



## Chancellor's Advisory Council Meeting Agenda – April 15, 2016

**Foothill College  
President's Conference Room (Room 1901)  
2:30 p.m.**

AGENDA TOPIC	PURPOSE	DISCUSSION LEADER
I. Welcome	I	Judy Miner
II. Approval of February 19, 2016, Meeting Summary ( <i>Attachment 1</i> )	A	Judy Miner
III. District Mission Statement and Strategic Plan Update	D	David Ulate
IV. Board Policies and Administrative Procedures ( <i>Attachments 2, 3, and 4</i> ) <ul style="list-style-type: none"> <li>• BP 3510 Workplace Violence (formerly BP 4515) – Revised (Second Reading)</li> <li>• AP 3510 Workplace Violence – New (Second Reading)</li> <li>• AP 2410 Policy and Administrative Procedure – Revised (First Reading)</li> </ul>	D/A	Dorene Novotny Judy Miner
V. Feedback from Constituent Groups - Draft District Equal Employment Opportunity Plan ( <i>Attachments 5 and 6</i> )	D	Dorene Novotny
VI. District Diversity and Equity Advisory Committee Requests ( <i>Attachment 7</i> ) <ul style="list-style-type: none"> <li>• Change in membership</li> <li>• Diversity statement prompt for all applications – to encourage additional in-depth response to commitment to diversity/equity.</li> <li>• Eliminate requirement for official transcripts at time of application; instead require prior to offer of employment.</li> </ul>	D/A	Dorene Novotny
VII. Call for District Opening Day Workshops	D	Judy Miner
VIII. Plans for Sunnyvale Education Center	I	Kimberlee Messina
VI. Other Information and Updates	I	All



**CHANCELLOR'S ADVISORY COUNCIL**  
**Meeting Summary**  
**February 19, 2016**

Present: Judy Miner, Becky Bartindale, Randy Bryant, Mayra Cruz, Carolyn Holcroft, Leo Contreras, Isaac Escoto, Cristina Espinosa-Pieb, Rich Hansen, Joe Moreau, Dorene Novotny, Alex Park, Karen Smith, David Ulate, Breeze Wen Liu, Chris White

**I. Welcome**

Chancellor Miner welcomed council members.

**II. Approval of January 15, 2016, Meeting Summary**

The January 15, 2016, meeting summary was approved by consensus.

**III. Draft District Mission Statement Review**

David reported that he only received one response to his request for feedback on the draft mission statement. He indicated that he would send out another request and then work on refining the statement further. In response to Carolyn's suggestion, David advised that he would be presenting the draft to the college shared governance groups in March.

**IV. Board Policy and Administrative Procedures**

- BP 3510 Workplace Violence (formerly BP 4515) – Revised
- AP 3510 Workplace Violence – New

Dorene advised that the workplace violence policy and procedure are among several that the Human Resources Office is updating to ensure legal compliance and consistency with other policies.

Rich suggested that the current policy language sets a better tone and should be retained. He expressed concern that the new language restricts employees from exercising their own judgment in evaluating situations in the classroom or between colleagues that might be considered violent based on the language in the administrative procedure but could be deescalated with minimal intervention. He also questioned whether failure to report an incident would place an employee at risk for discipline and expressed a lack of faith in the district's ability to fairly implement the policy. Leo concurred with Rich.

Dorene explained that any action for failing to report would have to be considered in context, but the district would prefer that employees err on the side of caution and report incidents that might not rise to a level of violence rather than risk having situations escalate. She stated that she thinks that the language is helpful in that it keeps everyone from having to guess what might be construed as violence and commented that it is important for the district to follow a consistent process and measure each situation objectively against a rubric.

Judy commented that context is important and determining when someone has crossed the line can be a gray area. She stated that it is unlikely that an employee would get in trouble for not reporting an incident, but the district has a responsibility to ensure that bullying is addressed and people are protected from violence. Judy emphasized that training at the district is key to ensuring that problems are kept to a minimum and asked for suggestions regarding the types of training that would be most useful. The council engaged in a lengthy discussion of training, drills, and safety systems that are in place or planned for the district as well as the need for training that goes beyond “Run, Hide, Defend.”

Carolyn noted that the language in the policy and procedure appear to stem from federal law. In response to Carolyn’s request, Judy agreed to place the policy revision and new procedure on the next agenda to allow council members the opportunity to share the proposed language with constituents.

**V. Draft District Equal Employment Opportunity (EEO) Plan**

Dorene shared highlights of the draft district EEO plan developed by the District Diversity and Equity Advisory and Human Resources Advisory committees, including proposals for training hiring committees to recognize unconscious bias, a new application question that would augment the diversity statement, elimination of the requirement that transcripts be submitted prior to the application deadline, review of hiring procedures, and revision of the process for reviewing job announcements. She explained that because of challenges in getting appropriate data for reflective analysis, the California Community Colleges Chancellor’s Office developed an outline of what districts need to address going forward.

Dorene advised that the EEO plan is a working document that will continue to be refined, but she would like to proceed with submitting the plan to the state Chancellor’s Office after getting council feedback and Board of Trustees approval in order to qualify for \$45,000 in funding that could be used to support diversity and equity efforts.

Christina suggested that mandatory training for hiring committee members be included as an opening day workshop. Carolyn commented that it might be difficult to find an adequate time block.

**VI. Other Information and Updates**

The meeting adjourned at 3:59 p.m.

#### Current FHDA Mission Statement:

The mission of the Foothill–De Anza Community College District is student success. We accomplish this by providing access to a dynamic learning environment that fosters excellence, opportunity, equity, and innovation in meeting the various educational and career goals of our diverse students and communities. The district provides high-quality undergraduate education at an affordable price for students and reasonable cost to the state and maintains the primary mission of advancing California through education, training, and workforce improvement.

#### Revised FHDA Mission Statement (Version I):

The mission of the Foothill–De Anza Community College District is student success. Guided by core values of excellence and sustainability, we accomplish the mission by providing access to a dynamic learning environment that fosters student engagement, opportunity, equity, and innovation in meeting the various educational and career goals of our diverse students and communities. *Additionally, the high-quality undergraduate education provided is at an affordable price for students and reasonable cost to the state while maintaining the primary mission of advancing California through education, training, and workforce improvement.*

#### Questions:

1. *Do we want equity and/or community to stand out more?*
2. *What language do we want with regards to undergraduate education?*

#### Revised FHDA Mission Statement (Version II):

The mission of the Foothill–De Anza Community College District is student success. Driven by an equity agenda and guided by core values of excellence and sustainability, we accomplish the mission by providing access to a dynamic learning environment that fosters student engagement, opportunity, and innovation in meeting the various educational and career goals of our diverse students and communities. As a district, we are committed to the advancement of California by providing a high-quality, affordable education dedicated to the development of a modern-day workforce and an educated, community service oriented, citizenry.

#### Questions:

1. *Wordsmithing: Too many "action" words?*
  - a. *"Driven by", "guided by", "committed to", "dedicated to"*
2. *How do we feel about "affordable"?*
3. *"Community service oriented" is getting at our wanting to include language around the type of all around person we want to come out of our district. Does this capture that sentiment?*



FOOTHILL-DE ANZA  
Community College District

***DRAFT – Revised (Legally Required)***

Book	Board Policy
Section	<del>Chapter 7 – Human Resources (including former Article 4 – Personnel)</del> <b><u>Chapter 3 General Institution</u></b>
Title	<del>Prevention of</del> <b><u>Workplace Violence</u></b>
Number	BP 4515 <b><u>3510</u></b>
Status	Active
Legal	<a href="#">Cal/OSHA: Labor Code Sections 6300 et seq.</a> <a href="#">8 California Code of Regulations Section 3203</a> <a href="#">"Workplace Violence Safety Act of 1994" (Code of Civil Procedure Section 527.8)</a> <a href="#">"Workplace Violence Safety Act of 1994" (Penal Code Section 273.6)</a>
Adopted	October 21, 1996
Last Revised	November 5, 2001

**The Board is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.**

**The Chancellor shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.**

~~The Foothill De Anza Community College District is committed to providing and maintaining a respectful environment that is conducive to working and learning for all members of the educational community. The District will make every reasonable effort to provide a safe and healthy working environment for its employees and a safe and healthy learning environment for students and visitors, in accordance with local, state and federal laws and regulations.~~

~~In keeping with this commitment, it is the District's policy to strictly prohibit acts and threats of violence. This includes acts and threats that are intended to damage property or to intimidate, harass and/or coerce others. The prohibition of acts and threats of violence also includes any act, behavior or communication that is abusive, threatening or disruptive to the work, education or well-being of any individual or group of individuals employed by, enrolled in or visiting the District.~~

~~Workplace violence is cause for disciplinary action including, but not limited to, termination of employment or expulsion from District premises. Violators may also be subject to criminal prosecution. Foothill De Anza~~

~~Community College District seeks to provide a safe work environment to the full extent required by law and does not intend to create an obligation on the part of the District to take any actions beyond those required by law.~~

~~Persons who commit violent acts or threats on District premises shall be removed from the premises as quickly as safety permits. The District reserves the right to refuse entry to District premises to such individuals, pending the outcome of an investigation into a reported incident.~~

~~Once a threat has been substantiated, the District will notify the person responsible that he or she will be held accountable for the action. The District will implement timely and appropriate responses, as necessary.~~

~~Existing District policies and procedures may not be used in any manner that interferes with a timely and appropriate response.~~

Approved 10/21/96

Amended 11/5/01



FOOTHILL-DE ANZA  
Community College District

***DRAFT – New (Legally Required)***

Book Administrative Procedure

Section **Chapter 3 General Institution**

Title **Workplace Violence**

Number **AP 3510**

Legal [Penal Code Sections 626.9 and 626.10](#)  
[Cal/OSHA; Labor Code Sections 6300 et seq.](#)  
[Title 8 Section 3203](#)  
[Code of Civil Procedure Section 527.8](#)  
[Penal Code Sections 273.6, 626.9 and 626.10](#)

Adopted **New**

Last Revised \_\_\_\_\_

**The District is committed to providing a work environment that is free of violence and the threat of violence. In keeping with this commitment, acts and threats of violence towards others or district property is strictly prohibited. The district's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence, and in implementing measures to inform its employees of violence awareness and prevention, and responding to violence in the workplace.**

**Responding to Threats of Violence**

**A top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.**

**Violence or the threat of violence against or by any employee of the District or any other person is unacceptable. Threats may be delivered in a variety of methods including but not limited to:**

- **In person**
- **Via email**
- **Via telephone**
- **In writing**
- **Via social media**
- **Threatening non-verbal behavior**

**Should a non-employee on District property demonstrate or threaten violent behavior, he/she may be subject to criminal prosecution.**

Should an employee, during working hours or in connection with his/her employment, demonstrate or threaten violent behavior he/she may be subject to disciplinary action and/or criminal prosecution.

The following are examples of actions that are considered an act of violence or threat of violence:

- Striking, punching, slapping, or assaulting another person.
- Fighting or challenging another person to fight.
- Grabbing, pinching, or touching another person in an unwanted way whether sexually or otherwise.
- Engaging in dangerous, threatening, or unwanted horseplay.
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
- Possession, use, or threat of use, of a firearm, knife, explosive, or other weapon, including but not limited to any facsimile firearm, knife, explosive, or weapon, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District administrator or other authorized representative to have such a weapon, or is a duly appointed peace officer who is engaged in the performance of his/her duties.
- Possession, use, or threat of use, of any dirk, dagger, ice pick, knife, or similar item having a fixed blade longer than 2½ inches on district property or while engaged in activities for the district in other locations, unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by a District administrator or other authorized representative to have such a weapon, or is a duly appointed peace officer who is engaged in the performance of his/her duties.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to his/her supervisor or administrator or designated campus or central services administrator. An employee shall also have the option at any time to file a report with district police.

Designated campus and central services administrators:

1. Central Services - Director of Human Resources 650.949.6210
2. Foothill College - Vice President of Student Services 650.949.7325
3. De Anza College - Vice President of Student Services 408.864.8330

Campus Police:

4. District/Campus Police, 650.949.7313

Any employee, acting in good faith, who initiates a complaint or reports an incident under this policy is protected from retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

In the event there is credible fear for the safety of the perpetrator or the safety of others at the scene of a violent act, District Police shall be called.



### Informing and Educating Employees

The District will disseminate information regarding District policies and appropriate procedures on workplace violence to all employees. The District will also provide resources for preventing workplace violence and responding to violence or the threat of violence to all employees.



Book	Administrative Procedures
Section	Chapter 2 - Board of Trustees (including former Article 2 - Administration and Article 9 - Bylaws)
Title	Policy and Administrative Procedure
Number	AP 2410
Status	Active
Legal	<a href="#">ACCJC Accreditation Standards I.B.7; I.C.5; IV.C.7; and IV.D.4 (formerly IV.B.1.b &amp; e)</a> <a href="#">Education Code Section 70902</a>
Adopted	October 18, 2013

Recommendations for new board policies and administrative procedures or changes to existing policies and procedures shall be submitted to the Chancellor for evaluation by the Chancellor's Cabinet and subsequent review by the Chancellor's Advisory Council. If any part of the proposed change involves an academic and professional matter or a collective bargaining issue, the recommendation will be referred to the Academic and Professional Matters Committee or the appropriate employee bargaining unit(s) prior to Chancellor's Advisory Council review.

New and revised administrative procedures **involving academic and professional matters shall be effective after approval of the Academic and Professional Matters Committee and review by the Chancellor's Advisory Council. All other new and revised administrative procedures** shall be effective upon approval by the Chancellor's Advisory Council. New and revised board policies shall not be operable until approved by the Board of Trustees.

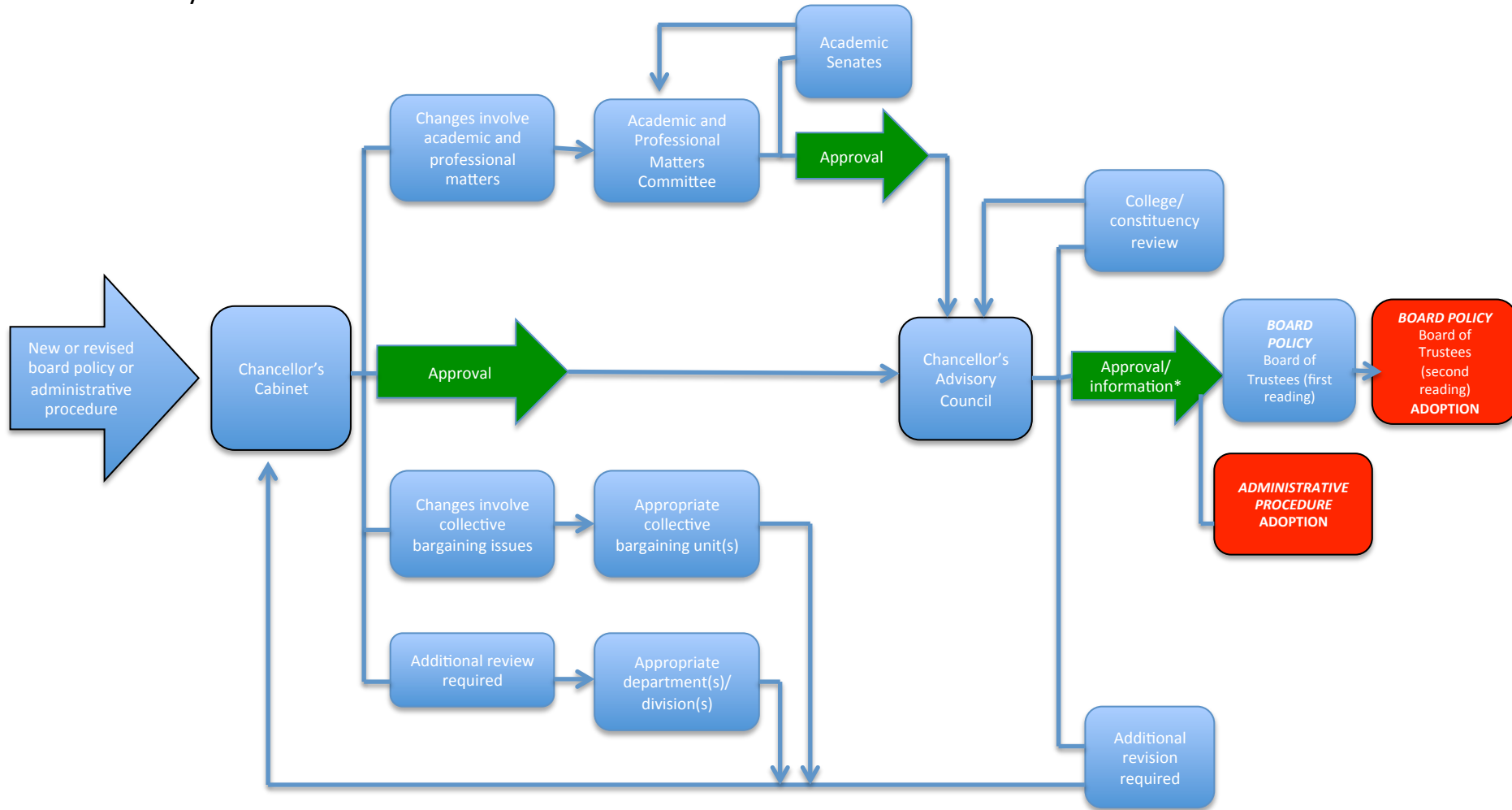
[See Board Policy 2410 Policy and Administrative Procedure](#)

Approved by the Chancellor's Advisory Council 10/18/13

# Addendum – AP 2410

## Foothill-De Anza Community College District

### Board Policy and Administrative Procedure Review Process



\*Chancellor's Advisory Council (CAC) approves new and revised policies and procedures unless the change involves only academic and professional matters. In such cases, CAC provides a review of the change for information and dissemination to constituents, but does not approve.

**Foothill – De Anza Community College  
Equal Employment Opportunity Plan  
Based on  
Guidelines for California Community  
Colleges**

Adopted by the Board of Trustees on xx/xx/xx

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## **Introduction**

*[Not a Plan Requirement]*

The Foothill – De Anza Community College District Equal Employment Opportunity Plan (*Plan*) was adopted by the governing board on **(date)**. The *Plan* reflects the district's commitment to equal employment opportunity. It is the district's belief that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment, which is welcoming to all, will foster diversity and promote excellence.

Through an educational experience in an inclusive environment, our students will be better prepared to work and live in an increasingly global society. The *Plan*'s immediate focus is equal employment opportunity in district recruitment and hiring policies and practices pursuant to the applicable title 5 regulations (section 53000 et seq.) and the steps the district shall take in the event of underrepresentation of monitored groups. The *Plan* contains an analysis of the demographic makeup of the district's workforce population and an analysis of whether underrepresentation of monitored groups exists. The *Plan* also includes information regarding district complaint procedures for noncompliance with the title 5 provisions relating to equal employment opportunity programs as well as complaint procedures in instances of unlawful discrimination. The Plan includes information about the District Diversity and Equity Advisory Committee and their role in advising Human Resources on methods to support equal employment opportunity and an environment which is welcoming to all. The Plan includes information on procedures for dissemination of the *Plan*.

To properly serve a growing diverse population, the district will endeavor to hire and retain faculty and staff who are sensitive to, and knowledgeable of, the needs of the continually changing student body it serves.

Signature of Chancellor

**Judy Miner, Chancellor**

## **Legal Authority**

California community colleges are mandated by the California Code of Regulations Title 5, section 53003(a); and the California Education Code, section 87100 to develop and implement an Equal Employment Opportunity Plan.

### **California Code Of Regulations Title 5, Section 53003(A)—District Plan**

The governing board of each community college district shall develop and adopt a district-wide written equal employment opportunity plan to implement its equal employment opportunity program. Such plans shall be submitted to the Chancellor's Office. The Chancellor's Office retains the authority to review district plans on a case-by-case basis.

### **California Education Code, Section 87100—Legislative Finds And Declarations:**

- a) The Legislature finds and declares all of the following:
  - 1) In fulfilling its mission within California's system of public higher education, the California community colleges are committed to academic excellence and to providing all students with the opportunity to succeed in their chosen educational pursuits.
  - 2) Academic excellence can best be sustained in a climate of acceptance and with the inclusion of persons from a wide variety of backgrounds and preparations to provide service to an increasingly diverse student population.
  - 3) A workforce that is continually responsive to the needs of a diverse student population may be achieved by ensuring that all persons receive an equal opportunity to compete for employment and promotion within the community college districts and by eliminating barriers to equal employment opportunity.
- b) It is the intent of the Legislature to establish and maintain within the California community college districts a policy of equal opportunity in employment for all persons, and to prohibit discrimination or preferential treatment based on ethnic group identification, or on any basis listed in subdivision (a) of section 12940 of the Government Code, as those bases are defined in sections 12926 and 12926.1 of the Government Code, except as otherwise provided in section of 12940 of the Government Code. Every aspect of personnel policy and practice in the community college districts should advance the realization of inclusion through a continuing program of equal employment opportunity.
- c) The Legislature recognizes that it is not enough to proclaim that community college districts must not discriminate and must not grant preferential treatment on impermissible bases. The Legislature declares that efforts must also be made to build a community in which nondiscrimination and equal opportunity are realized. It is the intent of the Legislature to require community college districts to adopt and implement programs and plans for ensuring equal employment opportunity in their employment practices.

### **Title 5, Section 53026 Complaints—Violation Of Equal Employment Opportunity Regulations**

Each community college district shall establish a process permitting any person to file a complaint alleging that the requirements of this subchapter have been violated. A copy of the complaint shall immediately be forwarded to the Chancellor, who may require that the district

provide a written investigative report within ninety (90) days. Complaints that also allege discrimination prohibited by Government Code sections 11135 et seq. shall be processed according to the procedures set forth in subchapter 5 (commencing with section 59300) of Chapter 10 of this division.



## **Definitions/Terms Used In This Policy**

*[Not a Plan Requirement, title 5, § 53001(a)-(p)]*

1. *Adverse Impact*: a statistical measure (such as those outlined in the EEO Commission's *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group protected from discrimination pursuant to Government Code section 12940. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.
2. *Diversity*: means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, sexual orientation, disability and socio-economic backgrounds.
3. *Equal Employment Opportunity*: means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels in the seven job categories which include executive/administrative/managerial, faculty and other instructional staff, professional non-faculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and service and maintenance. Equal employment opportunity also involves:
  - (1) identifying and eliminating barriers to employment that are not job related; and
  - (2) creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination pursuant to Government Code section 12940.
4. *Equal Employment Opportunity Plan*: a written document in which a district's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
5. *Equal Employment Opportunity Programs*: all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of section 53006.
6. *Ethnic Group Identification*: means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.
7. *In-house or Promotional Only Hiring*: means that only existing district employees are allowed to apply for a position.

8. *Monitored Group*: means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).
9. *Person with a Disability*: any person who (1) has a physical or mental impairment as defined in Government Code, section 12926 which limits one or more of such person's major life activities, (2) has a record of such an impairment, or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.
10. *Reasonable Accommodation*: the efforts made on the part of the district to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in section 53025.
11. *Screening or Selection Procedures*: any measure, combination of measures, or procedures used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.
12. *Significantly Underrepresented Group*: any monitored group for which the percentage of persons from that group employed by the district in any job category listed in section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

## **Policy Statement**

*[Not a Plan Requirement, title 5, § 53002]*

The Board supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding and respect, harmony and respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The Chancellor shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

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

*[Plan Requirement - title 5, §§ 53003(c)(1) and 53020]*

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

### *1. Governing Board*

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

### *2. Chancellor and Vice Chancellor of Human Resources/Equal Opportunity*

The governing board delegates to the *Chancellor and Vice Chancellor of Human Resources/Equal Opportunity* the responsibility for ongoing implementation of the *Plan* and for providing leadership in supporting the district's equal employment opportunity policies and procedures. The chief executive officer and the Vice Chancellor shall advise the governing board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on *Plan* implementation. The *Chancellor* shall evaluate the performance of all administrative staff who report directly to the Chancellor on their ability to follow and implement the *Plan*.

### *3. Equal Employment Opportunity Officer*

The district has designated the *Director of Equity and Employee Relations* as the *Equal Employment Opportunity Officer*. The *Director* is responsible for the day-to-day implementation of the *Plan*. If the designation of the equal employment opportunity officer changes before this *Plan* is next revised, the district will notify employees and applicants for employment of the new designee. The equal employment opportunity officer is responsible for administering, implementing and monitoring the *Plan* and for assuring compliance with the requirements of title 5, sections 53000 et seq. The equal employment opportunity officer is also responsible for receiving complaints described in Plan Component 6 and for ensuring that applicant pools and selection procedures are properly monitored.

### *4. District Diversity and Equity Advisory Committee*

The District has established the District Diversity and Equity Advisory Committee (DDEAC) to act as an advisory body to the equal employment opportunity officer and the district as a whole to promote understanding and support of equal employment opportunity policies and procedures. The DDEAC shall assist in the implementation of the *Plan* in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide suggestions for *Plan* revisions as appropriate.

5. *Agents of the District*

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

6. *Good Faith Effort*

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

## **Advisory Committee**

*[Not a Plan Requirement, title 5 § 53005]*

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

The equal employment opportunity officer shall train the advisory committee on equal employment compliance and the Plan itself. The committee shall include a diverse membership whenever possible.

The District Diversity and Equity Advisory Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings, if needed, to review diversity efforts, programs, policies, and progress on the goals outlined in the Equal Employment Opportunity Plan. When appropriate, the advisory committee shall make recommendations to the governing board, the Chancellor, and the equal employment opportunity officer.

## Complaints

*[Plan Requirement - title 5, §§ 53003(c)(2), 53026 and 59300 et seq.]*

From Board Policy 3430: “The Foothill-De Anza Community College District will provide an educational and employment environment in which no person shall be unlawfully subjected to Harassment, Retaliation or Discrimination in whole or in part on the basis of ethnic group identification, race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex or gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or any other legally protected status, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, or be unlawfully denied full and equal access to or the benefits of, any program or activity that is administered by, funded directly by, or that receives any financial assistance from the Federal government, State Chancellor or Board of Governors of the California Community Colleges.”

Reports of Unlawful Discrimination, Harassment or Retaliation Reports not involving criminal proceedings may be filed:

1. By contacting a Title 5 Coordinator/Officer directly. See Title 5 Coordinators listed below.
2. By accessing this link: (this link automatically notifies the Title 5 Coordinator)
3. By submitting a complaint on an Unlawful Discrimination Complaint Form that specifies that you wish to file a Formal Complaint. You are encouraged, but not required, to use this form:

Unlawful Discrimination, Harassment or Retaliation complaints that initiate criminal proceedings may be filed:

1. By notifying the Foothill – De Anza Police Department
2. By notifying law enforcement where the incident occurred

Note: Law enforcement agencies do not automatically notify campus authorities.

### **Title 5 Coordinator Role and Contact Information**

The Title 5 Coordinator oversees compliance with all aspects of the Unlawful Discrimination, Harassment and Retaliation Policy. The Title 5 Coordinator has the authority to enact Interim Measures to prevent additional allegations and protect both parties.

| **At De Anza College** the Title 5 Coordinator is the Dean of Student Development and EOPS, 21250 Stevens Creek Boulevard, Cupertino, CA 95014, (408) 864-8828;

**At Foothill College** the Title 5 Coordinator is the Dean of Student Affairs and Activities, 12345 El Monte Road, Los Altos Hills, CA 94022, (650) 949-7241;

**At Central Services** the Title 5 Coordinator is the Director of Human Resources, District Office of Human Resources, 12345 El Monte Road, Los Altos Hills, CA 94022, (650) 949-6210.

The District also has a Title 5 Officer. The Title 5 Officer is the Vice Chancellor of Human Resource/Equal Opportunity, District Office of Human Resources, 12345 El Monte Road, Los Altos Hills, CA 94022, (650) 949-6210.

There are two types of resolution procedures: **Informal Resolution Procedure** and **Formal Resolution Procedure**. In either case the individual or group of individuals reporting the concern also have the additional option of filing complaints with the [Department of Fair Employment and Housing](#) (DFEH), the [Office of Civil Rights](#) (OCR) or with the [Equal Employment Opportunity Commission](#) (EEOC) at any time.

**An Informal Resolution Procedure** is a process that a Reporting Party undertakes with the appropriate campus or central services Title 5 Coordinator in an attempt to reach a resolution that is acceptable to both the Reporting Party and the Respondent. The Title 5 Coordinator does not make a determination as to whether a Respondent has violated District policy. Instead, the Title 5 Coordinator attempts to facilitate a mutually acceptable resolution, which may include conflict resolution techniques, mediation, or investigation. In the informal process, the Title 5 Coordinator will speak to those individuals whose involvement is necessary to facilitate a resolution to a complaint. Frequently, this includes only the Reporting Party and Respondent(s), but may include others when deemed necessary. The Reporting Party has the right to end the informal resolution process at anytime and begin the formal process as detailed below.

If the parties agree to a proposed resolution that does not include disciplinary action, the resolution shall be implemented and the informal process shall be concluded.

**A Formal Resolution Procedure** includes an official determination as to whether a Respondent(s) has violated the District's policy on Unlawful Discrimination, Harassment and Retaliation. A Formal Resolution Procedure includes:

1. Filing a written report
2. A meeting with the campus or central services Title 5 Coordinator or the District Title 5 Officer (or their designee)
3. An assessment of necessary Interim/Remedial Measures
4. Investigation
5. Administrative Determination
6. Notification of outcome to both Respondent and Reporting Party
7. Appeal (if any)
8. Notification of outcome sent to appropriate District, State and/or Federal agencies

**To request a Formal Resolution, file the complaint in one of the following three ways:**

1. Reporting Parties are encouraged but not required to use the [Unlawful Discrimination Complaint Form](#) that is linked here: <http://hr.fhda.edu/forms.html>



2. Reporting Parties may also provide the complaint in another written form providing the complaint specifies that the complaint is a **Formal Complaint of Discrimination, Harassment or Retaliation**.
3. An alternate approved complaint form can also be obtained from the State Chancellor's Web site which can be accessed here: [CCC Chancellor's Office Unlawful Discrimination](#)

On the written Complaint, describe in detail the alleged **Harassment, Retaliation or Discrimination** and the action the Reporting Party requests to resolve the matter. The form must be signed and dated and shall contain at least the name(s) of the individual(s) involved, the approximate date(s) of the event(s) at issue and a description of the actions constituting the alleged harassment or discrimination.

Omitting necessary information may result in the Complaint being deemed **Defective for the purposes of State Chancellor's Office Resolution**. If a complaint has been deemed **Defective**, The District will notify the Reporting Party and the Chancellor **within three (3) working days** of receipt by the District Officer (Vice Chancellor of Human Resources or her/his designee) that the complaint does not meet the State Chancellor's Office criteria for a formal complaint with an explanation as to why the complaint is defective. Being deemed Defective does not negate all resolution options. Reporting Parties needing assistance with understanding how to file a formal complaint may contact the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee.

The completed **Complaint Form** shall be filed with one of the following individuals:

**At De Anza College** the Title 5 Coordinator is the Dean of Student Development and EOPS, 21250 Stevens Creek Boulevard, Cupertino, CA 95014, (408) 864-8828;

**At Foothill College** the Title 5 Coordinator is the Dean of Student Affairs and Activities, 12345 El Monte Road, Los Altos Hills, CA 94022, (650) 949-7241;

**At Central Services** the Title 5 Coordinator is the Director of Human Resources, District Office of Human Resources, 12345 El Monte Road, Los Altos Hills, CA 94022, (650) 949-6210;

For the District, the Title 5 Officer is the Vice Chancellor of Human Resources and Equal Opportunity, District Office of Human Resources, 12345 El Monte Road, Los Altos Hills, CA 94022, (650) 949-6210.

### **When can a complaint be filed?**

The time limits for filing complaints of Unlawful Discrimination, Harassment or Retaliation vary by agency and type of complaint being filed. Examples of time lines:

### **To the District:**

- In any complaint involving employment, complaints must be filed within 180 days from the date of the alleged unlawful discrimination or within 180 days of when the complainant had knowledge of the facts underlying the allegations of discrimination; generally.
- In any complaint not involving employment, complaints must be filed within one year of the alleged unlawful discrimination, or within one year of when the complainant had knowledge of the facts underlying the allegations of discrimination.

[Equal Employment Opportunity Commission](#) – 180 days from the date of the occurrence

[California Department of Fair Employment and Housing](#) – one year from the date of the occurrence

[US Department of Education Office of Civil Rights](#) - 180 days from the date of the occurrence

[California Community College State Chancellor's Office](#) - 180 days from the date of the occurrence



## **Notification to District Employees**

*[Plan Requirement - title 5, § 53003(c)(3)]*

The commitment of the governing board and the *Chancellor* to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the *Plan*. The policy statement will be printed in the college catalogs and class schedules. The *Plan* and subsequent revisions will be distributed to the district's governing board, the Chancellor, administrators, the academic senate leadership, union representatives and members of the *District Diversity and Equity Advisory Committee*. The *Plan* will be available on the district's website, and when appropriate, may be distributed by e-mail. Each year, the district office will provide all employees with a copy of the board's Equal Employment Opportunity Policy Statement (located in Plan Component 3 of this *Plan*) and written notice summarizing the provisions of the district's Equal Employment Opportunity Plan. The Human Resources Department will provide all new employees with a copy of the written notice described above when they commence their 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.
2. Copies of the Plan are located in the President's Office on each campus, on the campus and district websites, the Office of the Chancellor and the District Office of Human Resources. *List locations*

## **Training for Screening/Selection Committees**

*[Plan Requirement - title 5, § 53003(c)(4)]*

Any organization or individual, whether or not an employee of the district, who is involved in the recruitment and screening/selection of personnel shall receive appropriate training on the requirements of the title 5 regulations on equal employment opportunity (section 53000 et. seq.); the requirements of federal and state nondiscrimination laws; the requirements of the district's Equal Employment Opportunity Plan; the district's policies on nondiscrimination, recruitment, and hiring; principles of diversity and cultural proficiency; the value of a diverse workforce; and recognizing bias. Persons serving in the above capacities will be required to have completed training within the 24 months prior to service. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/selection committees. The Equal Employment Opportunity Officer is responsible to assure the required training is offered on a regular basis. Any individual, whether or not an employee of the district, acting on behalf of the district with regard to recruitment and screening of employees is subject to the equal employment opportunity requirements of title 5 and the district's Equal Employment Opportunity Plan.

**Annual Written Notice to Community Organizations**

*[Plan Requirement - title 5, § 53003(c)(5)]*

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the *Plan*. The notice will inform these organizations that they may obtain a copy of the *Plan*, and shall solicit their assistance in identifying diverse qualified candidates. The notice will include a summary of the *Plan*. The notice will also include the internet address where the district advertises its job openings, the positions and departments and phone numbers of individuals to call in order to obtain employment information. The district will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. A list of organizations, which will receive this notice, is attached to this *Plan*. This list may be revised from time to time as necessary.

## **Analysis of District Workforce and Applicant Pool**

*[Plan Requirement - title 5, § 53003(c)(6)]*

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

For reporting purposes, each applicant will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). Reporting will be done for each college in the district. The district shall also report to the Chancellor the results of its annual study of employees. At least every three years the *Plan* will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

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

The district's workforce and applicant pools follow.

**CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE**

1102 Q STREET, SUITE 4554  
SACRAMENTO, CA 95811-6549  
(916) 445-8752  
<http://www.cccco.edu>



Date: September 23, 2013

To: Chief Executive Officers, Chief Human Resources Officers

From: Steve Bruckman  
Executive Vice Chancellor and General Counsel

Re: Revision of Equal Employment Opportunity Program Regulations

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**Summary**

In 2011, the Board of Governors approved a substantial revision of the title 5 regulations pertaining to equal employment opportunity (EEO) in recruiting and hiring. Since that time, the regulations have been under review by the Department of Finance (DOF). DOF was concerned that the regulations could result in claims for reimbursement from districts. On September 10, 2013, DOF signed off on the regulations. The regulations have been filed with the Secretary of State and will become effective on October 19, 2013. The revised regulations can be found on our website at:

[http://extranet.cccco.edu/Portals/1/Legal/Regs/FINAL\\_AS\\_FILED\\_EEO\\_regs.pdf](http://extranet.cccco.edu/Portals/1/Legal/Regs/FINAL_AS_FILED_EEO_regs.pdf).

While still encouraging diversity in hiring, the revised regulations are less prescriptive in the means of accomplishing this goal. The revised regulations also change what is required for a district equal employment opportunity plan. Although the revised regulations provide that the Chancellor's Office is no longer required to approve district EEO plans, districts are still required to submit their plans to the Chancellor's Office. The adoption of these regulations provides a great opportunity for districts to take a fresh look at the processes for ensuring diversity in employment.

**Background**

In 2008, community college HR and EEO professionals brought their concerns to the Chancellor's Office about the EEO regulations. The concerns included outdated terminology, methodologies, and potential for legal liability. Most specifically, the regulations required the Chancellor's Office to provide "availability data" for use by districts in determining whether



pools were adequately diverse. Despite multiple efforts, the Chancellor's Office was unable to obtain useful and accurate availability data. This left districts unable to comply with the regulations as written.

Together, the field and Chancellor's Office developed a collaborative effort to share information and gather statewide feedback on the law and current regulations, best practices for promoting, and accurately measuring and assessing employee diversity, and how to design regulations that would best serve California's dynamic and growing community college student population. Under this process, the statewide EEO and Diversity Advisory Committee (led by the Chancellor's Office and comprised of representatives from constituent groups including HR/EEO, faculty and classified staff) formed a task force to draft new regulatory language. The task force, like the Advisory Committee, included the Chancellor's Office and constituent groups. After extensive consultation with professionals in the field, the task force established broad goals and principles for title 5 revisions. Then, a writing team assembled from among its members began its work. The primary goals charged to the writing team were to develop new EEO strategies that would:

- better align with the current legal and social context;
- provide HR and EEO professionals with better tools which are legal and methodologically sound, and practice-oriented; and
- continue to demonstrate and expect meaningful and effective efforts to maximize diversity and identify and eliminate barriers to the employment opportunities for underrepresented groups.

## **Overview of Revisions**

Historically, districts have been held accountable for outcomes, measured by comparisons to external reference groups. Under the revised regulations, districts have both the independence and the responsibility to design and implement strategies that make sense for their particular communities. Districts must conduct systematic self-evaluation of practices that are focused at the district level. Data will still be collected and analyzed, but instead of relying on a single specific test or set of numbers, a more systematic and integrated design allows districts to measure and assess diversity from various angles and through various means relative to known populations. Districts are provided with the flexibility to utilize practices that best meet the needs of their diverse populations, as well as an opportunity to optimize available resources. Chancellor's Office oversight is secondary, in that it is triggered by a district's failure to take responsibility for developing and implementing EEO strategies on its own.

In addition, the rules for interim appointments have been changed. Previously, interim appointments were allowed for one year, and districts could request approval from the Chancellor's Office for an additional year. The revised regulations allow for a two year interim

appointment with no provision for extension. After two years, the interim appointment must be terminated.

Aside from technical and nonsubstantive changes, below is an overview of the substantial changes and associated rationales.

Previous regulations	Revised regulations
<p><b>Remedy for discrimination:</b></p> <p>Pool certifications are based on comparison of diversity of applicants with expected rates in availability data provided by Chancellor's Office and from the qualified applicant pool. Where analysis indicates underrepresentation due to flaws in hiring process, districts are required to re-recruit before hiring.</p>	<p><b>Remedy for discrimination:</b></p> <p>Modernization of methodology to include multiple strategies for optimal flexibility for local solutions and preventative practices. <i>Which</i> strategies to use are optional. However, implementing diversity/EEO plans and meaningful strategies is required.</p> <p><b>Rationale:</b> Avoid overreliance on a single measure; allow for district flexibility and increased validity/reliability. Replaces costly and time consuming certification process with practices aimed at prevention and a broader array of lawful strategies designed to maximize diversity rather than react to underrepresentation.</p>
<p><b>Sources of accountability:</b></p> <p>EEO plans reviewed and approved by Chancellor's Office. Applicant pools are required to be certified.</p>	<p><b>Sources of accountability:</b></p> <p>Chancellor's Office may impose from among the multiple strategies <i>if</i> they find a pattern of discrimination complaints or other indicators that a district is not employing effective practices, and <i>after</i> the district has been given notice and an opportunity to correct.</p> <p><b>Rationale:</b> Recognizes limited resources/staff in the Chancellor's Office, as well as provides for advance disclosure of more specific practices which might be required should problems be identified.</p>
<p><b>EEO for persons with disabilities:</b></p> <p>Goals and timetables allowed because preferential treatment on the basis of disability is not prohibited by Prop 209. Thus, disability treated differently from other monitored groups.</p>	<p><b>EEO for persons with disabilities:</b></p> <p>Disabled applicants are treated consistently with all other applicants, and afforded the benefits and protections of all other protected groups under the law, as well as the proactive practices-based approaches districts are to utilize to maximize diversity. Of course, this is in</p>

	<p>addition to all rights specifically afforded to disabled applicants under the American Disabilities Act and Fair Employment &amp; Housing Act.</p> <p><b>Rationale:</b> By employing a consistent approach for applicants in ALL underrepresented groups, the regulations are more consistent, coherent, practical and cost effective. It also eliminates the tension of requiring different treatment of one group within regulations designed by their very name to ensure equal treatment. Further, because the Task Force sees the revisions as offering more effective and modern approaches to diversity, this revision does not reflect a diminished commitment to expanding opportunities for disabled applicants</p>
<p><b>Allowable interim appointments:</b> One year, with additional year based on "business necessity."</p>	<p><b>Allowable interim appointments:</b> Two years, without a required showing of business necessity.</p> <p><b>Rationale:</b> One-year limit is not workable because the recruitment process for leadership positions takes so long. Business necessity, as defined in the regulation, is a standard that is virtually impossible to meet rendering the extension possibility extremely unlikely. A cleaner approach is to allow two years with no extensions.</p>

### Next Steps

The revised regulations and implementation will be discussed at the Chief Human Resources Officers Annual Meeting on October 15-18, 2013. Please contact Ruth Cortez if you are interested in attending. The primary Chancellor's Office contact person will be Senior Attorney, Julia Blair. Julia can be reached at (916) 445-6272, or [jblair@cccco.edu](mailto:jblair@cccco.edu).

**TO:** DORENE NOVOTNY  
**FROM:** PAT HYLAND  
**SUBJECT:** DDEAC/HRAC REQUESTS FOR ACTION  
**DATE:** MARCH 21, 2016  
**CC:** MARIETTA HARRIS

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DDEAC/HRAC have met and are proposing a number of items as follows:

1. In Taleo – Add a question on all applications that will prompt a more in-depth response to our commitment to diversity. The current proposal in front of District-wide Academic Senate is for the question to read: “Explain how your life experiences, studies or work have influenced you commitment to diversity, equity and inclusion.”
2. Eliminate the need for applicants to submit transcripts at the time of initial application. Instead, require necessary transcripts prior to an offer of employment.
3. Formalize the following membership for the District Diversity and Equity Advisory Committee;

**District/Central Services (3)**

- Director of Equity & Employee Relations - 1
- Central Services – 2

**Foothill and De Anza each as follows (10):**

- Student – 1
- Faculty Equity – 1\*
- Classified Senate– 1\*
- Admin -1\*
- \*These positions would be filled by the “Equity Tri-chairs” at Foothill and the equivalent positions from De Anza
- Academic Senate – 1

**Associations (4)**

- Faculty Association – 1
- ACE – 1
- Teamsters – 1
- CSEA – 1

**Other (2)**

- Part-time faculty representatives – 2 (one from each campus)