



Equal Employment Opportunity Plan

2019-2022

Originally Adopted July 28, 2009
Revised May 22, 2019
Board Approval June 26, 2019

Equal Employment Opportunity Plan

Summary Requirements

Proposition 209 passed by California voters outlawed the use of affirmative action plans in California community colleges. However, many regulations in Title 5 remain in effect and Districts must comply with them. In 2007, the Chancellor's Office issued a Model EEO Plan which would comply with the requirements of Title 5. In 2014, the Chancellor's Office required each district to have an approved EEO Plan that is a "living" document for each college to which each college should adhere. The following components include all sections required by the Chancellor's Office.

Component 1 – Introduction

This is a statement by the Chief Executive Officer addressing the Plan adoption by the Governing Board.

Component 2 – Definitions

These are definitions of ethnic groups and other language used throughout the plan.

Component 3 – Policy Statement

This is a statement of commitment to the principles of equal employment opportunity, and spells out the categories for protection against discrimination.

Component 4 – Delegation of Responsibility, Authority and Compliance

This section explains the general responsibilities of the Governing Board, Superintendent/President, Equal Employment Opportunity Officer and Faculty and Staff Diversity Advisory Committee.

Component 5 – Advisory Committee

This section addresses the role of the advisory committee in assisting the District in implementing the plan. It outlines the composition of the committee and its functions.

Component 6 – Complaints

This section outlines to whom a complaint can be filed (the EEO Officer), the timeline for completion of an investigation, and the provision that copies of the complaints will be forwarded to the Chancellor's Office.

Component 7 – Notification to District Employees

This section outlines how and to whom the policy statement and plan will be distributed to employees.

Component 8 – Training for Screening/Selection Committees

This section explains that persons serving in the screening/selection process will participate in training on Title 5 requirements and other EEO regulations.

Component 9 – Annual Written Notice to Community Organizations

This section states that written information will be provided to appropriate community-based and professional organizations regarding the plan. It also solicits their assistance in identifying diverse qualified candidates for open positions, and provides contact information including multiple methods for obtaining information about available positions at the college.

Component 10 – Analysis of District Workforce and Applicant Pool

This section identifies an annual survey of the District's employee population and an analysis of applications for employment to evaluate the District's progress in implementing the plan.

Component 11 – Analysis of Degree of Underrepresentation and Significant Underrepresentation

This section describes the additional steps that will be taken should the District determine that a particular monitored group is significantly underrepresented.

Component 12 – Methods to Address Underrepresentation

This section describes the methods that will be used should the District identify particular monitored groups that are significantly underrepresented.

Component 13 – Additional Steps to Remedy Significant Underrepresentation

This section describes the measures that will be applied should the District identify particular monitored groups as significantly underrepresented.

Component 14 – Other Measures Necessary to Further Equal Employment Opportunity

This section describes additional measures the District will take in implementing the diversity plan.

Component 15 – Persons with Disabilities Accommodations

This section is related to individuals with disabilities. It describes steps to be taken to accommodate employees and applicants with disabilities. It outlines analysis similar to that contained in Component 10 and may contain goals for addressing significant underrepresentation.

Component 16 – Graduate Assumption Program of Loans for Education

This section encourages community college students to become qualified for, and seek employment as, community college employees, and requires the District to inform students about programs that may assist them in completing graduate studies. While this particular program has not been funded in many years, it is still required to be included in the plan.

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Component 1: Introduction

The Monterey Peninsula Community College District (District) is committed to taking active and vigorous steps to ensure equal employment opportunity and creating a welcoming work and academic environment that fosters diversity and promotes excellence. The District's Equal Employment Opportunity Plan (Plan) was adopted by the governing board on April 27, 2016. The Plan reflects the District's commitment to equal employment opportunity, diversity, inclusion, and equity.

Through educational experiences in an inclusive environment, our students will be better prepared to work, contribute to and live in an increasingly global society. To properly serve a growing diverse community population, the District will endeavor to hire and retain faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

I invite you to read the Plan and learn about the methods and procedures Monterey Peninsula College has implemented to support equal employment opportunity and ensure nondiscriminatory practices. Further, I welcome your thoughts and comments that will assist the District in sustaining a welcoming and inclusive work environment.

Dr. Walter T. Tribley
Superintendent/President

Component 2: Definitions

CCR Title 5, §53001

- a) **Adverse Impact:** a statistical measure (such as those outlined in the EEO Commission's *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group protected from discrimination pursuant to Government Code 12940. 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) **Diversity:** means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socio-economic backgrounds.

- c) **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 in the seven job categories which include executive/administrative/managerial, faculty and other instructional staff, professional nonfaculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and service and maintenance. Equal employment opportunity also involves:
 - 1. Identifying and eliminating barriers to employment that are not job related; and
 - 2. 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 pursuant to Government Code section 12940.

- d) **Equal Employment Opportunity Plan:** a written document that includes specific procedures for ensuring equal employment opportunity.

- e) **Equal Employment Opportunity Measures:** all the various measures by which equal employment opportunity is ensured. Such measures 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) **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) **In-house or Promotional Only Hiring:** means that only existing District employees are allowed to apply for a position.
- h) **Monitored Group:** means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).
- i) **Person with a Disability:** any person who (1) has a physical or mental impairment as defined in Government Code, section 12926 which limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.
- j) **Reasonable Accommodation:** the efforts made on the part of the District in compliance with Government Code 12926.
- k) **Screening or Selection Procedures:** any measure, combination of measures, or procedures used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.
- l) **Significantly Underrepresented Group:** any monitored group for which the percentage of persons from that group employed by the District in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

Component 3: Policy Statement

CCR Title 5 §53002

The Monterey Peninsula Community College District is committed to the concept and the principles of equal employment opportunity. To this end, the District has established and will maintain a comprehensive program to put that concept and those principles into practice.

It is the District's policy to ensure that all qualified applicants for employment and all employees have full and equal access to employment opportunity. To achieve this end, the District will ensure that applicants for employment and all employees are not subjected to discrimination in any program or activity of the district on the basis of age, ancestry, color, gender, gender identity, gender expression, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, pregnancy, race or ethnicity, religion, sex, sexual orientation, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District will strive to achieve a workforce that is welcoming to all individuals to ensure an inclusive educational and employment environment which fosters cooperation, acceptance, democracy and free expression of ideas.

An Equal Employment Opportunity Plan will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

Component 4: Delegation of Responsibility, Authority and Compliance

CCR Title 5 §53003(c)(1), 53005, 53020

It is the goal of the Monterey Peninsula Community College District that all employees promote and support equal employment opportunity because equal employment opportunity requires a commitment and a contribution from every segment of the District. The general responsibilities for the timely and effective implementation of this Plan are set forth below.

1. Governing Board

The Governing Board is ultimately responsible for proper implementation of the District's Plan at all levels of District and college operation, and for ensuring equal employment opportunity as described in the Plan.

2. Superintendent/President

The Governing Board delegates to the Superintendent/President, the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Superintendent/President shall advise the Governing Board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on Plan implementation. The Superintendent/President shall evaluate the performance of all administrative staff who report directly to him/her on their ability to follow and implement the Plan.

3. Equal Employment Opportunity Officer

The District has designated the Chief Human Resources Officer, as its Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the Plan. If the designation of the Equal Employment Opportunity Officer changes before this Plan is next revised, the District will notify employees and applicants for employment of the new designee. The Equal Employment Opportunity Officer is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of Title 5, sections 53000 et seq. The Equal Employment Opportunity Officer is also responsible for receiving complaints described in Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.

4. Shared Governance Groups

Groups in the shared governance structure, including the Academic Affairs Advisory Group (AAAG), Student Services Advisory Group (SSAG), Administrative Services Advisory Group (ASAG), Associated Students of Monterey Peninsula College (ASMP), Academic Senate and College Council, may review proposed EEO Plans, policies, procedures and initiatives as appropriate. .

5. Equal Employment Opportunity Advisory Committee

Monterey Peninsula College established and will maintain an Equal Employment Opportunity Advisory Committee (EEOAC) to act as an advisory body to the Equal Employment Opportunity Officer and the District as a whole. To promote understanding and support of equal employment opportunity policies and procedures, the EEOAC shall assist in the implementation of the Plan in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for Plan revisions as appropriate.

6. Agents of the District

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 the requirements of this Plan.

7. Good Faith Effort

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

Component 5: Advisory Committee

CCR Title 5 §53005

The District has established an Equal Employment Opportunity Advisory Committee (EEOAC) to assist the District in implementing its Plan. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity.

The EEO Officer shall train the advisory committee on equal employment compliance and the Plan itself. The EEOAC shall receive training in all of the following:

- a) The requirements of this subchapter and of state and federal nondiscrimination laws;
- b) Identification and elimination of bias in hiring;
- c) The educational benefits of workforce diversity; and
- d) The role of the advisory committee in carry out the District's EEO Plan.

The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District has been unable to meet this requirement, it will document that efforts were made to recruit advisory committee members who are members of monitored groups. The committee must have at least three (3) community members but no more than seven (7), and at least one (1) faculty member, one (1) classified, one (1) MSC member, and the EEO Officer who shall chair the committee. ASMPC shall be invited to appoint no more than two (2) student representatives. The total membership shall consist of a minimum of 7 but shall not exceed 15. Community representatives shall represent organizations that have a priority interest in equal employment opportunity and the fair treatment of all. A quorum is four (4) or more members.

The EEOAC shall hold a minimum of four (4) meetings per fiscal year. When appropriate, the advisory committee shall make recommendations to the Governing Board, the

Superintendent/President, the EEO Officer, and/or any other appropriate college entity it deems necessary.

Component 6: Complaints

CCR Title 5 §53003(c)(2), 53026, 59300 et. seq.

Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026). The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the sixty (60) day limitation. Complaints alleging violations of the *Plan* that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing. A complainant may not appeal the District's determination pursuant to section 53026 to the Chancellor's Office, but under some circumstances, violations of the equal opportunity regulations in Title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the Chancellor's Office, but the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the college and/or District level using the process provided by section 53026. (See *California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints* at:

<http://extranet.cccco.edu/Divisions/Legal/Discrimination.aspx>
<http://extranet.cccco.edu/Divisions/Legal/Resources.aspx>

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

The complaint shall be filed with the EEO Officer. If the complaint involves the EEO Officer, the complaint may be filed with the Superintendent/President. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. The EEO Officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

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

Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.) The District has adopted procedures for complaints alleging unlawful discrimination or harassment, *Procedures for Complaints of Unlawful Discrimination, Including Sexual Harassment*. The Associate Dean of Human Resources is responsible for receiving such complaints and for coordinating their investigation.

Component 7: Notification to District Employees

CCR Title 5 §53003 (c)(3)

The commitment of the Governing Board and the Superintendent/President to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the Plan. The Policy Statement will be printed in the college catalogs and class schedules. The Plan and subsequent revisions will be distributed to the District's Governing Board, the Superintendent/President, administrators, College Council, the academic senate leadership, union representatives and members of the District Equal Employment Opportunity Advisory Committee. The Plan will be available on the District's website and employees will be notified electronically. Hard copies will be available in Human Resources and the Library. The Office of Human Resources will provide all new employees with a copy of the written notice described above when they commence their employment with the District. Each year, all employees will be sent an annual notice containing the following:

- a) The importance of the employee's participation and responsibility in ensuring the Plan's implementation.
- b) Where complete copies of the Plan are available, including the Library, Office of Human Resources and on the District's internet site.

Component 8: Training for Screening/Selection Committees

CCR Title 5 §53003(c)(4)(A)

Any organization or individual, whether or not an employee of the District, who is involved in the recruitment and screening/selection of personnel, shall receive appropriate training on the requirements of the Title 5 regulations on equal employment opportunity (section 53000 et. seq.); the requirements of federal and state nondiscrimination laws; the requirements of the District's Equal Employment Opportunity Plan; and the District's policies on nondiscrimination, recruitment, and hiring. The training shall also include the educational benefits of workforce diversity, the elimination of bias in hiring decisions, and best practices of selection and/or screening committees. This training is mandatory; individuals who have not received this training will not be allowed to serve on

screening/selection committees. The Office of Human Resources is responsible for providing the required training. Any individual, whether or not an employee of the District, acting on behalf of the District with regard to recruitment and screening of employees, is subject to the equal employment opportunity requirements of Title 5 and the District's Equal Employment Opportunity Plan.

Component 9: Annual Written Notice to Community Organizations

CCR Title 5 §53003(c)(5)

Once per year the Office of Human Resources will notify community groups and professional organizations of that they may obtain a copy of the District's Plan, and the need for assistance from these groups in identifying qualified applicants. These groups will also be notified of all job openings. The notice may include mailings and electronic communications. Annually the EEOAC shall identify these appropriate community groups.

Component 10: Analysis of District Workforce and Applicant Pool

CCR Title 5 §53003(c)(6), 53004

The Office of Human Resources will annually review the District's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the District's progress in implementing the Plan, to provide data needed for the reports required by this Plan and to determine whether any monitored group is underrepresented. Monitored groups are men, women, American Indians/Alaskan Natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For purposes of the survey and report each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians will be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories.

This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). The District will annually report to the Chancellor the results of its annual survey of employees. At least every three years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition

of existing staff and of those who have applied for employment in each of the following identified job categories:

- 1) Administrative/Managerial
- 2) Faculty and other Instructional Staff
- 3) Classified

A longitudinal overview of District employees by work group, annual applicant pools and hires are reported in the Annual Applicant Pool and Employee Demographics Report. See Appendix A.

Component 11: Analysis of Degree of Underrepresentation and Significant Underrepresentation *CCR Title 5, §53003(c)(7)*

This component cannot be completed until such time as the State Chancellor's Office provides workforce availability data. At the time that such data is provided, the District will revise this component of the Plan.

Component 12: Methods to Address Underrepresentation *CCR Title 5, §53003(c)(8)*

The District will ensure equal employment opportunity, which involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas, and that is welcoming to all individuals. In so doing, the district places great emphasis on the recruitment of potential applicants in order to create a diverse pool of qualified individuals from which to hire. With a diverse pool, the District takes steps within the screening/selection process to allow for the hiring of candidates with varied backgrounds who can contribute and effectively communicate in a diverse community.

This Plan component cannot be completed until such time as the State Chancellor's Office provides workforce availability data referenced in title 5 section 53003(c)(7). At the time such data is provided the District will revise this component of the Plan.

Component 13: Additional Measures Necessary to Further Equal Employment Opportunity and the District's Commitment to Diversity

CCR Title 5, §53003(c)(9), 53006, 53024.1

The District recognizes that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of

employment with the District. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, and free expression of ideas and is welcoming to all individuals. To demonstrate the District's on-going, institutional commitment to diversity and equal employment opportunity, additional measures to enhance diversity may include:

- 1) Guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.
- 2) Highlighting the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications.
- 3) Conducting diversity and cultural awareness dialogues, forums, and workshops.
- 4) Ensuring that college/District publications and other marketing tools reflect diversity in pictures, graphics, and text to project an inclusive image.
- 5) Establishing an "Equal Employment Opportunity and Diversity" online presence by posting the District's equal employment opportunity, ADA, nondiscrimination policies including sexual harassment, procedures and programs on the District's website, including contact persons for further information on all of these topics.
- 6) Encouraging and supporting various cultural celebrations on campus.
- 7) Considering multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for employees.
- 8) Conducting exit interviews with employees, who voluntarily separate from the District's employment, maintain and analyze data for patterns impacting monitored groups.
- 9) Auditing and maintaining updated job descriptions and job announcements.
- 10) Requiring that applicants for all positions demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students in a manner specific to the position.
- 11) Conveying a commitment to diversity and equal employment opportunity in the District's mission statement.

- 12) Providing sexual harassment and discrimination prevention training for all employees.
- 13) Promptly and thoroughly investigating all complaints of harassment and discrimination, and taking corrective action as warranted.
- 14) Supporting all employees in strengthening their sensitivity to and ability to work effectively with others from diverse backgrounds.
- 15) Attempting to gather information from applicants who decline job interviews or offers to maintain and analyze data.
- 16) Providing training for the Governing Board on the elimination of bias in hiring and employment at least once every election cycle.
- 17) Conducting longitudinal analysis of various employment events by monitored group status such as: hiring, promotion, retention, voluntary resignation, termination, and discipline.
- 18) Providing leadership opportunities with current staff focusing on diversity.

Component 14. Annual Certification to Chancellor's Office

CCR Title 5, §53024.2

Annually the District shall certify to the State Chancellor's Office that it has timely complied with each of the following requirements of Title 5:

- 1) Recorded, reviewed and reported the data required regarding qualified applicants pools;
- 2) Reviewed and updated, as needed, the strategies component of the District's EEO plan;
- 3) Investigated and appropriately responded to formal harassment and discrimination complaints filed pursuant to Title 5 (commencing with section 59300).

Component 15: Persons with Disabilities: Accommodations

Title 5, § 53025

Reasonable Accommodations Applicants and employees with disabilities shall receive reasonable accommodations consistent with the requirements of Government Code, sections 11135 et seq. and 12940(m); section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act.

The Office of Human Resources is responsible for administering requests from applicants and employees seeking reasonable accommodations.

Component 16: Assumption Program of Loans for Education (APLE)

Education Code 87106

The District will take into account system-wide strategies developed by the Board of Governors to encourage community college students to become qualified for, and seek employment as, community college employees. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college including information about loan assumption programs if they become available.