

**MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT**

**EQUAL EMPLOYMENT OPPORTUNITY PLAN**

Adopted by the Governing Board on May 16, 2019

Revised 04/26/19

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## **Plan Component 1. Introduction**

The Mt. San Jacinto Community District Equal Employment Opportunity Plan (Plan) reflects the District's commitment to fair and equitable treatment in employment towards realizing the full benefits of a culturally diverse and inclusive teaching and learning environment. The District believes that fostering diversity affords the best opportunity to enhance and realize institutional excellence, while preparing those at the center of the institution's mission, the students, to be responsible and culturally competent contributors in an increasingly global society.

The Plan provides an ongoing, systematic approach to evaluating the District's equal employment opportunity (EEO) practices. The primary goals of the Plan are to assess which practices best ensure equal treatment of all applicants and employees; to ensure that decisions regarding those practices are based upon and supported by applicable data; and to create a culturally inclusive environment that supports a diverse academic environment and workforce.

The Plan delineates the EEO practices that the District utilizes to further its commitment to diversity. In concordance with Title 5 of the California Code of Regulations, section 53000 et seq., and other applicable laws, regulations, and District policies and procedures, the Plan details the connection between methods to achieve EEO through measurable outcomes and the District's overarching strategic planning and program review mechanisms.

The Human Resources Department has primary responsibility for the development, review and systematic evaluation of the Plan. The Plan is reviewed and, as necessary, updated every three years as required by the California Community Colleges Chancellor's Office.

Adopted by the Governing Board of the Mt. San Jacinto Community College District Community College District on May 16, 2019.

Roger Schultz, Ph.D.  
Superintendent/President

## Plan Component 2.

### Definitions

Included in this component are definitions for terms used frequently in the Plan.

**Adverse Impact.** *Adverse impact* means that a statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures") is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a statistical comparison.

**Appeal.** *Appeal* means a request in writing made by a complainant to the Mt. San Jacinto College District's Governing Board pursuant to Title 5, section 59338, and/or to the California Community Colleges Chancellor's Office (Chancellor's Office) pursuant to Title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.

**Chancellor.** The Chancellor of the California Community Colleges system.

**Chancellor's Office.** The California Community Colleges Chancellor's Office.

**Complaint.** *Complaint* means a written and signed statement meeting the requirements of Title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges as set forth in Title 5, section 59300 et seq.

**DFEH.** *DFEH* is an acronym for the California Department of Fair Employment and Housing.

**District.** *District* means the Mt. San Jacinto College District. This definition is inclusive of any District program or activity that is funded directly by the state or receives financial assistance from the state, or any other organization associated with the District or its educational centers that receives state funding or financial assistance through the District.

**Diversity.** *Diversity* means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. It requires both the presence, and the respectful treatment, of individuals from a wide range of ethnic, racial, cultural, age, national origin, religious, sex, gender, sexual orientation, disability, socioeconomic, academic, and other backgrounds protected by federal and state laws and regulations. A diverse educational community demonstrates through its practices that it recognizes the educational benefits to all students from attending school in an environment that promotes and values employee diversity at all levels. Hiring strategies to maximize workforce diversity enhance and include steps for identifying and eliminating adverse impact and the barriers to employment of historically underrepresented groups.

**Equal Employment Opportunity.** *Equal employment opportunity* means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of

employment with the District. Equal employment opportunity should exist at all levels and in all job categories listed in section 53004(a). Ensuring equal employment opportunity also involves:

1. Identifying and eliminating barriers to employment that disproportionately exclude, or have an adverse impact upon, individuals based on any protected status identified in Government Code section 12940; and
2. Creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to individuals from all groups protected from discrimination pursuant to Government Code section 12940.

**Equal Employment Opportunity Plan.** The *Equal Employment Opportunity Plan* is the written document in which the District's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

**Equal Employment Opportunity Programs.** *Equal employment opportunity programs* means all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring, and taking additional steps consistent with the requirements of Title 5, section 53006.

**Ethnic Minorities.** *Ethnic minorities*, as defined by Title 5, section 53001(f)(1), means American Indian- or Alaskan native, Asian or Pacific Islander, Black/African-American, and Hispanic/Latino.

**Ethnic Group Identification.** *Ethnic group identification* means an individual's identification in one or more of the ethnic groups reported to the Chancellor pursuant to Title 5, section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

**In-house or Promotional Only Hiring.** *In-house or promotional only hiring* means that only existing District employees are allowed to apply for a position, except as provided for in section 53021.

**Monitored Group.** *Monitored group* means those groups identified in Title 5, section 53004(b) for which monitoring and reporting is required pursuant to Title 5, section 53004(a).

**OCR.** An acronym for the Office for Civil Rights of the United States Department of Education.

**Person with a Disability.** *Person with a disability* means any person who (1) has a physical or mental impairment as defined in Government Code section 12926 which limits one or more of such person's major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. A person with a disability is "limited" if the condition makes the achievement of the major life activity difficult.

**Projected Representation.** *Projected representation* means the percentage of persons from a monitored group determined by the Chancellor to be available and qualified to perform the work in question.

**Reasonable Accommodation.** *Reasonable accommodation* means the efforts made on the part of the District to remove artificial or real barriers which prevent or limit the employment and upward mobility of persons with disabilities. "Reasonable accommodations" may include the items designated in Title 5, section 53025.

**Responsible District Officer.** *Responsible District Officer* means the person identified by the District as the person responsible for receiving and coordinating investigations of complaints of unlawful discrimination filed with the Chancellor's Office pursuant to Title 5, section 59328.

**Screening or Selection Procedure.** *Screening or selection procedure* means any measure, combination of measures, or procedure used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to, traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.

**Significantly Underrepresented Group.** *Significantly underrepresented group* means any monitored group for which the percentage of persons from that group employed by the District in any job category listed in Title 5, section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

## **Plan Component 3.**

### **Policy Statement**

#### Board Policy 3420 Equal Employment Opportunity

##### References:

Education Code Sections 87100, et seq.; Title 5, Section 53000, et seq.

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

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

## Plan Component 4.

### Delegation of Responsibility, Authority, and Compliance

Achieving the goal of a diverse educational culture requires the collective efforts of the college community as a whole. All employees and agents of the District are responsible for promoting and supporting equal employment opportunity in order to realize the full benefits of a diverse, collaborative, and inclusive District culture. The general responsibilities for the prompt and effective implementation of this Plan are set forth below.

**Governing Board.** The Governing Board is ultimately responsible for the proper implementation of the District's Plan at all levels of District operations, for ensuring equal employment opportunity as described in the Plan, and is accountable for the success of the Plan.

**Superintendent/President.** The Governing Board delegates to the Superintendent/President the responsibility for ongoing implementation of the Plan and for providing leadership in supporting and articulating the District's equal employment opportunity policies and procedures. The Superintendent/President shall advise the Governing Board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on Plan implementation.

**Equal Employment Opportunity Officer.** The Governing Board designates the Chief Human Resources Officer as the equal employment opportunity officer who is responsible for the day-to-day implementation of the Plan. If the designation of the equal employment opportunity officer changes before this Plan is next revised, the District will notify employees and applicants for employment of the new designee. The equal employment opportunity officer is responsible for administering, implementing and monitoring the Plan and for assuring compliance with the requirements of Title 5, sections 53000 et seq. The equal employment opportunity officer is also responsible for receiving complaints described in Plan Component 6. Complaints and for ensuring that District workforce, applicant pools, and selection procedures are properly monitored.

**Equal Employment Opportunity Advisory Committee.** To promote understanding and support of equal employment opportunity policies and procedures, the District has established an Equal Employment Opportunity Advisory Committee (EEOAC), as further detailed in Plan Component 5. Advisory Committee and as specified in Title 5, section 53005. The EEOAC acts as an advisory body to the equal employment opportunity officer and the District as a whole; assists in the implementation of the Plan in conformance with state and federal regulations and guidelines; reviews equal employment opportunity progress; and provides suggestions for Plan revisions as appropriate.

**District Employees.** Consistent with applicable state and federal laws and applicable collective bargaining agreements and employee handbooks, employees shall actively promote equal employment opportunity and the diversity goals of the Plan in all facets of District operations and processes, including, but not limited to, recruitment, selection, evaluation, and tenure.

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

**Good Faith Effort.** The District shall make a continuous good faith effort to comply with all the requirements of the Plan.

## **Plan Component 5.**

### **Advisory Committee**

**Role.** The District has established an Equal Employment Opportunity Advisory Committee (EEOAC) to assist in the articulation and implementation of the Plan. The EEOAC assists the District in achieving understanding of and support for equal employment opportunity and non-discrimination policies and procedures consistent with the purposes of the Plan. As further delineated in Plan Component 8. Training for Screening/Selection Committees, the Equal Employment Opportunity Officer or qualified designees shall train the EEOAC on equal employment compliance and the Plan itself. The specific responsibilities of the EEOAC include:

1. Assisting in developing the District's Plan in compliance with state and federal regulations, statutes, and guidelines.
2. Review the implementation and progress of the Plan and recommending corrective action when necessary.
3. Advising the District's Equal Employment Opportunity Officer in the development and presentation of annual reports to the Governing Board and Superintendent/President and responding to equal employment inquiries and concerns of all employees.
4. Assisting the District's Equal Employment Opportunity Officer in developing and coordinating information programs for District employees.
5. Reviewing and suggesting revisions in services, employment policies, and other written and unwritten rules, policies, practices, and procedures that affect persons with disabilities.
6. Monitoring the implementation of and compliance with the Americans with Disabilities Act.

**Meetings.** The EEO Advisory Committee shall meet a minimum of two (2) times per academic year, with additional meetings if needed to review EEO and diversity efforts, programs, policies.

**Composition.** The EEOAC is comprised of District students, faculty, staff, administrators, and community members. A good faith effort shall be made to establish and maintain a committee comprised of a diverse membership and with respect to the principles of shared governance. The membership of the EEOAC is as follows:

- Chair: Chief Human Resources Officer, Human Resources Department (District Equal Employment Opportunity Officer)
- Three (3) full-time faculty members appointed by the Faculty Senate
- One (1) part-time faculty member appointed by the Faculty Senate
- Two (2) classified unit employees appointed by the Classified Senate
- One (1) member of the Confidential and Supervisory Team
- One (2) member of the Administrative Team
- Two (2) students appointed by the Associated Student Government
- Two (2) community representatives

## Plan Component 6.

### Complaints

**Overview: EEO and Unlawful Discrimination Complaints.** Pursuant to Title 5, section 53003(c)(2), this component addresses two sources of complaints: (a) those alleging violations of the equal employment opportunity regulations under Title 5, section 53026; and (b) those alleging unlawful discrimination or harassment under Title 5, section 59300, with or without reference to equal employment opportunity violations. All such complaints shall be filed with the District's Equal Employment Opportunity Officer, except those against the Equal Employment Opportunity Officer, which shall be filed with the Superintendent/President.

**Complaints Alleging Violation of the Equal Employment Opportunity Regulations (Title 5, Section 53026).** The District is committed to the principles of equal employment opportunity and has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment regulations, as outlined in Title 5, sections 53000 et seq., have been violated. All complaints shall be in writing, signed and dated by the complainant, and shall contain the following: the name(s) of the individual(s) involved, the date(s) of the alleged violation(s), and a detailed description of the actions constituting the alleged violation(s).

All complaints must be filed as soon as possible after the occurrence of an alleged violation unless the violation is ongoing. Complaints involving current hiring processes must be filed no later than 60 calendar days after such occurrence unless the complainant can verify a compelling reason for the District to waive the 60-day limitation. Complaints alleging violations of the Plan that do not involve a current hiring process must be filed no later than 90 days after such occurrence unless the violation is ongoing.

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

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. To the extent practicable, a written determination on all accepted written complaints will be issued to the complainant within 90 days of the filing of the complaint. The Equal Employment Opportunity Officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

In the event that a complaint filed under section 53026 alleges unlawful discrimination, it will be processed according to the requirements of Title 5, section 59300 et. seq.

**Complaints Alleging Discrimination or Harassment (Title 5, Section 59300 et seq).**

Complaints alleging unlawful discrimination or harassment follow the procedures set forth in Title 5, section 59300 et. seq., regardless of whether such complaints also include allegations of equal employment opportunity violations. The District has adopted procedures for complaints alleging unlawful discrimination or harassment, which are included in Appendix A.

## **Plan Component 7.**

### **Notification to District Employees**

The commitment of the Governing Board and the Superintendent/President to equal employment opportunity is emphasized through the broad dissemination of the District's equal employment opportunity policy statement and the Plan. The policy statement will be printed in the college catalogs and class schedules, and will include information on how to review or obtain a copy the Plan.

The Plan and subsequent revisions will be distributed to the Governing Board, the Superintendent/President, administrators, the Faculty Senate's leadership, union and employee group representatives and members of the District's Equal Employment Opportunity Advisory Committee. The Plan will also be available on the District's website and notifications of updates and revisions will be made via the website and e-mail notification.

Each year, the District will provide all employees with a copy of the District's equal employment opportunity policy statement, Board Policy 3420 (located in Plan Component 3. Policy Statement of the Plan) and written notice summarizing the provisions of the Plan. The Human Resources Department will provide all new employees with a copy of the written notice described above when they commence their employment with the District. The annual notice will contain the following provisions:

1. The importance of the employee's participation and responsibility in ensuring the Plan's implementation.
2. A list of locations where complete copies of the Plan are available, to include, at minimum, the District's website, the President's Office, the Human Resources Department, the District's libraries, and at each department office.

## **Plan Component 8.**

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

Any individual or organization, whether or not an employee of the District, who participates in the recruitment and screening/selection of personnel shall receive appropriate training on the following information:

- The requirements of the Title 5 regulations on equal employment opportunity (section 53000 et. seq.)
- The requirements of federal and state nondiscrimination laws
- The District's policies on nondiscrimination, recruitment, and hiring
- The requirements of the District's Plan
- Principles of diversity and cultural proficiency
- The value of a diverse workforce
- Recognizing bias
- Diversity summit recommendations
- Academic Senate recommendation

Persons serving in the above capacities will be required to receive training within the 12 months prior to service on a hiring process. This training is mandatory; individuals who have not received this training will not be allowed to serve on screening/selection committees. The Human Resources Department is responsible for providing the required training.

Any individual, whether or not an employee of the District, acting on behalf of the District with regard to recruitment and screening/selection of employees is subject to the equal employment opportunity requirements of Title 5 as pursuant to section 53020(c) and the Plan.

## **Plan Component 9.**

### **Annual Written Notice to Community Organizations**

The Equal Employment Opportunity Officer will provide annual written notice to appropriate community-based and professional organizations concerning the Plan for the purpose of seeking assistance from the community in identifying qualified applicants. The notice will inform these organizations of how they may obtain a copy of the Plan and shall request their assistance in identifying diverse, qualified candidates. The notice will include a summary of the Plan and the website address where the District advertises its job openings, as well as contact information for District employees and departments from which employment information may be obtained.

The District will actively seek to reach those institutions, organizations, and agencies that may serve as recruitment resources. A list of the organizations that will receive this notice is contained in Appendix C of this Plan and will be revised periodically as necessary.

## Plan Component 10.

### Analysis of District Workforce and Applicant Pool

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

For purposes of the survey and reports each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. Approximately one third of employees in the Executive/Administrative/Managerial category and slightly one fourth of employees in the Professional Non-faculty categories are of historically underrepresented ethnic groups.

The District will annually report to the State Chancellor, the results of its annual survey of employees. At least every three years the Plan will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

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

**Analysis of District Workforce.** The District's current employee demographic data is shown below. Data on employees with disabilities is not currently available. This information will be provided at such time that the Chancellor's Office provides availability data on applicants with disabilities to all districts.

Mt. San Jacinto College District Employee Demographic Data, Fall 2017

Employee Count	Ethnicity									Gender			Grand Total
	African American	Asian	Filipino	Hispanic	Multi-Race	Native American	Pacific Islander	Unknown	White	F	M	U	
Board Member								1	1	1		1	2
Business and Financial Operations	3			6	1			2	11	20	3		23
Classified Part Time	6	2	2	35	2	1		9	60	82	35		117
Community, Social Service, Legal, Arts, Design, Entertainment, Sports and Media	1			1		1			7	2	8		10
Computer, Engineering, and Science	1	1		5	3				18	5	23		28
Faculty	12	10	1	35	3	3	2	7	121	104	90		194
Faculty Associate	39	32	11	102	10	9		13	334	301	249		550
Healthcare Practitioners and Technical	1								1		2		2
Librarians, Curators, and Archivists									6	5	1		6
Management	6		2	7	1	2		7	27	30	21	1	52
Natural Resources, Construction, and Maintenance	6			18					11	3	32		35
Office and Administrative Support	15	5	1	48	6	2		2	48	114	13		127
Production, Transportation, and Material Moving				2					1		3		3
Research				1					2	1	2		3
Sales and Related				1					4	5			5
Service Occupations				4					12	4	12		16
Student and Academic Affairs and Other Education Services	3		1	21	2				19	36	10		46
Student Worker	15	5	6	92	10	1		1	40	111	57	2	170
<b>Grand Total</b>	<b>107</b>	<b>53</b>	<b>24</b>	<b>375</b>	<b>37</b>	<b>19</b>	<b>2</b>	<b>41</b>	<b>714</b>	<b>817</b>	<b>551</b>	<b>4</b>	<b>1372</b>

The District's workforce in the job categories of Executive/Administrative/Managerial, Full-Time Faculty is fairly balanced in terms of gender and near-balanced in the Technical and Paraprofessional category. The Professional Non-faculty, Secretarial/Clerical, and Service and Maintenance categories are each associated with a higher number of staff of a particular gender. All staff in positions in the Skilled Crafts category are male. This higher number of employees of specific genders within three of these last four categories is associated with a higher number of jobs within these categories that tend to be staffed historically by individuals of particular genders. This trend results in larger numbers of females employed in the office support positions that are predominant in the Secretarial/Clerical category, which is the non-faculty job category with the largest number of staff, and higher numbers of males employed in trades, maintenance, Skilled Crafts and Service and Maintenance categories.

Ethnic diversity within the job categories currently varies. As has been the case for a number of years, diversity within non-faculty job categories is higher than that of the Faculty job category. Approximately one third of employees in the Executive/Administrative/Managerial category and slightly more than one third of employees in the Professional Non-faculty categories are of historically underrepresented ethnic groups. Relative to most of the other job categories, a small number of positions exist in each of these categories and the overall ethnic diversity of these categories are subject to frequent fluctuations with the ebb and flow of hires and employee attrition. One fifth of the District's full-time faculty are of historically underrepresented ethnic groups. The District has enjoyed greater success in diversifying staff within the job categories of Secretarial/Clerical, Technical and Paraprofessional, Skilled Crafts, and Service and Maintenance, which are associated with large numbers of classified employees. The Secretarial/Clerical category has approximately 62% staff of underrepresented ethnic groups and the

Technical and Paraprofessional category has 37% of staff of diverse ethnic groups. Service and Maintenance has 59% staff of underrepresented ethnic groups.

**Analysis of Applicant Pools.** The District collects applicant demographic data for completed recruitments each fiscal year commencing on July 1 and ending on June 30. This information consists of the ethnic, gender, and disability composition of applicant pools, interviewees, and hires. The applicant demographic data for the past three fiscal years of 2014-15, 2015- 16 2016-17 is presented below. Data on applicants with disabilities is not available. This information will be provided at such time that the Chancellor's Office provides applicant availability data to all districts.

Broad applicant ethnic diversity is evident in most initial applicant pools. Over the last three years, the number of recruitments has doubled, from thirty five recruitments in 2014-15, to seventy recruitments in 2016-17. During the three years cited by the applicant pool charts, the diversity for all positions recruited remained consistent above 50%. During this same three year period the diversity among successful applicants was 71%.

Gender diversity in applicant pools, interviewees, and hires over the past three years is similar to that of the workforce analysis. Females were hired more frequently than males, 38% to 62%.

**Mt. San Jacinto Community College District Applicant Pool Data: 2016 – 2017**

	Classified						Faculty						Administrative						Totals					
	Applicants		Interviewed		Hired		Applicants		Interviewed		Hired		Applicants		Interviewed		Hired		Applicants		Interviewed		Hired	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Asian	47	87	3	7	0	1	43	23	21	11	0	0	8	6	3	0	0	0	98	116	27	18	0	1
Black - African American	142	406	31	43	3	5	39	36	14	8	0	2	34	41	13	8	4	0	215	483	58	59	7	7
Filipino	31	67	6	6	1	1	5	6	1	4	0	1	3	1	0	0	0	0	39	74	7	10	1	2
Hispanic	299	819	74	102	12	21	63	53	17	17	3	1	25	31	9	6	0	0	387	903	100	125	15	22
American Indian-Alaskan	13	31	4	2	2	0	10	9	3	0	0	0	3	3	0	0	0	0	26	43	7	2	2	0
Pacific Islander	3	13	0	1	0	0	0	6	0	0	0	1	3	0	1	0	0	0	6	19	1	1	0	1
Unknown/Non-Responding	55	121	13	28	0	5	45	37	17	12	1	3	4	10	0	0	0	0	104	168	30	40	1	8
Two or More	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
White	292	793	70	120	17	21	210	178	83	77	4	6	56	49	22	18	3	3	558	1020	175	215	24	30

**Mt. San Jacinto Community College District Applicant Pool Data: 2015 – 2016**

	Classified						Faculty						Administrative						Totals					
	Applicants		Interviewed		Hired		Applicants		Interviewed		Hired		Applicants		Interviewed		Hired		Applicants		Interviewed		Hired	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Asian	45	79	0	1	3	1	57	23	0	0	7	0	3	2	0	0	0	0	105	109	0	1	10	1
Black - African American	144	338	6	2	5	5	41	70	0	3	19	18	32	40	0	0	2	1	217	448	6	5	26	24
Filipino	17	51	0	0	0	1	8	13	0	0	1	4	1	2	0	0	0	0	26	66	0	0	1	5
Hispanic	240	724	4	6	11	29	101	79	2	2	7	36	20	53	0	0	1	0	361	856	6	8	19	65
American Indian-Alaskan	16	15	0	0	2	0	12	6	0	0	2	0	2	3	0	0	0	0	30	24	0	0	4	0
Pacific Islander	9	20	0	0	2	1	1	2	0	0	0	1	0	0	0	0	0	0	10	22	0	0	2	2
Unknown/Non-Responding	54	134	0	4	6	2	42	66	3	2	6	13	11	7	0	0	1	0	107	207	3	6	13	15
Two or More	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
White	435	913	6	6	26	31	282	328	17	17	19	37	59	74	0	0	4	6	776	1315	23	23	49	74

**Mt. San Jacinto Community College District Applicant Pool Data: 2014 – 2015**

	Classified						Faculty						Administrative						Totals					
	Applicants		Interviewed		Hired		Applicants		Interviewed		Hired		Applicants		Interviewed		Hired		Applicants		Interviewed		Hired	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Asian	8	18	1	4	0	2	15	20	5	7	0	0	1	2	0	0	0	0	24	40	6	11	0	2
Black - African American	61	133	13	21	0	3	16	18	0	2	0	0	10	15	3	2	0	0	87	166	16	25	0	3
Filipino	8	15	1	2	0	0	2	4	1	1	0	0	2	3	0	2	0	0	12	22	2	5	0	0
Hispanic	158	271	47	58	2	12	35	41	7	17	1	2	5	11	1	1	0	1	198	323	55	76	3	15
American Indian-Alaskan	9	11	3	2	0	1	1	4	0	1	0	1	1	0	0	0	0	0	11	15	3	3	0	2
Pacific Islander	9	5	2	1	0	0	2	3	0	1	0	0	0	1	0	0	0	0	11	9	2	2	0	0
Unknown/Non-Responding	12	23	2	3	0	0	14	14	4	4	0	0	3	2	0	0	0	0	29	39	6	7	0	0
Two or More	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
White	145	307	40	51	5	11	107	114	22	41	1	3	18	30	3	4	0	0	270	451	65	96	6	14

## **Plan Component 14.**

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

Equal employment opportunity means that all qualified individuals have a fair and equitable opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the District. The District's goal is to ensure that equal employment opportunity exists at all levels of the institution and within all job categories. Ensuring equal employment opportunity also involves cultivating an environment that fosters cooperation, acceptance, democracy, and the free expression of ideas and is welcoming to individuals from all groups protected from discrimination under federal and state law.

The District recognizes that multiple approaches beyond the specific requirements of Title 5, section 53000 et. seq. are necessary to creating a broadly inclusive academic culture that ensures equal employment opportunity and the creation of a diverse workforce. Specific approaches that the District will implement to promote diversity and the goals of equal employment opportunity include, but are not limited, to the following approaches:

#### **District-Wide Approaches.**

1. The District's vision, mission, and values, included in Appendix B, emphasize the District's commitment to diversity and shapes the concepts of equitable and fair treatment of individuals in all aspects of District operations.
2. Information about the District's EEO and non-discrimination policies and procedures is posted on the District's website and cross-referenced on a number of District web pages so that the information is easily available to students, employees, job seekers, and the public. Appendix A provides links to these pages.
3. A variety of events are hosted by various District entities throughout the academic year that focus on diversity topics, including the annual Unity in Diversity event hosted by the Equal Employment Opportunity Advisory Committee. Further information about current diversity-related activities can be found on the District website at [www.msjc.edu](http://www.msjc.edu).

#### **Recruitment.**

1. The District advertises positions in a broad range of venues to attract large, diverse, well-qualified applicant pools. The District's current advertising resource list is in Appendix B.
2. Employment applicants are required to address their sensitivity to various facets of diversity found within a community college in their application materials and, in turn, requiring selection committees to assess each qualified applicant's understanding of diversity based on the provided information. The selection process training materials in Appendix E outline this requirement.

3. Selection committees are required to develop interview questions that assess candidates' understanding of diversity in relation to the specific position. The selection process training materials in Appendix E, outline this requirement.
4. District Compliance Officers serve on selection committees as non-voting observers to ensure that all District selection procedures and federal and state EEO regulations are followed.

**Employee Training.**

1. Sexual harassment prevention training is available to all District employees, including those employees mandated to receive such training under AB 1825
2. Trainings on other diversity, non-discrimination, and cultural proficiency topics are offered to all employees through the Human Resources Department and the District's Professional Development program.

## **Appendix A.**

### **Unlawful Discrimination Complaint Procedure and Sexual Harassment Policy**

- A.I. Unlawful Discrimination Complaint Procedure: Page A-1
- A.II. Sexual Harassment Policy: Page A-

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**Mt. San Jacinto Community College District**

**Administrative Procedure**

Chapter 3 – General Institution

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**AP 3430 PROHIBITION OF HARASSMENT**

Policy and Procedures for  
Handling Complaints of Unlawful Discrimination  
Under Title 5 Sections 59300 et seq.

**Introduction and Scope**

These are the written policies and procedures for filing and processing complaints of unlawful discrimination at Mt. San Jacinto Community College District. These policies and procedures incorporate the legal principles contained in nondiscrimination provisions of the California Code of Regulations, title 5, sections 59300 et seq. as well as other state and federal substantive and procedural requirements.

A copy of these written policies on unlawful discrimination will be displayed in a prominent location in the Office of Human Resources, Mt. San Jacinto Community College President's Office, Mt. San Jacinto College President's Office main administrative building or other area where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted.

**Authority:** 20 U.S.C. § 1681 et seq.; Ed. Code, §§ 66270, 66271.1, 66281.5; Gov. Code, §§ 11135-11139.5; Cal. Code Regs., tit. 5, § 59326. Reference: Cal. Code Regs., tit. 5, §§ 59300 et seq.; 34 C.F.R. § 106.8(b).

**Unlawful Discrimination Policy**

The policy of the Mt. San Jacinto Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of ethnic group identification, national origin, religion, age, sex, gender, race, color, ancestry, sexual orientation, or physical or mental disability, or on the basis of these perceived characteristics or based on association with a person or group with one or more of these actual or perceived characteristics, in any program or activity that is administered by, funded directly by, or that receives any financial assistance from the State Chancellor or Board of Governors of the California Community Colleges.

The policy of the Mt. San Jacinto Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment.

The policy of Mt. San Jacinto Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints will be treated as complaints of discrimination on the basis of disability.

Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination of contract.

In so providing, the Mt. San Jacinto Community College District hereby implements the provisions of California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29

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U.S.C. § 794), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 6101).

Authority: Cal. Code Regs., tit. 5, § 59300; Ed. Code §§ 66250 et seq., 66271.1, 66700, and 70901; Gov. Code § 11138. Reference: Ed. Code §§ 66250 et seq. and 72011; Gov. Code, §§ 11135-11139.5; Penal Code §§ 422.6 and 422.55; 20 U.S.C. § 1681; 29 U.S.C. §§ 794 and 794d; 42 U.S.C. §§ 6101, 12100 et seq. and 2000d; 36 C.F.R. § 1194.

## **Retaliation**

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this unlawful discrimination policy.

Authority: 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. § 106; Cal. Code Regs., tit. 5, §§ 59300 et seq.; Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office for Civil Rights, January 19, 2001.

### **Responsible District Officer**

The Mt. San Jacinto Community College District has identified the Vice Chancellor of Human Resources & Employee Relations to the State Chancellor's Office and to the public as the single District officer responsible for receiving all unlawful discrimination complaints filed pursuant to title 5, section 59328, and for coordinating their investigation. Informal charges of unlawful discrimination should be brought to the attention of the responsible district officer, who shall oversee the informal resolution process pursuant to section 59327. The actual investigation of complaints may be assigned to other staff or to outside persons or organizations under contract with the District. Such delegation procedures will be used whenever the officer designated to receive complaints is named in the complaint or is implicated by the allegations in the complaint.

Administrators, faculty members, other District employees, and students shall direct all complaints of unlawful discrimination to the responsible District officer.

Authority: Cal. Code Regs., tit. 5, § 59324; 34 C.F.R. § 106.8.

### **Informal/Formal Complaint Procedure**

When a person brings charges of unlawful discrimination to the attention of the District's responsible officer, that officer will:

- (1) Undertake efforts to informally resolve the charges;
- (2) Advise the complainant that he or she need not participate in informal resolution;
- (3) Notify the person bringing the charges of his or her right to file a formal complaint and explain the procedure for doing so;
- (4) Assure the complainant that he or she will not be required to confront, or work out problems with, the person accused of unlawful discrimination;
- (5) Advise the complainant that he or she may file a nonemployment-based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- (6) If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the California Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

Efforts at informal resolution need not include any investigation unless the responsible District officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an investigation is required to be conducted pursuant to title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint. Even if the complainant does dismiss the complaint, the responsible district officer may require the investigation to continue if he or she determines that the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to title 5, section 59336.

In employment-related cases, if the complainant also files with the Department of Fair Employment and Housing or with the U.S. Equal Employment Opportunity Commission, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether a further investigation under title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under title 5 and the matter will be resolved through the Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.

The District will allow for representation where required by law and may allow for representation for the accused and complainant in other circumstances on a case by case basis.

Authority: Cal. Code Regs., tit. 5, §§ 59327, 59328, 59334, 59336, and 59339; NLRB v. Weingarten, Inc. (1975) 420 U.S. 251.

### **Filing of Formal Written Complaint**

If a complainant decides to file a formal written unlawful discrimination complaint against the District, he or she must file the complaint on a form prescribed by the State Chancellor. These approved forms are available from the District and also at the State Chancellor's website, as follows:

<http://www.cccco.edu/SystemOffice/Divisions/Legal/Discrimination/tabid/294/Default.aspx>

The completed form must be filed with the District representative or mailed directly to the State Chancellor's Office of the California Community Colleges.

Once a complaint is filed, the individual(s) accused of engaging in prohibited discriminatory conduct should be advised of that filing and the general nature of the complaint. This should occur as soon as possible and in a manner that is appropriate under the circumstances. The District will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

Authority: Cal. Code Regs., tit. 5, §§ 59311 and 59328.

### **Threshold Requirements Prior to Investigation of a Formal Written Complaint**

When a formal written complaint is filed it will be reviewed to determine if the complaint meets the following requirements:

- The complaint must be filed on a form prescribed by the State Chancellor's Office.
- The complaint must allege unlawful discrimination prohibited under title 5, section 59300.
- The complaint must be filed by one who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such unlawful discrimination in his or her official capacity as a faculty member or administrator.
- In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the specific incident or incidents of alleged unlawful discrimination
- In any complaint alleging discrimination in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.

Authority: Cal. Code Regs., tit. 5, § 59328.

### **Defective Complaint**

If a complaint is found to be defective it will be immediately returned to the complainant with a complete explanation of why an investigation will not be initiated under California Code of Regulations, title 5, section 59300 et seq. The notice will inform the complainant that the complaint does not meet the requirements of section 59328, and shall specify in what requirement the complaint is defective. A copy of the notice to the complainant will also be sent to the State Chancellor's Office.

Authority: Cal. Code Regs., tit. 5, §§ 59328, 59332.

### **Notice to State Chancellor or District**

A copy of all formal complaints filed in accordance with the title 5 regulations will be forwarded to the State Chancellor's Office immediately upon receipt, regardless of whether the complaint is brought by a student or by an employee. Similarly, when the State Chancellor's Office receives a complaint a copy will be forwarded to the District.

Authority: Cal. Code Regs., tit. 5, § 59330.

### **Administrative Determination**

In any case not involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint filed under title 5, sections 59300 et seq., the responsible District officer will complete the 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 the following to both the complainant and the State Chancellor:

- (a) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- (b) a description of actions taken, if any, to prevent similar problems from occurring in the future;
- (c) the proposed resolution of the complaint; and
- (d) the complainant's right to appeal to the District governing board and the State Chancellor.

In any case involving employment discrimination, within 90 days of receiving an unlawful discrimination complaint filed under title 5, sections 59300, et seq., the responsible District officer will complete the investigation and forward a copy or summary of the report to the complainant, and written notice setting forth all the following to the complainant:

- (a) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint;
- (b) a description of actions taken, if any, to prevent similar problems from occurring in the future;
- (c) the proposed resolution of the complaint; and
- (d) the complainant's right to appeal to the District governing board and to file a complaint with the Department of Fair Employment and Housing.

The District will keep these documents on file for a period of at least three years after closing the case, and make them available to the State Chancellor upon request.

The Mt. San Jacinto Community College District recognizes the importance of and is therefore committed to completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

Authority: Cal. Code Regs., tit. 5, § 59336.

### **Complainant's Appeal Rights**

Complainants have appeal rights that they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary is mailed to the complainant, the responsible District officer or his/her designee shall notify the complainant of his or her appeal rights as follows:

- First level of appeal: The complainant has the right to file an appeal to the District's governing board within 15 days from the date of the administrative determination. The District's governing board will review the original complaint, the investigative report, the administrative determination, and the appeal.
- The District's governing board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the District's governing board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the District's governing board will be forwarded to the complainant and to the State Chancellor's Office.

- Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any case not involving employment-related discrimination within 30 days from the date that the governing board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days. The appeal must be accompanied by a copy of the decision of the governing board or evidence showing the date on which the complainant filed an appeal with the governing board, and a statement under penalty of perjury that no response was received from the governing board within 45 days from that date. In any case involving employment discrimination, the complainant has the right to file a complaint with the Department of Fair Employment and Housing (DFEH) where the case is within the jurisdiction of that agency. Complainants must submit all appeals in writing.

Authority: Cal. Code Regs., tit. 5, §§ 59338 and 59339.

### **Provision of Information to State Chancellor**

In any case not involving employment discrimination, within 150 days of receiving a complaint, the responsible District officer will either:

Forward the following to the State Chancellor:

- A copy of the final District decision rendered by the governing board or a statement indicating the date on which the administrative determination became final as a result of taking no action on the appeal within 45 days.
- A copy of the notice of appeal rights the District sent the complainant.
- Any other information the State Chancellor may require; or

Notify the State Chancellor that the complainant has not filed an appeal with the district governing board and that the District has closed its file.

The District will keep these documents on file for a period of at least three years after closing the case, and in any case involving employment discrimination, make them available to the State Chancellor upon request.

Authority: Cal. Code Regs., tit. 5, §§ 59338 and 59340.

### **Extensions**

If for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the responsible District officer will file a written request that the State Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether or not the case involves employment discrimination. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within 5 days of receipt.

The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor the 150-day deadline is automatically extended by an equal amount.

Authority: Cal. Code Regs., tit. 5, § 59342.

## Definitions

Definitions applicable to nondiscrimination policies are as follows:

- "Appeal" means a request by a complainant made in writing to the Mt. San Jacinto Community College District governing board pursuant to title 5, section 59338, and/or to the State Chancellor's Office pursuant to title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.
- "Association with a person or group with these actual or perceived characteristics" includes advocacy for or identification with people who have one or more characteristics of a protected category listed under "Unlawful Discrimination Policy" and title 5, section 59300, participation in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.
- "Complaint" means a written and signed statement meeting the requirements of title 5, section 59328 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq.
- "Days" means calendar days.
- "Gender" means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
- "Mental disability" includes, but is not limited to, all of the following:
  - (1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:
    - (A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
    - (B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
    - (C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.
  - (2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.
  - (3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.
  - (4) Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.
  - (5) Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

- "Physical disability" includes, but is not limited to, all of the following:
  - (1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
    - (A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
    - (B) Limits a major life activity. For purposes of this section:

- (i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
  - (ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
  - (iii) "Major life activities" shall be broadly construed and include physical, mental, and social activities and working.
  - (2) Any other health impairment not described in paragraph (1) that requires specialized supportive services.
  - (3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.
  - (4) Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
  - (5) Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).
  - (6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- "District" means the Mt. San Jacinto Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes the District Personnel Commission and any other organization associated with the District or its college(s) that receives state funding or financial assistance through the District.
  - "Responsible District Officer" means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to title 5, section 59328, and coordinating their investigation. The Responsible District Officer for Mt. San Jacinto Community College District is the Vice Chancellor of Human Resources and Employee Relations.
  - "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. 'Sex' also includes, but is not limited to, a person's gender, as defined in section 422.56 of the Penal Code. Discrimination on the basis of sex or gender also includes sexual harassment.
  - "Sexual harassment" is unlawful discrimination in the form 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 workplace or in the educational setting, and includes but is not limited to:
    - (1) Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of possible sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, and/or invitations. Examples of possible visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
    - (2) Continuing to express sexual interest after being informed that the interest is unwelcomed.
    - (3) Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: threatening to withhold, or actually withholding, grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
    - (4) Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
    - (5) Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
    - (6) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.

(7) Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassifications, etc., to any student or employee with whom the decision maker has a sexual relationship and denying such benefits to other students or employees.

- "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.
- "Unlawful discrimination" means discrimination based on a category protected under title 5, section 59300, including retaliation and sexual harassment.

Authority: Gov. Code, § 12926; Cal. Code Regs., tit. 5, §§ 59300, 59311; Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office for Civil Rights, January 19, 2001.

### **Confidentiality of the Process**

Investigative processes can best be conducted within a confidential climate. Therefore, the District does not reveal information about such matters except as necessary to fulfill its legal obligations.

Potential complainants are sometimes reluctant to pursue a complaint if their names will be revealed. The inability to reveal the name of a complainant or facts that are likely to reveal the identity of the complainant can severely limit the ability of the District to respond. Complainants must also recognize that persons who are accused of wrongdoing have a right to present their side of the matter, and this right may be jeopardized if the District is prohibited from revealing the name of the complainant or facts that are likely to disclose the identity of the complainant.

If a complainant insists that his or her name not be revealed, the responsible officer should take all reasonable steps to investigate and respond to the complaint consistent with the complainant's request as long as doing so does not jeopardize the rights of other students or employees.

It is also important that complainants and witnesses understand the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District's process. In general, persons who are participating in a District investigative or disciplinary process that is related to a charge of discrimination are protected from tort claims such as defamation. However, persons who make allegations outside of these processes or who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination will all be asked to sign a confidentiality acknowledgement statement.

Where an investigation reveals the need for disciplinary action, the complainant may wish to have information about what disciplinary actions the District took. However, the privacy rights of the persons involved often prevent the District from providing such information. In student disciplinary actions for sexual assault/physical abuse charges, Education Code section 76234 provides that the victim shall be informed of the disciplinary action, but that the victim must keep the information confidential. Disciplinary actions taken against employees are generally considered confidential.

Authority: Cal. Const. Art. I, § 1; Civil Code § 47; Ed. Code, §§ 76234 and 87740; *Silberg v. Anderson* (1990) 50 Cal.3d. 205; Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, Title IX, Office for Civil Rights, January 19, 2001.

## **Notice, Training, and Education for Students and Employees**

The Mt. San Jacinto Community College District's responsible officer shall make arrangements for or provide training to employees and students on the District's unlawful discrimination policy and procedures. Faculty members, members of the administrative staff, and members of the support staff will be provided with a copy of the District's written policy on unlawful discrimination at the beginning of the first quarter or semester of the college year after the policy is adopted.

All District employees will receive this training and a copy of the unlawful discrimination policies and procedures during the first year of their employment. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six months of assuming a supervisory position and annually thereafter. In years in which a substantive policy or procedural change has occurred all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

A training program or informational services will be made available to all students at least once annually. The student training or informational services will include an explanation of the policy, how it works, and how to file a complaint. In addition, a copy of the District's written policy on unlawful discrimination, as it pertains to students, will be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.

Authority: Ed. Code, § 66281.5; Cal. Code Regs., tit. 5, §§ 59324 and 59326. Reference: Cal. Code Regs., tit. 5, §§ 59300 et seq.; 34 C.F.R. § 106.8(b).

## **Academic Freedom**

The Mt. San Jacinto Community College District governing Board reaffirms its commitment to academic freedom, but recognizes that academic freedom does not allow any form of unlawful discrimination. It is recognized that an essential function of education is a probing of opinions and an exploration of ideas that may cause some students discomfort. It is further recognized that academic freedom insures the faculty's right to teach and the student's right to learn. Finally, nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for a specific community college program, course or activity.

When investigating unlawful discrimination complaints containing issues of academic freedom Mt. San Jacinto Community College District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

Reference: Cohen v. Mt. San Jacinto Valley College (1995) 883 F.Supp. 1407, 1412-1414, affd. in part and revd. in part on other grounds, (1996) 92 F.3d 968; Cal. Code Regs., tit. 5, § 59302.

## **Record Retention**

Unlawful discrimination records that are part of an employee's employment records may be classified as Class-1 Permanent records and retained indefinitely or microfilmed in accordance with title 5, California Code of Regulations, section 59022. Unlawful discrimination records of a student that are deemed worthy of preservation but not classified as Class-1 Permanent may be classified as Class-2 Optional records or as Class-3 Disposable records. Class-2 Optional records shall be retained until reclassified as Class-3 Disposable Records. Class-3 Disposable Records shall be retained for a period of three years after being classified as Class-3 Disposable records.

Records related to a student discrimination complaint will be deemed worthy of preservation if, at the end of three years after the case is closed, a complaint on similar grounds has been filed against the same employee. In such cases, the records shall continue to be classified as Class 2 records and shall not be reclassified as Class-3 Disposable Records until complaints against that particular employee have been resolved.

References: Education Code Sections 212.5; 44100; 66281.5;  
Title IX, Education Amendments of 1972; Title 5 Sections 59320 et seq.;

## 59362. Judicial Review

A decision by the Chancellor pursuant to Section 59360 is subject to judicial review by the district, as provided by Section 4 1094.5 of the Code of Civil Procedure.

**\*\*Note - "Chancellor" means Chancellor of California Community Colleges.\*\***

### ATTACHMENT B



## Unlawful Discrimination Complaint Form

**Name:** \_\_\_\_\_  
Last First

**Address:** \_\_\_\_\_  
Street or P.O. Box City State Zip

**Phone:** Day ( \_\_\_\_\_ ) Evening ( \_\_\_\_\_ )

**I Am A:**  Student  Employee  Other: \_\_\_\_\_

**I Wish To Complain Against:** \_\_\_\_\_

**District:** Mt. San Jacinto Community College District **College:** Mt. San Jacinto Community College

**Date of Most Recent Incident of Alleged Discrimination:** \_\_\_\_\_

*(Non-employment complaints must be filed within one year of the date of the alleged unlawful discrimination.  
Employment complaints must be filed within six months of the date of the alleged unlawful discrimination.)*

**I Allege Discrimination Based on the Following Category Protected under Title 5 (you must select at least one):**

- Age  Ethnic Group Identification  Physical Disability  Retaliation\*\*  
 Ancestry  Mental Disability  Race  Sex/Gender (includes Harassment)  
 Color  National Origin  Religion  Sexual Orientation  
 Perceived to be in protected category or associated with those in protected category

**Clearly state your complaint.** Describe each incident of alleged discrimination separately. For each incident provide the following information: **1)** date(s) the discriminatory action occurred; **2)** name of individual(s) who discriminated; **3)** what happened; **4)** witnesses (if any); and **5)** why you believe the discrimination was because of your religion, age, race, sex or whatever basis you indicated above. **\*\*If applicable, explain why you believe you were retaliated against for filing a complaint or asserting your right to be free from discrimination on any of the above grounds.**

*(Attach additional pages as necessary.)*

**Appendix A - II. Sexual Harassment Policy**

**Sexual Harassment Policy**

**District Policy and Procedures**  
**Individual Rights and Responsibilities**  
*(Applicable to all Students, Faculty and Staff)*

**November 2018**

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## **Purpose and Philosophy**

Sexual harassment is one of many forms of discrimination and abusive behavior. Other forms of discrimination, such as that based on race, color, sex, ancestry, national origin, disability (mental and physical), including HIV and AIDS, medical conditions such as cancer, age (40 and above), and marital status, are also prohibited. Sexual harassment is abusive and illegal behavior that harms victims and negatively impacts the district's culture by creating an environment of fear, distrust and intolerance. Because the district is committed to provide a safe, healthy environment for all employees and students that promote respect, dignity, and equality, it is the purpose of this policy to create and preserve an educational environment free from unlawful sexual harassment and discrimination on the basis of sex.

## **References**

- 20 U.S.C. §1681, Education Amendments of 1972, Title IX. No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.
- 34 C.F.R. §§106.1-106.71, U.S. Department of Education Office for Civil Rights Regulations Implementing Title IX. This provision requires designation of Student Judicial Affairs Coordinator, grievance procedure, and public notice of Title IX policies and procedures.
- 42 U.S.C. §2000e, Civil Rights Act of 1964, Title VII. This provision prohibits employers from discriminating on the basis of sex.
- 29 C.F.R. §1604.11, Equal Employment Opportunity Commission (EEOC) Regulations Implementing Title VII.

The following regulations provide guidelines on sexual harassment in the workplace.

- California Fair Employment and Housing Act (Government Code §12900 et seq.)
- Sex Equity in Education Act (Education Code, §66250 et seq.)
- Assembly Bill 80 of 1977 (Government Code §§11135 et seq.)
- Chapter 2, Division 4, Title 2, of the California Administrative Code.
- Subsection 1 (Commencing with §53000), Section 2, Chapter 1, Division 4, Title 5, of the California Administrative Code.
- §87100 of the California Education Code.
- §212.5 of the California Education Code.

## **Monitoring Responsibility**

The Chief Human Resources Officer and Associate Dean of Student Affairs and Equity as designated by the Board of Trustees will be responsible for ensuring compliance with this policy. The Chief Human Resources Officer will yearly evaluate, among other things: The frequency and nature of complaints under this policy; employee and student compliance with the policy; employee and student perceptions of the policy's effectiveness. Results of the evaluation will be used to modify or update the policy as appropriate, with an emphasis on remedying deficiencies.

## **Policy (BP 3430)**

The policy of the Mt. San Jacinto Community College District is to provide an educational and employment environment including but not limited to access to its services, classes and programs in

which no person shall be subjected to unlawful harassment and where such environment is free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment. It shall also be free of other unlawful harassment, including but not limited to harassment based on: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex, age, or sexual orientation of any person, or because he or she is perceived to have one or more of the foregoing characteristics.

Any student or employee who believes that he or she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in [Administrative Procedure 3410](#).

The Superintendent/President shall establish procedures that define harassment on campus or in with district-sponsored events. The Superintendent/President shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the district, its employees, students, and agents.

[District Administrative Procedure 3410](#) contains information regarding the specific rules and procedures for reporting charges of sexual harassment and pursuing available remedies. The following applies for the distribution of this policy:

1. This policy shall be displayed in a prominent location in the main administrative building or other areas where notices regarding the institution's rules, regulations, procedures and standards of conduct are posted.
2. The policy shall be provided to students as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session, as applicable.
3. This policy shall be provided to all faculty, administrators, and staff at the beginning of the first semester of the school year, or at the time there is a new employee hired.
4. This policy shall appear in any publication of the district that sets forth the comprehensive rules, regulations, procedures, and standards of conduct for the institution.

## **Definitions**

“Sexual harassment” is defined as being unwelcome sexual advances, requests for sexual favors, other unwanted physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, district employees, or third parties, when:

- Submission to the conduct is made explicitly or implicitly a term of employment or condition of a student's education (including any aspect of the student's participation in district-sponsored activities, or any other aspect of the student's education);
- Submission to, or rejection of the conduct is used as the basis for decisions affecting employment status decisions, or a student's academic performance, or participation in district-sponsored activities or creates an intimidating, hostile, or offensive educational environment.

## **Unacceptable Conduct**

Complaints received will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the definitions in 5.1 and should be treated as sexual harassment. Unacceptable conduct may or may not constitute sexual harassment. Normally, unacceptable behavior must be severe or pervasive to be considered sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, employees who observe unacceptable behavior, as well as administrators conducting an investigation, should consider:

- Is the conduct sexual in nature?
- Is the conduct derogatory toward one gender?
- Is the conduct unwelcome?
- Would the behavior be offensive to a reasonable person of the same gender as the victim?
- The nature, severity, and scope of the incidents;
- The number of students or employees involved directly or indirectly;
- The relationship of the parties involved (i.e. employee/student, fellow students, etc.), and whether there is equal power between the parties;
- The past discipline history of the parties involved;
- The frequency and duration of the behavior;
- Whether there is a pattern of behavior;
- Whether the conduct is verbal or physical.

EXAMPLES: Campus-related conduct that the district considers unacceptable and often a part of sexual harassment includes, but is not limited to, the following:

- Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the California State Penal Code;
- Unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities, or job assignments, homework, etc.;
- Any unwelcome communication that is sexually suggestive, sexually degrading, or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files; messages or games, etc.;
- Unwelcome and offensive name-calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
- Unwelcome leers, stares, gestures, or slang remarks that are sexually suggestive, sexually degrading, or imply sexual motives or intentions;
- Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
- Any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

### **Complaint Procedures**

- In compliance with applicable federal and state law, it is the policy of the district to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of sex.
- Victims of sexual harassment shall be afforded avenues for filing complaints that are free from bias, collusion, intimidation, or reprisal.
- Victims of sexual harassment should document the harassment as soon as it occurs. In order to assist investigators, victims should document the harassment with as much detail as possible,

including: the nature of the harassment; dates, times, and places it has occurred; name or names of harasser or harassers; witnesses of the harassment; and the victim's response to the harassment.

- To the extent they feel safe and comfortable doing so, victims are first encouraged to confront the harasser, verbally or in a letter and/or with an advocate present, and tell the harasser to stop the conduct because it is unwelcome. Victims should document the incident or incidents of continuing harassment, and any conversations they have with the harasser, noting such information as time, date, place, what was said or done, and other relevant circumstances surrounding the incident(s) and the effect or impact of the behavior on the victim.
- If the victim's concerns are not resolved satisfactorily by communicating with the harasser, or if the victim feels he or she cannot discuss the concerns with the harasser, the victim should directly inform a district employee of the complaint and should clearly indicate what action he or she wants taken to resolve the complaint.
- Any employee who receives a complaint of sexual harassment from a student or another employee shall inform them of their obligation to report the complaint to the district's administration, and then shall immediately notify the Chief Human Resources Officer and/or the Associate Dean of Student Affairs and Equity.
- District employees who fail to report complaints of sexual harassment to appropriate administrators or law enforcement authorities may face disciplinary action, up to and including reprimand, suspension, or termination.
- District administrators, or other District officials who fail to report student or employee complaints of sexual harassment may also face disciplinary action, including reprimand, probation, or termination.
- Victims who contact a district employee with a complaint are encouraged to submit the complaint in writing. (See Attachment B – Discrimination Complaint Form available in the Human Resources Office.) However, complaints may be filed verbally. Alternate methods of filing complaints (such as tape recorders, scribes, etc.) shall be made available to individuals with disabilities who need accommodation.
- The district encourages all persons involved to report complaints as soon as possible (i.e. within ninety (90) days after the incident), in order that complaints can be effectively investigated and resolved.
- Reports/Complaints to Law Enforcement Authorities
  - Consistent with district Policy, where a complaint contains evidence of violence or criminal activity, the employee and/or district Student Judicial Affairs Coordinator, shall refer the complaint to the district Chief Human Resources Officer and/or law enforcement authorities for investigation.
  - The district encourages any individual who has knowledge of sexual harassment of a violent or criminal nature to independently report the information to law enforcement authorities.
- California Community Compliance and Enforcement (Discrimination Complaints). The District will comply with title 5 of the California Code of Regulations, Subchapter 5, Articles 3 and 4, §59334 et. al. (See Attachment A).
- Complaints may be filed with the following individuals:
  - Chief Human Resources Officer (employees or students)
  - Any administrator or supervisor (employees or students)

## **Confidentiality**

It is District policy to respect the privacy and anonymity of all parties and witnesses to complaints brought under this policy. However, because an individual's need for confidentiality must be balanced with the District's obligations to cooperate with police investigations or legal proceedings, to provide due process to the alleged harasser, to conduct a thorough investigation, or to take necessary action to resolve a complaint, the District retains the right to disclose the identity of parties and witnesses to complaints to individuals only in appropriate circumstances.

## **Initial Investigation and (Informal) Resolution Procedures**

### **(See Attachment A)**

- The Chief Human Resources Officer and/or designee has the responsibility of conducting a preliminary review when he, she or they receive a verbal or written complaint of sexual harassment, or if he, she or they observe sexual harassment. Except in the case of severe or criminal conduct, the Chief Human Resources Officer and/or designee shall make all reasonable efforts to resolve complaints informally. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.
- As soon as possible, but no later than three (3) working days following receipt of a complaint, the Chief Human Resources Officer shall commence an investigation of the complaint according to the following steps:
  1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he or she wants taken in order to resolve the complaint.
  2. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities who have difficulty writing.
  3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
  4. Instruct the alleged harasser to have no contact or communication regarding the complaints with the victim and to not retaliate against the victim. If the alleged harasser does not comply with this instruction, he or she shall be subject to immediate disciplinary action.
  5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his or her statement confidential.
  6. Review all documentation and information relevant to the complaint.
  7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, utilize appropriate informal methods to resolve the complaint, including but not limited to:
    - A. Discussion with the alleged harasser, informing him or her of the District's policies and indicating that the behavior, if occurring, must stop;
    - B. Conducting training for the department or area in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
    - C. Requesting a letter of apology to the complainant;
    - D. Writing letters of caution or reprimand;
    - E. Separating the parties.

- F. Student or Employee Involvement and Notification
  - G. The representatives or advocates of students who file complaints are welcome to attend each stage of both informal and formal investigation and resolution procedures. Employees bringing complaints shall be informed of their right to be advised by union officials or other professional representatives.
8. Report back to both the victim and the alleged harasser, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. Instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him or her.
  9. Notify the victim that if he or she desires further investigation and action, he or she may request a formal district investigation by contacting the Chief Human Resources Officer or designee. Also, notify the victim of his or her right to contact the U.S. Department of Education's Office for Civil Rights, the Department of Fair Employment and Housing (DFEH), and/or a private attorney.

Whenever a sexual harassment complaint is made, district administrators must take action to refer the complaint to the Chief Human Resources Officer or designee for investigation, even if the student does not request any action or withdraws the complaint.

If the initial investigation results in a determination that sexual harassment did occur, and the harasser repeats the wrongful behavior or retaliates against the victim, the Chief Human Resources Officer shall consult with the appropriate Vice President and the Superintendent/President to determine appropriate disciplinary action.

The Chief Human Resources Officer must consider the severity or pervasiveness of the conduct and exercise discretion in determining whether a formal investigation is necessary. If a complaint contains evidence or allegations of serious or extreme harassment, such as criminal touching, or quid pro quo (e.g. offering an academic reward or punishment as an inducement for sexual favors), the complaint shall be investigated immediately. In addition, where there is reasonable suspicion that the alleged harassment involves criminal activity; the Chief Human Resources Officer will immediately contact law enforcement authorities. Where criminal activity is alleged or suspected, the alleged harasser (employee) shall be placed on administrative leave pending the outcome of the investigation.

**Formal Investigation**  
**(See Attachment A)**

**Right to Representation and Other Legal Rights**

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. Students who file complaints may elect to be accompanied by another student of their choice at each stage of the complaint procedure. Victims also have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR).

**Students and Employees**

U. S. Department of Education  
Office for Civil Rights, Region VIII  
Federal Office Building  
1244 Speer Boulevard, Suite #310

Denver, CO 80204  
Tel: (303) 844-5695

### **Employees**

State of California  
State and Consumer Services Agency  
Department of Fair Employment & Housing  
110 West "C" Street, Suite 1702  
San Diego, CA 92101  
Tel: (619) 645-2691

### **United States Equal Employment Opportunity Commission (EEOC)**

San Diego Area Office  
401 "B" Street, Suite 1550  
San Diego, CA 92101  
Tel: (619) 557-7282

**Nothing in this policy shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.**

### **Retaliation Prohibited**

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal and, therefore, subject to disciplinary action. Likewise, retaliation against a person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension, probation or termination.

### **Discipline**

Any individual, including an individual with disabilities, who violates this policy, will be subject to appropriate disciplinary action under applicable Board Policies, Unit Bargaining Agreements, and Education Code discipline procedures. Disciplinary measures available to district authorities may include, but are not limited to, the following:

- Verbal warnings/reprimands;
- Written warning/reprimand in the employee or student's file;
- Requirement of verbal and/or written apology to victim;
- Mandatory education and training on sexual harassment by means of reading assignments, videos, classes, or other presentations;
- Involvement of policy and/or other law enforcement authorities.

In addition, if the harassment is severe or persistent, an individual who violates this policy may be subject to suspension, expulsion, probation or termination. Moreover, students who violate this policy may lose the privilege of participating in extracurricular activities such as athletics, student government, cheerleading, graduation ceremonies, etc. These penalties may be imposed even for first offenses, which are severe or extreme.

In determining what disciplinary or corrective action is appropriate, district officials shall consider the totality of the circumstances, including but not limited to:

- The number of victims and harassers involved;
- The prior disciplinary records of the harasser or harassers;
- The disability status of the victim and/or harasser or harassers;
- The threatened or actual harm caused by the harassment; and
- The frequency and/or severity of the harassment.

If district administrators have reasonable suspicion that the harassment involves sexual assault, rape, or any other activity of a criminal nature, they shall notify appropriate law enforcement authorities and immediately initiate appropriate due process proceedings to remove the alleged harasser party from the situation.

### **False Complaints**

False or malicious complaints of sexual harassment will result in corrective or disciplinary action being taken against the complainant. The disciplinary measures available to the district are the same as those listed under the Discipline section of this policy.

### **Training**

All students shall be informed of this policy in student handbooks, folders, and registration materials. A summary of this policy shall also be posted in a prominent location. All Associated Student Body officers shall receive district training about the policy at the beginning of each school year.

All new employees shall receive information about this policy at new employee orientation. All other employees shall be provided information annually and attend awareness training at least once every five (5) years regarding this policy and the district's commitment to a harassment-free learning and working environment.

The Associate Dean of Student Affairs and Equity and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy and related legal developments from the Chief Human Resources Officer.

The Chief Human Resources Officer and department administrators shall be responsible for informing students and employees on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

### **Records**

Separate confidential records of all sexual harassment complaints and investigations shall be maintained in the Chief Human Resources Officer. Records of investigations shall be maintained in the office of the Chief Human Resources Officer.

- Records of informal investigations and resolutions shall be retained for at least three (3) years.
- Records of investigations shall be retained for at least six (6) years.
- Records of complaints and investigations of blatant violations involving criminal touching, quid pro quo situations, or other criminal acts shall be retained permanently.

## **Policy Dissemination and Review**

A summary of this policy and related materials shall be posted in a prominent place in each district facility. Notification of this policy, along with a summary, shall also be published in student registration materials, student handbooks, employee handbooks, and other appropriate district publications as directed by the Chief Human Resources Officer.

The Academic Senate, Faculty and Staff Diversity Committee, Management Leadership Council and President's Cabinet shall annually review this policy's effectiveness. The Chief Human Resources Officer and the District's legal counsel shall review this policy annually to determine its compliance with applicable state and federal law, and shall update the policy accordingly.

## **Acquired Immune Deficiency Syndrome**

Mt. San Jacinto Community College District is committed to provide a safe, fair, sensitive and nondiscriminatory environment for study. Toward these ends, the following guidelines will apply:

- An individual with Acquired Immune Deficiency Syndrome (AIDS), AIDS-Related Complex (ARC) or a positive Human-Immunodeficiency Virus (HIV) antibody test result will not be denied enrollment for instruction in any classroom activity as long as he or she is able to perform in accordance with established standards.
- Persons with AIDS or ARC or who are perceived to have such conditions are considered disabled under state and federal law and may be served through state-funded Disabled Students Programs and Services.
- The administration will develop and implement plans to provide up-to-date AIDS education to students and employees with the purpose of: (1) to prevent further spread of the virus; and, (2) to dispel myths and unreasonable fears about the disease.

## **Americans with Disabilities Act (ADA)**

Mt. San Jacinto College is committed to compliance with both the spirit and the letter of the Americans with Disabilities Act, as well as the Rehabilitation Act of 1973, and other laws protecting the rights of persons with disabilities. The Board of Trustees has established compliance with the Americans with Disabilities Act as an institutional priority, where this will not pose an undue burden or fundamentally alter the programs of the institution. The Associate Dean of Student Affairs and Equity, or designee, is the Americans with Disabilities Act coordinator for the district. Student and community members with concerns related to access to the college's facilities, programs and services should contact the Associate Dean of Student Affairs and Equity. Employees or employment applicants with ADA related concerns should also contact the Associate Dean of Student Affairs and Equity or Chief Human Resources Officer.

Should an individual feel that there has been an inappropriate restriction of access to employment or educational opportunities for one or more qualified persons with one or more disabilities, and an adequate remedy has not been forthcoming from the appropriate college office, that individual may file a petition in accordance with the following procedures:

- Petition for Review of Access to Employment shall be filed with the Chief Human Resources Officer or designee, who shall investigate each complaint and respond within ten (10) working days.
- Petition for Review of Access to Educational Opportunity shall be filed with the Associate Dean of Student Affairs and Equity or designee, who shall investigate each complaint and respond within ten (10) working days.

- The response to the petition shall include either a statement of what remedy to the complaint will be provided, or establish the date for a hearing by the A.D.A. Task Force.
  - Should a hearing be called, it will take place within thirty (30) working days from the date of notice.
  - Following the hearing, the A.D.A. Task Force will provide a written response within ten (10) working days following the hearing.
- If the response of the ADA Coordinator (or designee) or of the hearing does not resolve the concerns of the petition, an appeal may be filed with the Superintendent/President who shall respond to the petition within ten (10) working days.
- Should the Superintendent/President's response not satisfy the petitioner, the Board of Trustees shall be the last level of appeal. The decision of the Board of Trustees shall be final.

*ATTACHMENT A*

**TITLE V - Education Code (California Community Colleges)**  
**Article 3. District Compliance and Enforcement**

**59334 District Investigation**

Upon receiving a complaint that is properly filed in accordance with Section 59328, the District will commence an impartial fact-finding investigation of that complaint and notify the complainant and Chancellor that it is doing so. The results of the investigation shall be set forth in a written report which shall include at least all of the following:

- (a) a description of the circumstances giving rise to the complaint
- (b) a summary of the testimony provided by each witness, including the complainant and any viable witnesses identified by the complainant in the complaint
- (c) an analysis of any relevant data or other evidence collected during the course of the investigation;
- (d) a specific finding as to whether there is probable cause to believe that discrimination occurred with respect to each allegation in the complaint; and
- (e) any other information deemed appropriate by the District.

**59336. Administrative Determination**

Within ninety (90) days of receiving a complaint, the district shall complete its investigation and forward a copy of its investigative report pursuant to section 59334 to the Chancellor, a copy or summary of the report to complainant, and written notice setting forth all of the following to both the complainant and the Chancellor:

- (a) the determination of the chief executive officer or his/her designee as to whether there is probable cause to believe discrimination occurred with respect to each allegation in the complaint:
- (b) a description of actions taken, if any, to prevent similar problems from occurring in the future;
- (c) the proposed resolution of the complaint, and
- (c) the complainant's right to appeal to the district governing board and the Chancellor pursuant to Sections 59338 and 59339.

### **59338. Final District Decision Appeals**

(a) If the complainant is not satisfied with the results of the administrative rendered pursuant to Section 59336, the complainant may, submit a written appeal to the district governing board within fifteen (15) days from the date of the administrative determination. The governing board shall review the original complaint, the investigative report, the administrative determination, and the appeal, and issue a final district decision in the matter within forty-five (45) days of receiving the appeal.

(b) A copy of the final district decision rendered by the governing board that includes complainant's rights to appeal the district's decision to the Chancellor pursuant to section 59339 shall be forwarded to the complainant and to the Chancellor.

(c) If the governing board does not act within forty-five (45) days the administrative determination shall be deemed approved and shall become the final distinct decision in the matter. The district shall notify the complainant and the Chancellor that the board took no action and the administrative determination is deemed approved pursuant to this section. The complainant shall also be notified of his or her right to appeal the district's decision to the Chancellor pursuant to section 59339.

### **59340. Forward to Chancellor**

Within 150 days of receiving a complaint, the district will forward the following to the Chancellor

(a) A copy of the final District decision rendered by the Board of Trustees or a statement indicating the date on which the administrative determination became final pursuant to Section 59338(a).

(b) A copy of the notice to the complainant required pursuant to Section 59338(a); and

(c) Such other information as the Chancellor may require

### **59342. Failure to Comply**

(a) If a district, for reasons beyond its control, is unable to comply with the 90-day or 150 day deadline specified in Sections 59336 or 59340, the district may file a written request that the Chancellor grant an extension of the deadline. The request shall be submitted no later than ten (10) days prior to the expiration of the deadline established pursuant to Sections 59336 or 59340 and shall set forth the reasons for the request and the date by which the district expects to be able to submit the required materials.

(b) A copy of the request for an extension shall be sent to the complainant, who shall be notified that he or she may file written objections with the Chancellor within five (5) days of receipt.

(c) The Chancellor may grant the request unless delay would be prejudicial to the complainant. If the Chancellor grants an extension of the 90-day deadline, the 150-day deadline is automatically extended by an equal amount.

(d) If a district fails to comply with the requirements of Sections 59336 or 59340 by the required deadline, including any extension granted pursuant to this section, the Chancellor on may proceed to review the case as provided in Article 4 (commencing) with Section 59350) of this Subchapter based on the original complaint and any other relevant information then available.

## **Article 4. Chancellor's Procedure to Effect Compliance**

### **59350. Review for Reasonable Cause**

(a) The Chancellor shall review the materials submitted by the district pursuant to Sections 59336 and 59340, together with the complainant's appeal, and determine whether there is reasonable cause to believe the district has violated the requirements of this subchapter.

(b) Failure by the complainant to file an appeal pursuant to Section 59338 shall not preclude the Chancellor from finding reasonable cause to believe the district has violated the requirements of this subchapter.

(c) If the Chancellor finds there is no reasonable cause to believe a violation has occurred, the Chancellor shall immediately notify both the complainant and the district.

### **59352. Investigation**

If the Chancellor finds there is reasonable cause to believe a violation has occurred, the Chancellor shall investigate to determine whether there is probable cause to believe a violation has occurred.

### **59354. Informal Resolution**

During the course of the investigation, the Chancellor shall seek to informally resolve the alleged violation. Such resolution shall be set forth in a written conciliation agreement. A copy of the written agreement shall be sent to the complainant.

### **59356. Formal Resolution**

Within 120 days of initiating the investigation, the Chancellor shall take one of the following actions:

(a) Notify the district and the complainant that there is probable cause to believe the district has violated the provisions of this subchapter. The Chancellor shall allow the district to acquiesce in this finding prior to filing an accusation against the district.

(b) Notify the district and the complainant that there is no probable cause to believe the district has violated the provisions of this subchapter.

### **59358. Hearing**

If the Chancellor finds the district has violated the provisions of this subchapter, and if the district does not acquiesce in that finding, the Chancellor shall initiate the hearing process pursuant to Chapter 5 (commencing with Section 11500) of part1, Division 3, Title 2 of the Government Code, to determine whether the violation did occur.

### **59360. Enforcement**

(a) Upon a determination that a district has violated the provisions of this subchapter, the

Chancellor shall notify the district of the action he or she will take to effect compliance The

Chancellor may use any means authorized by law to effect compliance, including:

- (1) Withhold all or part of the district's state support, including state general apportionment and/or growth funding;
- (2) Make eligibility for future state support, including state general apportionment and/or growth funding, and/or eligibility for grants or contracts administered by the Chancellor's Office conditional on compliance with specified conditions;
- (3) Proceed in a court of competent jurisdiction for an appropriate order compelling

compliance.

(b) No decision to curtail state funding to a district pursuant to this section shall be made until the

Chancellor has determined that compliance cannot be secured by voluntary means.

**59362. Judicial Review**

A decision by the Chancellor pursuant to Section 59360 is subject to judicial review by the district, as provided by Section 4 1094.5 of the Code of Civil Procedure.

**\*\*Note - “Chancellor” means Chancellor of California Community Colleges.\*\***

**ATTACHMENT B**



**Unlawful Discrimination Complaint Form**

**Name:** \_\_\_\_\_  
*Last First*

**Address:** \_\_\_\_\_  
*Street or P.O. Box City State Zip*

**Phone:** Day ( \_\_\_\_\_ ) Evening ( \_\_\_\_\_ )

**I Am A:**  Student  Employee  Other: \_\_\_\_\_

**I Wish To Complain Against:** \_\_\_\_\_

**District:** Mt. San Jacinto Community College District **College:** Mt. San Jacinto Community College

**Date of Most Recent Incident of Alleged Discrimination:** \_\_\_\_\_  
*(Non-employment complaints must be filed within one year of the date of the alleged unlawful discrimination. Employment complaints must be filed within six months of the date of the alleged unlawful discrimination.)*

**I Allege Discrimination Based on the Following Category Protected under Title 5 (you must select at least one):**

- Age  Ethnic Group Identification  Physical Disability  Retaliation\*\*
- Ancestry  Mental Disability  Race  Sex/Gender
- Color  National Origin  Religion  Sexual Orientation
- Perceived to be in protected category or associated with those in protected category

**Clearly state your complaint.** Describe each incident of alleged discrimination separately. For each incident provide the following information: **1)** date(s) the discriminatory action occurred; **2)** name of individual(s) who discriminated; **3)** what happened; **4)** witnesses (if any); and **5)** why you believe the discrimination was because of your religion, age, race, sex or whatever basis you indicated above. **\*\*If applicable, explain why you believe you were retaliated against for filing a complaint or asserting your right to be free from discrimination on any of the above grounds.** *(Attach additional pages as necessary.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
**What would you like the District to do as a result of your complaint -- what remedy are you seeking? \_**  
\_\_\_\_\_  
\_\_\_\_\_

**I certify that this information is correct to the best of my knowledge.**

\_\_\_\_\_  
*Signature of Complainant*

\_\_\_\_\_  
*Date*

Send **Original** to the District, or:

**Mt. San Jacinto Community College**  
**1499 N. State Street (Attn: HR)**  
**San Jacinto, CA 92592**

**Chancellor's Office, California Community Colleges**  
**1102 Q Street,**  
**Sacramento, California 95811-6549**  
**Attention: Legal Affairs Division**

**ATTACHMENT C**

*NOTIFICATIONS*

Notify any of the following individuals if you have a complaint:

1. Chief Human Resources Officer, 951-487-3158
2. Associate Dean of Student Affairs & Equity, 951-487-3331
4. Superintendent/ President, 951-487-3002

If for any reason you are unable to contact any of the above-named individuals, you may notify any administrator or District employee.

**ATTACHMENT D**

*U.S. DEPARTMENT OF EDUCATION*

**Office for Civil Rights**  
**Sexual Harassment Guidance**  
***Published at 62 Federal Register 12034, March 13, 1997***  
**First Amendment**

In cases of alleged harassment, the protections of the First Amendment must be considered if issues of speech or expression are involved. Free speech rights apply in the classroom (e.g., classroom lectures and discussions) and in all other education programs and activities of public schools (e.g.,

public meetings and speakers on campus; campus debates, school plays and other cultural events; and student newspapers, journals and other publications). In addition, First Amendment rights apply to the speech of students and teachers.

Title IX is intended to protect students from sex discrimination, not to regulate the content of speech. OCR recognizes that the offensiveness of Particular expression as perceived by some students, standing alone, is not a legally sufficient basis to establish a sexually hostile environment under Title IX. In order to establish a violation of Title IX, the harassment must be sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from the education program or to create a hostile or abusive educational environment.

Moreover, in regulating the conduct of its students and its faculty to prevent or redress discrimination prohibited by Title IX (e.g., in responding to harassment that is sufficiently severe, persistent, or pervasive as to create a hostile environment), a school must formulate, interpret, and apply its rules so as to protect academic freedom and free speech rights. For instance, while the First Amendment may prohibit a school from restricting the right of students to express opinions about one sex that may be considered derogatory, the school can take steps to denounce those opinions and ensure that competing views are heard. The age of the students involved and the location or forum may affect how the school can respond consistent with the First Amendment. As an example of the application of free speech rights to allegations of sexual harassment, consider the following:

Example 1: In a college level creative writing class, a professor's required reading list includes excerpts from literary classics that contain descriptions of explicit sexual conduct, including scenes that depict women in submissive and demeaning roles. The professor also assigns students to write their own materials, which are read in class. Some of the student essays contain sexually derogatory themes about women. Several female students complain to the Dean of Students that the materials and related classroom discussion have created a sexually hostile environment for women in the class. What must the school do in response?

*Answer:* Academic discourse in this example is protected by the First Amendment even if it is offensive to individuals. Thus, Title IX would not require the school to discipline the professor or to censor the reading list or related class discussion.

Example 2: A group of male students repeatedly targets a female student for harassment during the bus ride home from school, including making explicit sexual comments about her body, passing around drawings that depict her engaging in sexual conduct, and, on several occasions, attempting to follow her home off the bus. The female student and her parents complain to the principal that the male students' conduct has created a hostile environment for girls on the bus and that they fear for their daughter's safety. What must the school do in response?

*Answer:* Threatening and intimidating actions targeted at a particular student or group of students, even though they contain elements of speech, are not protected by the First Amendment. The school must take reasonable and appropriate actions against the students, including disciplinary action if necessary, to remedy the hostile environment and prevent future harassment.

## **Appendix B.**

### **District Mission, Vision, and Values**

## Appendix B

### Mt. San Jacinto Community College District Mission Statement

The Mt. San Jacinto Community College District offers quality accessible, equitable and innovative educational programs and services to students aspiring to achieve their academic, career and personal development goals.

We provide students a safe environment in which to pursue basic skills, career and general education pathways. Our programs lead to transfer, associate degrees and certificates which meet workforce development needs in our diverse communities.

Our commitment to learning and achievement empowers students to enrich our communities and participate meaningfully in today's complex world.

#### Vision Statement

Transforming Learners. Transforming Communities. Transforming Lives.

#### Values Statement

We are students, employees and a community. We believe that the act of teaching and learning is vital to a thriving community that enriches, and at times, saves lives. We commit to opportunities that inspire the following values in ourselves:

**Excellence** – We challenge students with high standards for learning and critical thinking, which we model with action.

**Collaborations** – We believe that the best results can be achieved through effective communication between employees, students, industry and the communities we serve.

**Relationship** – We nurture a caring community build on positive interactions and genuine concern for the welfare of others.

**Innovations** – We cultivate a creative environment that promotes the development of new ideas for continuous quality improvement.

**Relevance** – We pursue educational experiences that have meaningful applications in a local and global context, today and tomorrow.

**Access** – We promote a network of support that improves learning opportunities, removes barriers to a quality education and ensures the rights of all students.

**Leadership** – We empower people throughout the college community to support and facilitate positive change.

**Diversity** – We respect and embrace the power of sharing our differences in thought, opinion, culture and background to optimize our collective strength.

**Integrity** – We believe in being true to our core values by acting honestly and consistently in ways that demonstrate our character and moral commitment to “doing the right thing.”

We commit to create and respond to opportunities that inspire these values in ourselves.

## **Appendix C**

### **College Employment Advertising Resources**

## Appendix C

### Mt. San Jacinto College Advertising Resources

#### **Standard Advertising Provided for All Permanent Positions:**

##### *Mt. San Jacinto Community College District Resources:*

- Mt. San Jacinto Community College District employment opportunities website: Mt. San Jacinto Community College District College Human Resources Services website [www.Mt. San Jacinto Community College District.edu/HR](http://www.Mt.SanJacintoCommunityCollegeDistrict.edu/HR)
- Job board inside of Human Resources Services
- Mt. San Jacinto Community College District Employment Opportunity Bulletin (sent to all departments weekly)

##### *External Websites:*

- California Community College Registry website: [www.ccregistry.org](http://www.ccregistry.org)
- Ed-Join website: [www.ed-join.org](http://www.ed-join.org)
- [HigherEdJobs.com](http://HigherEdJobs.com)
- [www.CommunityCollegeJobs.com](http://www.CommunityCollegeJobs.com)
- [www.AcademicJobs.net](http://www.AcademicJobs.net)
- [www.AllHigherEd.com](http://www.AllHigherEd.com)
- [www.FacultyJobs.net](http://www.FacultyJobs.net)
- [www.SciencePositions.com](http://www.SciencePositions.com)
- [www.CollegePresidentJobs.com](http://www.CollegePresidentJobs.com)
- [www.AdjunctProfessorJobs.com](http://www.AdjunctProfessorJobs.com)
- [www.PhDJobs.com](http://www.PhDJobs.com)
- [www.DeanPositions.com](http://www.DeanPositions.com)
- [www.SciencePositions.com](http://www.SciencePositions.com)
- [www.HispanicsInAmerica.com](http://www.HispanicsInAmerica.com)
- [www.VeteransInAcademia.com](http://www.VeteransInAcademia.com)
- [www.DisabledInAcademia.com](http://www.DisabledInAcademia.com)
- [www.HigherEdWomen.com](http://www.HigherEdWomen.com)
- [www.LGBTInAcademia.com](http://www.LGBTInAcademia.com)
- [www.AsiansInAcademia.com](http://www.AsiansInAcademia.com)
- [www.BlacksInAcademia.com](http://www.BlacksInAcademia.com)
- [www.NativeAmericansInAcademia.com](http://www.NativeAmericansInAcademia.com)

## Appendix D

### Diversity Organizations in Riverside County

#### General Organizations:

- Neighborhood House Association Riverside County
- Urban League, Riverside County
- Anti-Defamation League, Riverside Chapter
- American Civil Liberties Union of Riverside

#### Asian and Pacific Islander Organizations:

- Asian Business Association Inland Empire
- Filipino-American Chamber of Commerce of Riverside
- Japanese Americans Citizens League, Riverside

#### Black Organizations:

- NAACP Riverside County

#### Disability Organizations:

- Disability Rights California, Riverside chapter
- Goodwill Riverside

#### Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Organizations:

- LGGT Riverside and San Bernardino Area
- LGBT Community Resources, Riverside County

#### Latina/Latino, Hispanic, and Chicana/Chicano Organizations:

- Riverside County Hispanic Chamber of Commerce:
- Chicano Federation Riverside County:
- League of United Latino American Citizens, Riverside councils

#### Native American Organizations:

- Pechanga Band of Luiseno Mission Indians
- Morongo Band of Mission Indians
- Soboba Band of Luiseno Indians
- Cabazon Band of Mission Indians
- Agua Caliente Band of Cahuilla Indians

## Appendix E

### AP 7120 Recruitment and Selection

Reference:

*Education Code Sections 70901.2, 70902(b)(7) & (d), and 87100 et seq.; Title 5 Sections 53000, et seq. and 51023.5; ACCJC Accreditation Standard III.A.1*

#### Management and Administrators

The following provisions are applicable to the recruitment and hiring of all management positions (excluding the Superintendent/President):

- (A) A notice of an open position and a request to fill the position shall be submitted to the Human Resources Department. The Human Resources Department, after determining availability of funds, will forward request to the Superintendent/President, or designee. Such request will be accompanied by a current job description for the position. The Superintendent/President, or designee, will issue instructions to the Human Resources Department regarding whether or not the position will be filled.  
  
The Superintendent/President, or designee, may determine that, due to economic necessity, a management position vacancy will not be filled, or that the duties of the vacant position will be assigned to another management person, or that the vacant position will be filled on a temporary (acting) basis. The Superintendent/President, or designee, may recommend such a temporary assignment for up to one (1) full year. If the vacant position is to be filled for a period longer than one (1) full year, the selection procedures provided herein shall apply.
- (B) All vacancies for full-time positions shall be advertised in and out of the District. Job announcements will be prepared and distributed by the Human Resources Department, based on information provided by the manager responsible for the position being considered. The Human Resources Department shall assure open recruitment for all position vacancies under the guidelines of state and federal equal employment opportunity regulations. Job announcements will be prepared and distributed at the earliest possible date by the Human Resources Department.
- (C) All applicants shall submit an application, using NEOGOV, the District's online application process (see the District's online application process on the college website). All application materials shall be submitted through the District's online hiring system by 11:59 p.m. on the established position closing date. Application materials are kept on file for a period of three (3) years from the closing date of the recruitment.
- (D) For each administrative vacancy to be filled, the Human Resources Department shall cause to be appointed a screening and interview committee, making every effort to achieve a balanced pool of gender and ethnic representation, constituted as follows:

- a. Chairperson
- b. Two administrators selected by the Superintendent/ President, or designee
- c. Two faculty member recommended by the Academic Senate and approved by the Chief Human Resources Officer
- d. One classified employee recommended by the Classified Senate and approved by the Chief Human Resources Officer
- e. EEO Officer (non-voting)
- f. Optional: Additional member(s) as recommended by the Superintendent/ President, or designee

After minimum qualifications have been established by the Human Resources Department and EEO training as been conducted, the screening and interview committee will screen applications using job-related criteria. The committee will select and recommend a group of candidates for interview. The recruitment materials shall be documented and kept on file for three (3) years.

- (E) After the committee has screened the applications and recommended a list of candidates to interview, the Human Resources Department will make the necessary arrangements for all interviews. Although there is no set number of applicants invited for an interview, those selected must be the most highly qualified as determined by the committee. Courtesy interviews are prohibited.
- (F) It will be the committee's task to recommend at least three (3) applicants, if possible, as finalists for interview by the Superintendent/President, or designee. The recommendation of the Committee shall be submitted to the Superintendent/President, or designee. If a decision is reached by the Superintendent/President, or designee, to recommend one of the candidates for hire, the Chief Human Resources Officer shall be informed in writing and all materials returned. After thorough and satisfactory reference check/employment verification, the Human Resources Department shall prepare a board action for confirmation by the Board of Trustees.

In the event the Superintendent/ President decides not to recommend any of the final candidates for hire, the Chief Human Resources Officer shall be informed. In such a case, the committee will reconvene to determine if it will recommend one or more additional candidates for interview, or to recommend recruitment for additional candidates.

- (G) The Chief Human Resources Officer, or designee, serves as the EEO Officer and will monitor all phases of the selection procedure.
- (H) Initial salary placement on the management salary schedule shall generally be at step 2 (Dean and Vice President), step 5 (Director and Associate Dean).

However, the Superintendent/President, or designee, may authorize a higher step placement within the salary range of the position when it is considered to be in the best interest of the District.

## **Classified & Supervisory/Confidential Hiring Procedures**

(A) Establishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized efforts. Mt. San Jacinto Community College District believes that a diverse workforce strengthens and enriches the college, education of its students and the community as a whole. The College follows both the spirit and practice of current laws and regulations that aim to enhance the opportunities for all applicants, including monitored groups. The College will continue to demonstrate and expect meaningful and effective efforts to maximize diversity and identify/eliminate barriers to employment opportunities.

(B) **HUMAN RESOURCES SERVICE REQUEST (HRSR)**

To open recruitment for either a replacement or a new position, it is the responsibility of each department to initiate a Human Resources Service Request and forward it to the appropriate Chief Human Resources Officer for approval. Once the Chief Human Resources Officer has approved the request, the HRSR is sent to Human Resources. The Human Resources Department will complete salary information and forward the HRSR to Business Services for budget approval. If the service request is for a new position, it must first go to the Board for approval before the recruitment can begin. If the request is for a replacement position, Board approval is not necessary and the recruitment may begin. (If the position or job description has not been previously approved through CSEA this step would take place prior to Business Services)

(C) **JOB DESCRIPTIONS/ANNOUNCEMENTS**

The Human Resources Department, in coordination with the appropriate division dean, vice president or designee, shall develop the job vacancy announcement, conforming to established District job descriptions. Only the current job description on file in the Human Resources Department will be used as a template to create a job posting. To make changes to a job description or restructure a position, the hiring manager must contact the Chief Human Resources Officer.

If a classified bargaining unit job description is substantially changed or the position is being restructured, Human Resources will meet with CSEA to discuss the changes. Once Human Resources and CSEA reach an agreement, Human Resources will maintain the documentation and notify the hiring manager of the approval.

The job description must include a requirement that demonstrates clear evidence of sensitivity to an understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation and ethnic backgrounds of community college students, faculty and staff.

(D) **Content of Job Announcements**

Job vacancy announcements shall clearly state job specifications, setting forth those skills necessary to job performance and the required training and experience related to those skills. Job vacancy announcements shall include a description of the position, information regarding the institution and/or unit the position is assigned, potential salary range,

deadline for applications, location for filing the application, the office to contact for questions and further correspondence and a statement regarding the status of the hiring organization as an Equal Opportunity Employer.

Minimum and desired qualifications will be stated on job vacancy announcements. However desired qualifications shall not be used to discourage qualified applicants. Minimum qualifications are those skills, knowledge levels and abilities necessary for successful performance of job duties. Minimum qualifications shall include a statement of equivalent qualifications which may be substituted, when appropriate.

(E) **Lateral Transfer/Voluntary Demotion**

Please refer to the CSEA collective bargaining agreement.

(F) **Distribution of Job Vacancy Announcements**

The goal of this procedure is to hire the best qualified staff available. To this end, recruitment plays the primary role in attracting, and selecting well-qualified and diverse applicant pools. Therefore, in conjunction with appropriate administrators and staff, the Human Resources Department will take into consideration past experience recruiting the position, relative to diversity and quality; job fairs and professional conferences occurring within the recruitment period; and, the availability of recruiting resources. At a minimum, each classified opening will be announced on the MSJC website which links to several job search websites. Announcements shall remain posted for a period of at least two (2) weeks. Additional efforts may be used to achieve better qualified and/or more diverse applicant pools. Those efforts include, but are not limited to, advertising in county/national newspapers, advertising in professional publications, exhibiting at job/professional conferences, advertising in minority/women's outreach publications, and/or e-mailing vacancy announcements to targeted groups using established distribution lists.

(G) **Composition of the Selection Committee**

A Human Resources Analyst shall distribute committee selection forms to classified senate, the appropriate administrator, or his or her designee appointed by the appropriate Vice President. The selection committee shall be comprised of the following voting members unless otherwise indicated, and shall, whenever possible, include diverse members by both gender and ethnicity from multiple departments/divisions:

1. One (1) administrative representative (hiring manager) and one (1) supervisory/confidential appointed by the administrative representative (One of the faculty members may also be designated by the Dean in the case of Instructional Aid recruitments);
2. Two (2) classified employee appointed by the Classified Senate President or designee (for classified recruitments and one (1) for supervisory/confidential) recruitments;
3. The Equal Employment Opportunities Representative or his or her designee (non-voting)

Non-management employees who participate on interview committees must obtain prior approval from their supervisor to be absent from their regularly assigned duties during the interview process.

To ensure that each applicant is provided a fair and unbiased interview experience, where appropriate, no more than two (2) individuals from the same department shall be assigned to the interview committee.

Augmentation to committee selection may occur through joint agreement between hiring manager, or designee, Classified Senate and Human Resources. These additional appointees are restricted to the following voting members:

1. Up to two (2) faculty:
2. One student representative to be appointed by the Associated Student Body;

(H) **Initial Screening**

Applicants whose education and experience meet the minimum qualifications criteria will be forwarded to the Committee for consideration. The Committee will also consider desired qualifications for candidates meeting minimum qualifications, along with any additional selection criteria established by the Committee and verified as job-related by Human Resources.

(I) **Role of the Selection Committee:**

The selection process must guarantee access, equal opportunity, and fairness to all candidates. Therefore, the selection committee shall be involved in the following activities prior to the interviewing of candidates:

- All committee members must complete EEO training prior to committee seeing candidates
- Committee will determine the chair of the committee
- Committee chair facilitates the committee, develops screening criteria and the development of interview questions
- Human Resources must approve criteria and interview questions prior to the committee selecting candidates for interview
- Committee will select candidates to interview (Management shall not be allowed to review candidates applications prior to the committee meeting)
- Committee member(s) who miss any of the scheduled meetings shall be removed from the interview committee
- In most cases, there will not be “final interview”
- All references checks will provided by Human Resources
- EEO officer shall be provided by Human Resources
- Upon completion of the interview process, the selection committee shall complete the master interview evaluation form recommending one of the following actions:
  1. Recommend applicant for hire
  2. Recommend applicant(s) for a final interview (when required)

3. No recommendation for hire

(J) **Applicant Notification of Non-Selection**

Upon completion of the screening process, an interview date will be established by the committee and Human Resources. The Human Resources Department contacts the selected applicants and schedules them for the interview.

Applicants not recommended for an interview will be notified in writing that they are not being considered any further in the selection process.

(K) **Testing of Applicants**

In instances where skills testing is required to determine whether or not an applicant possesses the ability to perform the required duties of a position, Human Resources and the hiring manager, or designee, will determine, based on the job vacancy announcement, which skills tests are to be administered. Only applicants selected to be interviewed will be tested.

All tests administered to applicants will be reviewed and approved by the EEO Officer, or designee, to ensure that tests are job related and do not have an adverse effect on minority groups, women and other affected classes.

Applicants who do not pass required tests will be notified, in writing, that they are not being considered any further in the selection process.

Test scores will not be provided to the applicant. Applicants will be advised of pass/fail only.

(L) **Role of the EEO Officer**

The EEO Officer, or designee, shall provide a comprehensive orientation for each interview committee prior to the process. The orientation shall cover identification of resources for the committee; review of equal opportunity provisions and responsibilities, committee roles and charges, processes and procedural guidelines, and other legal considerations. Alleged violations of equal opportunity guidelines are to be referred to the EEO Officer for resolution.

(M) **Final Interviews**

Final interviews are not mandatory. However, upon completion of the initial interview process the interview committee may forward a list, of up to (4) four candidates per vacancy, to the Human Resources Department to schedule final interviews. Final interviews will generally be conducted by the dean and/or vice president. Once a selection has been made, the dean or vice president, or designee, will contact the Human Resources Department with the name of the selected applicant for processing.

(N) **Reference Checks**

The Human Resources Department will conduct a minimum of two (2) reference checks on the selected applicant prior to any offer of employment. If an employee has worked with the College as a temporary employee for the equivalent of one (1) year, reference checks may be waived at the request of the hiring manager, or designee.

(O) **Notification of Candidate**

A. **SALARY PLACEMENT**

Upon receipt of the hiring recommendation, the Human Resources Department will review the selected candidate's previous experience as provided on the application to determine the appropriate salary placement. Salary placement will be determined based on the number of years of reasonably related experience, and will not generally exceed step 3 of the salary level established for the position.

B. **CONTACTING CANDIDATE**

The Human Resources Department shall contact the selected candidate with an offer of employment. All other candidates that were interviewed and not selected shall be notified in writing by the Human Resources Department in a timely manner.

**Academic**

Reference: Board resolution 1999/00-82 Local Hiring Criteria; [Board Policy 7120](#)