

# EQUAL EMPLOYMENT OPPORTUNITY PLAN

**Mendocino-Lake Community College District**



*Reviewed by EEO Advisory Committee: April 12, 2016*  
*Reviewed and Approved by Board of Trustees: June 15, 2016*

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\*At this time, the California Community College Chancellor's Office has requested that EEO Plans include Sections 1-10, 14 and 16 based on the Model EEO Plan provided by the Chancellor's Office. Components 11-13 and 15 are not required until projected availability data of potential applicants by race, gender and disability is provided by the Chancellor's Office.

## 1. Introduction

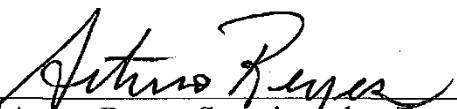
The Mendocino-Lake Community College District Equal Employment Opportunity (EEO) Plan, which reflects the District's commitment to equal employment opportunity, was adopted by the Board on June 5, 2013. The 2015-16 District Priorities adopted by the Board of Trustees includes strengthening our inclusive, equitable, and ethnically diverse college culture to be more welcoming to all students and increase access and support for underrepresented students.

The goal of Mendocino College is to take active steps to ensure equal employment opportunity and to create a diverse work and academic environment that is welcoming and inclusive for all. Fostering diversity, promoting excellence, and providing a positive student learning experience is the primary focus of this endeavor. Through such an inclusive educational environment, our students will be better prepared to thrive in our diverse society.

The EEO Plan focuses on providing equal employment opportunity in the District's recruitment and hiring policies and practices pursuant to the applicable Regulations of the Board of Governors of the California Community Colleges (Title 5 of the California Code of Regulations, Sections 53000 et seq) and the steps the District shall take in the event of underrepresentation of monitored groups. It also includes a complaint procedure for noncompliance with the EEO Plan; the establishment of the Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all; and procedures for dissemination of the EEO Plan.

Mendocino College is proud to serve a large population of Native American students and is currently working toward being named a Native American Serving Institution, alongside our title as a Hispanic Serving Institution. We are also making progress through our current Student Equity model to further promote and ensure success for our diverse student population.

The Mendocino-Lake Community College District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success and to recruiting and hiring persons from diverse backgrounds. Diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students including first generation students, underrepresented students, and students of color. The District will strive to employ and retain faculty, staff and administrative personnel who promote a positive learning environment and are well prepared to serve our increasingly diverse student population.

  
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J. Arturo Reyes, Superintendent/President

## 2. Definitions (Title 5, Section 53001)

1. *Adverse Impact* is 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.
2. *Business Necessity* means circumstances which 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 does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.
3. *Diversity* means broad inclusion in the 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 experiences and other enriching characteristics.
4. *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 which 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 by Sections 53000 et seq.
5. *Equal Opportunity Plan* is a written document in which a district's work force is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
6. *Equal Employment Opportunity Program* means 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.
7. *Ethnic Minorities* means American Indians/Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.
8. *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.

- \*9. *Goals for Persons with Disabilities* means 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 work force and the availability of persons with disabilities who are qualified to perform a particular job as such availability data is provided by the Chancellor. Goals are not "quotas" or rigid proportions.
- 10. *In-house or Promotional Only Hiring* means that only existing district employees are allowed to apply for a position.
- 11. *Monitored Groups* means those groups identified in Section 54004(b) for which monitoring and reporting is required pursuant to Section 53004(a).
- 12. *Person with a Disability* means 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. If the federal Americans with Disabilities Act of 1990 defines "disability" which results in a broader protection than would be available under California law, federal definitions will apply.
- \*13. *Projected Representation* means the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.
- 14. *Reasonable Accommodation* means the efforts made on the part of the district to remove artificial or real barriers which prevent or limit the employment an upward mobility of persons with disabilities. Reasonable accommodations may include the items designated in Section 53025.
- 15. *Screening or Selection Procedure* means any measure, combination of measures, or procedure 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.
- \*16. *Significantly Underrepresented Group* means 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.
- \*17. *Target Date* means 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.
- \*18. *Timetable* means a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

All Section references are to Title 5 of the California Code of Regulations unless otherwise indicated.

\*Determinations deferred pending availability data or direction from the Chancellor's Office.

### **3. Policy Statement- Equal Employment Opportunity Program - Board Policy 3420**

The Mendocino-Lake Community College District is committed to academic excellence and providing all students with the opportunity to succeed in their chosen educational pursuits. Academic excellence can best be sustained in a climate of acceptance and with the inclusion of persons from a wide variety of backgrounds and preparation who can provide services to an increasingly diverse student population. A workforce that is continually responsive to the needs of a diverse student population may be achieved by ensuring that all persons receive an equal opportunity to compete for employment and promotion and by eliminating barriers to equal employment opportunity.

The District maintains an Equal Employment Opportunity Program, as further described in the Equal Employment Opportunity Plan, to ensure that all qualified applicants have full and equal access to employment opportunities, in conformance with State and Federal laws and regulations. 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. The Board also has adopted Policy No. 3420, Non-Discrimination, which prohibits unlawful discrimination in the workplace and in all programs and activities of the District. In addition, Board Policy 1200 defines the Mission of the District which also aligns with these principles.

*References:*

*Education Code, Sections 70902, 87100 et seq.*

*Title 5, Sections 51010 and 53000 et seq.*

## **4. Delegation of Responsibility, Authority and Compliance**

### **A. Board of Trustees and Superintendent/President**

The Board of Trustees is responsible to develop and adopt a written equal employment opportunity plan to implement its equal employment opportunity program and for ensuring equal employment opportunity in accordance with the Plan. The Board of Trustees delegates to the Superintendent/President the overall responsibility for implementing the Plan and assuring compliance with its requirements. The Superintendent/President shall provide leadership in supporting the District's equal employment opportunity policies and procedures.

### **B. Equal Employment Opportunity Officer**

The Director of Human Resources is designated as the Equal Employment Opportunity (EEO) Officer who is responsible for the day-to-day implementation of the Plan. The EEO Officer shall monitor compliance with the requirements of Title 5, Sections 53003-53034. The EEO Officer is also responsible for receiving complaints per Title 5, Section 53026, and ensuring that employment practices are properly monitored. The District shall make a continuous good faith effort to comply with all requirements of the Plan.

### **C. Screening Committees**

A screening committee member, or 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 subject to the requirements of the District's EEO Plan and applicable Title 5 provisions.

### **D. Good Faith Effort**

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

(Title 5, 53003/53005)

## **5. Equal Employment Opportunity Advisory Committee**

The Equal Employment Opportunity (EEO) Advisory Committee shall assist the EEO Officer in developing and implementing the Plan and shall include a diverse membership whenever possible. The EEO Advisory Committee shall include the Vice President of Administrative Services, Vice President of Education and Student Services, Academic Senate President, Classified Senate President, Management/Supervisory/Confidential President or their designees, and one other representative from each of the employee groups. In addition, the Coordinator, Student Equity will participate on this committee so that EEO efforts will complement the Student Equity Plan. 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 on the EEO plan itself.

(Title 5, 53020)

## **6. Complaints - Administrative Procedure 706.1**

The District has established the following process which permits any person to file a complaint alleging that the requirements of the equal employment opportunity regulations (California Code of Regulations, Title 5, Sections 53000 et seq.) have been violated:

1. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation.
2. 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.
3. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and no later than thirty (30) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the thirty (30) day limitation.
4. Complaints alleging violations of the EEO Plan that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the violation is ongoing.
5. A copy of the complaint shall immediately be forwarded to the Chancellor's Office which may require the District to provide a written investigative report within ninety (90) days.

The decision of the District in complaints pursuant to Title 5, Section 53026, is final.

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 EEO Officer. If the complaint involves the EEO 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. The District may extend the determination date in the interest of the investigation upon written notice to the complainant.

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

### **Alleging Unlawful Discrimination or Harassment (Title 5, Section 59300 et seq.)**

The District has adopted procedures for complaints alleging unlawful discrimination or harassment (see Board Policy 307 and Administrative Procedure 307.1). The Director of Human Resources is responsible for receiving such complaints and for coordinating their investigation in accordance with established procedures.



## **7. Notification to District Employees**

The commitment of the Board of Trustees and Superintendent/President to equal opportunity employment is emphasized through the broad dissemination of this Plan which is available to all District employees on the District portal. The EEO plan will be widely distributed electronically on an annual basis.

Policy statements prohibiting discrimination in all programs and services of the District are included in the college catalog and schedule of classes.

Upon employment, new employees will be provided with a copy of the District's Non-Discrimination policy and this Plan. Also, an annual notice to employees will emphasize the importance of employee participation and responsibility in ensuring implementation of the EEO Plan.

Every three years the EEOAC will update and revise the EEO Plan. The suggested revisions will be reviewed through PPAC processes including distribution to constituent groups for input. Final approval of the Plan will be made by the Board of Trustees.

## **8. Training for Screening Committees**

The Director of Human Resources/EEO Officer provides training to all screening committee members regarding the District's selection process and equal opportunity employment considerations. The training includes the requirements of equal employment opportunity, nondiscrimination in employment, the District's policies and procedures related to hiring processes, principles of diversity, and recognizing improper bias. This training is required prior to serving on a screening committee.

## **9. Annual Written Notice to Community Organizations**

The Director of Human Resources/EEO Officer will send an annual written notice regarding the District's EEO Plan to community-based and professional organizations that may be recruitment sources. The notice will request assistance in identifying qualified candidates with diverse backgrounds for future job opportunities, and it will include the college website link where job opportunities are located.

## **10. Analysis of District Workforce and Applicant Pools**

To provide data and evaluate implementation of the District EEO Plan, Human Resources will:

- annually survey the District's workforce composition; and
- monitor applicants for employment on an ongoing basis

Monitored groups are men, women, American Indians/Alaskan Natives, Asians/Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and Persons with Disabilities per the following job categories:

- Executive/Administrative/Managerial
- Faculty and Other Instructional Staff (full-time and part-time)
- Professional Non-Faculty
- Secretarial/Clerical
- Technical and Paraprofessional
- Skilled Crafts
- Service and Maintenance

Each applicant and employee shall be afforded the opportunity to identify his or her gender, ethnic group identification and, if applicable, his or her disability. A person may designate multiple ethnic groups with which he or she identifies, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential. Surveys are separated from applications before being forwarded to screening/selection committees and hiring administrators. The District will annually report- to the Superintendent/President the results of its annual survey of employees.

Appendix A includes an analysis of the current workforce analysis.

Appendix B includes an analysis of applicant pools for the last three years.

Appendix C includes the annual EEO allocation summary report.

*(Title 5, 53003/53004)*

**\*As noted in the Table of Contents, these sections are deferred pending receipt of availability data from the Chancellor's Office:**

**Section 11-Analysis of Degree of Underrepresentation and Significant Underrepresentation**

**Section 12-Methods to Address Underrepresentation**

**Section 13-Additional Steps to Remedy Significant Underrepresentation**

## 14. Other Measures 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, 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 may consider the following, as appropriate:

- 1) Commit to a formal Office of Diversity and diversity program that is part of the structure of the district and that will be adequately funded and supported by the district and campus leadership.<sup>1</sup>
- 2) Conduct campus climate studies to identify hidden barriers.
- 3) Include guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.
- 4) Highlight the district's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications. Include in job announcements language indicating that candidates are required to demonstrate that they can infuse diversity into their major job duties.

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<sup>1</sup> Districts may look at the Chancellor's Office website for information on System-wide Commitments to Equity and Diversity. This information may be accessed at [www.cccco.edu](http://www.cccco.edu); click on agency; governmental relations division; equal employment opportunity; equity and diversity taskforce recommendations; and more. The Chancellor's Office has not evaluated the application of specific practices, and inappropriate application could cause a district to violate the law. Additionally, because the information may not have been recently reviewed for consistency with legal requirements, districts should seek the advice of legal counsel when implementing specific practices. (CCC EEO Model Plan)

- 5) Conduct diversity dialogues, forums, and cross-cultural workshops.
- 6) Work with the Campus Curriculum Committee to assist in the development of a "Diversity Instructional Tool Kit" as a resource for faculty interested in infusing diversity and multiculturalism into their instruction or services to students.
- 7) Review and revise college/district publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
- 8) Recognize and value staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.
- 9) Require a series of EEO/diversity workshops at all instructional improvement days (flex week or staff development day).
- 10) Evaluate administrators yearly on their ability and efforts to meet the district's equal employment opportunity and diversity efforts.
- 11) Establish an "Equal Employment Opportunity and Diversity" online presence by highlighting the district's diversity and equal employment opportunity, ADA, sexual harassment 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.
- 12) Promote sabbaticals that will assist the district in achieving its equal employment opportunity and diversity objectives.
- 13) Promote various cultural celebrations on campus.
- 14) Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for community college employees.
- 15) Have a formal diversity program on campus that is visible, valued and adequately funded.
- 16) Consider providing for alternative educational or experience requirements for nonacademic positions.
- 17) Develop leadership opportunities with current staff focusing on diversity.
- 18) Establish 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 MALDEF, NAACP, Chamber of Commerce, and City Council(s).
- 19) Ensure 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.
- 20) Seek direct contact with student, professional, community and other organizations that represent the diverse community we serve. These organizations can serve as resources for referring potential candidates.

**\*As noted in the Table of Contents, Section 15/Persons with Disabilities-Accommodations and Goals for Hiring is deferred pending receipt of availability data from Chancellor's Office.**

## **16. Community College Careers and Other Measures to Further Equal Employment Opportunity**

The District encourages its students to become qualified for employment in the District or the California Community College system as a faculty or staff member through campus programs such as faculty and staff advising, Counseling, the Career Center, Work Experience, Work Study, or others, or by encouraging students to complete their graduate studies to prepare for community college faculty positions. The District may make available information on student employment opportunities and information from the California Student Aid Commission regarding financial assistance for education. When recruiting for a faculty position, the District sends a letter regarding the employment opportunity to the Dean/Department Chair of the related discipline at all state colleges and universities asking that it be shared with students who might be potential candidates for the vacancy.

## APPENDIX A- Workforce Analysis

2012-13

Category	Current Workforce	American Indian/ Alaskan Native	Asian/ Pacific Islander	Black/ African American	Hispanic/ Latino	White	Male	Female
Executive/ Admin/ Managerial	18				5	15	7	11
Full-time Faculty	53		1		5	47	30	23
Part-time Faculty	219	3	9	1	11	195	95	124
Secretarial/Clerical	41	1			6	34	1	40
Technical/ Paraprofessional	14		1			13	9	5
Skilled Crafts	8				6	7	7	1
Service/Maintenance	12	1			6	5	6	6
<b>Total</b>	<b>365</b>	<b>5</b>	<b>11</b>	<b>1</b>	<b>32</b>	<b>316</b>	<b>155</b>	<b>210</b>

Employees with Disabilities = 6

Over the last several years, the number of employees at Mendocino College declined due to budget reductions. As vacancies occurred, reorganizations and reassignments were implemented to downsize the workforce where possible to avoid layoffs and salary reductions. However, the college has now begun to restore some positions, including part-time faculty assignments. The number of retirements has increased as well. Due to these factors and the increased diversity in the service area, an increase in diversity is also reflected in recent hires.

**APPENDIX B-Applicant Pool Analysis  
(2010-11, 2011-12, 2012-13)**

Category	Total Applicants	American Indian/Alaskan Native	Asian/Pacific Islander	Black/African American	Hispanic/Latino	White	Unknown	Male	Female
Executive/Admin/Managerial	41	0	1	3	3	22	12	28	13
Full-time Faculty	217	0	12	2	31	82	90	126	91
Part-time Faculty	18	0	1	0	1	1	15	14	4
Secretarial/Clerical	66	1	2	0	8	34	21	11	55
Technical/Paraprofessional	23	0	0	1	3	18	1	23	0
Skilled Crafts	5	0	0	0	0	0	5	5	0
Service/Maintenance	12	0	1	0	1	9	1	12	0
Total	382	1	17	6	47	166	145	219	163

This is a small data sample because the college did not fill many vacancies during this time period due to budget decreases, as noted in Appendix A. For example, the full-time faculty category represents just six vacancies filled in three years. The college also experienced a decline in the number of applicant surveys submitted by applicants in recent years, although in 2012-13 the number of surveys received improved and will hopefully continue to do so as the college begins to shift to a restoration mode.