administered. The Board will hold the Superintendent/President and staff accountable for the administration of the educational program, the support to students and the conduct of the college business.

- Exemplify ethical behavior and conduct that is defined in this policy.

- Be responsible for defining and articulating the Board’s role in relation to its ethics policies.

- Understand that the strength and effectiveness of the Board is as a whole, not as a group of individuals.

- Understand and actively communicate that authority rests only with the whole Board assembled in a legally-constituted meeting and make no personal promises nor take any private action inconsistent with that principle.

- Understand that trustees have authority only when they act as whole; individual members cannot bind the Board.
Encourage active involvement of students, employees and citizens in planning and policy development, and consider their views in deliberation and decision making.

Take official actions only in public sessions, unless otherwise authorized by law.

Ensure an atmosphere in which controversial issues can be presented fairly and in which the dignity of each individual is maintained.

Understand that a trustee is a member of a legal entity; that the strength and effectiveness of the Board is as a unit, not a group of individuals; and that majority decisions of the Board shall be upheld and abided by.

Understand that the primary function of the Board is to ethically establish the policies and vision by which the district is to be administered.

Openly debate the issues affecting the community and/or the college, and speak with one voice once a decision is made or policy is adopted.

Be responsible for creating and maintaining a spirit of true cooperation and a mutually supportive relationship with its Superintendent/President.

Delegate administrative authority to the Superintendent/President pursuant to the Board policies and confine Board action to planning, policy development, performance evaluations, maintaining the fiscal stability of the district and other legal responsibilities.

Individual members of the Board shall:

Devote time, thought, and study to the duties and responsibilities of being a Board member so that each member may render effective and credible service. Such responsibilities shall include but are not limited to attendance at regularly convened Board meetings, special Board meetings, Board retreats, and participation in trustee and educational conferences and workshops.

Work with fellow Board members in a spirit of harmony and cooperation, respecting differences that may arise during discussion of matters before the Board, and be flexible and open to new ideas, and the impact of changing times.

Seek to be informed by asking timely and substantive questions; request data and information through protocols established by the Board and the CEO.

Base decisions upon all available facts in each situation and vote with honest conviction in every case not being swayed by partisan bias of any kind.

Understand that individual members of the Board have no legal authority outside the meetings of the Board, and maintain relationships with the faculty and staff, the local citizens, and media representatives on the basis of this fact. Individual Board members cannot make decisions on behalf of the Board and/or college; the Board must act as a whole.

Avoid judgment based on information received from individuals or groups with a real or perceived grievance.

Abide by, uphold, and support fully all Board decisions once they have been made, even though the vote may have been divided.
• Request routine and readily available information or documentation from the Superintendent/President or his/her designated replacement in his/her absence. Requests for non-routine and/or not readily available documentation shall only be made through consensus or by majority vote of the Board acting as a body. The Superintendent/President shall then provide any such written information to all trustees.

• Understand that the Board President is the voice of the Board as a whole, and refer all media inquiries to the Board President.

• Represent the interests of the college before any public officials only as authorized by the Board and/or the Board President.

• Resist every temptation and outside pressure to use the elected trustee position to personally benefit any individual or agency in a way not in the best interest of the total MiraCosta Community College District.

• Maintain confidentiality of privileged information.

• Understand that deliberations of the Board in closed session are confidential and not for release or discussion in public. Understand that Board members shall not divulge or release closed session information to any staff member not present in closed session, or member(s) of the public, unless a majority of Board members agree to release specific information, subject to applicable laws.

• When on official district business, incur and claim reimbursement only for expenses that are legitimate, necessary, and reasonable.

• Avoid situations that could result in a business, professional, or personal conflict of interest and notify the Board President and Superintendent/President to seek the advice of legal counsel whenever in doubt.

• Recuse oneself whenever a real or perceived conflict of interest exists.

6. Code of Ethics Periodic Review

The Board shall periodically review the code of ethics policy to be sure it continues to be an effective guide for Board behavior. The Board shall foster awareness of ethical expectation by:

• Ensuring that all Trustees are aware of the Board’s ethical expectation.
• Including a review of the code of ethics when orienting new Trustees.
• Using the standards in the code of ethics as an element in the Board self-evaluation process.

7. Violation of Ethical or Legal Conduct by Trustees

Trustees who violate the code of ethics may subject themselves, the Board, and the college to legal action, and thereby place at risk the fiduciary assets of the district. The implications of such behavior can affect accreditation status, erode the public trust and affect state and national funding for the college among other impacts. Therefore, it is incumbent upon the Board to address all complaints of unethical and/or illegal behavior on the part of its members.

The Superintendent/President and Board President are authorized to consult with legal counsel when presented with, or made aware of perceived or alleged violations of legal or unethical behavior including but not limited to conflicts of interest, violations of the public meetings act, violations of confidentiality of closed session information, use of public resources, etc. Violations of
law may be referred to the college’s legal counsel, to County Counsel, the District Attorney, or the Attorney General as appropriate.

a. The Board President will be responsible for initiating a conversation with the trustee perceived to have violated the code of ethics. The Board President or his/her designated trustee representative will discuss the perceived violation and the impact the behavior will have on the district, the Board, and the individual trustee. The trustee in question shall be given an opportunity to explain his or her motives.

b. In the alternative or supplemental to a meeting as described in section (a) above the Board President may choose to appoint an ad hoc group of three trustees to investigate the allegations and make a report to the Board President or the Board as a whole. The trustee in question shall be afforded an opportunity to explain his or her motives.

c. Based upon the findings of the investigation the Board may act in any of the following three ways:

   i. The Board as a whole may determine that a workshop or retreat on standards of conduct, ethics and the importance of upholding them may reinforce expected behavior and decide that no further action needs to be taken unless the behavior persists.

   ii. The Board may issue a public statement in which it expresses concern with an individual trustee’s behavior. The statement would be made at a public meeting of the Board.

   iii. The Board may elect to take no further action, or proceed with a reprimand, censure, or any other lawful disciplinary action.

8. Reprimand

Board members who are found to be unethical by a majority of the Board may be subject to reprimand, which can also include: possible exclusion from closed sessions if the Board member has a conflict of interest in the matter being discussed, public censure, or other action as determined by the Board.

9. Censure

The Board by majority vote may censure any Board member who does not adhere to the confidentiality of closed sessions, violates the code of ethics, and/or engages in any unethical, and/or illegal conduct. Censure is an official expression of disapproval adopted by the Board. Censure distances the Board from the unethical behavior of one of its members. It is a clear statement that unethical behavior of one of its members has taken place and is a clear, public statement that unethical behavior is not condoned or tolerated by the majority of the Board.

a. A Board member may be subject to a resolution of censure by the Board should it be determined the trustee misconduct has occurred.

b. When considering censure the complaint of trustee misconduct will be referred to the Board President. The Board President will appoint an ad hoc committee of three trustees not associated with the complaint to review of the matter. In the event the complaint involves the Board President, the Vice President of the Board shall form the ad hoc committee.

c. The college’s legal counsel shall provide legal counsel to the Board and the committee in its deliberations.

d. A thorough fact finding process, formulated in a manner deemed appropriate by the committee, shall be initiated. The committee shall be guided in its inquiry by the standards set
forth in this policy and shall complete its inquiry within a reasonable period of time. The privacy rights of the trustee in question should be upheld. All discussions shall be made in private with the attendance of the college’s legal counsel.

e. The trustee subject to the charge of misconduct shall not be precluded from presenting information to the committee of trustees.

f. The committee shall, within a reasonable period of time, make a report of its finding to the Board in open session.

g. A censured trustee may be excluded from attending future closed sessions of the Board if the Trustee has a conflict of interest relating to the topic being discussed in closed session.

10. Other Remedies

The remedies provided for under this policy for an ethical breach by a Board member are not exclusive, and are in addition to any remedies available under the California Law.
Guidelines for Persons Who Wish to Speak before
The MiraCosta College Board of Trustees – Revised 9/18/07

Speaking before the Board under the Agenda Items listed as: “Public Comments on Items Not on the Agenda,” and “Persons who wish to speak regarding an agenda item.”

Each MiraCosta College Board meeting agenda includes sections for “Public Comments on Items Not on the Agenda and “Persons who wish to speak regarding an agenda item” (includes closed session agenda items). Students, staff members, and residents of the district are welcome to speak very briefly during this part of the meeting agenda. Topics must be relevant to MiraCosta College. California law prohibits Boards of Trustees from taking action unless an item has been placed on the formal meeting agenda for action. Therefore, comments made by students, staff, or residents of the district during the “Public Comments” part of the meeting can only be taken under advisement by the Board of Trustees. The following suggestions may help in preparing to appear before the Board:

1. Speaking before the Board on items not on the agenda:
   a. Please sign in as a speaker with the Board’s secretary.
   b. Be aware that members of the press may be present and that you may be quoted.
   c. Speak only when the Board President recognizes you and invites you to speak. Begin by stating your name, and whether you are speaking for yourself or on behalf of an organization.
   d. Limit comments to less than five minutes or the time limit the Board President may set. Avoid repeating comments made by previous speakers.
   e. Consider preparing notes and then attempt to stay within these notes.
   f. Present facts whenever possible. Avoid rumors, innuendo and misrepresentation of facts.
   g. Refrain from making personal attacks; people cannot respond to the charges presented, so it is extremely unfair to use this forum to attack another person(s).
   h. Refrain from arguing with Board members and remember that, though trustees may ask questions, they are not permitted to act on your concern during the meeting.

2. Speaking before the Board on agenda item(s):
   a. Please sign-in with the Board’s secretary and indicate on the sign-in sheet what item you wish to address.
   b. Be aware that members of the press may be present and that you may be quoted.
   c. When the agenda item is about to be considered by the Board, the Board President will recognize you and invite you to speak. Begin by stating your name, and whether you are speaking for yourself or on behalf of an organization.
   d. Limit comments to less than five minutes or the time limit the Board President may set. Avoid repeating comments made by previous speakers.
   e. Consider preparing notes and then attempt to stay within these notes.
   f. Present facts whenever possible. Avoid rumors, innuendo and misrepresentation of facts.
   g. Refrain from arguing with the Board. The Board will consider your comments and will then take appropriate action exclusively in relation to the published agenda item in question.

Please note: Pursuant to Government Code Section 94957.9, a person who willfully interrupts the orderly conduct of a meeting may be removed from the meeting and/or the Board may order the room cleared except for press and staff and then continue in session.
Regular Board Meeting
Date: _______________

Voluntary Sign-in Sheet TO SPEAK DURING SECTION OF AGENDA:
Public Comments on Items Not on the Agenda

(Please print your name clearly so we will have an accurate spelling for the minutes.)

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Regular Board Meeting
Date: ___________________
Voluntary Sign-in Sheet for persons who wish to SPEAK REGARDING AN AGENDA ITEM

(Please print your name clearly so we will have an accurate spelling for the minutes.)

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CHAPTER: The Board of Trustees  

Collegial Governance  

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<td>a. The Student Trustee</td>
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The Board of Trustees embraces the concept of collegial governance as a fundamental policy of the College, while retaining its own rights and responsibilities as the ultimate authority in all areas defined by state laws and regulations.

Collegial governance is defined as the collaborative participation of appropriate members of the College in planning for the future and in developing policies and recommendations under which the College is governed and administered.

Each constituency of the College which has responsibility and expertise in a particular area participates in the development of policies and procedures relating to that area. Such participation will bring together multiple segments of the College in instances where policies and procedures affect employees and students. It is the responsibility and obligation of members of the faculty, administration, and Board to participate in the collegial process. The Board also provides the opportunity and encourages classified staff and students to participate in the process.

The District’s standing committees and employee councils of the College shall be structured to include appropriate representation by faculty, administrators, and classified employees when matters being considered are within their purview. Student representation shall be included on such groups whenever appropriate and possible.
1. **Academic Senate Role in Collegial Governance**

The Board recognizes the Academic Senate Council as the body which represents the Academic Senate in collegial governance relating to academic and professional matters, as well as personnel issues involving Senate members. The Board acknowledges the definition of academic and professional matters to mean the following as defined in Title V of the California Administrative Code:

- Curriculum, including establishing prerequisites and placing courses within the disciplines.
- Degree and certificate requirements.
- Grading policies
- Educational program development
- Standards or policies regarding student preparation and success
- District and college governance structures, as related to faculty roles
- Faculty roles and involvement in accreditation processes, including self study and annual reports
- Establishing policies for faculty professional development activities
- Processes for program review
- Processes for institutional planning and budget development
- Other academic and professional matters as mutually agreed upon between the Board of Trustees and the Academic Senate.

The Board recognizes the right of the Academic Senate to assume primary responsibility for making recommendations in the areas of curriculum and academic standards. If a Senate recommendation in these areas is not accepted, the Governing Board or its designee, upon request of the Academic Senate, shall promptly communicate its reasons in writing to the Academic Senate.

The Board recognizes and endorses the rights and responsibilities assigned to faculty by state statutes regarding personnel matters to include equal employment opportunity, hiring, evaluation, tenure review, dismissal, and administrator retreat rights. The Board also recognizes the Senate Council as representing Senate members in matters dealing with compensation. With the acknowledgement of the Academic Senate Council, the Board recognizes its legal responsibility and authority under the Education Code to employ and determine the compensation level of the Superintendent/President. The Superintendent/President’s salary is traditionally determined using the faculty salary schedule as a base.

Upon request of the Academic Senate, the Board, or its delegated administrators, shall confer with Senate representatives regarding recommendations or proposals by the Senate. If parties to the discussion do not reach consensus, the Senate may present its views to the Board and the Board shall consider and respond to such views. Likewise, Senate representatives have the responsibility, when requested, to confer with the Board’s delegated administrators and to respond to their proposals and recommendations.
2. **Classified Staff Role in Collegial Governance**

In accordance with provisions of Title V of the California Administrative Code, the Board recognizes the right of classified employees to participate in the collegial governance of the college and further acknowledges the benefit of such participation to the college and its students.

The Board recognizes the Classified Senate as the employee organization and the Classified Senate Council as the representative body of the Classified Senate for purposes of this policy section. (See Board Policy VI.G. for further policy support for the Classified Senate and Classified Senate Council.)

Classified managers will also participate in the collegial governance by virtue of their membership in the Leadership Coordinating Council.

Classified employees are to be included in all standing committees and councils of the College, as well as on ad hoc groups as appropriate. Individuals who represent the classified staff as a whole on collegial governance committees and councils shall be recommended by the President of the Classified Senate with concurrence of the Classified Senate Council. Classified staff membership on certain committees whose focus is primarily on administrative or operational matters will be appointed by the Superintendent/President by virtue of the specific knowledge and expertise inherent in their positions.

The Classified Senate President will be invited to nominate representatives of the classified staff, subject to Classified Senate Council ratification, for the following standing committees:

- Equal Opportunity (2)
- Career Incentive Evaluation Committee (4)
- Financial Aid Committee (1)
- Fringe Benefits Committee (2)
- Health and Safety Committee (2)  (In addition to Classified Senate President’s appointments, the Committee also appoints classified staff to cover all areas
- Staff Development Coordination Committee (2)
- Planning/Budgeting Council (3)
- Traffic-Parking Committee (3)

Classified managers and/or other classified employees will also be included as regular or ex officio members by virtue of their positions, or by administrative appointment on the following standing committees:

- Awards and Scholarships Committee
- Commencement Committee
- Committee on Exceptions
- Financial Aid Committee
- Health and Safety
- International Education Committee
- Matriculation Committee
- Planning/Budgeting Council
- Staff Development Coordination Committee
The Classified Senate President and immediate Past President will serve as members of the Planning/Budgeting Council, and the Classified Senate President or designee will serve as a member of the Staff Development Coordination Committee. The classified managers will select a representative for the Planning/Budgeting Council.

Classified staff shall be provided with opportunities to participate in the development of college policies and procedures, and in those processes for jointly developing recommendations for action by the Board that the Board determines, in consultation with staff, have or will have a significant effect on staff.

Except on unforeseeable, emergency situations, the Board shall not take action on recommendations significantly affecting classified staff unless the staff has had an opportunity to participate in the development of those recommendations. The Board shall give reasonable consideration to recommendations and opinions of staff on all matters that significantly affect them.

The Board asks supervisors to provide flexibility in work schedules to permit classified employees to participate in collegial governance activities associated with the Classified Senate and the college committees and councils.

3. Student Participation in Collegial Governance

In accordance with Title V, Section 51023.7, of the California Administrative Code, the MiraCosta College Board of Trustees affirms the role of students in the collegial governance process. The Board recognizes the Associated Students of MiraCosta College as the representative body authorized to make recommendations to the administrators and the Governing Board on policies and procedures of the College which have or will have a significant effect on students. This right shall include the opportunity to participate in processes for jointly developing recommendations on policies and procedures under which the College is governed and administered and that have or will have a significant effect on students, to the administration and Governing Board.

The Associated Students of MiraCosta College have the authority to select student representatives for participation on college committees, task forces, and other governance groups. The Board will give reasonable consideration to recommendations of students with regard to college policies and procedures related to the hiring and evaluation of administrators, faculty, and staff members. Except in unforeseeable, emergency situations, administrators and the Governing Board shall not take action on a matter having a significant effect on students until it has provided students with an opportunity to participate in the formulation of the policy or procedure or the joint development of recommendations regarding the action.

The Board acknowledges the following as areas that have or may have a significant effect on students:

- grading policies;
- codes of student conduct;
- academic disciplinary policies;
- curriculum development;
- courses or programs which should be initiated or discontinued;
- processes for institutional planning and budget development;
- standards and policies regarding student preparation and success;
- student services planning and development;
- student fees within the authority of the District to adopt; and
- any other district and college policy, procedure, or related matter the Governing Board determines have or will have a significant effect on students.
a. The Student Trustee

The Student Senate President, who is elected at-large each May in accordance with the Associated Students' Constitution, may serve concurrently as the MiraCosta College Student Trustee. The student trustee shall have the right to make and second motions at board meetings. His/her vote will be advisory. It shall be the responsibility and obligation of the student trustee to bring issues of collegial governance compliance, on all matters that have or will have a significant effect on students, to the Board's attention.

b. Committee Membership

Associated Students of MiraCosta College shall have the right to be represented on all committees whose business may directly or indirectly affect students. In particular, the Associated Students will be invited to appoint student representatives to the following standing committees in the numbers indicated:

- Equal Opportunity (1)
- Commencement Committee (2)
- Financial Aid Committee (1)
- Health and Safety Committee (2)
- Matriculation Committee (1)
- Planning/Budgeting Council (Student Senate President) (1)
- Traffic and Parking Committee (2)

College committees, of which student representatives are members, should make efforts to accommodate student members’ class schedules in planning their meeting times.

c. Role of Students in Hiring

A student representative may be included on each permanent full-time faculty screening committee whenever it is possible to do so. At least one student representative should be invited to serve on screening committees for the following positions: any college vice president; any Student Services administrator; any Student Services supervisor; articulation and transfer coordinator; any counselor; and the secretary assigned to student activities.
CHAPTER: The Board of Trustees

Legally Mandated Policies

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| 2  | Harassment
| 3  | Drug-free Work Place
| a. | Special Requirements for Employees Engaged on Federal Contracts and Grants
| 4  | Unlawful Discrimination Policy
| 5  | Americans with Disabilities Act

1. Equal Opportunity

In compliance with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990, MiraCosta Community College District will provide equal opportunities in its educational programs and employment for all persons, regardless of, but not limited to, race, color, religion, national origin, gender, marital or parental status, disability, age, sexual orientation, or status as a Vietnam-era veteran. In order to comply with the regulations as set forth in Title IX, MiraCosta College issues the following policy statement:

MiraCosta College is committed to providing equal education and employment opportunity regardless of, but not limited to, gender, marital or parental status, race, color, religion, age, sexual orientation, national origin, or physical disability. Title IX of the Educational Amendments of 1972 prohibits discrimination on the basis of gender in any educational program or activity receiving federal financial assistance. MiraCosta College is committed to equal treatment of students and employees regardless of gender in areas including admission, recruitment, extracurricular programs and activities, use of facilities, access to course offerings, counseling and testing, financial assistance, employment, health and insurance services, and athletics.

The Board of MiraCosta Community College District recognizes that diversity in the academic environment fosters cultural awareness, mutual understanding, respect, harmony and creativity, while providing suitable role models for all students. The District is committed to involving all staff in the active promotion of campus diversity, and provision of a work and learning environment conducive to open discussion and free of intimidation, harassment, and unlawful discrimination.
The Board commits the District to equal employment opportunity in all aspects of its employment program, including recruitment, selection, and promotion, and with respect to all position classifications. The Board also assures that all employees and applicants for employment will enjoy equal opportunity regardless of, but not limited to, race, color, religion, national origin, gender, marital or parental status, disability, age, sexual orientation, or status as a Vietnam era veteran.

2. Harassment (See Procedure I.D-02)

The District recognizes its responsibility to make every effort to maintain a neutral work and educational environment free of harassment and/or intimidation.

Harassment is unacceptable conduct, is unlawful, and shall not be tolerated by the MiraCosta Community College District. Disciplinary action shall be initiated against any individual found guilty of harassment, or against any individual making allegations which are found to be totally without merit.

The procedure (Administrative Procedure I.D-02) for addressing this issue shall be conducted in strict confidentiality.

3. Drug-free Workplace

MiraCosta Community College District strives to maintain a workplace free from the illegal use, possession, or distribution of controlled substances (as defined in Schedules I through V of the Controlled Substances Act, 21 United States Code 812, as amended). Unlawful manufacture, distribution, dispensation, possession, or use of controlled substances by district employees in the workplace or on district business is prohibited. In addition, employees shall not use illegal substances or abuse legal substances in a manner that impairs performance of assigned tasks.

Employees found to be in violation of this policy may be subject to corrective action, up to and including dismissal, under applicable district policies, or may be required at the discretion of the District to participate satisfactorily in a substance abuse program.

a. Special Requirements for Employees Engaged on Federal Contracts and Grants

The Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) requires that district employees directly engaged in the performance of work on a federal contract or grant shall abide by this policy as a condition of employment and shall notify the District within five (5) days if they are convicted of any criminal drug statute violation occurring in the workplace or while on district business. The District is required to notify the federal contracting or granting agency within ten (10) days of receiving notice of such conviction and to take appropriate corrective action or to require the employee to participate satisfactorily in an approved drug-abuse assistance or rehabilitation program.
4. Unlawful Discrimination Policy (See Procedure I.D-04)

The policy of the MiraCosta Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability, 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, in any program or activity that is administered by, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges.

The policy of the MiraCosta Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment.

The policy of the MiraCosta Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.

Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination of contract.


5. Americans with Disabilities Act (See Procedure I.D-05)

In compliance with the Americans with Disabilities Act (ADA), the MiraCosta Community College District has designated the Director of Risk Management to coordinate its efforts to comply with and carry out its responsibilities, including any investigation of any complaint communicated to the college alleging noncompliance with the provisions of the ADA.

The MiraCosta Community College District shall not discriminate against a qualified individual with a disability because of the disability of such individual in regard to:
• Job application procedure
• Hiring or discharging of employees
• Employee compensation
• Advancement
• Job training
• Other terms, conditions, and privileges of employment

The MiraCosta Community College District assures that no qualified individual with a disability shall by reason of that disability be excluded from participation in or be denied the benefits of or access to the services, programs, or activities of the District.

The MiraCosta Community College District has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing title II of the Americans with Disabilities Act. Title II states, in part, that no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs or activities sponsored by a public entity.

Complaints should be addressed to the Director of Risk Management, who has been designated to coordinate ADA compliance efforts.
MiraCosta College
Equal Employment Opportunity Plan

Adopted by Board: 7/15/08
Approved by Academic Senate Council: 4/25/08
Approved by Classified Senate Council: 4/8/08
Approved by Cabinet: 4/8/08
Discussed with ASG: 4/2/08
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I. Introduction

The MiraCosta Community College District Equal Employment Opportunity Plan (*Plan*) was adopted by the Board of Trustees on July 15, 2008. The *Plan* reflects the district’s commitment to equal employment opportunity and outlines the active steps that ensure nondiscriminatory practices. The District’s goal is a working and academic environment that is welcoming to all, that fosters diversity and promotes excellence. An educational experience in an inclusive environment, best prepares our students to work and live in a global society.

The *Plan’s* immediate focus is equal employment opportunity in its recruitment 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 underrepresentation of monitored groups. The *Plan* contains an analysis of the demographic makeup of the district’s workforce population and an analysis of whether underrepresentation of monitored groups exists. The *Plan* also includes the requirements for a complaint procedure for noncompliance with the Title 5 provisions relating to equal employment opportunity programs; 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.

*John E. Hendrickson*
Interim Superintendent/President
II. Definitions

A. *Adverse Impact*: a statistical measure (such as those outlined in the EEO Commission’s *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.

B. *Business Necessity*: circumstances that justify an exception to the requirements of Section 53021(b)(1) because compliance with that section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

C. *Chancellor’s Office*: California Community College’s Chancellor’s Office (aka System Office).

D. *Diversity*: means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. A diverse educational community recognizes the educational benefits that flow from employee populations that are varied by accent, age, ancestry, citizenship status, color, disability, economic status, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, or veteran status.

E. *Equal Employment Opportunity*: means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels and in all job categories listed in Section 53004(a). Ensuring equal employment opportunity also involves 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 by Title 5, Section 53000 et seq.

F. *Equal Employment Opportunity Plan*: a written document in which a district’s workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

G. *Equal Employment Opportunity Programs*: all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of Section 53006.


2. *Ethnic Group Identification*: means an individual’s identification in one or more of the ethnic groups reported to the Chancellor pursuant to Section
53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

I. Goals for Persons with Disabilities: a statement that the district will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the workforce and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not “quotas” or rigid proportions.

J. In-house or Promotional Only Hiring: means that only existing district employees are allowed to apply for a position.

K. Monitored Group: means those groups identified in Section 53004(b) for which monitoring and reporting is required pursuant to Section 53004(a). (These groups are men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African Americans, Hispanics/Latinos, Caucasians, and persons with disabilities).

L. Person with a Disability: any person who (1) has a physical or mental impairment as defined in Government Code Section 12926, which limits one or more of such person’s major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is “limited” if the condition makes the achievement of the major life activity difficult.

M. Projected Representation: the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.

N. Reasonable Accommodation: the efforts made on the part of the district to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. “Reasonable accommodations” may include the items designated in Section 53025.

O. Screening or Selection Procedures: any measure, 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 traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

P. Significantly Underrepresented Group: 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.

Q. Target Date: a point in time by which the district plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.

R. Timetable: a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.
III. Policy Statement

The MiraCosta Community College District is committed to the principles of equal employment opportunity and will implement a comprehensive program to put those principles into practice. The District is committed to a continuing good faith effort to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity, and are not subjected to discrimination in any program or activity of the district on the basis of accent, age, ancestry, citizenship status, color, disability, economic status, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, 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. The district will strive to achieve a workforce that is welcoming to men, women, persons with disabilities and individuals from all ethnic and other groups to ensure the district provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy and free expression of ideas. An Equal Employment Opportunity Plan will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.
IV. Delegation of Responsibility, Authority and Compliance

It is the goal of MiraCosta Community College 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 Plan are set forth below.

A. Board of Trustees

The Board of Trustees is ultimately responsible for proper implementation of the district’s 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 Plan and for providing leadership in supporting the district’s equal employment opportunity policies and procedures. The Superintendent/President shall advise the Board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on Plan implementation. The Superintendent/President shall include in the evaluation of the performance of all administrators who report directly to him/her on actions taken in support of the Plan.

C. Equal Employment Opportunity Officer

The district has designated the Human Resources Director as its equal employment opportunity officer who is responsible for the day-to-day implementation of the Plan. If the designation of 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 equal employment opportunity officer is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of Title 5, Sections 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 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 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 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 Plan.
V. Advisory Committee

The District has established an Equal Employment Opportunity Advisory Committee to assist the district in implementing its Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may 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 Plan itself. 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 are members of monitored groups. 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 President; two students recommended by the student government association; 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 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 EEO and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the Board, the Superintendent/President, and the equal employment opportunity officer.
VI. Complaints

A. Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Title 5 Section 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 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 Section 53026 is final. (See California Community Colleges Chancellor’s Office Guidelines for Minimum Conditions Complaints at:


The district may return without action any complaints that are inadequate because they do not state a clear violation of the 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 Section 53026 alleges unlawful discrimination, it will be processed according to the requirements of Section 59300 et seq.

B. Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.) The district has adopted procedures for complaints alleging unlawful discrimination or harassment. The Human Resources Director is responsible for receiving such complaints and for coordinating their investigation.

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1 The equal employment opportunity regulations are found in California Code of Regulations, title 5, section 53000 et seq.
VII. Notification to District Employees

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 Plan. The policy statement will be printed in the college catalog and class schedule. The Plan and subsequent revisions will be distributed to the district’s Board, the Superintendent/President, administrators, the academic and classified senate councils, union representatives and members of the District Equal Employment Opportunity Advisory Committee. The Plan will be available on the district’s website, and when appropriate, may be distributed by e-mail. The Human Resources department will provide all new employees with a copy of the written notice described above when they commence their employment with the district. Each year, the district will inform all employees by email 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 Plan’s implementation.
VIII. Training for Screening/Selection Committees

Any organization or individual, whether or not an employee of the district, who is involved in the recruitment and screening/selection of personnel shall receive appropriate training on the requirements of the Title 5 regulations on equal employment opportunity (Section 53000 et. seq.); the requirements of federal and state nondiscrimination laws; the requirements of the district’s Equal Employment Opportunity Plan; the district’s policies on nondiscrimination, recruitment, and hiring; principles of diversity and cultural proficiency\(^2\); and the value of a diverse workforce. Persons serving in the above capacities will be required to receive training within the 12 months prior to beginning of service on a committee. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/selection committees. The Equal Employment Opportunity Officer is responsible for providing the required training.

\(^2\) “Cultural proficiency” involves successful teaching and other interactions with both students and colleagues from a variety of cultures. It requires a contextual understanding that numerous social and institutional dynamics, including the effects of inequities, affect how students have been taught and treated, and translates that understanding to the removal of barriers to student success. “Culture” refers to those things that are shared within a group or society: shared knowledge and beliefs, shared values, shared behavioral expectations, and principles that are widely used or recognized. “Culture” therefore refers to more than simply race and ethnicity.
IX. Annual Written Notice to Community Organizations

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the Plan. The notice will include a summary of the Plan, inform these organizations how they may obtain a copy, and shall solicit their assistance in identifying diverse qualified candidates. The notice will also include the internet address where the district advertises its job openings and the HR department phone number to call in order to obtain employment information. The district will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources, especially for underrepresented populations. A list of organizations, which will receive this notice, is attached to this Plan. This list may be revised from time to time as necessary.
X. Analysis of District Workforce and Applicant Pool

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 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 her or his gender, ethnic group identification and, if applicable, her or his 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 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:
   - Adult Education
   - Career Education
   - English
   - Health and Physical Education
   - Humanities
   - Instructional and Support Services
   - Mathematics
   - Natural Sciences
   - Social Sciences
   - Part-Time

C. Professional Non-faculty

D. Secretarial/Clerical

E. Technical and Paraprofessional

F. Skilled Crafts

G. Service and Maintenance

The district’s workforce and applicant pools for spring 2008 are as follows.

District Workforce Analysis

SEE BELOW
<table>
<thead>
<tr>
<th></th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
<th>American Indian/Alaska Native Male/Female</th>
<th>Black/African American Male/Female</th>
<th>Asian/Pacific Islander Male/Female</th>
<th>Hispanic Male/Female</th>
<th>White Male/Female</th>
<th>Other/Unknown</th>
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</thead>
<tbody>
<tr>
<td>Exec/Admin</td>
<td>30</td>
<td>13</td>
<td>17</td>
<td>0/1</td>
<td>0/0</td>
<td>1/0</td>
<td>2/1</td>
<td>10/15</td>
<td>0/0</td>
</tr>
<tr>
<td>Professional/Non-faculty</td>
<td>41</td>
<td>15</td>
<td>26</td>
<td>0/0</td>
<td>0/0</td>
<td>2/4</td>
<td>2/2</td>
<td>11/20</td>
<td>0/0</td>
</tr>
<tr>
<td>Secretarial/Clerical</td>
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<td>109</td>
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<td>0/9</td>
<td>2/26</td>
<td>6/68</td>
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<td>14/20</td>
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</tr>
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<td>1/0</td>
<td>0/0</td>
<td>6/0</td>
<td>0/0</td>
</tr>
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<td>4/0</td>
<td>9/0</td>
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<tr>
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<td>0/0</td>
<td>0/0</td>
<td>1/0</td>
<td>12/7</td>
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</tr>
<tr>
<td>Faculty–English</td>
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<td>6</td>
<td>9</td>
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<td>0/0</td>
<td>0/0</td>
<td>2/1</td>
<td>4/7</td>
<td>0/1</td>
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<tr>
<td>Faculty–Health and P.E.</td>
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<td>0/0</td>
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<td>11</td>
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<td>½</td>
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<td>5/6</td>
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<tr>
<td>Faculty–Instructional and Support Services</td>
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<td>18</td>
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<td>1/0</td>
<td>2/4</td>
<td>3/12</td>
<td>0/0</td>
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<tr>
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<td>1/0</td>
<td>1/1</td>
<td>1/1</td>
<td>5/5</td>
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</tr>
<tr>
<td>Faculty–Natural Sciences</td>
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<td>10</td>
<td>7</td>
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<td>1/0</td>
<td>1/1</td>
<td>1/0</td>
<td>7/6</td>
<td>0/0</td>
</tr>
<tr>
<td>Faculty–Social Sciences</td>
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<td>8</td>
<td>7</td>
<td>0/0</td>
<td>1/0</td>
<td>1/1</td>
<td>2/0</td>
<td>4/6</td>
<td>0/0</td>
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<tr>
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<td>¼</td>
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<td>6/15</td>
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<td>0/0</td>
<td>2/0</td>
<td>2/1</td>
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</tr>
</tbody>
</table>

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3 Title 5 does not require a gender breakdown within the ethnicity and disability groupings. It has been included here to provide greater clarity.
Analysis of Applicant Pools

Data will be provided at a later date.
### MiraCosta College
#### Analysis of Applicant Pool
##### Fiscal Year 2007-08

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
<th>Male</th>
<th>Female</th>
<th>American Indian/Alaskan Native Male/Female</th>
<th>Black/African-American Male/Female</th>
<th>Asian/Pacific Islander Male/Female</th>
<th>Hispanic/Latino Male/Female</th>
<th>White Male/Female</th>
<th>Other/Unknown</th>
<th>Persons w/disabilities</th>
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</thead>
<tbody>
<tr>
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<td>124</td>
<td>85</td>
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<td>4/6</td>
<td>5/6</td>
<td>11/9</td>
<td>67/52</td>
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<td>25</td>
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<td>0/1</td>
<td>0/1</td>
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<td>6/19</td>
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<td>3/12</td>
<td>5/4</td>
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<tr>
<td>Skilled Crafts</td>
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<td>1/0</td>
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<td>Service and Maintenance</td>
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</tr>
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<td>2/0</td>
<td>3/0</td>
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<td>33/7</td>
<td>2/3</td>
<td>Not available</td>
</tr>
<tr>
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<td>3/5</td>
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<td>1/2</td>
<td>0/0</td>
<td>3/0</td>
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<td>0/0</td>
<td>0/0</td>
<td>0/0</td>
<td>0/0</td>
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</tr>
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<td>Faculty–Natural Sciences</td>
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<td>4/4</td>
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<td>6/0</td>
<td>6/5</td>
<td>10/9</td>
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<tr>
<td>Faculty–Part-Time</td>
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<td>118</td>
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<td>5/3</td>
<td>3/8</td>
<td>7/8</td>
<td>51/62</td>
<td>36/36</td>
<td>Not available</td>
</tr>
</tbody>
</table>
XI. Analysis of Degree of Underrepresentation and Significant Underrepresentation

Data will be provided at a later date.
XII. Methods to Address Underrepresentation

The district will ensure equal employment opportunity, which involves 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 that are protected from discrimination. In so doing, the district places great emphasis on the recruitment of potential applicants in order to create a diverse pool of qualified individuals from which to hire. With a diverse pool, the district takes steps within the screening/selection process to allow for the hiring of candidates with varied backgrounds who can contribute and effectively communicate in a diverse community. The equal employment opportunity provisions below are applicable to all full-time and part-time hiring, including any hiring meant to address the ratio of full-time to part-time faculty that may be required by Education Code Section 87482.6.3

To address any identified underrepresentation of monitored groups the district will revise its recruitment and hiring procedures and policies in accordance with the following provisions. These provisions will be in place henceforth, whether or not underrepresentation exists, because the provisions are also valuable in ensuring equal employment opportunity. The district’s recruitment and hiring procedures will include the following provisions:

A. Recruitment

It is the policy of the district to aggressively pursue a program of verifiable recruitment that is inclusive and open to all individuals.

Efforts will be undertaken on a regular basis to develop and contact new recruitment sources that ensure diverse pools of candidates. Diverse pools should include, but not be limited to, men, women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. The Equal Employment Opportunity Advisory Committee is encouraged to utilize and notify the district of additional recruitment options that may enable the district to obtain a diverse pool of applicants. The district will include in the recruitment section of its recruitment and hiring procedures the following provisions:

1. For any job category where continuing 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 Superintendent/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 where underrepresentation persists.

2. Recruitment for all open positions shall include, but not be limited to, placement of job announcements in the following instruments:

   a. General circulation newspapers, general circulation publications, and general market radio and television stations, including electronic media.

   b. Local and regional community newspapers.
c. Newspapers, publications, and radio and television stations that provide information in languages other than English and to low-income communities.

d. Publications, including electronic media that are distributed to the general market and to newspapers, publications, and radio and television stations, whose primary audience is comprised of groups found to be underrepresented in the district’s workforce.

e. Recruitment booths at job fairs or conferences oriented to the general market and the economically disadvantaged as well as those events drawing significant participation by groups found to be underrepresented in the district’s workforce.

3. At least every two years, or when employment data indicate a necessity, the district shall host an open house for persons interested in employment with the district. The open house will allow potential candidates to meet deans, division chairs, faculty, and classified employees of the district. Attendees will be provided with information regarding current job openings, the demographic makeup of the student body, hiring criteria and procedures, and information on the district’s commitment to equal employment opportunity. Efforts will be made to attract diverse groups of individuals to the open house.

B. Job Announcements

The district’s recruitment and hiring procedures section on “Job Announcements” will be revised to include the following provisions:

1. Job announcements will state clearly 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.”

C. Review of Initial and Qualified Applicant Pools

Initial applicant pools will be reviewed for projected representation of monitored groups. Once the initial pool is approved, the pool will be screened for minimum qualifications, resulting in a qualified applicant pool. The qualified applicant pool

4See generally Title 5, Section 53022
will be reviewed so that no monitored group is adversely impacted. Once the qualified applicant pool is approved, the pool will be forwarded to the screening/selection committee. The district’s recruitment and hiring procedures will include the following provisions:

1. The application for employment will afford each applicant an opportunity to voluntarily identify his or her gender, ethnic group and, if applicable, his or her disability.

2. Initial Applicant Pool: The initial applicant pool is composed of all applications received by the application deadline. The following steps will be taken when reviewing the initial applicant pool.
   
   Step 1: The composition of the initial applicant pool will be analyzed to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures.
   
   Step 2: If projected representation has not been met, the application deadline may be extended so that additional recruitment can be conducted that eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for participation to a wide diversity of potential applicants.
   
   Step 3: When recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts would be futile, applications will be screened to determine which candidates satisfy the minimum qualifications set forth in the job description.

3. Qualified Applicant Pool: The qualified applicant pool is composed of those applicants from the initial applicant pool who satisfy the minimum qualifications set forth in the job description. Before the qualified applicant pool is forwarded to the screening/selection committee, its composition will be analyzed to ensure that no monitored group is adversely impacted. If adverse impact is found to exist, effective steps will be taken to address the adverse impact before the selection process continues. Such steps may include, but are not limited to:
   
   Step 1: Extending the deadline and undertaking inclusive outreach efforts to ensure that members of the adversely impacted group have equal opportunity to seek employment with the district.
   
   Step 2: Including all applicants who were screened out on the basis of any locally established qualifications beyond the state minimum qualifications that have not been specifically demonstrated to be job-related and consistent with business necessity through a process meeting the requirements of federal law.
   
   Step 3: If the minimum qualifications stated on the job announcement are changed, the job announcement will be reposted.
   
   Step 4: If adverse impact persists after taking Steps 1 and 2 above, the selection process may proceed only if:
a. The job announcement does not require qualifications beyond the statewide minimum qualifications, or

b. Locally established qualifications beyond state minimum qualifications, if any, are demonstrated to be job-related and consistent with business necessity through a process meeting the requirements of federal law and suitable alternative selection procedures to reduce the adverse impact were unavailable.

Step 5: Once the qualified applicant pool is approved, the pool will be forwarded to the screening/selection committee for paper screening, interviews, and final recommendations for hiring consideration.

4. The district will not advertise or utilize in future hiring processes for the same position or a substantially similar position any locally established qualifications beyond state minimum qualifications that the district was unable to verify under Step (c) 2 above unless such qualifications are so verified in advance of commencing any such future hiring process.

D. 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 will extend to all candidates a fair, impartial examination of qualifications based on job-related criteria. The district’s recruitment and hiring procedures will include in its section on applicant screening by screening/selection committees the following provisions:

1. All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, will be:

   a. Designed to ensure that, for all positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

   b. Designed to ensure that for all faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate knowledge of multiculturalism, and training in cultural proficiency;

   c. Based solely on job-related criteria; and

   d. Designed to avoid an adverse impact, and monitored by means consistent with this section to detect and address adverse impact that does occur for any monitored group.

2. When possible, every effort will be made, within the limits allowed by federal and state law, to ensure departments and others responsible for establishing selection/screening committees include a diverse membership, which will bring a variety of
perspectives to the assessment of applicant qualifications. Selection/screening committees will be encouraged to include members from monitored groups.

3. The Equal Employment Opportunity Officer shall approve the makeup of election/screening committees. If the equal employment opportunity officer does not approve a election/screening committee for lack of diversity, he or she should take necessary steps to remedy the lack of diversity.

4. Before a person can serve on a selection/screening 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 screening materials must be approved by the equal employment opportunity officer for compliance with equal employment opportunity principles.

7. Monitoring for adverse impact will occur at each of the following stages of the screening/selection committee process:
   a. After the selection/screening 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.
   b. After the applicants have been interviewed and prior to forwarding finalists to the hiring administrators. Finalists cannot be forwarded for hiring consideration until the applicant pool has been approved and cleared for adverse impact.

8. If monitoring for adverse impact reveals that any selection technique or procedure (other than a *bona fide* occupational qualification that has been approved by Human Resources) has adversely impacted any monitored group, the Superintendent/President or his/her designee will do the following:
   a. Suspend the selection process and take timely and effective steps to remedy the problem before the selection process resumes.
   b. When appropriate, assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures, which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed.
   c. Where necessary, the position may be reopened at any time and a new selection process initiated in a way designed to avoid adverse impact.

9. The district will not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, accent, age, ancestry, citizenship status, color, disability, economic status, ethnic group identification, gender, marital status, medical condition, national origin, parental
status, race, religion, sexual orientation, or veteran status or engage in any other practice, which would result in discriminatory or preferential treatment prohibited by state or federal law. The district will not apply the Plan in a rigid manner that has the purpose or effect of so discriminating.

10. The Board of Trustees or its designee shall make all final hiring decisions based upon careful review of the candidate or candidates recommended through the screening/selection committee. 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 the Plan or to ensure equal employment opportunity.

11. 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 the Plan, the district will request the Equal Employment Opportunity Advisory Committee to recommend new methods to meet the Plan objectives, or if necessary, to modify the Plan itself to ensure equal employment opportunity.
XIII. Additional Steps to Remedy Significant Underrepresentation

In an earlier section, the district has identified particular monitored groups that are significantly underrepresented with respect to one or more job categories. In order to address these instances of significant underrepresentation, the district will take the following steps:

A. The district will request that the Equal Employment Opportunity Advisory Committee, in conjunction with appropriate human resources staff, review the district’s recruitment procedures and make recommendations on modifications that would address the underrepresentation.

B. The district will increase the advertising and recruitment budget for a three-year period to ensure that recruitment is broad and inclusive.

C. The district will require that the responsible administrator for the division or department where the significant underrepresentation occurs develop, in conjunction with the equal employment opportunity officer, a recruitment-and-hiring action plan to assist in addressing the significant underrepresentation. The action plan will include, but is not limited to:

   1. Additional locations or resources to advertise positions that would likely attract candidates from the significantly underrepresented groups.
   2. Promotion of curricular offerings that would assist in attracting candidates from significantly underrepresented groups.
   3. Additional training for current faculty and staff on the value of a diverse workforce.
   4. Recommended changes to the job announcement and screening criteria, including interview questions, which may reasonably be expected to attract candidates from the significantly underrepresented group.

D. The district will focus particular attention on its intern programs where graduate students will be provided the opportunity to co-teach a class offered by the district in the significantly underrepresented discipline.

E. The district will actively monitor the representation rate of each group, which was identified as being significantly underrepresented in one or more categories. If significant underrepresentation persists for a particular group in the job category in question, after the measures described above have been in place for a period of at least three years, the district will:

   1. Review each locally established “required,” “desired,” or “preferred” qualification being used to screen applicants for positions in the job category to determine if it is job-related and consistent with business necessity through a process meeting the requirements of federal law.
   2. Discontinue the use of any locally established qualification that is not found to satisfy the requirements set forth in the previous paragraph and continue using qualification standards meeting the requirements in the previous paragraph only
where no alternative qualification standard is reasonably available that would select for the same characteristics, meet the requirements of the previous paragraph, and be expected to have a less exclusionary effect.

3. Significantly increase the recruitment budget for another three years.

4. Develop a recruitment committee composed of the Superintendent/President, the equal employment opportunity officer, the dean or responsible administrator for the division or department where the significant underrepresentation persists and members of the Equal Employment Opportunity Advisory Committee to review the effectiveness of the recruitment and hiring program described in section 3 above. The committee will provide recommendations to modify the recruitment and hiring program to better address the significant underrepresentation. The Superintendent/President will be evaluated on his/her ability to successfully implement the recruitment and hiring program.
XIV. 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 and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. To that end, in addition to the steps to address underrepresentation and/or significant underrepresentation, the district will implement 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 out, 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 it will 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 implementing a diversity program, the district shall consider steps such as:

A. Establishing a formal Office of Diversity that is part of the structure of the district and that will be adequately funded and supported by the district leadership.

B. The district EEO advisory committee will work with the Academic Senate’s Diversity and Equity Committee (DEqC) to develop an implementation strategy of stated goals.

C. Conducting campus climate studies to identify hidden barriers.

D. Including guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.

E. Highlighting the district’s equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications.

F. Conducting diversity dialogues, forums, and cross-cultural workshops.

G. Working with the Academic Senate, DEqC, and AP&P 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.

H. Reviewing and revising college publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.

I. Recognizing and valuing staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.

J. Offering a series of EEO/diversity workshops during faculty flex week and classified “Staff Development Days” programs.
K. Evaluating administrators on their efforts to meet the district’s equal employment opportunity and diversity efforts.

L. Establishing an “Equal Employment Opportunity and Diversity” online presence by highlighting the district’s diversity and equal employment opportunity, ADA, sexual harassment and nondiscrimination policies, procedures and programs on the district’s website. The website will also list contact persons for further information on all of these topics.

M. Promoting sabbaticals that will assist the district in achieving its equal employment opportunity and diversity objectives.

N. Promoting various cultural celebrations on campus.

O. Recognizing multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for community college employees.

P. Establishing a Community Outreach Advisory Council to involve community-based organizations in the recruitment and other equal employment opportunity efforts of the college. Recommended membership will include representatives from local business and industry as well as from diverse community groups such as NAACP, Chamber of Commerce, and City Council(s).

Q. Ensuring that top administrative staff support diversity objectives and that the diversity and/or equal employment opportunity officer position is maintained as a cabinet or other high-level administrative position.
XV. Persons with Disabilities: Accommodations and Goals for Hiring

A. Reasonable Accommodations

Applicants and employees with disabilities\(^5\) shall 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 aides such as readers, interpreters, and note takers.

The ADA Coordinator is responsible for handling requests for accommodations from current employees as well as from applicants seeking such accommodations during the application process. Requests can be made on the “Request for Reasonable Accommodation” form.

B. Procedures When Underrepresentation is Found

When persons with disabilities are found to be significantly underrepresented, measures required in this Plan will be implemented concurrently with the goals set forth below. The district will make every effort to achieve the hiring goals by the target dates identified below and will discontinue them when projected representation has been achieved for persons with disabilities in the category or categories in question.

C. Goals for Persons with Disabilities

Currently the projected representation for persons with disabilities is only required by the total district workforce and not by job categories.

SEE INFORMATION BELOW

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\(^5\)See the definition of “person with a disability” in the definitions section of the Plan. A more detailed definition of physical and mental disability is found in Government Code, Section 12926. California has a broader definition of disability than the ADA. California also requires accommodations to be made under circumstances where accommodations might not be necessary under federal law.
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*Goals and target dates for persons with disabilities are only set when there is a figure below 80 percent in column 6 entitled “Percent of Projected Representation.” A figure below 80 percent means there is significant underrepresentation. Goal setting is done concurrently with implementing the measures required under Title 5, Section 53025. The goals shall only remain in effect until projected representation has been achieved for that group.*
XVI. Graduate Assumption Program of Loans for Education

The district will encourage community college students to become qualified for, and seek employment as, community college employees. The district shall 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 the student guidebook and in locations accessible to students. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.
Appendix A – Community Organizations and Contact Information

American Civil Liberties Union
ACLU of San Diego & Imperial Counties
P.O. Box 87131
San Diego, CA 92138-7131
(619) 232-2121

Japanese Cultural Center
150 Cedar Road
Vista, CA 92083
(760) 941-8800

League of Women Voters
North Coast San Diego County
P.O. Box 131272
Carlsbad, CA 92013

Mexican American Legal Defense & Education Fund
634 S. Spring Street
Los Angeles, CA 90014
(213) 629-2512

National Association for the Advancement of Colored People
North San Diego County Branch
P.O. Box 5786
Oceanside, CA 92052-5786
(760) 754-9686

National Council of La Raza
523 W 6th St, Ste 840
Los Angeles, CA 90014
(213) 489-3428

National Federation of Filipino American Associations
2607 24th St. NW, Ste. 4
Washington, D.C. 20008-2600
Phone: (202) 986-1153

North County African American Women’s Association
C/o Jan Moberly
2504 Via Astuto
Carlsbad, CA 92010