

MODESTO JUNIOR COLLEGE  
ACADEMIC SENATE  
RESOLUTION FL95-F: HIRING PROCEDURES III  
OCTOBER 12, 1995

Proposed by: Allan McKissick

WHEREAS, current YCCD hiring policy is the result of lengthy and difficult negotiation, and

WHEREAS, the issue of how best to diversify our faculty was the primary basis of contention during that negotiation, and

WHEREAS, contract hiring policy has not been demonstrated to be ineffective in the area of diversifying our faculty, and

WHEREAS, current hiring policy already places a strong emphasis on the goal of diversification, and

WHEREAS, the M.J.C. Academic Senate has repeatedly expressed its opposition to "principles" and "guidelines" advocated by the Administration that have the effect of undermining faculty influence on selection committees through inappropriate pressure on selection committees to treat such "principles" and "guidelines" as established policy or procedure,

THEREFORE, be it resolved that Academic Senate Resolution FL94-K is hereby rescinded.

THEREFORE, be it further resolved that the M.J.C. Academic Senate fully supports the discretion of selection committees as provided for in current Yosemite Community College District Hiring Procedures.

THEREFORE, be it further resolved that the M.J.C. Academic Senate will pursue revision of current hiring policy if it can be conclusively demonstrated by the Administration that current policy

THEREFORE, be it further resolved that the M.J.C. Academic Senate recommends the following: (see attached)

ACTION: October 26, 1995

FINAL ACTION: November 16, 1995

DISPOSITION: Carried

## Proposed Agreement and Protocol Governing Hiring – 1995-96

### AGREEMENT:

The parties agree to the following statements:

1. All hiring practices are governed by YCCD Policy 4104, YCCD “Contract Faculty Hiring Procedures” (as revised 12/94), and Sections 53000-53034 of Title V of the California Education Code, “Affirmative Action and Non-discrimination Employment Practices.”
2. Under the requirements of both policy and law, the District and selection committees acting on its behalf are obligated to adopt policies which do not discriminate against protected groups and seek to achieve a diverse staff.
3. It is the legal obligation of the District Affirmative Action Office to monitor all selection processes to assure that no “selection technique or procedure has adversely impacted any historically underrepresented group.” Should a determination be made that such a condition exists, it is the legal obligation of the District to halt the selection procedure and resume it only at such time legal requirements can be met. (Title V, 5304 4b.)
4. In pursuit of the goal enunciated in #2, it is desirable to have a diverse pool of applicants at each stage of hiring; however, the absence of diversity at any stage following the establishment of an initially diverse pool of applicants will not be considered in itself proof that a technique or procedure has adversely impacted any historically underrepresented group.

### PROTOCOL GOVERNING ACTION WHEN THE POSSIBILITY OF DISCRIMINATORY TECHNIQUES OR PROCEDURES EXIST

1. TRAINING: All selection committees shall receive training which will include orientation to the legal obligations, policies and practices dealing with Sections 53000-53034 of Title V and YCCD Policy #4104. (see VII B. of Contract Hiring Procedures.)
2. DESIGNATED ACADEMIC SENATE REPRESENTATIVE: Prior to the beginning of the screening/selection process, the appropriate Academic Senate will designate one member of the Selection “Committee to act as its representative in the case of possible discriminatory techniques or procedures. In any case of invoking this protocol, this representative will keep the Academic Senate informed of the process through reports to the Academic Senate President.
3. CONSULTATION: If at any time in the process the Affirmative Action Office should determine that there is a possibility that selection technique(s) or procedures(s) may have “adversely impacted historically underrepresented groups” (according to the current interpretation of Title V 53024 4b), the Chief Affirmative Action Officer or his/her designee shall meet with the

Selection Committee chair and the designated Academic Senate representative to attempt to resolve the matter by concluding one of the following:

- A. The lack of diversity is not the result of adverse impact of selection technique(s) and/or procedure(s).
  - B. That selection technique(s) or procedure(s) had adversely impacted underrepresented groups and that remedial action (pursuant to current interpretation of Title V 53024) should be taken. (Such remedial action should be developed by the Selection Committee with the assistance of the Affirmative Action Office.)
4. If a lack of diversity among semi-finalists or finalists occurs, that is not the result of discriminatory technique(s) and/or procedures(s), the chief Affirmative Action Officer or his/her designee may apprise the committee of that situation. However, under such circumstances, it is in the committee's sole discretion whether or not to expand the number of semi-finalists or finalists.