

SAN FRANCISCO COMMUNITY COLLEGE DISTRICT

Equal Employment Opportunity Plan



San Francisco Community College District
50 Frida Kahlo Way
San Francisco, California 94112

Adopted by SFCCD Board of Trustees: May 30, 2019

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Model Plan and Guidelines

Plan Component 1: Introduction

The San Francisco Community College District (District) Equal Employment Opportunity Plan (*Plan*) was adopted by the Board of Trustees on **May 30, 2019**. The *Plan* reflects the District's commitment to equal employment opportunity. It is the District's belief that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment that is welcoming to all will foster diversity and promote excellence.

Through an educational experience in an inclusive environment, our students will be better prepared to work and live in an increasingly global society. The *Plan*'s immediate focus is equal employment opportunity in its recruitment and hiring policies and practices pursuant to Government Code section 12920, et seq., Education Code section 87100 et seq., and Title 5, California Code of Regulations sections (section 53000 et seq.) and the steps the District shall take in the event of underrepresentation of monitored groups. The *Plan* contains an analysis of the demographic makeup of the District's workforce population and an analysis of whether underrepresentation of monitored groups exists. The *Plan* also includes the requirements for a complaint procedure for noncompliance with the Title 5 provisions relating to equal employment opportunity programs; complaint procedures in instances of unlawful discrimination; establishment of an Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all¹; and procedures for dissemination of the *Plan*. To properly serve a growing, diverse student population, the District will endeavor to hire, retain, and promote a diverse faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

Signature of the Chancellor

¹ Diversity and equal employment opportunity are related but separate concepts. An environment that promotes principles of diversity simultaneously promotes an accepting environment for implementation of equal employment opportunity. Because of the interrelationship of diversity and EEO, Plan Component 11 is dedicated to diversity programs and projects as a way to further EEO efforts.

Plan Component 2: Definitions

- a) *Adverse Impact:* A statistical measure (such as those outlined in the U.S. Equal Employment Opportunity Commission's *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.
- b) *Diversity:* Means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnicities, races, ages, national origins, religions, genders, sexual orientations, disabilities 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/counseling staff, professional non-faculty, 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; (2) creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas, and (3) welcoming to all sexes and genders, 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 in which a District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
- e) *Equal Employment Opportunity Programs:* All the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.
- f)
 - (1) *Ethnic Minorities:* American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinx.
 - (2) *Ethnic Group Identification:* means an individual's identification in one or more of the ethnic groups reported to the State Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.
- g) *Gender:* Means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

- h) *In-house or Promotional Only Hiring*: Means that only existing District employees are allowed to apply for a position.
- i) *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*: 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) *Reasonable Accommodation*: The efforts made on the part of the District in compliance with Government Code section 12926.
- l) *Screening or Selection Procedures*: 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.
- m) *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.

Plan Component 3: Policy Statement

The San Francisco Community College District is committed to the principles of equal employment opportunity and will implement a comprehensive program to put those principles into practice. It is the District's policy to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity and are not subjected to discrimination in any program or activity of the District on the basis of race, color, ancestry, national origin, ethnic group identification, religion, age, sex, gender, gender identity, gender expression, marital status, domestic partner status, sexual orientation, physical disability, mental disability, AIDS/HIV status, medical conditions, or military or veteran status, 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 sexes and genders, persons with disabilities and individuals from all ethnic and other groups indicated above, to ensure the District provides an inclusive educational and employment environment. Such an environment 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.

Plan Component 4: Delegation of Responsibility, Authority and Compliance

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

1. *Board of Trustees*

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

2. *Chancellor*

The Board of Trustees delegates to the Chancellor the responsibility for ongoing implementation of the *Plan* and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Chancellor shall advise the Board of Trustees 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 Chancellor shall evaluate the performance of all administrative staff who report directly to him/her on their ability to follow and implement the *Plan*.

3. *Title 5/EEO/ADA Compliance Officer*

The District has designated Dr. Leilani F. Battiste, as its Title 5/EEO/ADA Compliance Officer who is responsible for the day-to-day implementation of the Equal Employment Opportunity *Plan*. If the designation of the Title 5/EEO/ADA Compliance Officer changes before this *Plan* is next revised, the District will notify employees and applicants for employment of the new designee. The Title 5/EEO/ADA Compliance 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 Title 5/EEO/ADA Compliance Officer is also responsible for receiving complaints described in Plan Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.

4. *Equal Employment Opportunity Advisory Committee*

The District has established an Equal Employment Opportunity Advisory Committee to act as an advisory body to the Title 5/EEO/ADA Compliance Officer and the District as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Equal Employment Opportunity Advisory Committee shall assist in the implementation of the *Plan* in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for *Plan* revisions as appropriate.

5. *Agents of the District*

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

6. *Good Faith Effort*

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

Plan Component 5: Advisory Committee

The District has established an Equal Employment Opportunity Advisory Committee (“Advisory Committee”) to assist the District in implementing its *Plan*. The Advisory Committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The Advisory Committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The Title 5/EEO/ADA Compliance Officer shall train the Advisory Committee on equal employment opportunity compliance and the *Plan* itself.

The Advisory Committee shall include a diverse membership whenever possible with a substantial good faith effort to maintain a diverse membership. 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 will be composed of three faculty members, three classified members, three administrators/managers, and one or more students. Ex officio members shall include the Vice Chancellor and/or Associate Vice Chancellor of Human Resources and the Title 5/EEO/ADA Compliance Officer.

The Equal Employment Opportunity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review equal employment opportunity and diversity efforts, programs, policies, and progress. When appropriate, the Advisory Committee shall make recommendations to the Board of Trustees, the Chancellor, and the Title 5/EEO/ADA Compliance Officer regarding compliance with the *Plan*, as well as compliance with District equal employment opportunity policies.

Plan Component 6: Complaints

- 1) *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 regulations² 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 State 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://www.cccco.edu/divisions/legal/guidelines/Guidelines%20for%20Minimum%20Conditions%20Complaints.htm>.

² The equal employment opportunity regulations are found in California Code of Regulations, Title 5, section 53000 et seq.

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 Title 5/EEO/ADA Compliance Officer. If the complaint involves the Title 5/EEO/ADA Compliance Officer, the complaint may be filed with the State Chancellor. 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 Title 5/EEO/ADA Compliance Officer will forward copies of all written complaints to the State 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.

- 2) *Complaints Alleging Unlawful Discrimination or Harassment (Section 59300, et seq.)* The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Title 5/EEO/ADA Compliance Officer is responsible for receiving such complaints and for coordinating their investigation. An outside District complaint consultant may be assigned investigation responsibilities.

In order to file a complaint with the Title 5/EEO/ADA Compliance Office, see the District website http://www.ccsf.edu/Offices/Title_5-EEO-ADA_Compliance/ regarding procedures on how to file a complaint; click the link which will bring up the "Title 5/EEO/ADA Compliance" webpage, and scroll down for the various forms/procedures for handling complaints are listed therein.

Plan Component 7: Notification to District Employees

The commitment of the Board of Trustees and the Chancellor to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the *Plan*. The policy statement is printed online, in the college catalogs and where possible, in class schedules. The *Plan* and subsequent revisions will be distributed to the District's Board of Trustees, the Chancellor, administrators, the academic senate leadership, classified 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 when appropriate, may be distributed by e-mail. Each year, the District office will provide all employees with a copy of the Board's Equal Employment Opportunity Policy Statement (located in Plan Component 3 of this *Plan*) and written notice summarizing the provisions of the District's Equal Employment Opportunity Plan. New employees at the time of their new hire process are provided with employee handbooks which include the EEO Plan as an appendix. The annual notice will contain the following provisions:

- 1) The importance of the employee's participation and responsibility in ensuring the *Plan*'s implementation.
- 2) Where complete copies of the *Plan* are available, including in every campus library, on the Campus, the Office of the Chancellor, the Office of Human Resources, each department office, and each Center, the District website, the and the Office of Title 5/EEO/ADA Compliance Office and webpage.

Plan Component 8: Training for Screening/Selection Committees

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; the District's policies on nondiscrimination, recruitment, and hiring; elimination of bias; principles of diversity and cultural proficiency; the value of a diverse workforce; and recognizing bias.

Persons serving in the above capacities will be required to receive training within the 24 months prior to service. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/selection committees. The Title 5/EEO/ADA Compliance Officer is responsible for providing the required training. Any individual, whether or not an employee of the District, acting on behalf of the District with regard to recruitment and screening of employees, is subject to the equal employment opportunity requirements of Title 5 and the District's Equal Employment Opportunity Plan.

Plan Component 9: Annual Written Notice to Community Organizations

The Title 5/EEO/ADA Compliance Office will provide annual written notice to appropriate community-based and professional organizations concerning the *Plan*. The notice will inform these organizations that they may obtain a copy of the *Plan*, and shall solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the *Plan*. The notice will also include the internet address where the District advertises its job openings and the names, departments and phone numbers of individuals to call in order to obtain employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. The Human Resources Office and the Title 5/EEO/ADA Compliance Office will maintain a list of organizations that will receive this notice, which may be revised from time to time as necessary.

Plan Component 10: Analysis of District Workforce and Applicant Pool

The Human Resources Department will annually survey the entire District 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 or locally monitored group is underrepresented. "Monitored groups" are persons of all sexes and genders, American Indians/Alaskan Natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latina/os, Caucasians, and persons with disabilities. "Locally monitored groups" as defined by the San Francisco Community College District include the following protected categories: race, color, ancestry, national origin, ethnic group identification, religion, age, gender, marital status, domestic partner status, sexual orientation, disability, AIDS/HIV status, medical conditions, gender identity or military or veteran status, 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.

For purposes of the survey and report each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). 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. This workforce analysis ("Employee & Hiring Data Report") is provided annually to the State Chancellor's Office, and is available on the District's Human Resources website. The analysis will be updated as required by the State Chancellor's Office.

Plan Component 11: Other Measures Necessary to Further Equal Employment Opportunity

The District recognizes that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to all sexes and genders, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination.

To that end, the District will implement a diversity program in which the District will promote the concept of cultural proficiency, promote learning opportunities and personal growth in the area of diversity, and evaluate how the physical environment can be responsive to its diverse employee and student populations. In implementing a diversity program, the District shall, subject to District budgetary constraints and state fiscal provisions, do the following:

- 1) Commit to a formal Office of Title 5/EEO/ADA Compliance and diversity program that is part of the structure of the District and that will be adequately funded and supported by the District and campus leadership. Ensure that top administrative staff support diversity objectives and that the Title 5/EEO/ADA Compliance Officer position is maintained as an Administrator position.
- 2) Conduct campus climate studies to identify hidden barriers.
- 3) Include guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.
- 4) Highlight the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications. Include in job announcements language indicating that candidates are required to demonstrate the ability to infuse diversity into their major job duties.
- 5) Conduct diversity dialogs, forums, and cross-cultural workshops.
- 6) Work with the Curriculum Committee to assist in the development of a "Diversity Instructional Tool Kit" as a resource for faculty interested in infusing diversity and multiculturalism into their instruction or services to students.
- 7) Review and revise District publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
- 8) Encourage recognition and value of staff and faculty who have promoted diversity and equal employment opportunity principles through the Chancellor's Office by awarding a yearly diversity recognition award.

- 9) Require a series of EEO/diversity workshops at instructional improvement days (flex day or staff development day).
- 10) Evaluate all employees on their ability and efforts to meet the District's equal employment opportunity and diversity efforts.
- 11) Establish an "Equal Employment Opportunity and Diversity" online presence through the Human Resources and Title 5/EEO/ADA webpages by highlighting the District's commitment to diversity and equal employment opportunity, compliance with the Americans with Disabilities Act, and nondiscrimination policies (including sexual harassment), procedures and programs on the District's website. The website will also list contact persons for further information on all of these topics.
- 12) Encourage sabbaticals that will promote District diversity objectives in both employment and education.
- 13) Promote various cultural celebrations on campus.
- 14) Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for community college employees.
- 15) Utilize formal diversity and recruitment programs for current employees and to encourage current students to become future employees, on-campus and/or offered through the State Chancellor's Office (e.g., the HBCU Transfer Program, UC Transfer Program), as well as other programs that are visible, valued and adequately funded (subject to District budgetary constraints and state fiscal provisions), such as the Faculty Diversity Internship, Grow Your Own and Mentorship programs, etc., that promote diversity in the College workforce.
- 16) Consider allowing for alternative educational or experience requirements in job announcements for nonacademic positions.
- 17) Consider establishing, (subject to District budgetary constraints and state fiscal provisions), a *Community Outreach Advisory Council* to involve community-based organizations in the recruitment and other equal employment opportunity efforts of the college. Recommended membership will include representatives from local business and industry as well as from such diverse community groups as MALDEF, NAACP, Chamber of Commerce, and City & County of San Francisco departments.

- 18) Seek direct contact with student, professional, community, and other organizations that represent the diverse community we serve. These organizations can serve as resources for referring potential candidates.
- 19) Continue to work with the District's Participatory Governance Council Diversity Committee to cultivate college-wide knowledge and awareness of diversity and promote District diversity awareness, knowledge, and inclusiveness initiatives.

Plan Component 12: Program for Assumption of Loans and other Financial Aid for Undergraduate/Graduate Education

The District will encourage community college students to become qualified for, and seek employment as, community college employees. The District shall research and inform students about programs that may assist them to complete their degrees/certificates in order to move on to complete graduate studies and become community college employees. The District will continue to partner with the City & County of San Francisco to identify career paths for students and current employees. The District will post informational flyers on the campuses concerning such programs, and make information available in student and employee newspapers/newsletters, the course catalog, and in locations accessible to students, including but not limited to Counseling, Financial Aid, Admissions and Records, the Bookstore, the Transfer Center, and the Student Union. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

