



MERCED
COLLEGE

EEO Plan 2019-2022

Approved and Adopted by the Merced Community College District Board Of Trustees on June 11, 2019.

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Plan Component 1

Introduction

The Merced Community College District's Equal Employment Opportunity Plan ("Plan") was adopted by the Board of Trustees on April 2, 2013, reflecting 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 on equal employment opportunity in its recruitment and hiring policies and practices pursuant to the applicable Title 5 regulations (section 53000 et. seq.).

Additionally, the District shall take measures to address underrepresentation of monitored groups. The Plan includes the requirements for a complaint procedure for noncompliance with Title 5 provisions relating to equal employment opportunity programs; complaint procedures in instances of unlawful discrimination; establishment of an Equal Employment Opportunity Advisory Committee; methods to support equal employment opportunity and an environment which is welcoming to all; and procedures for effective 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 they serve.



Chris Vitelli
Superintendent/President
Merced Community College District

Plan Component 2

Definitions

- 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 defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process is not considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.
- 2. Business Necessity:** Circumstances which justify an exception to the requirements of section 53021(b) (1) because compliance with that section results in substantial additional financial cost to the District or poses a significant threat to human life or safety. Business necessity requires greater financial cost than mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.
- 3. Diversity:** Means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. A diverse educational community recognizes and appreciates the benefits derived from employee populations varied by race, gender, disability status, belief, age, national origin, cultural background, life experience and other enriching characteristics.
- 4. 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 exists at all levels and in all job categories listed in section 53004(a). Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination by Title 5, section 53000 et. seq.
- 5. 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.
- 6. 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.
- 7. Ethnic Group Identification:** Means an individual's identification in one or more of the ethnic groups reported to the Chancellor's Office pursuant to section 53004. These groups may be more specifically defined by the Chancellor consistent with state and federal law.
- 8. Goals for Persons with Disabilities:** A statement that the District will strive to attract and

hire additional persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the workforce and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not “quotas” or rigid proportions.

- 9. In-house or Promotional Only Hiring:** Means that only existing District employees are allowed to apply for a position.
- 10. Monitored Group:** Means those groups identified in section 53004(b) for which monitoring and reporting is required pursuant to section 53004(a).
- 11. Person with a Disability:** See the American with Disabilities Act (ADA) Amendment Act which went into effect on January 1, 2009 and the final regulations to implement the ADA Amendment Act which was published in the Federal Register on March 25, 2011. Note: <http://www.eeoc.gov/laws/statutes/adaaaacfm> <http://www.gpo.gov/fdsys/pkg/FR-2011-03-25/pdf/2011-6056.pdf>.
- 12. Projected Representation:** The percentage of persons from a monitored group determined by the Chancellor’s Office to be available and qualified to perform the work in question.
- 13. Reasonable Accommodation:** The efforts made on the part of the District to remove artificial or real barriers that prevent or limit the employment and upward mobility of persons with disabilities. “Reasonable accommodations” may include the items designated in section 53025.
- 14. 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.
- 15. 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 80 percent of the projected representation for that group in the job category in question.
- 16. Target Date:** A point in time by which the District plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.
- 17. Timetable:** A set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

Plan Component 3

Policy Statement

The Merced Community College District is committed to the principles of equal employment opportunity and will implement a comprehensive program to put those principles into practice. It is the District's policy to ensure that all qualified applicants for employment and employees have full and equal access to employment opportunity, and are not subjected to discrimination in any district program or activity on the basis of ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. The District will strive to achieve a workforce that is welcoming to men, women, persons with disabilities and individuals from all ethnic and other groups to ensure that the District provides an inclusive educational and employment environment. Such an environment fosters cooperation, acceptance, democracy and free expression of ideas. An Equal Employment Opportunity Plan will be maintained to ensure the implementation of equal employment opportunity principles that conform to federal and state laws.

Reference: Education Code 87100, et. seq., Title 5, 53000, et. seq.

Plan Component 4

Delegation of Responsibility, Authority and Compliance

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

1. Board of Trustees

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

2. 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 shall advise the Board of Trustees concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on Plan implementation. The Superintendent/President shall evaluate the performance of all administrative staff who report directly to him/her on their ability to follow and implement the Plan.

3. Equal Employment Opportunity Officer

The District has designated the Chief Human Resources Officer as the Equal Employment Opportunity Officer responsible for the day-to-day implementation of the Plan. The District will give notice if the designation of the equal employment opportunity officer changes. The equal employment opportunity officer is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of Title 5, sections 53000 et. seq. The equal employment opportunity officer is also responsible for receiving complaints described in Component 6 of the Plan and for ensuring that applicant pools and selection procedures are properly monitored.

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 in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and shall 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.

Plan Component 5

Advisory Committee

The Equal Employment Opportunity Advisory Committee shall 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, research or other activities that promote equal employment opportunity, nondiscrimination, retention and diversity. The Equal Employment Opportunity Officer shall train the committee on equal employment compliance and the Plan itself. When appropriate, the committee shall make recommendations to the superintendent/president.

The committee will be composed of two Faculty Association members, two Academic Senate members, two Classified Senate members, two classified CSEA members, and one administrator/manager. The Chief Human Resources Officer will serve as a permanent co-chair, with another co-chair being elected from the membership. The membership shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the District has been unable to meet this requirement, it will document efforts made to recruit advisory committee members who are members of monitored groups. The membership selection process will be detailed in the *Integrated Planning, Program Review and Shared Governance Handbook*.

The Equal Employment Opportunity Advisory Committee shall hold a minimum of two meetings per fiscal 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 Superintendent/President and the Equal Employment Opportunity Officer.

In order to support and promote equal opportunity, nondiscrimination, retention and diversity, the committee may sponsor events, training, or other activities.

Plan Component 6

Complaints

Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Section 53026).

The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing the alleged violation in detail. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation.

Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than 60 days after such occurrence unless the complainant can verify a compelling reason for the District to waive the 60 day limitation. Complaints alleging violations of the Plan that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than 90 days after such occurrence unless the violation is ongoing. A complainant may not appeal the District's determination to the Chancellor's Office pursuant to section 53026, but under some circumstances, violations of the equal opportunity regulations in Title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the Chancellor's Office, but the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful efforts to resolve the alleged violation at the college and/or district level using the process provided by section 53026.

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

The complaint shall be filed with the equal employment opportunity officer. If the complaint involves the equal employment opportunity officer, the complaint may be filed with the superintendent/president. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within 90 days of the filing of the complaint. The equal employment opportunity officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

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

Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et. seq.)

The District has adopted procedures for complaints alleging unlawful discrimination or harassment. The Chief Human Resources Officer is responsible for receiving such complaints and for coordinating their investigation.

Plan Component 7

Notification to District Employees

The District's commitment to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity Policy Statement and the Plan. The policy statement is posted on the Human Resources website (<http://www.mccd.edu/offices/hr/jobs/index.html>) and is printed in all employment announcements and recruitment materials. The Plan and subsequent revisions will be distributed to the Board of Trustees, Superintendent/President, administrators, the Academic Senate President, union representatives and members of the District Equal Employment Opportunity Advisory Committee. The Plan will be available on the District's website, and when appropriate, may be distributed by campus bulletin or 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, and a written notice summarizing the provisions of the 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. The availability of the Plan on the District website, in the President's Office, and in the Human Resources office.

Plan Component 8

Training for Screening/Selection Committee

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.

Each committee member serving in the above capacities will be required to participate in a recruitment training session(s) annually. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/selection committees. Other periodic training may be offered for those who might serve on a screening committee. The office of Human Resources is responsible for organization and verification of the required training. Any individual, whether or not he or she is an employee of the District, who is 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 Plan.

Plan Component 9

Annual Written Notice to Community Organizations

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 how they can access or obtain a copy of the Plan and shall serve to solicit their assistance in identifying diverse qualified candidates. The notice will include the EEO Policy Statement and a web-based link to the Plan. The notice will also include the internet address where the District advertises its job openings and contact information for employment information. The District will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources. The equal employment opportunity officer will maintain a list of organizations which will receive this notice. Organizations who will receive notification may include but are not limited to the following:

- Active 20-30 Club
- Building Healthy Communities
- First 5 of Merced County
- Greater Merced Chamber of Commerce
- Hispanic Chamber of Commerce
- JACL Merced Livingston Chapter
- League of Women Voters Merced County
- Los Banos Unified School District
- McSwain Elementary School District
- Merced Ahead
- Merced City School District
- Merced County Office of Education
- Merced Organizing Project
- Merced Unified High School District
- NAACP Merced
- National Council of Negro Women
- Weaver Elementary School District

Plan Component 10

Workforce Analysis

The Human Resources department will survey annually the District's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate its 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 or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For purposes of the survey and reporting requirements, each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, his or her disability. Persons may designate more than one ethnicity with which they identify, but they 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).

The District will report annually the results of its annual survey of employees to the Chancellor's Office. 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
 - Adult Education
 - Instructional and Support Services
 - Career Education
 - Mathematics
 - English
 - Natural Sciences
 - Social Sciences
 - Health and Physical Education
 - Humanities
 - Part-Time
3. Professional Non-faculty
4. Secretarial/Clerical
5. Technical and Paraprofessional
6. Skilled Crafts
7. Service and Maintenance

A workforce analysis will be updated and provided as required by the Chancellor's Office. Internal Scan data for 2018 is available here: <http://www.mccd.edu/about/committees/emp/data-portfolio.html>.

Plan Component 11

Other Measures Necessary to Further Equal Employment Opportunity

The District acknowledges that various approaches are required to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories. This also requires creating an environment that fosters cooperation, democracy, and free expression of ideas welcoming to men, women, persons with disabilities and individuals from all ethnic groups and other groups protected from discrimination.

The District will promote learning opportunities and personal growth in the area of diversity and establish and maintain the desired academic and working environment. The District will implement a diversity program under the direction of the equal employment opportunity officer.

The District's diversity program may include, but is not limited to, the following activities:

1. Conduct campus climate surveys of faculty, staff, administrators, and students;
2. Present guest speakers on diversity topics and issues relevant to District employees;
3. Highlight the District's equal employment opportunity and diversity policies in job announcements and in recruitment, marketing and other publications;
4. Develop and update District publications, web sites, and marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image;
5. Promote diversity celebrations on campus;
6. Provide continuous diversity training opportunities for faculty, staff, and administrators;
7. Encourage, develop and support mentor programs for faculty, staff and students that serve to develop leadership potential in faculty, staff and students from underrepresented and diverse groups;
8. Conduct outreach to student, professional, community and other organizations that represent the diverse community the District serves.