



**SAN MATEO COUNTY
COMMUNITY
COLLEGE DISTRICT**

FACULTY SCREENING PROCEDURES

Fall 2013

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GENERAL PRINCIPLES

The following principles shall guide all activities related to the screening and selection of new employees:

1. The San Mateo County Community College District is committed to providing full, objective, and equal access to its recruitment and selection process for all applicants, regardless of **ethnic group identification**, race, color, national origin, gender, sexual orientation, religion, **age, gender, physical or mental ability** or marital status. (see **San Mateo Community College District Policy 2.20 Equal Employment Opportunity**) The District is an **Equal Opportunity Employer** that fully respects and values the diversity of cultures, language groups and abilities of its surrounding communities and student body.
2. **Each committee member agrees to act in the best interest of the College and the District in selecting finalists who best meet the needs of the diverse students we serve.**
3. **Each committee member understands that search and selection is a confidential process subject to laws and regulations on privacy and access (Title 5, California Code of Regulations, Section 53023(a); California Government Code Section 6254). Each committee member understands that failure to maintain confidentiality will not only jeopardize the search and selection process but also could result in violation of Federal or State regulations and incur liability on behalf of the District.**  **It is also understood that even the perception that confidentiality has been breached may jeopardize the hiring process. Therefore, each committee member agrees to call to the attention of the Academic Senate and the Vice Chancellor of Human Resources and Employee Relations, any action which might be interpreted as a breach of confidentiality.**
4. The District actively seeks applicants who demonstrate the required technical expertise, preparedness, competence, respect, and sensitivity that will enable them to effectively work in a multi-cultural, multi-lingual educational environment. The Board of Trustees, managers, faculty, and classified staff share the responsibility for assuring equal opportunity practices throughout the screening and selection process.
5. Emphasis is placed on the responsibility of the faculty to ensure the quality of their faculty peers.
6. Hiring **decisions shall comply with Federal, State and local laws, and the District commitment to equal opportunity, fairness, inclusion, respect of all candidates, and objectivity throughout the selection process. Each committee member agrees to comply with Equal Opportunity policies and procedures assuring compliance with the hiring process as outlined in the District's hiring policy and procedures.**
7. Faculty and administrators participate effectively in their respective roles throughout the process.
8. Between the announcement of a vacant position and the selection of a candidate for hire, there is sufficient time to allow for a thorough, complete and thoughtful search.

9. All participants in the selection process receive appropriate training in equal opportunity and legal selection procedures so that fair and equitable treatment of all individuals can be assured. (See appendix A - Screening Committee Orientation)
10. Individuals, ~~regardless of race, ethnicity or language group~~, who are knowledgeable about and responsive to the College and District commitment to equal opportunity, are included on screening committees. Whenever possible, screening committee membership is diverse, in order to broaden perspectives and to better represent the District commitment to equal opportunity. Please refer to the Board of Governors approved Equity and Diversity Task Force Report for a full definition of diversity, APPENDIX A to Faculty Hiring Procedures for Full Time Faculty.
11. Final hiring decisions, whenever reasonably possible, are made during the regular academic year and promptly communicated to the faculty. Only candidates who are recommended by the screening committee will be hired.
12. ~~Screening Committees and hiring managers shall maintain confidentiality throughout and following completion of the selection process except as required by law. Any perceived violations of the process are open shall be reported to report to the Academic Senate President and the Vice Chancellor of Human Resources & Employee Relations.~~

I. IDENTIFICATION OF VACANT POSITIONS

The College President, through consultation with the Chancellor-Superintendent (or designee) is responsible for identifying faculty positions to be filled, through use of a thoughtful, well defined and widely disseminated planning process **at the college**. The planning process for identifying faculty positions to be filled is described in writing and involves faculty and administration. **Setting of positions to be hired are processed through the FTEF Allocation Committee at Skyline College; the College Council at Cañada College, and the Institutional Planning Committee at College of San Mateo.**

The process of identifying positions to be filled shall include the following:

- a. Involvement of faculty at the division/department level
- b. Involvement of the Academic Senate President (or designee) at appropriate times within the process
 - To review the general criteria established by the College for identifying positions to be filled; and,
 - To review the positions which are identified.
- c. A clear statement of rationale used to identify full time faculty positions to be filled.

II. DEVELOPMENT OF THE JOB ANNOUNCEMENT


The appropriate sections of the job announcement (specific position duties and responsibilities; and desirable skills and attributes) will be drafted **by the Office of Human Resources and discussed and approved by the screening committee before it is posted.**~~through a collaborative process involving discipline faculty and the appropriate Dean. The drafted sections are reviewed by the appropriate Vice President, College Equal Employment Opportunity (EEO) Committee and Academic Senate President (within the scope of his or her respective responsibilities), and authorized by the College President before forwarding to the Office of Human Resources.~~

Elements of the job announcement

The faculty job announcement includes the following information:

1. Description of the primary duties and responsibilities of the position
2. State-mandated **minimum** requirements (Board-approved local qualifications are used as applicable)
3. A State-mandated requirement of a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.
4. Additional, job-related, “skills and qualifications” such as

- a) Additional degrees, licenses or certificates
 - b) Special fields of training and/or experience
 - c) Knowledge of educational principles as appropriate
 - d) Other job-related knowledge, skills and/or abilities as appropriate
5. Standard (template) job announcement text that includes
- a. Educational equivalence criteria
 - b. Legally-mandated statements
 - c. A list of application materials that are required of each candidate
 - d. General information concerning compensation, benefits, terms and conditions of employment
 - e. District statement of commitment to equal employment opportunity and respect for diversity
 - f. Start date of assignment
 - g. First review date when process of accepting applications is considered closed

~~The College EEO Committee may recommend changes in the announcement draft to assure equal opportunity and the absence of desirable qualifications that may adversely impact individuals based on race, ethnicity, language group, national origin, gender, sexual orientation, religion and/or marital status~~ 

The Office of Human Resources will **provide final review of the** ~~drafted sections~~ **job announcement** to assure compliance with **equal employment opportunity requirements and other** legal standards, and then finalize the job announcement for publication. Minimum qualifications and an equal opportunity statement will be a standard part of the announcement template.

~~The District Office of Human Resources will recruit broadly for faculty positions to be filled. Every effort will be made to communicate openings to current full-time and part-time faculty employees. with FSAs appropriate to the position opening. A job announcement will be initiated by the Office of Human Resources, reviewed by the Screening Committee, approved by the College President, and forwarded to the Office of Human Resources for timely review and preparation. A final copy of the job announcement will be sent electronically to each committee member prior to its publication and any responses shall be forwarded through the Committee Chair to Human Resources within three days.~~

Publicizing of the job announcement may include, but is not limited to the following:

- The **SMCCCD Employment** website
- The California Community College Registry
- HigherEdJobs.com**
- Edjoin.com**
- Indeed.com**
- The Chronicle of Higher Education Website**
- InsideHigherEd.com**

Placement of advertising in **other discipline-related** websites and/or print media as appropriate

~~Announcement on the Human Resources 24-hour telephone Job Line~~

~~Staff in +~~ The Office of Human Resources will provide a range of technical services, training and consultation, as appropriate, to assure that the job announcement, recruitment activities and screening/selection process, criteria, forms and documentation comply with applicable current law and District policies and procedures.

III. THE SCREENING COMMITTEE

A. Selection of Screening Committee Members

The selection of Screening Committee members will be collaborative. Faculty members on the Screening Committee will be proposed by discipline faculty and the appropriate Dean and approved by the Academic Senate Governing Council. The appropriate Dean (or designee) will serve on the Screening Committee. As appropriate, student representation shall be determined by the President of the Associated Students. If a representative of classified employees is desired, the appointment to the committee will be made by CSEA. The names of the identified faculty and administrator will be forwarded for review by the appropriate Vice President and College EEO Committee (within the scope of its responsibility). The College President will appoint the Screening Committee upon review of the proposed Committee members.


B. Screening Committee Size and Membership

The number of members on a Screening Committee normally will be ~~at least three (3) and no more than~~ to five (5). A committee may be comprised of more than five (5) members in special circumstances.

The committee will have a majority of faculty and a minimum of one discipline expert. A discipline expert will be a faculty member who has an approved Faculty Service Area designation for the subject matter as adopted by the San Mateo County Community College District's Board of Trustees. If there are fewer than three (3) discipline experts at the hiring college, related discipline experts within the hiring division will assist in the process of proposing faculty to serve on the screening committee. The discipline expert and the Dean at the hiring college will determine what constitutes a related discipline. In the event that there are no discipline experts at the hiring college, the decision of what constitutes a related discipline will be made by the Dean and the faculty of the hiring division subject to the approval of the hiring college's Academic Senate Governing Council.

The proposed faculty should include tenured faculty and may include fourth, third, and second year contract experts in the discipline or related disciplines. The decision to recommend non-tenured faculty on screening committees will be the responsibility of the faculty proposing members for the screening committee. If there are no discipline experts at the hiring college, experts from the other two district colleges will be sought. In the event that no tenured or fourth, third or second year contract discipline experts are available within the district, then a contract one (first year) discipline expert can be proposed to serve on the committee. If no discipline experts are available within the district, the committee may seek experts from other colleges or the private sector. The appropriate Dean and Human Resources will be responsible for the logistical management of the process.

The Screening Committee will:

- a. whenever possible, include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.
- b. Include a staff member of the Office of Human Resources who is knowledgeable about equal employment opportunity, non-discrimination and laws governing hiring practices. ~~at least one member who has been certified as an EEO Representative, in order to assist the Committee in its compliance with equal employment opportunity policies and practices~~
- c. Elect one of its faculty members to serve as Chair to guide the committee process, unless the committee members select the division Dean to chair the committee 
- d. Require members to attend all committee meetings and interviews.
- e. Include all members in votes that are taken and decisions that are made throughout the committee process.

C. Screening Committee Orientation

All members of the Screening Committee will receive orientation at the beginning of the process that will include the following types of information:

- ~~a. The importance of confidentiality shall be reinforced throughout the process. However, if Screening Committee members believe the process is being violated, they should report to the President of the Academic Senate and the Vice Chancellor – Human Resources & Employee Relations for appropriate action.~~
- ~~b. If it has been determined that confidentiality has been breached or if it has been determined that prejudicial statements are repeated after a warning, the College President may disband the Committee.~~
- a. The District commitment to equal employment opportunity, including procedures and techniques to assure fairness and objectivity, avoidance of adverse impact, and the inclusion of qualified candidates regardless of race, ethnicity **group identification**, language group, color, national origin, age, gender, sexual orientation, religion, **physical or mental disability**, and/or marital status
- b. **The importance of confidentiality throughout the process and beyond.**
- c. The respective roles, contributions and responsibilities of each screening committee member in assuring fair, objective and equal treatment of all candidates
- d. Review of the selection process, its steps, projected timelines, and requirements for legal documentation of the **committee application screening, interview ratings**, and selection of candidates
- e. Technical aspects of the process, including review of the knowledge, skills and abilities (Desirable skills and abilities) that will be used to pre-determine committee paper screening criteria, procedures, interview questions and skills demonstrations; rating criteria, appropriate forms and documentation (the Office of Human Resources ~~is available to~~ provides technical assistance to the Committee in all aspects of the process)

- f. The legalities and procedures related to the selection of candidates as “finalists”
- g. ~~Guidelines regarding the procedures, current law, confidentiality and documentation required for reference checking. Note: reference checking is not a responsibility of the screening committee.~~

IV. DEVELOPMENT OF APPLICANT SCREENING PLAN

A. Paper Screening Guidelines

Prior to receiving access to any application materials from candidates, the screening committee shall again review the knowledge, skills and abilities (desirable skills and abilities) that are stated on the job announcement and determine which of the desirable skills and abilities will be most appropriate to use as criteria in screening the application materials. The Committee will also pre-determine the appropriate weighting of the desirable skills and abilities, the procedures for rating, the form that will be used, and the procedure that will be used to select candidates for subsequent steps in the process.

B. Interview and Skill Demonstration Guidelines

Prior to receiving access to any application materials from candidates, interview questions and skill demonstrations will comply with current law; will be based solely on bona fide, job-related knowledge, skills and abilities (desirable skills and abilities) as stated in the job announcement; and will be appropriate to the subject matter. Each screening committee member shall document the quality of the candidates’ responses using a pre-determined set of ~~Desirable skills and abilities~~ key response elements. Interview questions and skill demonstrations should be job-related, based on the required knowledge, skills and abilities, unbiased, and should have the following characteristics:

- Be open ended in order to prompt full and complete responses from the candidate
- Include pre-determined “key response elements” (KREs) that can be used by the Screening Committee to evaluate the quality of the candidate’s responses. “Key Response Elements” are lists of desired responses that the screening committee can listen for in order to guide their rating and documentation of candidate responses to each interview question. “KREs” are derived from the knowledge, skills and abilities being “tested” by each interview question.

The Screening Committee ~~may~~ **will** include the following as part of its applicant screening plan:

- Interview questions related to candidates’ knowledge of subject matter
- Interview questions related to candidates’ experience with, and sensitivity to diversity of cultures, language groups and abilities within the student body and staff as a measure of preparedness to work in a multi-cultural, multi-lingual environment
- Assessment of supplemental information such as examples of job-related, professional work that may be requested of, and provided by each candidate
- Skill demonstration(s): a practical, job-related test of professional competence (e.g., teaching demonstration, role-playing such as for a counseling session; written composition exercise; demonstration on job-related use of technology)

V. ~~CLOSE OF THE RECRUITMENT PROCESS~~ SCREENING COMMITTEE PROCESS

After the screening committee has agreed on the application screening criteria, interview questions and key response elements, and skill demonstrations, the Office of Human Resources will provide access to the electronic employment site. This may occur well before the first review date on the job announcement. ~~At the close of recruitment, the Office of Human Resources will package the application materials that were received during the recruitment process and forward them to the appropriate College administrator (or designee).~~ The Office of Human Resources will provide assistance to the screening committee, such as providing the committee orientation, organizing committee meetings; pre-screening application materials that clearly do not meet published minimum qualifications; development and preparation of application screening forms, interview rating forms and skills demonstrations, candidate notification, and other services.

The importance of confidentiality shall be reinforced throughout the process. However, if screening committee members believe the process is being violated, they should report to the President of the Academic Senate and the Vice Chancellor of Human Resources & Employee Relations for appropriate action.

If it has been determined that confidentiality has been breached or if it has been determined that prejudicial statements are repeated after a warning, the College President may disband the Committee.

VI. SCREENING OF APPLICATION MATERIALS

A. Paper Screening

Using the desirable skills and abilities, all members of the screening committee shall review all completed application materials using the screening criteria developed earlier and shall then select for interview those applicants who most closely meet the stated requirements and desirable skills and attributes as listed on the job announcement.

The online employment site pre-screens applications via questions asked of applicants about meeting the minimum requirements for the position, but the selection committee is responsible for determining that minimum requirements have been met.

Following the screening of application materials and the selection of interviewees, the ~~appropriate Dean (or designee)~~ Office of Human Resources shall be responsible for notifying applicants who were not selected, using a standard ~~letter~~ e-mail developed by the Office of Human Resources. Such notification will be ~~prepared and mailed~~ sent as soon as possible upon completion of the application materials screening.

B. Determining Equivalence to Educational Requirements

To determine equivalence, the entire screening committee shall follow district equivalence procedures that will rely upon the advice and leadership of discipline experts. Reasons for acceptance or denial of equivalence should be documented and retained as part of the confidential

screening committee documentation. The criteria for equivalence determination are found in Appendix D of this document.

VII. SCREENING OF INTERVIEWEES

All pre-determined interview questions and skill demonstrations with key response elements, and other screening components of the selection process should be directly related to the required and desirable knowledge, skills and abilities of the job, as listed in the job announcement.

The same set of pre-determined interview questions (and skill demonstrations) shall be used to screen each candidate. The Committee may ask appropriate follow-up questions to clarify a candidate's response to a question, or may ask job-related questions about information contained in the application materials; however, Committee members should assure that all candidates are provided an equal opportunity for clarification and elaboration on matters related to their background and/or responses to questions. **It is the candidate's responsibility to provide thorough responses to the interview questions, and committee members are cautioned against prompting candidates for improved responses. Follow-up questions are strictly for the purpose of clarification, elaboration, or securing information about application materials specific to the candidate.** Teaching demonstrations may be interactive.

All members of the screening committee should be present during all of the interviews. If a committee member is unavoidably absent and subsequent interviews cannot be rescheduled, the remaining committee members may proceed without that member for the remainder of the process. Whenever that absence disrupts the balance of the screening committee membership, the Chair and ~~EE~~ **Human Resources** Representative, College President and Academic Senate President will decide on a course of action.

A. INTERVIEW DOCUMENTATION

An interview/skill demonstration rating form should be completed and signed by each member of the screening committee in order to document the quality of each candidate's responses. The screening committee Chair is responsible for reviewing all of the completed rating forms to assure that comments made by Committee members relate only to job-related criteria.

At the conclusion of the interviews and skill demonstrations, the Committee Chair shall compile all of the paper screening and interview rating forms, committee member notes and other written documentation of the process into a final and confidential committee record that will be sealed and maintained in the Office of Human Resources for a period of three (3) years as required by law.


The ~~appropriate Dean (or designee)~~ **Human Resources Representative** shall be responsible for notifying unsuccessful interviewees using a standard ~~letter~~ e-mail developed by the Office of Human Resources. Such notification will be prepared and ~~mailed~~ sent as soon as possible upon completion of the committee selection of finalists.

B. CRITERIA FOR THE RECOMMENDATION OF FINALISTS

Several factors are to be considered by the committee in selecting interviewees who will be forwarded as finalists. ~~In the case of candidates new to the discipline, the committee shall consider the candidate's potential to develop professional competence and skills.~~ The selection should be based on a combination of the information contained in the candidates' application materials, the interview performance, and results of the skill demonstration or other pre-determined, job-related committee assessment tool. Such factors as the following shall be considered:

- Demonstrated professional competence
- Scope and quality of professionalism
- Experience and skills related to the position
- Demonstrated skill and preparation to work in a multicultural, multilingual educational environment, and sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.
- Strengths and weaknesses of each candidate
- ~~In the case of candidates new to the discipline, the Committee shall consider the candidate's potential to develop professional competence and skills.~~

The screening committee should be encouraged to engage in a full, frank, and complete discussion about each candidate interested in a faculty position. This discussion should include an analysis of the candidate's paper application and qualifications, the candidate's interview, the candidate's teaching demonstration.

The screening committee typically will select one or more candidates as finalists who most closely meet the selection criteria, who are well qualified in the opinion of the Committee and most likely would be successful if selected for the position.  Only one candidate is deemed acceptable as a finalist, the committee will submit its reasons in writing and forward them to the appropriate Vice President, who will review the screening process with the screening committee Chair and College President. Finalists shall be forwarded, to the appropriate ~~President and~~ Vice President.

The following items shall also be forwarded to the ~~President and~~ Vice-President along with the finalists' names:

- ~~originals~~ of each finalist's application materials
- a list of the interview questions and key response elements used to interview candidates
- committee comments regarding the strengths of each finalist, and information about any job-related issues that can more effectively be discussed during the final interview

The President and Vice-President may also request the committee interview and skill demonstration rating forms or other documentation from the screening committee process.

C. FINAL INTERVIEWS AND REFERENCE CHECKS

The President's Office shall arrange a time and date for the final interviews with the President and Vice President and shall invite all members of the screening committee to observe the final interviews. Interviews should be scheduled within a reasonable time frame after the finalists have been selected by the screening committee. Members who elect to participate should agree to attend all final interviews. ~~Following final interviews, the Chair of the screening committee shall share strengths and weaknesses of each candidate with the President.~~

Reference checks on all finalists will be conducted by the appropriate Vice President. The College President may conduct reference checks as deemed necessary ~~by the College President.~~

~~For the purpose of comparing candidates, the Vice President and College President should interview finalists within as short a timeframe as possible. The Vice President and College President should develop consistent questions to ask of each candidate~~

The person who is ~~eventually~~ selected for hire will always be from among the finalists who were recommended by the screening committee. The President will discuss the final recommendation with the Chair of the screening committee prior to submission to the Office of Human Resources and Board of Trustees.

If the College President does not select a finalist, the President shall **notify the Academic Senate President and** meet with the Screening Committee to explain the non-selection. The Committee may elect to review the pool of candidates and recommend additional finalists, or the President may re-open the hiring process.

VIII. APPROVAL PROCESS

Following selection of the final candidate, the College President shall submit formal notification of the selection to the Office of Human Resources for preparation of the Board Report.

The Office of Human Resources will contact the selected individual in a timely fashion regarding employment information, salary step placement and required verifications, contracts, fringe benefits, and other employee services.

APPENDIX A

~~Board of Governors Equity and Diversity Task Force Report (October 2002).~~

~~“Realizing Our Commitment to Access and Success for All Students Through Student Equity, Equal Opportunity, Nondiscrimination and Workforce Diversity”~~

~~“Our workforce is open to all candidates, regardless of race, color, creed, national origin, ancestry, sex, marital status, disability, religious or political affiliation, age, income level, socioeconomic status, prior hardship, or sexual orientation.”~~

ADJUNCT FACULTY SELECTION PROCEDURES

CONTINUOUS APPLICANT POOL

On a continuous basis, the District Office of Human Resources will recruit broadly for adjunct positions in ~~all~~ **most** disciplines, using a variety of print, electronic and other recruitment resources, in order to maintain a central applicant pool. This central applicant pool will be developed, maintained and updated by the Office of Human Resources.

Letters of interest and resumes sent by prospective adjunct faculty either to College offices or to the Office of Human Resources will be acknowledged with instructions to submit a standard **online** District employment application form and ~~resume~~ supporting documentation. ~~to the Office of Human Resources.~~

The online employment site pre-screens applications via questions asked of applicants about meeting the minimum requirements for the position. Upon receipt of completed applications, the Office of Human Resources will conduct a preliminary review based on a comparison of minimum qualifications with transcripts and/or credentials. Those applications which satisfy the minimum qualifications (and those who have applied for equivalence) will be stored by discipline and maintained in the central Office of Human Resources applicant tracking system.

Applicant materials will be retained by the ~~Office of Human Resources~~ applicant tracking system for a period of three years.

A. REVIEW BY SCREENING COMMITTEES AND MANAGERS

At the request of management staff, the Office of Human Resources will make available for review all online applications received for a specified discipline. The managers and appropriate faculty screening committees will review the materials and determine equivalencies, pursuant to District policy and procedure.

Administrators (hiring managers and other administrators as appropriate) and discipline faculty will collaborate to identify the need to hire new part time faculty.

~~The appropriate Deans may contact the Office of Human Resources to review the applicant pools for disciplines within the Division, and compare the size of the pool to the number of anticipated part time faculty vacancies for that year, in order to determine whether or not additional recruitment efforts shall be made.~~

Originals of all adjunct faculty application materials will be maintained in the applicant tracking system ~~Office of Human Resources~~ for use by all three Colleges.

B. USING THE ADJUNCT APPLICANT POOLS

The Dean will notify the Office of Human Resources of the need for additional adjunct faculty. Human Resources staff will review the available pool to determine if there are applications ready for

review, and will then ~~make arrangements with the Dean~~ **release** for review of the ~~available~~ application materials.

If no applicant pool exists, the following steps may be taken to recruit for and publicize a particular opening:

A job announcement will be prepared by the appropriate Dean in consultation with discipline faculty, approved by the College President, and forwarded to the Office of Human Resources for final review, preparation and publication. Minimum qualifications and an equal employment opportunity statement will be a standard part of the announcement template.

Publicizing of the job announcement may include, but is not limited to the following:

The **SMCCCD Employment** website

The California Community College Registry

HigherEdJobs.com

Edjoin.com

Indeed.com

The Chronicle of Higher Education Website

InsideHigherEd.com

Placement of advertising in **other discipline-related** websites ~~and/or print media as appropriate~~

C. SCREENING COMMITTEE

The appropriate Dean is responsible for forming a screening committee comprised of a majority of discipline faculty, if possible. The committee may also include individuals from other divisions or from outside of the College, as appropriate. If other District Colleges have similar adjunct faculty needs, then a single, joint committee may be established.

The Screening Committee will:

- a. whenever possible, include a diverse membership which will bring a variety of perspectives to the assessment of applicant qualifications.
- b. ~~include at least one member who has been certified as an EEO Representative, in order to assist the Committee in its compliance with equal employment opportunity policies and practices~~
- c. elect one of its members to serve as Chair to guide the committee process
- d. require members to attend all Committee meetings
- e. include all members in votes that are taken and decisions that are made throughout the committee process


- f. preserve and respect the confidentiality and fairness of the screening and selection process at all times. If confidentiality is breached, or if prejudicial statements are repeated after a warning, the College President may disband the Committee.

Using only pre-determined, job-related criteria, the screening committee will review the available applications and select for interview, skill demonstration or other pre-determined assessment, those applicants who most closely meet the stated qualifications.

All screening committee procedures shall be documented in detail and maintained in a confidential College file for a period of three (3) years.

D. OPTIONAL PROCEDURES FOR HIRES WITHIN 45 DAYS OF ASSIGNMENT

In cases where adjunct faculty openings occur within 45 days of the beginning of the assignment, the Division administrator, with assistance from available faculty, may select a qualified candidate for the position.

 The adjunct faculty member who is hired under these circumstances will be required to compete with other applicants in the pool in order to continue employment beyond the term for which the immediate hire was done. If no pool exists, the Division administrator will notify the Office of Human Resources of the need to develop an applicant pool.

If the position is of such a specialized nature that efforts to establish an applicant pool have been unsuccessful, the Division administrator, with available faculty assistance, may select a qualified applicant for the position from among those who do apply.

In all such cases, the administrator will prepare a written explanation of the reasons that the usual procedures were not followed. This documentation is forwarded to the appropriate Vice-President with a copy to the Academic Senate President.

APPENDIX A

San Mateo County Community College District
Office of Human Resources

SELECTION COMMITTEE ORIENTATION

The goal of every hiring process is to select qualified candidates who will best meet the needs of the District's diverse student population. The San Mateo County Community College is committed to promoting diversity through its hiring processes while at the same time prohibiting discrimination.

The selection committee has the following responsibilities:

- ❑ Review the position announcement
- ❑ Identify screening criteria based on the requirements and desirable and abilities detailed in the announcement.
- ❑ Develop job-related interview questions designed to seek information about the candidate's knowledge, skills, and abilities and to distinguish candidates who will best meet the needs of the students, the department/division, the College, and the District.
- ❑ Develop appropriate questions designed to assess candidates' "sensitivity to diversity" by giving meaningful consideration to the State minimum qualification to include sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.
- ❑ Determine whether to require candidates to perform a skills test or make a presentation in addition to the interview.
- ❑ Screen all applications to select candidates for interview.
- ❑ Develop an interview schedule.
- ❑ Interview all selected candidates
- ❑ Recommend finalists to the Vice President and President.
- ❑ Maintain permanent confidentiality of the entire screening process.

Equal Employment Opportunity

Equal Employment Opportunity is not a new concept in our District. Our employment policy, as stated on every job announcement reads:

The San Mateo County Community College District is an Equal Opportunity Employer that seeks to employ individuals who represent the rich diversity of cultures, language groups, and abilities of its surrounding communities.

It is based on the desire that:

- Everyone deserves the opportunity to participate fully within our educational community.

- Our workplace is enriched by the diversity of our workforce.
- People should be valued for their differences—not in spite of them.
- The candidates selected will be able to competently interact in a multi-cultural, multi-lingual community college environment.

District’s Commitment to Diversity

A diverse workforce is diverse in many ways, including race and ethnicity, gender, sexual orientation, socio-economic status, age, disability, culture, religion, immigrant status, marital status, parenting status, veteran status and more. Selection committee members should approach candidates with interest and curiosity and recognize they must emulate in the interview process how the District expects colleagues to interact with each other and students within the college community.

There are five core values that inform the commitment to diversity:

1. Workforce diversity services the educational mission of the California Community Colleges.
2. Diversity works in a merit based system; a commitment to diversity does not require—or even contemplate—lowering standards.
3. A commitment to diversity may mean reexamining how we define “qualified,” seeing job standards with fresh eyes, and being willing to eliminate traditional but out-dated requirements, and adding new requirements that appropriately value the skills, education and experience of a more diverse applicant pool.
4. Successfully diverse communities are inclusive in that they appreciate rather than merely tolerate differences.
5. Inclusive work environments increase creativity and improve problem solving.

Striving to increase diversity is a good idea because it facilitates recruitment and retention of staff, makes the District more attractive to students, engenders creative thinking and problem solving, and vitalizes the educational environment.

Important Reminders

Hiring decisions should be premised upon non-discriminatory criteria and procedures. Federal and State Anti-Discrimination laws prohibit discrimination on the basis of:

- | | |
|-----------------------|------------------------------|
| • Race | • Physical/mental disability |
| • Religious creed | • Marital status |
| • Color | • Sex |
| • National origin | • Age |
| • Ancestry | • Sexual Orientation |
| • Gender Identity | • Gender Expression |
| • Genetic Information | |

All applicants are to be judged without bias, either for or against. All applicants are to proceed through our process on their own merit. Allow them to go through the process based solely upon the established knowledge, skills, and abilities.

Applicants are responsible for submitting complete paper work, and they are also responsible for providing the committee with complete interview responses. The committee should not “read anything into” their paperwork or interview responses. However, it is important to note a common misconception that follow-up questions are not proper because it means that applicants’ interviews are not identical. The law does not require interviews to be identical. As long as applicants are given a fair opportunity to explain and elaborate on their answers, follow-up questions are permissible and can be enormously helpful to assessment and comparing candidates. Selection committees need to give all candidates the opportunity to elaborate; and ensure that subtle biases do not make committees more relaxed and conversant with some candidates than others. At the same time, candidates with good interview skills will be more engaging and skillful at developing a dialogue. That is inherent to the interview process.

Assessing Intercultural Competence

Definitions:

Culture – Patterns of beliefs, values and behaviors developed and maintained by groups of interacting people.

Intercultural Communication – Communication occurs on a continuum from intra-cultural to intercultural, depending on the degree to which participants share cultural patterns. “Intercultural communication occurs when large and important cultural differences create dissimilar interpretations and expectations about how to communicate effectively.” (Lustig and Koester, *Intercultural Competence*, 2006)

Intercultural Competence – The ability to communicate effectively and appropriately in a variety of cultural contexts. It requires three components:

1. **Culturally sensitive knowledge** – a general understanding of how beliefs, values and behaviors vary by culture and a specific understanding on one’s own and the other’s cultural patterns
2. **A motivated mind set** – the desire to truly understand the other person’s perspective and to communicate effectively in a variety of cultural contexts
3. **A skill set** – the ability to adapt one’s verbal and nonverbal messages appropriately to enhance intercultural communication effectiveness

Remember:

- Experience with diverse populations alone does not guarantee that the person is interculturally competent. Just because a person has had students from x, y and z groups in their classes, this does not mean that the person understood or adapted to those students’ needs. The same holds true for traveling or living in other cultures, particularly for short-term stays.
- Interculturally competent communicators tend to acknowledge cultural differences in their answers and teaching demonstrations through the use of inclusive language, examples and teaching approaches.

Statements Suggesting a Lack of Intercultural Competence:

People who lack intercultural awareness and/or competence tend to underestimate the importance of culture on the interaction. They may stereotype people of various groups (positively or negatively) and/or may view their own cultural patterns as universal human traits.

- “I just treat all of my students as people. I just don’t see colors or disabilities.”
- “The biggest problem I’ve encountered is the language barrier with some students. If we can share a language, then we don’t really have any communication problems.”
- “Traveling has shown me that people and places are not really that different. We really all want the same things underneath the superficial differences.”
- “I’ve found that some groups of students are just slower at getting the concepts or don’t take school as seriously as the rest of us, but that’s no reason to lower one’s standards. If they can’t cut it in my class, then that their problem, not mine.”
- “Actually, I really like working with students from culture x. They all seem so polite and hardworking. Our other students could take a lesson from them.”
- “I don’t think about diversity. What’s really important is teaching our students how to be effective members of our American society.”

Statements Suggesting Intercultural Competence:

People who have developed intercultural competence are aware of the range of impacts that culture has on human interaction, demonstrate mental flexibility in interpreting human behavior, and are able to adapt their verbal and nonverbal communication to be effective in a range of contexts. They are able to recognize and respond to cultural differences without stereotyping individuals.

- “One thing I learned from working with students from culture x was that they tend to respond better to my questions if they have a chance to write down their answers before responding.”
- “When we have class discussions, I’ve found it valuable to have students talk about their perspectives from different cultural viewpoints.”
- “From my experience living in diverse cultures, I know that sometimes I can be more direct in talking about student problems and sometimes I have to be more indirect to allow them to save face.”
- “Having grown up in a bi-cultural family, I just automatically adapt to the context I’m in. I really enjoy experiencing new cultures.”
- “I try to see students as people first, but always keeping in mind the idea that their perspectives or actions might reflect different cultural expectations.”

Confidentiality

In accepting the opportunity to serve on a selection committee, each committee member agrees to act in the best interest of the College and the District. All paperwork and deliberations are to be held in strictest confidence, before, during and after the selection is finally made. Each member agrees not to discuss or in any way release information to anyone (beyond the committee and hiring manager or Human Resources as necessary) regarding:

- Written materials turned in by the applicant or evaluations made by the committee members about applicants;
- Discussions and deliberations by or about applicants or committee members during or following the interview process; and
- Any other information that relates to the search and selection process including the names of applicants.

Committee members understand that failure to maintain confidentiality will not only jeopardize the search and selection process but could also result in violation of Federal or State regulations and incur liability of behalf of the district. Each committee member agrees to call to the attention of the Vice Chancellor of Human Resources and Employee Relations any action which might be interpreted as a breach of confidentiality.

Review of Job Announcement for Applicant Screening

Prior to receiving any application materials from candidates, the Screening Committee shall review the “Requirements” and the “Desirable Skills and Abilities” that are stated on the job announcement and determine criteria in screening the application materials. The Committee will also pre-determine the appropriate weighting of the criteria, the procedures for rating, the form that will be used, and the procedure that will be used to select candidates for subsequent steps in the process.

Interview Questions with Key Response Elements (KREs) & Skills Demonstrations

Interview questions and skill demonstrations will comply with current law; be based solely on bona fide, job-related knowledge, skills and abilities as stated in the job announcement; and will be appropriate to the subject matter. Each Screening Committee member shall document the quality of the candidates’ responses using the pre-determined set of Key Response Elements and rating system.

Interview questions and skill demonstrations must be job-related, based on the required knowledge, skills and abilities, unbiased, and should have the following characteristics:

- Questions are either direct to obtain information missing from the application or open ended in order to prompt full and complete responses from the candidate.
- Questions can be hypothetical to ascertain how an applicant would respond to a situation involving a specific set of variables. Hypothetical questions allow you to test the values and attitudes of applicants and help you to gauge organizational, communication, and decision-making skills.
- Questions can request elaboration on information already provided (i.e. “Could you give me an example of what you mean by that?” or “I would like to hear more about that.”). It is a common misconception that follow up questions are not proper because it means that applicants’ interviews are not identical. However, the law does not require interviews to be identical nor do you have to impose such rigidity on the interview process to deflect claims of unequal treatment. As long as all applicants are given a fair opportunity to explain and elaborate on their answers, follow-up questions are permissible—and can be enormously

helpful to assessing and comparing candidates. Selection committees need to give all candidates the opportunity to elaborate; and ensure that subtle biases do not make committees more relaxed and conversant with some candidates than others. At the same time, candidates with good interview skills will be more engaging and skillful at developing a dialogue. That is inherent to the interview process.

- Include pre-determined “Key Response Elements” (KREs) that can be used by the Screening Committee to evaluate the quality of the candidate’s responses. “Key Response Elements” are lists of desired responses that the Screening Committee can listen for in order to guide their rating and documentation of candidate responses to each interview question. “KREs” are derived from the knowledge, skills and abilities being “tested” by each interview question.

The selection committee will conduct all interviews using predetermined interview questions. Questions should not be asked about an applicant’s protected status. For example, asking an applicant when he or she graduated (to determine skill level) has been interpreted to mean “how old are you?” and is thus improper. There are more appropriate ways to find out whether an applicant is conversant in the latest developments such as: “In the last 5 years we have seen an explosion of literature on _____. Have you had opportunities to become familiar with these developments or apply them in your work?”

Interview Process

The Office of Human Resources is available to assist the Selection Committee with scheduling interviews, meeting candidates, and proctoring skills demonstrations. The interview should be conducted in a comfortable location that is free from outside distractions and that ensures privacy for the participants.

The Selection Committee may choose to give each candidate interviewed a list of the questions (without KREs) to read as the questions are asked by the Selection Committee.

An interview rating form is used by each committee member for each candidate interviewed. The interview rating form will include all of the predetermined interview questions, including a list of the Key Response Elements (KREs). Committee members are encouraged to take detailed notes for each interview.

The Selection Committee should be sure to offer applicants the opportunity to ask questions and clear up misunderstandings which may have arisen during the interview.

Finalists

At the conclusion of the interview process, the Selection Committee will meet to determine which candidates most meet the requirements of the position and best meet the needs of the students, the department/division, the College, and the District. The Selection Committee should only forward the names of candidates as finalists who in the opinion of the members could effectively perform the duties and responsibilities of the position. Finalists can be any number of candidates. There is

no “rule of 3” or other number; however, it is desirable to have more than one finalist for the hiring manager to consider.

Finalists are forwarded unranked to the hiring manager, along with their original application packet and Committee rating sheets from each committee member. The Committee should list each finalist’s strengths, as well as other areas or topics that the hiring manager should pursue further during the final interview.

Notifications to Unsuccessful Applicants

Throughout the process, the Chair of the Selection Committee forwards to the Human Resources Office the names of applicants who have been eliminated from further review by the Selection Committee. To inform applicants in a timely manner, requests to send notifications should be forwarded following the paper screening process and following the interview process.

CALIFORNIA TITLE 5 REGULATIONS

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52310. Action by the Chancellor.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52311. Special Revocation.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subarticle 3. Administrative Hearing Procedure

§ 52320. Administrative Hearing.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 11503 and 11504, Government Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subchapter 2. Validation of Service Without a Credential

§ 52400. Application.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52401. Approval.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52402. Verification.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52403. Investigation and Recommendation.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3-4-91; operative 4-5-91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Chapter 4. Employees

Subchapter 1. Equal Employment Opportunity Programs

Article 1. General

§ 53000. Scope and Intent.

(a) This subchapter implements and should be read in conjunction with Government Code sections 11135-11139.5, Education Code sections 66010.2, 66030, and Chapter 4.5 of Part 40 of Title 3, commencing with section 66250; Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101). Nothing in this subchapter shall be construed to conflict with or be inconsistent with the provisions of article 1, section 31 of the California Constitution or to authorize conduct that is in conflict with or is inconsistent with such provisions.

(b) The regulations in this subchapter require steps to promote faculty and staff equal employment opportunity which are in addition to and consistent with the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's equal employment opportunity plan pursuant to section 53003 does not imply and should not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district equal employment opportunity or nondiscrimination policies.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135-11139.5, Government Code; Title 20, United States Code, Section 1681; Title 29, United States Code, Section 794; and Title 42, United States Code, Sections 2000d, 6101 and 12100, et seq.

HISTORY

1. New chapter 1 (sections 53000-53004) filed 7-19-77; effective thirtieth day thereafter (Register 77, No. 30).
2. Repealer of chapter 1 (subchapter 1, sections 53000-53004) and new chapter 1 (subchapters 1-4, sections 53000-53052, not consecutive) filed 2-1-82; effective thirtieth day thereafter (Register 82, No. 6).
3. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
4. Amendment of subsection (a) and NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
5. Amendment of subchapter heading, section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53001. Definitions.

As used in this subchapter:

(a) Adverse Impact. "Adverse impact" means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") 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. "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.

(c) Equal Employment Opportunity. "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 this subchapter.

(d) Equal Employment Opportunity Plan. An "equal employment 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.

(e) Equal Employment Opportunity Programs. "Equal employment opportunity programs" 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.

(f)(1) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.

(2) Ethnic Group Identification. "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.

(g) Goals for Persons with Disabilities. "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. Goals are not "quotas" or rigid proportions.

(h) In-house or Promotional Only Hiring. "In-house or promotional only" hiring means that only existing district employees are allowed to apply for a position.

(i) Monitored Group. "Monitored group" means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).

(j) Person with a Disability. "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.

(k) Projected Representation. "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.

(l) Reasonable Accommodation. "Reasonable accommodation" means 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.

(m) Screening or Selection Procedure. "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.

(n) Significantly Underrepresented Group. "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.

(o) Target Date. "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.

(p) Timetable. "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.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135-11139.5, 11092 and 12926, Government Code; 29 C.F.R. 1602.48 (1981); 29 C.F.R. 1607; 29 U.S.C. 793; 41 C.F.R. 60-741.2 (1980).

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a), (b)(1)-(b)-(3), (c), (k) and (m) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (a), (b), (e), (f), (h), (j) and (m), new subsections (m)(1)-(q)(3), and amendment of NOTE filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment of subsection (b) and amendment of NOTE filed 11-5-2003; operative 12-5-2003. Submitted to OAL for printing only (Register 2003, No. 46).

§ 53002. Policy Statement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an equal employment opportunity program. This statement may also incorporate the nondiscrimination policy statement required pursuant to section 59300 and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.1, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment filed 2-7-2001; operative 3-9-2001. Submitted to OAL for printing only (Register 2001, No. 6).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district-wide written equal employment opportunity plan to implement its equal employment opportunity program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the Chancellor's Office for approval. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In particular, the plan shall include all of the following:

- (1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this subchapter pursuant to section 53020;
- (2) the procedure for filing complaints pursuant to section 53026 and the person with whom such complaints are to be filed;
- (3) a process for notifying all district employees of the provisions of the plan and the policy statement required under section 53002;
- (4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this subchapter and of state and federal nondiscrimination laws;
- (5) a process for providing annual written notice to appropriate community-based and professional organizations concerning the district's

plan and the need for assistance from the community and such organizations in identifying qualified applicants;

(6) an analysis of the number of persons from monitored groups who are employed in the district's work force and those who have applied for employment in each of the job categories listed in section 53004(a);

(7) an analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the Chancellor determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

(8) methods for addressing any underrepresentation identified pursuant to subparagraph (7)

(9) additional steps consistent with section 53006 to remedy any significant underrepresentation identified in the plan; and

(10) any other measures necessary to further equal employment opportunity throughout the district.

(d) The plan shall include any goals for hiring persons with disabilities that are required by section 53025.

(e) The plans submitted to the Chancellor shall be public records.

(f) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this section.

(g) In developing the availability data called for in subsection (c)(7), the Chancellor shall work through the established Consultation Process.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and sections 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (c)(4) and (7) filed 9-6-94; operative 10-6-94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (b), (c) and (c)(7), new subsections (c)(8)-(9) and subsection renumbering, amendment of newly designated subsection (c)(10) and new subsection (f) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate the implementation of its equal employment opportunity plan and to provide data needed for the analyses required by sections 53003, 53006, 53023, and 53024. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of employees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

- (1) executive/administrative/managerial;
- (2) faculty and other instructional staff;
- (3) professional nonfaculty;
- (4) secretarial/clerical;
- (5) technical and paraprofessional;
- (6) skilled crafts; and
- (7) service and maintenance.

(b) For purposes of the survey and report required pursuant to subsection (a) of this section, each applicant or 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. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, in determining whether additional steps are necessary to en-

sure that monitored groups have not been excluded on an impermissible basis, analysis of the separate subgroups is not necessary.

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 8310.5 and 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of subsections (a) and (b) filed 5-31-96; operative 6-30-96. Submitted to OAL for printing only (Register 96, No. 23).
3. Amendment of subsections (a) and (b) and amendment of NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53005. Advisory Committee.

Each community college district shall establish an Equal Employment Opportunity Advisory Committee to assist the district in developing and implementing the plan required under section 53003. This advisory committee shall include a diverse membership whenever possible.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3-26-92; operative 4-24-92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7-12-2002; operative 8-11-2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53006. Additional Steps to Ensure Equal Employment Opportunity.

(a) If a district determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the district shall take additional steps consistent with this section. At a minimum, the district shall:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account, and implement any such techniques which are determined to be feasible and potentially effective;

(3) determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place a reasonable period of time; and

(4) if significant underrepresentation persists, the staffing rate for the significantly underrepresented group in the specified job category or categories shall be monitored on an ongoing basis until the projected representation has been achieved for that group in the category or categories in question.

(b) If a reasonable period of time passes and significant underrepresentation persists for a particular group in the job category in question, the district shall:

(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 or is among those qualifications which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system;

(2) discontinue the use of any locally established qualification that has not been found to satisfy the requirements set forth in paragraph (1) of this subdivision; and

(3) continue using qualification standards meeting the requirements of paragraph (1) only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of paragraph (1) and be expected to have a less exclusionary effect.

(c) For purposes of this section, "a reasonable period of time" means three years, or such longer period as the Chancellor may approve, upon

the request of the equal employment opportunity advisory committee and the chief executive officer, where the district has not filled enough positions to appreciably affect its work force in the job category in question.

(d) Nothing in this subchapter shall be construed to prohibit a district from taking any other steps it concludes are necessary to ensure equal employment opportunity, provided that such actions are consistent with the requirements of federal and state constitutional and statutory nondiscrimination law.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. New section filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
2. Amendment of section heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53010. Assistance.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53011. Report.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53012. Periodic Evaluation.

NOTE: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

Article 2. Other Specific Responsibilities of Community College Districts

§ 53020. Responsibility; Delegation of Authority; Complaints.

(a) The governing board of each community college district is ultimately responsible for proper implementation of this subchapter at all levels of district and college operation and for making measurable progress toward equal employment opportunity by the methods described in the district's equal employment opportunity plan. In carrying out this responsibility, the governing board, upon the recommendation of the chief executive officer, shall ensure that an equal employment opportunity officer is designated to oversee the day-to-day implementation of the requirements set forth in this subchapter.

(b) The administrative structure created by any delegation of authority to the equal employment opportunity officer or others shall be described in the district's equal employment opportunity plan submitted pursuant to section 53003 and shall be designed in such a manner so as to ensure prompt and effective implementation of the requirements of this subchapter. The plan shall also designate a single officer, who may be the equal employment opportunity officer, who shall be given authority and responsibility for receiving complaints filed pursuant to section 53026, for ensuring that such complaints are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored as required by sections 53023 and 53024.

(c) Any organization or individual, whether or not an employee of the district, who acts on behalf of the governing board with regard to the recruitment and screening of personnel is an agent of the district and is subject to all of the requirements of this subchapter.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a) and (c) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53021. Recruitment.

(a) Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all new openings. This shall include outreach designed to ensure that all persons, including persons from monitored groups, are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

(b)(1) "In-house or promotional only" recruitment shall not be used to fill any new opening for any position described in subdivision (a) except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceed one year in duration. The Chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in section 53001(b).

(2) If a district believes justification exists for use of the exception listed in subsection (b)(1), it shall so notify the Equal Employment Opportunity Advisory Committee established pursuant to section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(3) Where in-house or promotional only recruitment is permitted, the district shall comply with its established hiring procedures and all district employees shall be afforded the opportunity to apply and demonstrate that they are qualified.

(4) The job announcement for the interim position shall comply with section 53022 and the selection process shall be consistent with the requirements of this subchapter.

(c) For purposes of this section, a new opening is not created when:

- (1) there is a reorganization that does not result in a net increase in the number of employees;
- (2) one or more lateral transfers are made and there is no net increase in the number of employees;
- (3) a position which is currently occupied by an incumbent is upgraded, reclassified, or renamed without significantly altering the duties being performed by the individual;
- (4) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;
- (5) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5(b), 88003, 88106 or 88109;
- (6) a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement; or
- (7) an individual not currently employed by the district, who is specially trained, experienced, and competent to serve as an administrator, and

who satisfies the minimum qualifications applicable to the position, is engaged to serve as an administrator through a professional services contract. No appointment or series of appointments pursuant to this provision may exceed a period of one year.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment subsections (b) and (d)–(e)(2) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (a) and (b)(1)–(b)(2), repealer of subsection (b)(3), amendment of subsections (c), (d) and (e)(1)–(e)(4) and new subsection (e)(5) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment filed 11–5–2003; operative 12–5–2003. Submitted to OAL for printing only (Register 2003, No. 46).

§ 53022. Job Announcements and Qualifications.

Job announcements shall state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements shall include a 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 (set forth in subchapter 4, commencing with section 53400 of this chapter) which the district wishes to utilize, shall be reviewed before the position is announced, to ensure conformity with the requirements of this subchapter and state and federal nondiscrimination laws.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of section heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53023. Applicant Pool.

(a) The application for employment shall afford each applicant an opportunity to voluntarily identify his or her gender, ethnic group identification and, if applicable, his or her disability. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district’s equal employment opportunity program, or any other purpose specifically authorized in this subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, the composition of the initial applicant pool shall be analyzed to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary, the application deadline shall be extended and additional recruitment shall 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. When recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts would be futile, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement.

(c) Before the selection process continues, the composition of the qualified applicant pool shall be analyzed to ensure that no monitored group is adversely impacted pursuant to section 53001(a). If adverse impact is found to exist, the chief executive officer or his or her designee shall take effective steps to address the adverse impact before the selection process continues. Such steps may include, but are not limited to:

(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;

(2) including all applicants who were screened out on the basis of any locally established qualifications beyond state minimum qualifications which have not been specifically demonstrated to be job-related and consistent with business necessity through a process meeting the requirements of federal law or which are not among those which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

(d) If adverse impact persists after taking steps required under subdivision (c), the selection process may proceed only if:

(1) the job announcement does not require qualifications beyond the statewide minimum qualifications; or

(2) 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; or

(3) the particular qualification beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system.

(e) The district may 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 subsection (b)(2) unless such qualifications are so verified in advance of commencing any such future hiring process.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. New section filed 2–26–82; designated effective 2–28–82 pursuant to Government Code section 11346.2(d) (Register 82, No. 9).
2. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
3. Amendment of subsections (a) and (b), repealer of subsection (b)(2) and subsection renumbering, and amendment of subsection (c)(2) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53024. Screening or Selection Procedures.

(a) All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative 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;

(3) based solely on job-related criteria; and

(4) designed to avoid an adverse impact, as defined in section 53001(a), and monitored by means consistent with this section to detect and address any adverse impact which does occur for any monitored group.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any such group, the chief executive officer or his/her designee shall suspend the selection process and timely and effective steps shall be taken to remedy the problem before the selection process resumes. The equal employment opportunity officer, or other official charged with responsibility for monitoring selection procedures, may 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. If

adverse impact results from locally established qualifications beyond state minimum qualifications that have not been verified as described in section 53023(c)(2) or replaced with suitable alternatives having a lesser adverse impact, the use of such qualifications shall be immediately discontinued and any applicant eliminated on the basis of that qualification shall be continued in the hiring process. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identifi-

cation, race, color, national origin, religion, age, gender, disability, ancestry or sexual orientation, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law. Nor may a district apply the district's equal employment opportunity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of section 53022.

[The next page is 323.]

CALIFORNIA EDUCATION CODE

CALIFORNIA CODES
EDUCATION CODE
SECTION 87100-87108

87100.

The Legislature finds and declares all of the following:

- (a) In fulfilling its mission within California's system of public higher **education**, the California Community Colleges are committed to academic excellence and to providing all students with the opportunity to succeed in their chosen educational pursuits.
- (b) Academic excellence can best be sustained in a climate of acceptance and with the inclusion of persons from a wide variety of backgrounds and preparations to provide service to an increasingly diverse student population.
- (c) 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 within the community college districts and by eliminating barriers to equal employment opportunity.
- (d) It is the intent of the Legislature to establish and maintain, within the California Community College districts, a policy of equal opportunity in employment for all persons, and to prohibit discrimination or preferential treatment based on ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry, or sexual orientation. Every aspect of personnel policy and practice in the community college districts should advance the realization of inclusion through a continuing program of equal employment opportunity.
- (e) The Legislature recognizes that it is not enough to proclaim that community college districts must not discriminate and must not grant preferential treatment on impermissible bases. The Legislature declares that efforts must also be made to build a community in which nondiscrimination and equal opportunity are realized. It is the intent of the Legislature to require community college districts to adopt and implement programs and plans for ensuring equal employment opportunity in their employment practices.

87101.

For the purposes of this article:

- (a) "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and fully enjoy the benefits of employment by a community college district. Ensuring equal employment opportunity is advanced in an inclusive environment that fosters cooperation, acceptance, democracy, and the free expression of ideas. An inclusive environment is welcoming to men and women, persons with disabilities, individuals from all ethnic groups, and individuals from all other groups protected from discrimination by this article.
- (b) "Equal employment opportunity plan" means a document that includes specific procedures for achieving equal employment opportunity.
- (c) "Equal employment opportunity program" means all the various methods by which equal employment opportunity is ensured. These methods include, but are not necessarily limited to, actively recruiting, using nondiscriminatory employment practices, and monitoring employment practices to ensure equality of opportunity. Each district employer shall commit to sustained action to devise recruiting, training, and advancement opportunities that will result in equal employment opportunities for all qualified applicants and employees.

87102.

- (a) As a condition for the receipt of funds pursuant to Section 87107, the governing board of community college district that opts to participate under the article shall periodically submit to the board of governors an affirmation of compliance with this article. Each participating district's equal employment opportunity program shall ensure participation in, and commitment to, the program by district personnel. Each participating district's equal employment opportunity plan shall include steps that the district will take in eliminating improper discrimination or preferences in its hiring and employment practices. Each plan shall address how the district will make progress in achieving the ratio of full-time to part-time faculty hiring, as indicated in Section 87482.6, while still ensuring equal employment opportunity.

(b) Each participating district's equal employment opportunity plan is a public record within the meaning of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

87103.

The board of governors shall render assistance in developing and implementing equal employment opportunity programs in the community college districts.

87105.

The board of governors shall adopt all necessary regulations to carry out the intent of this article and to ensure that each participating community college district implements processes for ensuring equal employment opportunities. Nothing in this act shall be construed to require any community college to incur any costs in excess of the funds allocated by the state for the purposes of this act.

87106.

(a) The board of governors shall develop systemwide strategies for encouraging community college students to become qualified for, and seek, employment as community college faculty or administrators.

(b) The board of governors shall develop and disseminate to community college districts a model equal employment opportunity plan that accomplishes at least all of the following:

- (1) Compliance with the regulations adopted by the board of governors to implement this article.
- (2) Compliance with the other applicable state and federal nondiscrimination statutes.
- (3) Implementation of the best practices for improving the equality of opportunity.
- (4) Encouragement of districts to take steps reasonably calculated to inform their students about the opportunity to participate in the Graduate Assumption Program of Loans for **Education** authorized by Article 5.5 (commencing with Section 69618) of Chapter 2 of Part 42 and to participate in other programs developed by the board of governors pursuant to subdivision (a).

87107.

In order to support the activities required and authorized by this article, the Employment Opportunity Fund is hereby established. The fund shall include moneys appropriated in the annual Budget Act or provided, pursuant to Section 87482.7, through transfer. The moneys in the fund shall be administered by the board of governors for the purpose of promoting equal employment opportunities in hiring and promotion at community college districts.

87108.

(a) The board of governors shall adopt regulations for the use of the fund.

Those uses may include, but need not be limited to, all of the following:

- (1) Activities designed to encourage community college students to become qualified for, and seek, employment as community college faculty or administrators.
- (2) Outreach and recruitment.
- (3) In-service training on equal employment opportunities.
- (4) Accommodations for applicants and employees with disabilities.
- (5) Activities to promote equal employment opportunities and implement the requirements of this article.

(b) The Board of Governors of the California Community Colleges may use not more than 25 percent of the revenues in the fund to provide technical assistance, service, monitoring, and compliance functions. Service functions under this subdivision may include, but are not necessarily limited to, the provision of a clearinghouse for advertising community college district job opportunities and for allowing persons seeking jobs to make known their interest in community college employment. This clearinghouse shall include a special emphasis on faculty internship employment opportunities and on reaching students who are qualified for faculty internship programs. The remaining balance in the fund may be allocated to the individual community college districts as prescribed by the board of governors.

87350.

The plan for a new mechanism of faculty qualifications being developed by the Chancellor of the California Community Colleges pursuant to Chapter 1465 of the Statutes of 1986 shall include all of the following:

- (a) A transition provision which would grandfather existing bargaining unit definitions.
- (b) Consideration of projected California demographics.
- (c) Consideration of affirmative action policies and programs.

87351.

The minimum qualifications for service prescribed by this chapter shall become operative on July 1, 1990.

87355.

Notwithstanding Section 87356, every person authorized to serve as a community college instructor, librarian, counselor, student personnel worker, supervisor, administrator, or chief administrative officer under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. The board of governors shall adopt regulations as necessary to implement this requirement.

87356.

- (a) The board of governors shall adopt regulations to establish and maintain the minimum qualifications for service as a faculty member teaching credit instruction, a faculty member teaching noncredit instruction, a librarian, a counselor, an educational administrator, an extended opportunity programs and services worker, a disabled students programs and services worker, an apprenticeship instructor, and a supervisor of health.
- (b) The Legislature finds and declares that this section does not create a state-mandated local program because compensation of faculty will continue to be determined through the collective bargaining process or meet and confer sessions.

87357.

- (a) In establishing and maintaining minimum qualifications pursuant to Section 87356, the board of governors shall do all of the following:
 - (1) With regard to minimum qualifications for faculty, the board of governors shall consult with, and rely primarily on the advice and judgment of, the statewide Academic Senate. With regard to minimum qualifications for educational administrators, the board of governors shall consult with, and rely primarily on the advice and judgment of, an appropriate statewide organization of administrators. With regard to minimum qualifications for apprenticeship instructors, the board of governors shall consult with, and rely primarily on the advice and judgment of, appropriate apprenticeship teaching faculty and labor organization representatives. In each case, the board of governors shall provide a reasonable opportunity for comment by other statewide representative groups.
 - (2) The board of governors shall establish a process to review at least every three years the continued appropriateness of the minimum qualifications, and the adequacy of the means by which they are administered. The process shall provide for the appointment of a representative group of community college faculty, administrators, students, and trustees to conduct or otherwise assist in the review, including particularly, representatives of academic senates, collective bargaining organizations, and statewide faculty associations. In addition, the group shall be broadly representative of academic and vocational programs in the curriculum from both urban and rural districts, and representative of ethnic minority communities.
- (b) The board of governors, relying primarily upon the advice and judgment of the statewide Academic Senate, shall prescribe by regulation a working definition of the term "discipline" and shall prepare and maintain a list of disciplines that are "reasonably related" to one another, as that phrase is used in the minimum qualifications. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for hire.

In formulating advice and recommendations to the board of governors regarding the definition of the term "discipline," the statewide Academic Senate shall consult with appropriate statewide organizations representing administrators and faculty collective bargaining agents. The statewide Academic Senate shall incorporate the advice

of those groups into its recommendations to the board of governors, particularly as it relates to the practical ramifications of any proposed definition of the term "discipline" on issues of reassignment, transfer, and reduction in force.

The board of governors, relying primarily upon the advice and judgment of the statewide Academic Senate, shall prepare and maintain a list of disciplines in which the master's degree is not generally expected or available. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for service.

87358.

The board of governors shall periodically designate a team of community college faculty, administrators, and trustees to review each community college district's application of minimum qualifications to faculty and administrators.

87359.

The board of governors shall adopt regulations setting forth a process authorizing local governing boards to employ faculty members and educational administrators who do not meet the applicable minimum qualifications specified in the regulations adopted by the board of governors pursuant to Section 87356. Unless and until amended pursuant to the process described in Section 87357, the regulations shall require all of the following:

(a) No one may be hired to serve as a community college faculty member or educational administrator under the authority granted by the regulations unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in regulations of the board of governors adopted pursuant to Section 87356. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.

(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding faculty members, shall be developed and agreed upon jointly by representatives of the governing board and the academic senate, and approved by the governing board. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty member employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in regulations adopted by the board of governors. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination, and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Section 87358.

DISTRICT POLICY ON EQUAL EMPLOYMENT OPPORTUNITY

2.20 Policy on Equal Employment Opportunity

1. The San Mateo County Community College District is committed to equal employment opportunity and full recognition of the diversity of cultures, ethnicities, language groups and abilities that are represented in its surrounding communities and student body. The District shall demonstrate its commitment to the cultural competence of its employees and students through policies, procedures, training programs, services and activities which promote diversity and mutual respect within the District work force and student body, without regard to gender, ethnicity or ability.
2. The San Mateo County Community College District is an equal opportunity employer that shall provide an educational and work environment in which no person is denied access to, or the benefits of, any program or activity of the District on the basis of ethnic group identification, national origin, religion, age, gender, sexual orientation, race, color, or physical or mental ability. This includes District decisions about employment, retention, compensation, promotion, termination and/or other employment status.
3. The District shall monitor the success of equal opportunity in its recruitment, selection, retention and promotional policies and procedures by monitoring outcomes to assure no adverse impact against any person or group of individuals, due to ethnic group identification, national origin, religion, age, sex, sexual orientation, race, color, or physical or mental ability.
4. The District complies with the spirit and law of the Americans with Disabilities Act of 1990 by providing equal opportunity for persons with disabilities. The District shall make reasonable accommodations so that persons of all levels of ability enjoy equal access to all aspects of employment and education in our District, including but not limited to educational services, selection procedures, retention and promotion.
5. The District will not tolerate discourteous, offensive or abusive conduct or language including jokes, slurs, derogatory comments, or behaviors or language regarding a person's race, color, religion, national origin, age, gender, disability, marital status, sexual orientation or medical condition relating to other employees, students or the public.

(Revised June 23, 2004)

¹ “Cultural Competence” refers to the skills and ability of individuals to act in a sensitive, inclusive and respectful manner in interactions with persons who are different from themselves.

APPENDIX B

ROLE OF THE SCREENING COMMITTEE CHAIR

Members of the Screening Committee are selected pursuant to the appropriate hiring procedures. The Screening Committee Chair has the following responsibilities:

- ❑ Schedule all committee meetings; notify committee members of all meeting times, locations and agenda items
- ❑ Conduct all Screening Committee meetings
- ❑ Confer with the ~~Committee Equal Employment Opportunity Representative~~ (and the Office of Human Resources for Committee training, technical guidelines and information before and during the process regarding all matters related to:
 - ✓ Equal Employment Opportunity guidelines and implementation
 - ✓ Safeguards against bias and adverse impact in selection criteria and during the process
 - ✓ Forms to be used during the process
 - ✓ Review of application materials
 - ✓ Development of interview questions, key response elements, and skills demonstrations
 - ✓ Establishment of the “interview environment”
 - ✓ Committee deliberations, decisions and documentation of the process.
- ❑ Confer with committee member(s) ~~and EEO Representative,~~ **and Human Resources** at any time during the process, regarding any breach in procedure
- ❑ ~~Provide orientation and training to Committee members, in collaboration with the EEO Representative and Human Resources staff on such matters as~~
 - ✓ ~~Committee procedures~~
 - ✓ ~~The importance of Confidentiality~~
 - ✓ ~~Techniques of job analysis, determination of screening criteria, development of screening forms and rating systems, documentation, determination of finalists and other activities related to the process~~
- ❑ Arrange for the committee review of application packets
- ❑ Guide screening committee members through the procedures in compliance with District policies and procedures
- ❑ Reinforce the importance of confidentiality, non-bias, and equal opportunity in all steps of the process

- ❑ Confer with Human Resources staff regarding Committee membership, training, and orientation; recruitment resources; technical assistance; documentation of the process, and timelines.
- ❑ Confer with ~~the hiring manager~~ **Human Resources** regarding timeliness of applicant notification letters at various points in the process (all applicant notification letters should be signed by the hiring manager or another administrator)
- ❑ Review screening committee documentation of the process, compile all forms and paperwork, and forward the complete and confidential screening committee record to the designated office for the required three-year storage.

APPENDIX C

ROLE OF THE EQUAL EMPLOYMENT OPPORTUNITY REPRESENTATIVE

All District Screening and Faculty Tenure Review Committees shall include at least one individual who has completed District Equal Employment Opportunity training and is thereby a designated "EEO Representative." The EEO Representative is appointed pursuant to appropriate hiring and Tenure Review procedures.

Each Screening Committee and Faculty Tenure Review Committee member has the responsibility for compliance with the spirit, laws and practices related to the District's commitment to equal opportunity.

The EEO Representative has the following responsibilities when serving on a Screening Committee:

- ❑ Work in partnership with the Screening Committee Chair (and Office of Human Resources for technical assistance, training and information) to provide a structured orientation and training in District selection procedures, Committee confidentiality, equal opportunity practices and selection techniques
- ❑ Make available to the Screening Committee written resource materials and/or other media on applicable legal information; and incorporation of equal opportunity principles and practices into the selection process
- ❑ Reinforce the importance of confidentiality, non-bias, equal employment opportunity, respect and sensitivity to all cultures, language groups, both genders, and other candidate demographics throughout the process and at its conclusion
- ❑ Provide leadership, in conjunction with the Committee Chair and Office of Human Resources, in analyzing position requirements and developing appropriate screening forms, rating criteria and other committee tools to assure that all candidates are rated objectively, fairly, and without bias (either favorable or unfavorable)
- ❑ Confer with the Chair and Office of Human Resources regarding Committee membership, training, and orientation; recruitment resources; skill demonstrations; documentation; timelines, and other matters as appropriate
- ❑ Confer with Chair, Committee members and hiring manager if a breach of policy/procedure occurs
- ❑ Review all final documentation for completeness, accuracy, job-relatedness, non-discrimination, objectivity and compliance with District policies and procedures

APPENDIX C

ROLE OF THE COLLEGE PRESIDENT (EQUAL EMPLOYMENT OPPORTUNITY OFFICER)

The College President (or designee) will have the following responsibilities:

- Review all completed job announcement drafts before they are finalized for publication by the Office of Human Resources
- Approve the participation of staff and outside personnel (if applicable) on screening committees
- Reinforce the importance of confidentiality throughout the screening committee process
- Make available to the committee Chair ~~and EEO Representative~~ any written resource materials on equal employment opportunity and respect for staff and student diversity
- Provide leadership to all management staff in the application of District selection procedures and equal employment opportunity principles
- Review and give final approval to all applicant screening plans developed by screening committees
- Confer with the Committee Chair, ~~EEO Representative~~ and/or other committee members if, at any time during the process, any Committee member feels that the process does not comply with District policies
- Review all screening committee documentation for completeness and adherence to District equal employment opportunity policy when the screening process is completed
- Consult and come to agreement with the Screening Committee on a time frame during which all final interviews, reference checks, final selection, and notification occur
- Formulate a consistent set of questions to be asked of all finalists and interview finalists selected by the screening committee; compile supplemental paperwork from finalists and/or administer additional skills demonstrations as needed in order to select the successful candidate
- Forward the notification of the selection to the Office of Human Resources in preparation for inclusion on the earliest possible report to the Board of Trustees.

APPENDIX D

MINIMUM QUALIFICATIONS EQUIVALENCE PROCESS FOR JOB APPLICANTS

Applicants for academic positions in the California community colleges who do not meet the required educational criteria (minimum qualifications) may apply for positions through the “equivalency process.”

The form required to apply for equivalence is included in the District employment application form, and should be completed and submitted along with other required items. The job applicant is responsible for submitting the required District equivalence application form, along with any supporting documents needed to assert an equivalency to State-directed or local District minimum qualifications.

To determine equivalence, the screening committee as a whole will rely upon the advice and leadership of discipline experts. Reasons for approval or denial of equivalence should be documented. Criteria for equivalence determination are the following:

Degree Equivalence:

The equivalence candidate possesses a degree(s) with similar content to those listed in the job announcement.

Academic Background Equivalence:

The equivalence candidate should meet the requirements for minimum qualifications in an allied field. In addition, in lieu of a major, the candidate should have completed twenty-four (24) semester units of both upper division and graduate work in the academic field specified in the job announcement.

Professional Achievement Equivalence:

The equivalence candidate should show outstanding professional achievement or substantial training in the job announcement field. The equivalence candidate should submit substantial evidence which demonstrates that his/her preparation, experience, and ability are equivalent to those expected from a candidate who meets minimum qualifications.

Supporting materials should include appropriate validation such as: transcripts, evaluations, portfolios, licenses, certificates, employer attestation, recordings, exhibitions or publications.

Once equivalency is determined by the Screening Committee, the candidate completes the selection process in the same manner as all other candidates.

If an equivalency candidate is selected for hire, a statement confirming equivalency will accompany the candidate’s name when presented for approval to the Board of Trustees.