



## **EQUAL EMPLOYMENT OPPORTUNITY PLAN**

**July 1, 2023 – June 30, 2026**

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# **SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT**

## **EQUAL EMPLOYMENT OPPORTUNITY PLAN**

### **1. Introduction**

The San Mateo County Community College District's ("District") Equal Employment Opportunity Plan ("Plan") reflects the District's commitment to fair and equitable treatment in employment and our everyday practices. The District firmly believes in equity and realizing the full benefits of a culturally diverse, inclusive, and accessible teaching and learning environment.

The Plan provides an evaluative approach to assist with making informed decisions and revising this EEO Plan to continuously improve our existing recruitment, hiring, retention, and promotion activities. This Plan documents the District's institutionalized EEO programs, the implementation and assessment of new best practices, and the analysis of workforce data to guide evidence-based decision-making that enhances a diverse and inclusive environment to attract, support, and retain a workforce that reflects the diversity of the District's communities.

The Human Resources Department is primarily responsible for developing, reviewing, and systematically evaluating this three-year Plan. The Plan and subsequent updates will be reviewed by the District's Equal Employment Opportunity Advisory Committee ("EEOAC") and the applicable governance processes. The draft Plan is submitted to and reviewed by the California Community Colleges Chancellor's Office. The Plan will be updated after the Chancellor's Office review and resubmitted as necessary. The final Plan will be reviewed and adopted at a regular Board of Trustees meeting as a separate action item and not part of the consent agenda.

Reference: Title 5, sections 53000 and 53003(a)

## 2. Definitions

- a. **Adverse Impact.** "Adverse impact" means a disproportionate negative impact to a group protected from discrimination pursuant to Government Code section 12940, arising from the effects of an employment practice as determined according to a valid statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures").
- b. **Anti-racism.** "Anti-racism" and "anti-racist" refers to policies and actions that lead to racial equity.
- c. **Competencies.** "Competencies" refer to skills, knowledge, abilities, and behaviors all employees must demonstrate and utilize in interactions with students and colleagues and the performance of their job duties.
- d. **Cultural Competency.** "Culture Competency" refers to the practice of acquiring and utilizing knowledge of the intersectionality of social identities and the multiple axes of oppression that people from different racial, ethnic, and other minoritized groups face. The development of cultural competency is a dynamic, ongoing process that requires a long-term commitment to learning. In the context of education, cultural competency includes the ability to teach students from cultures other than one's own successfully. It entails developing interpersonal awareness and sensitivities, developing cultural knowledge, and mastering a set of skills for effective cross-cultural teaching.
- e. **Diversity.** "Diversity" means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. The achievement of diversity within a workforce requires the presence, respectful treatment, and inclusion of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, gender identity, sexual orientation, disability and socio-economic backgrounds, in all aspects of the workplace.
- f. **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 in all job categories. Equal employment opportunity also involves **(1)** identifying and eliminating barriers to employment that are not job-related, such as reliance on preferred job qualifications that do not reasonably predict job performance; **(2)** updating job descriptions and/or job announcements to reflect accurately the knowledge, skills and abilities of the position, including a commitment to equity; and **(3)** creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to persons free from

discrimination related to the categories protected by Government Code section 12940.

- g. **Equal Employment Opportunity Advisory Committee:** acts as an advisory body to the Chief Human Resources Officer and the District to promote understanding and support of EEO policies and procedures. Representation consists of a diverse membership to be taken from stakeholder groups, including faculty, classified staff, and students.
- h. **Equal Employment Opportunity Plan.** An "equal employment opportunity plan" is a written document that describes the District's EEO program. A district's EEO plan shall include: **(1)** analysis of the District's workforce; and **(2)** descriptions of the District's program and strategies, informed by the District's workforce analysis, that it is implementing or will implement to promote equal employment opportunity.
- i. **Equal Employment Opportunity Program.** "Equal employment opportunity program" refers to the combination of district strategies implemented to promote equal employment opportunity. Such programs should be informed by the District's longitudinal workforce and applicant analyses.
- j. **Inclusion.** "Inclusion" refers to bringing traditionally excluded individuals or groups into processes, activities, and decision and policy making in a way that shares power.
- k. **In-house or Promotional Only Hiring.** "In-house or promotional only" hiring means that only existing District employees are eligible for a position.
- l. **Job Categories.** "Job categories" include executive/administrative/managerial, faculty and other instructional staff, professional non-faculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and service and maintenance.
- m. **Monitored Group.** "Monitored group" means the groups for which the District must provide demographic data pursuant to section 53004.
- n. **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.

- o. **Reasonable Accommodation.** "Reasonable accommodation" means the efforts made by the District to comply with Government Code section 12926.
- p. **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 performance tests, physical, educational, and work experience requirements, interviews, application reviews, reference checks, and similar techniques. Screening and selection procedures shall also include consideration of equivalencies pursuant to section 53430.
- q. **Underrepresented Group.** "Underrepresented group" means any monitored group for which the percentage of persons from that group employed by the District in a job category is below 80% of the projected representation for that group and job category.

Reference: Title 5, section 53001

### **3. Policy Statement**

The San Mateo County Community College District is committed to the principles of equal employment opportunity, diversity, inclusion, anti-racism, belonging, and respectful work environments and manages 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 opportunities and are not subjected to discrimination in any program or activity of the District based on ethnic group identification, race, color, national origin, religion, age, sex, gender, gender identity, gender expression, physical disability, mental disability, ancestry, sexual orientation, citizenship status, transgender status, parental status, marital status, military and veteran status, medical condition, or based on these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District strives to achieve a workforce that is welcoming to individuals in legally protected categories to ensure the District provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy, and free expression of ideas. The District believes that in order to effectively address and comply with state and federal mandates as well as the District's goals on equal employment opportunity and diversity, the Board of Trustees, administration, faculty, and classified staff must recognize that equal employment opportunity and diversity, equity, inclusion, anti-racism, and belonging are shared responsibilities.

Reference: Title 5, section 53002

## **4. Delegation Of Responsibility, Authority And Compliance**

Supporting diversity, equity, inclusion, and access throughout the talent management life cycle requires the collective efforts of the District and college communities. All employees and agents of the District are responsible for promoting and supporting equal employment opportunities to realize the full benefits of a diverse, collaborative, and inclusive District culture. The general responsibilities for the prompt and effective implementation of this Plan are set forth below.

### **Board of Trustees**

The Board of Trustees is ultimately responsible for properly implementing the District's Plan at all levels of district and college operations and making progress toward equal employment opportunity using the strategies described in this EEO Plan.

### **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 issued by 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 the Chancellor on their ability to follow and implement the Plan.

### **Equal Employment Opportunity Officer**

The District has designated the Chief Human Resources Officer as its Equal Employment Opportunity Officer 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 EEO Officer is responsible for administering, implementing, monitoring, and achieving the Plan's goals and assuring compliance with the requirements of Title 5, sections 53000 et seq. The EEO Officer is also responsible for receiving complaints described in Plan Component 6 and ensuring that applicant pools and selection procedures are appropriately monitored.

### **Equal Employment Opportunity Advisory Committee**

The District's Equal Employment Opportunity Advisory Committee ("EEOAC") is an advisory body to the EEO Officer and the Chancellor to promote equal employment policies and programs. The EEOAC shall assist in implementing existing, revised, and new EEO programs as part of this Plan in conformance with state and federal regulations and guidelines, monitor program effectiveness, and provide suggestions for Plan revisions, as appropriate.

### **Agents of the District**

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

### **Good Faith Effort**

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

Reference: Title 5, sections 53003(c)(3) and 53020

## **5. EEO Advisory Committee**

The District has an established Equal Employment Opportunity Advisory Committee (“EEOAC”) comprising a diverse membership of District stakeholder groups, including, but not limited to, faculty, staff, and students. The EEOAC assists in developing and implementing EEO programs and this Plan. The EEOAC supports programs such as the Tools of Tolerance program, search committee training, longitudinal data analysis, and managing the District’s Diversity Grant programs.

As further delineated in Plan Component 8, Training for Screening Committees, the EEO Officer or qualified designees shall train EEOAC members and trustees on equal employment compliance and the Plan itself.

**Meetings.** The EEOAC holds at least four meetings per academic semester, with additional meetings as needed to review EEO and diversity efforts, programs, policies, progress, and proposed revisions to this Plan.

Reference: Title 5, section 53005

## **6. Procedure For Filing Section 53026 Complaints**

**Overview:** All Title 5, Section 53026 (EEO Programs) complaints and Title 5, Section 59300 (Nondiscrimination) complaints shall be filed with the Responsible District Officer, except those filed against the EEO Officer, which shall be filed with the Chancellor.

**Complaints Alleging Violation of the Equal Employment Opportunity Programs Regulations (Title 5, Section 53026).** The District is committed to the principles of equal employment opportunity and accepts Section 53026 complaints using the District’s discrimination/harassment complaint form and procedures. A complainant

can, but is not required to, submit a Section 53026 Complaint utilizing the District's Discrimination/Harassment/Retaliation Complaint form. Complainants do not have to file a written complaint, but notice of the allegations shall be provided to the District's EEO Officer or Director of Training, Policy, and Compliance. A complaint may be written or verbal.

Any verbal complaint received by the EEO Officer or Director of Policy, Training, and Compliance shall be recorded in writing, and the District will take appropriate steps to ensure the writing accurately reflects the facts alleged by the complainant.

The District strongly encourages filing a Section 53026 Complaint within thirty (30) days of an alleged incident. While all complaints are taken seriously and will be investigated promptly, delaying filing impedes the District's ability to investigate and remediate. A complaint alleging discrimination in employment must be filed within 180 days of the date of the alleged unlawful discrimination unless the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the initial 180 days.

A complainant may not appeal the District's determination pursuant to Title 5, Section 53026 to the Chancellor's Office, but under some circumstances, violations of Title 5 equal opportunity regulations may constitute a violation of a minimum condition for receipt of state aid. In such cases, a complaint can be filed with the Chancellor's Office, but the complainant will be required to demonstrate that previous reasonable but unsuccessful efforts were made to resolve the alleged violation at the District level using the process provided by Title 5, Section 53026. The Chancellor's Office website, [www.cccco.edu](http://www.cccco.edu), provides guidelines for the minimum complaint conditions.

The District may return without action any inadequate complaints because they do not state a clear violation of the Title 5 EEO regulations. All returned complaints shall include a District statement of the reason for returning the complaint without action. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of filing the complaint. The EEO Officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

If a complaint filed under Title 5, Section 53026 alleges unlawful discrimination, it will be processed according to the requirements of Title 5, Section 59300 et seq., and the District complaint procedure in Board Policy 2.19 and associated Administrative Procedures.

**Complaints Alleging Unlawful Discrimination, Harassment or Retaliation (Title 5, Section 59300 et seq.).** Complaints alleging unlawful discrimination or harassment follow the procedures set forth in Title 5, Section 59300 et seq., regardless of whether such complaints also include allegations of EEO violations. The District has adopted policies and procedures for complaints alleging unlawful discrimination or harassment, which are included in Attachment A.

**Student Complaint Procedure.** Any student who feels they have been or are being subjected to discriminatory treatment, including harassment, or who has learned of such unlawful discrimination in their official capacity should immediately contact the College's Vice President of Student Services, the College or District Title IX Coordinators, or the District's Chief Human Resources Officer. The District's Student complaint process can be found in the College Catalogs and AP3435.

**Appeal(s) to the District's Governing Board.** After the District issues the complainant the administrative determination, if the complainant is not satisfied with the result, they may submit a written appeal to the District's governing board within thirty (30) days from the date of the administrative determination. The District governing board must review the matter and issue a final district decision within forty-five (45) days of receiving the appeal.

**Appeals(s) to the Chancellor.** In cases not involving employment discrimination, if the complainant is unsatisfied with the district governing board's final decision, the complainant may file an appeal with the Chancellor's Office. Appeals to the Chancellor's Office must be filed within thirty (30) days from the date of the District governing board's final decision, must be in writing, and submitted via email to [legalaffairs@cccco.edu](mailto:legalaffairs@cccco.edu) or in hard copy to:

California Community Colleges Chancellor's Office  
Attention: Office of General Counsel-Discrimination Appeals  
1102 Q Street, Sixth Floor  
Sacramento, CA 95811

Reference: Title 5, sections 53003(c)(4) and 53026

## 7. Notification To District Employees

The commitment of the Board of Trustees and the Chancellor to equal employment opportunity, anti-racism, diversity, equity, inclusion, and access is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and this Plan. The policy statement is included in the college catalogs and class schedules. The Plan and subsequent revisions will be distributed to the District's Board of Trustees, the Chancellor, administrators, Academic Senate presidents, union presidents, and District Equal Employment Opportunity Advisory Committee members. This Plan is available on the District's website and, when appropriate, may be distributed by email.

Each year, the District 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. The Human Resources Department will provide new employees with a copy of the Equal Employment Opportunity Policy Statement when they commence employment with the District. The annual notice will contain the following provisions:

1. The importance of the employee's participation and responsibility in ensuring the Plan's implementation, and
2. Locations where complete copies of the Plan are available, including the campus library, the Chancellor's Office, the Human Resources Department, and on the District's public internet and intranet sites as appropriate.

Reference: Title 5, Section 53003(c)(5)

## **8. Training For Trustees, EEOAC Members And Search Committees**

The District's Equal Employment Opportunity Advisory Committee ("EEOAC") assists in developing EEO policies and programs and implementing this Plan. The EEOAC, the Board of Trustees, and Search Committee members shall receive training covering:

- Title 5, Section 53000 et seq.: Equal Employment Opportunity Programs and the nondiscrimination requirements of state and federal law;
- Identification and elimination of bias in hiring, and
- The educational benefits of workforce diversity.

Persons serving on a search committee will be required to participate in the District's synchronous Unconscious Bias training every three years and receive synchronous refresher training as part of any Search Committee orientation. The Unconscious Bias and refresher trainings are mandatory. Individuals who have not received training will not be allowed to serve on a Search Committee. Human Resources maintains the training records of all employees, and employees are provided regular notifications of when they need to renew their Unconscious Bias training before serving on a search committee or as a hiring manager. The EEO Officer and the Human Resources Department provide the required training and enforce compliance.

Any individual acting on behalf of the District with regard to the recruitment of employees is subject to the Title 5 equal employment opportunities requirements and

the applicable provisions of the District's EEO Plan; this includes individuals who are not employees of the District but are acting on behalf of the District.

Reference: Title 5, Section 53003(c)(6)

## **9. Annual Written Notice To Community-Based And Professional Organizations**

The EEO Officer shall distribute a written notice to appropriate community-based and professional organizations of the District's EEO mission and a copy of this Plan. The message will inform organizations that they may obtain more information about the District's EEO Plan and programs and shall solicit their assistance in identifying diverse, qualified candidates. The notice will include a summary of the Plan. The message will also have the website address where the District advertises its job openings and individuals' names, departments, and phone numbers with District employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. The District's EEO Plan, recruitment website, and summary of this Plan will be sent to the following community organizations and other organizations as they are identified by the Board of Trustees, Chancellor, EEOAC Committee, presidents, and other District employees and community members:

- San Mateo Chamber of Commerce, Latino Chamber Committee
- San Jose/Silicon Valley NAACP
- San Mateo NAACP
- Ivy and Pearls Foundation serving Santa Clara and San Mateo counties
- Black Leadership Kitchen Cabinet of Santa Clara County
- Coalition of Black Excellence
- Ayudando Latinos A Soñar (ALAS)
- Council on American-Islamic Relations, San Francisco Bay Area
- Islamic Networks Group, San Jose
- The Sikh Coalition
- Muslim American Society, Bay Area
- Jewish Voice for Peace, Berkeley
- Japanese American Citizens League of Young Professionals Caucus, San Francisco
- Alliance of South Asians Taking Action, Bay Area
- San Mateo Chamber of Commerce
- San Mateo County Pride Center
- American Leadership Forum, Silicon Valley Affinity Groups
- Thrive, The Alliance of Nonprofits of San Mateo County
- Silicon Valley Community Foundation
- San Mateo County Commission on the Status of Women

- San Mateo County Commission on Disabilities

Reference: Title 5, Section 53003(c)(7)

## **10. Data Collection And Periodic Longitudinal Analysis Of District Workforce And Applicant Pool**

The Human Resources Department collects and retains the demographic data of applicants and employees to evaluate the effectiveness of this Plan's EEO programs and to provide data needed for the analyses required by Title 5, sections 53003, 53006, 53023, and 53024. The District has contracted with the Biddle Consulting Group for the duration of this three-year plan to assist the District with collecting and analyzing the District's longitudinal data annually.

### **Collection of Demographic Data of Applicants and Employees**

For data collection and reporting purposes, applicants and employees are afforded the opportunity to identify their gender (or non-binary identification), ethnic group, and, if applicable, disability.

In compliance with Title 5, Section 53004, a person may designate multiple ethnic groups with which they identify but shall be counted in only one ethnic group for reporting purposes. Chinese, Japanese, Filipinos, Korean, Vietnamese, Asian Indians, Hawaiian, Guamanian, Samoan, Laotian, and Cambodian are to be counted and reported as part of the Asian/Pacific Islander group and in separate subcategories.

The demographic data collection form conspicuously notifies applicants and employees that their demographic data is kept confidential, is not utilized in making any individual employment decisions or viewed by anyone making such decisions, and is separated from their applications forwarded to a screening committee and hiring managers.

### **Analysis and Reporting of District Workforce Demographic Data**

The District shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the demographic and workforce categories for employees at each college in the District. Each employee shall be identified and reported as belonging to one of the following seven job categories:

1. Executive/Administrative/Managerial
2. Faculty
3. Professional Non-faculty
4. Secretarial/Clerical
5. Technical and Paraprofessional
6. Skilled Crafts
7. Service and Maintenance

The demographic data collected from applicants when they submit applications through the Applicant Tracking System and from employees during onboarding is maintained in the District's Enterprise Resource Planning system, Ellucian Banner Human Resources.

The June 30<sup>th</sup> snapshot of the demographic data of applicants and employees for the prior year will be collected and categorized by:

1. Employees as of June 30,
2. Hires for the past twelve months,
3. Applicants for hires and promotions,
4. Promotions for the past twelve months, and
5. Separations for the past twelve months.

The demographic data described above is provided to the Biddle Consulting Group to conduct the annual analysis of the current workforce, job group analysis, and analysis of job group availability to incumbency. The resulting EEO report will identify job categories with placement goals to be utilized to develop action plans to address underrepresentation of a monitored group.

For each placement goal created to address underrepresentation of a monitored group or adverse action, an action plan may include, as relevant:

- An assessment of whether there were sufficient placement opportunities in the prior year to assess the effectiveness of prior efforts and whether it is anticipated that there will be adequate placement opportunities in the specific job category to justify additional effort;
- Ways to strengthen relationships with existing outreach and recruiting partners;
- The impact of internal “hiring” to fill open positions in the identified job category;
- Determining the reasons underrepresented groups are leaving the District and
- Determining why applicants turn down offers.

Reference: Title 5, section 53003 (c)(8), Government Code section 8310.5

## **11. Determining Underrepresentation Within Job Categories**

Title 5, section 53006 requires longitudinal employee demographic data analyses to identify and determine the cause of any underrepresentation of monitored groups across all phases of the employment process, including recruitment, applicant pools, screening, hiring, promotion, and retention.

## **Determining Availability**

To conduct underrepresentation and adverse impact analyses, the District must determine the availability of monitored groups for employment with the District. "Availability" estimates the proportion of each gender and race/ethnic group available and qualified for District employment for a given job category in the relevant labor market. Availability indicates the approximate level at which each gender and race/ethnic group could reasonably be expected to be represented in a job category if the District's employment decisions are being made without regard to gender, race, or ethnic origin. Availability estimates, therefore, are a way of translating equal employment opportunity into concrete numerical terms. Correct comparisons of incumbency to availability, worthwhile and attainable goals, and real increases in employment for underrepresented groups depend on competent and accurate availability analyses.

With valid availability data developed by the District and Biddle Consulting Group, the District will compare the percentages of those who could reasonably be expected to be employed versus our current employment (from the workforce analysis by job category described in Component 10), identify problem areas or areas of deficiency, and establish goals to increase the selection rate of underrepresented groups.

To determine availability, the District uses the most current and discrete statistical information reasonably available, primarily the United States Census Bureau's American Community Survey EEO Tabulation (i.e., 5-year ACS data), the National Organization for Research at the University of Chicago's educational attainment data, and the surveys conducted by the National Center for Education Statistics, commonly referred to as the Integrated Postsecondary Education Data System (IPEDS) provided by Biddle Consulting Group, Inc.

## **Underrepresented Group Analysis – Availability to Incumbents**

Once final availability estimates are made for each job category, the District compares the percentage of incumbents in each job category to their corresponding availability. A comparison is made between the percentage employed annually as of June 30<sup>th</sup> and that job category's final availability estimates from the data sources described above. When the percentage of a monitored group is less than would reasonably be expected given the corresponding final availability estimates (i.e., 80% of the projected representation), the District will identify the monitored group as "underrepresented."

Title 5, section 53001(l) defines "underrepresented group" as "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."

The District preliminary Availability to Incumbent Analysis for Fall 2022 is included as Attachment B. For the job categories combined as Educational Administrators or

Academic-Tenured/Tenure-Track, the District identifies California as the potential recruitment pool of available applicants. For job categories combined as Academic-Temporary and Classified, the District identifies the San Francisco-Oakland-Hayward regional area as the potential recruitment pool of available applicants. The data will be refined through additional consultation and review with Biddle Consulting Group and updated annually for the Board of Trustees and the EEOAC.

### **Adverse Impact Test for Employment Practices**

The adverse impact test compares the impact to two groups of an employment practice. This type of analysis involved two groups: the monitored group and the group with the highest selection rate. The District is required to determine whether our employment practices have an "adverse impact" on a monitored group based on EEOC guidelines.

An "adverse impact" is defined as a disproportionate negative impact to a group protected from discrimination pursuant to Government Code section 12940, arising from the effects of an employment practice as determined according to a valid statistical measure, such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures." (Title 5, section 53001(a).

The District will conduct selection rate comparisons as described in the Uniform Guidelines as "rate comparison" (CFR, Title 29, section 1607.4(D) – Adverse Impact and the "four-fifths rule") to compare the passing rates between two groups (e.g., males and females) on selection procedures. The selection rate comparison will be utilized for hires and separations.

Reference: Title 5, section 53003(c)(8) and (9)

## **12. Strategies To Address Underrepresentation**

### **Addressing Underrepresentation**

On an annual basis, the District will review applicant and employee data as of the snapshot date of June 30<sup>th</sup> in consultation with the Biddle Consulting Group. If the analysis of availability to incumbents or selection rate comparison indicates the underrepresentation of a monitored group, the District will develop appropriate responses by evaluating the District's employment practices for job-relatedness (i.e., validity).

Underrepresentation is a multifaceted issue, and the causes can vary by college, discipline, and other contextual factors.

The District will address underrepresentation as follows:

### **1. Identify Causes for Underrepresentation**

Identify causes for low representation of a monitored group by reviewing minimum and preferred qualifications of the subject job category, evaluating recruiting sources, conducting external barrier analysis, internal hiring availability analysis, evaluation bias, workplace climate surveys, and exit surveys.

### **2. Set Placement Goals**

The District will establish placement goals based on sex and/or race/ethnicity wherever there is a statistically significant deviation from the demographics of the relevant labor market to our existing workforce. A "placement" is defined as all hires and promotions into the job category in question. A placement goal is not a target or quota but a means to measure the effectiveness of the District's employment practices.

### **3. Implementation of Action Plans**

For each placement goal, the District will develop an appropriate action plan, which may include actions such as targeted outreach and recruitment, conducting one-on-one meetings with our outreach and recruiting partners to offer specific information about the District and positions to be filled in the coming months, inviting outreach and recruiting partners for a campus tour, reevaluating the use of testing instruments, additional training for hiring managers and search committees, evaluating exit surveys to determine causes for voluntary separations, and programs and services offered by the District to promote inclusion, access and retention of underrepresented groups.

### **Board of Trustees Annual Review**

The District will review this EEO plan annually, longitudinal data, workforce and availability data, and the prior year's program goals. This annual review will occur during a regular meeting of the Board of Trustees. If the District is not making sufficient progress on EEO program goals, the District shall adopt a revised EEO Plan that specifies efforts to be implemented to meet the stated goals.

Reference: Title 5, sections 53003(b) and (c)(10)

## **13. Specific EEO Strategies And Timetables For Strategy Implementation**

### **Pre-Hiring Strategies**

From the State Chancellor's Model Equal Employment Opportunity Plan: "Pre-hiring" strategies support an equitable and inclusive environment that helps attract and retain candidates from underrepresented groups and other nontraditional candidates.

The District's ongoing pre-hiring strategies include:

- Regular and ongoing engagement of the District community in equal employment opportunity feedback through monthly meetings of the EEOAC, weekly meetings of the District Anti-Racism Council, anti-racism panels and trainings, and Flex-day activities, and
- Supporting the professional development and education of the District's workforce on the benefits of a diverse and inclusive workplace by funding programs such as the Tools for Tolerance and participation in the annual National Conference on Race and Ethnicity in Higher Education.

### **Hiring Strategies**

From the State Chancellor's Model Equal Employment Opportunity Plan: "Hiring" strategies promote the development of diverse and qualified candidate pools and eliminate bias in hiring decisions.

### **Job Announcements and Position Descriptions**

- Training for Human Resources and EEOAC members on best practices in developing job announcements and position descriptions,
- Periodic review of position descriptions to ensure they focus on essential skills and qualifications and do not inadvertently exclude potential candidates, avoiding gendered language and jargon that might dissuade prospective candidates from applying,
- Job announcements will clearly state the knowledge, skills, and abilities necessary for job performance, including demonstrated sensitivity to and understanding the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students, and
- Where applicable, job announcements shall indicate the possibility of meeting minimum qualifications through equivalency.

### **Recruitments**

- Interim recruitments are open to internal and external candidates. If there is an exception for an "internal" recruitment for a temporary position, all District employees will be afforded the opportunity to apply and demonstrate their qualifications.
- The District will continue to use recruitment resources such as LinkedIn Recruiter, the Higher Education Recruitment Consortium, Job Elephant, and community organizations and partners to conduct targeted outreach continuously.
- Staff recruitment booths at job fairs or relevant conferences and events drawing significant participation by groups found to be underrepresented in the District's workforce.

- Data tracking through LinkedIn, Job Elephant, and PeopleAdmin to analyze data on our hiring practices, sources of candidates, and the demographics of applicants and new hires.

### **Search Committees and Hiring Managers**

- Mandatory live Unconscious Bias training and best practices for search committees,
- Search Committees will be as diverse as possible to bring various perspectives to assessing applicant qualifications, and
- A test or selection procedure shall only be implemented with an understanding of its effectiveness and limitations, its appropriateness for a specific job, and whether it can be appropriately administered and scored.

### **Post-Hiring Strategies**

From the State Chancellor's Model Equal Employment Opportunity Plan: "Post-hiring" strategies gather and utilize hiring and workforce data, support new employees, or manage and respond to EEO complaints.

The District's ongoing post-hiring strategies include:

- Utilizing professional development and research tools such as the Biddle Consulting Group Institute for data visualizations and executive summaries, software and tools to document good faith efforts and outreach activities, live training events, and educational materials,
- Professional development for supervisors and managers on best practices to create inclusive and supportive environments and
- Robust and thorough investigations of EEO complaints.

Specific strategies not discussed herein or described in more detail are provided in Attachment C.

Reference: Title 5, sections 53003(c)(1) and (2)

## ATTACHMENT A

**CHAPTER 2: Administration and General Institution  
BOARD POLICY NO. 2.19 (BP 3410)**

**BOARD POLICY  
San Mateo County Community College District**

**Subject:** BP 2.19 Nondiscrimination

**Revision Date:** 3/13; 11/14; 6/15

**Policy References:** Education code Sections 66250 et seq.; 72010 et seq. and 87100 et seq.; Title 5 Sections 53000 et seq. and 59300 et seq.; Penal Code Section 422.55; Government Code Sections 12926.1 and 12940 et seq.; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements

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1. The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.
2. The District, and each person who represents the District, shall provide access to its services, classes, and programs without discrimination on the basis of the Federal and State protected classes including, but not limited to, race; color; national origin, ancestry or citizenship status; religion or creed; age; marital status; sex and gender (including sexual orientation and identity; gender identity and gender expression); physical or mental disability; genetic information; medical condition; political activities or affiliations; military or veteran status; status as a victim of domestic violence, assault or stalking; or because one is perceived to have one or more of the foregoing characteristics or associates with a person or group with one or more of these characteristics.
3. The Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination. For represented employees, any action taken in response to a complaint under this policy is subject to the provisions of collective bargaining agreements. Upon request by the collective bargaining units, the District will negotiate any issues related to the complaints or investigations under this policy that are mandatory subjects for bargaining.
4. No District funds shall ever be used for membership in, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, military and veteran status, or because they are perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

**CHAPTER 2: Administration and General Institution  
ADMINISTRATIVE PROCEDURE NO. 2.19.1 (AP 3410)**

**ADMINISTRATIVE PROCEDURE  
San Mateo County Community College District**

<b><u>Subject:</u></b>	AP 2.19.1 Nondiscrimination
<b><u>Revision Date:</u></b>	7/12; 8/14
<b><u>References:</u></b>	Education Code Sections 200 et seq., 66250 et seq., 72010 et seq. and 87100 et seq.; Penal Code Sections 422.55 et seq.; Title 5 Sections 59300 et seq. and 53000 et seq.; Government Code Sections 11135 et seq. and 12940 et seq.; ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements

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1. Education Program
  - a. The District shall provide access to its services, classes and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.
  - b. All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “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.
  - c. The District shall not prohibit any student from enrolling in any class or course on the basis of gender.
  - d. Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.
  - e. Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.
2. Employment
  - a. The District shall provide equal employment opportunities to all applicants and employees regardless of national origin, religious creed, age, sex, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, military and veteran status, or on any basis prohibited by law.
  - b. All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District’s needs.

AP 2.19.1 Nondiscrimination (continued)

- c. The District shall from time to time as necessary provide professional and staff development activities and training to promote understanding of diversity.

Further information can be found at:

[Discrimination and Harassment Investigations Procedures](#)

**CHAPTER 2: Administration and General Institution  
ADMINISTRATIVE PROCEDURE NO. 2.19.2 (AP 3410, 3435)**

**ADMINISTRATIVE PROCEDURE  
San Mateo County Community College District**

**Subject:**

AP 2.19.2 Discrimination and Harassment Investigations

**Revision Date:**

12/12; 6/13; 4/15

**References:**

20 U.S.C. Section 1681 et seq.; Education Code Sections 212.5, 231.5, 66281.5 and 67386; Government Code Section 12950.1; Title 5 Sections 59320, 59324, 59326, 59328 and 59300 et seq.; 34 Code of Federal Regulations Section 106.8(b)

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1. Since failure to report harassment, discrimination and bullying impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed, discriminated against or bullied to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.
2. All supervisors and managers have a mandatory duty to report incidents of harassment, discrimination and bullying; the existence of a hostile, offensive or intimidating work environment; and acts of retaliation.
3. The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity.

Further information on discrimination and harassment investigations can be viewed at:

[Discrimination and Harassment Investigations](#)

**CHAPTER 2: Administration and General Institution**  
**BOARD POLICY NO. 2.25 (BP 3430)**

**BOARD POLICY**  
**San Mateo County Community College District**

**Subject:** BP 2.25 Prohibition of Harassment  
**Revision Date:** 4/13; 11/14; 6/15  
**Policy References:** Education Code Sections 212.5; 44100; 66252; 66281.5; Government Code Sections 12923, 12940 and 12950.1; Civil Code Section 51.9; Title 2 Sections 10500 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e; Title IX, Education Amendments of 1972

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1. All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation, including acts of sexual violence. It shall also be free of other unlawful harassment and bullying including, but not limited to, that which is based on any of the following federal and state protected classes: race; color; national origin, ancestry or citizenship status; religion or creed; age; marital status; sex and gender (including sexual orientation and identity; gender identity and gender expression); physical or mental disability; genetic information; medical condition; political activities or affiliations; military or veteran status; status as a victim of domestic violence, assault or stalking; or because one is perceived to have one or more of the foregoing characteristics or associates with a person or group with one or more of these characteristics. This policy shall apply to all employees, students and any other individuals who come onto District property.
2. The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct may be subject to disciplinary action, up to and including termination or expulsion. Engaging in intimidating conduct or bullying against another employee through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyber bullying are strictly forbidden.
3. Any individual who believes that he or she has been harassed, bullied or retaliated against in violation of this policy and wishes to report such incidents should report the incident to his/her supervisor or the office of the Vice President of Student Services or the Vice Chancellor of Human Resources and Employee Relations. Individuals to whom incidents of harassment, retaliation or bullying are reported are required to report all such incidents to the Vice Chancellor of Human Resources and Employee Relations. If an incident involves the Vice Chancellor of Human Resources, it shall be reported directly to the Chancellor.
4. This policy applies to all aspects of the academic and work environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any District activity. In addition, this policy applies to minors as well as adults, and to all terms and conditions of employment, including

BP 2.25 Prohibition of Harassment (continued)

but not limited to hiring, placement, promotion, disciplinary action, layoff, reemployment, transfer, leave of absence, training opportunities, assignment of work hours and projects, and compensation.

5. The Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.
6. The Chancellor shall establish procedures that define harassment throughout the District. The Chancellor shall further establish procedures for employees, students and other members of the District community that provide for the investigation and resolution of complaints regarding harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students and agents.
7. The District shall promptly investigate and resolve complaints of harassment and will assure that any harm resulting from the harassment will be promptly redressed by restoring any lost benefit or opportunity. All participants are protected from retaliatory acts by the District, its employees, students, and agents.
8. This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees on the District's public website.
9. It is the responsibility of each individual to maintain a level of conduct that is compliant with this policy. Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion.

**CHAPTER 2: Administration and General Institution  
ADMINISTRATIVE PROCEDURE NO. 2.25.1 (AP 3430)**

**ADMINISTRATIVE PROCEDURE  
San Mateo County Community College District**

**Subject:** AP 2.25.1 Prohibition of Harassment

**Revision Date:** 11/12; 8/14; 4/15

**References:** Education Code Sections 212.5, 44100 and 66281.5; Government Code Section 12940; Title 2 Sections 10500 et seq.; Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e

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1. The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines sexual harassment and other forms of harassment on campus, and sets forth a procedure for the investigation and resolution of complaints of harassment by or against any staff or faculty member or student within the District.

This procedure and the related policy protects students and employees in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District bus, or at a class or training program sponsored by the District at another location. Further information can be found at:

[Discrimination and Harassment Investigations](#)

2. Definitions

- a. General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct:

- i. Verbal: Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.
  - ii. Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of

AP 2.25.1 Prohibition of Harassment (continued)

sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

- iii. Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.
- iv. Environmental: A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

b. Sexual Harassment: In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature when:

- submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment; or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

- i. "Quid pro quo" sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- ii. "Hostile environment" sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.

## AP 2.25.1 Prohibition of Harassment (continued)

Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the victim would perceive the conduct as harassment based on sex.

- c. Bullying: the aggressive and hostile acts of an individual or group of individuals which are intended to torment, frustrate, provoke or humiliate, mentally or physically injure or intimidate, and/or control another individual or group of individuals. It is a type of interpersonal aggression that goes beyond incivility and is marked by frequency, intensity and duration.

Bullying can occur as a single, severe incident or repeated incidents, and may manifest in the following forms:

- i. Physical Bullying includes pushing, shoving, kicking, poking and/or tripping another; assaulting or threatening a physical assault; damaging a person's work area or personal property; and/or damaging or destroying a person's work product.
- ii. Verbal/Written Bullying includes ridiculing, insulting or maligning a person, either verbally or in writing; addressing abusive, threatening, derogatory or offensive remarks to a person; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities.
- iii. Nonverbal Bullying includes directing threatening gestures toward a person or invading personal space after being asked to move or step away.
- iv. Cyberbullying is defined as bullying an individual using any electronic form, including, but not limited to, the Internet, interactive and digital technologies, or mobile phones.
- v. Sabotaging or undermining an individual's or group's work performance or education experience.

Conduct constitutes prohibited bullying when a reasonable person in the circumstances would find the conduct sufficiently severe, based on its nature and frequency, to create an environment which is hostile or intimidating and which unreasonably interferes with the work, educational or college opportunity, or is intended to cause or is reasonably foreseeable to cause physical, emotional or psychological harm.

Bullying shall not include circumstances when:

- i. A supervisor or any person with supervisory authority reports and/or documents an employee's unsatisfactory job performance and the potential consequences for such performance.
- ii. A faculty member or academic program personnel advise a student of unsatisfactory academic work and the potential for course failure or dismissal from the program.
- iii. A faculty member or academic program personnel advise a student of inappropriate behavior that may result in disciplinary proceedings.

## AP 2.25.1 Prohibition of Harassment (continued)

### 3. Consensual Relationships

Romantic or sexual relationships between supervisors and employees, or between administrators, faculty or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.



**Office of Human Resources**  
3401 CSM Drive, San Mateo, CA 94402  
Tel: (650) 358-6808 • Fax: (650) 574-6574

## DISTRICT INVESTIGATION OF COMPLAINTS SUMMARY INFORMATION

### OUR ROLE

**We are neutral:** Our role is to conduct an impartial, fair, and unbiased investigation into allegations of violations of District policies and procedure (“Policy”).

### ADVISOR/SUPPORT PERSON

You have the right to bring an advisor or support person of your choice to all meetings called by us in connection with the investigation of the complaint.

Employees who are part of a union (AFT, AFSCME, CSEA) may bring a union representative.

### INTERIM AND PROTECTIVE MEASURES

Interim measures are accommodations and other assistance provided to a complainant or respondent to temporarily address issues identified in a complaint. The measures are implemented on a case-by-case basis when we receive a notice of an incident. Interim measures can include no-contact orders, changes to class-work schedules, and other accommodations. Interim measures remain in place while the investigation is being conducted.

### INVESTIGATION TIMELINE

Every reasonable effort will be made to complete a formal investigation within 60 calendar days from the date the complaint is received, recognizing that delays may be necessary based on such things as availability of parties, witnesses, documents, vacations, and academic breaks during the year. We will provide notice if the investigation timeline is extended beyond 60 calendar days.

### SUMMARY OF INVESTIGATION PROCESS

An investigation typically involves the following:

- Interviews of the complainant (the person making the complaint), the respondent (the individual responding to the complaint), and any relevant witnesses;
- Collection of any relevant documentary evidence, including audio and video evidence;
- Drafting of a preliminary report that describes all of the evidence collected. Both complainants and respondents will have an opportunity to review their own statements that are contained in the preliminary investigation report and provide feedback prior to the issuance of the final investigation report; and
- Drafting of a final report that includes a determination of whether the respondent violated District policy.
- The District uses the preponderance of the evidence standard to review allegations of Policy violations. This standard means that, in determining whether the policy has been violated, the investigator will assess whether, based on the evidence, it is more likely than not that the respondent engaged in the prohibited conduct.
- Information received is not confidential, and may need to be disclosed to the other party and/or included in the investigation report to ensure a fair investigation.



**NOTICE TO POLICE**

For complaints that potentially involve criminal conduct, complainants may choose to file a complaint with local law enforcement agencies in addition to filing a complaint with the District. In some cases, the District may have an obligation to notify the police directly of allegations of misconduct.

The Police investigate to determine whether there has been a violation of criminal law. The Police and District investigations may proceed at the same time, and the outcome of one investigation does not determine the outcome of the other investigation.

**RIGHT TO FILE A COMPLAINT WITH THE U.S. EEOC OR  
DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

In addition to filing a complaint with the District, all Employees also have the right to file employment discrimination/harassment/retaliation complaints with the U.S. Equal Employment Opportunity Commission (<https://www.eeoc.gov/employees/howtofile.cfm>) or the CA Department of Fair Employment and Housing (<https://www.dfeh.ca.gov/complaint-process/>).

**PROHIBITION ON RETALIATION**

We want you to know that, you have a right to be protected from retaliation related to the information you share with the District as part of an investigation.

Federal and state civil rights laws, as well as District policy, prohibit retaliation against an individual who brings concerns about possible civil rights violations or against an individual (such as a witness) for participating in the complaint or investigation process. If the District is made aware of retaliation against a complainant, witness, or respondent by other students, employees, or third parties, the District will immediately investigate to determine what has occurred. The District will take strong responsive action if it determines that retaliation occurred.

*If you believe that you are experiencing retaliation, please contact us at (650) 358-6808 immediately.*

**AFFIRMATION**

I affirm that I have received the Summary Information and the District Policy/Procedure.

Signature

Date

Printed Name

**FOR HR USE ONLY**

Interim Measures Requested:

Investigator: \_\_\_\_\_

Date: \_\_\_\_\_



## **DISTRICT INVESTIGATION OF COMPLAINTS**

### **WHAT TO EXPECT F.A.Q.**

#### **1. Why does the District conduct investigations?**

The District has a legal obligation under federal and state law, as well as Title 5 (California Code of Regulations pertaining to Community Colleges) and District policy, to investigate complaints of discrimination, harassment and retaliation to determine if a law, policy or procedure has been violated. If the District does not fulfill this obligation to investigate, it could be subject to penalties up to and including the loss of all of its federal funding. Investigations are not about “getting people in trouble,” they are about finding out what happened. If you have been falsely accused of misconduct an investigation will exonerate you.

#### **2. How does the District decide what complaints to investigate?**

The District investigates all complaints that it receives. It cannot and does not selectively determine which complaints merit investigation. The District administration does not initiate investigations on its own or “observe” people in order to identify misconduct. Since 2014, the investigations of employees have been initiated in response to complaints made by students and complaints made by an individual’s peer, e.g. a faculty member making a complaint against another faculty member. There have been no investigations initiated in response to an administrator complaining about a faculty member or a classified employee.

#### **3. Do you automatically notify the union about the complaint?**

No. Some of the complaints involve very sensitive subject matter and not everyone wants to share that information with a third person, even if the allegations are untrue. Therefore, out of respect for your privacy, we leave it up to you to decide if you want to involve your union representatives.

#### **4. What happens if I am accused of doing something?**

After the Office of Human Resources verifies the complaint (rumors are not investigated), then the employee, and the employee’s supervisor(s), are notified in writing (typically via email) about the general nature of the accusations and that an investigation will begin. Depending on the circumstances, an employee might also be placed on non-disciplinary paid administrative leave, during which time the employee would continue to receive full salary and benefits, but not report to his or her regular work assignment.

#### **5. What is Paid Administrative Leave and how does it work?**

Under federal and state civil rights laws, the District is obligated to take immediate steps to end misconduct if it believes or has reason to believe that it has occurred. Paid administrative leave, which is not considered to be discipline, allows the District to fulfill this obligation by removing an employee from a situation which could potentially result in further accusations against the employee and/or further harm to the person making the complaint. An employee placed on paid administrative leave while an investigation is being conducted will be notified in writing and relieved of all work responsibilities. The employee will continue to receive full pay and benefits during the investigation. At this early stage of the process no determination has been made about liability for misconduct, it is purely a preventative measure. It is not uncommon for someone who has made a complaint of misconduct to subsequently allege retaliation. With this in mind, paid administrative leave helps keep the employee out of

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situations where he or she could be accused of retaliation. In addition, in instances of actual misconduct, paid administrative leave can put an immediate end to the misconduct.

**6. Who conducts the investigations on behalf of the District?**

For complaints against employees, whether they are made by a student or another employee, the Office of Human Resources is responsible for conducting the investigation. Usually a specially-trained employee designated by the Office of Human Resources will conduct the investigation. The Office of Human Resources also has the discretion to contract with an outside investigator and this might occur if District personnel are unavailable due to a conflict or workload issues.

**7. Do I get a chance to tell my side of the story?**

Yes. Every investigation gives you the opportunity to address the specific allegations, provide evidence and identify other individuals who should also be interviewed as part of the investigation. In cases where the District is not required to maintain the confidentiality of a complainant or witness, you will know who made different statements during the investigation and have the opportunity to provide information about those individuals.

**8. How do I know if the investigation is going to be fair?**

By law, the investigation must be fair and impartial. Like judges, the individuals conducting the investigation on behalf of the District are obliged to be fair and impartial or recuse themselves if they feel they cannot be. The District's investigations are frequently conducted by licensed attorneys who must comply with a Professional Code of Ethics or risk the loss of their license to practice law.

**9. How can someone who works for the District be fair and impartial – aren't they biased by the nature of their employment?**

The purpose of an investigation is to gather as many facts about what happened as possible so that responsible supervisors (not the investigators) can make informed decisions about whether or not to pursue discipline. There is no incentive to find facts for or against a particular individual involved in litigation. It is not a question of taking the side of a student or taking the side of an employee. In the investigations that have taken place at the District since 2014, some reports concluded that the complainant was telling the truth and some concluded that the respondent was telling the truth. There is no predetermined outcome or preference for an outcome.

**10. How do you determine who is telling the truth during an investigation?**

There are certain indicators of truthfulness, such as corroborating testimony or evidence that investigators commonly rely upon to determine if someone is telling the truth.

**11. How long does an investigation take?**

Most investigations will be completed within 60 - 90 days.

**12. What happens after the investigation is over?**

A copy of the report is given to the complainant and respondent, as well as the respondent's supervisor(s). If the investigation has found you liable for misconduct, your supervisor(s) will meet with you and they will ultimately decide whether or not to recommend discipline.

**13. What happens if I don't agree with the investigation report?**

If you are the complainant in connection with a discrimination/harassment/retaliation complaint, you can appeal the report's findings to the District's Board of Trustees.

**14. Who makes the decisions about discipline? Can I appeal those?**

The Office of Human Resources does not impose discipline or make any decisions related to discipline. The role of the investigation is solely to determine if a violation occurred.

For **classified employees in bargaining units**, recommendations for discipline are made by the employee's supervisor(s). Classified employees who are in a bargaining unit have certain rights with respect to the disciplinary process that are outlined in their collective bargaining agreements. Generally speaking, classified employees can appeal recommendations of discipline to District administration and, if the result is still in dispute, to an independent arbitrator. You should refer to your contract for specific details.

For **tenured faculty**, an oral or written reprimand is legally not considered discipline and therefore a supervisor can issue a reprimand on his or her own. The faculty member does have the right to attach a response to a reprimand before it is placed in the personnel file. If a supervisor wishes to suspend or terminate a faculty member, the process is governed by the California Education Code. In general, a recommendation to suspend or terminate a tenured faculty member must be made in writing by the College President and Chancellor and submitted to the Board of Trustees for consideration. If the Board adopts the recommendation, then the faculty member has the right to a hearing in front of an independent arbitrator or administrative law judge appointed by the State of California.

For all other employees, decisions are made by an employee's supervisor(s) in conjunction with the appropriate College President or other senior administrator.

**15. Did the District create the investigation process, or are they bound to do it by a higher authority?**

As stated above, the District is required by federal and state law to investigate complaints and this applies equally to all classes of employees. The investigation procedure we follow must be the same for all employees and this is why it is a part of District policy and procedure and not separately negotiated as part of our collective bargaining agreements.

In addition, all of the discrimination/harassment/retaliation complaints and investigations are submitted to the State Chancellor's Office for review under Title 5. On the federal level, the Office of Civil Rights (OCR), which is part of the U.S. Department of Education, has the authority to review the District responses to complaints and investigations to determine if they meet the appropriate legal standards. If they do not meet minimum standards, OCR could terminate federal funding to the District.

# **SAN MATEO COUNTY COMMUNITY COLLEGE DISTRICT DISCRIMINATION AND HARASSMENT INVESTIGATIONS**

## **PROCEDURES**

### **References:**

Education Code Section 66281.5  
Government Code Section 12958.1  
Title 5 Sections 59300 et seq.;  
34 Code of Federal Regulations Section 106.8 (b)

### **I. Filing of a Timely Complaint**

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints within thirty (30) days of the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination; the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

The District will investigate complaints involving acts that occur off campus if they are related to an academic work activity.

### **II. Communicating that Conduct is Unwelcome:**

The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

### **III. Oversight Complaint Procedure:**

The Vice Chancellor – Human Resources and Employee Relations is the responsible District Officer charged with receiving complaints of discrimination or harassment, and coordinating their investigation.

The actual investigation of complaints may be assigned by the Vice Chancellor – Human Resources and Employee Relations to other staff or to outside persons or organizations under contract with the District. This shall occur whenever the Vice Chancellor – Human Resources

and Employee Relations is named in the complaint or implicated by the allegations in the complaint.

**IV. Who May File a Complaint:**

Any student, employee or third party who believes he/she has been discriminated against or harassed by a student, employee or third party in violation of this procedure and the related policy.

**V. Where to File a Complaint:**

A student, employee or third party who believes he/she has been discriminated against or harassed in violation of the policy and these procedures may make a complaint orally or in writing, within one year of the date of the alleged harassment or the date on which the complainant knew or should have known of the facts underlying the complaint.

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he/she must file the complaint on a form prescribed by the State Chancellor's Office and the District. These forms are available from the offices of the Vice President of Student Services at the College and the Vice Chancellor – Human Resources and Employee Relations at the District Office.

The completed form must be filed with any of the following:

- Vice Chancellor – Human Resources and Employee Relations
- Vice President of Student Services
- The State Chancellor's Office

Employee complainants shall be notified that they may file employment discrimination complaints with the U. S. Equal Opportunity Commission (EEOC) or the Department of Fair Employment and Housing (DFEH).

Complaints filed with the EEOC and/or the DFEH should be forwarded to the State Chancellor's Office.

Any District employee who receives a harassment or discrimination complaint shall notify the Vice Chancellor – Human Resources and Employee Relations.

**VI. Intake and Processing of the Complaint:**

Upon receiving notification of a harassment or discrimination complaint, the Vice Chancellor – Human Resources and Employee Relations shall:

- Undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing informal counseling and/or training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office of Civil Rights of the U.S. Department of Education and an employee complainant that he/she may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District ensures that complainants are aware of any available resources, such as counseling, health services and mental health services. The Vice Chancellor – Human Resources and Employee Relations also shall notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Vice Chancellor – Human Resources and Employee Relations will notify the complainant of his or her options to avoid contact with the accused individual and allow students to change to another section of the class. The District may prohibit the accused individual from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and the accused individual, the District shall minimize the burden on the complainant. It is not appropriate to remove a complainant from class while allowing the accused individual to remain in class.
- Authorize the investigation of the complaint, and conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the Vice Chancellor – Human Resources and Employee Relations will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigative process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other individuals who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incident(s) occurred.
- Set forth the results of the investigation in a written report. The written report shall include a description of the circumstances giving rise to the complaint, a summary of the testimony of each witness, an analysis of any relevant data or other evidence collected during the investigation, a specific finding as to whether there is probable cause to believe that discrimination did or did not occur with respect to each allegation in the complaint, a description of actions the District will take to prevent similar conduct, the proposed resolution of the complaint, the complainant's right to appeal to the District's

governing board and if the complaint does not involve employment discrimination the right to appeal to the State Chancellor. If the complaint involves employment discrimination, the report shall include the right to file an administrative complaint with the Department of Fair Employment and Housing. The report may contain other appropriate information.

- Provide the complainant and the accused with a copy of the investigative report within ninety (90) days from the date the District received the complaint. The complainant and the accused also shall be provided with a written notice setting forth the determination of the determination of the Vice Chancellor – Human Resources & Employee relations as to whether harassment or other discriminatory conduct did or did not occur with respect to each allegation in the complaint; a description of action taken, if any, to prevent similar problems from occurring in the future; the proposed resolution of the complaint; and notice of the parties' rights to appeal to the District's governing Board and the State Chancellor's Office. If the complaint involves allegations of employment discrimination, the complainant will be notified of his or her right to file a complaint with the California Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission. The results of the investigation and the determination as to whether harassment or other discriminatory conduct occurred also shall be reported to the accused, and the appropriate academic or administrative official(s). Reports to the complainant shall be prepared so as not to violate any applicable privacy rights of the accused.

## **VII. Investigation of the Complaint:**

The District shall promptly investigate every complaint of harassment or discrimination. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with all academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District facilities, on a District vehicle, or at a class or training program sponsored by the District at another location.

As set forth above, where the complainant opts for an informal resolution, the Vice Chancellor – Human Resources and Employee Relations may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential because release of some information on a “need-to-know basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the accused individual's rights to receive information about the allegations if the information is maintained by the District as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

## **VIII. Investigative Steps:**

The District will fairly and objectively investigate harassment and discrimination complaints. The investigation will be conducted by the Vice Chancellor – Human Resources and Employee Relations or his designee which may be an external investigator. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.

The investigator will use the following steps: Interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties, as appropriate; reach a conclusion as to the allegations and appropriate disciplinary and remedial action; and, see that all recommended action is carried out in a timely manner. When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

#### **IX. Timeline for Completion:**

The District will undertake its investigation promptly and as swiftly as possible. To that end, the investigator shall complete the above steps and prepare a written report within ninety (90) days of the District receiving the complaint.

#### **X. Cooperation Encouraged:**

All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

#### **XI. Discipline and Corrective Action:**

If harassment, discrimination and/or retaliation occurred in violation of the policy or this procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- providing an escort to ensure that the complainant can move safely between classes and activities;

- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering the campus
- providing counseling services
- proving medical services
- providing academic support services, such as tutoring
- arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

If discipline is imposed, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant.

Disciplinary actions against faculty, staff and students will conform to all relevant statutes, regulations, personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District also shall take reasonable steps to protect the complainant from further harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.

## **XII. Appeals:**

If the District imposes discipline against a student or an employee as a result of the findings in its investigation, the student or employee may appeal the decision using the procedure for appealing a disciplinary action.

If the complainant is not satisfied with the results of the administrative determination, he/she may, within fifteen (15) days, submit a written appeal to the District's governing board. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The governing board shall issue a final District decision in the matter within forty five (45) days after receiving the appeal. A copy of the decision rendered by the Board shall be

forwarded to the complainant and to the State Chancellor's Office. The complainant also shall be notified of his/her right to appeal this decision.

If the Board does not act within forty five (45) days, the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.

The complainant shall have the right to file a written appeal with the State Chancellor's Office within thirty (30) days after the governing board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Department of Fair Employment and Housing. In such cases, the complainant also may file a petition for review with the State Chancellor's Office within thirty (30) days after the governing board issues the final decision or permits the administrative decision to become final.

Within one hundred fifty (150) days of receiving a formal complaint, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the governing board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten (10) days prior to the expiration of the deadline.

### **XIII. Dissemination of Policy and Procedures:**

District policy and procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, administrative staff and classified staff and will be posted on the District's website.

These procedures will be incorporated into the college course catalogs and orientation materials for new students.

### **XIV. Training**

The District shall provide at least two (2) hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees. All new supervisory employees must be provided with the training and education within six months of their assumption of a supervisory position. The District shall provide sexual harassment training and education to each supervisory employee once every two years.

The training and education required by this procedure shall include information and practical guidance regarding federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education also shall include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination and retaliation.

## ATTACHMENT B

## Attachment B - Availability Analysis

### Fall 2022 Educational Administrator Incumbents to Statewide Availability

The analysis of Educator Administrators incumbents to availability indicates an underrepresentation of females, Hispanics, Asians, Native Americans, and Native Hawaiian or Other Pacific Islanders relative to statewide availability.

	Male	Female	White	Total Min.	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two + Unknown
Count (#)	24	25	25	24	7	10	4	0	0	3
Percent Represented (%)	49.0	51.0	51.0	49.0	14.3	20.4	8.2	0.0	0.0	6.1
Availability (%)	34.2	65.8	54.8	45.2	7.7	24.0	9.6	0.3	0.3	3.3
Standard Deviation (Exact Binomial)	N/A	2.11	0.52	N/A	N/A	0.56	0.27	N/A	N/A	N/A
Probability (Exact Binomial)	N/A	0.03	0.59	N/A	N/A	0.57	0.78	N/A	N/A	N/A
Standard Deviation (Generalized Binomial)	N/A	-2.18	-0.53	N/A	N/A	-0.58	-0.34	N/A	N/A	N/A
Eighty-Percent (80%) Test	N/A	77.5	93.1	N/A	N/A	85.0	85.0	N/A	N/A	N/A

## Fall 2022 Academic, Tenured/Tenured Track Incumbents to Statewide Availability

The analysis of Academic, Tenured/Tenured Track incumbents to availability indicates an underrepresentation of females and Hispanics and representation of African American, Native Americans, and Hawaiian or Other Pacific Islanders relatively close to their statewide availability.

	Male	Female	White	Total Min.	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two + Unknown
Incumbent Count (#)	157	209	166	200	30	72	72	1	2	23
Percent Represented (%)	42.9	57.1	45.4	54.6	8.2	19.7	19.7	0.3	0.5	6.3
Availability (%)	35.3	64.7	48.8	51.2	8.1	25.9	13.0	0.3	0.2	3.7
Standard Deviation (Exact Binomial)	N/A	2.99	1.31	N/A	N/A	2.78	N/A	0.00	N/A	N/A
Probability (Exact Binomial)	N/A	<0.01	0.18	N/A	N/A	<0.01	N/A	1.00	N/A	N/A
Standard Deviation (Generalized Binomial)	N/A	-3.04	-1.31	N/A	N/A	-2.71	N/A	-0.09	N/A	N/A
Eighty-Percent (80%) Test	N/A	88.3	92.9	N/A	N/A	76.0	N/A	91.1	N/A	N/A

## Fall 2022 Academic, Temporary Incumbents to Regional Availability

The analysis of Academic, Temporary incumbents to availability indicates an underrepresentation of females and most minority groups, especially Hispanics and African Americans. Native Hawaiian and Other Pacific Islanders are the exception, with representation exceeding regional availability.

	Male	Female	White	Total Min.	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two + Unknown
Count (#)	215	272	293	194	32	47	81	1	3	30
Percent Represented (%)	44.1	55.9	60.2	39.8	6.6	9.7	16.6	0.2	0.6	6.2
Availability (%)	36.1	63.9	51.7	48.3	9.1	15.0	18.4	0.4	0.2	5.2
Standard Deviation (Exact Binomial)	N/A	3.64	N/A	N/A	2.00	3.47	1.00	0.58	N/A	N/A
Probability (Exact Binomial)	N/A	<0.01	N/A	N/A	0.04	<0.01	0.31	0.56	N/A	N/A
Standard Deviation (Generalized Binomial)	N/A	-3.69	N/A	N/A	-1.94	-3.30	N/A	-0.68	N/A	N/A
Eighty-Percent (80%) Test	N/A	87.4	N/A	82.5	72.2	64.3	90.4	51.3	N/A	N/A

## Fall 2022 Classified Incumbents to Regional Availability

The analysis of Classified incumbents to availability indicates an underrepresentation of males and Asians.

	Male	Female	White	Total Min.	Afr. Amer.	Hispanic	Asian	Nat. Amer.	NHOPI	Two + Unknown
Count (#)	271	372	171	472	38	217	165	1	11	40
Percent Represented (%)	42.1	57.9	26.6	73.4	5.9	33.7	25.7	0.2	1.7	6.2
Availability (%)	57.2	42.8	30.9	69.1	6.7	27.3	30.7	0.2	0.7	3.5
Standard Deviation (Exact Binomial)	7.65	N/A	2.38	N/A	0.79	N/A	2.80	0.11	N/A	N/A
Probability (Exact Binomial)	<0.01	N/A	0.01	N/A	0.42	N/A	<0.01	0.90	N/A	N/A
Standard Deviation (Generalized Binomial)	-7.71	N/A	-2.36	N/A	-0.80	N/A	-2.77	-0.25	N/A	N/A
Eighty-Percent (80%) Test	73.7	N/A	86.1	N/A	88.2	N/A	83.6	77.8	N/A	N/A

## ATTACHMENT C

**EEO PLAN COMPONENT 13**

**DISTRICT AND COLLEGE ACTIVITIES**

**DEMONSTRATING ONGOING COMMITMENT TO EEO/EMPLOYMENT DIVERSITY**

<b>IMPLEMENTATION →</b>	<b>Who</b>	<b>What/When</b>	<b>Effectiveness Metrics &amp; Review</b>
<b>PRE-HIRING</b>			
<b>Provide training to employees, students, and trustees.*</b>  *This applies if you plan training beyond mandatory training for hiring committees.  (53024.1(d))	HR	The District regularly provides relevant EEO training opportunities for trustees and employees. For this 3-year plan, the District intends to train trustees on the Title 5 requirements, this EEO Plan, workforce data analysis, and methods to address underrepresentation every fall during a study session. (23/24, 24/25, 25/26)	Post-training assessment on knowledge gained and training effectiveness  Solicitation of feedback from Trustees
<b>Access to Educational Materials, Templates, Guides, Live and OnDemand Training and Member Forums</b>	HR	All Equal Employment Opportunity Advisory Committee members have a membership to the Higher Education Recruitment Consortium's resources, training, templates, guides, and materials to assist with developing recruitment strategies, learning best practices, and sharing resources with other HERC members. (23/24, 24/25, 25/26)	Surveys and Feedback  Audit materials accessed and used by EEOAC members through HERC
<b>Access to Educational Materials, Templates, Guides, Live and OnDemand Training and Member Forums</b>	HR	In August 2023, the District finalized a contract for the services of Biddle Consulting Group. The contract provides HR employees and EEOAC members access to Biddle's "BCG Institute" educational materials, templates, guides to adverse impact and statistical significance, and live and on-demand training. (23/24, 24/25, 25/26)	Utilization of materials by HR staff and EEOAC members  Requests for feedback on the quality and use of BCG Institute materials
<b>Training for Search Committees and Hiring Managers</b>	HR	Before serving on a search committee or as a hiring manager, employees must participate in a live, two-hour Unconscious Bias training for search committees every three years. At every search committee orientation, the committee will participate in a refresher training on Title 5 regulations, minimizing bias during the process and focusing only on the applicant's job-related qualifications. (23/24, 24/25, 25/26)	Participant evaluation of the training

IMPLEMENTATION →	Who	What/When	Effectiveness Metrics & Review
<b>Training for Administrators, Supervisors and Managers</b>	HR	<p>The District is a member of LCW's Bay Area Community College Employment Relations Consortium to provide annual training relevant to pre-hiring, hiring, and post-hiring strategies to support EEO and DEIA programs and goals.</p> <p>23/24 training - "Hiring the Best While Developing Diversity in the Workforce: Legal Requirements and Best Practices for Screening Committees"</p>	<p>HR survey to participants</p> <p>HR request for participant feedback</p>
<b>Convey in publications and website the District's commitment to diversity &amp; EEO.</b>  (53024.1(j))	Board Chancellor Presidents CDO HR	<p>The District and each College prominently display the District's commitment to diversity, equity, inclusion, and access. The publications include the Chancellor's blog sent to all employees, president reports, relevant Board of Trustees resolutions, all-campus announcements regarding events celebrating the diversity of the colleges, and the strategic planning documents of the District and colleges. (23/24, 24/25, 25/26)</p>	<p>College climate surveys</p> <p>Feedback provided in town halls, forums, speaker series, and events focused on the District's commitment to diversity, equity, inclusion, and access</p> <p>Discussions occurring during weekly meetings of the District's Anti-racism Council</p>
<b>Providing EEO/diversity enhancement resources and assistance to other districts.</b>  (53024.1(m))	Chancellor Presidents Administrators HR	<p>District administrators, faculty, and staff regularly apply and are selected to present at conferences such as the annual meetings of the Association of Chief Human Resources Officers/Equal Employment Officers, the National Conference on Race and Ethnicity in Higher Education conference, and the Association of California Community College Administrators conference. In 22/23 and 23/24, District employees applied for and were supported in their efforts to present at NCORE and ACCCA.</p> <p>June 2023 NCORE presentation, "Why are We Not Talking about Race? Interrogating TESOL Perspectives, Practices, and Policies</p> <p>June 2023 NCORE presentation, "Cultivating Bahay with Kababayan of Care: Creating Home for Filipino/a/x Students."</p> <p>June 2023 NCORE presentation: "Counseling Philosophy to Proxis: SWAG Framework applied to Promise Scholars, CIPHER and Puente</p> <p>June 2023 NCORE presentation: Blurred and Pixelated: Conceptualizing the Silhouetting of Black Women in the Academy</p>	<p>Program surveys</p> <p>Internet traffic regarding the District and colleges, click-throughs, and comments on websites such as Glassdoor, Instagram, and YouTube</p> <p>Follows and likes on District social media sites and local newspaper sites.</p> <p>LinkedIn profile views and follows</p> <p>Applicant sourcing surveys</p>

IMPLEMENTATION →	Who	What/When	Effectiveness Metrics & Review
<b>Addressing diversity issues transparently and collaboratively.</b> <b>(53024.1(o))</b>	District and College Administrators	<p>The District regularly holds time and space for panel discussions to assist with conversations regarding its current state of equity and its future aspirations as a District and for each College. The District supports an active Anti-Racism Council recognized by the Board of Trustees as an advisory committee to the Chancellor. The ARC meets weekly, and committee membership includes District administrators, the college presidents, faculty, and staff. Cañada College supports a college-specific Equity and Anti-racism Planning Council that regularly meets to address the DEIA programs, goals, and mission of the College.</p>	Attendance at events  Engagement of the audience in discussions during and after the panels  Flex-day evaluations
<b>Recurring activities related to improving student access and success—with a nexus to EEO hiring.</b>	Chancellor Presidents Administrators Staff	<p>The District offers a variety of public events focused on student access and success that provide high-profile events to showcase the District's commitment to equal opportunity for students and the community. Such events include film festivals focused on showcasing thought-provoking cinema and guided conversations, HBCU tabling and on-campus events, the College of San Mateo's President's Advocacy Council with community partners and local leaders, grant-supported partnership with San Francisco State University for the support of Asian American and Native American Pacific Islander students, the development and support of specialized learning communities and similar events and activities in support of the District's social justice commitment.</p>	Internet traffic regarding the District and colleges, click-throughs, and comments on websites such as Glassdoor, Instagram, and YouTube  Follows and likes on District social media sites and local newspaper sites.  LinkedIn profile views and follows  Applicant sourcing surveys
HIRING			
<b>Consistent and ongoing training for hiring committees.</b> <b>(53024.1(c))</b> <b>*Cross reference Plan Component 8.</b>	HR CDO EEOAC Directors of Equity	<p>Moth and Flame Urban League Experiential Learning</p> <p>A District partnership with Moth and Flame will provide cutting-edge, real-life simulations in a virtual environment, such as search commitment deliberations to learn and practice the skills of identifying potential bias or improper discussions, interrupting bias, redirection, and in-the-moment decision-making to support the elimination of implicit and explicit bias in employment processes. The project will support equitable hiring practices, allyship skills, and how to interrupt bias and be an active bystander. (23/24, 24/25, 25/26)</p>	Program participation  Pre- and Post-training skill assessments  Regular post-training surveys asking participants to identify when they have put their training into action

IMPLEMENTATION →	Who	What/When	Effectiveness Metrics & Review
<b>Maintain updated job descriptions and job announcements.</b> (53024.1(f))	HR-hosted	<p><b>USC Equity Institute Training on Creating Equitable Job Announcements:</b>            Understand the foundations of racial equity in higher education and how they relate to job announcements.            Lead race-conscious and equity-minded discussions around how job announcements communicate and define merit and fit and how those definitions can lead to equitable or inequitable outcomes in hiring by race and ethnicity.            Use inquiry findings to inform changes in job announcements that will bring about racial equity in hiring.            Understand and respond to common myths and equity detours related to equity-minded job announcements.</p> <p>Provided to EEOAC members, hiring managers, and HR employees. The District intends to provide the training every two years; the next year will be Year Two: 24/25.</p>	Implementation of training materials by participants  Assessment of training participants
<b>Board of trustees receives training on elimination of bias in hiring and employment at least once every election cycle.</b> (53024.1(g))	HR	The District Trustees participate in the Unconscious Bias Training one every election cycle(23/24, 24/25/26/27)	Pre and Post Participant Assessments of the training materials  Solicitation of feedback from trustees through post-training surveys
<b>Assess "sensitivity to diversity" of all applicants.</b> (53024.1(l))	HR Search Committee Chairs and members	<p>All applicants will be assessed on their demonstrated sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender, sexual orientation, and ethnic backgrounds of community college students. The assessment tools will be specific to the position to be filled and may include addressing cultural competencies as part of the paper application, interview questions, testing tools, or reference checks.</p> <p>Employment tests and selection procedures will be validated for the position, job-related, and the tool least likely to create an adverse action among equally effective tools. For example, a written test selection tool may have a disparate impact on non-native English speakers.</p> <p>In 23/24, the District will continue to eliminate written tests for most classified staff positions and continually re-evaluate their use for other classifications.</p> <p>Starting in 23/24 with the evaluation of testing products and resources, the District will contract with a vendor such as the Biddle Consulting Group to access skills selection software, test</p>	Probationary evaluations  Selection rates  Progress on placement goals

IMPLEMENTATION →	Who	What/When	Effectiveness Metrics & Review
		development and validation resources that have been vetted as defensible selection tools. (23/24, 24/25, 25/26)	
<b>Maintaining updated curricula, texts, and/or course descriptions.</b> <b>(53024.1(n))</b>	Presidents Vice President of Instruction Faculty Development Units	College of San Mateo created the Redesign for Equity and Accessibility Lab (REAL) faculty fellowship program to engage three faculty cohorts in deep learning around course design, making substantive changes to a course in four key areas and sharing findings with the campus community. (Spring '24, Fall '24, Spring '25)	Program participation Cohort feedback and surveys Evaluation of course redesign presentations
<b>Procedures for addressing diversity throughout hiring steps and levels</b>	HR EEOAC	Human Resources and the EEOAC continue to develop, train employees, and implement a Search Advocate program by participating in and adopting Oregon State University's Search Advocate program. The OSU program materials are available to be used by other universities and colleges per their use agreement. The goal is to have all HR staff and EEOAC members trained through OSU and re-create the program for every full-time position recruitment in Years Two and Three. (24/25, 25/26)	Progress on placement goals Pre- and Post-training assessments Search committee feedback Assessment and feedback of training implementation by Search Advocates
<b>Recruitment efforts and strategies such as:</b> <ul style="list-style-type: none"> <li>• Use of demographic data</li> <li>• Job Fairs</li> <li>• CCC Registry</li> <li>• Relationships with external organizations &amp; colleges</li> </ul>	HR	The District regularly participates in job fairs and provides employment information at relevant conferences and events. In 23/24 to date, the District participated in the HireUC Alumni event in San Jose, CA, and will continue to focus on live, regional events in the greater Bay Area. (23/24, 24/25, 25/26)  All District positions are posted on the CCC Registry.  The District is a member of the Higher Education Recruitment Consortium, the Colleges and University Professional Association for Human Resources, the Association of Chief Human Resource Officers and EEO Officers, and the Community College League of California. (23/24, 24/25, 25/26)	Track applicant sourcing data Progress on placement goals Internet traffic regarding the District and colleges, click-throughs, and comments on websites such as Glassdoor, Instagram, and YouTube
<b>POST-HIRING</b>			

IMPLEMENTATION →	Who	What/When	Effectiveness Metrics & Review
<b>Conduct campus climate surveys &amp; use this information.</b> <b>(53024.1(a))</b>	Presidents Directors of Institutional Research	<p>The College of San Mateo conducts workplace climate surveys through ModernThink every two years and has developed a five-year plan focusing on ten development areas, including diversity, inclusion, and belonging. The surveys focuses on the College's diversity, equity, and anti-racism efforts. In response to the last survey, the College hired an Ombudsperson for student issues related to equity and inclusion.</p> <p>Cañada College and Skyline College regularly conduct workplace climate surveys that assess faculty and staff equity, inclusion, and belonging.</p> <p>Each College has a regular cycle of climate surveys that will continue during this plan and will be used to provide information and data to the Chancellor, CDO, EEOAC, Directors of Equity, HR, and the District community.</p>	Climate survey data  Employee participation rate  Progress on placement goals  Tracking number of EEO and DHR complaints for any trends
<b>Conduct exit interviews &amp; use this information.</b> <b>(53024.1(b))</b>	HR	<p>As part of offboarding, the District invites separating employees to complete a confidential exit survey and maintains the data to explain why employees leave the District.</p> <p>In 2023/24, the District will implement a more detailed exit survey tool and include a workflow process to include sending the survey request post-separation to increase the survey completion rate. (23/24, 24/25, 25/26)</p>	Review survey participation rate  During offboarding with HR, ask employees if they intend to complete the survey, and if not, why.  Increase in survey participation rate  Tracking reasons for separation for trends
<b>Professional development, mentoring, support, and leadership opportunities for new employees.</b> <b>(53024.1(e))</b>	Chancellor Administrators CDO Directors of Equity HR	<p>The District provides ongoing professional development for administrators, faculty, and staff through a variety of resources:</p> <p>Professional Development Academy Workshops that include a Leading Teams series and a Leadership Development series</p> <p>Flex day events focused on promoting equity, such as reading and discussing relevant books and materials with local authors,</p> <p>On an annual basis, trustees, administrators, faculty, and staff are provided the opportunity to attend a 3-day professional development program offered in partnership with the Museum of Tolerance for their “Tools for Tolerance” educational program.</p> <p>On an annual basis, the District supports a cohort of administrators, faculty, and staff attendance at the National Conference on Race and Ethnicity in Higher Education.</p> <p>A half day program on “DEIA, Evaluation and Title 5”</p>	Evaluations  Debriefing after professional development events  Post-event surveys  Retention of new employees

IMPLEMENTATION →	Who	What/When	Effectiveness Metrics & Review
		<p>Skyline College Lunch and Learn series – a set of professional learning opportunities for students, staff, and faculty covering equity-focused topics about personal and professional engagements/interactions with others, including cultural wealth, professional civility, microaggressions, and related issues.</p> <p>College speaker events include Skyline's Global Spectrum of Racial Equity and Social Justice Series and Canada College's Latinx Heritage Month Speaker Series. (23/24, 24/25, 25/26)</p>	
<b>Timely and thoroughly investigate all harassment &amp; discrimination complaints &amp; take appropriate corrective action in all instances where a violation is found.</b> <b>(53024.1(h))</b>	HR	<p>HR provides access to information and complaint reporting forms are “one click” away from the Human Resource Department’s landing page. Access to information to report gender-based discrimination or harassment (including an EEO complaint based on gender) is “one click” away on any District or college website through the website footer.</p>	<p>Annual reviews of EEO and D/H/R complaints and resolution</p> <p>Trends of the types of complaints filed</p> <p>Feedback from the District Anti-Racism Council</p>
<b>Describe strategies developed to address any adverse impact identified in the process of carrying out the requirements of Component 10 of the EEO Plan.</b>	HR	<p>The District has retained the services of Biddle Consulting Group to assist the District in developing annual placement goals based on analyzing the District's applicant and employee data. The Biddle Consulting Group will meet with the EEOAC and be available to the Board of Trustees to assist in interpreting the District's EEO Plan data, underrepresentation, placement goals, and recommended strategies. The Biddle Consulting Group is available to provide its expertise to address any adverse impact of the District's employment practices. (23/24, 24/25, 25/26)</p>	<p>Feedback from the Board of Trustees, Chancellor, EEOAC, and Anti-Racism Council regarding Biddle's reports, dashboards, data analysis, and related materials.</p> <p>Use of Biddle's materials in developing new EEO programs or modifying this EEO plan based on Biddle's data analysis.</p> <p>Progress in Years Two and Three on placement goals</p>
<b>Describe strategies developed to address any underrepresentation identified in the process of carrying out the requirements of</b>	HR	<p>The District has retained the services of Biddle Consulting Group to assist the District in developing annual placement goals based on analyzing the District's applicant and employee data. The Biddle Consulting Group will meet with the EEOAC and be available to the Board of Trustees to assist in interpreting the District's EEO Plan data, underrepresentation, placement goals, and recommended strategies.</p>	<p>Feedback from the Board of Trustees, Chancellor, EEOAC, and Anti-Racism Council regarding Biddle's reports, dashboards, data analysis, and related materials.</p>

IMPLEMENTATION →	Who	What/When	Effectiveness Metrics & Review
<b>Components 11 &amp; 12 of the EEO Plan.</b>			Use of Biddle's materials in developing new EEO programs or modifying this EEO plan based on Biddle's data analysis.  Progress in Years Two and Three on placement goals
<b>District resources dedicated to the support and retention of underrepresented groups</b>	Chancellor CDO/Ombud HR	In June 2023, the District created the first District Chief Diversity Officer/Ombuds office to provide expertise and resources for the continuous development of District and College practices that intentionally address inclusion, engagement, and a working and educational environment that creates a sense of belonging for all employees and the communities served by the District.	Utilization of Ombud's services  Post-event surveys  Climate surveys  District Anti-Racism Council feedback
<b>College resources dedicated to the professional development and support of a diverse and inclusive college community</b>	Chancellor Presidents Administrators HR	Each College employs a full-time Director of Equity with essential job duties that include providing professional development opportunities for faculty and staff that support diversity, equity, and social justice. The Directors provide leadership to foster a supportive and inclusive environment for all students, faculty, staff, and administrators through programming, training, mentoring, and advocacy.	Utilization of the Director's services  Attendance at events hosted by the Directors  Post-event surveys  Climate surveys