

2012-2015

# Lassen Community College District

EQUAL EMPLOYMENT OPPORTUNITY PLAN

Adopted by Board: July 14, 2009

Revised: July 22, 2013

Revisions accepted by Cabinet: July 30, 2013

Revisions accepted by Consultation Council: August 5, 2013

Revisions adopted by the Board: August 13, 2013



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# Lassen Community College District Equal Employment Opportunity Plan

## I. INTRODUCTION

The Lassen Community College District Equal Employment Opportunity Plan was adopted by the Board of Trustees on July 14, 2009. The Plan reflects the district's commitment to equal employment opportunity (EEO). It is the District's belief that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment, which is welcoming to all, will foster diversity and promote excellence.

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.

## II. POLICY STATEMENT

The Lassen Community College District is committed to the concept and principles of equal employment opportunity in education and employment for all persons and to prohibit discrimination based on ethnic group identification, race, sex, color, religion, age, national origin, ancestry, sexual orientation, gender, disability, marital status or Vietnam-era veteran status, medical condition, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District believes that in order to effectively address and comply with federal and state mandates and guidelines on equal employment opportunity, the Board of Trustees, administration, faculty and classified staff must recognize that equal employment opportunity is a shared responsibility and all must be held accountable for application and enforcement of the plan within their area of authority. It is through combined efforts that Lassen Community College will achieve fairness and equity consistent with the approved Equal Employment Opportunity Plan. The District will ensure that the recruitment, screening, selection, hiring and promotional processes are in accordance with principles of equal employment opportunity.

## III. DEFINITIONS

In order to understand the terms used throughout the Plan, the following terms and explanation of the terms are provided.

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 which justify an exception to the requirements of Title 5 section 53021(b)(1) because compliance with that section would result in substantial additional financial cost to the District or pose a significant threat to human life or safety. Business necessity requires greater financial cost than mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

C. 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 race, gender, disability status, belief, age, national origin, cultural background, life experience and other enriching characteristics.

D. Equal Employment Opportunity: means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories listed in Title 5 section 53004(a). Ensuring equal employment opportunity also involves creating an environment 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.

E. 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. The Equal Employment Opportunity Plan is also referenced throughout this document as the Plan.

F. 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 Title 5 section 53006.

G. Ethnic Minorities: American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

H. Ethnic Group Identification: means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to Title 5 section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

I. Goals for Person 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 Title 5 section 53004(b) for which monitoring and reporting is required pursuant to Title 5 section 53004(a).

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 Title 5 section 53025.

O. Screening or Selection Procedures: any measure, combination of measures, or procedures used as 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 Title 5 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.

#### **IV. DELEGATION OF RESPONSIBILITY, AUTHORITY, AND COMPLIANCE**

[Reference – title 5, § 53003(c)(1) and § 53020]

It is the goal of the Lassen Community College District that all employees promote and support equal employment opportunity because equal employment opportunity 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, and to advise the Board of progress made.

C. Equal Employment Opportunity Officer

The Director of Human Resources, or their designee, shall also serve as the Equal Employment Opportunity Officer and responsible for the day-to-day implementation of the Plan. If the designation of the Equal Employment Opportunity Officer changes before this EEO Plan is next revised, the District shall notify employees and applicants for employment of the new designee. The Equal Employment Opportunity Officer is responsible for implementing, administering, and monitoring the Plan and for assuring compliance with the requirements of Title 5, sections 53000 et seq. and for ensuring that applicant pools and selection procedures are properly monitored.

The Equal Employment Opportunity Officer shall also serve as the District Compliance Officer who is responsible for receiving complaints described in the **COMPLAINTS** section of this document.

D. Human Resources Planning Committee

The District will establish an Equal Employment Opportunity Advisory Committee (Human Resources Planning 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 Human Resources Planning Committee shall assist in the implementation of the Plan in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for Plan revisions as appropriate.

E. Agents of the District

Any organization or individual, whether or not an employee of the District, who acts on behalf of the Board of Trustees with regard to the recruitment and screening of personnel, is an agent of the District and is subject to all the requirements of this 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 and AP 3420.

## V. ADVISORY COMMITTEE

The district has established a Human Resources Planning Committee (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 HRPC may sponsor events, training, or other activities that promote equal employment opportunity, retention, nondiscrimination, and diversity. The EEO Officer shall train the Advisory Committee on equal employment compliance and the EEO Plan itself. The Committee shall include a diverse membership, and there will be a substantial good faith effort to maintain a diverse membership. The Committee will be composed of two faculty members, two classified members, two administrators/managers, and two students.

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

## VI. COMPLAINTS

[Reference – title 5, § 53003(c)(2), § 53026 and § 59300 et seq.]

- A. Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Title 5 §53026): The district has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations<sup>1</sup> 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

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<sup>1</sup> The equal employment opportunity regulations are found in California Code of Regulations, title 5, section 53000 et seq.

after such occurrence unless the violation is ongoing. As directed by the Chancellor's Office, the decision of the district in complaints pursuant to Title 5 §53026 is final. (See California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints at: <http://extranet.cccco.edu/Divisions/Legal.aspx>)

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

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

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

- C. Complaints Alleging Unlawful Discrimination or Harassment (Government Code §59300 et seq.): The district has adopted procedures for complaints alleging unlawful discrimination or harassment. The Director of Human Resources is responsible for receiving such complaints and for coordinating their investigation. The district's discrimination and sexual harassment complaint procedures are as follows:

*Board Policy: 3410: Unlawful Discrimination*

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

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, sex or gender, race, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.



## *Board Policy: 3430: Prohibition of Sexual Harassment*

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees and students feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action, up to and including termination or expulsion.

## **VII. NOTIFICATION TO DISTRICT EMPLOYEES**

[Reference – title 5, § 53003(c)(3)]

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 Board of Trustees, the Superintendent/President, administrators, the Academic and Classified Senate Councils, union representatives, and members of the District Human Resources Planning Committee. The Plan will be available on the district's Web site 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 e-mail of the Plan's availability, including a written summary of the provisions of the Plan. The annual notice will emphasize the importance of the employee's participation and responsibility in ensuring the Plan's implementation.

## **VIII. TRAINING FOR SCREENING/SELECTION COMMITTEES**

[Reference – title 5, § 53003(c)(4)]

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 requirement of the district's Equal Employment Opportunity Plan; the district's policies on

nondiscrimination, recruitment, and hiring; principles of diversity and cultural proficiency; the value of a diverse workforce; and recognizing bias. Persons serving in the above capacities will be required to receive training within the 12 months prior to service. 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. Any individual, whether or not an employee of the district, acting on behalf of the district with regard to recruitment and screening of employees is subject to the equal employment opportunity requirement of title 5<sup>2</sup> and the district's Equal Employment Opportunity Plan.

## **IX. ANNUAL WRITTEN NOTICE TO COMMUNITY ORGANIZATIONS**

[Reference – title 5, § 53003(c)(5)]

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations of the Plan. The notice will inform these organizations that they may obtain a copy of the Plan, and shall solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the Plan. The notice will also include the Internet address where the District advertises its job openings and the names, departments, and phone numbers of individuals 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. 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). The District will annually report to the Chancellor the results of its annual survey of employees. At least every three years the identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

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<sup>2</sup> See title 5, § 53020(c).

The district's workforce and applicant analysis follow.

### **District Workforce Analysis**

The table on the following page identifies the district's employees by job classification and monitored group. The gender breakdown of the current workforce of regular employees is 41% male and 59% female. The gender distribution for part-time faculty is 53% and 47% respectively.

The monitored ethnic groups represent a total of 12% of the regular (non-part-time) population; 0% of the current regular employees have identified that they have a disability. 19% of the part-time faculty are members of monitored ethnic groups.

### **Analysis of Applicant Pools**

During the 2012-2013 fiscal year a total of 39 recruitments were completed. There were 3 administrators, 17 full time faculty and 19 classified searches. The total number of applicants for the 39 recruitments was 978.

## **XI. ANALYSIS OF DEGREE OF UNDERREPRESENTATION AND SIGNIFICANT UNDERREPRESENTATION.**

*This required section of the Plan may be completed after availability data is received from the Chancellor's Office.*

**[Reference – title 5, § 53003(c)(7)]**

## **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.

*This required section of the Plan may be completed after availability data is received from the Chancellor's Office.*

**[Reference – title 5, § 53003(c)(8)]**

### **XIII. ADDITIONAL STEPS TO REMEDY SIGNIFICANT UNDERREPRESENTATION**

In the aforementioned, the District 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 may take the following steps:

*This required section of the Plan may be completed after availability data is received from the Chancellor's Office.*

**[Reference – title 5, § 53003(c)(9) and 53006]**

### **XIV. OTHER MEASURES NECESSARY TO FURTHER EQUAL EMPLOYMENT OPPORTUNITY**

**[Reference – title 5, § 53003(c)(10)]**

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 explore how to infuse diversity into the classroom and curriculum. 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 may consider any of the following steps:

*This required section of the Plan may be completed after availability data is received from the Chancellor's Office.*

## **XV. PERSONS WITH DISABILITIES; ACCOMMODATIONS**

### Reasonable Accommodations

Applicants and employees with disabilities<sup>3</sup> 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. The Office of Human Resources is responsible for handling requests from applicants seeking such accommodations during the application process. Requests can be made on the “Request for Reasonable Accommodations” form.

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<sup>3</sup> 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.



### Employee Demographics by EEO Category

EEO Category	Total	Gender		Ethnicity							
		Female	Male	African-American/Non-Hispanic	American Indian/AK Native	Asian	Hispanic	Other	Pacific Islander	White-Non Hispanic	Declined to State
1R-Executive/Administrative/Managerial	17	9	8	2			2			13	
2R10-Faculty - 9/10 Months	33	16	17	1		1				31	
2R12-Faculty - 11/12 Months	9	7	2			1				8	
3R-Professional (Non-Faculty)	3		3							3	
4R-Clerical/Secretarial	10	10								10	
5R-Technical/Paraprofessional	30	23	7				1	1	2	26	
6R-Skilled Crafts	5		5							5	
7R-Service/Maintenance	6	2	4						1	4	1
<b>Grand Total</b>	<b>113</b>	<b>67</b>	<b>46</b>	<b>3</b>		<b>2</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>100</b>	<b>1</b>

The District continues to advertise extensively utilizing many sources for all positions and will continue its efforts to promote equal employment opportunity for all.