

Submittal #1

1. The Employee Availability Analysis (following Appendix) should be initially removed and later replaced with a 3 to 5 year hiring longitudinal study. The current "point in time" analysis does not represent the true demographic hiring practices within the district/colleges, career employment skews the data since student and local population data changes much more rapidly than career employees. This data can also be skewed rapidly through a college's internal policies in the recruitment of students. For example, BC has experienced a significant decline in Caucasian students over the last few years, a decline in excess of 5, 000 student. Yet, BC has experience a substantial increase in students of color. Examining the colleges outreach, early college initiate, and other priority initiatives provides at least some reasoning for this phenomenon.

2. Appendix B: Historical Demographic Data should be removed from the document until the "assigned weights for the expected population demographics" align with board policy and potentially California Educational Code (verifying). KCCD Board Policy states, "recruitment for full-time faculty and educational administrator positions shall be at least statewide..." If a weighted expectation is necessary, then it should reflect the demographic pool. Thus, it is feasible to expected that "if" a weighted expectation is to be developed, then at least 2 expectations analysis, one for full-time faculty/educational administrators and one for all other employees (who's pool may differ), should be produced.

3. According to KCCD Board Policy, the following responsibilities belong to the Academic Senate:

- a. Component 8: Training for Screening Committee (p. 13) - particularly paragraph four and composition of screening committees;
- b. Component 11: Analysis of Degree of Underrepresentation and Significant Underrepresentation (pg. 20) - particularly #4: Analyze committee composition;
- c. Component 12 Methods to Address Underrepresentation (p. 23) - b. "Promotion of curricular offerings" - course curriculum is a 10+1 rights/responsibility
- d. Component 12: Methods To Address Underrepresentation (p. 23) - particularly 3.d as it pertains to committee makeup.

I would suggest these be removed from the document until each Academic Senate has the ability to fully discuss the shifting of these responsibilities, as well as the three Academic Senate Presidents having the abilities to collectively discuss the shifting of these responsibilities.

4. Throughout the document terminology is used contradicting the provided definition of Equal Employment Opportunity - "individuals have a full and fair opportunity to compete". Such language should be removed or the intent of the sentence reworded:

- a. p. 3 definition of Equal Employment Opportunity Programs use of the word "recruit" - when an institution recruits candidates a full and fair opportunity does not exist, and especially when within the same document a weighted analysis and point in time analysis prioritizing effort is provided. ("Recruiting" also contradicts the definition of "Good

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Faith Effort". By recruiting candidates an institution increases a pool developing an unfair advantage, more competition, to those not recruited.

b. p. 5 definition of "Target Date" uses term "establish goal". There is not a full and fair opportunity when "goals" exist. This also contradicts Component 3: Policy Statement, "all qualified applicants and employees have equal opportunity to seek, obtain..."

c. p. 15 first paragraph states HR will "solicit their assistance in identifying qualified candidates..." Again, reflected the district will "recruit" creating an unfair opportunity for non recruited candidates.

d. p. 20 #2 HR will "to ensure quality and diversity are increased by targeting demographics" - ensuring quality/diversity is a Senate appointed committees responsibility, as well if HR "targets" recruitment the district no longer is providing a full and fair opportunity to non-recruited candidates;

e. p. 21 bottom of page #1 uses term "additional measures". Terminology and any such actions contradicts "full and fair opportunity"

f. p. 22 use of term developing networks between . . . potential hires." - full and fair or favoritism.

g. p. 22 last paragraph #3 states "develop a recruitment and hiring action plan" - both contradict idea of full and fair.

h. p. 25 - first paragraph word "aggressively" should be changed, and "reflect student demographics and open to all" is contradicting when the statewide and/or national pool demographics most likely will be different.

i. p. 25 #2 states "Outreach to find potential employees" - reconsider word "outreach"

j. p. 25 #1.iii/ p. 27 #5.v states desirable "multilingualism" - full and fair opportunity???

5. Page 24 - second paragraph remove the word "Democracy". (I think it is use one other time earlier in the document) Absolute miss use of term!

Submittal #2

After reading the EEO plan sent out for review, I have a few points of feedback for the committee as they meet.

First, an essential piece of data that is missing from the document is the demographics of the applicant pool. The goal to hire more Hispanic faculty is a good one, but we can't hire anyone who doesn't apply. So, looking at the applicant data would provide necessary context for the difficulty the college faces when trying to hire more diverse faculty and staff. There is a stark reality for many fields (chemistry for example) where the vast majority of people graduating with master's degrees or PhDs are white. We don't ultimately control who graduates with a particular degree and would do well to acknowledge it. I don't think the two ideas are mutually exclusive. We can aspire to diversity our faculty while still acknowledging how hard it will be to obtain our goal on a short time frame.

Second, I'm afraid that the analysis that determines how many of each type of faculty, staff, etc we need based on gender, race, and ethnicity looks a bit like a quota based on race, which is illegal. That part may need to be reworked to state our goal to diversify our hires without putting specific numbers to it. The numbers themselves seem a bit arbitrary anyway, so perhaps even a justification of the math done to get the percentages might also be a good thing.

I appreciate the work that has gone into this document by those on the committee. As the committee continues to work, I hope they will be open to feedback, and that the version presented to the board will move our college forward in a good way.

Submittal #3

First, we would like to state that the Physical Science Department strongly supports diversity in all its forms and supports KCCD's as well as BC's commitment to diversity and inclusion. We believe in open and honest discourse so that the best solutions may emerge.

For faculty positions, we propose starting the search cycle in late Summer or early Fall to attract a more diverse candidate pool. The Physical Science and Biology Departments will have to do a significant amount of faculty hiring in order to meet student demand in the Health Science and the STEM pathways in the next coming years. Nationally in the sciences, the hiring cycle starts in August the year prior to the date of hire. The current hiring practice with a timeline that typically starts in January is too late in the academic hiring cycle and we have seen several past situations where selected applicants from minority groups turn down an interview invite or an offer because they have already accepted an offer from another institution by the time BC/KCCD reaches out to them. This disadvantages us for having a talented and diverse candidate pools.

In addition, the racial quotas being proposed are problematic at best and extremely unrealistic at worst, when the qualified labor pool in STEM is predominantly non-Hispanic (data is attached for Chemistry and Physics) and thus, intervention earlier in the labor pool stream is what is needed, not screening applicants for ethnicity.

The idea being perpetuated that either, screening committees, or any employment category should match the demographic of our students is alarming, this should not be a factor beyond striving for diversity in all its forms, not just racial diversity. The measure currently proposed for evaluating the recruitment process with respect to underrepresentation of certain ethnic groups is crucially flawed. Making student population a primary weighting factor for determining the "expected population demographics" ignores obvious factors of hiring such as minimum qualifications and the actual applicant pools for different positions. Rejecting historical data gathered about hiring from applicant pools for positions at the Colleges and District Office as well as local, state, or national statistics on pools of potential applicants with minimum qualifications raises serious questions about the reliability of using this "availability analysis" to evaluate College and District hiring practices.

When it comes to hiring faculty, the analysis is completely blind to the fact that many available hiring pools do NOT reflect the overall population distribution in Kern county. This is not a point that we can control in any way other than to wait for much needed changes in the social system which lead to ALL people recognizing their potentials, getting a GOOD education in K-12, and taking advantage of higher education opportunities to gain the level of education needed for jobs here. No amount of crying or breast-beating about other proffered causes is going to change this.

As an example, chemistry is known to have the following statistics about degreed professionals (available from the American Chemical Society--2012 data attached):

MA in chemistry: 68% White, 11% Asian, 8% Black, 5% Hispanic, 8% other
PhD in chemistry: 78% White, 11% Asian, 5% Black, 5% Hispanic, 1% other

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It is VERY unlikely that we will see a pool that has a good number of all races present. Very few have the intent to teach (there are much better paying jobs out there). The statistics simply aren't in favor of a significantly diverse qualified pool.

This issue with the nature of available pools also is a likely contributor to the perceived bias in who's hired at BC. Using an aggregate population as the data pool for analysis allows one to conveniently hide this point, allowing one to cry "unjust systemic bias at BC!" instead of acknowledging the multifaceted nature of the problem and looking at who is applying instead of who we're trying to mimic. Please get more granulated with this data (just as we have done with how we examine our effectiveness) and show things on an applicant pool-by-applicant pool basis, and let's discuss the individual cases to understand all possible reasons contributing to results.

If we want to maximize the chances of getting good pools under any circumstances, understand that BC and the district have a glaring systemic problem formally addressed in our last program review. That is the longstanding approach to hiring, wherein decisions about it are made in the late fall, followed by advertising early in the new year and interviewing later. Sorry, but the diversity issue just skyrocketed since most hiring timelines start in the late summer (at least in the sciences). It does not mean we will see no good candidates, but everyone is looking to diversify so guess what happens with many of the qualified non-white candidates by the time we get around to advertising, much less meeting them?

The obvious inclusion of CRT (Critical Race Theory) methodology into what was a good (and largely copied) earlier EEO statement is depressing. For example, the terms anti-racism and gender confirmation are being included in the definitions section but are then never used again in the document, what is the purpose of including them in this document then? Speaking about training and monitoring using all the usual buzzwords will not help and may lead the district into a position of criticism for breaking the law when considered with the poorly conceived "statistical justifications" as rationale for rejecting good candidates when few "desirable" others are present (i.e. hiring based on discrimination). The proposed training is known to backfire, and the insinuations that White professors are unconsciously biased are a slap in the face. This approach to addressing issues fails because it deliberately divides people instead of striving to bring them together. How could anyone honestly tell a potential hire that BC is a good place to work at when they know that this division exists?

Submittal #4

The Kern Community College District draft EEO Plan is, in a word, “problematic.” It embraces an “‘anti-racist’ analysis” that assumes racism is “embedded into all societal structures” and that “racist policies are the cause of racial inequalities” (p. 2). Unfortunately, it pays no attention to the well established scholarship that demonstrates desperate outcomes are produced by a variety of factors (for a simple primer on what is in fact well established economic theory I’d suggest Stanford economist Thomas Sowell’s *Discrimination and Disparities*). Could it be that IF people of color are underrepresented in KCCD employment there are other causal factors beyond racism? The most obvious would be the applicant pool. [KCCD’s prior \(2018\) EEO Plan](#) provided applicant pool data (p. 28) but that data and approach is discontinued in this new report (appearing in brief passing in the final page of the appendix as a reference to the findings in the prior EEO Plan). Instead the new EEO Plan chiefly employs a comparison to a matrix that is misleadingly titled “Race Expected based on Availability.” Why has the committee dropped the actual availability data in preference of a comparison to an arbitrarily created matrix? The entire document seems an effort to create an unreasonable standard and then point to failure to meet that standard as proof of systemic racism.

In attempting to reaffirm the EEO Plan’s opening claim of systemic racism the report largely ignores the actual pool of applicants in preference of comparing hires to an imagined standard based on a composite model spelled out on page 32. This matrix decrees the “Expected Race based on Availability” should align with the student demographics 60% of the time, local population 25% of the time, the state 10% of the time, and the national population 5% of the time. As another faculty member has explained, [that formula creates misleading results.](#)

What was the basis for that formula? The report does not say. Why not increase the mirroring of student demographics to 90%? Or why not reduce it to 10% (since students are generally unqualified for faculty and management positions)? And why should the weight of student demographics so dwarf the local population? Isn’t the local population the most likely population to fill classified positions? And why is KCCD marginalizing nation-wide applicant demographics and even statewide demographics? Would not a truly diverse faculty draw more heavily from outside of Kern County? True diversity would seek employees from various regions of the United States and even outside the United States. By focusing on the local this plan ignores any cultural, religious, or ideological diversity we might seek. Oddly, this plan gives the demographics of KCCD student population twelve times more weight than the national population in what seems a gross rejection of reality. Why?

The answers to these questions are not merely polemical. Any responsible assertion of arbitrary points should have conducted a sensitivity analysis to confirm what are otherwise wildly arbitrary choices. This is a common practice in predictive analytics and would reveal how the policy would impact desperate ethnic and gender groups, and would seem a vital element in a report on diversity. Where is the sensitivity report? Will the creators of this report share those alternative tables? If not, why not?

Another concern with this arbitrary matrix’s emphasis on the student population is that the district’s student demographics are not at all a natural occurrence (Kern County is 54% Hispanic; Bakersfield is 50% Hispanic; BC is 67% Hispanic). Over the past decade BC’s administration

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has aggressively recruited Hispanic students via the rural outreach program, artificially inflating their demographic representation and now proposes using that artificially expanded representation to justify shifting the employee demographics to match. No one would fault expanding service to any group, but that is by no means a proper basis for measuring the available workforce.

These arbitrary matrix-shaping weights are important given the document's classification of "Underutilization" that seems to indicate KCCD must strive for the proposed standard that is simply unachievable without racially discriminatory practices. The EEO Plan further applies the misnomer "availability" when such fictitious numbers are in no way reflective of actual applicant availability. This exercise in misrepresentative language attempts to conceal a racial quota system with seemingly innocuous terminology. How could anyone oppose "expected" employees based on "availability"? The answer: when neither the expected nor available population are represented by the strangely defined matrix.

What about the legality of this plan? Perhaps it sidesteps federal discriminatory statutes because it avoids racial quotas per se in preference of a matrix based on various populations that just happens to give extraordinary weight to the demographic that just happens to feature one particular racial group. Perhaps, but not perhaps not. Even still, the problem with this approach is that while it does create an inflated goal for Hispanic hires, it suggests black (as well as Asian and white) people are sufficiently utilized. Apparently KCCD need not pursue any policies to promote the hire of black applicants, according to this report. And even if sidestepping federal statutes, the California Constitution would seem to remain an obstacle to implementing any policy based on this report. It seems like this plan was written in anticipation of the passage of Proposition 16, but Proposition 16 did not pass and so racial preferences in hiring remains illegal. At the very least this plan invites costly lawsuits by any non-Hispanic applicant.

Additionally, my number crunching colleagues tell me that this report's use of binomial distribution to assert employment discrimination is problematic. Although challenged in the academic scholarship (eg., Ben Ikuta, "Why Binomial Distributions Do Not Work as Proof of Employment Discrimination," *Hastings Law Journal*, 2008), this method is a common practice to establish discrimination in hiring. But in this report, there is an added problem. The use of binomial distribution in the EEO Plan implies that the EEO Plan assumes independent trials for whatever random variable is under consideration. In this case, their methodology assumes a faculty hire does not influence the outcome of the next faculty hire, which runs counter to the underlying assumption of the EEO Plan that the ethnic composition of the current faculty (which is itself composed of past hires) influences the likelihood of the next hire. Both assumptions cannot hold at the same time. I wonder if the committee that prepared this document has looked at other probabilistic techniques to detect potential underutilization.

Having established underutilization of racial groups with this curiously weighted matrix, the EEO Plan outlines strategies to correct the imagined problem. Some of these are innocuous or even well thought out; others are troublesome. For example, page 13 insists that screening committees "should be composed of people who mirror (1) the gaps in the department... and/or (2) the student populations the department serves" (p. 13). What does this mean? The word

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“mirror” does not suggest including a diverse sampling but a nearly exact reflection of certain groups. Which groups? The first option is to align with the very demographic group absent in the department vis-a-vis the arbitrary racial quota matrix (which grants considerable weight to a Hispanic-dominated population). This would seem to exclude white faculty from search committees. But not only that, many departments that do have black or Asian faculty members would then be overrepresented in those ethnic group categories, effectively barring them from a search committee in their own department. Would white, black, and Asian faculty have to give up their seats in search committees to make space for Hispanic-dominated search committees because of an arbitrarily created matrix? The other option (point 2) is to align with the students who commonly enroll in that major. Would that not also result in limiting black, Asian and Native American faculty in most department search committees? This entire strategy of manipulating search committee membership also contains an implicit assertion that non-Hispanic faculty must be too racist to hire Hispanic applicants and must be limited or even barred from search committees in preference of Hispanic faculty who presumably won't be racist. This is a hurtful allegation from an employer to its employees. What data supports this assertion? The EEO Plan's appendix actually points to the contrary in the easy to overlook final page of the appendix that reveals white and Hispanic applicants over the past few years have been hired at a rate of 3.1:1, which aligns reasonably closely with both the applicant pool (2.9:1) and interestingly enough, the rate of local bachelor's degree completion (3.3:1) (which might hint at the actual available pool of local people who could apply).

It may be helpful to look at specific departments to imagine the impact. In the Social Sciences Department, for example, where multiple black and Asian faculty may be overrepresented vis-a-vis the arbitrary racial quota matrix, there is then no justification to allow those faculty on search committees as preference is given to the one group that is underrepresented vis-a-vis the racial quota matrix (Hispanic faculty, none of whom even have expertise in two of the programs within the Social Science department). Conversely, STEM departments are skewed white, not because the faculty are racist but because it is very hard to find qualified applicants of any race and because white people grossly dominate the STEM applicant pool. The membership of the American Chemical Society (the dominant professional association for chemists) is 80% white and only 4% Hispanic--it is statistically impossible to hire a flurry of Hispanic applicants because they do not exist. This phenomenon is not unique to chemists. Any shortcoming that may exist at KCCD is likely compounded by the District's unfortunate practice of hiring faculty after most other institutions have already signed the most desired talent. There is a national race to recruit people of color, and by waiting until the best applicants are committed elsewhere KCCD limits its options to a pool of applicants that skews even more white than normal and a pool robbed of its best talent overall. Despite the presumably reduced pool of quality candidates of color, KCCD still manages to hire a proportionate ratio of white and Hispanic applicants vis-a-vis the actual pool of applicants and at BC Hispanic applicants are hired at a higher rate than any other ethnic group (including whites). Swapping out the faculty on search committees will simply not produce more qualified applicants.

Racially structured search committees are not the only dubious solution presented in the EEO Plan. Page 24 calls for implicit bias and microaggressions training. Page 26 calls for “mandatory” bias training. For years the efficacy of these sorts of trainings have been widely

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challenged (see an oft-cited 2017 [Psychology Today](#) article and a December 2020 [British Parliament Commission](#) report finding that “there is currently no evidence that this training changes behavior in the long term or improves workplace equality in terms of representation of women, ethnic minorities or other minority groups”). But more than ineffective, rules prohibiting microaggressions have also been challenged as an infringement on First Amendment Rights (eg., [Bhattacharya v. Murray, 2021](#)). The Foundation for Individual Rights in Education has recently produced a [helpful overview](#) of the increasingly frequent legal issues stemming from misguided attempts to manage employees “microaggressions.” In April 2021, the British education thinktank Civitas also produced a [lengthy review](#) of such trainings and found they typically traffic in “gross racial generalizations” and “are to the detriment of everyone in society” except for the “elite race experts who find themselves in a powerful position to intervene in all aspects of public and private lives.” The District is already embroiled in one First Amendment lawsuit. Would this invite more? And what justification is there for the need of such trainings (beyond the misleading matrix)? Indeed, the most [recent district climate survey](#) indicates that welcomeness towards racial difference is much higher than other forms of difference, such as differing religious views. If bias training is needed it would not be for racial insensitivity but for religious insensitivity, according to our own institutional data.

Over the past year there has been an obvious campaign to shift public opinions in favor of hiring more Hispanic employees. It was part of the BC administration’s 2020 Opening Day meetings and throughout the year quite a few Hispanic students addressed the BC Academic Senate to articulate emotional pleas for more support by way of hiring more Hispanic faculty. In response, the senate reviewed academic performance by race and gender. It turns out that since 2017, BC’s Hispanic students have actually outperformed the campus average, white students, black students, and Native American students in degree completion. Why is this celebratory accomplishment not included in the EEO Plan? The Academic Senate found that the only ethnic groups on campus that continue to struggle with low rates of [degree completion](#) and/or [course completion](#) are those of black and Native American ancestry--the very ethnicities marginalized by the new EEO Plan’s matrix. To continue to place disproportionate focus on a group that is outperforming nearly all others (only Asian students are outperforming Hispanic students) seems far from equitable. The Senate study also found the [proportionality index for faculty hires by race](#) over the past five years. A normal distribution ranges from 0.8 to 1.2, and variances outside those norms are often grounds for potential discrimination in employment lawsuits. That report found that white applicants were slightly favored above a normal distribution (1.22), black applicants were slightly disfavored below a normal distribution (0.78), Hispanic applicants were favored far above a normal distribution (1.48), and Asian applicants were disfavored far below a normal distribution (0.33). That is, if there is racial discrimination in hiring at Bakersfield College the data suggests it is in favor of Hispanic applicants at the expense of Asian applicants.

This KCCD EEO Plan advances a racial quota system based on an arbitrary model that is simply incorrect in its representation of available candidates and creates a standard that is impossible to achieve without discriminatory hiring practices--and even then probably still impossible. The very purpose of this report seems to be the promotion of arbitrary standards that ensures failure to justify the preconceived conclusions of systemic racism. I am heartbroken that KCCD would propose such policies designed to marginalize non-Hispanic people with clearly implied

Submittal #4 continued

assertions that faculty are somehow too racist to hire Hispanic candidates (while also charging search committees to strive for a radically unrealistic race-based quota).

Recommendations:

1. The matrix that underpins the EEO Plan must be reassessed and substantially altered or discarded entirely in preference of traditional metrics: the actual applicant pool. At the very least, the applicant pool comparison should be provided side-by-side with any matrix comparison. Any matrix included should undergo a sensitivity analysis to assess how it and alternative weights might affect other populations, and that data should be provided in some sort of explanation about why the particular rankings and weights were employed. That sensitivity analysis should be made available in the appendix.
2. The overarching assumption that non-Hispanic employees are racist and must be managed or suppressed to control racism is unfounded. The attempt to arrange search committees without any diversity to ensure one particular ethnic group's dominance also seems to be an invitation to compound implicit bias. Any direction regarding the shaping of search committees should be struck from the document (see page 13).
3. Protections of viewpoint diversity should be incorporated by removing the "mandatory" bias trainings and including other forms of diversity in the stated definition of diversity on page 2. Specifically, that definition of diversity should include sex, political affiliation, belief system, and values. Also, the list of protected affiliations on page 6 should include party affiliation.
4. Recruitment of faculty could be expanded by any of several mechanisms, such as:
 - a. accelerate the hiring practice to approve faculty positions earlier so that they may be posted no later than November with submission deadlines in December, as is the industry standard;
 - b. include the District's attractive salary schedule in all faculty job postings;
 - c. reverse the District's long standing aversion to sponsoring foreign visas and openly recruit foreign applicants;
 - d. fund travel for interview for applicants out of state and out of the country;
 - e. dedicate the first year of any open faculty position to a 1-year visiting professorship with special attention to international applicants (with exceptions for those where necessary); and;
 - f. build a faculty pipeline with foreign institutions of higher education, perhaps beginning with those that service Bakersfield's six sister cities (Wakayama, Japan; Partisan District of Minsk, Belarus; Cixi, China; Santiago de Queretaro, Mexico; Bucheon, Republic of Korea; Amritsar, India) and at least one more within the continent of Africa.

Submittal #5

“There are a few areas where I do have concerns:

The current KCCD employment data is very thorough and indicates we need, for example, more males in secretarial positions and more females in M&O. I’m afraid that the reality of the gender makeup of the trades is going to make it difficult to rectify that. That’s not to say there are no female plumbers or electricians, but they are few and far between. We could be shooting ourselves in the foot by ignoring the reality of who our job applicants will be in some cases.

Since faculty screening committees must reflect the racial composition of the students we serve, I’m worried that our African-American and Hispanic faculty, which the data show are already underrepresented, are going to be seriously overtaxed in service on screening committees.

It appears adjunct faculty are also covered under this policy/process. I’m wondering if that will force the adjunct hiring process, which is now fairly informal, to become much more structured. If so, the immediacy and flexibility we’ve had in the past for adjunct hiring will disappear.

If our effort is to diversify our workforce in terms of race, gender, and age, I wonder why screening committees currently aren’t allowed to see race, gender, or age on employment applications. It seems that two approaches to unbiased employment screening are going to come face to face here, and I’m not sure which will prevail.

Just some initial observations. Overall, I don’t have serious concerns with the document.”

Submittal #6

Page 9, Under COMPONENT 5: EEO DISTRICT ADVISORY COMMITTEE
CCR, Title 5, § 53005 [See also KCCD Board Policy 11D1C].

Recommendation #1

Identify members or representatives from the colleges to sit as representatives on the EEO Advisory Committee. One example is Bakersfield College EODAC standing committee designed to support and advise BC Diversity, Equity, and Inclusion programs & plans. BC EODAC uses this structure to provide feedback and input on these matters to the College President and Academic Senate.

Page 13, Under COMPONENT 8: TRAINING FOR SCREENING COMMITTEES

CCR, Title 5, §§ 53003(c)(4) and 53020(c).

Recommendation #2

Specify the type of training, more than just introduce topics. The trainers should be identified to ensure an academic and social knowledge base in racial ethnic concerns and issues.

Page 18, Under COMPONENT 10: ANALYSIS OF DISTRICT WORKFORCE AND APPLICANT POOLS CCR, Title 5, § 53003(c)(6)

Race and Ethnic categories:

Hispanic or Latino:

White Caucasian

Black/ African American

Asian or Other Pacific Islander

American Indian or Alaska Native

Page 21, COMPONENT 12: METHODS TO ADDRESS UNDERREPRESENTATION, Underrepresentation based on availability data. Underrepresentation within the District's workforce and/or applicant pools.

CCR, Title 5, §§ 53003(c)(9)

Recommendation #3

Identify who the trainers will be, qualifications, academic ethnic credentials, curriculum, and experience in the field of racial, ethnic, and equity background.

APPENDIX B: HISTORICAL DEMOGRAPHIC DATA

Kern Community College District has attempted to ascertain if underrepresented groups exist within the District Workforce and if there is an adverse impact in the recruitment process which contributes to this.

Bakersfield College Availability Analysis

(I have copied and pasted the relevant data from the EEO Plan Availability Tables and placed here for reference to my recommendations)

I. All Employees

Submittal #6 continued

Ethnicity:

An analysis of the total workforce, which includes all permanent employees and part time faculty, shows White employment exceeding identified availability by a significant margin. The expected projection for this group is 24.68%; however, based on the analysis, Bakersfield College utilization is 52.9%. Additionally, Hispanic employment falls below the identified availability by a significant margin, with current employees identified as Hispanic accounting for 31.9% of employees. This is a significant finding, as race availability stands at 60.35%.

Furthermore, Asian employment falls below the identified availability by a smaller underutilized margin, with current employees identified as Asian accounting for 4.2% of employees. The extent of the deviation is not far from the expected finding, as race availability stands at 5.69%.

As a result of this finding, the District is prioritizing over all recruitment efforts to increase the number of qualified Hispanic and Asian applicants for Bakersfield College.

[Recommendation #4 \(All Employees\)](#)

Include percentage, underutilization, and increase for the qualified candidates for Black/African Americans, Pacific Islander, American Indian or Alaska Native.

II. Executive/Administration

An analysis of employees identified as Executive or Administration, shows similar findings to the “All Employee” analysis. This includes a significant marginal difference when reviewing employees in Executive/Administration job group, half have self-identified as White. The expected projection for this group is 24.68%; however, based on the analysis, Bakersfield College’s utilization is 50%.

Additionally, Hispanic employment falls below the identified availability by another significant margin, of 32.1% with availability at 60.35%.

The District is prioritizing its recruitment efforts by identifying candidates to increase the number of qualified Hispanic applicants for Bakersfield College.

[Recommendation #5 \(Executive/Administration\)](#)

Include percentage, underutilization, and increase for the qualified candidates for Black/African Americans, Asian or Other Pacific Islander, American Indian or Alaska Native.

III. Academic:

Full- Time Faculty

Ethnicity:

In the analysis of Faculty, Hispanics are again identified as an underutilized group. Out of all job groups, Full time Faculty and Part time Faculty show the most significant finding of underutilization of Hispanics. The expected projection for both Full time Faculty and Part time Faculty is 60.35%; however, based on the analysis, Bakersfield College’s utilization is 21.3% for Full time Faculty and 25.1% for Part time Faculty. Notably, Faculty identifying as White have a significant difference in margin; 64.9% (Full time) and 57.9% (Part time) with an availability of 24.68%.

The District is prioritizing its recruitment efforts by identifying candidates to increase the number of qualified Hispanic applicants for Bakersfield College.

[Recommendation #6 \(Academic, Full & Part-Time Faculty\)](#)

Submittal #6 continued

Include percentage, underutilization, and increase for the qualified candidates for Black/African Americans, Asian or Other Pacific Islander, American Indian or Alaska Native.

IV. Classified:

An analysis of Classified employee shows most job groups are within a reasonable range of population availability, with the exception of Clerical/Secretarial. Clerical/Secretarial has an underutilization of Hispanics with only 42.5% of the representation.

This is a significant underutilization; as projected race availability is 60.35%.

District will be prioritizing the aforementioned group to ensure an increase in qualified candidates.

Recommendation #7 (Classified)

Include percentage, underutilization, and increase for the qualified candidates for Black/African Americans, Asian or Other Pacific Islander, American Indian or Alaska Native.

Submittal #7

Component 2: Definitions

- Using the controversial term "anti-racist" - mentioned four times (3 of which are in the definition).
 - I would think they could use a more well-known and accepted term to convey their meaning.
- "Business Necessity" is mentioned 7 times: 4 in the definition, 1 discussion of hiring qualifications, and 1 including management in a meeting to decide on appropriate accommodations for an employee. (*More information below.*)
 - I'm not clear on why this term or how these situations justify not staying in compliance with Title 5, section 53021(b)(1).
- The definition of "Anti-racism" used is from the recent work of two individuals, Oluo and Kendi, and not state or legal definitions. Are there definitions or uses of the term or a different term that is more widely accepted and understood?
- The definition for diversity should also list sex, political affiliation or belief system, values
- Three different definitions related to gender may be condensed. For gender identity, "male, female, a blend of both or neither" is missing "non-binary" which is directly referred to later in the document.
- Internal Hiring and In-house or Promotional Only Hiring definitions should be combined as they have the exact same definitions.
- The definition for Underrepresented should refer to section 53004 as well.
- Definitions missing - race, racism, sex

Component 3: Policy Statement

- Missing political affiliation

Component 5: EEO District Advisory Committee

- Number of members?
- The meaning of "Approximate a balance" is unclear. In its current use it can be interpreted to mean an equal number of district people and college people OR and equal number of each district, BC, PC, and CC people.

Submittal #7 continued

Component 8: Training for Screening Committees

- Listing the demographics a screening committee should be composed of seems to have a high propensity for implicit bias.

Component 10: Analysis of District Workforce and Applicant Pools

- Will the identification options for employees be equal to those for students so that reliable comparisons may be done? Students are allowed to select multiple races/ethnicities. Forcing people to choose only one denies a part or multiple parts of their identity. Will a “decline to state” option still be available?

Component 12: Methods to Address Underrepresentation

- This entire section can be interpreted as “a job opening must remain unfilled until monitored groups are able to fill them.” This will hinder the work done at the district or college.
- Additional measure #7 – Federal and state requirements and laws should always be followed. This seems to imply that there are instances when alternatives to the law will be used.

Component 13: Process for Developing and Implementing Strategies that Promote Diversity

- 2v Recruitment - If information is provided in languages other than English, is this being transparent? The dominant language of communication at KCCD is English. This form of advertisement may provide a false narrative for potential employees.
- Using controversial and divisive language; **not defined**.
 - "Support the District Advisory Committee in the development of training to include:
 - Demographics on campus and in local community
 - **Implicit Bias**
 - **Micro-aggressions**
 - Compliance, with special emphasis on how to handle ethics violations
 - Incorporate theory such as **Bystander Intervention** and **Bias-Mitigation**
 - Direct, Distract, Delegate, Delay, Document: Select strategies that will produce comparative longitudinal information. "
- Is the goal to ensure "equal opportunity" or are we moving to an equity model in which the goal is to ENSURE equal representation based on population ratios despite qualifications or deference to them?
 - "It is the policy of the District to aggressively pursue a program of verifiable recruitment that actively seeks employees that reflects student demographics and is inclusive and open to all individuals. However, the District realizes that

Submittal #7 continued

- recruitment is only one step in the employee lifecycle. Maintaining a diverse workforce requires support for employees throughout the employee lifecycle."
- So, if the hiring pool doesn't contain one of the identified groups, what happens?
 - "Recruitment:
 - The District will conduct regular outreach to new recruitment sources that ensure diverse pools of candidates. Diverse pools should include, but not be limited to all gender identities, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. "
- Again, using terminology that is controversial and divisive; **not defined**; **training** implies that new hires will be unaware of or lack knowledge about "diversity and inclusion, cultural competency, and **implicit bias**." (Isn't this already being included in the advertisement and the hiring process for all positions?)
 - "Onboarding:
 - i. Develop a comprehensive, multi-part new hire orientation program for all faculty and staff to include diversity and inclusion, cultural competency, and **implicit bias** training;"

Additional to clarify above:

- Def: means circumstances which justify an exception to the requirements of **Title 5, section 53021(b)(1)** because compliance with that section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety.
- § 53021. Recruitment.
 - (a) Except as otherwise provided in this section, community college districts shall actively recruit from both within and outside the district work force to attract qualified applicants for all 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. Recruitment for full-time faculty and educational administrator positions shall be at least statewide and, at a minimum, shall include seeking qualified applicants listed in the California Community Colleges Equal Employment Opportunity Registry and posting job announcements with the Registry. Recruitment for part-time faculty positions may be conducted separately for each vacancy or by annually establishing a pool of eligible candidates, but in either case full and open recruitment is required consistent with this section.
 - (b)(1) "In-house or promotional only" recruitment shall not be used to fill any vacancy for any position described in subdivision (a) except when the position is being filled on an interim basis for the minimum time necessary to allow for full and open recruitment; provided however, that no interim appointment or series of interim appointments exceeds two years in duration.

Submittal #7 continued

Appendix B: Historical Demographic Data

- When do employees have the opportunity to update this information?
- Why are their different external recruitment areas for each “race”? This appears to say that the numbers for “white” availability is based on student population while the number of “Hispanic” availability is based on statewide data. Does availability take into account minimum qualifications being met? For example, the number of Hispanics with Master’s degrees or above for faculty positions requiring at least a Master’s degree? The data, in its current form, is misleading.
- Race and ethnicity are being used interchangeably when they are not identical words.
- The US Census does not use the same singular categorizations as the data elements presented in the plan. For example, in the US Census, Hispanic/Latino is not a race, and it is possible for someone to identify as both Hispanic and Native American.

Submittal #8

Component 2: Definitions

- The definition of “Anti-racism” used is from the recent work of two individuals, Oluo and Kendi, and not state or legal definitions. Are there definitions or uses of the term or a different term that is more widely accepted and understood?
- The definition for diversity should also list sex, political affiliation or belief system, values
- Three different definitions related to gender may be condensed. For gender identity, “male, female, a blend of both or neither” is missing “non-binary” which is directly referred to later in the document.
- Internal Hiring and In-house or Promotional Only Hiring definitions should be combined as they have the exact same definitions.
- The definition for Underrepresented should refer to section 53004 as well.

Definitions missing - race, racism, sex

Component 3: Policy Statement

Missing political affiliation

Component 5: EEO District Advisory Committee

Number of members? The meaning of “Approximate a balance” is unclear. In its current use it can be interpreted to mean an equal number of district people and college people OR an equal number of each district, BC, PC, and CC people.

Component 8: Training for Screening Committees

Listing the demographics a screening committee should be composed of seems to have a high propensity for implicit bias.

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Submittal #8 continued

Component 13: Process for Developing and Implementing Strategies that Promote Diversity

2v Recruitment - If information is provided in languages other than English, is this being transparent? The dominant language of communication at KCCD is English. This form of advertisement may provide a false narrative for potential employees.

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Race and ethnicity are being used interchangeably when they are not identical words.

The US Census does not use the same singular categorizations as the data elements presented in the plan. For example, in the US Census, Hispanic/Latino is not a race, and it is possible for someone to identify as both Hispanic and Native American.

Submittal #9

I am currently a senator serving at the Bakersfield College Academic Senate Committee. I have a question and a comment regarding EEO plan.

Who are the members of EEO District Advisory Committee? Is there plan for a district-wide presentation on the EEO proposal?

I feel that the matrix “chosen by the committee” (p. 32) needs more explanation and elaboration as it impacts all the data based on which recommendations are to be made. Clearly, Hispanics are repeatedly identified as the “underutilized group” because the largest weight of that matrix is given to our largely Hispanic student population. For the District to truly provide all qualified individuals a “fair opportunity to compete” for hiring, the “Race availability” should be based on job applicants, not the number of students.