

## **Board Policy: EEO & Nondiscrimination in Employment (previously, BP 3120 and 3122)**

The Santa Monica Community College District is committed to the principles of equal employment opportunity. The District will provide equal employment opportunity in accordance with all applicable federal, state, and local laws, and will implement a comprehensive program to put those principles into practice.

No person shall be subjected to unlawful discrimination in any program or activity of the District on the basis of ethnic group identification, race, color, national origin (including language and accent), religious creed, age, sex, gender, physical disability, mental disability, ancestry, sexual orientation, citizenship status, gender identity, gender expression, familial status, marital status, socio-economic status, military and veteran status, genetic information, or medical condition. No person shall be subjected to discrimination on the basis of these actual or perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Board commits the District to vigorous equal employment opportunity in all aspects of its academic and classified employment programs, including recruitment, selection, assignment, retention, promotion, and transfer. The District will strive to achieve a workforce that reflects and welcomes diversity to ensure an inclusive educational environment. Such an environment fosters cooperation, acceptance, democracy and free expression of ideas.

The Board of Trustees shall approve the Equal Employment Opportunity Plan and assume overall responsibility for the success or failure of the Plan. The Board delegates to the Superintendent/President the responsibility for implementing this policy consistent with all applicable provisions of the Education Code and Title 5. The Equal Employment Opportunity Plan will be maintained to ensure principles that conform to all applicable federal, state, and local laws.



Santa Monica College  
Equal Employment Opportunity  
Plan

## TABLE OF CONTENTS

<b>Plan Component 1: Introduction</b>	Page 1
<b>Plan Component 2: Definitions</b>	Page 1
<b>Plan Component 3: EEO &amp; Nondiscrimination in Employment Policy Statement</b>	Page 2
<b>Plan Component 4: Delegation of Responsibility, Authority &amp; Compliance</b>	Page 2
<b>Plan Component 5: EEO Advisory Committee</b>	Page 4
<b>Plan Component 6: Complaints</b>	Page 4
<b>Plan Component 7: Notification of EEO Plan &amp; Policy</b>	Page 5
<b>Plan Component 8: Recruitment, Screening &amp; Selection</b>	Page 6
<b>Plan Component 9: Screening/Selection Committee</b>	Page 7
<b>Plan Component 10: Persons with Disabilities</b>	Page 8
<b>Plan Component 11: Annual Written Notice to Appropriate Community-Based &amp; Professional Organizations</b>	Page 8
<b>Plan Component 12: Data Collection &amp; Analysis</b>	Page 8
<b>Plan Component 13: District Measures to Address Identified Underrepresentation</b>	Page 10
<b>Plan Component 14: Developing &amp; Maintaining Institutional Commitment to Diversity</b>	Page 11
<b>Plan Component 15: Accountability</b>	Page 12

## **Plan Component 1: Introduction**

The commitment of the Santa Monica Community College District to equal employment opportunity and diversity is articulated in Board Policy 3121 – Diversity:

The Santa Monica Community College District is committed to building an inclusive and diverse environment and maintains a comprehensive program to ensure that practice reflects these principles. Diversity within the college environment provides opportunity to foster mutual awareness, knowledge, and sensitivity, to challenge ingrained stereotypes, and to promote mutual understanding and respect. The District is committed to a work and learning environment conducive to open discussion and the free exchange of ideas. Global awareness and exploring the diversity of the local communities served by the College are both important components of the College’s commitment to diversity. Embodying, promoting and celebrating diversity inspires innovative ideas, practical solutions, and team-building in achieving the District’s goal of professional and educational excellence.

The commitment of the District to implementing Board Policy 3121 – of developing and maintaining equal employment opportunity and diversity throughout the District – is set out in this Equal Employment Opportunity Plan (hereinafter referred to as the “Plan” or the “EEO Plan”).

*(Signature of Superintendent/President)*

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## **Plan Component 2: Definitions**

For relevant definitions, please refer to Title 5 of the California Code of Regulations, Section 53001. Persons who need assistance accessing the definitions in Title 5 may request assistance from the District’s Office of Human Resources, the College Library, Chapter 36 CSEA, the SMC Police Officers Association, or the Faculty Association.



### **Plan Component 3: EEO & Nondiscrimination in Employment Policy Statement**

The Santa Monica Community College District is committed to the principles of equal employment opportunity. The District will provide equal employment opportunity in accordance with all applicable federal, state, and local laws, and will implement a comprehensive program to put those principles into practice.

No person shall be subjected to unlawful discrimination in any program or activity of the District on the basis of ethnic group identification, race, color, national origin (including language and accent), religious creed, age, sex, gender, physical disability, mental disability, ancestry, sexual orientation, citizenship status, gender identity, gender expression, familial status, marital status, socio-economic status, military and veteran status, genetic information, or medical condition. No person shall be subjected to discrimination on the basis of these actual or perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The Board commits the District to vigorous equal employment opportunity in all aspects of its academic and classified employment programs, including recruitment, selection, assignment, retention, promotion, and transfer. The District will strive to achieve a workforce that reflects and welcomes diversity to ensure an inclusive educational environment. Such an environment fosters cooperation, acceptance, democracy and free expression of ideas.

The Board of Trustees shall approve the Equal Employment Opportunity Plan and assume overall responsibility for the success or failure of the Plan. The Board delegates to the Superintendent/President the responsibility for implementing this policy consistent with all applicable provisions of the Education Code and Title 5. The Equal Employment Opportunity Plan will be maintained to ensure principles that conform to all applicable federal, state, and local laws.

### **Plan Component 4: Delegation of Responsibility, Authority & Compliance**

It is the goal of the Santa Monica 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. *Board of Trustees*

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

2. *Superintendent/President*

The Board of Trustees delegates to the Superintendent/President the responsibility for ongoing implementation of the Plan and for providing leadership in supporting the District's equal employment opportunity policies and procedures. The Superintendent/President or his/her designee shall advise the Board of Trustees concerning statewide policy emanating from the Board of Governors of the California Community Colleges and shall direct the publication of a report (as discussed in more detail under Plan Component 12) on Plan implementation at least once every three years. With regard to administrative staff members who have responsibilities in connection with implementation of the Plan, the Superintendent/President or his/her designee shall evaluate the performance of all such administrative staff on their ability to follow and implement the requirements in the Plan.

3. *Equal Employment Opportunity Officer*

The District has designated the Vice President of Human Resources or his/her designee as its Equal Employment Opportunity Officer who is responsible for the day-to-day implementation of the Plan. If the designation of the Equal Employment Opportunity Officer changes before this *Plan* is 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 of the California Code of Regulations, Section 53000 *et seq.* The Equal Employment Opportunity Officer also is responsible for receiving complaints described in Plan Component 6, for ensuring that such complaints are promptly and impartially investigated, and for ensuring that applicant pools and selection procedures are properly monitored as required by Sections 53023 and 53024 of Title 5 of the California Code of Regulations. The Superintendent/President and Vice President of Human Resources are responsible for ensuring that the Equal Employment Opportunity Officer is adequately qualified or trained for the responsibilities of the position.

4. *Equal Employment Opportunity Advisory Committee*

The District will establish an Equal Employment Opportunity Advisory Committee 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 Equal Employment Opportunity Advisory Committee shall assist in the implementation of the Plan consistent with all applicable federal, state, and local laws and guidelines, monitor the progress of equal employment opportunity and diversity throughout the District, and provide suggestions for Plan revisions as appropriate.

5. *Agents of the District*

Any organization or individual, whether or not an employee of the District, who acts on behalf of the Board of Trustees or the District 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 the Plan. If any part of the Plan conflicts with Title 5 of the California Code of Regulations, Section 53000 *et seq.*, the District will follow the language of Title 5.

## **Plan Component 5: EEO Advisory Committee**

The District has established an Equal Employment Opportunity Advisory Committee (“Advisory Committee”) to assist the District in implementing the Plan. The Human Resources Subcommittee to the District Planning and Advisory Council will form the core membership of the Advisory Committee. The Advisory Committee shall include a diverse membership whenever possible. Ex officio members shall include the Equal Employment Opportunity Officer, the Title IX Officer, the Director of the Personnel Commission, and the ADA Compliance Officer

Every year, the Advisory Committee shall receive training in all of the following:

- The requirements of all applicable federal, state, and local laws, including Title 5 of the California Code of Regulations, Section 53000 *et seq.*;
- Identification and elimination of bias in hiring;
- The educational benefits of workforce diversity; and
- The role of the Advisory Committee in carrying out the District’s EEO Plan.

The Advisory Committee shall hold a minimum of two (2) meetings per academic year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the Advisory Committee shall make recommendations to the Board of Trustees, the Superintendent/President, or the Equal Employment Opportunity Officer.

The Advisory Committee will review the EEO Plan at least once every three years, and any revised Plan will be submitted to the Chancellor’s Office.<sup>1</sup>

## **Plan Component 6: Complaints**

The procedure for filing complaints alleging violation of the Equal Employment Opportunity regulations shall be set forth in the District’s Administrative Regulation regarding EEO & Discrimination Complaint Procedure. This Administrative Regulation

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<sup>1</sup> All EEO Plans submitted to the Chancellor’s Office are public records.

shall be made accessible on the District's website, as well made accessible at the Office of Human Resources.

As stated in the District's Administrative Regulation regarding EEO & Discrimination Complaint Procedure, complaints alleging a violation of the EEO regulations shall be filed with the Equal Employment Opportunity Officer.

## **Plan Component 7: Notification of EEO Plan & Policy**

The commitment of the Santa Monica Community College District to equal employment opportunity is emphasized through the broad dissemination of the District's Equal Employment Opportunity Policy Statement and the EEO Plan. The District's EEO Policy Statement shall be posted on the websites of the District's Office of Human Resources and the Personnel Commission.

The following statement shall be posted on all employment announcements and recruitment materials:

The Santa Monica Community College District is committed to the principles of equal employment opportunity. All qualified applicants for employment, as well as District employees, shall have full and equal access to employment opportunity. No person shall be subjected to unlawful discrimination in any program or activity of the District. The District's Board Policy 3120 (Equal Employment Opportunity) may be accessed at: [\[insert weblink\]](#).

The Plan and subsequent revisions of the Plan will be distributed via email to:

- The District's Board of Trustees and Superintendent/President;
- All administrators and managers of the District;
- SMC's Academic Senate President;
- The Presidents of CSEA Chapter 36, SMC Police Officers Association, and the SMC Faculty Association; and
- All members of the District Equal Employment Opportunity Advisory Committee.

The Plan will be made available on the District's website. Also, the District's Office of Human Resources will provide a paper or electronic copy of the Plan to any person requesting it; whether the Plan is provided in paper or electronic form is dependent on the wishes of the requesting person. Each year, the Office of Human Resources will email all District employees (via District emails) a copy of the EEO Plan and a written annual notice as described below. Also, when new employees commence their employment with the District, the Office of Human Resources will provide the Plan and written notice described below to such new employees via email. For employees without District emails, the District's Office of Human Resources will mail them a copy of the annual notice to their home addresses.

The annual notice will contain the following provisions:

- The importance of the employee’s participation and responsibility in ensuring the Plan’s implementation.
- The availability of the Plan on the Office of Human Resource’s website and at the Office of Human Resources.
- That any person may request a paper or electronic copy of the Plan from the District’s Office of Human Resources, CSEA Chapter 36, SMC Police Officers Association, or the Faculty Association.

## **Plan Component 8: Recruitment, Screening & Selection**

All recruitment for employment positions conducted by the District including, without limitation, recruitment positions conducted by the District’s Office of Human Resources and Personnel Commission, shall be conducted consistent with all the requirements set forth in Section 53021 of Title 5 of the California Code of Regulations.

The District’s Office of Human Resources and Personnel Commission shall create job announcements and set qualifications for employment positions consistent with all the requirements set forth in Section 53022 of Title 5 of the California Code of Regulations.

The District’s Office of Human Resources and Personnel Commission shall conduct applicant pool reviews and take appropriate action as necessary consistent with all of the requirements set forth in Section 53023 of Title 5 of the California Code of Regulations.

The District’s screening and selection procedures shall be consistent with all the requirements set forth in Section 53024 of Title 5 of the California Code of Regulations. Specifically, all screening and selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

- provided to the Chancellor upon request;
- designed to ensure that for all faculty and administrative positions and as appropriate for all other positions (including classified positions), meaningful consideration<sup>2</sup> is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students;
- based solely on job-related criteria; and
- designed to avoid an adverse impact, as defined in Section 53001(a) of Title 5 of the California Code of Regulations, and monitored by means consistent with this

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<sup>2</sup> “Meaningful consideration” means that candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position.

section to detect and address any adverse impact which does occur for any monitored group.

## **Plan Component 9: Screening/Selection Committee**

Whenever possible, screening/selection committees shall include a diverse membership which will bring a variety of perspectives to the assessment of applicants' qualifications.

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 EEO training on the following:

- The requirements of Title 5 of the California Code of Regulations, Section 53000 *et seq.*;
- The requirements of all applicable federal, state, and local nondiscrimination laws;
- The requirements of the District's Equal Employment Opportunity Plan;
- The District's policies on nondiscrimination, recruitment, and hiring;
- The educational benefits of workforce diversity;
- The elimination of bias in hiring decisions; and
- Best practices in serving on a selection or screening committee.

Each District employee serving in the above capacities will be required to participate in a recruitment training session each time he or she is appointed to a screening/selection committee. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/selection committees. The District's Office of Human Resources is responsible for providing the required training for District employees serving on academic administrator and faculty screening/selection committees, and the District's Personnel Commission Office is responsible for providing the required training for District employees and other persons serving on classified manager and non-manager employee screening/selection committees. Any individual, whether or not he or she is an employee of the District, acting on behalf of the District with regard to recruitment, screening, and/or selection of employees is subject to the equal employment opportunity requirements of Title 5 and the District's Equal Employment Opportunity Plan.

## **Plan Component 10: Persons with Disabilities**

The District shall ensure, through the District's Office of Human Resources and the Personnel Commission, that applicants and employees with disabilities are provided with reasonable accommodations consistent with the requirements set forth in Section 53025 of Title 5 of the California Code of Regulations and all applicable federal, state, and local laws.

## **Plan Component 11: Annual Written Notice to Appropriate Community-Based & Professional Organizations**

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the Plan. This written notice will be by email if possible. The notice will:

- Inform these organizations how they can access or obtain a copy of the Plan;
- Inform them of the District's need for assistance from the community and such organizations in identifying qualified candidates;
- Include the EEO Policy Statement and an internet or pdf link to the Plan; and
- Include the internet address where the District advertises its job openings and include contact information for persons who wish to obtain employment-related information.

The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources that could help increase the diversity of the applicant pools for employment positions at the District. The District's Equal Employment Opportunity Officer will maintain a list of organizations which will receive this notice.

## **Plan Component 12: Data Collection & Analysis**

The District, through its Office of Human Resources, shall annually collect employee demographic data and shall monitor applicants for employment on an ongoing basis in order to evaluate the implementation of its equal employment opportunity plan and to provide data needed for the analyses required by Sections 53003, 53006, 53023, and 53024 of Title 5 of the California Code of Regulations. The District shall annually report to the Chancellor, in a manner prescribed by the Chancellor, this data for employees of the District. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

- (1) executive/administrative/managerial;
- (2) faculty and other instructional staff;
- (3) professional nonfaculty;

- (4) secretarial/clerical;
- (5) technical and paraprofessional;
- (6) skilled crafts; and
- (7) service and maintenance.

For purposes of the data collection and reporting required under this section, each applicant or employee shall be afforded the opportunity to identify his or her gender, ethnic group identification and, if applicable, his or her disability. A person may designate multiple ethnic groups with which he or she identifies but shall be counted in only one ethnic group for reporting purposes.<sup>3</sup> Consistent with all applicable federal, state, and local laws, the District may collect additional data as needed to determine underrepresentation in these or other protected areas.

At least once every 3 years, but more often if determined as necessary by the Superintendent/President or his/her designee, the Office of Human Resources shall review<sup>4</sup> the data to determine if significant underrepresentation of a monitored group may be the result of non job-related factors in the employment process. The analyses used in the review shall include, but need not be limited to:

- Longitudinal analysis of data regarding job applicants to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool to the qualified applicant pool;
- Analysis of data regarding potential job applicants, to the extent provided by the State Chancellor, which may indicate significant underrepresentation of a monitored group; and
- Analysis pursuant to Section 53003(c)(7)<sup>5</sup> of Title 5 of the California Code of Regulations to determine whether a group is significantly underrepresented.

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<sup>3</sup> Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, in determining whether additional steps are necessary to ensure that monitored groups have not been excluded on an impermissible basis, analysis of the separate subgroups is not necessary.

<sup>4</sup> For purposes of this review, the phases of the employment process include, but are not limited to, recruitment, hiring, retention and promotion.

<sup>5</sup> 53003(c)(7) states: “to the extent data regarding potential job applicants is provided by the State Chancellor, an analysis of the degree to which monitored groups are underrepresented in comparison to their representation in the field or job category in numbers of persons from such groups whom the Chancellor determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant.”



## **Plan Component 13: District Measures to Address Identified Underrepresentation**

Where the review required in Plan Component 12 identifies that significant underrepresentation of a monitored group may be the result of non-job related factors in the employment process, the District shall implement additional measures designed to address the specific area of concern. These additional measures shall include the following:

1. Review the District's recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;
2. Consider various other means of reducing the significant underrepresentation which do not involve taking monitored group status into account and implement any such techniques which are determined to be feasible and potentially effective;
3. Determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place for a reasonable period of time;
4. Review each locally established "required," "desired," or "preferred" qualification being used to screen applicants for positions in the job category to determine if it is job-related and consistent with:
  - any requirements of all applicable federal, state, and local laws; and
  - qualifications which the Board of Governors has found to be job-related throughout the community college system, including the requirement that applicants for academic and administrative positions demonstrate sensitivity to the diversity of community college students.
5. Discontinue the use of any locally established qualification that has not been found to satisfy the requirements set forth in paragraph (4) of this section;
6. Continue using qualification standards meeting the requirements of paragraph (4) of this section only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of paragraph (4), and be expected to have a less exclusionary effect; and
7. Consider the implementation of additional measures designed to promote diversity that are reasonably calculated to address the area of specific need.

For purposes of this section, "a reasonable period of time" means three years, or such longer period as the Chancellor may approve upon the request of the Equal Employment Opportunity Advisory Committee and the Superintendent/President.

Nothing in this section shall be construed to prohibit the District from taking any other steps it concludes are necessary to ensure equal employment opportunity, provided that such actions are consistent with the requirements of all applicable laws.

## **Plan Component 14: Developing & Maintaining Institutional Commitment to Diversity**

Establishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized effort. The following are tools that may be used by the District in developing and maintaining its ongoing commitment to diversity:

1. Conduct surveys related to EEO of campus climate on a regular basis and implement concrete measures that utilize the information drawn from the surveys;
2. Conduct exit interviews with employees who voluntarily leave the District, maintain a database of exit interviews, analyze the data for patterns impacting particular monitored groups, and implement concrete measures that utilize this information;
3. Provide training on elimination of bias in hiring and employment;
4. Provide cultural awareness training to members of the campus community;
5. Maintain a variety of programs to support newly-hired employees such as mentoring, professional development, and leadership opportunities;
6. Audit and/or maintain updated job descriptions and/or job announcements;
7. Provide training to the District's Board of Trustees on the elimination of bias in hiring and employment at least once every election cycle;
8. Timely and thoroughly investigate all complaints filed under Title 5 of the California Code of Regulations, Section 53000 *et seq.*, and all harassment and discrimination complaints filed under Title 5 of the California Code of Regulations, Section 59300 *et seq.*, and take appropriate corrective action in all instances where a violation is found;
9. Timely comply with the requirements of California Government Code Section 12950.1 (*e.g.*, AB 1825 training) and include all forms of harassment and discrimination in the training;
10. Through the District's publications and website, convey the District's diversity and commitment to equal employment opportunity;
11. Through the District's mission statement, convey the District's commitment to diversity and inclusion and its commitment to a diverse and inclusive workforce that promotes the District's educational goals and values;

12. Through the District's hiring procedures, require that applicants for all positions are required to demonstrate sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students in a manner specific to the position;
13. Through District staff members, serve as resources, consultants, mentors and/or leaders to colleagues at other districts in the areas of EEO and diversity enhancement;
14. Maintain updated curricula, texts, and/or course descriptions to expand the global perspective of the particular courses, readings, or discipline;
15. Address issues of inclusion/exclusion in a transparent and collaborative fashion;
16. Attempt to gather information from applicants who decline job offers to find out why, record this information, and utilize it; and
17. Conduct longitudinal analysis of various employment events by monitored group status such as hiring, promotion, retention, voluntary resignation, termination, and discipline.

### **Plan Component 15: Accountability**

The District, through the Equal Employment Opportunity Officer, shall provide all reports and certifications required by the State Chancellor, including, without limitation, those required under Sections 53024.2 and 53034 of Title 5 of the California Code of Regulations.

