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**Kern Community College District  
Administrative Procedures  
Chapter 3 – General Institution**

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**AP 3420      EQUAL EMPLOYMENT OPPORTUNITY**

**References:**

Education Code Sections 87100 et seq.;  
Government Code Sections 7400 et seq. and 12940 et seq.;  
Title 5 Sections 53000 et seq. and 59300 et seq.;  
ACCJC Accreditation Standard 3

The District Chancellor shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

The District will continuously review its policies, procedures, practices, pool and workforce statistics, and any other factor that might contribute to workforce imbalance or adversely impact employment opportunities of members of protected groups.

The District will annually review the Equal Employment Opportunity Plan and revise as appropriate to address any problems with regard to recruiting a diverse workforce on the schedule provided by the California Community Colleges Chancellor's Office. If revisions are necessary, the revised plan shall be submitted to the California Community Colleges Chancellor's Office within 90 days of the effective date of the revisions or amendment(s). If the California Community Colleges Chancellor's Office determines that the District's policies do not comply with Title 5 Sections 59300 et seq., the California Community Colleges Chancellor's Office may require the District to modify its policies.

Information regarding Equal Employment Opportunity will be made available annually to the staff and community. The District will post a copy of the EEO plan on the District's website. All managers and supervisors shall be given copies of the plan as revised from time to time and any guidelines for implementing the plan. Copies of the plan shall be provided to the Academic Senate and the exclusive representatives of any units of employees.

The District's Human Resources Department will continue to assure reasonable accommodation for applicants and employees with disabilities upon request.

Pre-employment physicals or drug testing shall be conducted only following an offer of employment. This offer of employment is conditioned on the employee either passing these tests or providing proof of disability [as defined in the Americans with Disabilities

Act (ADA)]. The District will provide reasonable accommodation upon request to applicants and employees in accordance with Federal Americans with Disabilities Act (ADA).

Whenever possible the names, titles, office locations, and office telephone numbers of individuals serving as liaisons of Equal Employment Opportunity programs, Equal Employment Opportunity officers, receivers of unlawful discrimination complaints, responsible personnel, ADA coordinators, and others responsible for Equal Employment Opportunity functions shall be identified and made public to employees and students.

The Board of Trustees recognizes and accepts its responsibilities under the California Education Code and the California Code of Regulations (Title 5) to:

- Assume overall responsibility for the success of the District's effort to achieve Equal Employment Opportunity.
- Approve the District and College Staff Availability Data as well as any revisions; and assure that these are submitted to appropriate agencies in a timely fashion.
- Assure that in all employment procedures for all positions there is no unlawful discrimination.
- Provide a supportive environment free of cultural bias for all staff and students.
- To make a continuous good faith effort to comply with the requirements of the Plan.

### **EEO Advisory Committee**

An Equal Employment Opportunity Advisory Committee shall be established to advise the District on personnel matters relating to equal employment opportunities.

The Equal Employment Opportunity Advisory Committee will review Staff Availability Data and other relevant data for the purpose of advising the District and assisting in its commitment and goals in achieving equal employment opportunities.

Composition of the Equal Employment Opportunity Advisory Committee shall include a diverse membership and include members from District stakeholder groups, including but not limited to, students, faculty, and classified staff.

The District Equal Employment Opportunity Advisory Committee members shall be appointed by the District Equal Employment Opportunity Officer, except that the faculty representatives shall be selected by the colleges Academic Senates and shall serve for a period of three (3) years. The Committee shall meet at least once in every calendar year.

Members of the EEO Advisory Committee as well as members of the District governing board shall receive training in all of the following: applicable Title 5 regulations and of state and federal nondiscrimination laws; the educational benefits of workforce diversity;

the identification and elimination of bias in hiring decisions; and the role of the advisory committee in drafting and implementing the District's EEO plan.

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

- Review and advise on recruitment efforts; job announcements, interview protocols, retention efforts and other aspects of the hiring, retention, and promotion process that impact the District's ability to attract and retain a diverse faculty and staff;
- Advise on implementing the District's obligation to hire faculty and administrators with a demonstrated sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;
- Promote communication with community groups and organizations for people with disabilities;
- Promote hiring of faculty who have, themselves, graduated from a community college;
- Develop communications among departments to foster understandings of the Plan;
- To advise the District Chancellor regarding special training or staff developmental needs;
- Review the Plan and monitor its progress;
- Review Staff Availability Data and other relevant data for the purpose of advising the District and assisting in its commitment and goals in achieving equal employment opportunities.
- Recommend changes need in the Plan; and
- Review and approve the annual written report to the District Chancellor, the District's governing board, and the California Community Colleges Chancellor's Office.

### **Responsible District Officers**

The following District officers shall be responsible and accountable for providing District-wide leadership in Equal Employment Opportunity:

The Vice Chancellor, Human Resources shall assume administrative responsibility as the "EEO Officer" for implementation of the Equal Employment Opportunity Policy.

The Vice Chancellor, Human Resources or his/her/their designee shall be responsible for the day-to-day implementation of this policy. This day-to-day implementation in cooperation with the College Equal Employment Opportunity officers, shall include:

- Monitoring the employment process to ensure that selection or elimination of candidates for employment is based on job-related criteria.
- Providing Multi-college District Staff Availability Data, as it is made available to the District from the California Community Colleges Chancellor's Office.

- Initiating action to correct any identified Equal Employment Opportunity concerns.
- Receiving, investigating, and seeking resolution of unlawful discrimination complaints.

The faculty and staff of this District shall be responsible and accountable as follows:

- Foster and promote a positive environment and overall hospitable atmosphere to staff and students of all cultures and heritages, encouraging the appreciation and value of diversity to the College communities.
- Act on behalf of the District in recruitment and selection of personnel. In this capacity, faculty and staff shall comply with all applicable state and federal laws and regulations.

### **Annual Evaluation**

The District and Equal Employment Opportunity Officer(s) shall collect and continually monitor its employee and applicant demographic data to evaluate the implementation of the EEO Plan and to conduct the analyses required by Title 5,

The Equal Employment Opportunity Liaisons shall compile an annual workforce and utilization analysis of District personnel and shall use the data to recruit a diverse applicant pool and workforce.

College Equal Employment Opportunity Liaisons shall monitor the ethnicity and gender make-up (including non-binary options) as well as data concerning promotions of positions on a continual basis. The opportunity for each employee to identify his/her/their gender, ethnicity and, if applicable, disability in a manner prescribed by the California Community Colleges Chancellor's Office consistent with state and federal law.

An annual report to the California Community Colleges Chancellor's Office of this employment-related demographic data in a manner prescribed by the Chancellor. To facilitate analysis, all applicants and employees must be assigned a job category. The report shall identify each employee as belonging to one of the following seven job categories:

- executive/administrative/managerial
- faculty and other instructional staff
- professional non-faculty
- secretarial/clerical
- technical and paraprofessional
- skilled crafts; and
- service and maintenance.

Districts shall review the annually collected demographic data to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process. For the purposes of this subdivision, the phases of the employment process include but are not limited to recruitment, hiring, retention, and promotion.

## **Employment Procedures**

The District and Colleges shall provide faculty/staff in-service training on diversity.

Each College's Human Resources Department is responsible for providing training to all staff on Equal Employment Opportunity programs and issues.

The District's Equal Employment Opportunity Advisory Committee shall work cooperatively with Human Resources to effectively utilize Equal Employment Opportunity funds allocated to the District.

The District shall pursue hiring practices, which effect Equal Employment Opportunity policies.

All employment practices will be based on job-related factors, considering seniority only where required by law.

## **Job Analysis and Validation**

The Vice Chancellor, Human Resources or his/her/their designee shall assure that a proper job analysis is performed for every job filled by the District to determine and validate the knowledge, skills, abilities, and characteristics an employee must possess to perform the job satisfactorily.

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

## **Job Description**

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

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

## **Recruitment**

Recruitment for positions shall include verifiable efforts to attract a diverse applicant pool. Recruitment must be conducted actively within and outside of the District work force.

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

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

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

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

### **Applicant pool**

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

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

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

### **Screening and Selection**

Screening, selecting, and interviewing candidates for all positions shall include thorough and fair procedures that are sensitive to issues of diversity.

Each College will maintain a standard procedure for selecting qualified applicants. College procedures must conform to the following:

- Hiring procedures will be provided to the California Community Colleges

Chancellor's Office on request.

- Applicants will be screened by the screening committee for minimum qualifications.
- Screening and selection committees shall include a diverse membership that will bring a variety of perspectives to the assessment of applicant qualifications whenever possible; are representative of the District community and campus; include administrators, faculty, and classified staff members; do not include applicants or persons who have written letters of recommendation.
- Screening committees are to be trained by a Human Resources Director or Manager in appropriate selection and interviewing techniques and in Equal Employment Opportunity programs and procedures. The Human Resources Director or Manager assures the selection and interviewing process will conform to accepted principles and practices, including preparation of job related questions in advance; maintains notes for all interviews and record relevant factual reasons stating why a candidate was not hired or was not invited to interview; and monitors the hiring process for adverse impact. The Human Resources Director or Human Resources Manager shall work with the screening committee chair to ensure that the employment process complies with the District's Equal Employment Opportunity Policies.
- A reasonable number of candidates as determined by the College President or designee are to be interviewed for each position.
- Selection shall be based solely on the stated job criteria.
- For faculty and administrative positions, candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.
- All materials related to the selection process for a position shall be incorporated into a single file and be maintained for at least three (3) years.

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

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

If significant underrepresentation persists:

- Review each locally-established job qualification to determine if it is job-related and consistent with business necessity;
- Discontinue the use of any non-job-related local qualification;

- Continue using job-related local qualifications if no alternative standard is reasonably available; and
- Consider the implementation of additional measures designed to promote diversity.

## **Complaint Procedure**

Any person may file a complaint alleging the District violated this policy and procedures. Any individuals should file a written complaint with the Vice Chancellor, Human Resources. The District shall process complaints that allege unlawful discrimination according to the procedures set forth in AP 3430 Prohibition of Harassment and AP 3435 Discrimination and Harassment Complaints and Investigations.

## **Job Announcements**

All job announcements shall contain a statement in substantially the following form: The District is an equal opportunity employer. The policy of the District is to encourage applications from persons who are economically disadvantaged and individuals belonging to significantly underrepresented groups within the District's workforce, including ethnic and racial minorities, women, and persons with disabilities. No person shall be denied employment because of ethnicity or race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, marital status, sexual orientation, veteran or military status, or political or organizational affiliation.

## **Accountability and Corrective Action**

The District shall certify annually to the Chancellor of the California Community Colleges that they have timely:

- Recorded, reviewed, and reported the data required regarding qualified applicant pools;
- Reviewed and updated, as needed, the Strategies Component of the District's EEO Plan; and
- Investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with Section 59300) of chapter 10 of this division 6 of Title 5.