

Victor Valley College Equal Employment Opportunity Plan


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1. Introduction

The Victor Valley College Equal Employment Opportunity Plan reflects the district's commitment to equal employment opportunity. The district believes that taking active and vigorous steps to ensure equal employment opportunity and creating a working and academic environment which is welcoming to all will foster diversity and promote excellence.

The *Plan's* immediate focus is equal employment opportunity in its recruitment and hiring policies and practices pursuant to the applicable title 5 regulations (section 53000 et seq.) and the steps the district shall take in the event of underrepresentation of monitored groups. The *Plan* contains an analysis of the demographic makeup of the district's workforce population and an analysis of whether underrepresentation of monitored groups exists. The *Plan* also includes the requirements for a complaint procedure for noncompliance with the title 5 provisions relating to equal employment opportunity programs, establishment of a Diversity Committee, methods to support equal employment opportunity and an environment which is welcoming to all, and procedures for dissemination of the *Plan*. To properly serve a growing diverse population, the district will endeavor to hire and retain faculty and staff who are sensitive to and knowledgeable of the needs of the continually changing student body it serves.

 06-18-09
Robert Silverman, Ph.D.
Superintendent/President

2. Definitions

[Title 5, § 53001(a)-(p)]

- A. *Adverse Impact*: a statistical measure (such as those outlined in the EEO Commission's *Uniform Guidelines on Employee Selection Procedures*) that is applied to the effects of a selection procedure and demonstrates a disproportionate negative impact on any group defined in terms of ethnic group identification, gender, or disability. A disparity identified in a given selection process will not be considered to constitute adverse impact if the numbers involved are too small to permit a meaningful comparison.
- B. *Business Necessity*: circumstances which justify an exception to the requirements of Section 53021(b) (1) because compliance with that section would result in substantial additional financial cost to the district or pose a significant threat to human life or safety. Business necessity requires greater financial cost than mere business convenience. Business necessity does not exist where there is an alternative that will serve business needs equally well.
- C. *Chancellor's Office* – California Community College's Chancellor's Office (aka System Office).
- D. *Diversity*: means a condition of broad inclusion in an employment environment that offers equality and respect for all persons. A diverse educational community recognizes the educational benefits that flow from employee populations that are varied by accent, age, ancestry, citizenship status, color, disability, economic status, ethnic group identification, gender, marital status, medical condition, national origin, parental status, race, religion, sexual orientation, or veteran status.
- E. *Equal Employment Opportunity*: means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels and in all job categories listed in Section 53004(a). Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and that is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination by title 5, Section 53000 et seq.
- F. *Equal Employment Opportunity Plan*: a written document in which a district's workforce is analyzed and specific plans and procedures are set forth for ensuring equal employment opportunity.
- G. *Equal Employment Opportunity Programs*: all the various methods by which equal employment opportunity is ensured. Such methods include, but are not limited to, using nondiscriminatory employment practices, actively recruiting, monitoring and taking additional steps consistent with the requirements of Section 53006.
- H. *Ethnic Minorities*: American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, and Hispanics/Latinos.
 - 1) *Ethnic Group Identification*: means an individual's identification in one or more of the ethnic groups reported to the chancellor pursuant to Section 53004. These groups shall be more specifically defined by the chancellor consistent with state and federal law.

- I. *Goals for Persons with Disabilities*: a statement that the district will strive to attract and hire additional qualified persons with a disability in order to achieve the level of projected representation for that group by a target date established by taking into account the expected turnover in the workforce and the availability of persons with disabilities who are qualified to perform a particular job. Goals are not “quotas” or rigid proportions.
- J. *In-house or Promotional Only Hiring*: means that only existing district employees are allowed to apply for a position.
- K. *Monitored Group*: means those groups identified in Section 53004(b) for which monitoring and reporting is required pursuant to Section 53004(a). (These groups are men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African Americans, Hispanics/Latinos, Caucasians, and persons with disabilities).
- L. *Person with a Disability*: 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.
- M. *Projected Representation*: the percentage of persons from a monitored group determined by the chancellor to be available and qualified to perform the work in question.
- N. *Reasonable Accommodation*: the efforts made on the part of the district to remove artificial or real barriers, which prevent or limit the employment and upward mobility of persons with disabilities. “Reasonable accommodations” may include the items designated in Section 53025.
- O. *Screening or Selection Procedures*: any measure, combination of measures, or procedures used as a basis for any employment decision. Selection procedures include the full range of assessment techniques, including but not limited to traditional paper and pencil tests, performance tests, and physical, educational, and work experience requirements, interviews, and review of application forms.
- P. *Significantly Underrepresented Group*: 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.
- Q. *Target Date*: a point in time by which the district plans to meet an established goal for persons with disabilities and thereby achieve projected representation in a particular job category.
- R. *Timetable*: a set of specific annual hiring objectives that will lead to meeting a goal for persons with a disability by a projected target date.

3. Policy Statement

[Education Code, § 87106, et seq.]

The district is committed to employing qualified administrators, faculty, and staff members who are dedicated to student success. The Board recognizes that diversity in the academic environment fosters cultural awareness, promotes mutual understanding and respect, and provides suitable role models for all students. The Board is committed to hiring and staff development processes that support the goals of equal opportunity, diversity, and provide equal consideration for all qualified candidates.

4. Delegation of Responsibility, Authority and Compliance

[Title 5, §§ 53003(c)(1) and 53020]

It is the goal of Victor Valley College that all employees promote and support equal employment opportunity because such a goal requires a commitment and a contribution from every segment of the district. The general responsibilities for the prompt and effective implementation of this *Plan* are set forth below.

A. Board of Trustees

The Board of Trustees is ultimately responsible for proper implementation of the district's *Plan* at all levels of district and college operation, and for ensuring equal employment opportunity as described in the *Plan*.

B. Superintendent/President

The Board of Trustees delegates to the Superintendent/President the responsibility for ongoing implementation of the *Plan* and for providing leadership in supporting the district's equal employment opportunity policies and procedures. The Superintendent/President shall advise the governing board concerning statewide policy emanating from the Board of Governors of the California Community Colleges and direct the publication of an annual report on *Plan* implementation. The Superintendent/President shall include in the evaluation of the performance of all administrators who report directly to him/her on actions taken in support of the *Plan*.

C. Equal Employment Opportunity Officer

The district has designated the Vice President of Human Resources as its equal employment opportunity officer who is responsible for the day-to-day implementation of the *Plan*. If the designation of the equal employment opportunity officer changes before this *Plan* is next revised, the district will notify employees and applicants for employment of the new designee. The equal employment opportunity officer is responsible for administering, implementing and monitoring the *Plan* and for assuring compliance with the requirements of title 5, Sections 53000 et seq. The equal employment opportunity officer is also responsible for receiving complaints described in section 6 of the *Plan* and for ensuring that applicant pools and selection procedures are properly monitored.

D. Diversity Committee

The district has established a Diversity Committee to act as an advisory body to the equal employment opportunity officer and the district as a whole to promote understanding and support of equal employment opportunity policies and procedures. The Diversity Committee assists in the development and implementation of the *Plan* in compliance with state and federal regulations and guidelines, monitors equal employment opportunity progress, and provides suggestions for *Plan* revisions as appropriate.

E. Agents of the District

Any organization or individual, whether or not an employee of the district, who acts on behalf of the governing board with regard to the recruitment and screening of personnel, is an agent of the district and is subject to all the requirements of this *Plan* and will be given a copy of it.

F. Good Faith Effort

The district shall make a continuous good faith effort to comply with all the requirements of its *Plan*.

5. Advisory Committee

[Title 5 § 53005]

The district has established a Victor Valley College Diversity Committee to assist the district in implementing its *Plan*. The committee may also assist in promoting an understanding and support of equal opportunity and nondiscrimination policies and procedures. The committee may sponsor events, training, or other activities that promote equal employment opportunity, nondiscrimination, retention, and diversity. The equal employment opportunity officer or designee shall train the advisory committee on equal employment compliance and the *Plan* itself. The committee shall include a diverse membership whenever possible. A substantial good faith effort to maintain a diverse membership is expected. If the district has been unable to meet this objective, it will document what efforts were made to recruit advisory committee members who are members of monitored groups. The committee will be composed of two members of the faculty appointed by the Academic Senate President, two members of the classified staff appointed by the CSEA President, one member appointed by the Management Team, two students recommended by the ASB president, two community representatives appointed by the Superintendent/President, and one member of the administration appointed by the Superintendent/President.

Each year, the committee will be initially convened and chaired by the Equal Employment officer. Terms of office for the voting members shall be for two years. The Victor Valley College Diversity Committee shall hold a minimum of four (4) meetings per fiscal year, with additional meetings if needed to review EEO and diversity efforts, programs, policies, and progress. When appropriate, the advisory committee shall make recommendations to the governing board, the Superintendent/President, and the equal employment opportunity officer.

6. Complaints

[Title 5, §§ 53003(c)(2), 53026 and 59300 et seq.]

- A. *Complaints Alleging Violation of the Equal Employment Opportunity Regulations (title 5 Section 53026).* The district has established the following process permitting any person to file a complaint alleging that the requirements of the equal employment opportunity regulations¹ have been violated. Any person who believes that the equal employment opportunity regulations have been violated may file a written complaint describing in detail the alleged violation. All complaints shall be signed and dated by the complainant and shall contain, to the best of the complainant's ability, the names of the individuals involved, the date(s) of the event(s) at issue, and a detailed description of the actions constituting the alleged violation. Complaints involving current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than sixty (60) days after such occurrence unless the complainant can verify a compelling reason for the district to waive the sixty (60) day limitation. Complaints alleging violations of the *Plan* that do not involve current hiring processes must be filed as soon as possible after the occurrence of an alleged violation and not later than ninety (90) days after such occurrence unless the violation is ongoing. As directed by the Chancellor's Office, the decision of the district in complaints pursuant to Section 53026 is final. (See *California Community Colleges Chancellor's Office Guidelines for Minimum Conditions Complaints* at:

<http://www.cccco.edu/divisions/legal/guidelines/Guidelines%20for%20Minimum%20Conditions%20Complaints.htm>.

The district may return without action any complaints that are inadequate because they do not state a clear violation of the EEO regulations. All returned complaints must include a district statement of the reason for returning the complaint without action.

The complaint shall be filed with the equal employment opportunity officer. If the complaint involves the equal employment opportunity officer, the complaint may be filed with the Superintendent/President. A written determination on all accepted written complaints will be issued to the complainant within ninety (90) days of the filing of the complaint. If this is not practical, a written notification will be provided to the complainant as to the reasons for the extension and estimated date of completion. The equal employment opportunity officer will forward copies of all written complaints to the Chancellor's Office upon receipt.

In the event that a complaint filed under Section 53026 alleges unlawful discrimination, it will be processed according to the requirements of Section 59300 et seq.

- B. *Complaints Alleging Unlawful Discrimination or Harassment (Section 59300 et seq.)* The district has adopted procedures for complaints alleging unlawful discrimination or harassment. The Vice President of Human Resources is responsible for receiving such complaints and for coordinating their investigation.

¹ The equal employment opportunity regulations are found in California Code of Regulations, title 5, section 53000 et seq.

7. Notification to District Employees

[Title 5, § 53003(c)(3)]

The commitment of the Board of Trustees and the Superintendent/President to equal employment opportunity is emphasized through the broad dissemination of its Equal Employment Opportunity policy statement and the *Plan*. The policy statement will be printed in the college catalog and class schedule. The *Plan* and subsequent revisions will be distributed to the district's governing board, the Superintendent/President, administrators, the academic and classified senate councils, union representatives and members of the District Diversity Committee. The *Plan* will be available on the district's Website and, when appropriate, may be distributed by email. The Human Resources Department will provide all new employees with a copy of the written notice described above when they commence their employment with the district. Each year, the district will inform all employees by email of the *Plan*'s availability including a written summary of the provisions of the *Plan*. The annual notice will emphasize the importance of the employee's participation and responsibility in ensuring the *Plan*'s implementation.

8. Training for Screening/Selection Committees

[Title 5, § 53003(c)(4)]

Any organization or individual, whether or not an employee of the district, who is involved in the recruitment and screening/selection of personnel shall receive appropriate training on the requirements of the title 5 regulations on equal employment opportunity (Section 53000 et. seq.); the requirements of federal and state nondiscrimination laws; the requirements of the district's Equal Employment Opportunity Plan; the district's policies on nondiscrimination, recruitment, and hiring; principles of diversity and cultural proficiency;² and the value of a diverse workforce. Persons serving in the above capacities will be required to receive training. The Equal Employment Opportunity Officer or designee is responsible for providing the required training.

² "Cultural proficiency" involves successful teaching and other interactions with both students and colleagues from a variety of cultures. It requires a contextual understanding that numerous social and institutional dynamics, including the effects of inequities, affect how students have been taught and treated, and translates that understanding to the removal of barriers to student success. "Culture" refers to those things that are shared within a group or society: shared knowledge and beliefs, shared values, shared behavioral expectations, and principles that are widely used or recognized. "Culture" therefore refers to more than simply race and ethnicity.

9. Annual Written Notice to Community Organizations

[Title 5, § 53003(c)(5)]

The Equal Employment Opportunity officer or designee will provide annual written notice to appropriate community-based and professional organizations concerning the *Plan*. The notice will include a summary of the *Plan*, inform these organizations how they may obtain a copy, and shall solicit their assistance in identifying diverse qualified candidates. The notice will also include the internet address where the district advertises its job openings and the HR department phone number to call in order to obtain employment information. The district will actively seek to reach those institutions, organizations, and agencies that may be recruitment sources, especially for underrepresented populations. A list of organizations which will receive this notice is attached to this *Plan* (*Appendix A*). This list may be revised from time to time as necessary.

10. Analysis of District Workforce and Applicant Pool

[Title 5, § 53003(c)(6)]

The Human Resources Department will annually survey the district's workforce composition and shall monitor applicants for employment on an ongoing basis to evaluate the district's progress in implementing the *Plan*, to provide data needed for the reports required by this *Plan*, and to determine whether any monitored group is underrepresented. Monitored groups are men, women, American Indians or Alaskan natives, Asians or Pacific Islanders, Blacks/African-Americans, Hispanics/Latinos, Caucasians, and persons with disabilities.

For purposes of the survey and report, each applicant or employee will be afforded the opportunity to voluntarily identify her or his gender, ethnic group identification and, if applicable, her or his disability. Persons may designate as many ethnicities as they identify with, but shall be counted in only one ethnic group for reporting purposes. This information will be kept confidential and will be separated from the applications that are forwarded to the screening/selection committee and hiring administrator(s). At least every three years, the *Plan* will be reviewed and, if necessary, revised based on an analysis of the ethnic group identification, gender, and disability composition of existing staff and of those who have applied for employment in each of the following identified job categories:

- A) Executive/Administrative/Managerial
- B) Faculty and other instructional staff:
 - Adult education
 - Career education
 - English
 - Health and physical education
 - Humanities
 - Instructional and support services
 - Mathematics
 - Natural sciences
 - Social sciences
 - Part-Time
- C) Professional non-faculty
- D) Secretarial/Clerical
- E) Technical and paraprofessional
- F) Skilled drafts
- G) Service and maintenance

DISTRICT WORKFORCE ANALYSIS – FALL 2007

	Total	Male	Female	American Indian Alaska Native Male/ Female	Black African American Male/ Female	Asian Pacific Islander Male/ Female	Hispanic Male Female	White Male/ Female	Other/ Unknown
Exec/Admin	15	6	9	0/0	2/1	0/0	0/1	4/5	0/2
Professional/ Non-faculty	9	5	4	0/0	1/0	0/0	1/1	3/3	0/0
Secretarial/ Clerical	109	10	99	0/2	1/12	0/4	1/30	8/51	0/0
Technical/ Paraprofessional	63	27	36	0/1	1/0	4/4	2/14	20/17	0/0
Skilled Craft	6	6	0	0/0	0/0	0/0	0/0	6/0	0/0
Service/ Maintenance	42	31	11	0/0	4/0	0/0	7/3	19/7	0/2
Faculty - Adult Education	32	17	15	1/1	1/0	0/1	2/3	13/10	0/0
Faculty - Career Education	22	18	4	1/0	2/1	0/1	0/0	15/2	0/0
Faculty - English	13	4	9	0/0	0/0	0/0	0/0	4/9	0/0
Faculty - Health and P.E.	30	15	15	2/0	1/0	0/0	3/3	9/11	0/1
Faculty - Humanities	20	13	7	0/0	1/1	0/0	1/2	11/4	0/0
Faculty - Instructional and Support Services	1	1	0	0/0	0/0	0/0	0/0	1/0	0/0
Faculty - Mathematics	17	12	5	0/0	1/0	0/2	1/0	10/3	0/0
Faculty - Natural Sciences	14	6	8	0/0	0/0	0/0	0/0	6/8	0/0
Faculty - Social Sciences	24	18	6	0/0	1/0	1/1	0/0	16/5	0/0
Faculty - Part- Time	384	213	171	0/1	18/7	13/7	13/19	164/131	5/6
Persons with Disabilities	24	11	13	0/1	0/0	0/0	2/2	9/10	0/0
Totals	825	413	412	4/6	34/22	18/20	33/78	318/276	5/11

DISTRICT APPLICANT POOL ANALYSIS – 2007 through 2008

	Total	Male	Female	American Indian/Alaska Native Male/Female	Black/African American Male/Female	Asian/Pacific Islander Male/Female	Hispanic Male/Female	White Male/Female	Other / Unknown
Executive/ Administration	37	15	11	2/0	1/1	0/0	1/1	6/4	14/6
Faculty - Career Education	33	13	15	0/0	2/4	0/1	0/1	11/9	1/1
Faculty - Instructional and Support Services	28	8	13	0/0	1/2	0/2	3/3	4/6	7/7
Faculty - Natural Sciences	45	37	5	0/0	3/0	10/0	0/0	15/3	11/2
Faculty - Part- time	481	221	237	1/0	16/28	14/15	15/26	96/87	1/182
Professional/ Non-faculty	31	7	19	0/2	3/3	0/2	1/4	3/8	6/5
Secretarial/ Clerical	386	77	308	0/2	15/54	1/8	17/62	31/111	67/16
Service/ Maintenance	221	177	42	4/0	24/4	6/0	53/15	65/14	30/6
Skilled Craft	19	6	13	0/0	0/2	0/0	1/3	5/6	2/0
Technical/ Paraprofessional	64	47	15	1/0	5/2	1/1	11/2	24/8	4/7
Totals	1345	608	678	8/4	70/100	32/29	102/117	260/256	143/232

11. Other Measures Necessary to Further Equal Employment Opportunity

[Title 5, § 53003(c)(10)]

The district recognizes that multiple approaches are appropriate to fulfill its mission to ensure equal employment opportunity and the creation of a diverse workforce. Equal employment opportunity means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with the district. Equal employment opportunity should exist at all levels and in all job categories. Ensuring equal employment opportunity also involves creating an environment that fosters cooperation, acceptance, democracy, and free expression of ideas and is welcoming to men and women, persons with disabilities, and individuals from all ethnic and other groups protected from discrimination. To that end, in addition to the steps to address underrepresentation and/or significant underrepresentation, the district will implement a diversity program. Having a campus that has accepted principles of diversity and multiculturalism can make implementation and maintenance of an effective equal employment opportunity program much easier. For that reason, institutionalizing a diversity program that is well planned out, well funded, and supported by the leadership of the district can be of great value. The district will sponsor cultural events and speakers on issues dealing with diversity and explore how to infuse diversity into the classroom and curriculum. The district will promote the concept of cultural proficiency and it will develop an evaluation form that integrates diversity into the evaluation of employees. The district will also promote learning opportunities and personal growth in the area of diversity and evaluate how the physical environment can be responsive to its diverse employee and student populations. In implementing a diversity program, the district shall consider steps such as:

- A. Establishing a formal Office of Diversity that is part of the structure of the district and that will be adequately funded and supported by the district leadership.
- B. Conducting campus climate studies to identify hidden barriers.
- C. Including guest speakers from underrepresented groups who are in leadership positions and who may inspire students and employees alike.
- D. Highlighting the district's equal employment opportunity and diversity policies in job announcements and in its recruitment, marketing, and other publications.
- E. Conducting diversity dialogues, forums, and cross-cultural workshops.
- F. Reviewing and revising college publications and other marketing tools to reflect diversity in pictures, graphics, and text to project an inclusive image.
- G. Recognizing and valuing staff and faculty who have promoted diversity and equal employment opportunity principles by awarding a yearly diversity recognition award.
- H. Offering a series of EEO/diversity workshops in conjunction with staff development programs.
- I. Establishing an "Equal Employment Opportunity and Diversity" online presence by highlighting the district's diversity and equal employment opportunity, ADA, and sexual harassment and nondiscrimination policies, procedures and programs on the district's Website. The Website will also list contact persons for further information on all of these topics.
- J. Promoting sabbaticals that will assist the district in achieving its equal employment opportunity and diversity objectives.

- K. Promoting various cultural celebrations on campus.
- L. Recognizing multilingualism and knowledge of multiculturalism as a desired and, when appropriate, required skill and qualification for community college employees.
- M. Establishing a *Community Outreach Advisory Council* to involve community-based organizations in the recruitment and other equal employment opportunity efforts of the college. Recommended membership will include representatives from local business and industry as well as from diverse community groups such as NAACP, chambers of commerce, and city council(s).

12. Graduate Assumption Program of Loans for Education

[Education Code, §§ 87106, 69618 et seq.]

The district will encourage community college students to become qualified for and seek employment as community college employees. The district shall research and inform students about programs that may assist them to complete their graduate studies and become community college employees. The district will post informational flyers on the campuses concerning such programs, and make information available in the student guidebook and in locations accessible to students. Efforts will be made to inform graduate students in local colleges and universities about the benefits of employment at a community college.

13. Goals for Hiring Persons with Disabilities

[Title 5, §§ 53003(d), 53025]

Goals for persons with disabilities and associated requirements for analysis and action will be completed upon receipt of legally valid availability data from the State Chancellor's Office.

Reasonable Accommodations

Applicants and employees with disabilities shall 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. The ADA Compliance Officer is the Director of Disabled Student Programs and Services/ADA Compliance Officer.

Appendix A – Community Organizations and contact information

High Desert Hispanic Chamber of Commerce
14443 Park Avenue
Victorville, CA 92392
760-241-6661

Victor Valley African American Chamber of Commerce
14368 St. Andrews Drive
Victorville, CA 92392
760-952-9152

Korean Chamber of Commerce
14443 Park Avenue, #C3
Victorville, CA 92392
760-955-5504

League of Women Voters
568 No. Mt. View Avenue, suite 150
San Bernardino, CA 92401
909-338-4163

Mexican American Legal Defense & Education Fund
634 S. Spring Street
Los Angeles, CA 90013
213-629-2512

National Association for the Advancement of Colored People
Antelope Branch
P.O. Box 2466
Lancaster, CA 93539

National Council of La Raza
523 W 6th Street, suite 840
Los Angeles, CA 90014
213-489-3428

Japanese America Citizen League
Pacific Southwest Regional Office
244 S. San Pedro Street, suite 406
Los Angeles, CA 90012
213-626-4471