



**RANCHO SANTIAGO COMMUNITY COLLEGE DISTRICT**  
**HUMAN RESOURCES COMMITTEE**

**October 14, 2020**

**Via Zoom, <https://cccconfer.zoom.us/j/92601987742>**

Meeting ID #926-0198-7742

3:30 – 5:00 p.m.

**AGENDA**

- |  |        |
|--|--------|
| 1. Welcome   | Green  |
| a. New member – Nancy Tanner, Payroll Manager/Fiscal Services                          |        |
| 2. Approval of Minutes – <b>ACTION</b>   | Green  |
| a. September 9, 2020 Meeting   |        |
| 3. Human Resources Committee (HRC) Responsibilities & Memberships                      | Green  |
| a. Create a Purpose Statement  |        |
| b. Review of HRC Responsibilities & Memberships  |        |
| c. Any Changes to the Focus of Committee and/or Representation?                        |        |
| d. 2019-2020 Committee Accomplishments   |        |
| e. 2020-2021 Committee Goals   |        |
| 4. RSCCD Equal Employment Opportunity (EEO) & Human Resources Plan - <b>DISCUSSION</b> | Green  |
| 5. Accreditation – <b>FOLLOW-UP</b>  | Winter |
| 6. FON - <b>UPDATE</b>   | Green  |
| 7. Supplemental Retirement Plan (SRP) – <b>UPDATE</b>                                  | Green  |
| 8. Other   |        |

**Next Meeting:**

*No meeting for the month of November, 2<sup>nd</sup> week lands on Veterans Day*

Wednesday, December 9, 2020

3:30 – 5:00 p.m.

**The mission of the Rancho Santiago Community College District is to provide quality educational programs and services that address the needs of our diverse students and communities.**



**HUMAN RESOURCES COMMITTEE**  
**Via Zoom – District Office**  
**3:30 – 5:00 p.m.**  
**Meeting Minutes for September 9, 2020**

Members Present: Dr. Marilyn Martinez-Flores, Dr. Jeffrey Lamb, John Zarske, Jonae Varela, Martin Stringer, Denise Salcido, Scott Howell, Zina Edwards, James “Jim” Isbell, Tracie Green, Alistair Winter, Adam O’Connor

Guests: Jean Estevez and Dr. Narges Rabii-Rakin

Members Absent: Jarek Janio, Jose Vargas, Elouise Marasigan, Maria Garcia

1. Welcome
  - a. Meeting was called to order at 3:33 pm.
  - b. Ms. Green introduced HRC new members as Dr. Flores as Interim President of SAC, Mr. Vargas as Interim President of SCC, Mr. Stringer as Interim Vice President of Academic Affairs at SCC, Ms. Salcido, Mr. Howell as the new SCC Academic Senate Representatives, Mr. Isbell as President of FARSCCD and guest member Dr. Rabbi Narges, Interim Chief Advisor of Diversity and Academic Programs.
2. Approval of Minutes – June 10, 2020 Meeting

It was moved by Ms. Varela, seconded by Ms. Flores to approve minutes. Abstain by Ms. Salcido and Mr. Stringer.
3. Presidential Search (SAC & SCC)

Ms. Green reported that the Chancellor has selected the Association of Community College Trustees (ACCT) as the search consultants for the presidential search for SAC and SCC. The proposal will be on the September 14, 2020 board meeting agenda. Ms. Green provided a brief summary of the presidential search tentative timeline.
4. RSCCD Equal Employment Opportunity (EEO) & Human Resources Plan

Ms. Green informed that the plan will be a standing item for it will need to be updated this academic year. The EEO Plan is a three-year plan, our current Plan is through 20/21. The RSCCD Annual Fall Diversity Report is updated each fall and presented to the HRC committee prior to the presentation to the Board of Trustees. Ms. Green walked through the components of the EEO Plan, discussed that the BP/AR’s have been up-dated and will be included in the new plan and the data matrix used to show longitudinal demographic information. Dr. Lamb recommended for the Human Resources and Staffing Plan be separated from the EEO Plan. Ms. Green agreed with the suggestion as did the committee, this will be part of the planning process this year. Committee will need to familiarize and begin to review the plan for the next meeting.
5. Equal Employment Opportunity (EEO) Training

Ms. Green reported the last EEO training was conducted by Liebert Cassidy Whitmore (LCW) by webinar, in two different sessions during flex week on August 17, 2020. Fifty-five (55) employees in total participated. Employees are required to renew the training every two years.
6. Accreditation

Mr. Winter reported the next step on the Standard III-A is the narrative portion. It was recommended for the committee members work on their assigned standards and provide a draft on the next meeting. New committee members, will probably need to take over the standards of the members that are no longer participating. The goal is to have the final draft by December. Mr. Winter will submit the Standard III-A ISER template. Dr. Lamb will speak with Ms. Zarske and Mr. Voelcker in forming a writing workgroup to assist with the writing section for accreditation.

7. Title IX

Ms. Estevez reported the Title IX Administrative Regulation has been approved and is in effect. The Board Policy (Title IX and Conduct) is being presented to the board on their scheduled meeting of September 14, 2020 for approval. Deputy Title IX Coordinators at SCC and SAC have been trained as Title IX Coordinators and to serve as investigators to comply with the Violence Against Women's Act. External resources will be used for the following positions (Hearing Officers, Investigator and Advisors) required under the new regulations. Colleges website have been updated, Title IX and Civil Rights websites have been created for the colleges and are now live, updated the RSCCD Title IX website, currently working on the Civil Rights website, created complaint and respondent handbooks (include FAQ's and flowcharts). Working on Restorative Justice Center required by the new regulation. All employees and union presidents have been noticed via email regarding Title IX and reporting regulations and to how to report in the now remote environment. Notification to students is required by the new regulation which an email has been drafted, it is now awaiting approval from the college's cabinet. Upon approval, the email will be sent to all current students. Two workshops for Title IX have been scheduled for employees on September 15 and November 10.

8. Other

Mr. Zarske asked about the FON update. Ms. Green commented that an update on the FON will be agenzied on the next meeting as well as the Supplemental Retirement Plan (SRP). Dr. Lamb reported that the State Chancellor's Office had suspended the FON and will probably, provide directions on the next academic year. Discussion ensued regarding the SRP and future hiring for replacements.

Next HRC Meeting:

Wednesday, October 14, 2020

Via Zoom, 3:30 – 5:00 p.m.

Meeting Adjourned at 4:32 p.m.

Minutes Approved: \_\_\_\_\_

What is our purpose statement?

Committee	Responsibilities	Membership
Human Resources	<p>Evaluate the effective use of human resources</p> <p>Review human resources policies and procedures and recommends changes</p> <p>Evaluate workplace safety and emergency preparedness plans and procedures</p> <p>Evaluate policies and procedures related to employment equity</p> <p>Monitor diversity of RSCCD employees</p> <p>Monitor compliance using human resources metrics such as:</p> <ul style="list-style-type: none"> <li>• Full-time/Part-time Faculty ratio</li> <li>• Full-time Faculty Obligation</li> <li>• Classified staffing ratios</li> <li>• Turnover ratios and recruitment activities</li> </ul> <p>Develop recommendations to ensure ongoing compliance with human resources requirements</p> <p>Plan and evaluate professional development activities</p>	<ul style="list-style-type: none"> <li>• Executive Vice Chancellor, Human Resources &amp; Educational Services (chair)</li> <li>• Assistant Vice Chancellor, Human Resources</li> <li>• District Services Office Manager appointed by Chancellor</li> <li>• Administrator appointed by Santa Ana College President</li> <li>• Administrator appointed by Santiago Canyon College President</li> <li>• Two faculty members appointed by each Academic Senate, Santa Ana College &amp; Santiago Canyon College</li> <li>• A faculty member appointed by FARSCCD</li> <li>• Three Classified representatives appointed by CSEA (District Office, Santa Ana College &amp; Santiago Canyon College)</li> <li>• One of the classified representatives shall serve as committee co-chair</li> </ul>

## Rancho Santiago Community College District Districtwide Planning Process Survey Results

June 2020

In 2013, the Rancho Santiago Community College District (RSCCD) implemented a new planning and decision-making process overseen by District Council, with the collaboration of five governance committees that focus on human resources, fiscal resources, physical resources, planning and organizational effectiveness, and technology resources. Staff has had a chance to work with the model envisioned for the district. As the academic year draws to a close, members of the RSCCD Governance Committees were invited to give opinions on this district-wide planning and resource allocation process, as well as the district operations resource allocation. Twenty-six of the 59 members (44%) from across the district participated (32% from Santa Ana College, 41% Santiago Canyon College, and 27% district operations), with representation from all staff (27% classified, 27% faculty and 45% management), but none from students, and representation from all six governance committees (11% District Council, 21% Fiscal Resources, 26% Human Resources, 21% Physical Resources, 32% Planning and Organizational Effectiveness and 26% Technology Advisory Group).

Overall, members of the RSCCD governance committees are familiar with the RSCCD Planning Design (88%); however, not as many find the district-wide planning process clear (50%) or that it is linked with the colleges' planning processes (54%). Nearly three-quarters of the respondents understand the roles and responsibilities of the Fiscal Resources, Human Resources, Physical Resources and Technology Advisory Group; however, fewer respondents understood roles and responsibilities of District Council (65%) and the Planning & Organizational Effectiveness Committee (60%). Also, only four-fifths believe the five committees collaborate to support the work of District Council.

Among the governance committee membership, more than two-fifths of the respondents stated that the process and prioritization of district-wide resource allocation is clear, that there is coordination between district-wide and college-based resource requests, or that they are satisfied with the current process. There is a considerable number of respondents who "don't know" the district-wide resource allocation process, prioritization and timeline.

In addition, respondents were also not as knowledgeable of the district operations' resource allocation request and allocation process and timeline, nor coordination between this process to the college's base resource requests. Please note nearly three-quarters of the respondents are from Santa Ana College and Santiago Canyon College and so they are probably more familiar with their respective colleges' processes.

Because representations to the district-wide governance committees change regularly, it is recommended that new memberships be thoroughly orientated about the district-wide planning and resource allocation processes, as well as member's roles and responsibilities, to ensure effective representation and coordination with colleges' processes and structures.

	Count	strongly agree	agree	disagree	strongly disagree
I am familiar with the RSCCD Planning Design.	26	15%	73%	12%	0%
The district-wide planning process is clear.	26	8%	42%	38%	12%
The district-wide planning process is linked with the colleges' planning processes	26	4%	50%	35%	12%
I understand the roles and responsibilities of the following RSCCD Governance Committees:					
District Council	26	27%	38%	35%	0%
Fiscal Resources	26	27%	54%	15%	4%
Human Resources	26	23%	54%	19%	4%
Physical Resources	26	19%	54%	23%	4%
Planning and Organizational Effectiveness	26	23%	31%	38%	8%
Technology Advisory Group	26	23%	50%	23%	4%

	Count	strongly agree	agree	disagree	strongly disagree	don't know
The committees collaborate to support the work of District Council.	26	12%	31%	31%	4%	23%
Please tell us your level of agreement on the <u>district-wide</u> resource allocation:						
The process to identify and prioritize district-wide resource requests is clear.	22	9%	32%	23%	18%	18%
I am satisfied with the district-wide resource request and prioritization process.	22	9%	32%	18%	18%	23%
There is coordination between district-wide and college-based resource requests.	22	9%	27%	18%	18%	27%
The district-wide resource allocation timeline is clear.	23	9%	48%	17%	4%	22%
The district-wide resource allocation timeline is satisfactory.	23	9%	35%	9%	17%	30%
Please tell us your level of agreement on the <u>district operations</u> resource allocation:						
The process to identify and prioritize district operations resource requests is clear.	23	9%	30%	17%	22%	22%
I am satisfied with the district operations resource request and prioritization process.	23	9%	30%	17%	26%	17%
There is coordination between district operations and college-based resource requests.	23	9%	26%	22%	26%	17%
The district operations resource allocation timeline is clear.	23	9%	35%	22%	17%	17%
The district operations resource allocation timeline is satisfactory.	23	9%	35%	13%	17%	26%

**Changes to the District-wide planning and resource request process you would recommend:**

- I know there is a process, but district departments have not made requests. Therefore, we really haven't put the process to use it.
- Explain that it exists and how it works.
- More involvement with faculty. Don't bypass this process.
- Fine as it is.
- The allocation model is not working. There are serious equity questions between SAC and SCC. The District does not plan well. Also, what does \_\_\_\_\_ do? What is his job?
- We have plans and processes that we don't follow.
- A determination needs to be made whether planning is bottom-up (colleges guide planning at the District) or top-down (colleges conform to planning at the District).
- The district-wide planning process is like the keystone cops. No one wants to take responsibility for the decisions made. One committee says it's not their job, it's another committee's responsibility. The second committee states it's not their responsibility, it's some other committee. Why are there so many district folk on the committee when they don't voice their own opinion for fear of upsetting their superiors. What ends up happening is that the colleges are pitted against each other.

**Changes to the district operations planning and resource request process you would recommend:**

- Seems to work as is
- A clear, comprehensive training should be a part of the faculty institute for new faculty. Shared governance committees need to institute a mentoring process so that new members to committees are paired with more experienced committee members to explain, clarify, and assist the new committee member -- this will help to improve the efficacy and understanding of the committee. Last, relevant and engaging materials may be made available to help explain the process of district operations.
- We have a clear timeline; however, because there are no requests for allocation made so we haven't had to follow it.
- Each department should make it clear how they prioritize work / support requests and in what timeframes.
- There is no clear process by which the district justifies to the colleges (the entities that bring in revenue) why district operations should receive the funding it does or how it should be distributed within district operations.

**RSCCD**

**EQUAL EMPLOYMENT OPPORTUNITY  
AND  
HUMAN RESOURCES PLAN**

**Approved by District Council**

**March 5, 2018**

# Equal Employment Opportunity and Human Resources Plan

Adopted \_\_\_\_\_

## Regulatory Framework for the Plan

Section 53003(a) of Title 5 of the California Code of Regulations, requires the governing board of each community college District to develop and adopt a District-wide written equal employment opportunity plan to implement its equal employment opportunity program. Such plans and revisions must be submitted to the Chancellor's Office for review and approval. Section 53003(b) requires districts to review their plans at least every three years and, if necessary, revise and submit them to the Chancellor's Office.

In addition to the Title 5 requirements, there are a number of standards and requirements (accreditation standards, board policies, administrative regulations) which influence and shape the manner in which the District manages its human resources. This plan has been designed to move beyond the basic compliance elements dictated by Title 5 and provide a comprehensive planning document which will be a viable planning tool for the District and its colleges.

## Relevant Policies

Two Board Policies primarily reflect the District's commitment to equal employment opportunity and the continued development of a diverse workforce. A third policy prescribes the framework for the District's recruitment and selection processes. The administrative regulations associated with that policy delineate the procedures that are followed for various employee groups.

Those policies are presented below.

## *BP 3420 Equal Employment Opportunity*

### *References:*

*Title VII of the Civil Rights Act of 1964; Article I, Section 31 of the California Constitution; Title 5 of the California Code of Regulations, Section 53000 et seq.; Education Code Section 87100*

*The Board supports efforts to ensure equal opportunity and sees the value of having a diverse work force. Diversity in the academic environment fosters cultural, social and civic awareness as well as mutual understanding and respect. The Board commits itself to the principle of equal employment through a continuing equal opportunity employment program.*



*The District prohibits discrimination and harassment based on ethnic group identification, national origin, religion, age, sex, race, color, ancestry, sexual orientation, physical or mental disability, gender identity, medical condition (cancer-related or genetic characteristics), marital status, citizenship, or service in the uniformed services, 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. This Board policy applies to all employment practices, including recruitment, selection, promotion, transfer, salary, training and development, discipline and dismissal.*

*This Board policy prohibits retaliation against any employee or person seeking employment for bringing a complaint of discrimination or harassment pursuant to this policy. This Board policy also prohibits retaliation against a person who assists someone with a complaint of discrimination or harassment, or participates in an investigation or resolution of a complaint of discrimination or harassment.*

*The Chancellor shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with California law as from time to time modified or clarified by judicial interpretation.*

*Nothing in this Board policy shall authorize in any plan for equal employment opportunity the setting of numerical goals or quotas, or preferences, in conflict with state law.*

**Revised: August 19, 2013 (Previously BP4104)**

### ***BP 7100 Commitment to Diversity***

**Reference:**

*Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq. Accreditation Standard IIIA.4*

*The District is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity and diversity, and provide equal consideration for all qualified candidates.*

*Nothing in this Board Policy shall authorize hiring and staff development processes that set numerical goals or quotas, or preferences, in conflict with state law.*

**Adopted October 28, 2013**

## ***BP 7120 Recruitment and Hiring***

### ***Reference:***

*Title VII of the Civil Rights Act of 1964; Article 1, Section 31 of the California Constitution, Title 5 of the California Code of Regulations, Section 53000 et seq., 51023.5 Education Code Sections 70901.2, 70902(b)(7) & (d), 87100 et seq. and 87458; ACCJC Accreditation Standard III.1.A*

*It is the responsibility of the Chancellor to determine the personnel needs of the District. The Chancellor shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.*

*It is the policy of the Rancho Santiago Community College District to obtain the best qualified administrators, faculty, and staff members who are dedicated to student success. The Board of Trustees supports a competitive selection process for filling vacant positions.*

*It shall be the duty of the Chancellor to see that persons nominated for employment meet all qualifications established by law and/or the Board of Trustees for the position for which nomination is made.*

*Academic employees shall possess the minimum qualifications prescribed for their positions by the Board of Governors.*

*The criteria and procedures for hiring academic employees shall be established and implemented in accordance with board policies and procedures regarding the Academic Senate's role in local decision-making.*

*The criteria and procedures for hiring classified employees shall be established after first affording the appropriate constituent groups an opportunity to participate in the decisions under the Board's policies regarding local decision making.*

*The Chancellor will recommend the appointment of all employees to the Board of Trustees. Employees may be appointed by the Chancellor or delegated agent subject to ratification at the next regular meeting of the Board of Trustees.*

*The authority to assign and/or transfer personnel within the District is delegated to the Chancellor except as such power may be limited by law, District policies, procedures, and collective bargaining agreements.*

***Revised October 28, 2013 (Previously BP4102)***

***References Updated: March 16, 2015; November 7, 2016***

The specific procedures governing the district's recruitment and selection process are contained in following Administrative Regulations and are incorporated into this plan by reference:

- AR 7120.1 Full-time Faculty Recruitment and Hiring
- AR 7120.2 Classified Hiring Procedures (Full-Time and Part-time)
- AR 7120.3 Management Recruitment and Selection

**Delegation of Responsibility**

The Chancellor is ultimately responsible to the Board of Trustees for ensuring compliance with all District policies and relevant laws and regulations. The following employees are specifically responsible for the implementation and management of the District’s EEO Plan:

<u>Employee</u>	<u>Title</u>	<u>Responsibilities</u>
Judy Chitlik	Vice Chancellor, Human Resources	Equal Employment Opportunity Officer; Receipt and Investigation of Complaints
Alistair Winter	Assistant Vice Chancellor, Human Resources	Day-to-day implementation of the EEO Plan
Elouise Marasigan	Employment Services Manager	Recruitment and Hiring Procedures

**The Human Resources Committee (EEO Advisory Committee)**

The District’s Human Resources Committee is the participatory governance committee charged with the planning, evaluation and assessment of issues related to human resources. As such, this committee serves an evaluative and advisory role to the administration and the board of trustees with regard to human resources issues including but not limited to the operation of the EEO Plan. As one of the District’s standing participatory governance committees, the Human Resources Committee shall function as the District’s Equal Employment Opportunity Advisory Committee. The committee shall assist in the implementation of this plan in conformance with state and federal regulations and guidelines, monitor equal employment opportunity progress, and provide recommendations for plan revisions as appropriate.

## Complaints

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

The District's Equal Employment Opportunity Policy is contained in Board Policy 3420. The District has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations (California Code of Regulations, title 5, section 53000 et seq.) have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the District to waive the sixty (60) day limitation. Complaints alleging violations of the *Plan* that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing. A complainant may not appeal the District's determination pursuant to section 53026 to the Chancellor's Office, but under some circumstances, violations of the equal opportunity regulations in title 5 may constitute a violation of a minimum condition for receipt of state aid. In such a case, a complaint can be filed with the Chancellor's Office, but the complainant will be required to demonstrate that he/she made previous reasonable, but unsuccessful, efforts to resolve the alleged violation at the college and/or district level using the process provided by section 53026. (See *California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints* at:

<http://www.cccco.edu/divisions/legal/guidelines/Guidelines%20for%20Minimum%20Conditions%20Complaints.htm>.

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

The complaint shall be filed with the equal employment opportunity officer. If the complaint involves the equal employment opportunity officer, the complaint may be filed with the chief executive officer. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. The 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's Nondiscrimination Policy is contained in Board Policy 3410. Complaints of illegal discrimination and harassment must be filed with the Vice Chancellor of Human Resources and will be processed in accordance with Administrative Regulation 3435.

### ***BP 3410 Nondiscrimination***

#### ***References:***

*Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.; Title 5 Sections 53000 et seq. and 59300 et seq.; Penal Code Section 422.55; Government Code Sections 12926.1 and 12940 et seq.; Title 2 Sections 10500 et seq.*

*ACCJC Accreditation Eligibility Requirement 20 and ACCJC Accreditation Standard Catalog Requirements (formerly Accreditation Standard II.B.2.c)*

*The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.*

*The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.*

*The Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.*

*No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he or she is perceived to have one or more of the foregoing characteristics, or because of his or her association with a person or group with one or more of these actual or perceived characteristics.*

***Revised July 21, 2014 (Previously BP4119 and BP7300)***

***References Updated: March 16, 2015; November 7, 2016***

## **AR 3410    Nondiscrimination**

### ***Nondiscrimination References for Education Programs:***

*Education Code Sections 66250 et seq., 200 et seq., and 72010 et seq.; Penal Code Sections 422.55 et seq.; Title 5 Sections 59300 et seq.; AACJC Accreditation Eligibility Requirement 20 and AACJC Accreditation Standard Catalog Requirements (formerly II.B.2.c)*

### *Education Programs*

*The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.*

*All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, “gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” mean’s a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.*

*The District shall not prohibit any student from enrolling in any class or course on the basis of gender.*

*Academic staff, including but not limited to counselors, instructors and administrators shall not offer program guidance to students which differs on the basis of gender.*

*Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.*

### ***Nondiscrimination References for Employment:***

*Education Code Sections 87100 et seq.; Title 5 Sections 53000 et seq.; Government Code Sections 11135 et seq. and 12940 et seq.; Title 2 Sections 10500 et seq.*

### *Employment*

*The District shall provide equal employment opportunities to all applicants and employees regardless of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.*

*All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.*

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

*It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.*

**Approved: September 15, 2014**

**References Updated: March 16, 2015; November 7, 2016**

### ***AR 3430 Prohibition of Harassment***

#### **References:**

*Education Code Sections 212.5; 44100; 66281.5;*

*Government Code Section 12940;*

*Title 2 Sections 10500 et seq.;*

*Title IX, Education Amendments of 1972; Title 5, Sections 59320 et seq.;*

*Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e*

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

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

#### **Definitions**

**General Harassment:** *Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, or sexual orientation of any person, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where, in aggregate, the incidents are sufficiently*

*pervasive, persistent, or severe that a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his or her ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.*

*Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:*

***Verbal:*** *Inappropriate or offensive remarks, slurs, jokes or innuendoes based on a person's race gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.*

***Physical:*** *Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.*

***Visual or Written:*** *The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics or electronic media transmissions.*

***Environmental:*** *A hostile academic or work environment exists where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or*



*physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.*

***Sexual Harassment:*** *In addition to the above, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:*

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

*This definition encompasses two kinds of sexual harassment:*

***"Quid pro quo"*** *sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.*

***"Hostile environment"*** *sexual harassment occurs when unwelcome conduct based on a person's gender is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it is severe, i.e. a sexual assault.*

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

### ***Consensual Relationships***

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

**Revised: September 21, 2015**

**References Updated: November 7, 2016**

## ***AR 3435 Discrimination and Harassment Investigations***

### **References:**

*Education Code Sections 212.5, 66281.5, and 67386; Government Code Section 12950.1; Title 5 Sections 59320, 59324, 59326, 59328, and 59300 et seq.; Title 2 Sections 11023 and 11024; 34 Code of Federal Regulations Section 106.8(b)*

*The law prohibits students, employees, (including but not limited to instructors, supervisors and managers) and third parties from engaging in harassment, discrimination, or retaliation. Any person (e.g., an employee or non-employee of the District) who has suffered harassment, discrimination, or retaliation may file a formal or informal complaint of harassment, discrimination, or retaliation.*

### **Informal Complaints**

*An informal complaint is: (1) A written or unwritten allegation of harassment, discrimination, or retaliation with a request to engage in the informal process; or (2) a written allegation of harassment, discrimination, or retaliation that falls outside the timelines for a formal complaint.*

*Any person may submit an informal complaint to the Vice Chancellor of Human Resources or any other District or college administrator. Administrators receiving an informal complaint shall immediately notify the Vice Chancellor of Human Resources (or designee) in writing of all pertinent information and facts alleged in the informal complaint.*

*Upon receipt of an informal complaint, the Vice Chancellor of Human Resources will notify the person bringing the informal complaint of his/her right to file a formal complaint, and explain the procedure for doing so. The complainant may later decide to file a formal complaint. If the individual chooses not to file a formal complaint, or if the alleged conduct falls outside the timeline to file a formal complaint, the Vice Chancellor of Human Resources shall consider the allegations contained in the informal complaint and determine the appropriate course of action. This may include efforts to informally resolve the matter, or a fact-finding investigation.*

*Investigation of an informal complaint will be appropriate if the Vice Chancellor of Human Resources determines that the allegation(s), if proven true, would constitute a violation of the District policy prohibiting harassment, discrimination, or retaliation. The Vice Chancellor of Human Resources will explain to any individual bringing an informal complaint that the Vice Chancellor of Human Resources may decide to initiate an investigation, even if the individual does not wish the Vice Chancellor of Human Resources to do so. However, the complaint's*

*confidentiality will be preserved to the maximum extent possible. The Vice Chancellor of Human Resources shall not disregard any allegations of harassment, discrimination, or retaliation solely on the basis that the alleged conduct falls outside the deadline to file a formal complaint.*

### ***Formal Complaints***

*A formal complaint is a written and signed statement filed with the District or the State Chancellor's office that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures or in violation of state or federal law.*

*A Formal Complaint must meet each of the following criteria:*

- *It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures prohibiting discrimination, harassment, or retaliation;*
- *The complainant must sign and date the Formal Complaint;*
- *The complainant must file any Formal Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation.*
- *The complainant must file any Formal Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.*

*If the Formal Complaint does not meet the requirements set forth above, the Vice Chancellor of Human Resources will promptly return it to the complainant and specify the defect. If the sole defect is that the Formal Complaint was filed outside the applicable proscribed timeline, the Vice Chancellor of Human Resources will handle the matter as an informal complaint.*

***Where to File a Formal Complaint:*** *The completed Formal Complaint form must be filed with any of the following:*

- *The Vice Chancellor of Human Resources, 2323 N Broadway, Santa Ana, CA 92706, and/or*
- *The California Community College Chancellor's Office, 1102 Q Street, Sacramento, CA 95811.*

*Student complainants shall be notified that they may file a discrimination complaint with the U.S. Department of Education, Office for Civil Rights (OCR), 50 United Nations Plaza, [Room 1490](#), [Mail Box 1200](#) San Francisco, CA 94102 (415) 486-5555.*

*Employee complainants shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC), Royal Federal Building, 255 East Temple Street, 4th Floor Los Angeles, CA 90012 or the California Department of Fair Employment and Housing (DFEH), 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758.*

*Complaints filed with the EEOC and/or the DFEH should be forwarded to the California Community College Chancellor's Office by the District.*

*Any District employee who receives a harassment or discrimination complaint, regardless of whether it is brought by a student or an employee, shall notify the District's Vice Chancellor of Human Resources immediately.*

*Immediately upon receiving a Formal Complaint, as described above, regardless of whether the complaint is brought by a student or by an employee, the District shall forward a copy of the Formal Complaint to the California Community College Chancellor's Office.*

***Filing a Timely Complaint:*** *The District is firmly committed to providing an environment free of discrimination and harassment. The District strongly encourages anyone who believes they are being harassed or discriminated against, to file a complaint. The District also strongly encourages the filing of such complaints as soon as possible after the alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.*

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

*The District will investigate complaints involving acts that occur off campus if they are related to or impact a District program or activity.*

***Confidentiality:*** *The District will keep the investigation confidential to the extent possible, but cannot guarantee confidentiality because release of some information on a "need-to-know-basis" may be essential to a thorough investigation. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the complaint.*

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

***Oversight of Complaint Procedure:*** *The Vice Chancellor of Human Resources is the "responsible District officer" charged with receiving complaints of discrimination or harassment, and coordinating their investigation. The actual investigation of complaints may be delegated by the Vice Chancellor of Human Resources to other trained, qualified staff, outside persons or organizations under contract with the District. This must occur whenever the Vice Chancellor of Human Resources is named in the complaint or implicated by the allegations in the complaint.*

**Who May File a Complaint:** Any person (employee or non-employee), individually or as a member of a class or on behalf of others, may file a complaint alleging discrimination or harassment that is prohibited by the District's anti-discrimination and anti-harassment policies and procedures.

**Intake and Processing of the Complaint:** Upon receiving notification of a harassment or discrimination complaint, the Vice Chancellor of Human Resources or designee shall:

- Upon approval by the parties involved, and when appropriate, undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules; obtaining apologies; providing counseling and/or training, etc.
- Advise the complainant that he/she need not participate in an informal resolution of the complaint, as described above, and has the right to end the informal resolution process at any time. Mediation is not appropriate for resolving incidents involving sexual violence.
- Advise a student complainant that he/she may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the Department of Fair Employment and Housing. All complainants should be advised that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling, health, and mental health services. The Vice Chancellor of Human Resources shall also notify the State Chancellor's Office of the complaint.
- Take interim steps to protect a complainant from coming into contact with an accused individual, especially if the complainant is a victim of sexual violence. The Vice Chancellor of Human Resources should notify the complainant of his or her options to avoid contact with the accused individual and allow students to change academic situations as appropriate. For instance, the District may prohibit the parties from having any contact with one another pending the results of the investigation.

**Authorization of an Investigation:** The Vice Chancellor of Human Resources or designee shall:

- Authorize the investigation of the complaint, and supervise and/or conduct a thorough, prompt and impartial investigation of the complaint, as set forth below. Where complainants opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. In the case of a formal complaint, the investigation will include interviews with the complainant, the accused, and any other persons who may have relevant knowledge concerning the complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual or sexual conduct, and the context in which the alleged incidents occurred.

***Investigation of the Complaint:*** *The District shall promptly investigate every complaint of harassment or discrimination. No claim of employee or student harassment or discrimination shall remain unexamined. This includes complaints involving activities that occur off campus and in connection with any academic, educational, extracurricular, athletic, or other program of the District, whether those programs take place at a District facility, in a District vehicle, or at a class, training program or similar event sponsored by the District at another location.*

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

***Investigation Steps:*** *The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve, as investigators under this policy shall have adequate training on what constitutes discrimination, including sexual harassment and sexual violence, racial discrimination, disability discrimination and age discrimination and understand how the District’s grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially.*

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

***Timeline for Completion:*** *The District will undertake its investigation as promptly and as swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report within 90 days of the District receiving the complaint, unless an extension has been granted. The Vice Chancellor of Human Resources will notify all the parties involved of the District’s determination, in writing, within 10 working days of the determination being made.*

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

***Written Report:***

The results of the investigation of a complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Formal Complaint;
- A summary of the testimony provided by each witness interviewed by the investigator;
- An analysis of relevant evidence collected during the course of the investigation;
- A specific finding as to whether there is probable cause to believe that discrimination, harassment, or retaliation occurred with respect to each allegation in the complaint; and
- Any other information deemed appropriate by the District.

***Confidentiality of the Process:***

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” may be essential to a thorough investigation and to protect the rights of accused students and employees during the investigation process and any ensuing discipline.

***Administrative Determination:***

In any case not involving employment discrimination, within 90 days of receiving a formal complaint, the District shall complete its investigation and forward a copy of the investigative report to the State Chancellor, a copy or summary of the report to the complainant, and written notice setting forth all of the following to both the complainant and the Chancellor:

- The determination of the Vice Chancellor of Human Resources (or designee) as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- A description of actions taken, if any, to prevent similar problems from occurring in the future;
- The proposed resolution of the complaint; and
- The complainant's right to appeal to the district governing board and the Chancellor.

*In any case involving employment discrimination, within 90 days of receiving a complaint, the District shall complete its investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:*

- *The determination of the Vice Chancellor of Human Resources (or designee) as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;*
- *A description of actions taken, if any, to prevent similar problems from occurring in the future;*
- *The proposed resolution of the complaint; and*
- *The complainant's right to appeal to the district governing board and to file a complaint with Department of Fair Employment and Housing or the U.S Equal Employment Opportunity Commission.*

### ***Discipline and Corrective Action***

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

- *providing an escort to ensure that the complainant can move safely between classes and activities;*
- *ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;*
- *preventing offending third parties from entering campus;*
- *providing counseling services;*
- *providing medical services;*
- *providing academic support services, such as tutoring;*
- *arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and*
- *reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the conduct that lead to the discipline.*
- *conducting, climate surveys, including subsequent evaluation and corrective action, as appropriate*
- *circulating memoranda to students and staff about pertinent District policy; and*
- *other remedies deemed necessary by the District.*

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



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

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

*If the complainant refuses to participate in the investigation, the District should continue to pursue appropriate steps to limit the effects of the alleged harassment and prevent its recurrence.*

### **Appeals**

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

*If the complainant is not satisfied with the results of the administrative determination, he or she may, within fifteen calendar days of the date of the administrative determination, submit a written appeal to the Board of Trustees. The Board shall review the original complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant. If the appeal is made to the Board in connection with a formal complaint, the District shall forward a copy of the Board's final decision to the State Chancellor's Office. If the Board does not act within 45 days the administrative determination shall be deemed approved and shall become the final decision of the District in the matter.*

*In any case not involving workplace discrimination, harassment, or retaliation, a complainant who filed a formal complaint shall have the right to file a written appeal with the State Chancellor's Office within thirty days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.*

*In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC), Royal Federal Building, 255 East Temple Street, 4th Floor Los Angeles, CA 90012 or the California Department of Fair Employment and Housing (DFEH), 2218 Kausen Drive, Suite 100 Elk Grove, CA 95758.*

*In any case involving student discrimination, including harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the ) U.S. Department of Education, Office for Civil Rights (OCR), 50 United Nations Plaza, Room 1490, Mail Box 1200, San Francisco, CA 94102 (415) 486-5555.*

### ***Extension of Time***

*Within 150 days of receiving a formal complaint not involving employment harassment or discrimination, the District shall forward to the State Chancellor's Office the original complaint, the investigative report, a copy of the written notice to the complainant setting forth the results of the investigation, a copy of the final administrative decision rendered by the Board or indicating the date upon which the decision became final, and a copy of the notification to the complainant of his/her appeal rights. If, due to circumstances beyond its control, the District is unable to comply with the 150-day deadline for submission of materials, it may file a written request for an extension of time no later than ten days prior to the expiration of the deadline.*

### ***Dissemination of Policy and Procedures***

*District Policy and Procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, faculty members, members of the administrative staff and members of the support staff, and will be visibly posted on campus and easily found on the District's website.*

*When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.*

### ***Training:***

*All new supervisory employees must be provided with anti-discrimination training and education within six months of their assumption of a supervisory position. The District shall provide anti-discrimination training, including sexual harassment training and education, to each supervisory employee once every two years.*

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

**File Retention:** *The District will retain on file for a period of at least three years after closing the case copies of:*

- *The original complaint;*
- *The investigatory report;*
- *The summary of the report if one is prepared;*
- *The notice provided to the complainant, of the District's administrative determination and his/her right to appeal;*
- *Any appeal;*
- *The District's final decision; and*
- *Documentation of any corrective actions taken.*

*The District will make such documents available to the State Chancellor upon request.*

*For further Information contact:*

*Vice Chancellor, Human Resources, 2323 N Broadway, Santa Ana, CA 92706. (714) 480 7489.*

**Responsible Manager:** *Vice-Chancellor of Human Resources*

**Revised:** *September 19, 2016 (Previously AR 3410)*

**Revised:** *September 2017*

## **Notification to District Employees**

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 this plan. The policy statement will be printed in the college catalogs and class schedules. This plan and any subsequent revisions will be distributed to the Board of Trustees, administrators, the academic senate leadership, union representatives and members of the District Human Resources Committee. This plan will be available on the District's website, and when appropriate, may be distributed by e-mail. The Human Resources Department will provide all new employees with a copy of a written notice describing the District's commitment to Equal Employment Opportunity when they commence employment with the District.

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

Any organization or individual, whether or not an employee of the District, who is involved in the recruitment and screening/selection of personnel must 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 receive training within the 12 months prior to service. This training is a requirement in order to serve on

screening/selection committees. The Assistant Vice Chancellor is responsible for organizing appropriate training. This comprehensive training should include current anti-discrimination legislation, disregard/understanding personal bias, Title V compliance and best practices. 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**

The equal employment opportunity officer will provide annual notice to appropriate community-based and professional organizations concerning the District's commitment to Equal Employment Opportunity and will include information on where complete copies of this plan can be located.

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

Each year the Human Resources Office will survey all employees with respect to gender, ethnic group identification, and disability. The survey shall identify men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities in the following 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.

Similarly, the gender, ethnic group identification, and disability of those who have applied for employment in each of the job categories listed above will be tabulated.

No less than annually, the Human Resources Committee shall review these data and evaluate the effectiveness of the District's recruitment and selection processes as a means of ensuring equal employment opportunity and improving the diversity of the workforce.

### **Other Measures Necessary to Further Equal Employment Opportunity**

The District recognizes that multiple approaches are appropriate to fulfill its mission of ensuring equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation,

acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. To that end, the District will do the following:

- 1) Regularly train all members of screening committees in order to ensure compliance with District policies, procedures and the requirements of this plan.
- 2) Highlight the District's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications. Include in job announcements language indicating that candidates are required to demonstrate sensitivity to and understanding of the diverse academic, socio-economic, cultural, disability, gender and ethnic characteristics of community college students.
- 3) Support the efforts of the college curriculum committees to include diversity and multiculturalism in their instructional offerings.
- 4) Ensure college/district publications and other marketing tools reflect diversity in pictures, graphics, and text to project an inclusive image.
- 5) Conduct EEO/diversity workshops during flex week or on staff development days.
- 6) Maintain the district's diversity, equal employment opportunity, ADA, sexual harassment and nondiscrimination policies, procedures and programs on the district's website.
- 7) Promote cultural awareness and celebrations on campus.
- 8) Recognize multilingualism and knowledge of multiculturalism as a desired, and when appropriate, required skill and qualification for District employees.
- 9) Ensure that top administrative staff support diversity objectives and that the diversity and/or equal employment opportunity officer position is maintained as a cabinet or other high-level administrative position.
- 10) Collaborate with student, professional, community and other organizations that represent the diverse community we serve. These organizations can serve as resources for referring potential candidates.

### **Graduate Assumption Program of Loans for Education**

The District will encourage community college students to become qualified for, and seek employment as, community college employees. The District shall research and inform students about programs that may assist them to complete their graduate studies and become community college employees. The District will post informational flyers on the campuses concerning such programs, and make information available in student newspapers, the course catalog, and in locations accessible to students, including but not limited to, Counseling, Financial Aid,

Admissions and Records, the Bookstore, and the Student Center. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

## **HUMAN RESOURCES & STAFFING PLAN**

### **Introduction**

As a public educational agency, the Rancho Santiago Community College District is required to comply with a myriad of statutes, regulations and accreditation standards with regard to its human resources. These regulatory requirements and standards provide the framework for the District's human resources planning.

This human resources plan is designed to assist the District and its operational units to plan for and effectively utilize its human resources.

### **Relationship to District and College Planning**

The RSCCD Human Resources Committee is one of five participatory governance committees that play an integral role in the district's institutional planning process. The Human Resources Committee is the participatory governance body that is responsible for the initial development, review and evaluation of this Human Resources & Staffing Plan. In addition to its role in institutional planning, the Human Resources Committee is also responsible for the initial review of existing, modified, or new personnel policies and administrative regulations.

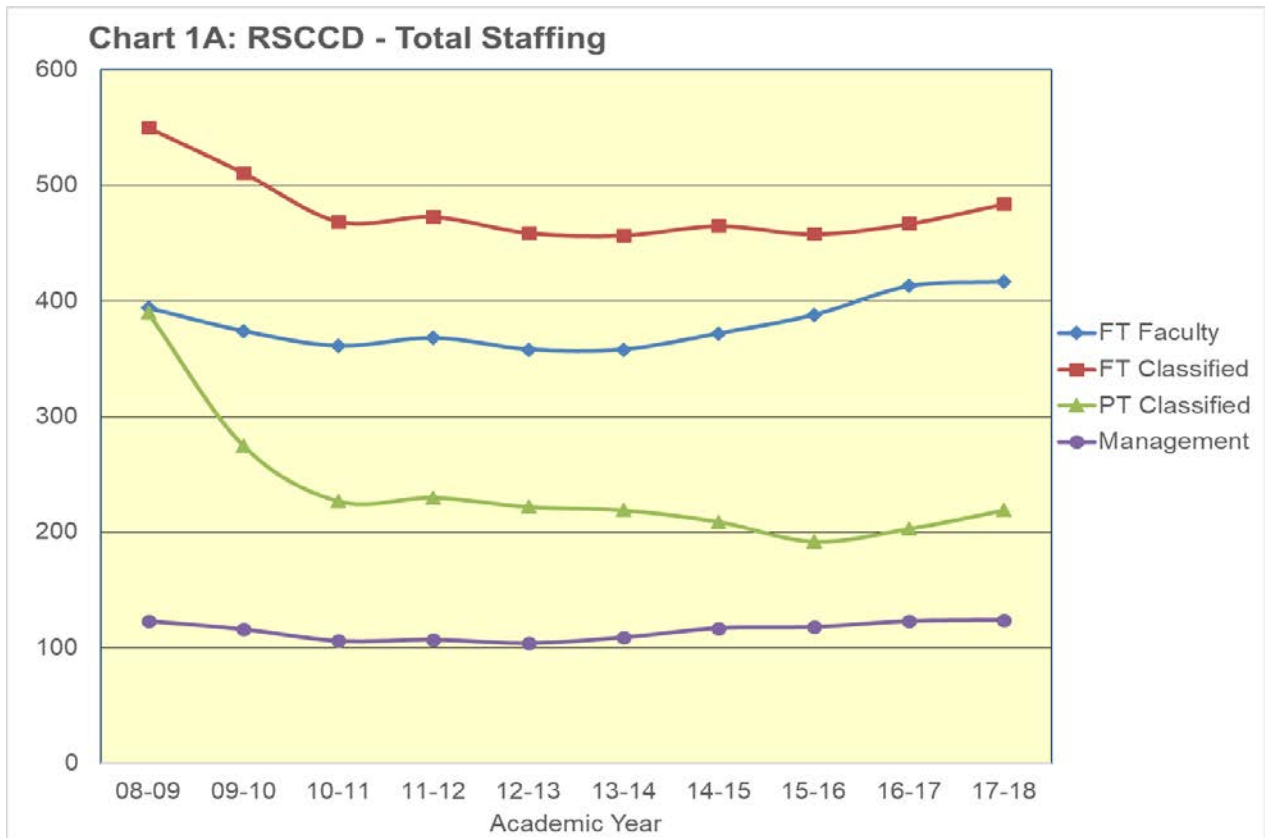
The District's resource allocation model provides the three operational units, Santa Ana College, Santiago Canyon College and District Services with the authority to determine its appropriate staffing levels, assignments and organizational structures. Although the Board of Trustees is the ultimate authority with regard to all human resource matters, significant authority is delegated to the operational units through the Chancellor. Consequently, each of these operational units also utilizes planning processes for its particular human resources and staffing needs.

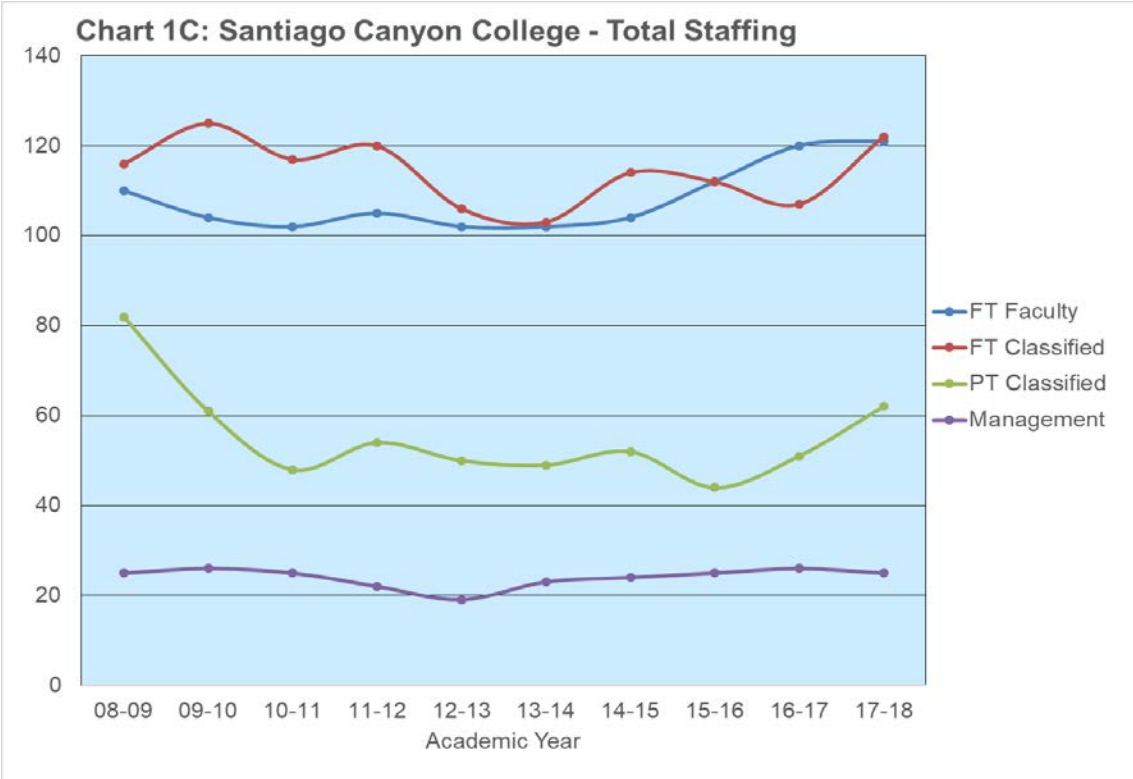
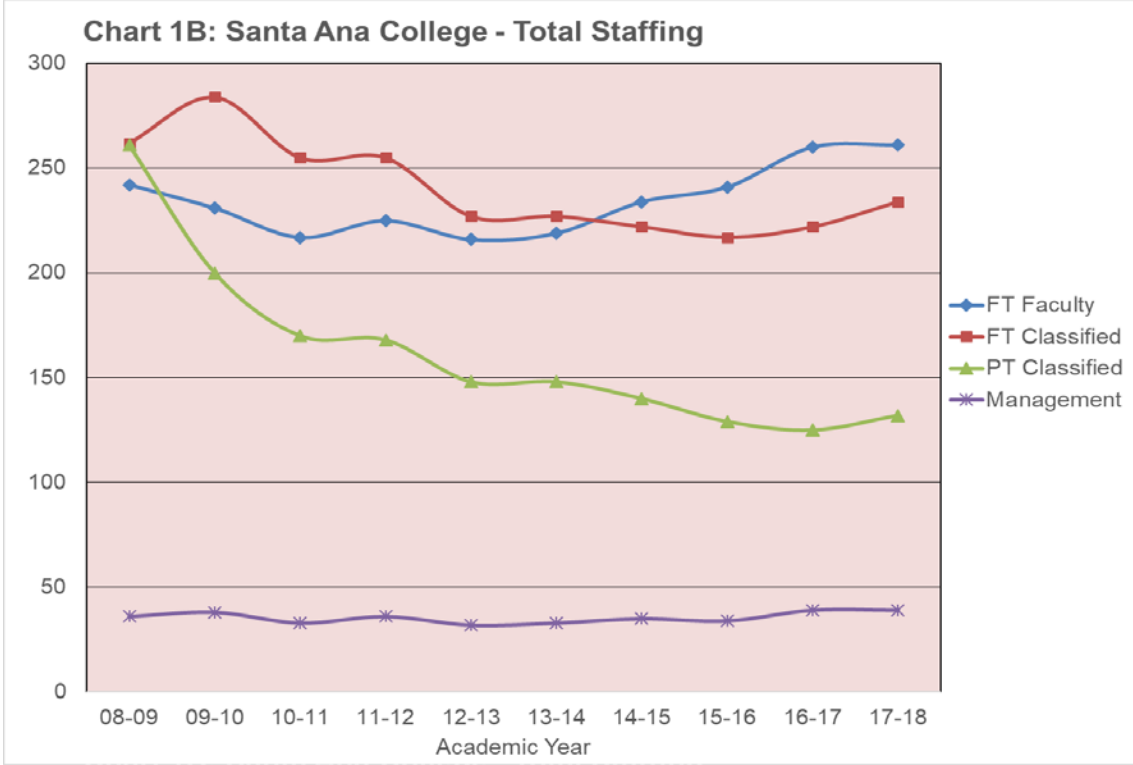
Human resources administration is a centralized responsibility of District Services and operational aspects such as recruitment, classification, labor relations, compensation, and employee benefits are managed centrally based upon the provisions of the applicable collective bargaining agreements and board policy.

### **Staffing Levels**

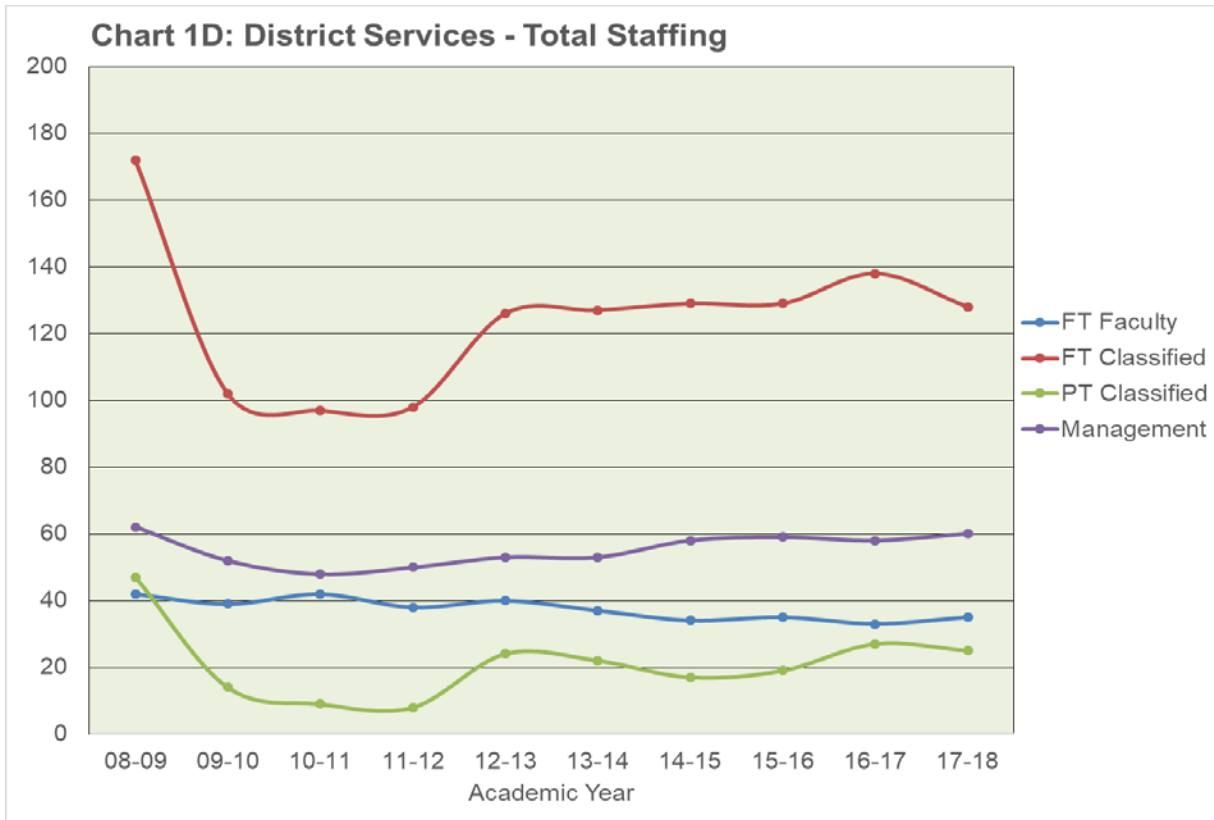
The following charts depict the changes in staffing by employee category district-wide and at the operational units. These data are presented from the 2008/09 fiscal year to the present. The Great

Recession and subsequent state budget crisis had a significant effect on staffing in the District. Through attrition, a hiring freeze and ultimately a reduction in force, the district intentionally reduced staffing at all locations as a cost-reduction strategy. As the economy has recovered and state funding for community colleges improves, staffing levels are increasing but are still below pre-recession levels.

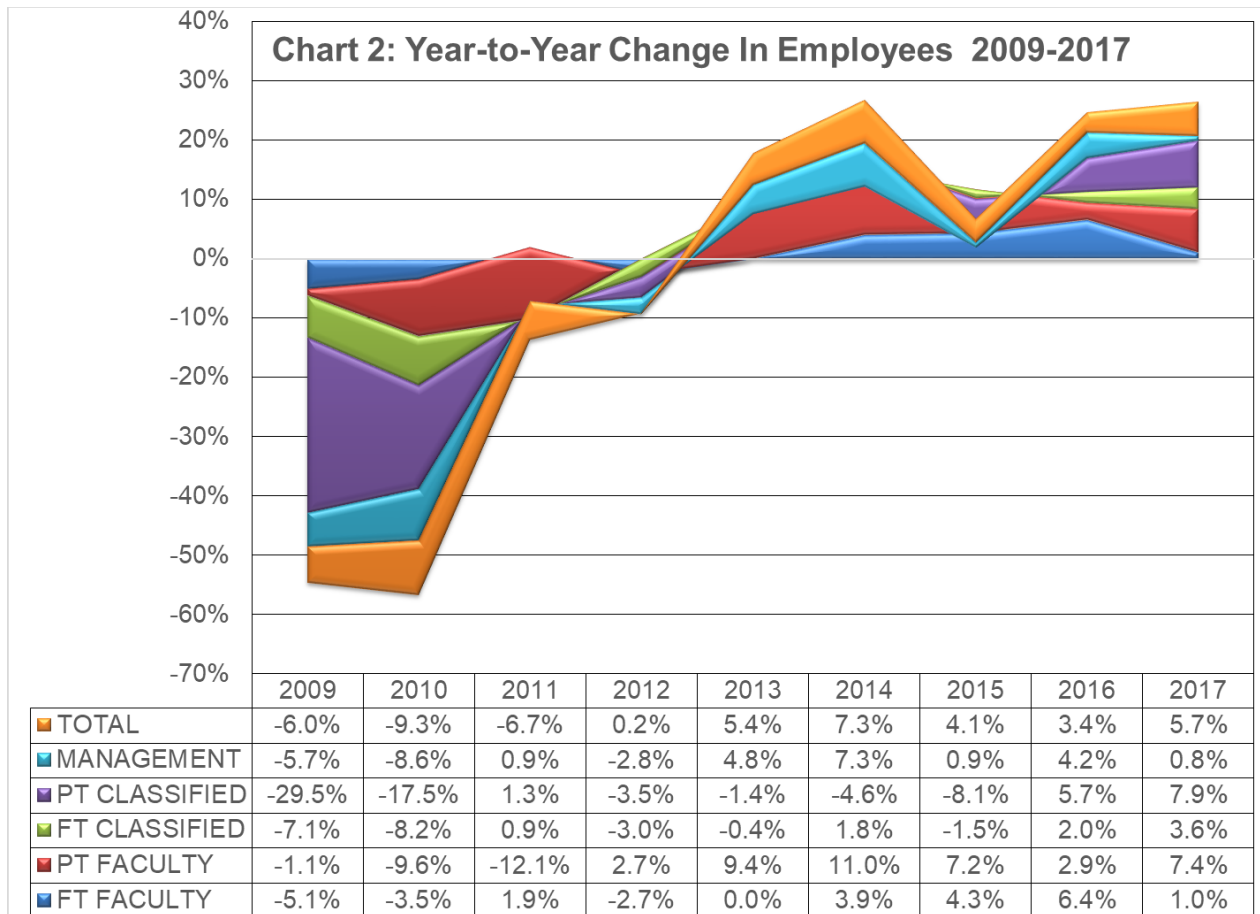








The following chart shows the District-wide change in the number of employees from 2008 to 2017. The chart shows that part-time employees (both classified and faculty) were the groups most significantly impacted by the recession and state budget crisis. This reflected the District’s strategy to protect full-time positions when possible.

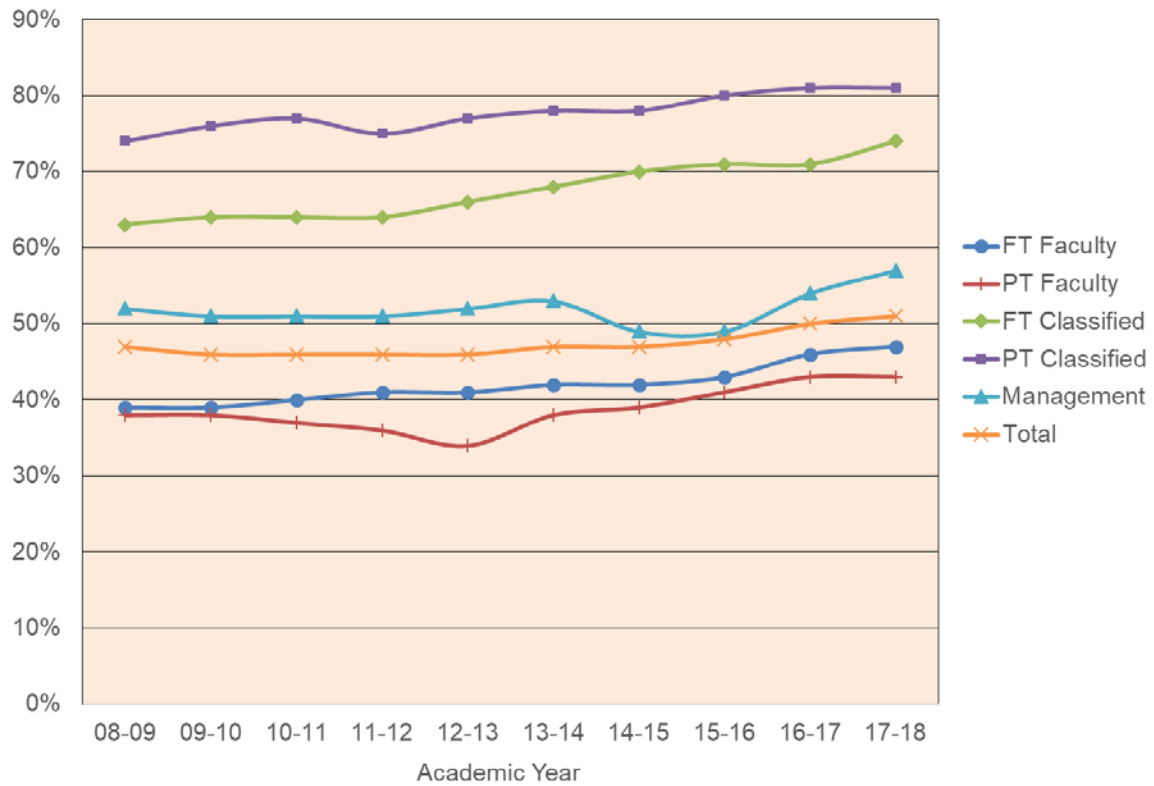


All changes measured as of September 1<sup>st</sup> of each year.

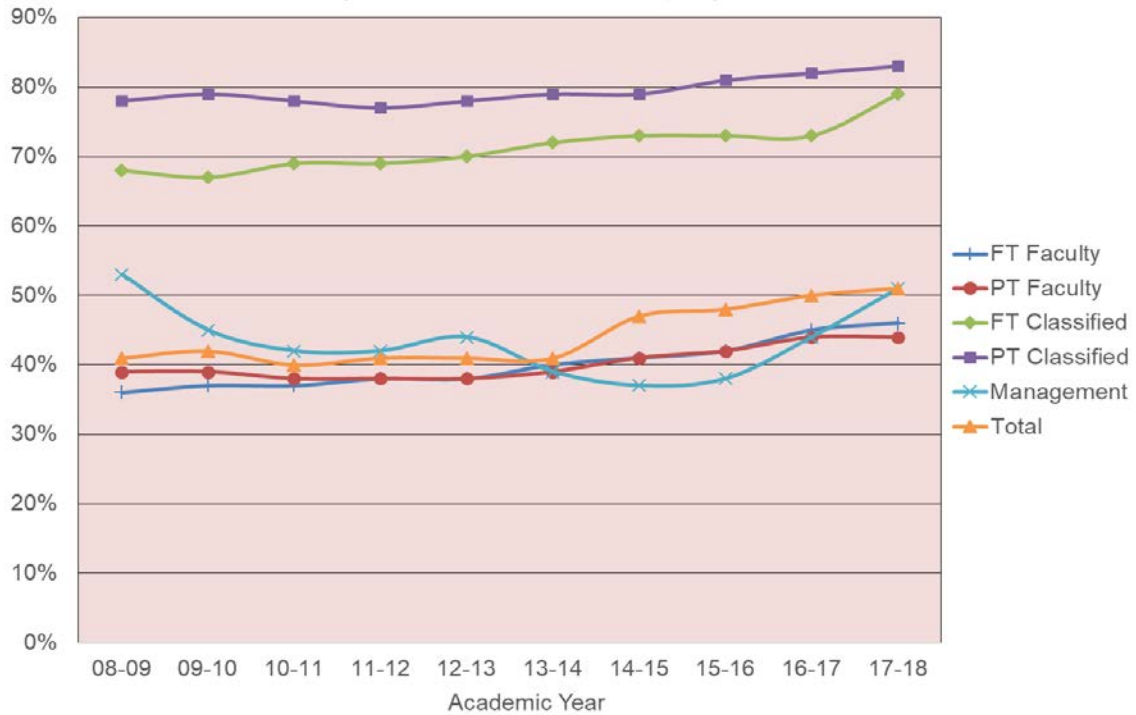
### Staff Diversity

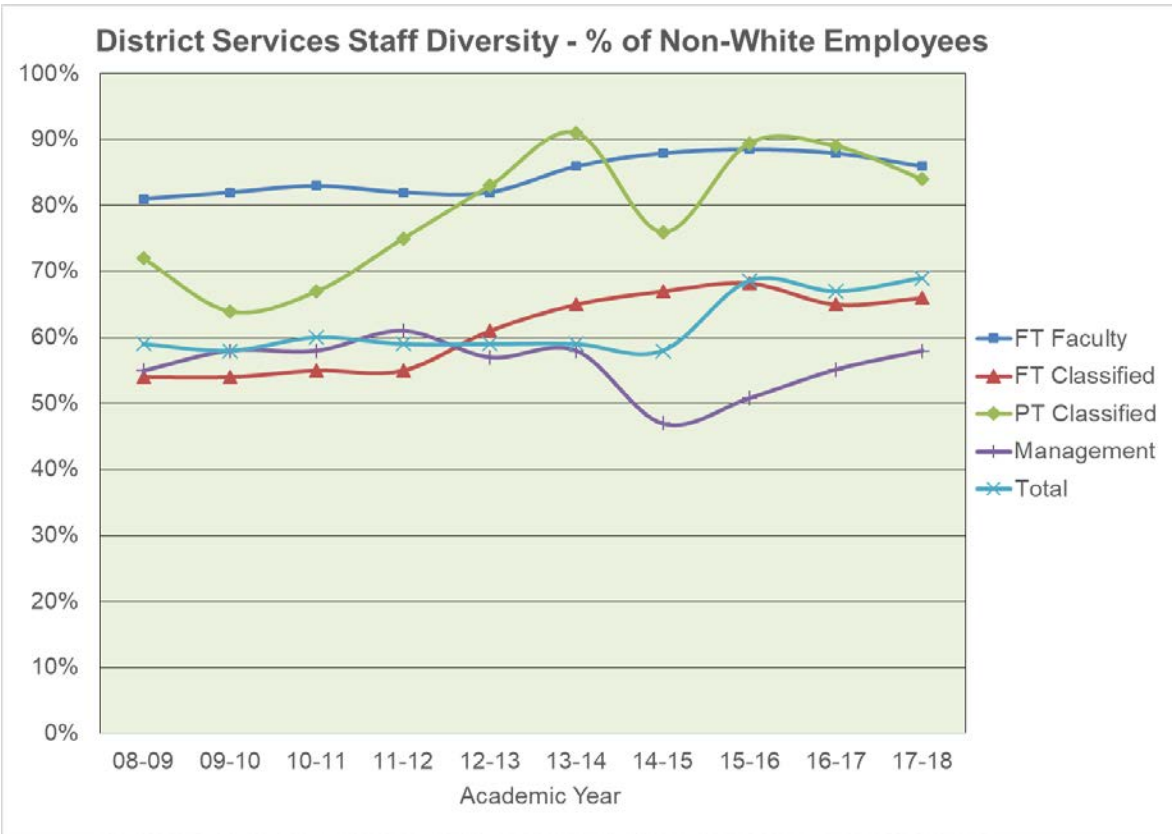
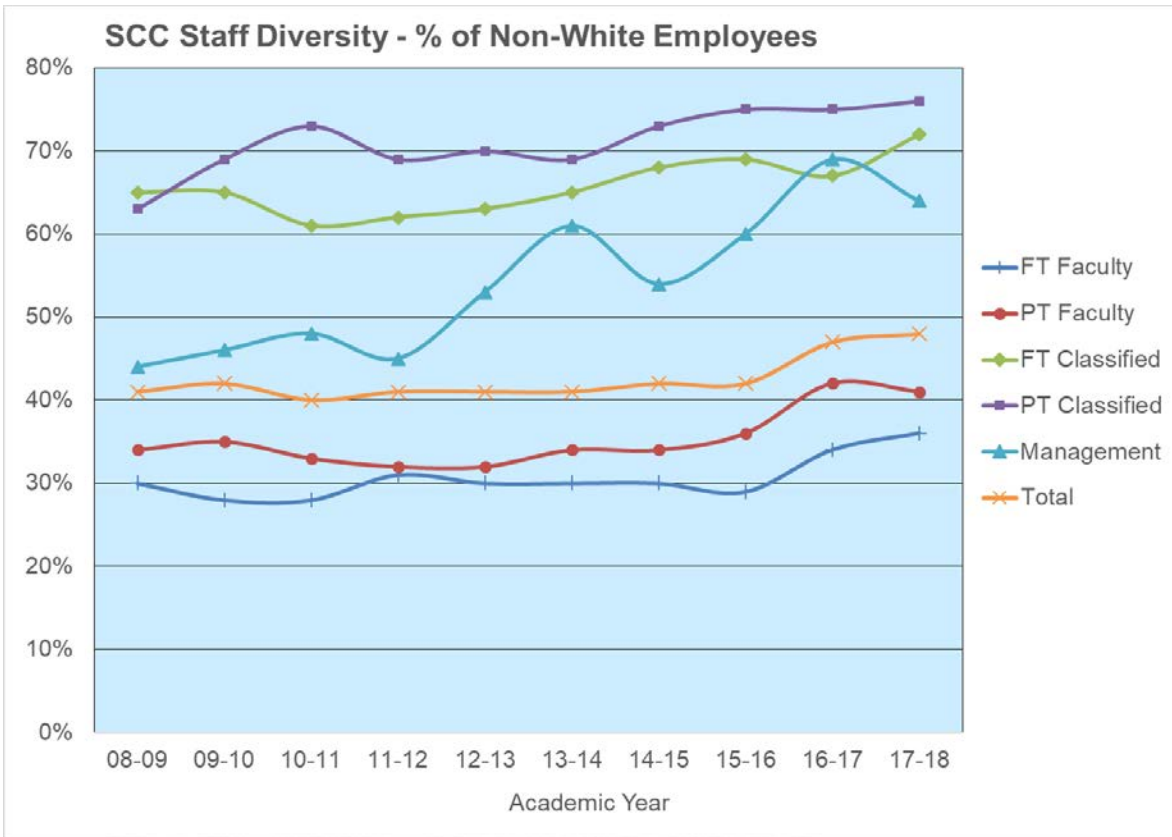
The communities comprising the RSCCD are very diverse and the student bodies of both colleges reflect that diversity. The district’s recruitment and selection procedures are designed to attract a diverse pool of applicants for all job openings. On an annual basis, an analysis of the ethnic diversity of the district’s workforce is conducted and reviewed by the Human Resources Committee. The percentage of ethnically diverse (non-white) employees, by category and in total, (as measured on September 1<sup>st</sup> of each year) are presented on the following charts.

**RSCCD Staff Diversity - % of Non-White Employees**



**SAC Staff Diversity - % of Non-White Employees**





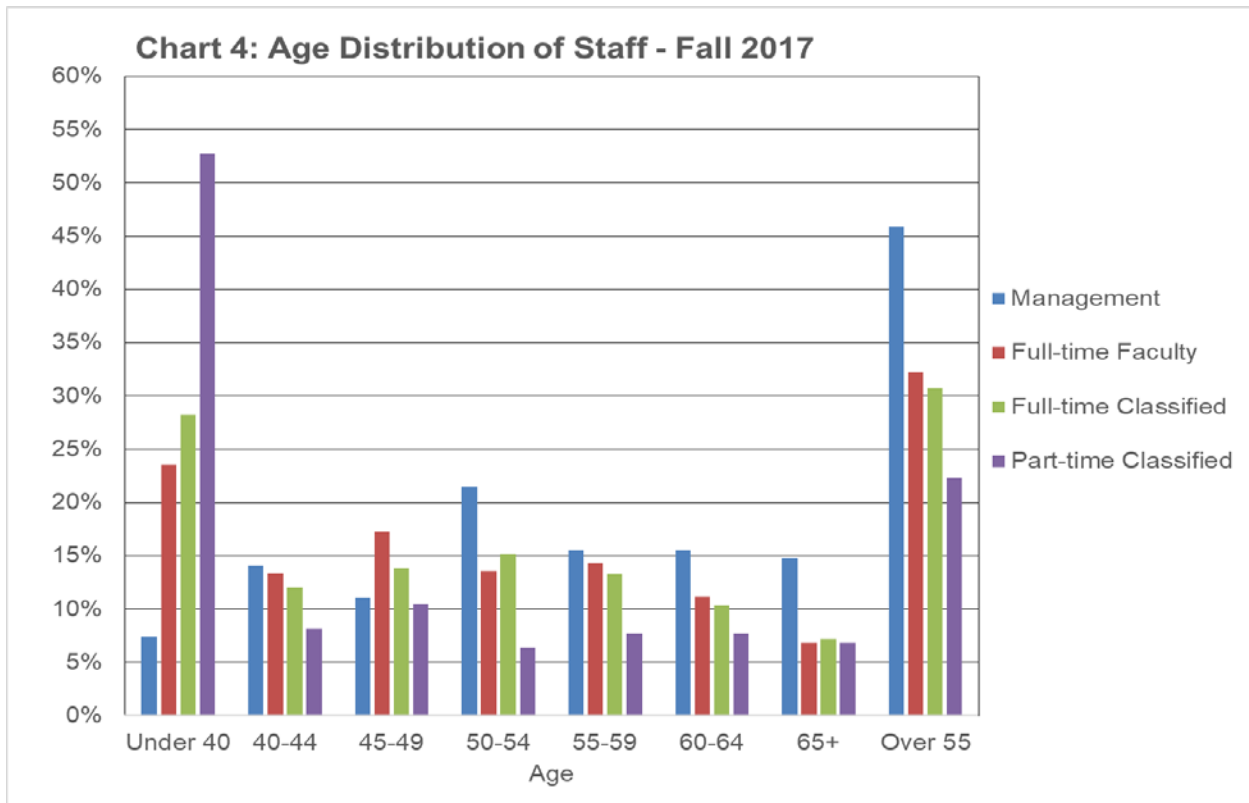
Despite the staff reductions during the 2008 – 2010 years (when a hiring freeze and a reduction in force were imposed) overall staff diversity has remained fairly constant. Due to their smaller size, the management and part-time classified employee cohorts have experienced more year-to-year fluctuations than the larger cohorts.

**Age Distribution and Turnover**

The age distribution percentages for each employee group reveal a significantly younger cohort of classified employees than all other groups. Part-time classified employees represent the youngest age group, followed by the full-time classified employees. The management and full-time faculty cohorts have a significantly higher percentage of employees over age 60 as compared to the classified employee cohorts.

In terms of retirement eligibility, the minimum retirement age for most faculty and managers is age 55. Although the minimum age for classified employees is, age 50, retirement prior to age 55 is rare. Using age 55 as a measurement point, significant portions of all full-time employees are currently eligible for retirement:

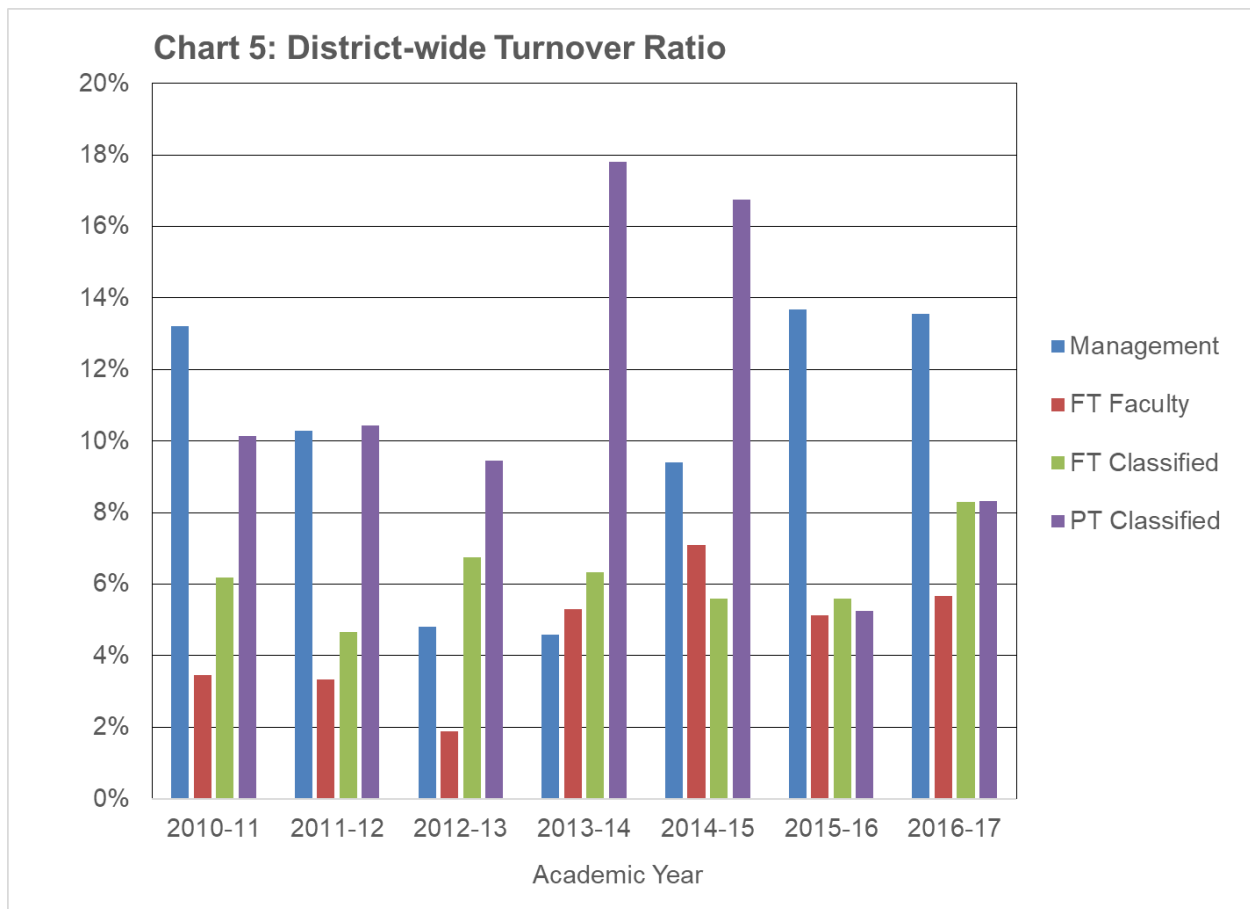
- Management: 46%
- Full-time faculty: 33%
- Full-time classified: 31%



## Management and Classified Turnover

Turnover data for classified and management employees are only presented for the last seven years due to the reduction in force that occurred in 2009. At that time, over 170 CSEA bargaining unit and management positions were eliminated due to funding reductions imposed by the state.

Since 2010, the turnover rate for managers has fluctuated from year-to-year while the full-time classified turnover rate has remained the most consistent. Part-time classified turnover significantly increased in 2013-14 and this employee group has the highest turnover ratio on a consistent basis, which is typical of part-time employment in most industries. Management turnover, due to the smaller size of that group, is more subject to annual fluctuations.

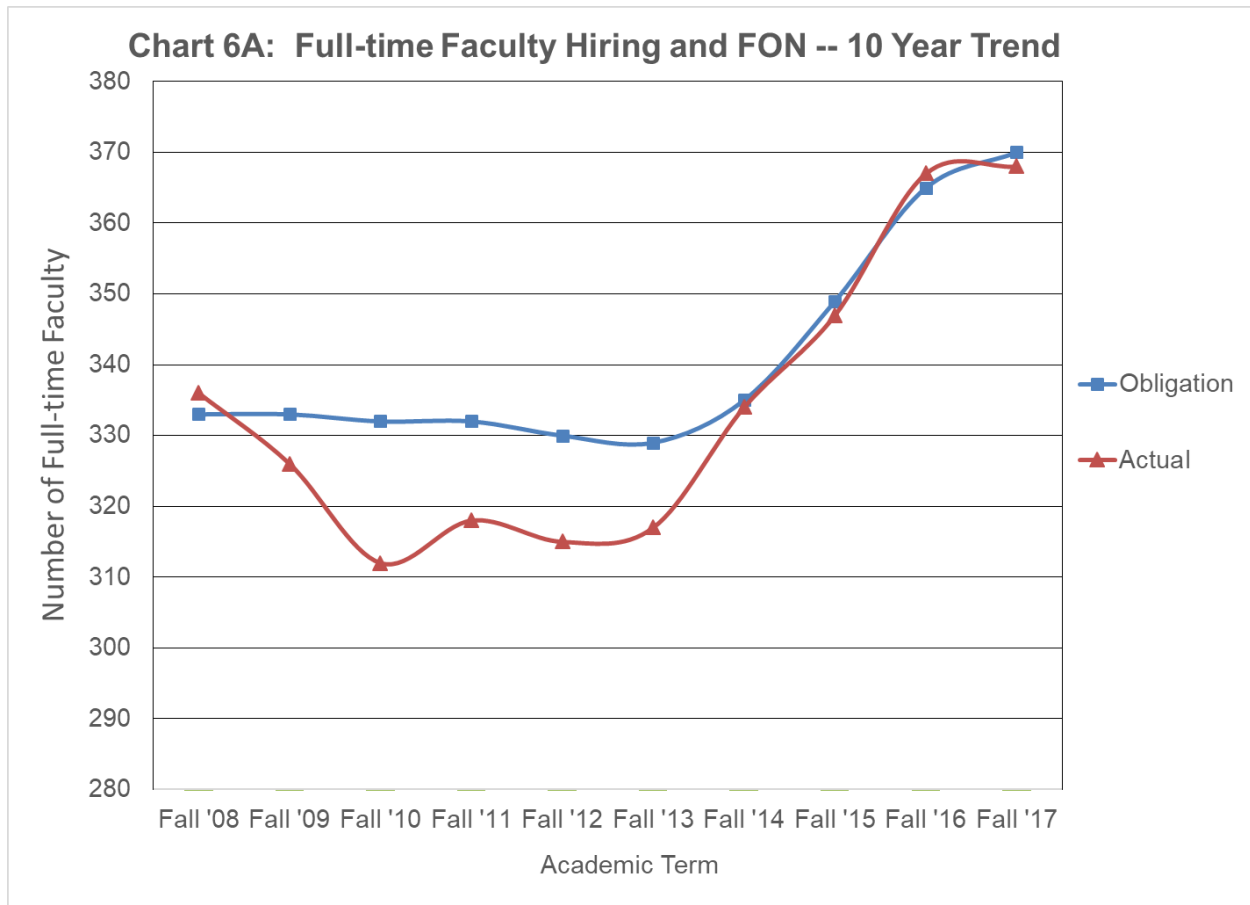


## Full-time Faculty Turnover

Although the turnover ratio for full-time faculty is the lowest for all employee groups, the terminations of full-time faculty must be continually monitored. California community college districts are required to maintain a specific number of full-time faculty (known as the Faculty

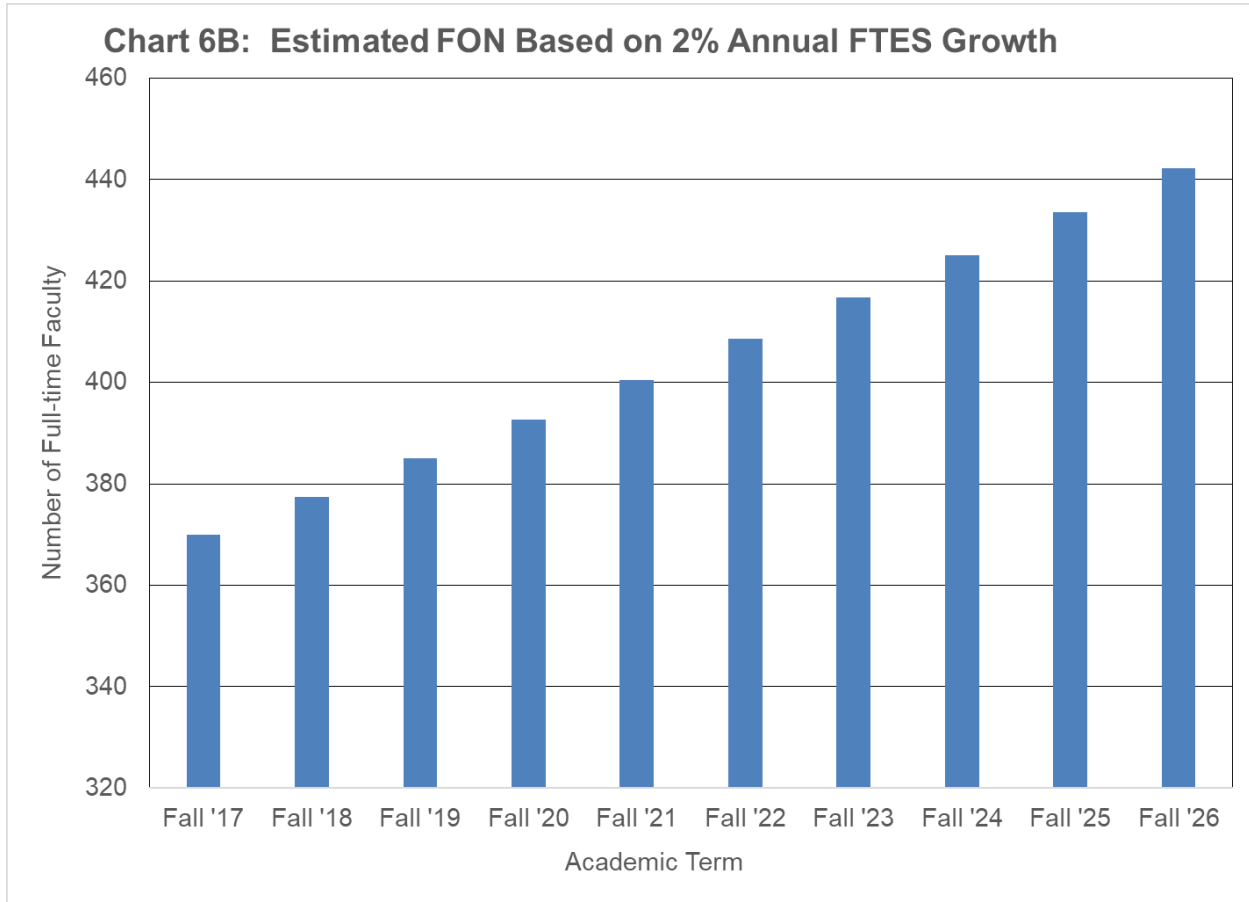
Obligation Number--FON) as well as monitor the ratio of credit instruction provided each year by full-time and part-time faculty (FT/PT ratio).

Each fall the district determines its compliance with the FON and reports that information to the state Chancellor’s Office. Economic penalties are imposed on districts that fail to maintain the FON, unless the state Board of Governors waives that requirement due to insufficient funding in the state budget. The economic penalty for failing to maintain the FON in 2017 is \$74,029 per full-time position. As a result of the recession and the prolonged state budget crisis, compliance with the FON was suspended for five years (2009 – 2013). In those years, districts could avoid a financial penalty by maintaining or improving its ratio of credit instruction provided by full-time faculty. RSCCD curtailed full-time faculty hiring during those years as a budget reduction strategy and was able to increase its full-time teaching ratio due to state-imposed reductions in course offerings, which largely impacted part-time faculty employment. The district’s compliance with the FON during the past ten years is shown below.



The requirement to comply with the FON was restored for the 2014-15 academic year. The district was required to hire thirteen additional faculty prior to this academic year, plus replace any vacancies that occurred in the interim. The 2013-14 budget also contained 2% enrollment growth, which was the first funding for enrollment growth in 5 years. Funded growth affects the FON by

requiring the district to increase the number of full-time faculty by the same percentage of funded enrollment growth. Assuming a consistent 2% allocation for enrollment growth in each of the next ten years, the district’s FON will increase from 370 in 2017 to 442 by the Fall of 2026, as shown in the following chart.



**Full-time/Part-Time Faculty Ratio**

The chart below shows the ratio of credit instruction taught by full-time and part-time faculty at each college and district-wide for the previous ten years. Although the Education Code established a goal in 1989 that 75% of credit instruction should be taught by full-time faculty, the legislature has not provided any funding to increase that ratio since the early 1990s. Consequently, the district’s full-time/part-time ratio has remained fairly consistent over the years.

However, one significant change over the previous ten-year period has been the full-time/part-time ratio at each college. After the district converted from a single college to a multi-college structure in 1997, a significant disparity in the full-time/part-time ratios between the two colleges was identified. Full-time faculty hiring was increased at Santiago Canyon College in those years and the ratios at the colleges have been fairly equalized. In 2013-14, the growth rate at Santiago



Canyon was significant higher than at SAC, which resulted in a decrease in the FT/PT ratio for the current year.

<b>Full-time/Part-time Credit Faculty Ratios: 2008 - 2017</b>								
<b>SAC</b>			<b>SCC</b>			<b>Combined RSCCD</b>		
	<b>FT</b>	<b>PT</b>		<b>FT</b>	<b>PT</b>		<b>FT</b>	<b>PT</b>
<b>2008</b>	58.75%	41.25%	<b>2008</b>	54.24%	45.76%	<b>2008</b>	57.63%	42.37%
<b>2009</b>	62.17%	37.83%	<b>2009</b>	65.84%	34.16%	<b>2009</b>	63.30%	36.70%
<b>2010</b>	64.10%	35.90%	<b>2010</b>	61.60%	38.40%	<b>2010</b>	63.30%	36.70%
<b>2011</b>	66.73%	33.27%	<b>2011</b>	62.44%	37.56%	<b>2011</b>	65.32%	34.68%
<b>2012</b>	65.54%	34.46%	<b>2012</b>	65.36%	34.64%	<b>2012</b>	65.48%	34.52%
<b>2013</b>	62.95%	37.05%	<b>2013</b>	63.32%	36.68%	<b>2013</b>	63.07%	36.93%
<b>2014</b>	62.25%	37.75%	<b>2014</b>	56.77%	43.23%	<b>2014</b>	60.52%	39.48%
<b>2015</b>	59.44%	40.56%	<b>2015</b>	58.75%	41.25%	<b>2015</b>	59.21%	40.79%
<b>2016</b>	60.18%	39.82%	<b>2016</b>	60.93%	39.07%	<b>2016</b>	60.41%	39.59%
<b>2017</b>	60.92%	39.08%	<b>2017</b>	61.05%	38.95%	<b>2017</b>	60.96%	39.04%

**Full-time Faculty Vacancies and Recruitment**

Most full-time faculty resignations and retirements tend to occur at the end of the spring semester each year. Each fall, the process to fill faculty vacancies begins. In September, the state Chancellor’s Office notified the District of its projected FON obligation for the subsequent year. The Human Resources Department identifies the number of existing full-time faculty vacancies at each college as well as the number of new faculty positions that must be added in order to maintain the FON. The district’s resource allocation model assumes that each college will maintain its FON and will be responsible for its pro-rata share of the new faculty positions.

Each college has a process, in consultation with its academic senate, to identify hiring priorities by academic discipline. Each college president recommends a list of faculty vacancies to the Chancellor and once approved, recruitment activities begin in the spring. The process concludes prior to the end of the spring semester and the newly hired faculty typically begin work in the subsequent fall semester.

## **Classified and Management Vacancies and Recruitment**

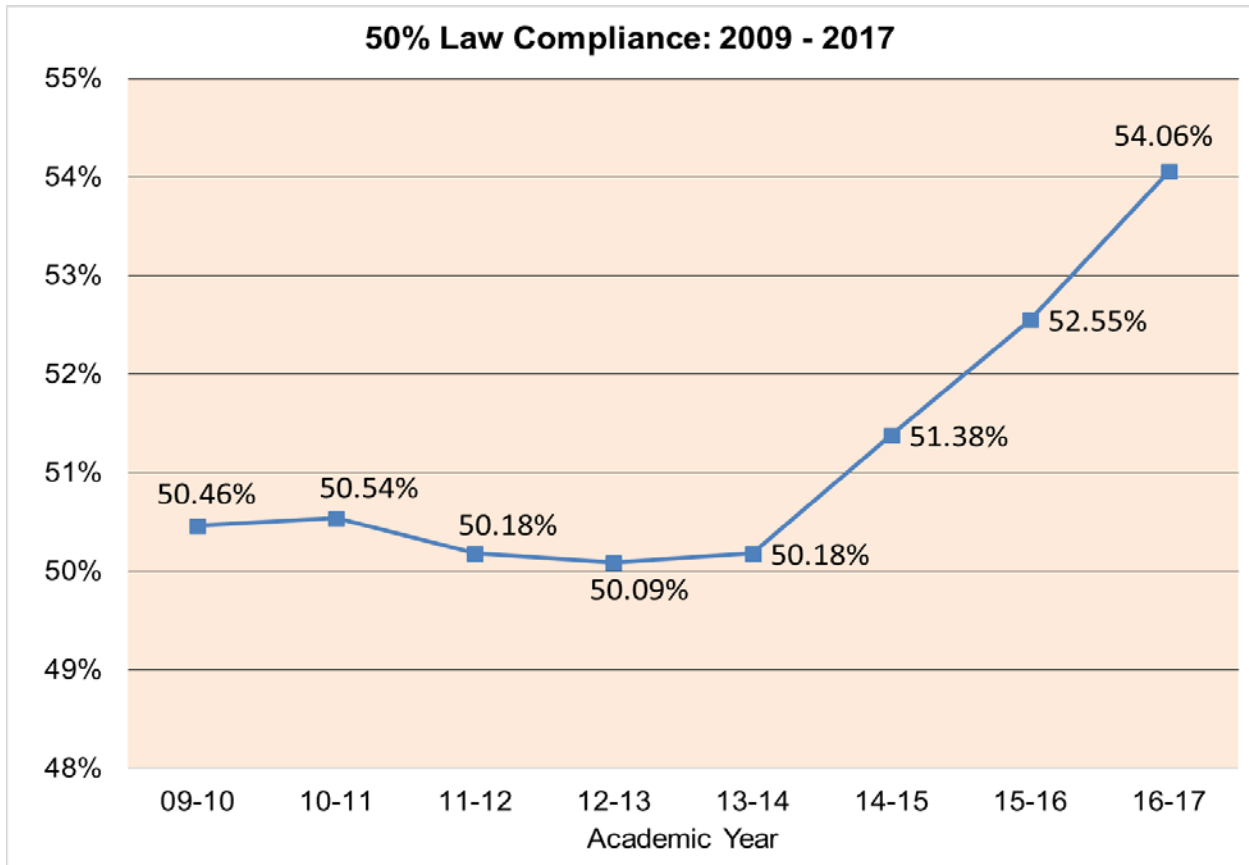
Unlike faculty terminations, which typically coincide with the end of the academic year, management and classified vacancies occur throughout the year and are filled at a time determined by the college president or appropriate vice chancellor. When vacancies occur, the existing position and job description should be reviewed to ensure that it is still accurate for the needs of the department. Modifications to job descriptions, which don't involve changes in pay grade, are presented to the Board of Trustees prior to the initiation of recruitment activities. Modifications which affect pay grade are handled through a reorganization process. For positions at a college, the reorganizations are reviewed by the college participatory governance council and recommended to the college president. Positions assigned to the district office are reviewed by the District Council and recommended to the Chancellor. After this review process is completed, the Human Resources Department reviews any modifications affecting bargaining unit positions with CSEA. Following that review, modifications to job specifications or pay grades are presented to the Board of Trustees for approval prior to the initiation of recruitment activities. Recruitment activities for classified and management positions may be initiated at any time during the year or may be postponed due to budgetary or other programmatic considerations. In situations where recruitment is delayed, or where the vacancy disrupts normal operations, existing staff may be placed in interim assignments or temporary employees may be used to staff vacant positions. The use of temporary workers or existing staff in interim assignments is subject to applicable restrictions in the Education Code, Title 5 regulations, or applicable collective bargaining agreements.

## **50% Law Compliance**

Education Code Section 84362 requires community college districts to expend 50% of the district's Current Expense of Education (CEE) on the salaries and fringe benefits of classroom instructors. The "Current Expense of Education" (CEE) includes the General Fund operating expenditures excluding expenditures for food services, community services, capital (except equipment replacement), auxiliary services and other costs specifically excluded by law.

The "Salaries for Classroom Instructors" includes the salaries and fringe benefits for classroom instructors and instructional aides (full-time and part-time). In the most recent fiscal year (2016-17), the District's compliance calculation was 54.06%, which was a slight increase over the prior year. Recognizing that most classified and management positions, as well as some faculty positions (counselors, librarians and faculty released from teaching assignments), don't meet the definition of classroom instructors, the ability of the colleges and district services to increase staffing levels in non-teaching areas will be constrained.

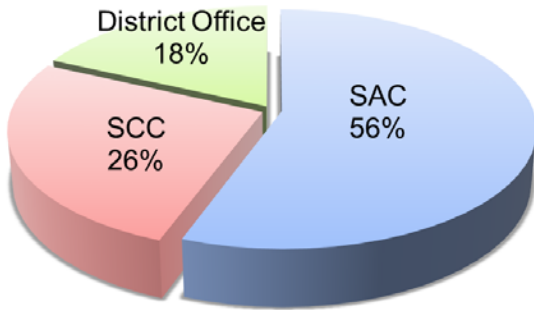
The 50% law calculation for the previous eight years is presented below:



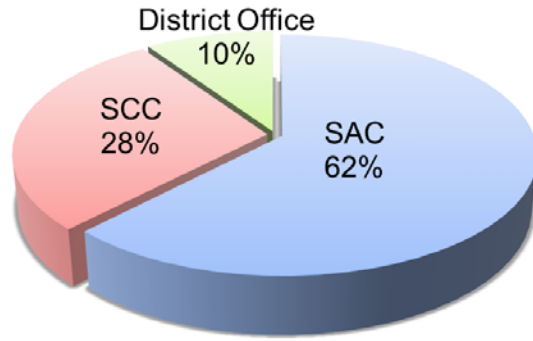
### **Staffing Allocations**

The allocation of faculty and staff is controlled by each of the three major operational units (Santa Ana College, Santiago Canyon College and District Operations). As described above, each unit has a process for modifying or increasing its staffing. A number of functions (District Safety, Information Technology, Auxiliary Services) are managed at the District Operations level, but a significant number of staff assigned to those areas are actually housed on the college campuses and continuing education sites. This difference in management responsibility and staffing location is shown in the following two charts.

**Chart 7A: Staff Allocation by Management Area**

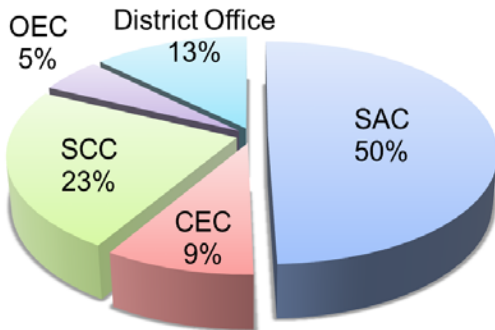


**Chart 7B: Staff Allocation by Location**

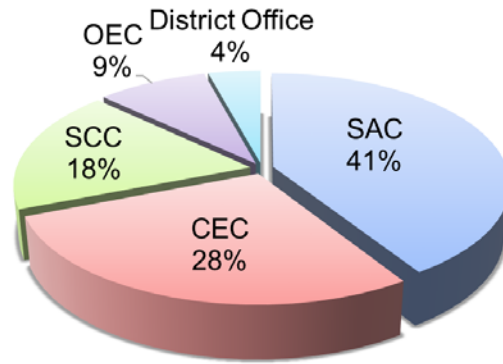


The following charts show the percentage of full-time and part-time classified staff assigned to each location as well as the continuing education centers operated by each college.

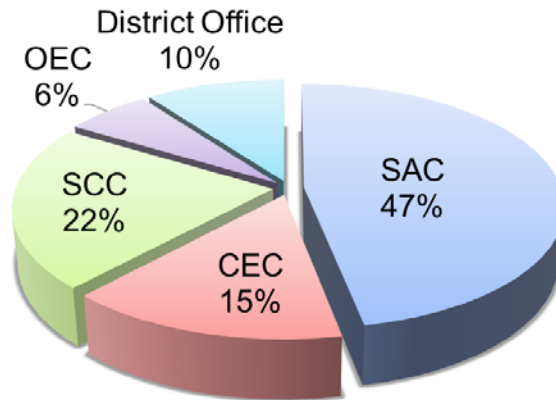
**Chart 7C: Allocation of Full-time Classified Staff**



**Chart 7D: Allocation of Part-time Classified Staff**

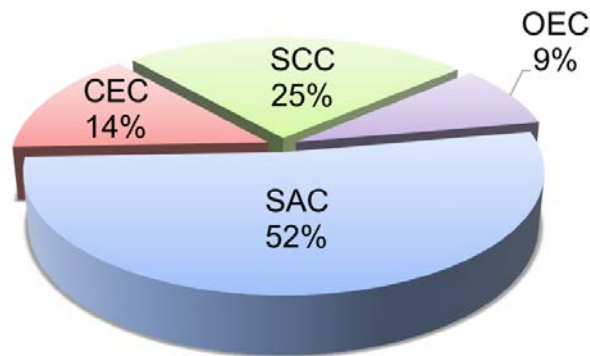


**Chart 7E: Allocation of All Classified Staff**

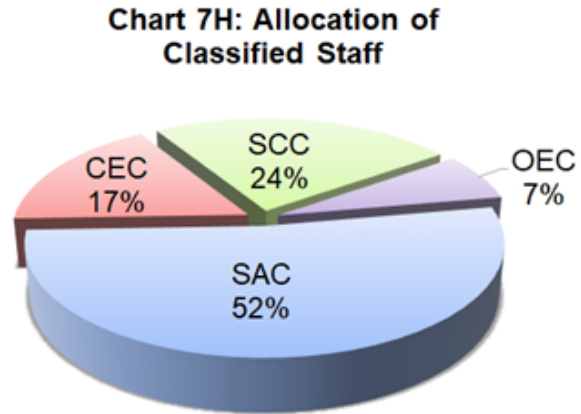
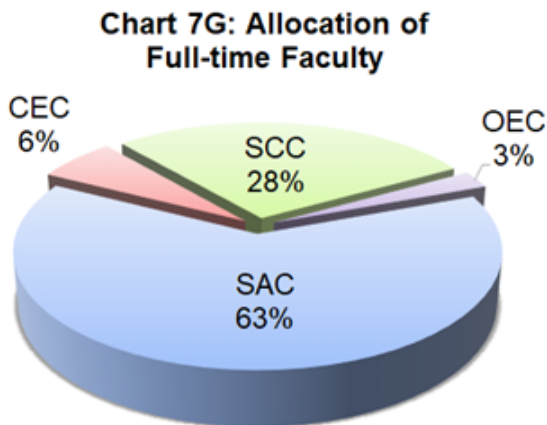


Although there is no definitive benchmark regarding the allocation of non-teaching support staff, all staffing allocations should be viewed in the context of FTES generation, which is the standard work-load unit for any community college district in California. The current breakdown of both credit and non-credit FTES generation, by site, is presented below.

**Chart 7F: 2016-2017 FTES Distribution**



The FTES distribution between the colleges is one method to evaluate the overall staffing parity between the sites. Although the overall distribution of faculty and support staff can be evaluated based upon FTES percentages, the actual allocation of positions by department, area of specialty, etc. vary based upon the programmatic and operational priorities at each site.



### **Planning Implications**

- In order to avoid economic penalties, maintenance of the FON must be a staffing priority for each college.
- Increases in non-instructional positions must be done in full consideration of the implications for 50% law compliance.
- Turnover, especially in faculty, management and key classified positions will require succession planning, but will also provide opportunities for restructuring and adjustments to staff allocations.
- In the absence of significant cost-of-living adjustments or new sources of revenue, funding for additional staff positions will be tied to funded FTES growth.
- The colleges and district operations should evaluate staffing, structures and reporting relationships in order to maximize efficiency and take advantage of economies of scale.