Equal Employment Opportunity

Longitudinal Data Guide

California Community Colleges Chancellor's Office | Sonya Christian, Chancellor

Equal Employment Opportunity Longitudinal Data Guide

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FOREWORD

Dear Colleagues,

The California Community Colleges system has long stood as a national leader in expanding access to higher education, driving economic mobility, and serving the state's most diverse student population. Achieving this mission requires more than strong programs and sound policy. It requires people. Specifically, a workforce that reflects, understands, and uplifts the communities we serve. That is why our commitment to diversity, equity, inclusion, and accessibility (DEIA) must be sustained, intentional, and grounded in data.

Too often, data is misunderstood. It is seen as inherently "good" or "bad," or reduced to a compliance tool. But data is fundamentally about people and purpose. It helps us recognize patterns, measure progress, and hold ourselves accountable to our shared values. When used thoughtfully, data moves us beyond the numbers. It tells the story of our efforts, reveals both progress and persistent disparities, and informs our strategies for building a more inclusive future.

Access to relevant, disaggregated data is essential to developing a strong Equal Employment Opportunity (EEO) Plan. Proactively partnering with your institutional research teams and including them as members of your EEO committees whenever possible can significantly strengthen your district's ability to apply data effectively. Their expertise ensures that data is integrated from the outset, supporting shared responsibility and informed decision-making throughout your DEIA efforts.

This guide is meant to complement other key resources, including the 10-Point Plan, the Vision Resource Center Modules, and the EEO and Diversity Best Practices Handbook. It is designed to support your district in adopting responsive, data-informed, and equity-centered hiring practices.

Let this guide serve not just as a technical resource, but as a reflection of our shared values. When grounded in people and purpose, data becomes one of our most powerful tools for advancing institutional change. Together, we are shaping a more equitable future for our colleges, our workforce, and, most importantly, our students.

In Partnership,

Dr. Abdimalik Buul
Visiting Executive of Institutional Equity, Innovation, and Strategic Impact

INTRODUCTION

The Board of Governors of the California Community Colleges has established regulations to address the administration of Equal Employment Opportunity (EEO) programs within the system. Title 5, section 53024.1, acknowledges that "establishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized effort." The EEO regulations are found in title 5, chapter 4, subchapter 2, and include several major requirements:

Title 5 EEO Regulations Overview	
EEO Plan established every three years	Training for selection committees and EEO advisory committees
EEO Plan includes specific pre-hiring, hiring, and post-hiring EEO strategies the district intends to implement each year over the life of the plan	Continuous, good-faith efforts to implement the EEO Plan, achieve employee diversity, and avoid disparate impacts, consistent with state and federal law
EEO Plan reviewed annually and progress toward meeting EEO program goals assessed	Collection and longitudinal analysis of employment data
EEO and Diversity Advisory Committee to develop and implement EEO Plan	Procedures for the investigation of discrimination complaints

In December 2015, the Chancellor's Office, working with the Statewide EEO and Diversity Advisory Committee, implemented a new EEO fund allocation model that requires each district to have an updated EEO Plan and an active local EEO Diversity Advisory Committee as a prerequisite to the receipt of EEO funds. In December 2016, the Chancellor's Office disseminated an EEO and Diversity Best Practices Handbook[1] to provide innovative, effective, sustainable and data-driven examples of programs that promote diversity in hiring and promotion at our community college districts.

Additional EEO funding in the state budget[2] has allowed our local EEO programs to implement new and creative EEO strategies. The additional funding has also brought increased attention to data, including demographic data related to hiring outcomes and data as an analytic tool to assess the effectiveness of local hiring practices.

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[1] See EEO and Diversity Best Practices Handbook.

[2] The Legislature has continued the enhanced EEO Fund appropriation in the Budget Act, maintaining the $10 million augmentation to the base appropriation of $2,767,000 that has been in place in recent years.

This EEO Longitudinal Data Guide is a reference for districts in the collection, maintenance, analysis, reporting, and use of local EEO data to identify barriers to equal employment opportunity and workforce diversity, develop action plans to increase EEO and improve workforce demographics, and allocate resources effectively and efficiently. We hope you will use this EEO Longitudinal Data Guide with the 10-point plan, Vision Resource Center Modules, and EEO and Diversity Best Practices Handbook as you enhance your EEO and Diversity programs.

This guide is designed primarily to serve human resource professionals, institutional research professionals, IT professionals, EEO committee members, hiring managers, and other individuals involved in the collection, analysis, interpretation, and reporting of EEO longitudinal data. Each section identifies the primary audience to assist practitioners in using this guide as a quick reference tool.

WHY SHOULD WE CONDUCT LONGITUDINAL DATA ANALYSES?

This section is recommended for all practitioners as it provides the legal, ethical, and organizational performance rationale for conducting EEO data analyses.

Data analytics help us evaluate whether current policies and procedures deliver desired outcomes and make strategic decisions in allocating time and resources. In the context of our EEO programs, an analysis of district recruitment, hiring, retention and promotion data over a period of years may help identify whether our current workforce diversity is aligned with student success outcomes, identify specific phases of our application and selection procedures where barriers to equal employment opportunity may exist, and focus our attention on revisions to policies and procedures most likely to improve student success.

> *A dataset is longitudinal if it tracks the same type of information on the same subject over a period of time. The primary advantage of longitudinal databases is that they can identify patterns and measure change.*

A longitudinal analysis of EEO data serves as a powerful tool to ensure that district policies and procedures do not result in disparities in hiring, promotion, or retention based on protected characteristics such as race, ethnicity, and gender identity.

Longitudinal EEO data may also demonstrate the positive impact of changes in local policies on the pre-hiring, hiring and post-hiring phases of the employment process.

The longitudinal analysis of EEO data is required by title 5 as part of a district's comprehensive effort to ensure equal employment opportunity and increase success for all student communities.

STUDENT SUCCESS

Data are a powerful tool that allows our districts to measure the impact of local hiring practices on specific race, ethnicity, and gender identity groups (monitored groups) over a period of years. An analysis of EEO and employment data allows each local district, EEO Advisory Committee and responsible human resources officer to monitor local hiring practices, and to identify and eliminate any barriers to employment at the local level.

A longitudinal analysis of local employment data enables districts to identify local policies and processes that impose unnecessary barriers to employment and may negatively impact workforce diversity. The elimination of these barriers, over time, will lead to broader pools of qualified applicants and faculty, classified professionals, and administrators that increase the quality of teaching, learning, and services for the diverse student communities we serve. There are many benefits to the collection and analysis of longitudinal EEO data; the most important is increasing student success outcomes.

IMPROVING FACULTY DIVERSITY IMPROVES STUDENT OUTCOMES

Statewide demographic data shows the community college student population has become increasingly diverse over the last several years. In the 2023-24 academic year, students from communities of color made up more than 70 percent of community college students statewide.[3] Our workforce does not reflect the diversity of the students that we serve. For example, just over 42 percent of our tenured/tenure track faculty identify as a person of color.[4]

Studies have shown the educational benefits of a diverse workforce. A recent study at a California community college showed students of color who were taught by instructors of the same race or ethnicity were able to close the achievement gap by 20-50 percent.[5] The study found interactions between faculty of color and students of color positively impacted longer-term student outcomes related to subsequent course selection, retention and degree completion.

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[3] Communities of color include Black, Hispanic, Native American and Pacific Islander. Data generated from the CCCCO Data Mart.

[4] CCCCO Report on Staffing for Fall 2016: Employee Ethnicity/Gender Report.

[5] Fairlie, Robert W., Florian Hoffmann, and Philip Oreopoulos. 2014. "A Community College Instructor Like Me: Race and Ethnicity Interactions in the Classroom." _American Economic Review_, 104 (8): 2567-91.

When a district conducts a longitudinal analysis of local employment data to identify and eliminate barriers to employment, it extends employment opportunities to a broader range of individuals, leading to an increase in the diversity and talent of the district's local workforce. Our students will reap the educational benefits of those efforts.

IMPROVING FACULTY DIVERSITY IMPROVES THE QUALITY OF INSTRUCTION

A growing body of research suggests diversity in the workplace adds to the diversity of ideas and attitudes within an organization. Studies also show that in the private sector, a diverse workforce may have a positive impact on a company's bottom line. Companies in the top quartile for racial and ethnic diversity are 35 percent more likely to have financial returns above their respective national industry medians.[6]

At the college level, studies have shown increased faculty diversity provides several institutional benefits, including more student-centered approaches to learning and more research focused on issues of race/ethnicity and gender.[7] Increased diversity of ideas and attitudes within our faculty ranks is healthy for our system and beneficial to our existing tenured/tenure track and part-time instructors. If barriers to employment discourage or remove qualified instructors with diverse backgrounds and experiences from an applicant pool, the workforce itself is deprived of new ideas, approaches and perspectives.

Further, increasing diversity within our faculty, classified professionals, and administrators allows our institutions to better understand and serve the lived experiences of our diverse student communities. Adapting the way we teach and provide services to our diverse student communities to ensure their success is fundamental to the mission of every community college district and our collective community college system.

IMPROVING FACULTY DIVERSITY PROTECTS DISTRICTS AGAINST LIABILITY

A robust EEO data analysis program can reduce a district's legal liability. The Civil Rights Act of 1964 and the California Fair Employment and Housing Act prohibit employers from discriminating against employees based on several protected characteristics, including race, gender, religion, sexual orientation and national origin.

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[6] Hunt, Vivian, et al. "Why Diversity Matters," accessed 14 December 2017.

[7] Milem, Jeffrey F. "The Educational Benefits of Diversity: Evidence from Multiple Sectors." Compelling Interest: Examining the Evidence on Racial Dynamics in Higher Education, ed. M. Chang et al., _Stanford University Press_, 2003.

There are two basic ways for an individual to bring a discrimination charge against a district: alleging discrimination by disparate treatment or by disparate impact:

- *Disparate treatment occurs when an employer treats applicants differently based on a protected classification.*
- *Disparate impact occurs when an employer's policy or practice, neutrally applied, results in significant differences in employment outcomes. In a disparate impact case, the discrimination does not have to be intentional – an individual must merely demonstrate that an employer's neutral policy has a disproportionate effect on members of the protected class.*

[Current law in California prohibits employment decisions based on race, ethnicity, gender identity, and many other protected characteristics.](#) This includes the Title 5 EEO regulations which provide that all applicants must have a "full and fair opportunity" to gain employment within the community college system. To support that goal, the regulations require a set of interrelated EEO data analyses that can be used to guide governance and management decisions intended to identify and address unintended barriers to workforce diversity and improve student success.

A longitudinal analysis of local employment data enables districts to identify potentially problematic local policies and processes that serve as barriers to equal employment opportunity, identify alternative policies and procedures which decrease or eliminate the negative impacts, and better align application, screening, and selection procedures with student success outcomes.

THE RIGHT THING TO DO

The purpose of our local EEO programs is to ensure all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment in the community college system. We are public servants and owe it to our students, our employees and the people of the state of California to ensure our policies and practices comply with applicable laws and produce a strong workforce that meets the diverse needs of our students and communities.

TITLE 5 EEO LONGITUDINAL DATA REQUIREMENTS

This section is primarily intended for HR, institutional research, and other practitioners involved in configuring applicant tracking systems and HR information systems, entering data on applicants and employees, conducting data queries, conducting EEO data analyses, and developing EEO plans.

Title 5, section 53003[8], requires the governing board of each district to develop and adopt a written EEO Plan to implement its local EEO program.

Title 5 EEO Plan Requirements	
Section 53003(c)(6)	a process for gathering information and periodic, ***longitudinal analysis of the district's employees and applicants***, broken down by number of persons from monitored group status, in each of the job categories listed in section 53004(a)[9] to determine whether additional measures are required pursuant to section 53006 and to implement and evaluate the effectiveness of those measures.
Section 53006(a)	requires each district to review the longitudinal information gathered about the district's employees and applicants "to determine if significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process." The phases of the employment process "include, but are not limited to recruitment, hiring, retention and promotion."
Section 53006(a)(1)	further requires districts to conduct a "longitudinal analysis of data regarding job applicants…to identify whether over multiple job searches, a monitored group is disproportionately failing to move from the initial applicant pool, to the qualified applicant pool." Where this review identifies that significant underrepresentation of a monitored group may be the result of non-job-related factors in the employment process, districts are required to implement additional measures designed to address the specific areas of concern.[10]

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[8] All references are to California Code of Regulations, title 5, unless otherwise indicated.

When a District identifies underrepresentation of a monitored group within a specific job category, it must analyze its policies and procedures to determine whether any non-job related factors in the employment process are creating barriers to equal employment. In most cases, multiple strategies, or multiple measures, are necessary to achieve EEO Plan objectives.

Multiple Measures to Address Underrepresentation
A review of district recruitment procedures
A review of each locally established "required," "desired," or "preferred" qualifications used to screen applicants for positions in the job category to determine if they are job-related, consistent with federal law, and consistent with the qualifications established by the Board of Governors
Discontinue the use of any locally established qualification that has not been found to satisfy all these requirements
Consider implementation of additional measures designed to promote diversity that are reasonably calculated to address area(s) of specific need

Section 53023 provides more detail regarding the analysis of applicant pool data and the responsibilities of district chief human resources officers. Section 53023 provides, in part:

a. After the application deadline has passed, the composition of the initial applicant pool shall be recorded and reviewed by the chief human resources officer or designee. All initial applications shall be screened to determine which candidates satisfy job specifications set forth in the job announcement. The group of candidates who meet the job specifications shall constitute the *qualified applicant pool*.

b. The composition of the qualified applicant pool shall be reviewed and compared to the composition of the initial applicant pool. If the Chief Human Resources Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors which are not job-related, appropriate action will be taken. This applicant pool data shall be reviewed in conducting the [longitudinal] analysis described in section 53006(a).

In summary, title 5 requires local districts to take specific actions related to the collection and analysis of EEO employment data.

Actions Required to Collect and Analyze EEO Data
The district's EEO Plan must contain a process for gathering information and conducting a periodic longitudinal analysis of the district's employees and applicants, by monitored group and job classification (section 53003(c)(6).)
The district must review applicant and employee longitudinal data related to the entire employment process, including recruitment, hiring, retention, and promotion (section 53006(a)).
For applicant data, the district must review and compare the composition of the initial applicant pool with the composition of the qualified applicant pool (section 53023(c)).
If the longitudinal analysis of job applicant data shows that a monitored group is disproportionately failing to move from the initial applicant pool to the qualified applicant pool due to non-job related factors in the employment process, the district is required to implement additional measures (section 53006(a)(1)).

A complete copy of the title 5 provisions related to the local collection and analysis of EEO employment data is included as Appendix A.

LONGITUDINAL DATA USERS GUIDE

This section is primarily intended for HR professionals, institutional researchers, and other professionals involved in conducting EEO data analyses.

Achieving workforce diversity, equitable outcomes, meaningful inclusion, and broad accessibility in employment begins with clear policies and procedures intentionally created to improve student success across diverse communities as core values of the institution in all operational decisions. EEO data analyses can help us prioritize where to focus our time and resources to improve student success by revealing where application, screening, and selection procedures are not aligned with student success and create barriers based on an applicant's protected status.

EEO data analyses can provide extensive information about the current diversity of our workforce; patterns in the experiences of applicants and employees based on race, ethnicity, and gender identity; and identify specific policies, procedures, or practices creating unintended barriers for diverse employment applicants.

EEO data analyses allow us to draw conclusions about our workforce and processes.

Data Informed Inquiry
How do we define workforce diversity quantitatively?
How does the diversity of our workforce compare to our students, our communities, potential groups of qualified applicants, and other geographic regions?
Do our current recruitment efforts appear to attract adequate diversity in qualified applicants?
Which race, ethnicity, and gender group(s) tend to experience more successful outcomes in our employment processes?
Where in our employment processes do race, ethnicity, and gender groups tend to encounter barriers to successful outcomes?
What criteria, qualifications, and other measures appear to contribute to barriers to successful outcomes for race, ethnicity, and gender groups?
Which employment processes may be influenced by biases based on race, ethnicity, or gender?
Are there consistent patterns of negative outcomes throughout our employment processes?
Where should we invest our time and resources to increase the diversity of our workforce?

As required by title 5, district's must utilize their longitudinal employment data to complete both a "Significantly Underrepresented Group" and "EEO Adverse Impact" analysis.

SIGNIFICANTLY UNDERREPRESENTED GROUP ANALYSIS

Districts are required to identify any "significantly underrepresented groups," where actual representation is below 80 percent of projected representation. The analysis conducted to identify significant underrepresentation is commonly referred to as an "utilization analysis". A utilization analysis helps us understand the diversity of our current workforce within the context of the availability sources we choose to include.

The analysis is aspirational and helps set goals and objectives in our EEO Plan and allocate resources where they will be most impactful on our workforce diversity and student success outcomes.

Utilization analyses do not tell us about the experience of applicants in our application, screening, interviewing, and hiring processes. We cannot use utilization analyses to identify barriers to diversity.

Title 5, section 53001(l) defines "significantly underrepresented group" as "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."

EEO Analysis Job Categories
Executive/administrative/managerial
Professional non-faculty
Technical and paraprofessional
Service and maintenance
Faculty and other instructional staff
Secretarial/clerical
Skilled crafts

In an "80 Percent Rule" analysis, the district compares the percentage of individuals from a monitored group in a job category with the district's projected representation for the same group. Title 5 does not define "projected representation" for purposes of the 80 Percent Rule – it is a local decision.

The conventional approach to defining availability is to identify population estimates of individuals who meet the minimum qualifications for our positions by race, ethnicity, and gender identity. This approach is flawed because it tends to perpetuate historical and current discrimination and segregation in employment.

For example, prior to the passage of civil rights laws in America, most management positions were expressly reserved for cisgender white male individuals. As a result, an availability estimate limited to people currently holding management positions is likely to overrepresent cisgender white male individuals relative to broader population demographics.

An approach to defining availability and diversity for community college districts more directly aligned with our mission to effectively serve diverse student communities successfully combines multiple data sources, including:

- Current student demographics

- Local community demographics

- Recent college graduate demographics

- Local, state, and national occupational demographics

Using these data sources together allows us to express our desired level of workforce diversity within the context of the students and communities we serve, individuals meeting our minimum education qualifications, and individuals currently working in similar positions.

To combine multiple data sources and our workforce diversity objectives, we create a composite availability statistic by placing weights on each data source. EEO Committees, Human Resources staff, and Research staff should collaborate on the appropriate data sources and weights within the mission, vision, and values set by the Board of Trustees and District leaders.

EXTERNAL AVAILABILITY DATA SOURCES

Demographic data for individuals who would meet our minimum qualifications can be obtained from the U.S. Census Bureau and U.S. Department of Education through its National Center for Education Statistics' Integrated Postsecondary Education Data System (IPEDS). Should federal employment data be unavailable, California state data is available at: https://labormarketinfo.edd.ca.gov/.

The U.S. Census Bureau publishes employment data by race, ethnicity, and gender in an EEO Tabulation sponsored by the U.S. Department of Labor, Equal Employment Opportunity Commission, U.S. Department of Justice, and Office of Personnel Management. The EEO Tabulation is the primary external data source for employers to compare the race, ethnicity, and gender composition of their workforce to the available labor market.

Data published by the U.S. Census Bureau includes race, ethnicity, and gender demographics for 237 specific occupations, EEO Occupational Groups, EEO-1 Job Categories, Federal sector job groups, state and local government job groups, and individual characteristics such as educational attainment, age, industry, and employment status.

Faculty Availability Estimates – U.S. Census Bureau

The EEO Tabulation includes a Postsecondary Teacher occupation category (Census occupation code 2205; Standard Occupational Category code 25-1000) which is useful for

estimating the race, ethnic, and gender demographics of people currently employed as postsecondary teachers within a defined demographic area.

College Administrator Estimates – U.S. Census Bureau

The EEO Tabulation includes an Education and Childcare Administrators occupation category (Census occupation code 0230; Standard Occupational Category code 11-9030) which is useful for estimating the race, ethnic, and gender demographics of people currently employed as administrators in educational institutions within a defined demographic area.

Classified Professional Estimates – U.S. Census Bureau

Community colleges employ classified professionals in a wide range of occupations. The EEO-1 Job Categories provide useful groupings of occupations for availability estimates of classified positions:

EEO-1 Job Categories	
Professionals	Operatives
Technicians	Laborers and Helpers
Administrative Support Workers	Service Workers
Craft Workers	

Locating External Availability Estimates

1. Navigate to the [U.S. Census Bureau EEO Tabulation data tables](#)

2. Select the "Detailed Census Occupation by Sex and Race/Ethnicity" table set

3. Select the "EEO-ALL01R/ALL01RC — Occupation by Sex and Race/Ethnicity for Residence Geography" table

4. Select the "Metropolitan/Micropolitan Statistical Area" geographic area and type in the desired region

5. Select the "Get EEO Table" link

6. In the "Quick Search" box, type "postsecondary teachers"

7. The population estimates will appear showing race, ethnicity, and gender

8. Use the "Percent Male" and "Percent Female" in the "Total All Groups" column for gender availability estimates

9. Use the "Percent Total" row for each race and ethnicity for availability estimates

Local Community Population Estimates

Race, ethnicity, and gender demographics for the communities served by a community college are available through the [U.S. Census Bureau's American Community Survey Quick Facts](#).

Users can search by zip code, town, city, county, and state.

Locating Local Community Population Estimates

1. Navigate to the [U.S. Census Bureau Quick Facts](#) site

2. Enter the desired geographic region – town, city, county, or state

3. The population estimates for the region will appear showing a wide variety of characteristics including race, ethnicity, and gender.

Integrated Postsecondary Education Data System (IPEDS)

For positions with college degree requirements, availability can be estimated by the number of people awarded various levels of degrees in the United States for a defined time period. [IPEDS data](#) includes the race, ethnicity, and gender of individuals awarded degrees by discipline and year. The data allow colleges to estimate availability within specific disciplines or aggregated across all degrees awarded.

Locating IPEDS Population Estimates

1. Navigate to the [IPEDS Summary Tables Report](#) site

2. Select the desired year of degrees awarded

3. Select Master's Degree under "Award Level code"

4. Select the desired field of study under "CIP CODE – 2010" or leave all fields checked for total Master's degrees awarded

5. Click the download icon to access an Excel file with the data

6. Using the Excel data file, calculate the percentage distribution of degrees awarded for each race and ethnicity

Workforce Utilization Analysis

A utilization analysis compares the demographics of the current workforce with the external availability sources identified by a college to define diversity within the local context. External availability sources may include one or more of the following:

- Local, state, and/or national workforce estimates

- Student population demographics

- Local community demographics

- College graduate demographics

Creating a Composite Availability Measure

A critical decision point in the availability estimate is the weight assigned to each data source.

The weight determines the relative influence the data source will have on the composite availability estimate.

Data Source	Weight (%)
Advanced Degrees Awarded	50%
Student Population	20%
Local Area	20%
California Statewide	5%
U.S. Nationwide	5%

In this example, we put the greatest weight on the population of people who have recently earned an advanced degree and meet our minimum education qualification.

We put equal weight on the demographics of our students and local communities to help us define workforce diversity in the context of the populations we directly serve.

Finally, we include state and nationwide demographics for "postsecondary teachers" to reflect our broader recruiting efforts to attract qualified candidates.

Workforce Demographics

Workforce demographics show the percentage representation of current employees by race, ethnicity, and gender categories within a defined group of classifications

The Title 5 regulations list the following job categories for analysis (§ 53001. Definitions):

- Executive/Administrative/Managerial

- Faculty and other Instructional Staff

- Professional non-Faculty

- Secretarial/Clerical

- Technical and Paraprofessional

- Skilled Crafts

- Service and Maintenance

Underrepresented Group

Title 5 regulations (§ 53001. Definitions) define underrepresentation as "any monitored group for which the percentage of persons from that group employed by the district in a job category is below eighty percent (80%) of the projected representation for that group and job category"

80% Rule

The 80% rule is established in the Uniform Guidelines on Employee Selection Procedures and provides a standard for comparing workforce representation with estimated availability and success rates throughout our selection processes. Note that other equity analyses may use different metrics (e.g., percentage point gap minus one, proportionality index) but the 80% rule is the standard mandated by the Uniform Guidelines. For additional discussion on alternative equity analyses, see the RP Group report here: https://www.rpgroup.org/resources/using-disproportionate-impact-methods-to-identify-equity-gaps?ver=2022-09-23-170556-467.

In a utilization analysis, the 80% is calculated by dividing the workforce representation for a specific race, ethnicity, or gender group by the estimated availability.

If the result is less than 0.80, we have identified adverse impact and a potential focus area for our EEO Plan strategic objectives.

Utilization Analysis Process

1. Calculate the percentage representation of current employees by race and gender for the desired job category

2. Determine the data sources to be included in the composite availability statistic

3. Determine the weight to be assigned to each data source included in the composite availability statistic

4. Multiply the race and gender representation for each data source by the weight

5. Sum the race and gender representation percentages for each data source

6. Compare the current workforce representation percentage to the composite representation percentage for each race and gender

7. Identify underrepresentation using the 80% rule

8. Conduct a probability test to determine how likely the underutilization is given our workforce demographics and availability estimate

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Using Microsoft Excel for the Utilization Analysis

MS Excel is a useful tool to calculate a composite availability estimate for race and gender quickly using formulas.

Multiply the percentage representation for each race and gender for each data source by the assigned weight, then sum the results to create a single composite availability estimate. We will compare the estimate with our actual workforce representation.

Repeat these steps for each data source, entering the percent representation for each race and gender group, multiplying by the assigned weight, then summing the values.

Comparing Workforce Representation with the Availability Estimate

With the composite availability estimate for each race and gender group calculated, we can compare our current workforce demographics to the availability estimate to determine whether any group is underrepresented as defined by title 5.

To identify underrepresentation, we divide the current workforce representation percentage by the availability estimate for each race and gender group.

If the result is less than 0.80 for any race or gender group, we have identified underrepresentation. If the result is greater than 1.0, the group's workforce representation is greater than the estimated availability

Probability and Group Size Considerations

The 80% rule compares the ratio of the workforce and availability estimates against a standard degree of difference. It cannot tell us the probability of observing the degree of difference between the workforce and the availability estimate.

The size of the workforce being analyzed can have a significant impact on the use of the 80% rule. The smaller the job group, the greater the impact of one additional person in a race or gender group on the workforce representation percentage.

To assess the probability of the difference between workforce representation and the availability estimate and control for small groups, we can conduct standard deviation and binomial exact tests.

For a demonstration on using probability statistics, view the EEO Data Analysis modules in the Vision Resource Center.

Example - Faculty Utilization Analysis

Individual Race Availability Analysis										
Job Group:	Contract Faculty									
Census Occupation Code(s):	Postsecondary Teachers (25-1000 / 2205)									
Race	**Total Job Group Employees**	**Total Race Job Group Employees**	**% of Race Job Group Employees**	**Race Availability**	**Race Expected based on Availability**	**80% Rule**	**Binomial Exact**	**SD**	**SF**	
White	196	87	44.4%	47.8%	94	92.8%	0.19	-0.96	7	
Black	196	6	3.1%	8.1%	16	37.6%	0.00	-2.60	10	Underutilized
Hispanic/Latinx	196	70	35.7%	23.8%	47	149.8%	1.00	3.90	-23	
Asian	196	24	12.2%	11.6%	23	105.6%	0.66	0.28	-1	
Native American	196	1	0.5%	0.3%	1	150.1%	0.86	0.41	0	
NH/PI	196	1	0.5%	0.2%	0	268.5%	0.95	1.03	-1	
Total BIPOC	196	102	52.0%	52.2%	102	99.7%	0.51	-0.04	0	
Gender	**Total Job Group Employees**	**Total Gender Job Group Employees**	**% of Gender Job Group Employees**	**Gender Availability**	**Gender Expected based on Availability**	**80% Rule**	**Binomial Exact**	**SD**	**SF**	
Females	196	101	51.5%	55.6%	109	92.7%	0.14	-1.15	8	
Males	196	95	48.5%	44.4%	87	109.2%	0.89	1.15	-8	

In this example, faculty identifying as Black and White have lower representation than our estimated availability. The difference for faculty identifying as Black is significant according to the 80% rule and measures of probability.

We can calculate the number of Black faculty we would need to add to our workforce to meet our availability estimate by subtracting the number of Black faculty we currently employ from the number expected. This is represented in the analysis as our 'shortfall', abbreviated as SF.

Final Thoughts: Utilization Analysis Findings

A utilization analysis helps us understand the diversity of our current workforce within the context of the availability sources we choose to include. A workforce utilization analysis enables a district to evaluate the inputs and outputs of its employment policies and practices, and identify areas for focus and further improvement.

The analysis is aspirational and helps set goals and objectives in our EEO Plan and allocate resources where they will be most impactful on our diversity, equity, inclusion, and accessibility outcomes.

Utilization analyses do not tell us about the experience of applicants in our application, screening, interviewing, and hiring processes. We cannot use a utilization analysis to identify barriers to diversity, equity, inclusion, and accessibility.

LONGITUDINAL HIRING DATA ANALYSES

Longitudinal analyses allow us to identify patterns of outcomes for specific race, ethnicity, and gender groups in each phase of our selection process over a defined time period.

Used effectively, the analyses reveal barriers adversely impacting applicants from race, ethnicity, or gender groups and direct our attention to specific steps in our procedures where revisions would increase the diversity of our applicant pools and in the final selection.

There are two types of longitudinal analysis districts should conduct:

1. Longitudinal Hiring Analysis

2. Longitudinal Phase Analysis

To conduct meaningful longitudinal data analyses, we must collect detailed, accurate data during application, screening, and selection procedures; refine, clean, and organize our data; and use analytic methods appropriate to the types of data we collected.

Data collection should be done in real time as applicants proceed through our selection process. Delays in creating, entering, or recording information increase the likelihood of

inaccurate, inconsistent, and missing data that will limit our ability to conduct and draw meaningful conclusions from longitudinal analyses.

Data Collection - Longitudinal Hiring Analyses

To conduct longitudinal hiring and phase analyses we must collect specific data on applicants as they advance through our selection process.

Common data points useful in the analyses include:

- Applicant name and ID or another unique identifier

- Applicant race

- Applicant gender

- Date of application

- Requisition number

- Position applied for

- Disposition

- Disposition phase

- Disposition reason

- Disposition date

Working with an online application system allows for significant automation of the data collection process. As applicants create profiles, complete employment and education history information, attach resumes and other documents, and apply for positions, the system will record key data points we will use in a longitudinal analysis.

Throughout the selection process, timely and consistent recording of actions for each candidate within the applicant tracking system is essential to our ability to conduct robust longitudinal analyses.

Applicant Self-Identification

Federal and state EEO laws require colleges to offer applicants the opportunity to self-identify race, ethnicity, and gender. These are essential data for EEO data analyses. Without adequate voluntary self-identification, EEO data analyses either cannot be conducted or are severely limited in scope and usefulness.

Districts should expect to have at least 90% of applicants identify their race, ethnicity, and gender. If response rates are below 90%, revisions to the process and messaging may be necessary.

Self-identifying race, ethnicity, and gender is voluntary for applicants. While a District cannot require an applicant to disclose this information, it can identify and remove barriers that may decrease the likelihood a candidate provides demographic information.

- Include a statement explaining why the District is asking for this information in the context of its commitment to advancing DEIA goals and objectives.

- Place the self-identification opportunity at the beginning of the application process.

- Require applicants select an option such as "do not wish to disclose" to proceed through the application process rather than allowing the form to be left blank or skipped.

- Provide subsequent opportunities for self-identification as applicants move through the process.

- Districts should provide applicants with a wide range of race, ethnicity, and national origin options and non-binary gender identity options.

Federal guidelines for use of race and ethnicity data in EEO analysis provide two ethnicity categories: "Hispanic or Latino" and "Not Hispanic or Latino"; and five race categories American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. While these categories broadly group distinct ethnicity, race, and national origin identities and obscure the diversity of individuals who may not identify with the broad category they are assigned, they provide a uniform system for measuring for and identifying adverse impact. In communities where more specific race and ethnicity identity populations provide opportunities for analysis, longitudinal analyses should be conducted with those specific categories included.

An increasing number of individuals identify with multiple race or ethnicity groups. For EEO data analysis purposes, allowing applicants to select multiple race and ethnicity categories is more useful than a generic "two or more races" category. With multiple categories selected, colleges have data that allows more nuanced analyses to be conducted. A generic "two or more races" category often leads to applicants who select this option being removed from the analyses. When applicants select multiple race and/or ethnicity categories, colleges may determine how to place the individual in the analysis. For example, a college may want to include any applicant selecting "Black" with other race/ethnicity categories in the total count for "Black" applicants irrespective of the other categories selected.

Prior to recruiting for a position, HR or other appropriate staff need to understand the selection process for the position, reasons candidates will be removed from further consideration in the process, and how to accurately and consistently record dispositions.

Key Term: Disposition – the process of advancing a candidate to the next step of a selection process or disqualifying the candidate from further consideration.

Disposition data should include at least three key components:

1. The outcome for the candidate;

2. The reason for the outcome;

3. The date of the decision

Online application systems will automatically record the date a disposition is entered for a candidate or allow staff to enter the date of the decision.

Best Practice: enter the disposition as soon as possible after the decision is made to ensure an accurate record.

The outcome for the candidate is pass or fail. The candidate will either move forward to the next step in the selection process or be removed from further consideration. In recording the disposition, it needs to be clear to someone reviewing the data in the future what happened with each candidate.

The disposition reason is more nuanced. The reasons recorded should be specific enough to identify why a candidate failed to advance and general enough to be applied broadly across all positions.

Disposition reason example

An HR Analyst reviews applications to determine whether candidates meet the requirement for a Master's degree in Ethnic Studies or a related discipline. The Analyst finds 10 applicants met the education requirement and two candidates did not. The two candidates who failed to meet the requirement are entered with a disposition of "failed to meet minimum qualifications" and a disposition reason of "failed to meet the minimum education requirement".

In our example, the disposition reason, "failed to meet the minimum education requirement", can be used for any position with a minimum education requirement. The specific details of an applicant's education qualification are not used in a longitudinal hiring or phase analysis, so it would not be useful to record that one candidate had a bachelor's degree in Ethnic Studies and one candidate had a Master's degree in Chemistry, which is not related to the discipline of Ethnic Studies.

All staff involved in managing the recruitment and application process should be trained to use the online application system effectively to record disposition outcomes and reasons. Where possible, the system should be programmed to provide the available options staff will need to record outcomes and reasons consistently.

Open entry fields should only be used to record notes or unique circumstances relevant to the specific recruitment or candidate and not disposition outcomes or reasons. Open entry fields often lead to data entry errors and inconsistent values which make conducting longitudinal analyses more difficult or impossible.

Data Review and Cleaning

Prior to beginning a longitudinal hiring or phase analysis, we must review and clean our data to correct errors, remove duplicates, identify and manage missing data, and determine the appropriate data points to include.

MS Excel is a useful tool for managing, reviewing, and cleaning applicant data. Virtually all online application systems include customizable query and reporting features which allow us to export applicant data to an MS Excel or CSV file for analysis.

Familiarity with filters, pivot tables, formulas, and related data management tools in MS Excel is invaluable for managing applicant data efficiently and effectively. This can be a good opportunity to partner with technical colleagues (e.g., institutional research).

Data Review

Once we have exported applicant data from our online application system, our first step will be to review the data for consistency, accuracy, missing values, errors, and other issues that would impact our ability to analyze the data. It is recommended to inform your information technology team of common errors as they may be able to adjust settings in the software to mitigate or eliminate data entry errors (e.g., input validation control).

The exported data file is often referred to as raw data, meaning it has not been altered. Once we begin to format, correct, and change the data, it is often referred to as refined data.

Common issues to look for when reviewing raw data:

- Duplicated applicants

- Spelling and data entry errors

- Inconsistent data labels

- Blank or incomplete data entries

- Criteria for removing applicants from the analysis

Duplicated applications can be the result of a candidate submitting multiple applications or, less frequently, an online application system duplicating entries. It is important to distinguish between a duplicated applicant and a multiple record applicant. When an applicant applies to the same position more than once, they are a duplicated applicant and only one submission should be retained for the analysis. When an applicant applies to multiple positions, even the same position at different points in time, they are likely a multiple record applicant and each submission should be retained in the analysis.

To determine between a duplicated and multiple record applicant, identify whether the additional applications submitted by the applicant resulted in consideration separate from the prior submission. Any application which was considered for advancement through the selection process separate from a prior submission is a multiple record application and not a duplicate.

Spelling and data entry errors typically occur when an applicant makes an error during the application process or a staff member makes a data input error.

Spelling and data entry errors can make it difficult to determine if two applicants in our data are the same person, accurately count the applications for a particular position title, identify the correct date of an application or disposition outcome, and similar issues.

Ensuring appropriate online application system programming and implementing data entry validation and error identification processes can increase the accuracy and viability of our data.

Inconsistent data label issues typically occur when we rely on individuals to input data in open entry fields. For some data, we must rely on human data entry, such as when an applicant creates a profile and enters their name and personal information. For many data, we can program our system to limit the possible entries or automate the data entry to reduce the likelihood of errors. For example, if we allow applicants to enter their race and ethnic identification in an open entry data field, we can expect people to use a wide range of identifiers that have the same meaning. If we use a predetermined list of data labels and require applicants to select from the list, we eliminate the inconsistencies.

Blank or incomplete data entries are often impossible to obtain or correct after the moment the data was entered or created. We can reduce the likelihood of blank or incomplete entries through system programming, such as requiring an applicant to make a selection to continue through the application process, which prevents application submissions with blank data fields. For example, when offering applicants the opportunity to identify their race and ethnicity, including a "Do not wish to disclose" option is preferable to allowing applicants to leave the section completely blank.

Criteria for removing applicants from the analysis

Two common reasons applicants are removed from longitudinal hiring analyses are ineligibility for consideration and voluntary withdrawal from the process.

Ineligibility for consideration – the applicant failed to follow directions to apply for the position, submitted an incomplete application, or fails to meet minimum qualifications. Removing applicants for ineligibility may be appropriate if the candidate could not have been considered for hire based on our policies and procedures. For analytic purposes, we did not have an opportunity to consider them.

Voluntary withdrawal – the applicant explicitly or implicitly removed themselves from further consideration prior to the job offer (e.g. asked to be removed, failed to show up for an interview). Removing applicants who chose to withdraw from consideration follows the same logic of only including applicants we had an opportunity to consider. Removal for voluntary withdrawal is more nuanced in a phase analysis. We would include the candidate in any phase they completed prior to withdrawal since we had an opportunity to consider them at that phase.

Removing candidates impacts the results of our analysis and it is often good practice to run the analysis with and without the candidates to observe the impact of removing them. For EEO Plan purposes, there is not necessarily a "right" answer to whether candidates should remain or be removed. Including candidates who could be removed provides a more complete analysis of everyone who expressed interest in our positions. Removing candidates better reflects the impact of our decisions on the diversity of our selection decisions. Both analyses may have value for us, depending on the information we are seeking.

Data Review and Cleaning Example

Inconsistent data values, missing data, and incorrect data

Applicant ID	Race/Ethnicity	Gender	Year Applied	Position Type	Disposition	Disposition Reason	Phase Removed
59777	Hispanic	Male	2020	Faculty	Not Hired	Prior Experience	Committee Screen
627516	Did not disclose		2020	Teaching Faculty	Not Hired	Not Selected	Committee Screen
241635	Hispanic	Male	2020	Teaching Faculty	Not Hired	More qualified candidate selected	2nd Interview
155809	Latinx	Male	2020	Faculty	Not Hired	Prior Experience	
86091	Hispanic	Female	2020	Faculty	Not Hired	Did not meet minimum qualifications	Committee Screen
210477			2020	Faculty	Not Hired	< 3 years teaching exp	
338439	Hispanic	Female	2002	Faulty			
421531	Did not disclose		2020	Faculty	Not Hired	Min qual	Committee Screen
769155	Black	Female	2020	Faculty	Not Hired	Rejected	1st Interview
Thomas Finch	Hispanic	Female	2020	Faculty	Not Hired	Rejected	Committee Screen
391017	Did not disclose		2020	Faculty	Not Hired	Rejected	
372933			2020	Teaching Faculty	Hired	Hired	
396979	Hispanic	Male	2020	Faculty		Min qual	Committee Screen
256282	Asian	Male	2200	Faculty		Hired	Committee Screen
	Hispanic	Female	2020	Instructor	Not Hired	Did not meet minimum qualifications	Committee Screen
707782	White	Female	2020	Faculty	Hired	Hired	
S. Jackson	Hispanic	Female	2020	Professor			
762379	Native American	Female	2020	Professor	Not Hired	Prior Experience	1st Interview
854866			2020	Instructor	Not Hired	More qualified candidate selected	2nd Interview

Applicant ID
59777
627516
241635
155809
86091
210477
338439
421531
769155
Thomas Finch
391017
372933
396979
256282
707782
S. Jackson
762379
854866

The "Applicant ID" column contains names and one applicant has no value entered.

Inconsistent entries reduce the integrity of EEO data analysis. "Thomas Finch" or "S. Jackson" could be duplicate applicants also represented by an applicant ID number.

Blank fields are often difficult to define. Is the field blank because a system error resulted in no ID being assigned? Was the field inadvertently deleted by a user?

Race/Ethnicity
Hispanic
Did not disclose
Hispanic
Latinx
Hispanic
Hispanic
Did not disclose
Black
Hispanic
Did not disclose
Hispanic
Asian
Hispanic
White
Hispanic
Native American

The "Race/Ethnicity" column contains inconsistent references (Hispanic and Latinx) and blank fields.

Inconsistent data labels, such as race/ethnicity identification, can result in inaccurate categorization of data.

Blank data fields often require us to remove applicants from the analysis, reducing the integrity of our findings and conclusions we can draw.

Data entry errors, misspellings, inconsistent use of labels, and blank fields are common issues that decrease the viability of data analyses and findings.

Year Applied	Position Type	Disposition
2020	Faculty	Not Hired
2020	Teaching Faculty	Not Hired
2020	Teaching Faculty	Not Hired
2020	Faculty	Not Hired
2020	Faculty	Not Hired
2002	Faulty	
2020	Faculty	Not Hired
2020	Faculty	Not Hired
2020	Faculty	Not Hired
2020	Faculty	Not Hired
2020	Teaching Faculty	Hired
2020	Faculty	
2200	Faculty	
2020	Instructor	Not Hired
2020	Faculty	Hired
2020	Professor	
2020	Professor	Not Hired
2020	Instructor	Not Hired

While we can reasonably assume the "Year Applied" values can be corrected to "2020", the misspellings of "faculty" can be corrected, and the inconsistent references to faculty, teaching faculty, professor, and instructor can be made uniform, it takes time to clean and refine data and we can make additional errors during the process.

Disposition	Disposition Reason	Phase Removed
Not Hired	Prior Experience	Committee Screen
Not Hired	Not Selected	Committee Screen
Not Hired	More qualified candidate selected	2nd Interview
Not Hired	Prior Experience	
Not Hired	Did not meet minimum qualifications	Committee Screen
Not Hired	< 3 years teaching exp	
Not Hired	Min qual	Committee Screen
Not Hired	Rejected	1st Interview
Not Hired	Rejected	Committee Screen
Not Hired	Rejected	
Hired	Hired	
	Min qual	Committee Screen
	Hired	Committee Screen
Not Hired	Did not meet minimum qualifications	Committee Screen
Hired	Hired	
Not Hired	Prior Experience	1st Interview
Not Hired	More qualified candidate selected	2nd Interview

The lack of clarity and consistency in the "Disposition Reason" data can prevent us from identifying the most likely causes of adverse impact in selection outcomes. Values like "not selected", "more qualified candidate selected", "rejected", and "prior experience" are too vague.

CONDUCTING A LONGITUDINAL HIRING ANALYSIS

A longitudinal hiring analysis compares the hiring rates for each race, ethnicity, and gender group to determine whether one or more groups is experiencing substantially different outcomes in our hiring process.

Hiring Rate – number of applicants hired / total number of applicants

The longitudinal hiring analysis uses nominal data – race and gender categories and hired or not hired outcomes. As with the utilization analysis, we compare hiring rates among the race and gender groups using the 80% rule.

In a longitudinal hiring analysis, the 80% rule is calculated by dividing the hiring rate for a specific race, ethnicity, or gender group by the hiring rate for the group with the highest hiring rate.

Where the result is less than 0.80, we have identified adverse impact.

Example

Race	Applicants	Hired	Hiring Rate
Asian	25	3	3/25 or 12%
White	30	7	7/30 or 23%

80% Rule: 0.12 / 0.23 = 0.51 < 0.80

Since 0.51 is less than 0.80, we have identified adverse impact in the hiring of applicants identifying as Asian as compared to applicants identifying as White.

A longitudinal phase analysis compares the success rates for each race, ethnicity, and gender group at each phase of the selection process to determine whether one or more groups are experiencing substantially different outcomes within specific steps of the process.

The longitudinal phase analysis differs from the longitudinal hiring analysis in the level of analysis. The hiring analysis measures for adverse impact in the hiring outcome; the phase analysis identifies the specific step(s) in the process where some applicants are more likely to be removed from consideration than others.

A phase or step in the selection process for EEO data analysis purposes is any point where candidates are evaluated and some continue in the process while one or more may be removed from the process.

Examples of selection process phases:

- Complete Application
- Meets minimum qualifications
- Selected by a committee for a first level interview
- Selected by a committee for a second level interview
- Offered a job
- Passed a pre-hiring background check

The longitudinal phases analysis also uses nominal data and measures for adverse impact using the 80% rule.

In the longitudinal hiring and phase analyses, we can use the standard deviation and binomial exact tests to measure the probability of the outcomes of our processes and further refine our strategic EEO Plan objectives to have the greatest positive impact on the diversity of our workforce.

Longitudinal Phase Analyses

Six data points are necessary to conduct a longitudinal phase analysis:

1. Unique identifier for each applicant

2. Race/ethnicity identification

3. Gender identification

4. Whether the applicant was hired

5. The phase when an applicant was eliminated from further consideration if not hired

6. The time period when the application was submitted.

Applicants with missing race data may be included in the gender analysis when gender identity is known and applicants with missing gender identity data may be included in the race analysis with race is known.

Example - Gender Analysis

Hiring Process Phase	Total Applicants	Total Demo Group Applicants	Total Demo Group Hired	Demo Group App %	Demo Group Hire Rate	Best Group Hire %	Demo Group Hire Expected based on App Rate	Binomial Exact	SD	SF	SD Disparity?	Binomial Exact Disparity?
Overall Applicant to Hire - Female	4041	2125	100	52.59%	4.71%	5.58%	119	0.04	-1.76	19		
Overall Applicant to Hire - Male	4041	1916	107	47.41%	5.58%	5.58%	107	0.53	0.00	0		

Phase Analysis	Impacted Group	Total Applicants	Total Impacted Applicants	Total Impacted Pass	Impacted Group App %	Impacted Group Pass Rate	Highest Group Hire %	Impacted Pass Expected based on App Rate	Binomial Exact	SD	SF	SD Disparity?	Binomial Exact Disparity?
1	Females	4041	2125	1706	52.59%	80.28%	82.31%	1749	0.01	-2.45	43	YES	YES
2	Females	3283	1706	343	51.96%	20.11%	21.62%	369	0.07	-1.52	26		
3	Females	684	343	101	50.15%	29.45%	32.26%	111	0.15	-1.11	10		
4	Males	211	110	107	52.13%	97.27%	99.01%	109	0.10	-1.84	2		
5	Males	207	107	0	51.69%	0.00%	0.00%	0	1.00		0		

The longitudinal phase analysis by gender follows the same processes as the longitudinal hiring analysis, adding the adverse impact analysis for each step in the process where applicants do not move forward.

When paired with the longitudinal hiring analysis, the phase analysis can reveal the specific steps in the process most impacting the disparity in overall hiring rates based on gender.

To conduct the longitudinal phase analysis, we calculate the pass rate at each phase for each gender category. For each phase, we divide the higher pass rate by the lower pass rate. In the example below, we would divide the male pass rate by the female pass rate for Phase 1:

0.8028 / 0.8231 = 0.9753

For phase 4, we divide the female pass rate by the male pass rate, since the female rate is higher.

0.9727 / 0.9901 = 0.9824

In both phases, the difference in pass rates do not fail the 80% test

Phase Removed	Total Female	Total Male	Female Fail	Male Fail	Female Pass	Male Pass	Female Pass Rate	Male Pass Rate
1	2125	1916	419	339	1706	1577	80.28%	82.31%
2	1706	1577	1363	1236	343	341	20.11%	21.62%
3	343	341	242	231	101	110	29.45%	32.26%
4	101	110	1	3	100	107	99.01%	97.27%
5	100	107	100	107	0	0	0.00%	0.00%
6	0	0	0	0	0	0		
7	0	0	0	0	0	0		
8	0	0	0	0	0	0		

This example illustrates the value of using probability tests with the 80% rule to identify significant disparities in pass rates. While the difference in phase 1 does not fail the 80% rule, it is a significant difference when we measure the likelihood of the difference given the number of applicants in the analysis

0.8028 / 0.8231 = 0.9753

Whether the result of the 80% test or probability measures, identifying adverse impact in our processes allows us to direct our attention and resources to areas where our policies or procedures may be creating barriers to diversity.

Phase Analysis	Impacted Group	Total Applicants	Total Impacted Applicants	Impacted Pass	Impacted Group App %	Impacted Group Pass Rate	Highest Group Hire %	Impacted Pass Expected based on App Rate	Binomial Exact	SD	SF	SD Disparity?	Binomial Exact Disparity?
1	Females	4041	2125	1706	52.59%	80.28%	82.31%	1749	0.01	-2.45	43	YES	YES
2	Females	3283	1706	343	51.96%	20.11%	21.62%	369	0.07	-1.52	26		

Example: Longitudinal Phase Analysis - Race/Ethnicity

Longitudinal analyses by race and ethnicity follow the same basic process as gender analyses, expanded by the number of race and ethnicity categories included in the analysis. To measure adverse impact at each step we first identify the race/ethnicity group with the highest pass rate. The first step is measuring the overall hiring rate:

Demographic Group	Total Demo Group Apps	Total Demo Group Hires	Demo Hire %		Category	Best Group Hire %
White	1321	77	5.83%		Race	White
Black	272	9	3.31%			
Hispanic	1727	81	4.69%			
Asian	636	36	5.66%			
AI/AN	0	0	0.00%			

With the group with the highest pass rate identified, we compare the rates for each group with the highest rate to measure for adverse impact:

Hiring Process Phase	Total Applicants	Total Demo Group Applicants	Total Demo Group Hired	Demo Group App %	Demo Group Hire Rate	Best Group Hire %	Demo Group Hire Expected based on App Rate	Binomial Exact	SD	SF	SD Disparity?	Binomial Exact Disparity?
White	3956	1321	77	33.39%	5.83%	5.83%	77	0.53	0.00	0		
Black	3956	272	9	6.88%	3.31%	5.83%	16	0.04	-1.77	7		
Hispanic	3956	1727	81	43.66%	4.69%	5.83%	101	0.02	-2.02	20	YES	YES
Asian	3956	636	36	16.08%	5.66%	5.83%	37	0.47	-0.18	1		
Native American	3956	0	0	0.00%	0%	5.83%	0	1.00	0.00	0		

With the overall hiring rate comparison completed, we repeat the process of calculating pass rates for each phase to identify the race/ethnicity group with the highest rate in each phase:

Phase Removed	Total Applicants by Race					Total Applicants Failed Phase					Total Applicants Passed Phase					Pass Rate				
	White	Black	Hispanic	Asian	AI/AN	White	Black	Hispanic	Asian	AI/AN	White	Black	Hispanic	Asian	AI/AN	White	Black	Hispanic	Asian	AI/AN
1	1321	272	1727	636	0	236	55	340	116	0	1085	217	1387	520	0	82.13%	79.78%	80.31%	81.76%	
2	1085	217	1387	520	0	840	186	1106	417	0	245	31	281	103	0	22.58%	14.29%	20.26%	19.81%	
3	245	31	281	103	0	166	22	199	66	0	79	9	82	37	0	32.24%	29.03%	29.18%	35.92%	
4	79	9	82	37	0	2	0	1	1	0	77	9	81	36	0	97.47%	100.00%	98.78%	97.30%	
5	77	9	81	36	0	77	9	81	36	0	0	0	0	0	0	0.00%	0.00%	0.00%	0.00%	

We repeat the process of comparing each race/ethnicity group with the group with the highest pass rate in each phase of the selection process to measure for adverse impact and probability.

Phase Analysis	Highest Selection Rate Group	Impacted Group	Total Applicants	Total Impacted Applicants	Total Impacted Pass	Impacted Group App %	Impacted Group Pass Rate	Highest Group Hire %	Group Pass Expected based on App Rate	Binomial Exact	SD	SF	SD Disparity?	Binomial Exact Disparity?
1	White	Black	3956	272	217	6.88%	79.78%	82.13%	223	0.17	-1.01	6		
	White	Hispanic	3956	1727	1387	43.66%	80.31%	82.13%	1418	0.03	-1.98	31		
	White	Asian	3956	636	520	16.08%	81.76%	82.13%	522	0.42	-0.25	2		
	White	AI/AN	3956	0	0	0.00%		82.13%	0	1.00		0		
2	White	Black	3209	217	31	6.76%	14.29%	22.58%	49	0.00	-2.92	18	YES	YES
	White	Hispanic	3209	1387	281	43.22%	20.26%	22.58%	313	0.02	-2.07	32	YES	YES
	White	Asian	3209	520	103	16.20%	19.81%	22.58%	117	0.07	-1.51	14		
	White	AI/AN	3209	0	0	0.00%		22.58%	0	1.00		0		
3	Asian	White	660	245	79	37.12%	32.24%	35.92%	88	0.13	-1.20	9		
	Asian	Black	660	31	9	4.70%	29.03%	35.92%	11	0.27	-0.80	2		
	Asian	Hispanic	660	281	82	42.58%	29.18%	35.92%	101	0.01	-2.36	19	YES	YES
	Asian	AI/AN	660	0	0	0.00%		35.92%	0	1.00		0		

Analysis Considerations

A persistent challenge in longitudinal analyses by race and ethnicity is group size – the total number of applicants and hires for a specific race or ethnicity category.

For 80% rule calculations, the disparity in group size can lead to illogical results. For example, a group with three total applicants and one hire has a 33% hiring rate. A group with 100 applicants and 20 hires has a 20% hiring rate. Under the 80% rule, we could conclude the group with 20 hires experienced adverse impact:

0.20 / 0.33 = 0.61

In such cases, the pass rate is less informative than the whole numbers, which do not support the conclusion that a group with only one hire is favored and a group with 20 hires is experiencing barriers to equitable outcomes.

The Uniform Guidelines on Employee Selection Procedures recommends excluding groups which comprise less than 2% of the total applicants from the analysis.

This approach provides a useful standard to apply to many analysis scenarios. Ultimately, the individual conducting the analysis should look for overall hiring outcome and phase analyses where small groups have the highest selection rate and run the analysis with and without the small group to assess the impact on the findings.

Where small groups may mask adverse impact among larger populations in the analysis, the analysis should be presented with both outcomes.

Longitudinal Hiring Analysis Alternative – Estimated Availability

Applicants who do not disclose race, ethnicity, and/or gender identity are typically excluded from EEO data analyses. However, if we have large numbers of unknown applicants, this can prevent us from drawing any meaningful conclusions from our data.

When there are large numbers of unknowns, we can use the availability estimate we calculated to measure for underrepresentation to approximate a diverse applicant pool composition and compare with the known demographics of the applicants that were hired.

Conducting an estimated availability analysis operates the same as when analyzing known race, ethnicity, and gender applicant pools. The difference is we assume the race, ethnicity, and/or gender of the applicant pool matches the availability estimate we created using our student, local community, state, national, and recent college graduate data sources.

To calculate the data we will use for the analysis, multiply the total number of unknown applicants by the percentage representation of each race, ethnicity, and/or gender identity group to be included in the analysis.

Example:

We have 1,000 unknown race and ethnicity applicants. Our estimated availability by race and ethnicity is:

Race / Ethnicity	Estimated Availability (%)
Black	8%
Hispanic / Latine	24%
Asian / Pacific Islander	12%
Indigenous / Native American	1%
White	47%

The data we will use for the longitudinal hiring analysis is calculated by multiplying the total number of applicants by the percentage representation:

Race / Ethnicity	Calculation	Estimated Number
Black	1,000 x 8%	80
Hispanic / Latine	1,000 x 24%	240
Asian / Pacific Islander	1,000 x 12%	120
Indigenous / Native American	1,000 x 1%	10
White	1,000 x 47%	470

We enter these numbers into the analysis with the known race and ethnicity of the applicants we hired and measure for adverse impact and statistical significance.

While an estimated availability longitudinal hiring analysis is not a precise representation of the actual diversity of our applicant pool, it allows us to identify adverse impact and invest our time and resources where we will likely have the greatest positive impact on our workforce diversity by ensuring qualified potential applicants from *all* monitored groups are aware of district employment opportunities.

INTERPRETING RESULTS

This section is recommended for all practitioners reviewing EEO data analyses outcomes and participating in the process of determining whether and where efforts to improve equal employment opportunity for all applicants may be warranted.

The analysis outcomes for utilization and longitudinal hiring analyses are often straightforward – indicators of adverse impact and probability reveal disparities in current employment levels and hiring outcomes we should evaluate further and focus on to improve outcomes.

Longitudinal phase analysis outcomes tend to be more nuanced. We often find adverse impact in a specific phase where there is no adverse impact in hiring outcomes. The conclusions we draw may vary significantly depending on the phase where we observe the adverse impact. An adverse impact finding is an invitation to the district to provide additional focus, attention, and analysis to its policies and practices to ensure all candidates have a full and fair opportunity to obtain employment.

Phase Analyses

Phase – incomplete application / minimum qualifications

The first phase in most selection processes is eliminating candidates who did not submit a complete application or did not meet the minimum qualifications for the position.

Adverse impact in this phase means a group had a higher failure rate and were more likely to submit an incomplete application or apply when they did not meet the minimum qualifications.

Phase – incomplete application / minimum qualifications

If we find a disparity in submitting complete applications that negatively impacts our efforts to create diverse pools of applicants, we should scrutinize our application requirements to eliminate any non-essential information or additional barriers. Application requirements which do not directly contribute to our ability to evaluate the relevant knowledge, skills, and abilities of a candidate create unnecessary barriers that reduce the effectiveness of our process.

Phase – incomplete application / minimum qualifications

If we find adverse impact in meeting minimum qualifications, it may indicate applicants are unaware of our equivalency procedures or that we should evaluate the effectiveness of our current equivalency process. The finding may also be reason for us to reassess our current minimum qualifications to reaffirm they are essential and job related.

Phase – Screening Committee Selection for 1st Interview

The screening phase, where committees review the substantive information provided in the application process to determine which candidates will be invited for an interview, is often the first overtly subjective step in the selection process.

Screening decisions are based on how committee members assess the qualifications of a candidate in the context of the performance expectations for a position. Adverse impact on this phase may reveal biases, explicit or implicit, which favor one group over others.

Phase – Selection for 2nd Interviews

Selection for a 2nd level interview is also an overtly subjective process. Opportunities for bias are greater as committee members will see and hear applicants, which means they will be able to make assumptions about race, ethnicity, gender, ability status, language proficiency, socioeconomic status, and many other personal characteristics which are not job related.

As with selection for the 1st interview, adverse impact findings in this phase will suggest correlation and cannot be interpreted as causation.

Phase – Job Offer and Background Screening

Due to the small number of candidates who reach the 2nd level interview, adverse impact findings in the final selection for a job offer are rare. Measuring for adverse impact in this phase is often more useful with longer time periods (e.g. five years) where we aggregate many selection decisions into a single analysis.

Similarly, adverse impact in background screens is rarely found due to the very small number of applicants who fail a background screen.

For both, reviewing the whole numbers instead of pass rates may be more useful. For example, if only three people have failed a background check in the last three years and all were the same race or ethnicity, we might want to review the details for any indication of bias, inconsistent application of criteria, or other issues causing one group to be impacted differently than others.

The longitudinal phase analysis cannot tell us why adverse impact exists. The analysis shows a correlation between race, ethnicity, and gender and passing the screening phase. It does not show causation.

Key Terms

Correlation – an apparent tendency for two or more variables in an analysis to happen or change together.

Causation – an act or event which forces another act or event to happen

Causation is an indisputable finding one thing makes another thing happen and is extremely difficult to prove statistically. We can conclude there appears to be a relationship between race, ethnicity, and gender and passing a phase in the hiring process, but rarely can we say with certainty a particular race, ethnicity, or gender causes an applicant to be removed from consideration.

CONCLUSION

Data are an essential tool for our EEO programs. For years, our colleges have reported demographic workforce data to the Chancellor's Office - but we can and must do much more. The longitudinal analysis of employment data at the local level provides an opportunity for our districts to evaluate local hiring practices and identify barriers to employment that may exist for diverse candidates.

The Chancellor's Office is committed to promoting our EEO programs and providing training, tools, and resources to our colleges to use employment data at the local level in

new and dynamic ways. The Chancellor's Office, in conjunction with the Statewide EEO and Diversity Advisory Committee, intends to develop and highlight effective new data tools and best practices for the benefit of our system. We will post tools, training opportunities, and best practices on the Chancellor's Office website as they are developed. Please see our new [EEO webpage](#).

The Chancellor's Office and the EEO and Diversity Advisory Committee hope that districts find this EEO Longitudinal Data Guide to be a useful tool as we develop more robust and effective EEO programs at the local level. Please reach out to other districts and the Chancellor's Office with questions and ideas, and visit the [EEO webpage](#) for additional resources. With a system-wide commitment to serving the full diversity of our student communities with equity, inclusion, and accessibility as our guiding principles, we will increase student success for all.

Appendix A: EEO Regulations

§ 53000 - Scope and Intent

This subchapter implements aspects of state and federal anti-discrimination laws intended to prevent unlawful discrimination in employment. It provides direction to community college districts related to the incorporation of evidence-based and equity-minded practices into existing recruitment, hiring, retention, and promotion activities to promote equal employment opportunities.

§ 53001 - Definitions

As used in this subchapter:

(a) "Adverse impact" means a disproportionate negative impact to a group protected from discrimination pursuant to Government Code section 12940, arising from the effects of an employment practice as determined according to a valid statistical measure (such as those outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures").

(b) "Diversity" means a condition of broad inclusion in an employment environment that offers equal employment opportunity for all persons. The achievement of diversity within a workforce requires the presence, respectful treatment, and inclusion of individuals from a wide range of ethnic, racial, age, national origin, religious, gender, gender identity, sexual orientation, disability and socio-economic backgrounds, in all aspects of the workplace.

(c) "Equal employment opportunity" ("EEO") 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, in all job categories. Equal employment opportunity also involves:

   (1) identifying and eliminating barriers to employment that are not job related, such as reliance on preferred job qualifications that do not reasonably predict job performance;

   (2) updating job descriptions and/or job announcements to reflect accurately the knowledge, skills and abilities of the position, including a commitment to equity; and

   (3) creating an environment which fosters cooperation, acceptance, democracy, and free expression of ideas, and is welcoming to all persons free from discrimination related to the categories protected by Government Code section 12940.

(d) An "equal employment opportunity plan" ("EEO plan") is a written document that describes a district's EEO program. A district's EEO plan shall include:

    (1) analysis of the district's work force; and

    (2) descriptions of the district's program and strategies, informed by the district's work force analysis, that it is implementing or will implement, to promote equal employment opportunity.

(e) An "equal employment opportunity program" refers to the combination of district strategies implemented to promote equal employment opportunity. Such programs should be informed by a district's longitudinal workforce and applicant analyses.

(f) "In-house or promotional only" hiring means that only existing district employees are eligible for a position.

(g) "Job categories" includes executive/administrative/managerial, faculty and other instructional staff, professional non-faculty, secretarial/clerical, technical and paraprofessional, skilled crafts, and service and maintenance.

(h) "Monitored group" means the groups for which districts must provide demographic data pursuant to section 53004.

(i) "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.

(j) "Reasonable accommodation" means the efforts made by the district in compliance with Government Code section 12926.

(k) "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 performance tests, physical, educational, and work experience requirements, interviews, application reviews, reference checks, and similar techniques. Screening and selection procedures shall also include consideration of equivalencies pursuant to section 53430.

(l) "Underrepresented group" means any monitored group for which the percentage of persons from that group employed by the district in a job category is below eighty percent (80%) of the projected representation for that group and job category.

§ 53002 - District Policy Statement Requirement

The governing board of each community college district shall adopt a policy statement setting forth the district's commitment to an EEO plan that is grounded in the principles of diversity, equity, and inclusion set forth in sections 51200 and 51201. As such, the policy shall recognize that "equal employment opportunity" includes not only a process for equal opportunity in hiring, but also practices and processes that create inclusive, respectful work environments. This statement may also incorporate the nondiscrimination policy statement required pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division, and other similar nondiscrimination or equal employment opportunity statements which may be required under other provisions of state and federal law.

§ 53003 - District EEO Plans

(a) The governing board of each community college district shall adopt a district-wide, written EEO plan to implement its equal employment opportunity program. Such plans shall:

(1) be developed in collaboration with the district's Equal Employment Opportunity Advisory Committee established pursuant to section 53005;

(2) be reviewed and adopted at a regular meeting of the governing board where it is agendized as a separate action item, and not part of the consent agenda;

(3) cover a period of 3 years, after which a new or revised plan shall be adopted; and

(4) be submitted to the Chancellor at least 90 days prior to its adoption. Comments received from the Chancellor's Office on the proposed plan must be presented to the governing board prior to adoption.

(b) Districts shall annually review their EEO plans and assess progress toward meeting EEO program goals. This annual review shall occur during regular meetings of district governing boards. In the event a district has not met the program goals described in the EEO plan, the district shall adopt a revised EEO plan that specifies the efforts it will employ to meet those goals.

(c) EEO plans shall include all of the following elements:

(1) specific pre-hiring, hiring, and post-hiring EEO strategies the district intends to implement each year over the life of the plan. A district's strategies may include

options listed in section 53024.1, and other practices informed by the district's workforce and applicant analyses.

(2) a schedule identifying the timetables for implementation of the identified EEO strategies.

(3) identification of the district EEO officer, with delegated responsibility and authority for implementing the EEO plan and assuring compliance with the requirements of this subchapter pursuant to section 53020;

(4) the procedure for filing complaints pursuant to section 53026;

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

(6) a process for ensuring that all individuals directly participating in the screening and selection process receive training prior to their participation. Training shall include, but need not be limited to:

   (A) the requirements of this subchapter and of state and federal nondiscrimination laws;

   (B) the educational benefits of workforce diversity;

   (C) the elimination of bias in hiring decisions; and

   (D) best practices in serving on a selection or screening committee;

(7) 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 a qualified, diverse pools of applicants. "Written" notice may include mailings and electronic communications;

(8) a process for gathering information and periodic, longitudinal analysis of the district's employees and applicants, broken down by number of persons from monitored groups, in each job category to determine whether additional diversification measures are required and to implement and evaluate the effectiveness of those measures. Each district, shall conduct a data review as part of its plan renewal, and may conduct periodic data reviews more frequently based on district size, demographics, and other unique factors; and

(9) community college districts shall utilize data available from reliable public and private sources to determine, whether monitored groups are underrepresented within district job categories.

(10)   strategies for addressing any underrepresentation identified pursuant to paragraph (9) of this subdivision.

(d)   Community college districts shall post a copy of their EEO plan on the district's website.

(e)   Community college districts shall make continuous, good-faith efforts to implement their plans, achieve employee diversity, and avoid disparate impacts, consistent with state and federal law.

§ 53004 - EEO Plan Analyses and Annual Report to Chancellor

(a)   Community college districts shall collect and continually monitor their employee and applicant demographic data to evaluate the implementation of their EEO plans, and to conduct the analyses required by sections 53003, 53006, 53023, and 53024. Districts shall report their employment-related data to the Chancellor annually, in a manner prescribed by the Chancellor. To facilitate analysis, all applicants and employees must be assigned a job category.

(b)   District data collection shall allow applicants and employees to identify their gender (including non-binary options), ethnic group identification and, if applicable, disability in a manner prescribed by the Chancellor consistent with state and federal law.

§ 53005 - District Advisory Committees

Each community college district shall establish a district equal employment opportunity advisory committee to assist in developing, revising, and implementing district EEO programs and plans. This advisory committee shall be composed of a diverse membership and include members from district stakeholder groups, including, but not limited to, students, faculty, and classified staff. Members of this advisory committee as well as members of the district governing board shall receive training in all of the following:

(a)   the requirements of this subchapter and of state and federal nondiscrimination laws;

(b)   identification and elimination of bias in hiring;

(c)   the educational benefits of workforce diversity; and

(d)   the role of the advisory committee in drafting and implementing a district EEO plan.

§ 53006 - District Analyses of Longitudinal Data

(a)   Districts shall conduct longitudinal data analyses of district employment trends.

(b)   Districts shall assess the information gathered pursuant to section 53003, subdivision(c), to identify and determine the cause of any underrepresentation, of

monitored groups across all phases of the employment process, including recruitment to applicant pools, hiring, retention, and promotion. Where a district determines that significant underrepresentation or adverse impact of one or more monitored groups in recruitment may be the result of non-job related factors, it shall implement additional strategies in its EEO plan designed to mitigate promptly the underrepresentation or adverse impact.

(c)   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.

§ 53020 - District Responsibility and Delegation of Authority

(a)   The governing boards of community college districts are ultimately responsible for proper implementation of this subchapter at all levels of district and college operations and for making measurable progress toward equal employment opportunity by the strategies described in the district's EEO 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 EEO plan and shall be designed 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 who participates in district recruitment or screening of personnel, whether as an employee or as a contractor, is an agent of the district and is subject to all of the requirements of this subchapter.

§ 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 and equity-minded applicants for all vacancies. This shall include outreach designed to ensure that all persons are provided the opportunity to seek employment with the district. The requirement of open recruitment shall apply to all full-time and part-time vacancies in all job categories and classifications, including, but not limited to, faculty,

classified employees, categorically funded positions, and all executive/administrative/managerial positions.

(b)   Recruitment for all full-time positions shall be posted in the clearinghouse established pursuant to subdivision (b) of Education Code section 87108. In addition, community college districts shall invite job seekers registered with the clearinghouse indicating an interest in the type of position(s) being recruited by the district to apply for the position(s). Recruitment for part-time faculty positions may be conducted separately for each vacancy or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.

(c)   "In-house or promotional only" recruitments may be used only to fill an interim position. An interim appointment may last only until a full-time appointment is made, and may not exceed two years in duration. All district employees shall be encouraged to apply for interim appointments. Otherwise, all recruitment procedures required by this subchapter shall apply.

(d)   For purposes of this section, a vacancy is not created, and the requirements of subdivisions (a) and (b) do not apply, 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 than they 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 professional services contract, or series of may exceed two years in duration.

§ 53022 - Job Announcements and Qualifications

Job announcements shall state clearly the job specifications, and the knowledge, skills, and abilities necessary to job performance. Where applicable, job announcements shall also indicate the possibility of meeting minimum qualifications through equivalency, as provided in section 53430. For all positions, sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students, shall be considered a core system competency and job requirement. All job specifications a district uses, including any "required," "desired" or "preferred" qualifications shall be reviewed by the EEO officer or appropriately trained designee before the position is announced, to ensure conformity with the requirements of this subchapter and state and federal nondiscrimination laws.

§ 53023 - Applicant Pool Review

(a) The application for employment shall provide for self-identification of the applicant's gender (including non-binary options), ethnic group identification and, if applicable, disability. This information shall be kept confidential and shall be used only in research, monitoring, evaluating the effectiveness of the district's equal employment opportunity program, or another similar purpose authorized by law.

(b) All initial applications shall be screened to determine which candidates satisfy the job specifications. The candidates who meet the job specifications shall constitute the "qualified applicant pool."

(c) Districts shall conduct an initial demographic review of the qualified applicant pool before an application deadline for a district position closes. If the pool's candidate diversity is not consistent with the diversity goals of the EEO Plan, the district may extend the search period.

(d) The composition of the qualified applicant pool shall be reviewed and compared to the composition of the initial applicant pool. If the EEO Officer or designee finds that the composition of the qualified applicant pool may have been influenced by factors that are not job related, appropriate action shall be taken. This applicant pool data shall be reviewed in conducting the analysis described in section 53006(a).

§ 53024 - Screening and Selection Procedures

(a) All screening and 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, gender identity, sexual orientation, and ethnic backgrounds of community college students. "Meaningful consideration" means that candidates shall be required to demonstrate sensitivity to diversity in ways relevant to the specific position;

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

   (4) designed to avoid an adverse impact and monitored by the EEO officer to detect and address any adverse impact which does occur for any monitored group.

(b) A district may not designate or set aside positions or job classifications for 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.

(c) Seniority or length of service may be considered only if they are relevant to posted job qualifications.

(d) Selection testing for employees shall follow procedures outlined in the Equal Employment Opportunity Commission's "Uniform Guidelines on Employee Selection Procedures."

(e) Screening committees shall include a diverse membership whenever possible, to ensure a variety of perspectives are included in the assessment of applicants.

(f) Governing boards or their designees shall have the authority to make all final hiring decisions based upon careful review of the candidate or candidates recommended by a screening committee. The governing board may reject all candidates and order further review by the screening committee, or reopen the position where necessary to further achievement of the objectives of the EEO plan or to ensure equal employment opportunity. However, a consistent pattern of declining to hire qualified candidates from monitored groups against the recommendation of screening committees may give rise to an inference that the selections are not consistent with the objectives of equal employment opportunity that are required by this subchapter.

§ 53024.1 - Strategies for Achieving Institutional Diversity

Establishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized effort. Districts shall implement effective strategies to achieve their institutional commitment to diversity detailed in their EEO plans. EEO strategies shall be selected according to the individualized challenges to diversity faced by each institution within the district. EEO strategies may include, but are not limited to, the following:

(a) The district conducts surveys of campus climate on a regular basis, and implements concrete measures that utilize the information drawn from the surveys.

(b) The district conducts exit interviews with employees who voluntarily leave the district, maintains a data base of exit interviews, analyzes the data for patterns impacting particular monitored groups, and implements concrete measures that utilize this information.

(c) The district provides training on elimination of bias in hiring and employment.

(d) The district provides culturally responsive training to members of the campus community.

(e) The district maintains a variety of programs to support newly-hired employees such as mentoring, professional development, and leadership opportunities.

(f) The district has audited and/or maintains updated job descriptions and/or job announcements.

(g) The district's board of trustees receives culturally responsive training as well as training on the elimination of bias in hiring and employment at least once every election cycle.

(h) The district timely and thoroughly investigates all complaints filed under this chapter, and all harassment and discrimination complaints filed under subchapter 5 (commencing with section 59300) of chapter 10 of this division, and takes appropriate corrective action in all instances where a violation is found.

(i) The district timely complies with the requirements of Government Code section 12950.1, and includes all forms of harassment and discrimination in the training.

(j) The district's publications and website convey its diversity and commitment to equal employment opportunity.

(k)   The district's mission statement conveys its commitment to diversity and inclusion, and recognition that a diverse and inclusive workforce promotes its educational goals and values.

(l)   The district's hiring procedures require applicants for all positions to demonstrate sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, gender identity, sexual orientation, and ethnic backgrounds of community college students in a manner relevant to the position.

(m)   District staff members serve as resources, consultants, mentors and/or leaders to colleagues at other districts in the areas of EEO and diversity enhancement.

(n)   The district maintains updated curricula, texts, and/or course descriptions to expand the global perspective of the particular course, readings, or discipline.

(o)   The district addresses issues of inclusion/exclusion in a transparent and collaborative fashion.

(p)   The district attempts to gather information from applicants who decline job offers to find out why, records this information, and utilizes it.

(q)   The district conducts longitudinal analysis of various employment events by monitored group status, in addition to hiring as required by section 53006, such as promotion, retention, voluntary resignation, termination, and discipline.

(r)   The district modifies locally-established "required," "desired" or "preferred" qualifications used to screen applicants for positions in the job categories that may unnecessarily suppress diversity in candidate pools.

(s)   The district provides incentives for hard-to-hire areas or disciplines.

(t)   The district engages in focused outreach by advertising and recruiting in diverse publications and forums.

(u)   The district provides professional development opportunities to all employees focused on diversity, equity, and inclusion.

(v)   The district incorporates commitment to diversity, equity, and inclusion into criteria for employee evaluations and tenure reviews, to the extent permitted by the district's collective bargaining obligations.

(w)   The district establishes and maintains a "grow-your-own" program, including, but not limited to, faculty intern or leadership development programs.

(x)   The district employs additional measures designed to mitigate underrepresentation or adverse impact in monitored groups, consistent with state and federal law.

§ 53024.2 - Accountability and Corrective Action

(a)   Districts shall certify annually to the Chancellor that they have timely complied with all of the following:

(1)   recorded, reviewed, and reported the data required regarding qualified applicant pools and longitudinal data;

(2)   reviewed and updated, as needed, the Strategies Component of the district's EEO Plan;

(3)   investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to subchapter 5 (commencing with section 59300) of chapter 10 of this division;

(4)   expended Equal Employment Opportunity funds in accordance with the purposes set forth in subdivision (c) of section 53030.

(b)   Upon review of a district's certification, data reports, or any complaint filed under this subchapter, the Chancellor may review a district's EEO Plan and implementation efforts to assess the institution's on-going efforts to support diversity and/or a district's compliance with this subchapter. Where the Chancellor finds that a district's efforts have been insufficient, the Chancellor will inform the district of specific area(s) of concern, and direct the district to adopt a revised EEO Plan within 120 days. Upon review of the revised EEO plan in the 90-day period before adoption, the Chancellor will either:

(1)   determine the revisions are sufficient, and provide a timetable for any subsequent review of district implementation; or

(2)   determine the revisions are insufficient, and direct the district to implement specific strategies and provide a timetable for subsequent review of district implementation.

§ 53025 - Persons with Disabilities

(a)   Districts shall ensure that applicants and employees with disabilities receive reasonable accommodations consistent with the requirements of Government Code sections 11135 et seq. and 12940(m), section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. Such accommodations may include, but are not limited to, job site modifications, job restructuring, part-time work schedules, flexible scheduling, reassignment to a reasonably equivalent vacant position, adaptive equipment, and auxiliary aids such as readers, interpreters, and notetakers. Such

accommodations may be paid for with funds provided pursuant to article 3 (commencing with section 53030) of this subchapter.

§ 53026 – Complaints

Complaints alleging violations of this subchapter may be filed against a district by any person using the procedures for employment-related complaints authorized by subchapter 5, commencing with section 59300.

§ 53027 - Applicability to Districts Operating on the Merit System

Nothing in this subchapter shall be construed to conflict with or be inconsistent with the provisions of article 3 (commencing with section 88060) of chapter 4 of part 51 of the Education Code which apply to districts operating a merit system for classified employees.

§ 53030 - Equal Employment Opportunity Fund Allocation

Resources provided to the Board of Governors for the purpose of promoting equal employment opportunity in hiring and promotion within the system shall be placed in an Equal Employment Opportunity Fund and shall be allocated consistent with the following:

(a) A portion of the fund, but not more than 25 percent, shall be set aside to provide technical assistance, service, monitoring, and compliance functions.

(b) That portion of the funds not allocated pursuant to subdivision (a) may be allocated to the districts in the following categories:

   (1) an amount proportional to the full-time equivalent students of each district to the total full-time equivalent students for all districts;

   (2) an equal dollar amount to each district;

   (3) an amount related to success in promoting equal employment opportunity. Multiple methods of measuring success shall be identified by the Chancellor working through the established Consultation Process.

(c) funds provided pursuant to this section may be used for:

   (1) outreach and recruitment;

   (2) in-service training on equal employment opportunity;

   (3) accommodations for applicants and employees with disabilities pursuant to section 53025; and

   (4) other activities to promote equal employment opportunity.

§ 53033 - Failure to Report

The Chancellor may decline to distribute Equal Employment Opportunity funds to a district the Chancellor determines is not in substantial compliance with this subchapter, including, but not limited to, its reporting obligations pursuant to section 53024.2. This authority shall not apply to the portion of funds described in section 53030, subdivision (a).

Appendix B: Glossary

80 Percent Rule: a measure of underrepresentation calculated by dividing the percentage representation for a monitored group by the percentage representation reasonably expected based on an availability estimate. If the result is smaller than 0.80, the monitored is underrepresented as defined in Title 5.

Adverse Impact: a disproportionate negative impact to a group protected from discrimination pursuant to Government Code section 12940, arising from the effects of an employment practice as determined according to a valid statistical measure.

Applicant Pool: unduplicated group of individuals which have expressed interest in a position being actively recruited.

Availability Estimate: a percentage calculated from one or more data sources indicating the representation of individuals from race, ethnicity, and/or gender identities within a defined population, geographic region, or other parameter such as student populations, local community demographics, and individuals with specific degree attainment.

Correlation: an apparent tendency for two or more variables in an analysis to happen or change together

Causation: an act or event which forces another act or event to happen

Data Cleaning: a process of identifying errors, missing values, inconsistent entries, and other issues impacting the accuracy and completeness of data.

Disparate Impact: when an employer's policy or practice, neutrally applied, results in significant differences in employment outcomes. In a disparate impact case, the discrimination does not have to be intentional – an individual must merely demonstrate that an employer's neutral policy has a disproportionate effect on members of the protected class.

Disparate Treatment: when an employer treats applicants differently based on a protected classification.

Disposition: the process of advancing a candidate to the next step of a selection process or disqualifying the candidate from further consideration.

Duplicate Applicant: An individual who applied for the same position multiple times which does not result in being considered for employment multiple times.

Hiring Rate: number of applicants hired divided by the total number of applicants

Ineligible Applicant: an individual who failed to follow directions to apply for the position, submitted an incomplete application, or fails to meet minimum qualifications.

Longitudinal EEO Data Analysis: an adverse impact analysis using data which tracks the same type of information on the same subject over a period of time.

Longitudinal Hiring Analysis: an adverse impact analysis measuring the number of applicants in monitored groups with the number applicants hired within the monitored group over a defined period of time.

Longitudinal Phase Analysis: an adverse impact analysis measuring the number of applicants in monitored groups considered within a screening process with the number of applicants which are advanced to the next stage of the process.

Multiple Record Applicant: an individual who applies for the same position multiple times or for multiple positions which results in the individual being considered in more than one screening and hiring processes.

Phase (or step): any point in a selection process where candidates are evaluated and some continue in the process while one or more may be removed from the process.

Qualified Applicant Pool: unduplicated group of individuals who have expressed interest in a position being actively recruited and meet the minimum qualifications required to be considered for employment.

Shortfall: the number of additional individuals in a monitored group necessary to be employed to eliminate underrepresentation or advance in a screening process to eliminate adverse impact for the monitored group.

Underrepresented Group: any monitored group for which the percentage of persons from that group employed by the district in a job category is below eighty percent (80%) of the projected representation for that group and job category.

Voluntary Withdrawal: an applicant explicitly or implicitly removes themselves from further consideration prior to the job offer such as asking to be removed or failing to show up for an interview.

Workforce Demographics: the percentage representation of monitored groups within a defined work unit such as a college, department, division, or group of occupations such as managers, supervisors, paraprofessionals, skilled trades, etc.