FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT
12345 EL MONTE ROAD, LOS ALTOS HILLS, CA 94022

HIRING PROCESS MANUAL

Updated: September 2004

FOOTHILL - DE ANZA COMMUNITY COLLEGE DISTRICT

HIRING PROCESS MANUAL

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SECTION I

REGULATIONS AND POLICIES

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FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

DIVERSITY VISION STATEMENT

The Foothill-De Anza Community College District is committed to becoming a model District for the 21st century. We are building upon our rich history of innovation and student success to become a truly democratic, culturally pluralistic organization. All members of our District community understand and respect that our cultural diversity is one of our greatest strengths. The District welcomes and unites people of all ethnicities, genders, sexual orientation, socio-economic classes, religions, abilities and ages and empowers them as individual and as groups.

We believe that culturally diverse teams yield more creative, synergistic and effective outcomes. We are increasingly willing to accept and address the conflict that arises as a normal part of existence in a pluralistic environment in order to work towards acknowledging, addressing and confronting our differences positively. We recognize that we are part of a global community and that this informs our responsibility to our students. We recognize that the development and maintenance of a multicultural district is a journey not a final destination so we are prepared to learn and grow as issues emerge.

Finally we recognize that the attainment of this vision is not only possible, but critical to our viability, to meeting our potential as a District and most importantly, to the success of our students.

Approved by the Board of Trustees: June 15, 1998

CALIFORNIA
TITLE 5 REGULATIONS

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52310. Action by the Chancellor.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52311. Special Revocation.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 87332, 87340, 87341 and 87342, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subarticle 3. Administrative Hearing Procedure

§ 52320. Administrative Hearing.

NOTE: Authority cited: Sections 71020, 87274 and 87295, Education Code. Reference: Sections 11503 and 11504, Government Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Subchapter 2. Validation of Service Without a Credential

§ 52400. Application.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52401. Approval.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52402. Verification.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

§ 52403. Investigation and Recommendation.

NOTE: Authority cited: Section 87810, Education Code. Reference: Sections 87275, 87278, 87281, 87284 and 87295, Education Code.

HISTORY

1. Repealer of section filed 3–4–91; operative 4–5–91. Submitted to OAL for printing only pursuant to Government Code section 11343.8 (Register 91, No. 43).

Chapter 4. Employees

Subchapter 1. Equal Employment Opportunity Programs

Article 1. General

§ 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. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Americans with Disabilities Act of 1990 (42 U.S.C. § 12100 et seq.) and the Age Discrimination Act (42 U.S.C. § 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.

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; Sections 11135–11139.5, Government Code; Title 20, United States Code, Section 1681; Title 29, United States Code, Section 794; and Title 42, United States Code, Sections 2000d, 6101 and 12100, et seq.

HISTORY

1. New chapter 1 (sections 53000–53004) filed 7–19–77; effective thirtieth day thereafter (Register 77, No. 30).
2. Repealer of chapter 1 (subchapter 1, sections 53000–53004) and new chapter 1 (subchapters 1–4, sections 53000–53052, not consecutive) filed 2–1–82; effective thirtieth day thereafter (Register 82, No. 6).
3. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
4. Amendment of subsection (a) and NOTE filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
5. Amendment of subchapter heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53001. Definitions.

As used in this subchapter:

(a) 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 meaningful comparison.

(b) Business Necessity. "Business necessity" means circumstances which justify an exception to the requirements of section 53021(b)(1) because compliance with that section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than does mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.

(c) 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 creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination by this subchapter.

(d) Equal Employment Opportunity Plan. An "equal employment opportunity plan" is a written document in which a district's work force is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.

(e) 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 section 53006.

(f)(1) Ethnic Minorities. "Ethnic minorities" means American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African–Americans, and Hispanics/Latinos.

(2) 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 section 53004. These groups shall be more specifically defined by the Chancellor consistent with state and federal law.

(g) Goals for Persons with Disabilities. "Goals for persons with disabilities" means a statement that the district will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the work force and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not "quotas" or rigid proportions.

(h) 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.

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

(j) 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.

(k) 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.

(*l*) 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 section 53025.

(m) 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.

(n) 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 section 53004(a) is below eighty percent (80%) of the projected representation for that group in the job category in question.

(o) Target Date. "Target date" means a point in time by which the district plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.

(p) Timetable. "Timetable" means a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

NOTE: Authority cited: Sections 66271.1, 66700 and 70901, Education Code; Section 11138, Government Code. Reference: Statutes of 1988, Chapter 923, Section 4; Sections 66010.2, 66030, 66071, 66270 and 87360, Education Code; Sections 11135–11139.5, 11092 and 12926, Government Code; 29 C.F.R. 1602.48 (1981); 29 C.F.R. 1607; 29 U.S.C. 793; 41 C.F.R. 60–741.2 (1980).

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a), (b)(1)–(b)–(3), (c), (k) and (m) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (a), (b), (e), (f), (h), (j) and (m), new subsections (m)(1)–(q)(3), and amendment of NOTE filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment of subsection (b) and amendment of NOTE filed 11–5–2003; operative 12–5–2003. Submitted to OAL for printing only (Register 2003, No. 46).

§ 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.

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 66010.1, 66030, 66071, 66270 and 87360, Education Code; and Sections 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment filed 2–7–2001; operative 3–9–2001. Submitted to OAL for printing only (Register 2001, No. 6).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 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.

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.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (c)(4) and (7) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (b), (c) and (c)(7), new subsections (c)(8)–(9) and subsection renumbering, amendment of newly designated subsection (c)(10) and new subsection (f) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 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.

NOTE: Authority cited: Sections 66271.1, 66700, 70901 and 87105, 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 8310.5 and 11135–11139.5, Government Code.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a) and (b) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of subsections (a) and (b) and amendment of NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 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.

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.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 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.

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.

HISTORY

1. New section filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
2. Amendment of section heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53010. Assistance.

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

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53011. Report.

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

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

§ 53012. Periodic Evaluation.

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

HISTORY

1. Repealer filed 3–26–92; operative 4–24–92 (Register 92, No. 17).

Article 2. Other Specific Responsibilities of Community College Districts

§ 53020. Responsibility; Delegation of Authority; Complaints.

(a) The governing board of each community college district is ultimately responsible for proper implementation of this subchapter at all levels of district and college operation and for making measurable progress toward equal employment opportunity by the methods described in the district's equal employment opportunity plan. In carrying out this responsibility, the governing board, upon the recommendation of the chief executive officer, shall ensure that an equal employment opportunity officer is designated to oversee the day–to–day implementation of the requirements set forth in this subchapter.

(b) The administrative structure created by any delegation of authority to the equal employment opportunity officer or others shall be described in the district's equal employment opportunity plan submitted pursuant to section 53003 and shall be designed in such a manner so as to ensure prompt and effective implementation of the requirements of this subchapter. The plan shall also designate a single officer, who may be the equal employment opportunity officer, who shall be given authority and responsibility for receiving complaints filed pursuant to section 53026, for ensuring that such complaints are promptly and impartially investigated, and ensuring that selection procedures and the applicant pool are properly monitored as required by sections 53023 and 53024.

(c) 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 of the requirements of this subchapter.

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.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of subsections (a) and (c) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 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.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment subsections (b) and (d)–(e)(2) filed 9–6–94; operative 10–6–94. Submitted to OAL for printing only pursuant to Education Code section 70901.5 (Register 94, No. 38).
3. Amendment of subsections (a) and (b)(1)–(b)(2), repealer of subsection (b)(3), amendment of subsections (c), (d) and (e)(1)–(e)(4) and new subsection (e)(5) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).
5. Amendment filed 11–5–2003; operative 12–5–2003. Submitted to OAL for printing only (Register 2003, No. 46).

§ 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.

HISTORY

1. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
2. Amendment of section heading, section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53023. Applicant Pool.

(a) The application for employment shall afford each applicant an opportunity to voluntarily identify his or her gender, ethnic group identification and, if applicable, his or her disability. This information shall be kept confidential and shall be used only in research, validation, monitoring, evaluating the effectiveness of the district's equal employment opportunity program, or any other purpose specifically authorized in this subchapter, or by any applicable statute or regulation.

(b) After the application deadline has passed, the composition of the initial applicant pool shall be analyzed to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary, the application deadline shall be extended and additional recruitment shall be conducted that eliminates discriminatory recruitment procedures and ensures that recruitment efforts provide a full and fair opportunity for participation to a wide diversity of potential applicants. When recruitment efforts have offered an opportunity for participation to a wide diversity of potential applicants or further recruitment efforts would be futile, applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement.

(c) Before the selection process continues, the composition of the qualified applicant pool shall be analyzed to ensure that no monitored group is adversely impacted pursuant to section 53001(a). If adverse impact is found to exist, the chief executive officer or his or her designee shall take effective steps to address the adverse impact before the selection process continues. Such steps may include, but are not limited to:

(1) extending the deadline and undertaking inclusive outreach efforts to ensure that members of the adversely impacted group have equal opportunity to seek employment with the district;

(2) including all applicants who were screened out on the basis of any locally established qualifications beyond state minimum qualifications which have not been specifically demonstrated to be job–related and consistent with business necessity through a process meeting the requirements of federal law or which are not among those which the Board of Governors has found to be job–related and consistent with business necessity throughout the community college system.

(d) If adverse impact persists after taking steps required under subdivision (c), the selection process may proceed only if:

(1) the job announcement does not require qualifications beyond the statewide minimum qualifications; or

(2) locally established qualifications beyond state minimum qualifications, if any, are demonstrated to be job–related and consistent with business necessity through a process meeting the requirements of federal law and suitable alternative selection procedures to reduce the adverse impact were unavailable; or

(3) the particular qualification beyond statewide minimum qualifications which are used in the job announcement are among those which the Board of Governors has found to be job–related and consistent with business necessity throughout the community college system.

(e) The district may not advertise or utilize in future hiring processes for the same position or a substantially similar position any locally established qualifications beyond state minimum qualifications that the district was unable to verify under subsection (b)(2) unless such qualifications are so verified in advance of commencing any such future hiring process.

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

HISTORY

1. New section filed 2–26–82; designated effective 2–28–82 pursuant to Government Code section 11346.2(d) (Register 82, No. 9).
2. Repealer and new section filed 3–26–92; operative 4–24–92 (Register 92, No. 17).
3. Amendment of subsections (a) and (b), repealer of subsection (b)(2) and subsection renumbering, and amendment of subsection (c)(2) filed 5–31–96; operative 6–30–96. Submitted to OAL for printing only (Register 96, No. 23).
4. Amendment of section and NOTE filed 7–12–2002; operative 8–11–2002. Submitted to OAL for printing only (Register 2002, No. 35).

§ 53024. Screening or Selection Procedures.

(a) All screening or selection techniques, including the procedure for developing interview questions, and the selection process as a whole, shall be:

(1) provided to the Chancellor upon request;

(2) designed to ensure that for faculty and administrative positions, meaningful consideration is given to the extent to which applicants demonstrate a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students;

(3) based solely on job–related criteria; and

(4) designed to avoid an adverse impact, as defined in section 53001(a), and monitored by means consistent with this section to detect and address any adverse impact which does occur for any monitored group.

(b) If monitoring pursuant to subsection (a)(4) reveals that any selection technique or procedure has adversely impacted any such group, the chief executive officer or his/her designee shall suspend the selection process and timely and effective steps shall be taken to remedy the problem before the selection process resumes. The equal employment opportunity officer, or other official charged with responsibility for monitoring selection procedures, may assist the screening committee by discussing the overall composition of the applicant pool and the screening criteria or procedures which have produced an adverse impact, provided that confidential information about individual candidates is not disclosed. If

adverse impact results from locally established qualifications beyond state minimum qualifications that have not been verified as described in section 53023(c)(2) or replaced with suitable alternatives having a lesser adverse impact, the use of such qualifications shall be immediately discontinued and any applicant eliminated on the basis of that qualification shall be continued in the hiring process. Where necessary, the position may be re-opened at any time and a new selection process initiated in a way designed to avoid adverse impact.

(c) A district may not designate or set aside particular positions to be filled by members of any group defined in terms of ethnic group identification, race, color, national origin, religion, age, gender, disability, ancestry or sexual orientation, or engage in any other practice which would result in discriminatory or preferential treatment prohibited by state or federal law. Nor may a district apply the district's equal employment opportunity plan in a rigid manner which has the purpose or effect of so discriminating.

(d) Seniority or length of service may be taken into consideration only to the extent it is job related, is not the sole criterion, and is included in the job announcement consistent with the requirements of section 53022.

[The next page is 323.]

CALIFORNIA EDUCATION CODES

CALIFORNIA CODES
EDUCATION CODE
SECTION **87100-87108**

87100.

The Legislature finds and declares all of the following:

(a) 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.

(b) 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.

(c) A workforce 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.

(d) 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, race, color, national origin, religion, age, gender, disability, ancestry, or sexual orientation. 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.

(e) 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.

Source: Official California Legislative Information Web Site
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=3388361728+0+0+0&WAISaction=retrieve

87101. *(continued)*

(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.

Source: Official California Legislative Information Web Site
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=3388361728+0+0+0&WAISaction=retrieve

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.

87108. *(continued)*

(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.

Source: Official California Legislative Information Web Site
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=3388361728+0+0+0&WAISaction=retrieve

CALIFORNIA CODES
EDUCATION CODE
SECTION **87350-87351**, and **87355-87360**

87350.

The plan for a new mechanism of faculty qualifications being developed by the Chancellor of the California Community Colleges pursuant to Chapter 1465 of the Statutes of 1986 shall include all of the following:

(a) A transition provision which would grandfather existing bargaining unit definitions.

(b) Consideration of projected California demographics.

(c) Consideration of affirmative action policies and programs.

87351.

The minimum qualifications for service prescribed by this chapter shall become operative on July 1, 1990.

87355.

Notwithstanding Section 87356, every person authorized to serve as a community college instructor, librarian, counselor, student personnel worker, supervisor, administrator, or chief administrative officer under a credential shall retain the right to serve under the terms of that credential, and, for that purpose, shall be deemed to possess the minimum qualifications specified for every discipline or service covered by the credential until the expiration of that credential. The board of governors shall adopt regulations as necessary to implement this requirement.

87356.

(a) The board of governors shall adopt regulations to establish and maintain the minimum qualifications for service as a faculty member teaching credit instruction, a faculty member teaching noncredit instruction, a librarian, a counselor, an educational administrator, an extended opportunity programs and services worker, a disabled students programs and services worker, an apprenticeship instructor, and a supervisor of health.

(b) The Legislature finds and declares that this section does not create a state-mandated local program because compensation of faculty will continue to be determined through the collective bargaining process or meet and confer sessions.

Source: Official California Legislative Information Web Site
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=33997910348+0+0+0&WAISaction=retrieve

87357.

(a) In establishing and maintaining minimum qualifications pursuant to Section 87356, the board of governors shall do all of the following:

(1) With regard to minimum qualifications for faculty, the board of governors shall consult with, and rely primarily on the advice and judgment of, the statewide Academic Senate. With regard to minimum qualifications for educational administrators, the board of governors shall consult with, and rely primarily on the advice and judgment of, an appropriate statewide organization of administrators. With regard to minimum qualifications for apprenticeship instructors, the board of governors shall consult with, and rely primarily on the advice and judgment of, appropriate apprenticeship teaching faculty and labor organization representatives. In each case, the board of governors shall provide a reasonable opportunity for comment by other statewide representative groups.

(2) The board of governors shall establish a process to review at least every three years the continued appropriateness of the minimum qualifications, and the adequacy of the means by which they are administered. The process shall provide for the appointment of a representative group of community college faculty, administrators, students, and trustees to conduct or otherwise assist in the review, including particularly, representatives of academic senates, collective bargaining organizations, and statewide faculty associations. In addition, the group shall be broadly representative of academic and vocational programs in the curriculum from both urban and rural districts, and representative of ethnic minority communities.

(b) The board of governors, relying primarily upon the advice and judgment of the statewide Academic Senate, shall prescribe by regulation a working definition of the term "discipline" and shall prepare and maintain a list of disciplines that are "reasonably related" to one another, as that phrase is used in the minimum qualifications. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for hire.

In formulating advice and recommendations to the board of governors regarding the definition of the term "discipline," the statewide Academic Senate shall consult with appropriate statewide organizations representing administrators and faculty collective bargaining agents. The statewide Academic Senate shall incorporate the advice of those groups into its recommendations to the board of governors, particularly as it relates to the practical ramifications of any proposed definition of the term "discipline" on issues of reassignment, transfer, and reduction in force.

Source: Official California Legislative Information Web Site
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=33997910348+0+0+0&WAISaction=retrieve

87357. *(continued)*
The board of governors, relying primarily upon the advice and judgment of the statewide Academic Senate, shall prepare and maintain a list of disciplines in which the master's degree is not generally expected or available. The initial list shall be distributed to the community college districts by July 1, 1989, for their use in applying the minimum qualifications for service.

87358.
The board of governors shall periodically designate a team of community college faculty, administrators, and trustees to review each community college district's application of minimum qualifications to faculty and administrators.

87359.
The board of governors shall adopt regulations setting forth a process authorizing local governing boards to employ faculty members and educational administrators who do not meet the applicable minimum qualifications specified in the regulations adopted by the board of governors pursuant to Section 87356. Unless and until amended pursuant to the process described in Section 87357, the regulations shall require all of the following:
(a) No one may be hired to serve as a community college faculty member or educational administrator under the authority granted by the regulations unless the governing board determines that he or she possesses qualifications that are at least equivalent to the minimum qualifications specified in regulations of the board of governors adopted pursuant to Section 87356. The criteria used by the governing board in making the determination shall be reflected in the governing board's action employing the individual.
(b) The process, as well as criteria and standards by which the governing board reaches its determinations regarding 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. The agreed upon process shall include reasonable procedures to ensure that the governing board relies primarily upon the advice and judgment of the academic senate to determine that each individual faculty member employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum qualifications specified in regulations adopted by the board of governors. The process shall further require that the governing board provide the academic senate with an opportunity to present its views to the governing board before the board makes a determination, and that the written record of the decision, including the views of the academic senate, shall be available for review pursuant to Section 87358.

87359. *(continued)*

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

87359.5.

By May 1, 1989, the board of governors shall have reviewed or contracted for review of, the job relevance of the requirements of Sections 87408, 87408.5, 87408.6, and any other physical fitness tests or examinations, and other conditions of employment, applicable to community college personnel.

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.

Source: Official California Legislative Information Web Site
http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=33997910348+0+0+0&WAISaction=retrieve

DISTRICT
BOARD POLICIES

Cultural Diversity/Equal Opportunity Policy 4100

The Foothill-De Anza Community College District Board of Trustees values the contributions that a culturally diverse community of faculty, staff, and administrators makes to all the students who study at Foothill and De Anza Colleges. The Board of Trustees desires for students and for all district employees an environment where diverse cultures, abilities, and needs are respected and where difference offers stimulating opportunities for learning and personal fulfillment. Therefore, the Board commits itself to develop policies and procedures and to act in such ways as to encourage a positive, harmonious work and learning environment.

With the intent to realize its commitments, the Board of Trustees supports equality in employment and educational opportunity. The Board believes that effective recruitment and hiring of a diverse faculty and staff and a vigorous outreach effort to recruit a similarly diverse student population are, along with appropriate support services, important means to cultural diversification of the college community and to the enrollment, retention, and transfer of all students.

The Board expressly solicits the cooperation of all district staff in providing an environment conducive to open discussion and free of intimidation, harassment, and unlawful discrimination. Through the cooperation and with the assistance of all district staff, the Board of Trustees assures all employees and applicants equal opportunity for employment and promotion--regardless of race, color, sex, religion, national origin, age, disability, status as Vietnam-era veterans, marital status or sexual orientation.

The Board directs the Chancellor and the college presidents to assume responsibility for implementing and communicating the Board's policy and commitment. Every department, division, or organizational unit head shall be responsible for the proper and effective implementation of the District Cultural Diversity/Equal Opportunity Policy. The Board requires that the district administrative staff and all agents acting on the Board's behalf make every effort to ensure that the recruitment, screening, selection, hiring, and promotional processes for all employment positions are in accordance with the principles of equal opportunity. Additionally, in keeping with support for student success, the Board directs that the principles and spirit of this Cultural Diversity/Equal Opportunity Policy be applied to student admissions and enrollment, financial aid, transfer, curriculum, and faculty and staff development.

In compliance with this Board policy and consistent with the regulations embodied in California and Federal Equal Opportunity legislation, the Board directs the staff to develop and to periodically update a Cultural Diversity/Equal Opportunity Plan. In this plan there shall be procedures to insure that there is strict compliance with the Board approved goals and all other aspects of the plan developed by District faculty, staff, and administrators.

Approved 6/21/62
Amended 6/7/72, 12/3/73, 11/21/77, 2/12/90, 11/18/96, 4/1/02
Reaffirmed 5/5/03

Employment in Specially Funded Programs 4120

The Board authorizes the employment of personnel for specially funded programs under provisions of Education Code Section 87470. Such personnel shall be informed in writing of the special terms and conditions of this employment, including a statement that such employment will be terminated at the end of the special funding and that such employment shall not be included in computing service required for attainment of a classification as a permanent employee of the District.

Education Code Section 87470

Approved 11/21/77

Authorization to Offer Employment 4125

The Board authorizes the Chancellor when necessary, to authorize employment and other personnel actions pending Board ratification provided he/she has verified that all appropriate procedures and policies have been followed.

Approved 10/25/61
Amended 12/3/73;11/18/96

Administrative Employment

The Foothill-De Anza Community College District seeks a qualified, diverse administration, faculty and staff dedicated to student success. The District is committed to an open and inclusive hiring process that supports the goals of diversity and equal opportunity providing equal consideration and opportunities for all qualified candidates. The goal of every hiring process is to select the qualified candidate who best meets the needs of our students.

The faculty, staff and administration recognize the importance of an effective hiring process that reflects mutual professional responsibility and interest in achieving the common goal of hiring outstanding administrators who will enhance the learning experience for all students and fulfill the mission and goals of the College and the District.

Hiring faculty, classified staff and administrators is accomplished through search and selection committees which produce a recommendation from the President or appropriate administrator to the Chancellor to recommend to the Board for employment.

See Administrative Procedure 4130

Approved 11/18/96
Revised 1/5/98, 4/1/02, 11/4/02

Classified Employment

The Foothill-De Anza Community College District seeks a qualified, diverse administration, faculty and staff dedicated to student success. The District is committed to an open and inclusive hiring process that supports the goals of equal opportunity and diversity providing equal consideration and opportunities for all qualified candidates. The goal of every hiring process is to select the qualified candidate who best meets the needs of our students.

The faculty, staff and administration recognize the importance of an effective hiring process that reflects mutual professional responsibility and interest in achieving the common goal of hiring outstanding classified staff who will enhance the learning experience for all students and fulfill the mission and goals of the College and the District.

Hiring faculty, classified staff and administrators is accomplished through search and selection committees which produce a recommendation of a final candidate from the President or appropriate administrator to the Chancellor to recommend to the Board for employment.

See Administrative Procedure 4130

Approved 11/18/96
Revised 1/5/98, 4/1/02, 11/4/02

Faculty Employment

The Foothill-De Anza Community College District seeks a qualified, culturally and ethnically diverse faculty and staff dedicated to student success. The District is committed to an open and inclusive hiring process that supports the goals of diversity and equal opportunity providing equal consideration and opportunities for all qualified candidates.

The faculty, staff and administration recognize the importance of an effective hiring process that reflects mutual professional responsibility and interest in achieving the common goal of hiring outstanding faculty and staff who best meet the needs of students. Hiring faculty, classified staff and administrators is accomplished through search and selection committees which produce a recommendation from the President or appropriate administrator to forward a final candidate to the Chancellor to recommend to the Board for employment.

See Administrative Procedure 4130

Approved 11/18/96
Revised 1/5/98, 4/1/02

Faculty Hiring Qualifications 4135

The Foothill-De Anza Community College District has established the following minimum hiring qualifications for all faculty positions:

1. Demonstrated sensitivity to, understanding of and respect for the diverse academic, socioeconomic, cultural, religious, sexual orientation, disability and ethnic backgrounds of community college students.

2. Minimum qualifications or the equivalent as established by the Statewide Academic Senate and adopted by the Board of Governors of the California Community Colleges which are used by department/program faculty to establish the minimum qualifications for each faculty position. Qualifications beyond minimum qualifications are reviewed by the Vice Chancellor of Human Resources and Equal Opportunity or designee for job relatedness and potential adverse impact on the applicant pool.

3. Commitment to participation in department/program activities and the participatory governance of the College.

Approved 11/18/96
Revised 1/5/98, 4/1/02

Equivalency 4140

In accordance with Education Code Section 87359 and Section 53430 of the California Code of Regulation, Title 5, The Foothill-De Anza Community College District may grant equivalency to the minimum qualifications of a degree and/or experience required for a position to those applicants who provide conclusive evidence of equivalency to the minimum qualifications. Equivalency for degree requirements is based on conclusive evidence that an applicant possesses the general education and the major course work required for the required degree or clear and verifiable eminence in the discipline. Equivalency for required experience is based on conclusive evidence of mastery of the skills of the vocation for the specific assignment as well as for other courses in the discipline and extensive and diverse knowledge of the working environment of the vocation.

Approved 4/1/96

SECTION II

FULL-TIME FACULTY EMPLOYMENT POLICY AND HIRING PROCEDURES

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

FULL-TIME FACULTY

EMPLOYMENT POLICY AND HIRING PROCEDURES

The Foothill-De Anza Community College District seeks a qualified and diverse faculty and staff dedicated to student success. The District is committed to an open and inclusive hiring process that supports the goals of diversity and equal opportunity providing equal consideration and opportunities for all qualified candidates.

The faculty, staff, and administration recognize the importance of an effective hiring process that reflects mutual professional responsibility and interest in achieving the common goal of hiring outstanding faculty who best meet the needs of students.

Hiring faculty, classified staff, and administrators is accomplished through search and selection committees which produce a recommendation from the President or appropriate administrator to forward a final candidate to the Chancellor to recommend to the Board for employment.

Faculty Hiring Qualifications

The Foothill-De Anza Community College District has established the following minimum hiring-qualifications for all faculty positions:

1. Demonstrated sensitivity to, understanding of, and respect for the diverse academic, socioeconomic, cultural, religious, sexual orientation, disability, and ethnic backgrounds of community college students.

2. Minimum qualifications or the equivalent as established by the Statewide Academic Senate and adopted by the Board of Governors of the California Community Colleges which are used by department/program faculty to establish the minimum qualifications for each faculty position. Qualifications beyond minimum qualifications are reviewed by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee for job relatedness and potential adverse impact on the applicant pool.

3. Commitment to participation in department/program activities and the shared governance of the College.

PROCEDURES

The goal of every hiring process is to select the qualified candidate who best meets the needs of our diverse student population.

Establishing the Position

1. Faculty positions are identified by a process established by each College.

2. Receipt of the Staffing Requisition by Employment Services signals approval to begin the search process.

Position Announcement

1. The position announcement is developed through a collaborative process involving the department/program faculty, the college diversity officer (the Diversity Coordinator at De Anza College or the Dean of Faculty and Staff at Foothill College) and/or an Equal Opportunity Representative, the appropriate administrators, and Employment Services.

2. The position announcement must include the following:

   - A description of the position duties and responsibilities

   - Minimum Qualifications:

     a. A statement in accordance with Education Code Section 87360 that requires that all applicants be sensitive to, understanding of, and have respect for the diverse academic, socioeconomic, religious, cultural, disability, sexual orientation, and ethnic backgrounds of community college students. Departments/programs are encouraged to require applicants to explain or submit written materials that provide evidence of such understanding and commitment to diversity.

     b. Educational requirements as determined by the department/program in accordance with Education Code Section 87356. Additional desirable qualifications that are job related and support the responsibilities of the position may be included. Such qualifications will be monitored by the Vice Chancellor of Human Resources and Equal Opportunity for adverse impact.

     c. Provision for presentation of qualifications that are equivalent to the minimum qualifications.

d. Legal qualifiers established by Human Resources to comply with federal, state, and District regulations.

3. The position announcement may also include preferred qualifications that reflect education, experience, and expertise that would enhance an applicant's ability to meet the unique requirements and responsibilities of the position and the needs of a diverse student population. Preferred qualifications must be reviewed by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee to insure that they will not adversely affect the applicant pool.

4. The position announcement must be approved by 1) the Division Dean or appropriate administrator, 2) the appropriate Vice President, 3) the college diversity officer, and 4) the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee.

SEARCH COMMITTEE

Membership

The Committee shall be established by the department/program faculty in consultation with the Dean. Search Committees will normally include a majority of Foothill-De Anza tenured faculty who are experts in the discipline or a related discipline. When clear and compelling academic and/or professional circumstances warrant, other faculty, including contract and part-time faculty, may be included on the Search Committee after consultation between the President of the Academic Senate and the college President. Special circumstances may include but are not limited to the addition of discipline expertise and enhancing the diversity of the committee. The Search Committee may also include other members from outside the department/program as deemed appropriate by the Committee. The Division Dean shall forward a list of faculty designated to serve on the Search Committee to the Academic Senate. All faculty appointments to Search Committees must be confirmed by the Academic Senate.

An Equal Opportunity Representative from outside of the department/program shall be appointed to the Committee by the College diversity office. If the College diversity office is unable to assign a Representative, one may be appointed by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee.

Every effort must be made to incorporate broad representation on every Search Committee to bring a variety of perspectives to the assessment of applicant qualifications. The Academic Senate shall consider diversity, equity, and

discipline/program recommendations when confirming faculty appointments to search committees.

The membership of the Search Committee is also submitted to the college diversity office by the Division Dean. In the event that diversity is not reflected in the Search Committee, the Committee chair and the President of the Academic Senate (or their designees) shall meet with the diversity coordinator who will assist in the identification and recruitment of faculty who may or may not be members of an underrepresented group but who clearly embrace the concepts of diversity and equal opportunity to serve on the Committee. Additional faculty members identified through this process must be confirmed by the Academic Senate.

The Division Dean normally serves as chair of the committee.

The Search Committee should normally have no more than seven (7) members.

Training

All faculty, staff, and administrators involved in faculty hiring must receive training on equal opportunity, diversity, and the employment process for each Search Committee on which they serve. Such training will be provided by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee at the first meeting of the Committee. It is the responsibility of the Chair to insure that each Committee member receives the required training that includes:

- Review of District Diversity Vision Statement
- Discussion of District commitment to equal opportunity, diversity, and student success
- The search and selection process
- Role of the Search Committee
- Role of the Selection Committee
- Development of screening criteria
- Writing effective interview questions
- Cultural diversity in the interview process
- Role of the Equal Opportunity Representative
- Reference checking
- Confidentiality

Responsibilities

The Search Committee has the following responsibilities:

1. Review the position announcement and identify recruiting sources.

2. Identify selection criteria based on the minimum and preferred qualifications of the position in light of the expected duties and responsibilities of the position. Selection criteria will include an evaluation of the extent to which applicants demonstrate a sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students.

3. Develop job related interview questions designed to distinguish candidates who will best meet the needs of the students, the department/division, and the College.

4. Determine the subject matter and format of the demonstration of teaching, counseling, or librarianship skills required of all faculty candidates. The demonstration should reflect the candidate's ability to meet the needs of a diverse student population.

5. Screen all complete applications to select candidates for interview.

6. Establish an interview schedule that accommodates all committee members' schedules including the Equal Employment Representative.

7. Interview all selected candidates using pre-approved questions. Follow-up questions may be used if they are based directly on a candidate's response to a question, if they do not seek information outside of the scope of the established hiring criteria, if they are not in violation of equal opportunity guidelines, and if they do not unnecessarily prolong the interview.

8. Document assessment of candidates' performance in the interview.

9. Conduct reference checks on candidates selected as finalists.

    a. Identify members of the committee to conduct the reference calls
    b. Formulate questions to ask references
    c. Identify references to be called to eliminate duplicate calls
    d. Determine how information is to be shared with full Search Committee and forwarded to Selection Committee

10. Recommend two or more finalists for consideration by the President. All recommended finalists must be acceptable to the Search Committee since only a

candidate recommended by the Search Committee will be hired. An unranked list of final candidates is forwarded to the President.

11. Each member of the Search Committee is responsible for maintaining the confidentiality of the interviews as well as evaluative comments made during the selection process. Such information may be shared only with members of the Search Committee and the administrators involved. Confidentiality must be maintained permanently. Each member of the committee agrees to accept and abide by the statement of guiding principles as noted in Appendix A.

SELECTION COMMITTEE

Membership

The Selection Committee is composed of the President, the appropriate Vice President, the Search Committee chair, the Equal Opportunity Representative from the Search committee, and as many faculty from the Search Committee as possible but at least one faculty member from the Search Committee. This committee should be balanced in its diversity and will be chaired by the President. The Selection Committee shall generally have no more than seven (7) members.

Role

The Selection Committee evaluates and validates the candidate's strengths in meeting the needs of a diverse student population and the needs of the division, department / program, and the College.

Responsibilities

The Selection Committee has the following responsibilities:

1. Review interview questions developed by the President to be used in the Selection Committee interview process.

2. Participate at the President's direction in the finalists' interviews to evaluate and validate the academic and professional qualifications of each candidate and his / her strengths in meeting the diverse needs of the students of the division / program.

3. Evaluate the finalists in an open and collaborative discussion. Before a final decision is reached the Equal Opportunity Representative will review the process

to determine that all candidates were treated fairly and equally and that the process yielded candidates able to meet the needs of a diverse student population.

4. Advise the President after completion of the interviews. If there is not consensus, the President may decide to interview the finalists a second time; review the interview pool in consultation with the Search Committee for additional finalists; re-open the search; or select one of the finalists. If additional candidates are identified from the applicants and/or interview pool they must be acceptable to the Search Committee to be forwarded to the Selection Committee.

5. In the event that a hiring process results in more than one candidate who meets the present or expected needs in the same discipline, the President may determine to increase the number of available positions. In this event, the members of both the Search and Selection committees shall be consulted before any additional candidate is selected.

6. Each member of the Selection Committee is responsible for maintaining the confidentiality of the interviews as well as evaluative comments made during the selection process. Such information may be shared only with members of the Selection Committee and the administrators involved. Confidentiality must be maintained permanently. Each member of the committee agrees to accept and abide by the statement of guiding principles as noted in Appendix A.

PROCESS

Recruitment and Advertising

Faculty positions are advertised for a minimum of eight weeks. In unusual or extenuating circumstances, the time frame may be reduced to not less than six weeks with the approval of the President and the Vice Chancellor of Human Resources and Equal Opportunity.

Position announcements are mailed to colleges, universities, and organizations committed to providing equal employment opportunities to a wide range of applicants. In addition, positions are advertised locally and in professional journals and related publications, in *The Chronicle of Higher Education*, and on the Internet as recommended by the Search Committee, department faculty and the College President.

Department/program faculty and administrators are expected to contact appropriate organizations to assist in identifying qualified candidates and to disseminate information regarding the position.

Applications

Employment Services accepts applications and supplemental materials until 4:30 PM on the closing date.

Employment Services will review the composition of the applicant pool to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary, the application closing date shall be extended and additional recruitment shall be conducted. (A "monitored group" means those groups identified by state and federal regulations for which monitoring and reporting are required.) After the pool is approved, Employment Services shall forward all complete applications to the Search Committee for screening.

Screening

Screening criteria and interview questions must be completed and approved by the Equal Opportunity Representative before the Search Committee can access the applications. Screening criteria are developed from the position description and the qualifications and requirements listed in the position announcement. Screening criteria help members to review each application objectively. The screening criteria must be listed on an appropriate screening form that must be used by each member of the Committee. Each committee member must participate in the screening process.

The Committee selects applicants to interview who will best meet the needs of the students, the department/program, and the College. Committees will consider the special needs of the division/department/program and the student population to be served in the selection of candidates.

The Equal Opportunity Representative reviews the pool selected for interview with the college diversity office to ensure that no screening or selection criteria has adversely affected any monitored group. The Equal Opportunity Representative and the College diversity coordinator may recommend that the search be suspended until steps are taken to remedy the problem. Additional steps may include a discussion with the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee regarding the overall composition of the applicant pool and the screening criteria or procedures that have produced an adverse impact. The Committee may decide to interview additional candidates or recommend that further recruitment be initiated before proceeding.

Interviews

Interviews are scheduled by the Chair of the Search Committee. Each candidate must be provided the same interview information and offered a choice of interview times whenever possible.

All members of the Search Committee must be present for all interviews. If a member misses an interview, that committee member is removed from the Search Committee. If the Committee member is to be replaced by a faculty employee, the appointment must be confirmed by the Academic Senate.

Each member of the Committee documents the interview in a format agreed upon by the Committee.

After interviews are completed members of the Search Committee discuss and evaluate the qualifications of the candidates including how candidates will meet the needs of a diverse student population.

If the Search Committee is not satisfied with the interviewed candidates the Committee may:

- Review the applicant pool to ensure that qualified applicants have not been overlooked;
- If applicable, request to have any additional complete applications that have been submitted since the first review date forwarded for screening;
- Request that Employment Services contact applicants with incomplete applications to request the missing application materials; or
- Extend or re-open the search.

The Search Committee identifies two or more candidates to meet with the Selection Committee for further assessment.

The Equal Opportunity Representative reviews the finalist pool to determine whether any selection criteria or procedures used in the interview phase has had an adverse impact on any monitored group. If the Equal Opportunity Representative believes that adverse impact exists, he/she shall consult with the Committee Chair, the diversity coordinator, and the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee to determine whether additional steps should be taken to ensure equal employment opportunity.

An unranked list of finalists is forwarded to the President who convenes the Selection Committee. The Search Committee Chair returns all the screening and interview forms and all other non-finalists application materials to Employment Services.

All members of the Selection Committee must be present for all interviews and subsequent discussions. If a member misses an interview he/she is removed from the Committee.

Reference Checking

Reference checks must be completed in accordance with the policies and principles of equal opportunity. Reference information must be held in strict confidence within the committee.

Final Selection

The President will make the final decision on the candidates and forward the selected candidate to the Chancellor for recommendation to the Board

The President or designee may extend a tentative offer of employment to the selected candidate pending approval by the Board of Trustees. Any offer prior to Board approval must be clearly stated as a tentative offer contingent on Board approval.

Approved by the Board of Trustees January 5, 1998
Revised August 23, 2004

APPENDIX A
FULL-TIME FACULTY
EMPLOYMENT POLICY AND HIRING PROCEDURES

GUIDING PRINCIPLES
SEARCH AND SELECTION COMMITTEE MEMBERS

Each committee member agrees to act in the best interest of the College and the District in selecting a candidate who best meets the needs of the diverse students we serve.

Each committee member understands that search and selection is a confidential process subject to laws and regulations on privacy and access (Title 5, California Code of Regulations, Section 53023(a); California Government Code, Section 6254).

Specifically, each member agrees not to discuss or in any way release information to any non-authorized person regarding:

1. Written materials turned in by the applicant or evaluations made by the committee members about applicants;

2. Oral discussions by or about applicants or committee members during or following the interview process; and

3. Any other information that relates to the search and selection process including the names of applicants.

Each committee member agrees if approached by any non-authorized person to discuss any of the above, the member is to refer the individual to Human Resources.

Each committee member understands that failure to maintain confidentiality will not only jeopardize the search and selection process but also could result in violation of Federal or State regulations and incur liability on behalf of the District. It is also understood that even the perception that confidentiality has been breached may jeopardize the hiring process. Therefore, each committee member agrees to call to the attention of the Vice Chancellor of Human Resources and Equal Opportunity, any action which might be interpreted as a breach of confidentiality.

Each committee member agrees to comply with Equal Opportunity policies and procedures assuring compliance with the hiring process as outlined in the District's hiring policy and procedures.

Each committee member agrees to operate in an objective and unbiased manner throughout the process and understands that any compromise in objectivity or demonstration of unlawful bias may threaten the process.

Each committee member understands that the process may be stopped at any time based on perceived discrimination against one or more candidates, or if deviation from District procedures has occurred.

SECTION III

ADMINISTRATIVE EMPLOYMENT POLICY AND HIRING PROCEDURES

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

ADMINISTRATIVE

EMPLOYMENT POLICY AND HIRING PROCEDURES

The Foothill-De Anza Community College District seeks a qualified and diverse administration, faculty, and staff dedicated to student success. The District is committed to an open and inclusive hiring process that supports the goals of diversity and equal opportunity providing equal consideration and opportunities for all qualified candidates. The goal of every hiring process is to select the qualified candidate who best meets the needs of our students.

The faculty, staff, and administration recognize the importance of an effective hiring process that reflects mutual professional responsibility and interest in achieving the common goal of hiring outstanding administrators who will enhance the learning experience for all students and fulfill the mission and goals of the College and the District.

Hiring faculty, classified staff, and administrators is accomplished through search and selection committees which produce a recommendation from the President or other appropriate administrator to the Chancellor to recommend to the Board for employment.

Hiring Qualifications

The Foothill-De Anza Community College District has established the following hiring qualifications for all administrative positions:

1. Demonstrated sensitivity to, understanding of, and respect for the diverse academic, socio-economic, cultural, disability, religious, sexual orientation, and ethnic backgrounds of community college students.

2. Minimum qualifications in accordance with Education Code Section 87356 for Educational Administrators. All minimum and preferred qualifications are reviewed by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee for job relatedness and potential adverse impact on the applicant pool.

3. Commitment to participation in the shared governance of the College and the District.

PROCEDURES

Establishing the Position

1. Administrator positions are identified by a process established by each College and Central Services.

2. Administrator positions are appropriately evaluated by the Administrative Classification Committee prior to being announced.

3. Receipt of the Staffing Requisition by Employment Services signals approval to begin the search process.

Position Announcement

1. The position announcement is developed through a collaborative process involving the appropriate administrator(s), the diversity officer and/or an Equal Opportunity Representative, and Employment Services.

2. The position announcement must include the following:

   - A description of the position duties and responsibilities

   - Minimum Qualifications

     a. A statement in accordance with Education Code Section 87360 that requires that all applicants be sensitive to, understanding of, and have respect for the diverse academic, socio-economic, cultural, disability, religious, sexual orientation, and ethnic backgrounds of community college students. The announcement should include a requirement that all applicants explain or submit written materials that provide evidence of such understanding and commitment to diversity;

     b. Educational requirements as determined by the appropriate administrator in accordance with Education Code Section 87356. Additional desirable qualifications that are job related and support the responsibilities of the position may be included; and

c. Provision for presentation of qualifications that are equivalent to the minimum qualifications.

- Legal qualifiers, established by Human Resources to comply with federal, state, and District regulations.

3. The position announcement may also include preferred qualifications that reflect education, experience, and expertise that would enhance an applicant's ability to meet the unique requirements and responsibilities of the position. Preferred qualifications must be reviewed by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee to insure that they will not adversely affect the applicant pool.

4. The position announcement must be approved by the appropriate administrator (Division Dean, Vice President or President, Vice Chancellor or Chancellor), and the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee.

SEARCH COMMITTEE

Membership

Search Committees for administrative positions will be established and convened by the appropriate College or District administrator or his/her designee. Administrative positions that have broad impact on faculty, the instructional program, and student learning shall have appropriate representation of the faculty (which may include full time, part-time, tenured, or probationary faculty) most likely to be affected by the administrator. Classified staff, administrators, and students, when appropriate, shall also serve on the Committee.

The administrator shall forward a list of faculty designated to serve on the Search Committee to the Academic Senate. All faculty appointments to Search Committees must be confirmed by the Academic Senate. The administrator shall also notify the Classified Senates of classified staff serving on administrative search committees.

An Equal Opportunity Representative from outside of the department/program shall be appointed to the Committee by the College diversity office (the Diversity Coordinator at De Anza College, the Dean of Faculty and Staff at Foothill College, and the Vice Chancellor of Human Resources and Equal Opportunity in the District Office). If the College diversity office is unable to assign a Representative, one may be

appointed by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee.

Every effort must be made to incorporate broad representation on every Search Committee to bring a variety of perspectives to the assessment of applicant qualifications. The administrator shall consider such broad representation when seeking appointments to search committees.

The membership of the Search Committee is submitted to the college diversity office by the appropriate administrator. When broad representation is not reflected in the Search Committee membership, the administrator shall meet with the diversity coordinator who will assist in the identification and recruitment of employees who clearly embrace the concepts of diversity and equal opportunity to serve on the Committee. If additional faculty members are identified through this process they must be confirmed by the Academic Senate.

The supervising administrator normally serves as Chair of the committee.

The Search Committee should normally have no more than seven (7) members.

Training

All faculty, staff, and administrators involved in hiring administrators must receive training on equal opportunity, diversity, and the employment process for each Search Committee on which they serve. Such training will be provided by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee at the first meeting of the Committee. It is the responsibility of the Chair to insure that each Committee member receives the required training that includes:

- Review of District Diversity Vision Statement
- Discussion of District commitment to equal opportunity, diversity and student success
- The search and selection process
- Role of the Search Committee
- Role of the Selection Committee
- Development of screening criteria
- Writing effective interview questions
- Cultural diversity in the interview process
- Role of the Equal Opportunity Representative
- Reference checking
- Confidentiality

Responsibilities

The Search Committee has the following responsibilities:

1. Review the position announcement and identify recruiting sources.

2. Identify selection criteria based on the minimum and preferred qualifications of the position in light of the expected duties and responsibilities of the position. Selection criteria will include an evaluation of the extent to which applicants demonstrate a sensitivity to, and understanding of, the diverse academic, socio-economic, cultural, disability, religious, sexual orientation, and ethnic backgrounds of community college students.

3. Develop job related interview questions designed to distinguish candidates who will best meet the needs of diverse students, the department/division, the College, and the District.

4. Determine whether to require candidates to make a presentation to the Committee in addition to responding to interview questions. When appropriate, the presentation should require the candidate to incorporate his/her ability to serve a diverse student population.

5. Screen all applications to select candidates for interview.

6. Establish an interview schedule that accommodates all committee members' schedules including the Equal Opportunity Representative.

7. Interview all selected candidates using pre-approved questions. Follow-up questions may be used if they are based directly on a candidate's response to a question, if they do not seek information outside of the scope of the established hiring criteria, if they are not in violation of equal employment guidelines, and if they do not unnecessarily prolong the interview.

8. Document/record assessment of candidates in the interview process.

9. When requested, conduct reference checks on candidates selected as finalists.

    a. Identify members of the committee to conduct the reference calls;
    b. Formulate questions to ask references;
    c. Identify references to be called to eliminate duplicate calls; and
    d. Determine how information is to be shared with full Search Committee and forwarded to Selection Committee.

10. Recommend the finalists (more than one) for consideration by the President. Any exception to this recommendation process must be approved by the President. For administrative positions in Central Services, the finalists are forwarded to the Chancellor or Vice Chancellor. For Central Services or "District" positions substitute the titles of Chancellor or Vice Chancellor for "President" throughout this document. All recommended finalists must be acceptable to the Search Committee since only a candidate recommended by the Search Committee will be hired. An unranked list of final candidates is forwarded to the President.

11. Each member of the Search Committee is responsible for maintaining the confidentiality of the interviews as well as evaluative comments made during the selection process. Such information may be shared only with members of the Search Committee and the administrators involved. Confidentiality must be maintained permanently. Each member of the committee will receive and agree to abide by a statement of guiding principles as noted in Appendix A.

SELECTION COMMITTEE

Membership

The Selection Committee is established and convened by the President (Vice Chancellor or Chancellor for Central Services positions) and includes the appropriate administrator, the Search Committee chair, the Equal Opportunity Representative from the Search committee and at least one member from the Search Committee. This committee should be balanced in its diversity and will be chaired by the President. The Selection Committee shall generally have no more than seven (7) members.

Role

The Selection Committee evaluates and validates the candidate's strengths in meeting the needs of a diverse student population and the needs of the division, department / program, and the College.

Responsibilities

The Selection Committee has the following responsibilities:

1. Review interview questions developed by the President to be used in the Selection Committee interview process.

2. Participate at the President's direction in the finalists' interviews to evaluate and validate the academic and professional qualifications of each candidate and his/her strengths in meeting the diverse needs of students in the division/program.

3. Evaluate the finalists in an open and collaborative discussion. Before a final decision is reached, the Equal Opportunity representative will review the process to determine that all candidates were treated fairly and equally and that the process yielded candidates able to meet the needs of a diverse student population.

4. Advise the President after completion of the interviews. If there is not consensus, the President may decide, in consultation with the Selection Committee, to interview the finalists a second time; review the interview pool in consultation with the Search Committee for additional candidates; re-open the search; or select one of the finalists.

5. Each member of the Selection Committee is responsible for maintaining the confidentiality of the interviews as well as evaluative comments made during the selection process. Such information may be shared only with members of the Selection Committee and the administrators involved. Confidentiality must be maintained permanently. Each member will receive and agree to abide by a statement of guiding principles as noted in Appendix A.

PROCESS

Recruitment and Advertising

Administrative positions are advertised for a minimum of eight (8) weeks. In unusual or extenuating circumstances, the time frame may be reduced to not less than six (6) weeks with the approval of the President or Chancellor and the Vice Chancellor of Human Resources and Equal Opportunity.

Position announcements are mailed to colleges, universities, and organizations committed to providing equal employment opportunities to a wide range of applicants. In addition, positions are advertised locally and in professional journals and related publications, in *The Chronicle of Higher Education*, and on the Internet as recommended by the Search Committee and the President.

Faculty, administrators, and classified staff are expected to contact appropriate organizations to assist in identifying qualified candidates and to disseminate information regarding the position.

Applications

Employment Services accepts applications and supplemental materials until 4:30 PM on the closing date.

Employment Services will review the composition of the applicant pool to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary, the application closing date shall be extended and additional recruitment shall be conducted. (A "monitored group" means those groups identified by state and federal regulations for which monitoring and reporting are required.) After the pool is approved, Employment Services shall forward all complete applications to the Search Committee for screening.

Screening

Screening criteria and interview questions must be completed and approved by the Equal Opportunity Representative before the Search Committee can access the applications. Screening criteria must be job related and are developed from the position description and the qualifications and requirements listed in the position announcement. Screening criteria help members to review each application objectively. The screening criteria must be listed on an appropriate screening form that must be used by each member of the Committee. Each committee member must participate in the screening process.

The Committee selects applicants to interview who will best meet the needs of the students, the division, the College and/or the District. Committees will consider the other special needs of the division/department/program and the student population to be served in the selection of candidates.

The Equal Opportunity Representative reviews the pool selected for interviews with the college diversity office to insure that no screening or selection criteria has adversely affected any monitored group. The Equal Opportunity Representative and the College diversity coordinator may recommend that the search be suspended until steps are taken to remedy any adverse impact. Additional steps may include a discussion with the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee regarding the overall composition of the applicant pool and the screening criteria or procedures that have produced an adverse impact. The Committee may decide to

interview additional candidates or recommend that further recruitment be initiated before proceeding.

Interviews

Interviews are scheduled by the Chair of the Search Committee. Each candidate must be provided the same interview information and offered a choice of interview times whenever possible.

All members of the Search Committee must be present for all interviews. If a member misses an interview, that committee member is removed from the Search Committee.

Each member of the Committee documents the interview in a format agreed upon by the Committee.

After interviews are completed, members of the Search Committee discuss and evaluate the qualifications of the candidates including how candidates will meet the needs of a diverse student population.

If the Search Committee is not satisfied with the interviewed candidates, the Committee may:

- Review the applicant pool to ensure that qualified applicants have not been overlooked;
- If applicable, request to have any additional complete applications that have been submitted since the first review date forwarded for screening;
- Request that Employment Services contact applicants with incomplete applications to request the missing application materials; or
- Extend or re-open the search.

The Search Committee identifies two or more candidates to meet with the Selection Committee for further assessment.

The Equal Opportunity Representative reviews the finalist pool to determine whether any selection criteria or procedures used in the interview phase has had an adverse impact on any monitored group. If the Equal Opportunity Representative believes that adverse impact exists, he/she shall consult with the Committee Chair, the diversity coordinator and the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee to determine whether additional steps should be taken to ensure equal employment opportunity.

An unranked list of finalists is forwarded to the President who convenes the Selection Committee. As noted above any exceptions to this process must be approved by the President and/or Chancellor or their designees. The Search Committee Chair returns all the screening and interview forms and all other non-finalists application materials to Employment Services.

All members of the Selection Committee must be present for all interviews and subsequent discussions. If a member misses an interview he/she is removed from the Committee.

Reference Checking

Reference checks must be completed in accordance with the policies and principles of equal opportunity. Reference information must be held in strict confidence within the committee.

Final Selection

The President (Vice Chancellor or Chancellor) will make the final decision on the candidates and forward the selected candidate to the Chancellor for recommendation to the Board.

The President or his/her designee may extend a tentative offer of employment to the selected candidate pending approval by the Board of Trustees. Any offer prior to Board approval must be clearly stated as a tentative offer contingent on Board approval.

Approved by the Chancellor's Advisory Council February 20, 1998
Revised August 31, 2004

APPENDIX A

ADMINISTRATIVE

EMPLOYMENT POLICY AND HIRING PROCEDURES

GUIDING PRINCIPLES
SEARCH AND SELECTION COMMITTEE MEMBERS

Each committee member agrees to act in the best interest of the College and the District in selecting a candidate who best meets the needs of the diverse students we serve.

Each committee member understands that search and selection is a confidential process subject to laws and regulations on privacy and access (Title 5, California Code of Regulations, Section 53023(a); California Government Code, Section 6254).

Specifically, each member agrees not to discuss or in any way release information to any non-authorized person regarding:

1. Written materials turned in by the applicant or evaluations made by the committee members about applicants;
2. Oral discussions by or about applicants or committee members during or following the interview process, and
3. Any other information that relates to the search and selection process including the names of applicants.

Each committee member agrees if approached by any non-authorized person to discuss any of the above, the member is to refer the individual to Human Resources.

Each committee member understands that failure to maintain confidentiality will not only jeopardize the search and selection process but also could result in violation of Federal or State regulations and incur liability on behalf of the district. It is also understood that even the perception that confidentiality has been breached may jeopardize the hiring process. Therefore, each committee member agrees to call to the attention of the Vice Chancellor of Human Resources and Equal Opportunity any action which might be interpreted as a breach of confidentiality.

Each committee member agrees to comply with Equal Opportunity policies and procedures assuring compliance with the hiring process as outlined in the District's hiring policy and procedures.

Each committee member agrees to operate in an objective and unbiased manner throughout the process and understands that any compromise in objectivity or demonstration of unlawful bias may threaten the process.

Each committee member understands that the process may be stopped at any time based on perceived discrimination against one or more candidates, or if deviation from District procedures has occurred.

SECTION IV

CLASSIFIED STAFF EMPLOYMENT POLICY AND HIRING PROCEDURES

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

CLASSIFIED STAFF

EMPLOYMENT POLICY AND HIRING PROCEDURES

The Foothill-De Anza Community College District seeks a qualified and diverse administration, faculty, and staff dedicated to student success. The District is committed to an open and inclusive hiring process that supports the goals of equal opportunity and diversity, providing equal consideration and opportunities for all qualified candidates. The goal of every hiring process is to select the qualified candidate who best meets the needs of our students.

The faculty, staff, and administration recognize the importance of an effective hiring process that reflects mutual professional responsibility and interest in achieving the common goal of hiring outstanding classified staff who will enhance the learning experience for all students and fulfill the mission and goals of the College and the District.

Hiring faculty, classified staff, and administrators is accomplished through search and selection committees which produce a recommendation of a final candidate from the President, or other appropriate administrator, to the Chancellor to recommend to the Board for employment.

Hiring Qualifications

The Foothill-De Anza Community College District has established the following hiring qualifications for all classified[1] staff positions:

1. Demonstrated sensitivity to, understanding of and respect for the diverse academic, socioeconomic, cultural, religious, sexual orientation, disability, and ethnic backgrounds of community college students.

2. Education and experience as well as skills, knowledge, and abilities as identified in the approved Classification Description for the position.

[1] *A classified position is defined in accordance with Education Code Section 88003*

PROCEDURES

The goal of every hiring process is to select the qualified candidate who best meets the needs of our diverse student population.

Establishing the Position

1. Classified staff positions are identified by a process established by each College and Central Services.

2. Receipt of the Staffing Requisition by Employment Services signals approval to begin the search process.

Position Announcement

1. The position announcement is developed by the appropriate administrators in consultation with the Classification Specialist and Employment Services.

   - The Position Announcement describes the specific position and outlines requirements of skill, knowledge, and ability unique to the position.

   - Administrators who seek to change minimum education and experience requirements must consult the Classification Specialist to determine if such changes impact the level of classification.

2. The position announcement must include the following:

   - A description of the position duties and responsibilities

   - Minimum Qualifications

     a. A statement in accordance with Education Code Section 87360 that requires that all applicants be sensitive to, understanding of and have respect for the diverse academic, socioeconomic, cultural, disability, religious, sexual orientation, and ethnic backgrounds of community college students. The announcement should include a requirement that all applicants explain or submit written materials that provide evidence of such understanding and commitment to diversity.

     b. Educational and experience requirements as determined by the classification. Additional desirable qualifications that are job related and support the responsibilities of the position should be included.

c. Legal qualifiers, established by Human Resources to comply with federal, state, and District regulations.

3. The position announcement may also include preferred qualifications that reflect education, experience, and expertise that would enhance an applicant's ability to meet the unique requirements and responsibilities of the position and the needs of a diverse student population. Preferred qualifications must be reviewed by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee to insure that they will not adversely affect the applicant pool.

SEARCH COMMITTEE

Membership

Search Committees for classified positions will be established and convened by the appropriate College or District administrator or his/her designee. Classified staff, faculty, administrators, and students, when appropriate, may serve on the Committee. The Committee must have at least three members: the chair, a representative from the bargaining unit in which the position resides (SEIU, CSEA or Teamsters), and an Equal Opportunity Representative. The Committee should also include representation from those employees or employee groups who are served by or otherwise interact with the position, which may include another employee from the same classification.

- The supervising administrator normally serves as chair of the committee.

- An Equal Opportunity Representative from outside of the department/program shall be appointed to the Committee by the College diversity office (the Diversity Coordinator at De Anza College, the Dean of Faculty and Staff at Foothill College, and the Vice Chancellor of Human Resources and Equal Opportunity in the District Office). If the College diversity office is unable to assign a Representative, one may be appointed by the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee.

- For SEIU and Teamster positions, a representative from the bargaining unit who is not an employee in the same department/program will be appointed by an officer of the union. Unless otherwise directed, the Committee Chair contacts the Chief Steward at De Anza, Foothill, or Central Services to appoint a representative from that location (if unavailable, contact the Chapter Chair).

- For CSEA positions, the Committee chair contacts the President of the union.

The same employee may not serve dual roles on the committee as bargaining unit representative and Equal Opportunity representative.

If faculty are asked to serve, the administrator shall forward a list of faculty designated to serve on the Search Committee to the Academic Senate. All faculty appointments to Search Committees must be confirmed by the Academic Senate.

Every effort must be made to incorporate broad representation on every Search Committee to bring a variety of perspectives to the assessment of applicant qualifications.

The Search Committee should normally have no more than seven (7) members for SEIU positions or four (4) members for CSEA positions.

Training

All faculty, staff, and administrators involved in hiring classified staff must receive training on diversity and the employment process for each Committee on which they serve. Such training will be provided by Human Resources personnel at the first meeting of the Committee. It is the responsibility of the Chair to insure that each Committee member receives the required training that includes:

- Review of District Diversity Vision Statement
- Discussion of District commitment to equal opportunity, diversity, and student success
- The search and selection process
- Role of the Search Committee
- Role of the Selection Committee
- Development of screening criteria
- Writing effective interview questions
- Cultural diversity in the interview process
- Role of the Equal Opportunity Representative
- Reference checking
- Confidentiality

Responsibilities

The Search Committee has the following responsibilities:

1. Review the position announcement.

2. Identify screening criteria based on the minimum and preferred qualifications of the position in light of the expected duties and responsibilities of the position. Screening criteria will include an evaluation of the extent to which applicants demonstrate a sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, religious, sexual orientation, and ethnic backgrounds of community college students.

3. Develop job related interview questions designed to distinguish candidates who will best meet the needs of the students, the department/division, the College, and the District.

4. Determine whether to require candidates to perform a skills test or make a presentation in addition to responding to interview questions. When appropriate such demonstrations should reflect the candidate's ability to work effectively in a diverse community college environment.

5. Screen all applications to select candidates for interview. Permanent employees of the District who meet minimum qualifications shall be granted an interview by the Search Committee. The Union representative on the committee shall monitor the inclusion of internal candidates who meet the minimum qualifications.

6. Establish an interview schedule that accommodates all committee members' schedules including the Equal Opportunity Representative.

7. Interview all selected candidates using only the questions previously agreed upon by the committee members. Follow-up questions may be used if they are based directly on a candidate's response to a question, if they do not seek information outside of the scope of the established hiring criteria, if they are not in violation of equal opportunity guidelines, and if they do not unnecessarily prolong the interview.

8. Recommend a candidate for selection to the appropriate administrator.

9. Maintain confidentiality of the interviews as well as evaluative comments made during the selection process. Such information may be shared only with members of the Search Committee and the administrators involved. Confidentiality must be maintained permanently. Each member of the committee will receive and agree to abide by the statement of guiding principles as noted in Appendix B.

Reference Checks

Reference checks are made by the appropriate administrator upon the recommendation of the selected candidate by the Committee.

Selection

If not serving as Chair, the appropriate administrator shall meet with the Search Committee to review the Committee's recommendation. The administrator may act upon the Committee's recommendation to select a candidate. In the unusual event that the administrator disagrees or requires additional information, the administrator may choose to invite some candidates to a second interview. Second interview procedures are contained in Appendix A.

PROCESS

Recruitment and Advertising

Classified staff positions are advertised for a minimum of three (3) weeks.

Notification of position openings is mailed to colleges, universities, and organizations committed to providing equal employment opportunities to a wide range of applicants. In addition, positions are advertised locally and in professional journals and related publications when appropriate, and on the Internet as recommended by the administrator.

Applications

Employment Services accepts applications and supplemental materials until 4:30 PM on the closing date.

Employment Services will review the composition of the applicant pool to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures. If necessary, the application closing date shall be extended and additional recruitment shall be conducted. (A "monitored group" means those groups identified by state and federal regulations for which monitoring and reporting are required). After the pool is approved, all complete applications will be forwarded to the Search Committee for screening.

Screening

Screening criteria and interview questions must be completed and approved by the Equal Opportunity Representative before the Search Committee can access the applications. Screening criteria must be job related and are developed from the position description and the qualifications and requirements listed in the position announcement. Screening criteria help members to review each application objectively. The screening criteria must be listed on an appropriate screening form that must be used by each member of the Committee. Each committee member must participate in the screening process.

The Committee selects applicants to interview who will best meet the needs of the students, the division, and the College. Committees will consider the special needs of the division/department/program and the student population to be served in the selection of candidates. Permanent employees of the District who meet minimum qualifications shall be granted an interview by the Search Committee.

The Equal Opportunity Representative reviews the pool selected for interview to ensure that no screening or selection criteria has adversely affected any monitored group. The Equal Opportunity Representative may recommend that additional candidates be interviewed or that further recruitment be initiated before proceeding.

Interviews

Interviews are scheduled by the Chair of the Search Committee. Each candidate must be provided the same interview information and offered a choice of interview times whenever possible.

All members of the Search Committee must be present for all interviews. If a member misses an interview, that committee member is removed from the Search Committee. If the Committee member is to be replaced with a faculty employee, the appointment must be confirmed by the Academic Senate.

Each member of the Committee documents the interview evaluation in a format agreed upon by the Committee.

After interviews are completed, members of the Search Committee discuss and evaluate the qualifications of the candidates including how candidates will meet the needs of a diverse student population.

If the Search Committee is not satisfied with the interviewed candidates, the Committee may:

- Review the applicant pool to ensure that qualified applicants have not been overlooked;
- If applicable, request to have any additional complete applications that have been submitted since the first review date forwarded for screening;
- Request that Employment Services contact applicants with incomplete applications to request the missing application materials; or
- Extend or re-open the search.

The Search Committee recommends a selected candidate(s) to the hiring administrator.

The Equal Opportunity Representative reviews the selected candidate(s) to determine whether any selection criteria or procedures used in the interview phase has had an adverse impact on any monitored group. If the Equal Opportunity Representative believes that adverse impact exists, he/she shall consult with the committee Chair, the diversity coordinator and the Vice Chancellor of Human Resources and Equal Opportunity or his/her designee to determine whether additional steps should be taken to ensure equal employment opportunity.

The Search Committee Chair returns all the screening and interview forms and all other non-finalist application materials to Employment Services.

Reference Checking

Reference checks must be completed in accordance with the policies and principles of equal opportunity. Reference information must be held in strict confidence within the committee.

Final Selection

The appropriate administrator will make the final decision on the candidates and notify Human Resources to forward the selection to the Board of Trustees for approval.

The administrator may extend an offer of employment to the selected candidate pending approval by the Board of Trustees. When candidates begin employment prior to Board approval they must be clearly informed that continued employment is contingent on Board approval.

Approved by the Chancellor's Advisory Council February 20, 1998
Revised August 23, 2004

SECOND INTERVIEWS

If second interviews are conducted, the Equal Opportunity Representative and the bargaining unit representative must be present. Other members of the search committee may also attend if invited by the administrator.

Second Interview Process

1. The administrator will develop a series of questions for the interview, which will be reviewed by the Equal Opportunity Representative and the bargaining unit representative.

2. Second interview committee members will participate at the administrators' direction in the finalists' interviews to evaluate and validate qualifications of each candidate and his or her strengths in meeting the challenges of the position and the needs of a diverse student population.

3. Candidates will be evaluated in an open and collaborative discussion. Before a final decision is reached, the Equal Employment Representative will review the process to verify that the principles of equal employment opportunity were honored throughout the process.

If the administrator and the committee members do not reach consensus, the administrator may:

1. Request that the Committee members review the applicant and interview pool for additional candidates;

2. Re-open the search; or

3. Select one of the finalists.

APPENDIX B

CLASSIFIED STAFF

EMPLOYMENT POLICY AND HIRING PROCEDURES

GUIDING PRINCIPLES
SEARCH AND SELECTION COMMITTEE MEMBERS

Each committee member agrees to act in the best interest of the College and the District in selecting a candidate who best meets the needs of the diverse students we serve.

Each committee member understands that search and selection is a confidential process subject to laws and regulations on privacy and access (Title 5, California Code of Regulations, Section 53023(a); California Government Code, Section 6254).

Specifically, each member agrees not to discuss or in any way release information to any non-authorized person regarding:

1. Written materials turned in by the applicant or evaluations made by the committee members about applicants;

2. Oral discussions by or about applicants or committee members during or following the interview process; and

3. Any other information that relates to the search and selection process including the names of applicants.

Each committee member agrees if approached by any non-authorized person to discuss any of the above, the member is to refer the individual to Human Resources.

Each committee member understands that failure to maintain confidentiality will not only jeopardize the search and selection process but also could result in violation of Federal or State regulations and incur liability on behalf of the District. It is also understood that even the perception that confidentiality has been breached may jeopardize the hiring process. Therefore, each committee member agrees to call to the attention of the Vice Chancellor of Human Resources and Equal Opportunity, any action which might be interpreted as a breach of confidentiality.

Each committee member agrees to comply with Equal Opportunity policies and procedures assuring compliance with the hiring process as outlined in the District's hiring policy and procedures.

Each committee member agrees to operate in an objective and unbiased manner throughout the process and understands that any compromise in objectivity or demonstration of unlawful bias may threaten the process.

Each committee member understands that the process may be stopped at any time based on perceived discrimination against one or more candidates, or if deviation from District procedures has occurred.

SECTION V

ROLES AND RESPONSIBILITIES

SEARCH AND SELECTION TRAINING CERTIFICATION

To accommodate the various needs of search committee training, Human Resources provides 3 levels of training certification.

Level I: An inexperienced chairperson

An inexperienced chairperson is someone who has chaired fewer than 3 committees for the employee group, i.e., classified, faculty, or management for which the search is being conducted.

Level II: An experienced chairperson with an inexperienced committee

An experienced chairperson is someone who has chaired more than two search committees for the employee group, i.e., classified, faculty, or management for which the search is being conducted.

Level III: An experienced chairperson with an experienced committee

An experienced chairperson is defined in Level II. An experienced committee has a majority of committee members who have served on at least two prior searches for the employee group, i.e., classified, faculty, or management for which the search is being conducted.

Training Requirements:

Level I: Must schedule and receive a complete training session from Employment Services

Level II: An abbreviated form of the training will be provided at the first committee meeting. The focus of the training is to review the roles and responsibilities of the committee members and the critical steps of the process.

Level III: A review will be conducted with the committee chair to determine if any new information regarding process and procedure that may have developed since the last search and to determine whether additional training is needed.

Training determination resides with Employment Services. Contact Employment Services to determine the training requirements for the search in question.

ROLES AND RESPONSIBILITIES - SEARCH COMMITTEE

GOAL: *Selection of the qualified applicant who best meets the needs of the students, the division, and the college.*

Identify Recruiting Sources

Notify Employment Services of appropriate sources such as professional journals, web sites, list serves, newsletters, and organizations that may be used for recruiting applicants for the position.

Identify Screening Criteria

- Review the Position Announcement.
- Include extent to which applicants have and demonstrate a sensitivity to diversity as expressed on the application.
- Agree on screening criteria evaluation "tool".
- Be sure that criteria can be screened on paper.
- Every committee member must screen.

Develop Job Related Questions

- Review position requirements / responsibilities.
- Decide what you want to know, why you want to know it, and what would constitute an acceptable response.
- Have a variety of questions - basic information / knowledge, situational, how-to, etc.
- Incorporate diversity inquiries throughout the interview, include specific questions regarding contributions to / participation in / experience with meeting the needs of a diverse student population as it relates to the position.
- Determine whether to include a demonstration and / or a written question.
- Develop interview evaluation form.

Schedule

- Position closes.
- Applications available.
- Screening dates.
- Meeting date(s) to select applicants to interview.
- Interview dates.
- Reference checking.

- Meeting date to recommend finalists (could follow last interview).

Screen Applications

- Be consistent when reviewing each application.
- Allow enough time to complete the review of all applications.
- Use screening results as a guide to select interviewees.

Interview

- Be clear and consistent.
- Ask job related follow-up questions that focus on the intent of the question or appropriate information in the initial response.
- Maintain eye contact when appropriate.
- Watch time limit.
- Do not discuss candidates between interviews.
- Use interview and screening information to select finalists.

Determine Finalists

- Evaluate all job related information about the candidates.
- Consider candidates' contributions to / experience in meeting the needs of a diverse student population.
- Check references.
- Forward finalists to the President.

**Maintain confidentiality throughout the process… and after.*

ROLES AND RESPONSIBILITIES - COMMITTEE CHAIR

1. Coordinate development of Position Announcement with Human Resources and other appropriate consultation.

2. Confirm any faculty member's participation with Academic Senate.

3. Notify members of Committee meetings.

4. Convene the first Committee meeting.

   - Schedule training with Employment Services
   - Develop meeting schedule
   - Remind Committee members of confidentiality throughout screening process

5. Understand and promote the District's commitment to diversity throughout the search process.

6. Finalize screening criteria and interview questions with committee. Coordinate duplication of screening forms for committee members.

7. Coordinate with Human Resources regarding closing dates / availability of applications.

8. Confirm screening location, schedule, and procedures with committee members. Keep all applications on District premises.

9. Pick up applications and Search Committee Workbook.

10. Convene Committee to select candidates and schedule interview times. Review interview questions, interview protocol, and format of interview.

11. Identify special instructions to be given to interviewees.

12. Contact Equivalency Committee prior to interview, when necessary.

13. Complete and sign Interview List form; secure signature of the Equal Opportunity Representative and forward to Human Resources.

14. Contact successful candidates to establish interview dates and times. Begin with out-of-state candidates, then out-of-Bay Area, then local. Allow as much time as possible between call and interview. Follow up with letter to each interviewee confirming date, time, location and any special instructions for the interview.

15. Meet each interviewee, establish "ground rules" for interview, and conduct interviews within schedule.

16. Complete Interview Summary Sheet and sign; secure signature of Equal Opportunity Representative.

17. Perform reference checks, if required.

18. Send letter to all unsuccessful candidates who were interviewed. Employment Services will notify all others.

19. For faculty and administrative positions, contact President's office with finalist recommendations.

20. Coordinate representation from Search Committee to President's Selection committee.

21. Complete and sign Search Process Closing Finalization Form and return it, with all search materials, to Employment Services.

NOTE - For faculty positions:

- The President's Office makes a copy of the application materials of the selected candidate and sends originals to the campus personnel office.
- The campus personnel office provides salary placement information to President's Office and retains the original materials for the personnel file.
- The President's Office prepares a Board Agenda Item and forwards the Board Agenda Item and backup material to the executive assistant for the Vice Chancellor, Human Resources and Equal Opportunity.

ROLES AND RESPONSIBILITIES - COMMITTEE MEMBER

1. Attend training for Search Committee. Commit to reaching the broadest pool of potential candidates in order to hire the candidate who will be the greatest asset to students and the campus community.

2. Attend **all** meetings of the Search Committee.

3. Participate in the identification of selection criteria.

4. Assist in development of interview questions and identify appropriate responses.

5. Assist in development of an appropriate teaching or related demonstration and the criteria for evaluation of the demonstration.

6. Screen each application and complete a screening form for each application. Be inclusive rather than exclusive.

7. Participate in all interviews.

8. Contribute to the discussion to evaluate and recommend finalists for the position.

9. Understand and promote the District's commitment to equal opportunity throughout the search process.

10. Do not share personal opinions of applicants and candidates with the Committee.

11. Maintain strict confidentiality throughout the process.

12. Participate in second level interviews if invited / selected.

ROLES AND RESPONSIBILITIES – EQUAL OPPORTUNITY REPRESENTATIVE

The Equal Opportunity Representative is a Foothill-De Anza employee who has been certified to serve as an advocate for fairness and diversity in the employment process. The Equal Opportunity Representative is a regular participating "voting" member of the search and selection committee with a specific responsibility to:

Advocate

The Equal Opportunity Representative is an advocate for fairness to all candidates in the search and selection process. The advocacy role includes the following responsibilities:

a. Assist in the development of a recruitment plan to ensure that a comprehensive search is implemented in consultation with the District Recruitment/Equal Opportunity Specialist.

b. Persuade committee members that good hiring practice demands reaching and interviewing the broadest pool of potential candidates and hiring the candidate who will be the greatest asset to students and the campus community.

c. Ensure that sensitivity to, experience with, and knowledge of a diverse student population are included in the position announcement, screening criteria, and interview questions and are considered in the evaluation of all applicants.

d. Advocate for equal assessment and advancement of candidates at each level of the process.

e. Challenge the committee to evaluate candidates according to their demonstrated ability to respond effectively to such issues of diversity as academic preparation, culture, gender, race, ethnicity, sexual orientation, socioeconomic circumstances, and disability and their demonstrated experience in developing or participating in successful efforts to assist and encourage community college students and others like them in achieving their goals.

Monitor

Ensure that procedures, practices, and criteria are related to the position and are applied fairly and consistently to all applicants.

a. Observe and evaluate the screening process to ensure that screening criteria are applied fairly to all applications.

b. Observe and monitor the interview process to ensure that all applicants are treated equally throughout the interview in terms of time allowed, questions asked, respect and responsiveness, etc.

c. Observe and monitor the discussion of applicants and interviewees to ensure that only job related criteria are considered in determining the selection of finalists.

Interview

a. Participate in all interviews.

b. Advocate for advancing the broadest representation of candidates in the finalist pool.

c. Advise the committee of cultural differences and how they may affect the interview process.

d. Respond to questions regarding procedure or appropriateness of follow-up questions or responses provided by applicants.

e. Intervene or halt the process to correct or prevent potential violations of the District Equal Opportunity and Diversity Plan.

Review / Report

Review the applicant pool, interview pool, and finalists to ensure that no criteria, procedure, or activity in the process has had an adverse effect on the candidates. Recommend to continue the process, to add applicants to the pool, or to re-open the position.

SECTION VI

AGENDAS

FIRST MEETING/BASIC AGENDA

1. Introductions

2. Training

   - Commitment to equal opportunity for all qualified applicants
   - Review of search process
   - Role and Responsibility of the Search Committee
   - Role and Responsibility of the Equal Opportunity Representative

3. Establish Committee meeting times and timelines of search

   The following items can be included in the first meeting or scheduled for another meeting:

   - Identification of Screening Criteria and method of evaluation
   - Development of interview questions / teaching demonstration and discussion of appropriate responses
   - Determine committee members to serve on Selection Committee
   - Review Reference Checking Process

SECOND MEETING/BASIC AGENDA

MEETING TO SELECT CANDIDATES FOR INTERVIEW

1. Review screening information.
2. Discuss / evaluate applicants.
3. Identify candidates to interview.
4. Evaluate fairness of the process with Equal Opportunity Representative.
5. Determine dates, times, and place of interviews.
6. Review format of interviews.
7. Review remaining timelines.
8. Other issues.

THIRD MEETING/BASIC AGENDA

MEETING TO SELECT FINALISTS

1. Review screening and interview information.

2. Discuss/evaluate candidates including their potential contributions to success of a diverse student population.

3. Select finalists.

4. Evaluate all phases of the process with Equal Opportunity Representative to ensure that all candidates were treated fairly and equally.

5. Develop reference check questions.

6. Designate reference checking responsibilities.

7. Reconfirm which committee members will participate in selection interviews.

8. Other issues.

SECTION VII

INTERVIEWS

INTERVIEW PREPARATION

1. Prior to the interview, make sure that:

    a. Seating arrangements are as comfortable as possible.
    b. If water is made available to the candidates, the area is maintained.
    c. Any accommodations such as overhead, VCR, or other equipment are available.
    d. All committee members are present.
    e. Questions have been assigned to specific members and that questions have been read out loud by the questioner to ensure smooth delivery.
    f. Committee members are reminded that questions must be asked the same way for all candidates.
    g. You have arranged appropriate waiting area for candidates. It may be awkward to have an exiting candidate "bumping into" the next interviewee.

2. Remember that the candidates are undoubtedly experiencing some stress associated with the process and many may have never experienced a formal interview of this type. Do what is fair and reasonable to make the candidate feel as comfortable as possible under the circumstances.

3. Remind committee members to remain attentive, avoid distracting behaviors, and to be conscious of their body language.

4. Avoid any personal conversation irrelevant to the interview, e.g. common acquaintances, what's happening at his/her institution, etc.

5. Remind committee members that the college is "being interviewed" and evaluated by the candidate.

6. If the process appears to be dragging because of answers which are too long, gently remind the candidate of the time constraints.

7. Avoid any discussion of candidates until the designated discussion period.

8. Ultimately, the interview process and structure is designed to be fair to all candidates.

GENERAL INTERVIEW QUESTION GUIDELINES

1. Make sure that all questions are JOB RELATED.

2. Avoid questions which can be answered with simple "Yes or No" responses. Ask "why" and "how" questions.

3. Question the purpose of the question! What is it that you need to know and what is the best question to ask to get the information? Will the question give you insight into the individual's ability to be an effective teacher, lab technician, secretary--employee? Does it provide insight into the candidate's ability to meet the needs of a diverse student population?

4. Ask the appropriate number of questions for the time period allotted.

5. Practice reading the questions out loud to make sure that they make sense to the listener.

6. Discuss and agree upon the desirable points to be covered in the answer.

SAMPLE INTERVIEW QUESTIONS/RESPONSES

1. (Information) What kinds of assignments are students in your XYZ Class expected to complete in order to demonstrate subject mastery?

   Desired responses: Multiple kinds of assignments, written examinations, practical demonstrations, homework assignments, research project, group presentations, etc.

2. (Situational) A student repeatedly arrives 10-25 minutes late to your 8:00 a.m. class. This tends to distract students who are already engaged in learning activities. How would you handle this situation?

   Desired responses: Ask student to meet with you after class, avoid embarrassing student in class, determine cause of tardiness, establish commitment of student to be on time, discuss consequences if behavior does not change.

3. (Attitude) What obligations does an XYZ instructor at De Anza/Foothill College have beyond the classroom?

   Desired responses: Meet with students (office hours), remain current in discipline, participate fully in department business, be an active participant in campus governance activities (committees, club advisor, senate etc.) available to community as XYZ expert or community service.

INTERVIEW PROTOCOL

1. Greet the candidate and escort him / her into the room.

2. Introduce the candidate to the committee and follow with committee introductions (either chair or self-introductions). Remember that handshaking may or may not be a comfortable exercise given the room layout or the candidate's cultural background. Conclusions about a candidate related to this ritual greeting should be avoided.

3. Ask the candidate to be seated.

4. Explain the format of the interview indicating:

    a. The maximum time allotted for questions / answers; reference (if so, they may not be removed from the room);

    b. That these are questions given to all candidates but that the candidate should feel free to elaborate if it would be helpful to the committee and that committee members may ask follow-up questions;

    c. That following (or prior to) the interview, the candidate will be asked to perform a teaching or other demonstration.

5. Following or prior to the interview, escort the candidate to the demonstration area, indicating the location of the available materials.

6. Indicate the maximum time allotted for the demonstration / exercise.

7. Following the demonstration / exercise, escort the candidate back to interview site.

8. Ask concluding questions, e.g. do you have anything to add or questions of us?

9. Upon conclusion:

    a. Thank the candidate for coming.
    b. Indicate the committee's time frame for making its recommendations to the next decision-maker in the process.
    c. Make sure that the candidate has not left his / her materials behind or inadvertently picked up the copy of the questions.
    d. Ask if the candidate needs directions or assistance to return to his / her vehicle.

SECTION VIII

REFERENCE CHECKING

REFERENCE CHECKING GUIDELINES

Purpose: T*o validate claims made by candidates as well as perceptions of committee members regarding the candidate's job-related qualifications.*

1. Reference checking may be done by members of the Search Committee who will share the information with the Selection Committee only or it may be done by the Selection Committee.

2. References should be checked on all candidates selected as finalists.

3. Reference checkers should agree upon who is to be contacted and which checker is responsible for which contacts. This is particularly important if references other than those listed by the applicant are to be contacted. One strategy might be for Checker 1 to contact the Department Chair / Supervisor at the most recent place of employment, Checker 2 might contact only listed references, Checker 3 might contact a supervisor at a previous place of employment, etc. This approach reduces the workload to a manageable level and decreases the likelihood of overlapping contacts.

4. When contacting the reference, identify yourself and your reason for calling. Confirm that the person is willing to respond to your questions or if there is a better time to call. Assure the respondent that the information will remain confidential.

5. If a person is unwilling or unable to respond, ask if there is someone else who might be able to answer questions about the candidate.

6. Ask the same generic questions for all candidates. Follow-up questions related to a specific response made by a candidate in the application materials or interview process are encouraged.

7. Make sure that questions are written, open-ended and probe only job-related criteria.

8. Take notes.

9. Confirm any potentially negative findings by making follow up calls to other sources before reporting such findings.

10. Remember that information revealed as part of the reference checking procedure is, as a part of the hiring process, confidential and is to be shared only with those who are a part of the selection process.

REFERENCE CHECK FORMAT/SAMPLE QUESTIONS

Individual Contacted: _____ Title: _____
Institution: _____ Date: _____

This is _____ of De Anza / Foothill College. Candidate's name has applied for a Faculty position in _____. The individual selected for this position will teach the following courses: _____.
This individual is also expected to participate fully in department activities, and all activities that support student learning and student success.

1. How effective do you think _____ will be as an instructor in this discipline?

2. How long and in what capacity have you known _____?

3. How would you describe his / her interactions with students?

4. Can you describe his / her most outstanding quality as a teacher?

5. Are you aware of innovative teaching strategies used by this candidate?

6. What department activities has _____ been involved with?

7. How does _____ maintain currency in the discipline?

8. Is this person involved and active in student access and success, programs, issues and activities? How does this person evaluate that he / she is effectively helping all students in his / her classroom to learn?

9. How would this person resolve a conflict with another faculty member in the department?

10. Would you recommend _____ for this position?

11. What is _____ greatest strength?

12. What is _____ greatest weakness?

Reference Checker _____

CHECKING WORK REFERENCES

It becomes more and more difficult to obtain references on potential employees. Many employers hesitate to be candid in giving references because such candor can result in lawsuits by the ex-employee. On the other hand, an outright lie to the prospective employer can also precipitate legal action if the employee were to cause damage to the new employer. Therefore, you must give and solicit references very carefully. If you take the time to do so prudently, you can gain valuable information in the hiring process.

The same legal restrictions apply to reference checking as apply to interviewing - you cannot probe into such potentially discriminatory factors as marital status, age, disability, religion, and national origin. Confidentiality is always a must.

Prior to contacting the reference, make a list of questions that you will ask or use the Reference Check Format and identify the key concepts you will be listening for in the response. Certain questions may be tailored to fit a particular applicant. If several committee members are making reference calls, agree on the job-related questions before the calls are made.

When you make a call, identify yourself and the position you hold. Tell the caller that the applicant has applied for position x at De Anza/Foothill College and provide a brief description of the faculty assignment. Call a person who has been a direct supervisor of the applicant or a colleague/peer who has knowledge of the applicant's professional work experience. Do not attempt to get information secondhand. Assure the contact that you will keep your discussion confidential. Ask if they are free to discuss the applicant. If not, make arrangements to call back at a more convenient time. Offer to have them call you back if you sense the person doubts the legitimacy of your call.

Try to establish rapport. Many times a free exchange of information occurs when the individual you are calling identifies with your position, department, campus, or some other mutual point of interest. Tell the person about the position you are filling so that an evaluation can be made in relation to the specific job.

Start with the obvious. Verify dates of employment and type of work done. These are easy to answer, so there is no pressure on the respondent. Then proceed with more revealing questions. Let them talk freely. Follow up and probe for additional information if you sense the contact is reluctant to discuss certain factors. Be alert for obvious pauses.

Be sure to cover all the questions on your list. Don't hang up until you are sure that you know the opinion of the person called. Frequently you will receive ambiguous answers.

The person called may give very little useful information. One technique that often works is to summarize the conversation by making either of the following statements:

"I take it that you don't recommend the applicant for this position"; or

"I take it that you highly recommend the applicant for this position."

One poor recommendation should not automatically disqualify an applicant. Keep digging. Always check more than one reference. Quiz the other references on the points made by the negative reference but be careful not to identify the other reference.

Note on Giving References

When asked for a reference on a current or former employee, limit the information you give to actual inquiries and to job-related data. Make only factual statements about job performance and responsibilities that you have directly observed. Try not to speculate on how someone may function in a new job. Do not discuss personal, family, and other non-relevant factors.

When dealing with subjective areas, such as quality of work performance and professional competency, preface your remarks with qualifiers such as "in my opinion."

If you don't know the answer, say so. Be sure that the information in the reference you give is not motivated by personal animosity; that it is factual and accurate. You can be protected from libel suits if you are acting within the scope of your duties, if the reference is made in "good faith" to someone with a legitimate need to know, if it is based on fact, and if it is balanced.

SECTION IX

EQUIVALENCY POLICY AND PROCEDURES

EQUIVALENCY POLICY AND PROCEDURES

POLICY

In accordance with Education Code Section 87359 and Section 53430 of the California Code of Regulations, Title 5, the Foothill-De Anza Community College District may grant equivalency to the minimum qualifications of a degree and/or experience required for a position to those applicants who provide conclusive evidence of equivalency to the minimum qualifications. Equivalency for degree requirements is based on conclusive evidence that an applicant possesses the general education and the major course work required for the required degree or clear and verifiable eminence in the discipline. Equivalency for required experience is based on conclusive evidence of mastery of the skills of the vocation for the specific assignment as well as for other courses in the discipline and extensive and diverse knowledge of the working environment of the vocation.

PROCEDURE

Committee

Each college will establish an Equivalency Committee as follows:

- The De Anza Equivalency Committee will include the Vice President of Instruction or designee, the President of the Academic Senate or designee, and at least one discipline expert from the department/division/program in which the position exists.

- The Foothill Equivalency Committee will include the Dean of Faculty and Staff or designee, the President of the Academic Senate or designee, and at least one discipline expert from the department/division/program in which the position exists.

In no case shall a person who serves on the Search Committee or who is recommending equivalency also serve on the Equivalency Committee. If a discipline expert is not available from the division/department/program, a discipline expert from the other college or from another college, university, or the community may be asked to serve on the committee. Equivalency granted by either committee is acceptable throughout the District.

Criteria

Granting equivalency to minimum qualifications is based on the same criteria, documentation, and committee deliberation for all faculty positions: full-time, part-time, leave replacement, and grant / special funded positions.

For disciplines normally requiring a master's degree, equivalency may be granted on the basis of any of the following:

a. Completion of the master's degree from an accredited institution in the discipline under a different name;
b. Completion of the course work and academic requirements (such as a thesis or practicum) for the master's degree from accredited institutions in the discipline without the award of the degree;
c. Completion of a bachelor's degree from an accredited institution and not less than 30 graduate units (48 quarter units) of appropriate and relevant course work from accredited institutions if the course work equals a master's degree in the discipline in breadth, depth, and rigor;
d. Completion of a bachelor's degree from an accredited institution plus additional appropriate and relevant graduate course work from accredited institutions and verifiable experience in the discipline which would require knowledge of the discipline equal to the level required in the minimum qualifications; and
e. Clear and verifiable eminence in the discipline acknowledged by written statements by experts in the discipline and / or evidenced by the production of tangible products (such as published works or invited presentations to discipline related professional organizations) that would require a depth and breadth of knowledge in the discipline comparable to the degree level work.

For disciplines in which the master's degree is not generally expected or available, the criteria shall be any of the following:

a. Six years of documented experience in the discipline and 60 undergraduate semester units (90 quarter units) from accredited institutions comparable to the breadth and depth of coursework equal to an associate's degree;
b. Two years of documented experience in the discipline, and 120 undergraduate semester units (180 quarter units) from accredited institutions;
c. Six years of documented experience in the discipline and undergraduate course work from accredited institutions where the combination of course work and additional experience equals the associate's degree in breadth, depth and rigor; and

d. Clear and verifiable eminence in the discipline acknowledged by written statements by experts in the discipline and/or evidenced by the production of tangible products that would require a depth and breadth of knowledge comparable to the minimum qualifications.

PROCESS

Applicants

The position announcement will provide for the presentation of qualifications equivalent to the minimum qualifications.

Applicants who believe that they possess qualifications equivalent to the minimum qualifications for a position and wish to request that a determination of equivalency be made in a specific discipline must complete a District Request for Equivalency form and provide supporting documentation as appropriate. Applicants for both full time and part time positions are notified of the opportunity to apply for an equivalency at the time of application.

It is the applicant's responsibility to complete the form and provide documentation. Search committees will not seek additional documentation. Applicants who do not meet the minimum qualifications and who have not completed a Request for Equivalency will not be considered for employment.

The Request for Equivalency and supporting documentation are submitted with the application form to Employment Services.

If, after reviewing the Request for Equivalency and supporting documentation the search committee agrees that the applicant appears to possess qualifications that are equivalent to the minimum qualifications for the position, the application and supporting documentation will be forwarded to the Equivalency Committee for a determination.

The Equivalency Committee reviews the equivalency request and returns the application and supporting documentation to the search committee with a determination.

If an applicant is approved and subsequently hired to fill a position, the documents and experience that support the equivalency must be verified just as minimum qualifications for other new faculty are verified via transcripts and employment verification letters.

Employees

Employees seeking an equivalency must complete a Request for Equivalency form and provide supporting documentation as appropriate. It is the employee's responsibility to complete the form, provide documentation, and forward the information to the Chair of the Equivalency Committee.

The Equivalency Committee reviews the equivalency request and notifies the employee and the appropriate administrator of its determination.

OTHER PROVISIONS

Equivalency is granted on a District-wide basis.

Equivalency is granted for a discipline and not for a specific course within a discipline.

All deliberations of the Equivalency Committee and all records involved in the proceedings shall be confidential.

A determination of equivalency does not guarantee an interview, employment, or reassignment. The determination of equivalency establishes that the individual meets the minimum qualifications for the position and does not bestow rights to any position or process.

The granting of an equivalency is on a case-by-case basis and does not establish precedent for future applicants.

Equivalency shall not be granted on a "contingency" or "emergency" basis pending additional review or receipt of documentation for any reason.

Teaching experience is not equivalent to experience in the discipline.

SECTION X

PART-TIME FACULTY EMPLOYMENT POLICY AND HIRING PROCEDURES

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

PART-TIME FACULTY

EMPLOYMENT POLICY AND HIRING PROCEDURES

The Foothill-De Anza Community College District seeks a qualified and diverse faculty and staff dedicated to student success. The District is committed to an open and inclusive hiring process that seeks diversity and provides equal consideration and opportunities for all qualified candidates. The goal of every hiring process is to select the qualified candidate who best meets the needs of our students.

Part-time faculty are essential to the teaching and learning process at Foothill-De Anza. Further, part-time faculty are frequently the applicants for contract positions in the District. It is critical to focus efforts toward the hiring of part-time faculty where equal opportunity is no less important an issue to consider. The part-time faculty hiring procedures are designed to create pools of qualified applicants who will contribute to educational excellence and student success.

Efforts aimed at recruiting and hiring part-time faculty must be similar to if not the same as that put forth when the opportunity arises to hire a contract faculty member. Division and department members are encouraged to participate in the recruitment and hiring of a qualified and diverse part-time faculty.

<u>Recruitment</u>

Each division / department will identify subject areas for which additional part-time faculty may be needed. The division will forward a list of part-time teaching opportunities for new hires to Employment Services.

When no qualified pool exists, Employment Services will advertise for part-time faculty positions to provide equal opportunities to a wide range of qualified applicants. Employment Services will review the composition of part-time faculty pools to ensure that any failure to obtain broad representation is not due to discriminatory recruitment procedures.

Applicants who contact the division / department directly should be referred to Employment Services to complete the Hiring Process or mailed an application form by the Division. All application materials are returned to Employment Services.

Position Announcement

Upon notification by the Division / Department, Employment Services will develop a position announcement for each pool. Each position will require:

a. Sensitivity to, and understanding of, the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students; and

b. Minimum qualifications as established by the Statewide Academic Senate and adopted by the Board of Governors of the California Community Colleges plus any additional qualifications established by the department / program in accordance with the Foothill-De Anza Community College District policy on Minimum Qualifications, Equivalency, and Local Qualifications approved by the Board of Trustees on June 18, 1990.

The days and hours of available assignments will be listed when known.

Application / Selection Process

- All applicants must complete a District Part-Time Faculty application form, and submit a resume and transcripts. Unofficial transcripts are accepted for purposes of review.

- Employment Services will forward all applications to the division / department when requested. When there is a need at both colleges, copies of applications will be forwarded to each college. Employment Services will monitor the applicant pool by discipline on a quarterly basis to ensure that any failure to obtain projected representation for any monitored group is not due to discriminatory recruitment procedures.

- The Division Dean or designee and at least one full-time tenured or tenure-track faculty member will screen and review all applications giving full consideration to the special needs of the division / department / program and the student population to be served.

- The faculty member should be from the appropriate discipline whenever possible. The Dean and the faculty member shall have received training in equal opportunity employment before beginning the hiring process. The Division Dean or designee and the faculty member will interview the qualified applicants who meet the needs of the division / department / program and the needs of a diverse student population.

- Each applicant interviewed must submit evidence of qualifications.

- Each applicant interviewed should be required to demonstrate teaching, counseling, or librarianship skills. The demonstration should reflect the candidate's ability to meet the needs of a diverse student population.

- Candidates seeking equivalency will be forwarded to the appropriate Equivalency Committee for action. Candidates who are deemed to possess equivalent qualifications will be included in the part-time faculty pool.

- Candidates selected for part-time faculty positions will be mailed a "Notification and Acceptance of Assignment" letter.

- Candidates not immediately selected to teach, will be entered into a part-time faculty candidate database for use by each college. Applications remain on file for two (2) years.

Emergency Hires

In the case of an unexpected need at the start of a quarter when there are no qualified candidates, a Division Dean or designee may search outside of the pool to fill a class for one (1) quarter only. Such selections must meet the minimum qualifications or equivalent as outlined in District policy. Candidates must be interviewed by the Division Dean or designee and whenever possible a tenured or tenure-track faculty member in the discipline.

Part-time faculty hired through this emergency process must complete an application form and provide a resume and copies of transcripts prior to the first day of class. Unofficial transcripts will be accepted until official transcripts are received.

Emergency Hire candidates must reapply in order to be hired for subsequent quarters of teaching.

SECTION XI

GUIDELINES FOR TEMPORARY REPLACEMENTS

GUIDELINES FOR TEMPORARY REPLACEMENTS

These Guidelines are to clarify the policies and procedures used to fill vacancies on a temporary basis and to fill positions of employees who are on an extended leave. Note that there are distinct requirements that apply to vacant positions as opposed to positions of employees on leave. These requirements are not interchangeable. Temporary replacements may be hired for vacant positions and in some exceptional cases, for positions whose incumbents may be on extended leave (usually one year).

ADMINISTRATIVE POSITIONS

1. Vacant Positions / Interim Appointments

Vacant **administrative positions** may be filled via interim appointments in accordance with Title 5 regulations.

Title 5 regulations (Section 53021) require community colleges to actively recruit to attract qualified applicants for all new openings. The regulations prohibit "in house or promotional only" recruitment to fill a position except when "the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment…provided that no interim appointment…exceeds one year in duration." If these requirements are met, the regulations require that "all qualified district employees…be afforded the opportunity to apply."

Title 5 clearly states "that no interim appointment or series of interim appointments [may] exceed one year in duration. Therefore, it is critical to begin the search for the permanent replacement as quickly as possible.

Procedure for Interim Appointments

a. The appropriate administrator notifies Employment Services to create a position announcement for review.
b. The administrator reviews the announcement and seeks appropriate campus approvals.
c. Employment Services sends a position announcement to each contract employee in the District. (Part-time faculty, short term, temporary, or student employees are not eligible). Since the recruitment is internal, the application period is short - usually about two (2) weeks.
d. A Search Committee develops screening criteria and interview questions and reviews all applications to determine interviews for the interim

position. A committee may decide to interview everyone who applies since the pools are usually small.

e. After interviews, the Committee makes a recommendation to the appropriate administrators.

f. Appointments require Board approval.

2. Out-Of-Classification Assignments

An administrative position may be filled by assigning a contract employee to work out-of-classification to assume a portion of the duties of the vacant position. Out-of-classification assignments end when the position is filled.

Procedure for Out-of-Classification Assignments

a. Discuss change in assignment with employee who will work out of classification.

b. Determine appropriate salary adjustment. Depending on the agreement with the employee's bargaining unit, working out-of-classification requires a salary adjustment to at least the minimum of the pay grade to which the employee is assigned or one step higher, or a 5% increase. Consult with Human Resources to determine the appropriate salary adjustment.

c. Complete a Contract Change Form and secure appropriate signatures.

3. Reassignment

Administrative responsibilities may be reassigned to another administrator while a position is vacant, in accordance with Chapter III of the Administrators Handbook.

Procedures for Reassignment

a. Discuss change in assignment with administrator. Determine specific scope of responsibilities.

b. Determine appropriate salary adjustment, if any.

c. Complete a Contract Change Form.

4. Professional Services Contract

Title 5 allows interim appointments of individuals not currently employed by the District who are specially trained, experienced, and competent to provide administrative services, and who meet the minimum qualifications for the

position. Such individuals are employed through a professional services contract for no more than one (1) year.

5. Funding

Interim appointments are usually funded out of float money. Use of float money must be approved by the appropriate administrator (President or Chancellor) at the time of approval to fill the position on an interim basis.

FACULTY POSITIONS

Vacant **faculty positions** are filled by part-time faculty while the positions are in the search and selection process. There are no interim appointments for vacant faculty positions. However, on occasion, the District may employ a temporary replacement for a faculty member on leave.

1. Temporary Replacements / Leave Positions

Full-time faculty who are on leave are replaced with part-time faculty. However, there may be unusual and / or extenuating circumstances that warrant consideration of a full-time temporary replacement. Some examples are: 1) an unexpected long term illness in a department where one or more employees are already on approved leaves; 2) an unusually high number of employees on leave at the same time which will have a clear negative impact on student learning; and 3) critical / technical and / or specialized program needs for which there are no qualified part-time faculty or staff available.

Temporary leave replacements must be approved on a case-by-case basis by the President and the Chancellor.

Procedure to fill a faculty leave replacement

a. Approval:

The appropriate administrator must secure approval from the President, who seeks approval from the Chancellor. The documentation must include the following:

- An explanation of the critical need;

- Documentation that students and the program, division, and college will be adversely affected without a replacement; and
- The consequences of not replacing the position.

b. Recruitment:

Even though leave replacement positions are not "new positions" as defined in Title 5, when such replacements are known and approved in advance the approved employment process including full recruitment must be followed. That is, a full search of both internal and external applicants to include outreach to historically underrepresented groups must be conducted to select a qualified applicant who best meets the needs of the students.

If the need for a leave replacement is unexpected and an emergency replacement is required, a full search may not be required if a qualified individual is identified. This may be a current employee including a part-time faculty member, or an applicant who has completed a formal search process for a similar position. Any individual selected must submit appropriate documentation (transcripts and resume) and meet minimum qualifications.

c. Limits on Employment:

Faculty appointments to temporary contracts are filled in accordance with Education Code Sections 87481 and 87482.

Section 87481 states:
"Any person employed for one complete school year…shall if reemployed for the following school year in a vacant faculty position, be classified…as a contract employee and the previous year's employment as a temporary employee shall be deemed a year of employment as a contract employee for purposes of acquiring permanent status."

Section 87482 states:
"No person shall be so employed…for more than two semesters or three quarters within any period of three consecutive years."

In effect, should a person be subsequently employed in the position, the employee would be a second year tenure track employee. In any case, an employee hired as a full-time temporary contract replacement should be evaluated during the contract year.

d. Funding:

The District budgets funds for some replacement costs. For example, PDL replacements are funded at the part-time faculty rate. Therefore, the cost of a full-time temporary contract exceeds the budgeted amount since the salary is for a full-time replacement with benefits. Requests for a temporary replacement must include the replacement cost and source of funding.

CLASSIFIED POSITIONS

Vacant **classified positions** may be filled using one of the following:

- Casual employee: may be employed for a maximum of 90 days while the position is undergoing a search and selection process (submit a TEA).

- Out-of-classification assignment by another classified employee (submit a WOC form).

Vacant classified positions are not filled by interim appointments because of the limitations of the Education Code and the District's agreements with CSEA and SEIU.

Employees on leave may be replaced by casual employees for the length of the leave up to 180 days (submit a TEA) or via an out-of-classification assignment (submit a WOC form).

SECTION XII

MINIMUM QUALIFICATIONS FOR FACULTY AND ADMINISTRATORS IN CALIFORNIA COMMUNITY COLLEGES

MINIMUM QUALIFICATIONS FOR FACULTY AND ADMINISTRATORS IN CALIFORNIA COMMUNITY COLLEGES

March 2003

Human Resources Division
Chancellor's Office
California Community Colleges

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* ***"Minimum Qualifications for Faculty and Administrators in California Community Colleges"*** (.pdf document) may be accessed online via the following link: http://www.cccco.edu/divisions/hr/f%5Fsdev/min_qual/min_quals.pdf

* For additional information on Minimum Qualifications, please access the Chancellor's Office web site at: http://www.cccco.edu/divisions/hr/f%5Fsdev/min%5Fqual.htm

SECTION XIII

SHORT-TERM AND TEMPORARY EMPLOYMENT HIRING PROCEDURES

FOOTHILL-DE ANZA COMMUNITY COLLEGE DISTRICT

SHORT-TERM AND TEMPORARY EMPLOYMENT

HIRING PROCEDURES

The District and SEIU have an agreement to reduce the District's reliance on "casual" employees. "Casual" employees are defined in Education Code, Section 88003 as short-term employees:

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

Casual employees may also include substitute employees, defined in the Education Code as follows:

> "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. (*90 calendar days for CSEA employees)

The Temporary Employee Authorization ("TEA") packet is used to hire "casual" employees for:

- Short-term assignments (less than 180 days / year)
- Seasonal assignments (e.g., fall quarter only, bookstore rush, registration)
- A leave replacement / substitute (180 days)
- A vacancy (SEIU – 60 days / CSEA – 90 days)

The District **must** reduce the number of casual employees. Therefore, before deciding to hire a short-term employee, carefully consider the following:

- Is the work needed on a continuing basis? If so, is it possible to combine this position with other short-term assignments to create a regular classified position?

- Is this work suitable for student employees?
- Can this work be assigned to existing classified, supervisory or administrative staff without impacting classification levels or causing overtime?
- If the work is ongoing, can it be done in less than 20 hours per week? Is it done during the academic year only? 10 months? 11 months?
- Can you eliminate the work? What are the consequences to students?

PROCESS

AB500 requires that all employment of short-term employees (aka "temporary employees" and "casuals") be approved by the Board *before* they begin work.

Education Code Section 88003 that governs the employment of short-term and substitute employees has been changed to read:

> "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 service 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.**

A casual/temporary employee may not begin work without prior Board approval. Human Resources will not process any TEA for casual employees that have not first been submitted to the Board for approval.

District Procedure for Processing of Short-Term Employees

- Submit Board item via email directly to Greg Parman in Human Resources (ParmanGreg@fhda.edu) 8 working days prior to the Board meeting.

  Note: *All of the TEA paperwork must be submitted at that time*

- Submit the information on the forms provided. There are two forms, one blank and one sample.

- Please pay attention to the end date. If an assignment is extended it must be submitted to the Board *before* the employee can continue beyond the approved end date.

  Note: *This does not mean an assignment can be entered for an entire year, "just in case."*

SECTION XIV

GUIDELINES FOR HIRING INDEPENDENT CONTRACTORS

Foothill-De Anza Community College District

GUIDELINES:

Subject: Determination of Independent Contractor Status

PURPOSE:

To provide guidelines for determining employee status for persons hired by the District as "consultants" or "independent contractors" and restraints of performing service as consultants and independent contractors; and to provide guidelines for reporting of such service.

DEFINITIONS:

Independent Contractor:

The definition as specified in California Labor Code Section 3353: "Independent Contractor means any person who renders service for a specified recompense, for a specified result, under the control of a principal as to the result of a work only, and not as to the means by which such result is accomplished."

An Independent Contractor works independently, normally contracting to receive a set fee for completing a specific scope of work within a specific period of time. An Independent Contractor is not an employee, and such an arrangement must not be used to circumvent employment procedures.

Employee:

Under IRS Common Law Rule guidelines, a worker is an employee if the employer has the right to control not only who performs the job, but also the tools and supplies to be used, what is to be done, how it is to be done, where it is to be done, and when it is to be done. This is true regardless of the duration of the job or certainty of funding to support the job.

GUIDELINES:

Basic Rule:

Individuals hired to perform services for the District should be considered employees except in rare circumstances.

Determination of Employee vs. Independent Contractor status.

Major criteria for determination of employee status would be **a) usual availability** in the community of individuals performing those services, or **b) the usual employment status** of individuals who would normally perform those services for the District.

If persons performing the services under consideration are usually available in the community, then the person hired to perform the services should be hired as an employee. Or, if the usual employment status of individuals normally performing those services for the District is that of an employee, the person hired into the position is an employee.

IRS Publication SWR 40, *Public Schools and Employment Taxes*, lists workers that have already been determined by IRS to be employees. These are individuals performing the duties of:

- Administrators
- Athletic Coaches
- Cafeteria Workers
- Clerical Staff
- Counselors
- Examination Monitors
- Individuals “filling in” on an interim basis
- Intern Psychologists
- Librarians
- Nurses
- Proctors
- Psychologists
- School Bus Drivers
- Specialty Teachers (art, poetry, etc.)
- Substitutes
- Teachers/Instructors
- Tutors

The California State Employment Development Department, the Internal Revenue Service, and the Social Security Administration observe the "Common-Law Rule”, (see District Pre-Hire Worksheet) in determining employee status. Employers and employees alike should also refer to this document for guidance in establishment of positions and in hiring.

Foothill-De Anza Community College District
INDEPENDENT CONTRACTOR PRE-HIRE WORKSHEET

NAME OF INDEPENDENT CONTRACTOR: _____

"X" the box for a YES/NO response:

Yes	No		
☐	☐	1.	**NO INSTRUCTIONS**: The contractor will not be required to follow, nor will he/she be furnished with instructions to accomplish his/her job. The hiring District may provide job specifications.
☐	☐	2.	**NO TRAINING**: The contractor will not receive training by the District. He/she will use his/her own methods to accomplish his/her work.
☐	☐	3.	**SERVICES DON'T HAVE TO BE RENDERED PERSONALLY**: The contractor is being hired to provide a result and will have the right to hire others to do the actual work.
☐	☐	4.	**WORK IS NOT ESSENTIAL TO THE DISTRICT**: The District's success or continuation does not depend on the services of the outside contractor.
☐	☐	5.	**OWN WORK HOURS**: The contractor will set his/her own work hours.
☐	☐	6.	**NOT A CONTINUING RELATIONSHIP**: The contractor won't have a continuing relationship with the District if the relationship is frequent, it will be at irregular intervals, on call (not full-time), or whenever work is available. *WARNING: Part-time, seasonal, or short-duration relationships have nothing to do with independent contractor status.*
☐	☐	7.	**CONTROL THEIR OWN ASSISTANTS**: If assistants are hired, it will be at the contractor's sole discretion. The contractor will be responsible for hiring, supervising, and paying those assistants.
☐	☐	8.	**TIME TO PURSUE OTHER WORK**. The contractor will have time to pursue other gainful work.
☐	☐	9.	**DETERMINES JOB LOCATION**: The contractor will control where he/she works. If he/she works on the district's premises, the District will not direct or supervise him/her.
☐	☐	10.	**SET ORDER OF WORK**: The contractor will determine the order and sequence that he/she will perform his/her work.
☐	☐	11.	**NO INTERIM REPORTS**: Since the contractor is being hired for the final result he/she will not be asked for progress or interim reports.

☐ ☐ 12. **PAID BY THE JOB:** The contractor will be paid by the job, not by time. Payment by the job can include periodic payments based on a percentage of the completed job. Payment can be based on the number of hours needed to do the job times a fixed hourly rate. However, this will be set in advance of the job.

☐ ☐ 13. **WORK FOR MULTIPLE FIRMS**: The contractor will work for more than one firm at a time.

Yes No

☐ ☐ 14. **PAY BUSINESS EXPENSES**: The contractor will be responsible for his/her incidental expenses.

☐ ☐ 15. **HAVE OWN TOOLS**: The contractor will furnish his/her own tools. If the District leases equipment to the contractor, the terms will be equivalent to what an independent business person could have obtained in the open market.

☐ ☐ 16. **HAVE MADE A SIGNIFICANT INVESTMENT**: The contractor can perform his/her services without the District's facilities (equipment, office furniture, machinery, etc.). The contractors investment in his/her trade is real, essential, and adequate.

☐ ☐ 17. **OFFER SERVICES TO THE GENERAL PUBLIC**: The contractor makes his/her services available to the general public by (check one or more):

_____Having an office and assistants
_____Having business signs
_____Having a business license
_____Listing his/her services in a business directory
_____Advertising his/her services

☐ ☐ 18. **POSSIBLE ENTREPRENEURIAL PROFIT OR LOSS:** The contractor can make a profit or a loss (check one or more):

_____The contractor hires, directs, and pays assistants
_____He/she has own office, equipment, materials, or facilities
_____The contractor has continuing and recurring liabilities
_____The contractor has agreed to perform specific jobs for prices agreed upon in advance
_____The contractor's services affect his/her own business reputation

☐ ☐ 19. **LIMITED RIGHT TO FIRE**: The contractor cannot be fired so long as he/she produces a result which meets the contract specifications.

☐ ☐ 20. **NO COMPENSATION FOR NON-COMPLETION**: The contractor is responsible for the satisfactory completion of the job and is legally obligated to compensate the District for failure to complete.

If after addressing the above 20 Common Law Factors established by the Internal Revenue Service, you have determined the person you intend to engage can legally be an independent contractor, please complete the Foothill-DeAnza Community College District Independent Contractor Agreement. Attach this pre-hire worksheet to the Agreement. If you believe the person you wish to engage should be an employee of this District, regular personnel payroll procedures must be followed.

Requisitioner Date

College/District Administrator Date

Foothill - De Anza Community College District

INDEPENDENT CONTRACTOR
Paid Through District Accounting Office

INSTRUCTIONS TO DEPARTMENT:

Purpose of this Form: Signing this form certifies that the payee meets all of the conditions listed in the District Guidelines and Pre-Hire Worksheet.

When to Use This Form: This form must be used when requesting payment through the District Accounting Office for services of individuals who qualify as Independent Contractors.

All of the conditions listed on the contract and invoice forms must be met. If not, payment for the services in question must be processed through District Payroll.

Instructions: The department reviews the Pre-Hire Worksheet and then completes the form **Independent Contractor Agreement.** These forms are available through Business Services, Human Resources and on the network server. The Agreement must be signed by the division/department administrator and the college fiscal officer. When services have been rendered the division/department administrator and college fiscal officer authorize payment. The division/department attaches the contractor's Invoice for Services Rendered and forwards the packet to Accounts Payable. If there are to be multiple payments, the invoice should indicate "contract on file" and that a purchase order be issued.

Independent Contractor Agreements over $20,000 will be submitted to the Governing Board for approval prior to services being rendered and prior to payment.

INSTRUCTIONS TO CONTRACTOR:

1. The payee has a principal place of business other than that of the District.
2. The payee is free from control over performance.
3. The payee is customarily engaged in offering this service to the public.
4. The payee receives compensation for similar services from other customers/clients other than the Foothill-De Anza Community College District.
5. Payee agrees to be responsible for all worker's compensation, employer's liability and general liability legally required out of payee's status as an employer.
6. Payee shall indemnify and hold harmless the District, its Officers, agents and employees from any and all claims, demands, suits, judgments of costs, including cost of defense, arising in any manner from any act of omission of payee, payee's officers, agents or employees while engaged in activity related to the contracted services described on the face of this form.

Foothill - De Anza Community College District

INDEPENDENT CONTRACTOR AGREEMENT

De Anza College ____ Foothill College ____ District Office ____ District PO No: _____

This Agreement entered into this _____ day of _____ , 2_____ is made between the Foothill-De Anza Community College District, hereinafter referred to as the "DISTRICT", and the following named independent contractor; hereinafter referred to as the "CONTRACTOR", based upon Board Policies BP 3140, BP3143, AP 3140, and AP3143 and the following legal citations:

A. Government Code Section 53060 authorizes the engagement of persons to perform special services as independent contractors; and

B. The public interest, convenience, necessity and general welfare will be served by this Agreement.

1. CONTRACTOR INFORMATION:

Contractor's Name _____

Address _____ City _____ Zip _____

Business Phone _____ Fax No _____ Home _____

Social Security Number _____ *Fed. Tax I.D. Number _____
*CONTRACTOR MUST PROVIDE W-9

Business License Number _____

Are you a current or former employee of the DISTRICT? Yes _____ No _____

If yes, date lasted worked _____

If yes, specify last work location _____

Work Assignment _____

Are you related to any employee(s) in the DISTRICT? Yes _____ No _____

If yes, please identify the individual(s)_____

2. CONTRACTOR SERVICES, FEE, AND CONTRACT STARTING AND ENDING DATES:

A. Description of services and deliverables to be provided by contractor **(refer to and attach contractor's signed proposal or quotation if possible):**

_____

_____

_____

_____

B. Contractor Fee for Services: $_____
(Indicate a fixed fee to be paid for all of the described services or indicate hourly or other periodic billing rate(s) plus a maximum total dollar cost, i.e. the "not to exceed" amount, to be paid to the contractor. If travel or other expenses will be reimbursed they should conform to Board Policy AP3152.)

Will contractor also be reimbursed for expenses? YES _____ or NO_____. If yes, state maximum reimbursement amount to be paid in addition to contract fee shown above: $_____

TOTAL COST OF THIS INDEPENDENT CONTRACT WILL NOT EXCEED $_____INCLUDING CONTRACTOR TRAVEL OR OTHER EXPENSE REIMBURSEMENTS.

C. Contract Starting Date_____ Contract Ending Date_____

3. DISTRICT OBLIGATIONS OTHER THAN PAYMENT, IF ANY:

_____

4. PAYMENT TERMS: Unless other payment terms are specified in this section, payment terms are Net 30 days computed either from the date of delivery and acceptance of the contract services or from the date of receipt of correct and proper invoices prepared in accordance with the terms of the contract, whichever date is later.

_____

_____

5. STANDARD TERMS AND CONDITIONS:

A. CONTRACTOR is solely responsible for the content and sequence of the work. DISTRICT will not provide any training or instruction to CONTRACTOR or its employees.

B. CONTRACTOR shall indemnify, defend and hold the DISTRICT, its Board of Trustees, officers, agents and employees harmless from any and all claims, damages, losses, causes of action and demands, including reasonable attorney's fees and costs, incurred in connection with or in any manner arising out of CONTRACTOR'S performance of the work contemplated by this Agreement. Acceptance of this Agreement constitutes that the CONTRACTOR is not covered under the DISTRICT"S general liability insurance, employee benefits or worker's compensation. It further establishes that the CONTRACTOR shall be fully responsible for such coverage.

C. The CONTRACTOR shall assume all expenses incurred in connection with the performance of this contract and the DISTRICT shall not be responsible for payment of any other expenses. The payment terms specified in Paragraph 4 above, unless otherwise indicated and agreed to in writing by the CONTRACTOR and the DISTRICT, shall be the only obligation of the DISTRICT. While engaged in carrying out and complying with any of the terms and conditions of this Agreement, CONTRACTOR is not entitled to any right or privilege applicable to an officer or employee of the DISTRICT or of the State of California.

D. Any system or documents developed, produced or provided under this contract, including any intellectual property discovered or developed by contractor in the course of performing or otherwise as a result of its work, shall become the sole property of the District unless explicitly stated otherwise in this contract

E. Payments to the CONTRACTOR pursuant to this Agreement will be reported to Federal and State taxing authorities as required. DISTRICT will not withhold any sums from compensation payable to CONTRACTOR. CONTRACIOR is independently responsible for the payment of all applicable taxes. An IRS form 1099 will be provided to the CONTRACTOR at the end of the calendar year.

F. Payment Of Prevailing Wages: Except for projects of $1000 or less, if CONTRACTOR provides public project services such as carpet laying or building construction, alteration, demolition or repair CONTRACTOR shall pay all workers on the District project the prevailing wage pursuant to the California Labor Code, Sections 1770 through 1777.7. A copy of the prevailing wage rate determination available online at www.dir.ca.gov/dlsr/statistics_research.html. The determination is issued by the California Department of Industrial Relations.

G. This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations of warranties, expressed or implied, not specified in this Agreement. This Agreement applies only to the current proposal as attached. Modification or termination of this contract requires mutual agreement by both parties.

H. Upon mutual agreement in writing or the parties hereto, this Agreement may be terminated at any time for any reason.

I. The parties to the Agreement, under penalty of perjury, hereby certify that all of the above items and attachments are to the best of their knowledge true and correct statements.

AGREEMENT OF CONTRACTOR: I agree to perform the services described above for the payment indicated. I understand that while performing contract services I am not an employee of the Foothill-De Anza Community College District because I follow an independent trade or profession, and will not be subject to control and direction as to the details and means for accomplishing the anticipated result of my service.

_____ _____

Contractor Date

APPROVED:

This document certifies that I and my assigns have reviewed the appropriate legal and procedural guidelines pertinent to determination of independent contractor status, including IRS Revenue Ruling 87-41, have analyzed their application to the position described on the accompanying documents, and have concluded that the hiring of the subject individual to perform the functions described does indeed constitute correct and legal independent contractor status.

_____ _____

Authorized College/District Requestor/Budgeter Date

_____ _____

College/District Employee with Authority to Sign Contract Date

INVOICE FOR SERVICES RENDERED

☐ De Anza College
☐ Foothill College
☐ District Office

Invoice No. _____
Purchase Order No. _____
Account No. _____
(10 Digit Number)

PAY TO: _____

(Name/Contractor) _____

(Street Address) _____

(City/State/Zip Code) _____

(Phone Number) _____ (Social Security or Tax I.D.) _____

Are you a Retiree under: STRS Yes ☐ No ☐
PERS Yes ☐ No ☐

PAY: $ _____

FOR SERVICES RENDERED (Description of Services):

_____
_____
_____

DATE SERVICES RENDERED _____

: _____

SIGNATURES:

(Provider of Services) _____ (Date) _____

(College/District Approval) _____ (Date) _____

_____

(College/District Approval) _____ (Date) _____

INVOICE TO BE PROCESSED FOR PAYMENT AFTER COMPLETION OF SERVICES
PROCESSING TIME REQUIRED FOR PAYMENT IS APPROXIMATELY THREE WEEKS

Form **W-9**
(Rev. January 2003)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type See **Specific Instructions** on page 2.

Name

Business name, if different from above

Check appropriate box: ☐ Individual/ Sole proprietor ☐ Corporation ☐ Partnership ☐ Other ► ---------- ☐ Exempt from backup withholding

Address (number, street, and apt. or suite no.)

Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. For individuals, this is your social security number (SSN). **However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3.** For other entities, it is your employer identification number (EIN). If you do not have a number, see **How to get a TIN** on page 3.

Note: *If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.*

Social security number
| | | – | | – | | | | |

or

Employer identification number
| | | – | | | | | | |

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), **and**
2. I am not subject to backup withholding because: **(a)** I am exempt from backup withholding, or **(b)** I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or **(c)** the IRS has notified me that I am no longer subject to backup withholding, **and**
3. I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item **2** above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item **2** does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here **Signature of U.S. person ►** **Date ►**

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee.

Note: *If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.*

Foreign person. If you are a foreign person, use the appropriate Form W-8 (see **Pub. 515,** Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the recipient has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.

2. The treaty article addressing the income.

3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.

4. The type and amount of income that qualifies for the exemption from tax.

5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a **nonresident alien or a foreign entity** not subject to backup withholding, give the requester the appropriate completed Form W-8.

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 30% of such payments (29% **after** December 31, 2003; 28% **after** December 31, 2005). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will **not** be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester, or

2. You do not certify your TIN when required (see the Part II instructions on page 4 for details), or

3. The IRS tells the requester that you furnished an incorrect TIN, or

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under **4** above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate **Instructions for the Requester of Form W-9.**

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of Federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Name

If you are an individual, you must generally enter the name shown on your social security card. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

Sole proprietor. Enter your **individual** name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, **enter the owner's name on the "Name" line.** Enter the LLC's name on the "Business name" line.

Other entities. Enter your business name as shown on required Federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

Note: *You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).*

Exempt From Backup Withholding

If you are exempt, enter your name as described above and check the appropriate box for your status, then check the "Exempt from backup withholding" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

Note: *If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.*

Exempt payees. Backup withholding is **not required** on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2);

2. The United States or any of its agencies or instrumentalities;

3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities;

4. A foreign government or any of its political subdivisions, agencies, or instrumentalities; or

5. An international organization or any of its agencies or instrumentalities.

Other payees that **may be exempt** from backup withholding include:

6. A corporation;

7. A foreign central bank of issue;

8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States;

9. A futures commission merchant registered with the Commodity Futures Trading Commission;

10. A real estate investment trust;

11. An entity registered at all times during the tax year under the Investment Company Act of 1940;

12. A common trust fund operated by a bank under section 584(a);

13. A financial institution;

14. A middleman known in the investment community as a nominee or custodian; or

15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt recipients listed above, **1** through **15.**

If the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt recipients except for **9**
Broker transactions	Exempt recipients **1** through **13.** Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt recipients **1** through **5**
Payments over $600 required to be reported and direct sales over $5,000 [1]	Generally, exempt recipients **1** through **7** [2]

[1] See **Form 1099-MISC**, Miscellaneous Income, and its instructions.

[2] However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are **not exempt** from backup withholding: medical and health care payments, attorneys' fees; and payments for services paid by a Federal executive agency.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a **resident alien** and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see **How to get a TIN** below.

If you are a **sole proprietor** and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-owner **LLC** that is disregarded as an entity separate from its owner (see **Limited liability company (LLC)** on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

Note: *See the chart on page 4 for further clarification of name and TIN combinations.*

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get **Form SS-5,** Application for a Social Security Card, from your local Social Security Administration office or get this form on-line at **www.ssa.gov/online/ss5.html**. You may also get this form by calling 1-800-772-1213. Use **Form W-7,** Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or **Form SS-4,** Application for Employer Identification Number, to apply for an EIN. You can get Forms W-7 and SS-4 from the IRS by calling 1-800-TAX-FORM (1-800-829-3676) or from the IRS Web Site at **www.irs.gov**.

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: *Writing "Applied For" means that you have already applied for a TIN* ***or*** *that you intend to apply for one soon.*

Caution: *A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.*

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 3, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see **Exempt from backup withholding** on page 2.

Signature requirements. Complete the certification as indicated in **1** through **5** below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item **2** in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item **2** of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA or Archer MSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account)	The actual owner of the account or, if combined funds, the first individual on the account [1]
3. Custodian account of a minor (Uniform Gift to Minors Act)	The minor [2]
4. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee [1]
b. So-called trust account that is not a legal or valid trust under state law	The actual owner [1]
5. Sole proprietorship or single-owner LLC	The owner [3]
For this type of account:	**Give name and EIN of:**
6. Sole proprietorship or single-owner LLC	The owner [3]
7. A valid trust, estate, or pension trust	Legal entity [4]
8. Corporate or LLC electing corporate status on Form 8832	The corporation
9. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
10. Partnership or multi-member LLC	The partnership
11. A broker or registered nominee	The broker or nominee
12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity

[1] List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

[2] Circle the minor's name and furnish the minor's SSN.

[3] **You must show your individual name,** but you may also enter your business or "DBA" name. You may use either your SSN or EIN (if you have one).

[4] List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

Note: *If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.*

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA or Archer MSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, and the District of Columbia to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, or to Federal and state agencies to enforce Federal nontax criminal laws and to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 30% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.