

**BP 7120 RECRUITMENT AND SELECTION**

**References:**

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

**NOTE: This policy is legally required.**

The Chancellor shall establish procedures for the recruitment and selection of employees including, but not limited to, the following criteria.

An Equal Employment Opportunity Plan will be implemented according to Title 5 and BP 3420 titled Equal Employment Opportunity.

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

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

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

❖ **From the current CLPCCD Policy 4013 titled Appointments**

The final selection of the best qualified applicant for a vacant position will be made by the Chancellor upon recommendation of the College President or Vice Chancellor.—Such selection will, in all cases, be subject to the final appointment and approval of the Board, and will be in accordance with existing federal and state laws and regulations relating to staff diversity and equal employment opportunity.

**NOTE: The following language is addressed in the Human Resources Recruitment and Selection Processes for each employee group.**

❖ **From the current CLPCCD Policy 2230 titled Administration of Oaths**

~~District management personnel involved in the hiring and payroll process of management, faculty, classified and student employees of the District shall be authorized to administer oaths or affirmations of allegiance documents required by the District.~~

~~There shall be no fee charged for this service.~~

***NOTE: The following language is addressed in the Human Resources Recruitment and Selection Processes for each employee group.***

- ❖ **From the current CLPCCD Policy 4010 titled Employment Recruitment - Notice of Position Opening**

~~Vacant positions of half-time or more shall be publicly posted on a designated bulletin board at each campus and District Office and shall remain posted for at least fifteen (15) calendar days. The notice shall include an accurate description of the duties, together with a statement of the minimum qualifications and the deadline for application.~~

***NOTE: The following language is addressed in the Human Resources Recruitment and Selection Processes for each employee group.***

- ❖ **From the current CLPCCD Policy 4011 titled Application**

~~Every applicant for employment shall be required to complete the official application form in every detail and attest to its accuracy. Inaccurate or incomplete information on this application form may result in disqualification. For an application to receive consideration, it shall be filed in the Human Resources Office within the published deadline dates.~~

~~In filing an application, the applicant gives the District the right to investigate the person's background and to secure confidential information which may affect the decision to employ.~~

### **Disqualification of Applicants**

~~Any applicant shall be disqualified for employment if the person:~~

- ~~1. has been convicted of a sex offense or narcotics offense as defined in state law, unless otherwise provided by law;~~
- ~~2. has been determined to be a sexual psychopath under provisions of law in this or any other state.~~

~~Applicants may also be disqualified for other reasons provided by law.~~

***NOTE: The following language is already addressed in the Human Resources Recruitment and Selection Processes for each employee group.***

❖ **From the current CLPCCD Policy 4016 titled Oath or Affirmation of Allegiance**

~~New employees are required to take and subscribe to the Oath or Affirmation of Allegiance as prescribed in the California Constitution and the Government Code.~~

~~This oath or affirmation shall be taken on the first day of employment before commencing work and filed with the Director of Personnel.~~

~~Any person who is a citizen or subject of any country other than the United States and who is employed by a district in any capacity shall subscribe to an oath to support the institutions and policies of the United States during the period of his or her sojourn within the state before entering upon the discharge of his or her duties.~~

**NOTE:** *The following language is addressed in the Human Resources Recruitment and Selection Processes for each employee group.*

❖ **From the current CLPCCD Policy 4110 titled Selection of Management Personnel**

~~The procedures for the selection of persons for management positions will be in accordance with the District Staff Diversity and Equal Employment Opportunity Program with federal and state laws. The procedures are included in the Administrative Rules and Procedures.~~

**NOTE:** *The following language is addressed in the Human Resources Recruitment and Selection Processes for each employee group.*

❖ **From the current CLPCCD Policy 4210 titled Selection of Confidential & Supervisory Personnel**

~~The procedures for the selection of persons for confidential and supervisory positions will be in accordance with the District Affirmative Action and Equal Employment Opportunity program and with federal and state laws. The procedures are included in the Administrative Rules and Procedures.~~

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**NOTE:** *The **red ink** signifies language that is **legally required** and recommended by the Policy and Procedure Service and its legal counsel. The language in **black ink** is from the current CLPCCD Policy 2230 titled Administration of Oaths adopted on January 16, 1996; current CLPCCD Policy 4010 titled Employment Recruitment - Notice of Position Opening adopted on March 19, 1996; current CLPCCD Policy 4011 titled Application adopted on March 19, 1996 and revised on May 21, 2002; current CLPCCD Policy 4013 titled Appointments adopted on March 19, 1996; current CLPCCD Policy 4016 titled Oath or Affirmation of Allegiance adopted on March 19, 1996; current CLPCCD Policy 4110 titled Selection of Management Personnel adopted on March 19, 1996; and current CLPCCD Policy 4210 titled Selection of Confidential & Supervisory Personnel adopted on March 19, 1996. The language in **blue ink** is included for consideration. The language in **green ink** was added during the review with Wyman and Kit on May 24, 2013 and on July 30, 2013.*

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**Date Adopted:**

*(This policy replaces current CLPCCD  
Policies 2230, 4010, 4011, 4013, 4016, 4110,  
and 4210)*

## Legal Citations for BP 7120

### **Education Code Sections 70902(d), 72400, 87100 et seq., 87360, 87400, 87408 – 87408.6, 88003, and 88021; Title 5 Section 53000 et seq., Accreditation Standard III.A, Title 5 Sections 53021 and 53022**

#### **70902.**

(d) Wherever in this section or any other statute a power is vested in the governing board, the governing board of a community college district, by majority vote, may adopt a rule delegating the power to the district's chief executive officer or any other employee or committee as the governing board may designate; provided, however, that the governing board shall not delegate any power that is expressly made nondelegable by statute. Any rule delegating authority shall prescribe the limits of the delegation.

**72400.** The governing board of each community college district shall fix and prescribe the duties to be performed by all persons in community college service in the district.

**87100.** (a) The Legislature finds and declares all of the following:

(1) In fulfilling its mission within California's system of public higher **education**, the California Community Colleges are committed to academic excellence and to providing all students with the opportunity to succeed in their chosen educational pursuits.

(2) Academic excellence can best be sustained in a climate of acceptance and with the inclusion of persons from a wide variety of backgrounds and preparations to provide service to an increasingly diverse student population.

(3) A work force that is continually responsive to the needs of a diverse student population may be achieved by ensuring that all persons receive an equal opportunity to compete for employment and promotion within the community college districts and by eliminating barriers to equal employment opportunity.

(b) It is the intent of the Legislature to establish and maintain within the California Community College districts a policy of equal opportunity in employment for all persons, and to prohibit discrimination or preferential treatment based on ethnic group identification, or on any basis listed in subdivision (a) of Section 12940 of the Government **Code**, as those bases are defined in Sections 12926 and 12926.1 of the Government **Code**, except as otherwise provided in Section 12940 of the Government **Code**. Every aspect of personnel policy and practice in the community college districts should advance the realization of inclusion through a continuing program of equal employment opportunity.

(c) The Legislature recognizes that it is not enough to proclaim that community college districts must not discriminate and must not grant preferential treatment on impermissible bases. The Legislature declares that efforts must also be made to build a community in which nondiscrimination and equal opportunity are realized. It is the intent of the Legislature to require community college districts to adopt and implement programs and plans for ensuring equal employment opportunity in their employment practices.

**87101.** For the purposes of this article:

(a) "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and fully enjoy the benefits of employment by a community college district. Ensuring equal employment opportunity is advanced in an inclusive environment that fosters cooperation, acceptance, democracy, and the free expression of ideas. An inclusive environment is welcoming to men and women, persons with disabilities, individuals from all ethnic groups, and individuals from all other groups protected from discrimination by this article.

(b) "Equal employment opportunity plan" means a document that includes specific procedures for achieving equal employment opportunity.

(c) "Equal employment opportunity program" means all the various methods by which equal employment opportunity is ensured. These methods include, but are not necessarily limited to, actively recruiting, using nondiscriminatory employment practices, and monitoring employment practices to ensure equality of opportunity. Each district employer shall commit to sustained action to devise recruiting, training, and advancement opportunities that will result in equal employment opportunities for all qualified applicants and employees.

**87102.** (a) As a condition for the receipt of funds pursuant to Section 87107, the governing board of community college district that opts to participate under the article shall periodically submit to the board of governors an affirmation of compliance with this article. Each participating district's equal employment opportunity program shall ensure participation in, and commitment to, the program by district personnel. Each participating district's equal employment opportunity plan shall include steps that the district will take in eliminating improper discrimination or preferences in its hiring and employment practices. Each plan shall address how the district will make progress in achieving the ratio of full-time to part-time faculty hiring, as indicated in Section 87482.6, while still ensuring equal employment opportunity.

(b) Each participating district's equal employment opportunity plan is a public record within the meaning of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

**87103.** The board of governors shall render assistance in developing and implementing equal employment opportunity programs in the community college districts.

**87105.** The board of governors shall adopt all necessary regulations to carry out the intent of this article and to ensure that each participating community college district implements processes for ensuring equal employment opportunities. Nothing in this act shall be construed to require any community college to incur any costs in excess of the funds allocated by the state for the purposes of this act.

**87106.** (a) The board of governors shall develop systemwide strategies for encouraging community college students to become qualified for, and seek, employment as community college faculty or administrators.

(b) The board of governors shall develop and disseminate to community college districts a model equal employment opportunity plan that accomplishes at least all of the following:

(1) Compliance with the regulations adopted by the board of governors to implement this article.

(2) Compliance with the other applicable state and federal nondiscrimination statutes.

(3) Implementation of the best practices for improving the equality of opportunity.

(4) Encouragement of districts to take steps reasonably calculated to inform their students about the opportunity to participate in the Graduate Assumption Program of Loans for **Education** authorized by Article 5.5 (commencing with Section 69618) of Chapter 2 of Part 42 and to participate in other programs developed by the board of governors pursuant to subdivision (a).

**87107.** In order to support the activities required and authorized by this article, the Employment Opportunity Fund is hereby established. The fund shall include moneys appropriated in the annual Budget Act or provided, pursuant to Section 87482.7, through transfer. The moneys in the fund shall be administered by the board of governors for the purpose of promoting equal employment opportunities in hiring and promotion at community college districts.

**87108.** (a) The board of governors shall adopt regulations for the use of the fund. Those uses may include, but need not be limited to, all of the following:

(1) Activities designed to encourage community college students to become qualified for, and seek, employment as community college faculty or administrators.

(2) Outreach and recruitment.

(3) In-service training on equal employment opportunities.

(4) Accommodations for applicants and employees with disabilities.

(5) Activities to promote equal employment opportunities and implement the requirements of this article.

(b) The Board of Governors of the California Community Colleges may use not more than 25 percent of the revenues in the fund to provide technical assistance, service, monitoring, and compliance functions. Service functions under this subdivision may include, but are not necessarily limited to, the provision of a clearinghouse for advertising community college district job opportunities and for allowing persons seeking jobs to make known their interest in community college employment. This clearinghouse shall include a special emphasis on faculty internship employment opportunities and on reaching students who are qualified for faculty internship programs. The remaining balance in the fund may be allocated to the individual community college districts as prescribed by the board of governors.

**87360.** (a) In establishing hiring criteria for faculty and administrators, district governing boards shall, no later than July 1, 1990, develop criteria that include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.

(b) No later than July 1, 1990, hiring criteria, policies, and procedures for new faculty members shall be developed and agreed upon jointly by representatives of the governing board, and the academic senate, and approved by the governing board.

(c) Until a joint agreement is reached and approved pursuant to subdivision (b), the existing district process in existence on January 1, 1989, shall remain in effect.

**87400.** Governing boards of community college districts shall employ for academic positions, only persons who possess the qualifications therefor prescribed by regulation of the board of governors. It shall be contrary to the public policy of this state for any person or persons charged, by those governing boards, with the responsibility of recommending persons for employment by those boards to refuse or to fail to do so for reasons of race, color, religious creed, sex, or national origin of those applicants for that employment.

**87408.** (a) When a community college district wishes to employ a person in an academic position and that person has not previously been employed in an academic position in this state, the district shall require a medical certificate showing that the applicant is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students. The medical certificate shall be submitted directly to the governing board by a physician and surgeon licensed under the Business and Professions **Code**, a commissioned medical officer exempted from licensure by Section 2144 of the Business and Professions **Code**, or a commissioned medical officer in the United States Air Force. The medical examination shall have been conducted not more than six months before the submission of the certificate and shall be at the expense of the applicant. A governing board may offer a contract of employment to an applicant subject to the submission of the required medical certificate. Notwithstanding Section 87031, the medical certificate shall become a part of the personnel record of the employee and shall be open to the employee or his or her designee.

(b) The governing board of a community college district may require academic employees to undergo a periodic medical examination by a physician and surgeon licensed under the Business and Professions **Code**, or a commissioned medical officer exempted from licensure by Section 2144 of the Business and Professions **Code**, to determine that the employee is free from any communicable disease, including, but not limited to, active tuberculosis, unfitting the applicant to instruct or associate with students. The periodic medical examination shall be at the expense of the district. The medical certificate shall become a part of the personnel record of the employee and shall be open to the employee or his or her designee.

**87408.5.** (a) When a community college district wishes to employ a retirant who is retired for service, and such person has not been previously employed as a retirant, such district shall require, as a condition of initial employment as a retirant, a medical certificate showing that the retirant is free from any disabling disease unfitting him or her to instruct or associate with students. The medical certificate shall be completed and submitted directly to the community college district by a physician and surgeon licensed under the Business and Professions **Code** or a commissioned medical officer exempted from licensure by Section 2144 of the Business and Professions **Code**. A medical examination shall be required for the completion of the medical certificate. Such examination shall be conducted not more than six months before the completion and submission of the certificate and



shall be at the expense of the retirant. The medical certificate shall become a part of the personnel record of the employee and shall be open to the employee or his or her designee.

(b) The community college district which initially employed the retirant, or any such district which subsequently employs the retirant, may require a periodic medical examination by a physician and surgeon licensed under the Business and Professions **Code** or a commissioned medical officer exempted from licensure by Section 2144 of the Business and Professions **Code**, to determine that the retirant is free from any communicable disease unfitting him or her to instruct or associate with students. The periodic medical examination shall be at the expense of the community college district. The medical certificate shall become a part of the personnel record of the retirant and shall be open to the retirant or his or her designee.

**87408.6.** (a) Except as provided in subdivision (h), no person shall be initially employed by a community college district in an academic or classified position unless the person has submitted to an examination within the past 60 days to determine that he or she is free of active tuberculosis, by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions **Code**. This examination shall consist of an X-ray of the lungs, or an approved intradermal tuberculin test, that, if positive, shall be followed by an X-ray of the lungs.

The X-ray film may be taken by a competent and qualified X-ray technician if the X-ray film is subsequently interpreted by a physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions **Code**.

The district superintendent, or his or her designee, may exempt, for a period not to exceed 60 days following termination of the pregnancy, a pregnant employee from the requirement that a positive intradermal tuberculin test be followed by an X-ray of the lungs.

(b) Thereafter, employees who are skin test negative shall be required to undergo the foregoing examination at least once each four years or more often if directed by the governing board upon recommendation of the local health officer for so long as the employee remains skin test negative. Once an employee has a documented positive skin test that has been followed by an X-ray, the foregoing examinations shall no longer be required and referral shall be made within 30 days of completion of the examination to the local health officer to determine the need for follow-up care.

(c) After the examination, each employee shall cause to be on file with the district superintendent a certificate from the examining physician and surgeon showing the employee was examined and found free from active tuberculosis. "Certificate," as used in this subdivision, means a certificate signed by the examining physician and surgeon or a notice from a public health agency or unit of the American Lung Association that indicates freedom from active tuberculosis. The latter, regardless of form, will constitute evidence of compliance with this section.

(d) This examination is a condition of initial employment and the expense incident thereto shall be borne by the applicant unless otherwise provided by rules of the governing board. However, the board may, if an applicant is accepted for employment, reimburse the person in a like manner prescribed for employees in subdivision (e).

(e) The governing board of each district shall reimburse the employee for the cost, if any, of this examination. The board may provide for the examination required by this section or may establish a reasonable fee for the examination that is reimbursable to employees of the district complying with this section.

(f) At the discretion of the governing board, this section shall not apply to those employees not requiring certification qualifications who are employed for any period of time less than a college year whose functions do not require frequent or prolonged contact with students.

The governing board may, however, require the examination and may, as a contract condition, require the examination of persons employed under contract, other than those persons specified in subdivision (a), if the board believes the presence of these persons in and around college premises would constitute a health hazard to students.

(g) If the governing board of a community college district determines by resolution, after hearing, that the health of students in the district would not be jeopardized thereby, this section shall not apply to any employee of the district who files an affidavit stating that he or she adheres to the faith or teachings of any well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depends for healing upon prayer in the practice of religion and that to the best of his or her knowledge and belief he or she is free from active tuberculosis. If at any time there should be probable cause to believe that the affiant is afflicted with active tuberculosis, he or she may be excluded from service until the governing board of the employing district is satisfied that he or she is not so afflicted.

(h) A person who transfers his or her employment from one campus or community college district to another shall be deemed to meet the requirements of subdivision (a) if the person can produce a certificate that shows that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the college previously employing him or her that it has a certificate on file that contains that showing.

A person who transfers his or her employment from a private or parochial elementary school, secondary school, or nursery school to the community college district subject to this section shall be deemed to meet the requirements of subdivision (a) if the person can produce a certificate as provided for in Section 121525 of the Health and Safety Code that shows that he or she was examined within the past four years and was found to be free of communicable tuberculosis, or if it is verified by the school previously employing him or her that it has the certificate on file.

(i) Any governing board of a community college district providing for the transportation of students under contract shall require as a condition of the contract the examination for active tuberculosis, as provided in subdivision (a) of this section, of all drivers transporting the students, provided that privately contracted drivers who transport the students on an infrequent basis, not to exceed once a month, shall be excluded from this requirement.

(j) Examinations required pursuant to subdivision (i) shall be made available without charge by the local health officer.

**88003.** The governing board of any community college district shall employ persons for positions that are not academic positions. The governing board, except where Article 3 (commencing with Section 88060) or Section 88137 applies, shall classify all those employees and positions. The employees and positions shall be known as the classified service. Substitute and short-term employees, employed and paid for less than 75 percent of a college year, shall not be a part of the classified service. Part-time playground positions, apprentices and professional experts employed on a temporary basis for a specific project, regardless of length of employment, shall not be a part of the classified service. Full-time students employed part time, and

part-time students employed part time in any college work-study program, or in a work experience **education** program conducted by a community college district and which is financed by state or federal funds, shall not be a part of the classified service. Unless otherwise permitted, a person whose position does not require certification qualifications shall not be employed by a governing board, except as authorized by this section.

"Substitute employee," as used in this section, means any person employed to replace any classified employee who is temporarily absent from duty. In addition, if the district is then engaged in a procedure to hire a permanent employee to fill a vacancy in any classified position, the governing board may fill the vacancy through the employment, for not more than 60 calendar days, of one or more substitute employees, except to the extent that a collective bargaining agreement then in effect provides for a different period of time.

"Short-term employee," as used in this section, means any person who is employed to perform a service for the district, upon the completion of which, the service required or similar services will not be extended or needed on a continuing basis. Before employing a short-term employee, the governing board, at a regularly scheduled board meeting, shall specify the service required to be performed by the employee pursuant to the definition of "classification" in subdivision (a) of Section 88001, and shall certify the ending date of the service. The ending date may be shortened or extended by the governing board, but shall not extend beyond 75 percent of a school year.

"Seventy-five percent of a college year" means 195 working days, including holidays, sick leave, vacation and other leaves of absences, irrespective of number of hours worked per day.

Employment of either full-time or part-time students in any college work-study program, or in a work experience **education** program shall not result in the displacement of classified personnel or impair existing contracts for services.

This section shall apply only to districts not incorporating the merit system as outlined in Article 3 (commencing with Section 88060).

**88009.** Governing boards shall fix and prescribe the duties to be performed by all persons in the classified service and other nonacademic positions of the community college district, except those persons employed as a part of a personnel commission staff as provided in Article 3 (commencing with Section 88060) of this chapter.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

**88021.** Whenever a governing board of a community college district requires a physical examination to be taken by a classified employee or employees, either by rule or by its direction or the direction of its authorized district administrator; or when classified employees are required by law to submit to a physical examination for continuance in employment, the board shall either provide the required examination, cause it to be provided, or provide the employee with reasonable reimbursement for the required examination.

If the governing board requires a physical examination or an examination is required by law as a condition of preemployment, it may cause the required examination to be given. It may, if an applicant is required to take a

preemployment physical examination, provide for reasonable reimbursement if the applicant is subsequently employed by the district.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

## **5 CCR s 53000**

### **Cal. Admin. Code tit. 5, s 53000**

**TITLE 5. EDUCATION**  
**DIVISION 6. CALIFORNIA COMMUNITY COLLEGES**  
**CHAPTER 4. EMPLOYEES**  
**SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS**  
**ARTICLE 1. GENERAL**

s 53000. Scope and Intent.

(a) This subchapter implements and should be read in conjunction with Government Code sections 11135-11139.5, Education Code sections 66010.2, 66030, and Chapter 4.5 of Part 40 of Title 3, commencing with section 66250; Title VI of the Civil Rights Act of 1964 (42 U.S.C. s 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. s 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. s 794), the Americans with Disabilities Act of 1990 (42 U.S.C. s 12100 et seq.) and the Age Discrimination Act (42 U.S.C. s 6101). Nothing in this subchapter shall be construed to conflict with or be inconsistent with the provisions of article 1, section 31 of the California Constitution or to authorize conduct that is in conflict with or is inconsistent with such provisions.

(b) The regulations in this subchapter require steps to promote faculty and staff equal employment opportunity which are in addition to and consistent with the nondiscrimination requirements of state or federal law. Therefore, compliance with these regulations or approval of the district's equal employment opportunity plan pursuant to section 53003 does not imply and should not be construed to mean that a district has necessarily complied with its obligations under any other applicable laws or regulations. The Chancellor shall assist districts in identifying other applicable state or federal laws which may affect district equal employment opportunity or nondiscrimination policies.

5 CCR s 53002

Cal. Admin. Code tit. 5, s 53002

**BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS**  
**TITLE 5. EDUCATION**  
**DIVISION 6. CALIFORNIA COMMUNITY COLLEGES**  
**CHAPTER 4. EMPLOYEES**

SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS  
ARTICLE 1. GENERAL

This database is current through 08/04/06, Register 2006, No. 31.

s 53002. Policy Statement.

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an equal employment opportunity program. This statement may also incorporate the nondiscrimination policy statement required pursuant to section 59300 and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

5 CCR s 53003

Cal. Admin. Code tit. 5, s 53003

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 4. EMPLOYEES  
SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS  
ARTICLE 1. GENERAL

This database is current through 08/04/06, Register 2006, No. 31.

s 53003. District Plan.

(a) The governing board of each community college district shall develop and adopt a district-wide written equal employment opportunity plan to implement its equal employment opportunity program. Such plans and revisions shall be submitted to the Chancellor's Office for review and approval.

(b) Such plans shall be reviewed at least every three years and, if necessary, revised and submitted to the Chancellor's Office for approval. Each community college district shall notify the Chancellor at least 30 days prior to adopting any other amendments to its plan.

(c) In particular, the plan shall include all of the following:

(1) the designation of the district employee or employees who have been delegated responsibility and authority for implementing the plan and assuring compliance with the requirements of this subchapter pursuant to section 53020;

(2) the procedure for filing complaints pursuant to section 53026 and the person with whom such complaints are to be filed;

(3) a process for notifying all district employees of the provisions of the plan and the policy statement required under section 53002;

(4) a process for ensuring that district employees who are to participate on screening or selection committees shall receive appropriate training on the requirements of this subchapter and of state and federal nondiscrimination laws;

(5) a process for providing annual written notice to appropriate community-based and professional organizations concerning the district's plan and the need for assistance from the community and such organizations in identifying qualified applicants;

(6) an analysis of the number of persons from monitored groups who are employed in the district's work force and those who have applied for employment in each of the job categories listed in section 53004(a);

(7) an analysis of the degree to which monitored groups are underrepresented in comparison to the numbers of persons from such groups whom the Chancellor determines to be available and qualified to perform the work required for each such job category and whether or not the underrepresentation is significant;

(8) methods for addressing any underrepresentation identified pursuant to subparagraph (7)

(9) additional steps consistent with section 53006 to remedy any significant underrepresentation identified in the plan; and

(10) any other measures necessary to further equal employment opportunity throughout the district.

(d) The plan shall include any goals for hiring persons with disabilities that are required by section 53025.

(e) The plans submitted to the Chancellor shall be public records.

(f) Each community college district shall make a continuous good faith effort to comply with the requirements of the plan required under this section.

(g) In developing the availability data called for in subsection (c)(7), the Chancellor shall work through the established Consultation Process.

5 CCR s 53004

Cal. Admin. Code tit. 5, s 53004

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 4. EMPLOYEES  
SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS  
ARTICLE 1. GENERAL

This database is current through 08/04/06, Register 2006, No. 31.

s 53004. District Evaluation and Report to Chancellor.

(a) Each district shall annually survey its employees and shall monitor applicants for employment on an ongoing basis in order to evaluate the implementation of its equal employment opportunity plan and to provide data needed for the analyses required by sections 53003, 53006, 53023, and 53024. Each district shall annually report to the Chancellor, in a manner prescribed by the Chancellor, the results of its annual survey of employees at each college in the district. Each employee shall be reported so that he or she may be identified as belonging to one of the following seven job categories:

- (1) executive/administrative/managerial;
- (2) faculty and other instructional staff;
- (3) professional nonfaculty;
- (4) secretarial/clerical;
- (5) technical and paraprofessional;
- (6) skilled crafts; and
- (7) service and maintenance.

(b) For purposes of the survey and report required pursuant to subsection (a) of this section, each applicant or employee shall be afforded the opportunity to identify his or her gender, ethnic group identification and, if applicable, his or her disability. A person may designate multiple ethnic groups with which he or she identifies, but shall be counted in only one ethnic group for reporting purposes. Chinese, Japanese, Filipinos, Koreans, Vietnamese, Asian Indians, Hawaiians, Guamanians, Samoans, Laotians, and Cambodians are to be counted and reported as part of the Asian/Pacific Islander group as well as in separate subcategories. However, in determining whether additional steps are necessary to ensure that monitored groups have not been excluded on an impermissible basis, analysis of the separate subgroups is not necessary.

5 CCR s 53005

Cal. Admin. Code tit. 5, s 53005

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS  
TITLE 5. EDUCATION  
DIVISION 6. CALIFORNIA COMMUNITY COLLEGES  
CHAPTER 4. EMPLOYEES  
SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS  
ARTICLE 1. GENERAL

This database is current through 08/04/06, Register 2006, No. 31.

s 53005. Advisory Committee.

Each community college district shall establish an Equal Employment Opportunity Advisory Committee to assist the district in developing and implementing the plan required under section 53003. This advisory committee shall include a diverse membership whenever possible.

5 CCR s 53006

Cal. Admin. Code tit. 5, s 53006

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s 53006. Additional Steps to Ensure Equal Employment Opportunity.

(a) If a district determines that a particular monitored group is significantly underrepresented with respect to one or more job categories, the district shall take additional steps consistent with this section. At a minimum, the district shall:

(1) review its recruitment procedures and identify and implement any additional measures which might reasonably be expected to attract candidates from the significantly underrepresented group;

(2) consider various other means of reducing the underrepresentation which do not involve taking monitored group status into account, and implement any such techniques which are determined to be feasible and potentially effective;

(3) determine whether the group is still significantly underrepresented in the category or categories in question after the measures described in (1) and (2) have been in place a reasonable period of time; and

(4) if significant underrepresentation persists, the staffing rate for the significantly underrepresented group in the specified job category or categories shall be monitored on an ongoing basis until the projected representation has been achieved for that group in the category or categories in question.

(b) If a reasonable period of time passes and significant underrepresentation persists for a particular group in the job category in question, the district shall:



(1) review each locally established "required," "desired" or "preferred" qualification being used to screen applicants for positions in the job category to determine if it is job-related and consistent with business necessity through a process meeting the requirements of federal law or is among those qualifications which the Board of Governors has found to be job-related and consistent with business necessity throughout the community college system;

(2) discontinue the use of any locally established qualification that has not been found to satisfy the requirements set forth in paragraph (1) of this subdivision; and

(3) continue using qualification standards meeting the requirements of paragraph (1) only where no alternative qualification standard is reasonably available which would select for the same characteristics, meet the requirements of paragraph (1) and be expected to have a less exclusionary effect.

(c) For purposes of this section, "a reasonable period of time" means three years, or such longer period as the Chancellor may approve, upon the request of the equal employment opportunity advisory committee and the chief executive officer, where the district has not filled enough positions to appreciably affect its work force in the job category in question.

(d) Nothing in this subchapter shall be construed to prohibit a district from taking any other steps it concludes are necessary to ensure equal employment opportunity, provided that such actions are consistent with the requirements of federal and state constitutional and statutory nondiscrimination law.

5 CCR s 53010

Cal. Admin. Code tit. 5, s 53010

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s 53010. Assistance.

Note: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87103, Education Code.

5 CCR s 53011

Cal. Admin. Code tit. 5, s 53011

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s 53011. Report.

Note: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87104, Education Code.

5 CCR s 53012

Cal. Admin. Code tit. 5, s 53012

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s 53012. Periodic Evaluation.

Note: Authority cited: Sections 71020 and 87105, Education Code. Reference: Section 87102, Education Code.

5 CCR s 53021

Cal. Admin. Code tit. 5, s 53021

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s 53021. Recruitment.

(a) Except as otherwise provided in this section, community college districts shall actively recruit

from both within and outside the district work force to attract qualified applicants for all new openings. This shall include outreach designed to ensure that all persons, including persons from monitored groups, are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all new full-time and part-time openings in all job categories and classifications, including, but not limited to, faculty, classified employees, categorically funded positions, the chief executive officer, and all other executive/administrative/managerial positions. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part-time faculty positions may be conducted separately for each new opening or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

(b)(1) "In-house or promotional only" recruitment shall not be used to fill any new opening for any position described in subdivision (a) except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceed one year in duration. The Chancellor may approve an extension of up to one additional year if the district demonstrates "business necessity" as defined in section 53001(b).

(2) If a district believes justification exists for use of the exception listed in subsection (b)(1), it shall so notify the Equal Employment Opportunity Advisory Committee established pursuant to section 53005 and the Chancellor at least ten (10) working days prior to offering the position to a candidate.

(3) Where in-house or promotional only recruitment is permitted, the district shall comply with its established hiring procedures and all district employees shall be afforded the opportunity to apply and demonstrate that they are qualified.

(4) The job announcement for the interim position shall comply with section 53022 and the selection process shall be consistent with the requirements of this subchapter.

(c) For purposes of this section, a new opening is not created when:

(1) there is a reorganization that does not result in a net increase in the number of employees;

(2) one or more lateral transfers are made and there is no net increase in the number of employees;

(3) a position which is currently occupied by an incumbent is upgraded, reclassified, or

renamed without significantly altering the duties being performed by the individual;

(4) the faculty in a division or department elect one faculty member to serve as a chairperson for a prescribed limited term;

(5) the position is filled by a temporary, short-term, or substitute employee appointed pursuant to Education Code sections 87422, 87480, 87482.5(b), 88003, 88106 or 88109;

(6) a part-time faculty member is assigned to teach the same or fewer hours he or she has previously taught in the same discipline without a substantial break in service. For purposes of this section, "a substantial break in service" means more than one calendar year or such different period as may be defined by a collective bargaining agreement; or

(7) an individual not currently employed by the district, who is specially trained, experienced, and competent to serve as an administrator, and who satisfies the minimum qualifications applicable to the position, is engaged to serve as an administrator through a professional services contract. No appointment or series of appointments pursuant to this provision may exceed a period of one year.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

5 CCR s 53022

Cal. Admin. Code tit. 5, s 53022

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s 53022. Job Announcements and Qualifications.

Job announcements shall state clearly job specifications setting forth the knowledge, skills, and abilities necessary to job performance. For faculty and administrative positions, job requirements shall include a sensitivity to and understanding of the diverse academic, socioeconomic, cultural,

disability, and ethnic backgrounds of community college students. Job specifications, including any "required," "desired" or "preferred" qualifications beyond the state minimum qualifications (set forth in subchapter 4, commencing with section 53400 of this chapter) which the district wishes to utilize, shall be reviewed before the position is announced, to ensure conformity with the requirements of this subchapter and state and federal nondiscrimination laws.

Note: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; and Section 11138, Government Code. Reference: Statutes of 1988, Chapter 973, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135-11139.5, Government Code.

### **Accreditation Standard III: Resources**

**The institution effectively uses its human, physical, technology, and financial resources to achieve its broad educational purposes, including stated student learning outcomes, and to improve institutional effectiveness.**

#### **A. Human Resources**

**The institution employs qualified personnel to support student learning programs and services wherever offered and by whatever means delivered, and to improve institutional effectiveness. Personnel are treated equitably, are evaluated regularly and systematically, and are provided opportunities for professional development. Consistent with its mission, the institution demonstrates its commitment to the significant educational role played by persons of diverse backgrounds by making positive efforts to encourage such diversity. Human resource planning is integrated with institutional planning.**

1. The institution assures the integrity and quality of its programs and services by employing personnel who are qualified by appropriate education, training, and experience to provide and support these programs and services.
  - a. Criteria, qualifications, and procedures for selection of personnel are clearly and publicly stated. Job descriptions are directly related to institutional mission and goals and accurately reflect position duties, responsibilities, and authority. Criteria for selection of faculty include knowledge of the subject matter or service to be performed (as determined by individuals with discipline expertise), effective teaching, scholarly activities, and potential to contribute to the mission of the institution. Institutional faculty play a significant role in selection of new faculty. Degrees held by faculty and administrators are from institutions accredited by recognized U.S. accrediting agencies. Degrees from non-U.S. institutions are recognized only if equivalence has been established.
  - b. The institution assures the effectiveness of its human resources by evaluating all personnel systematically and at stated intervals. The institution establishes written criteria for evaluating all personnel, including performance of assigned duties and participation in institutional responsibilities and other activities appropriate to their expertise. Evaluation processes seek to assess effectiveness of personnel and

encourage improvement. Actions taken following evaluations are formal, timely, and documented.

c. Faculty and others directly responsible for student progress toward achieving stated student learning outcomes have, as a component of their evaluation, effectiveness in producing those learning outcomes.

d. The institution upholds a written code of professional ethics for all of its personnel.

**2.** The institution maintains a sufficient number of qualified faculty with full-time responsibility to the institution. The institution has a sufficient number of staff and administrators with appropriate preparation and experience to provide the administrative services necessary to support the institution's mission and purposes.

**3.** The institution systematically develops personnel policies and procedures that are available for information and review. Such policies and procedures are equitably and consistently administered.

a. The institution establishes and adheres to written policies ensuring fairness in all employment procedures.

b. The institution makes provision for the security and confidentiality of personnel records. Each employee has access to his/her personnel records in accordance with law.

**4.** The institution demonstrates through policies and practices an appropriate understanding of and concern for issues of equity and diversity.

a. The institution creates and maintains appropriate programs, practices, and services that support its diverse personnel.

b. The institution regularly assesses its record in employment equity and diversity consistent with its mission.

c. The institution subscribes to, advocates, and demonstrates integrity in the treatment of its administration, faculty, staff and students.

**5.** The institution provides all personnel with appropriate opportunities for continued professional development, consistent with the institutional mission and based on identified teaching and learning needs.

The institution plans professional development activities to meet the needs of its personnel. With the assistance of the participants, the institution systematically evaluates professional development programs and uses the results of these evaluations as the basis for improvement.

**6.** Human resource planning is integrated with institutional planning.

The institution systematically assesses the effective use of human resources and uses the results of the evaluation as the basis for improvement.