



**NOTICE OF PROPOSED RULEMAKING
CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING
EVALUATION AND TENURE REVIEW REGULATIONS**

45-Day Notice published March 11, 2022

NOTICE IS HEREBY GIVEN, pursuant to Chapter 2 of the Board of Governors Procedures and Standing Orders, that the Board proposes to adopt the regulatory action described below after a public hearing, and considering all comments, objections, or recommendations received regarding the proposed action during the public comment period.

PUBLIC HEARING

A public hearing will be held via Zoom videoconferencing during the next regularly scheduled Board of Governors meeting on March 21, 2022. The hearing will commence at or about 9:00 a.m.

To prevent the spread of novel coronavirus (COVID-19), the Board of Governors is temporarily offering an additional method for public comment. The public is encouraged to watch the board meeting online and either submit a written public comment or provide public comment to the Board of Governors. Details are below.

Public Comment: Members of the public wishing to comment on the proposed regulatory action may do so during the live Board of Governors meeting. All verbal comments will be limited to three minutes and must adhere to the following policies:

a) You may submit your comment in advance via email to boardcomments@cccco.edu. In the email subject line, specify the item number you wish to comment on or indicate "Public Forum". You may identify yourself or specify that you wish to remain anonymous at the top of your email. All written public comments for the Board of Governors meeting must be received by the end of business on March 16, 2022. Comments meeting the deadline will be provided to the Board of Governors and posted for public viewing.

b) During the live board of governors meeting, you may use the Raise Hand feature on the Zoom platform to make a verbal comment to the Board. A Chancellor's Office employee will announce your name and grant you the ability to speak to the Board. You are requested to identify yourself and present your comment at that time.

ZOOM VIDEOCONFERENCING

Please use the link below to join the webinar:

<https://cccconfer.zoom.us/j/381430034>

Dial US: +1 669 900 6833 | Webinar ID: 381 430 034

Password: **234632**

International numbers available: <https://cccconfer.zoom.us/u/acIPAzrcGq>

WRITTEN COMMENT PERIOD

Any interested person may also submit written comments relevant to the proposed regulatory action. To help ensure comments are understood as they are intended, we suggest that they clearly identify the proposed regulatory action that each comment addresses, with reference to specific section and subparagraph numbers where appropriate. Please arrange comments in the same order as in the proposed regulatory action. Comments should be addressed to:

Regulations Coordinator
California Community Colleges
Chancellor's Office
1102 Q Street, Suite 4550
Sacramento, CA 95811-6549
regcomments@cccoco.edu

Comments must be received by the Regulations Coordinator prior to 4:00 p.m. on April 25, 2022. All written comments received by Chancellor's Office staff during the public comment period are subject to disclosure under the Public Records Act.

CHANGES OR MODIFICATIONS TO PROPOSED TITLE 5 AMENDMENTS

Following the public hearing and considering all timely and relevant comments received, the Board of Governors may adopt the proposed regulatory action substantially as described in this Notice or may modify the proposed regulatory action if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposed regulatory action will be

available for 15 days prior to its adoption, and will be provided to those persons who have requested or are required to receive notification of regulatory actions, or who have provided written or oral comments relevant to the proposed regulatory action.

INFORMATIVE DIGEST

The Diversity Equity and Inclusion Integration Plan (www.cccco.edu/-/media/CCCCO-Website/Reports/CCCCO_DEI_Report.pdf) identified the need for the Chancellor's Office and the Diversity, Equity, Inclusion, and Accessibility (DEIA) Implementation Workgroup to establish the enabling conditions for local districts and colleges to embed DEIA competencies and criteria as a minimum standard for evaluating the performance of all California Community College (CCC) employees through the employee evaluation and tenure review processes. Over the course of several months, the Chancellor's Office and a subgroup of the DEIA Implementation Workgroup engaged in multiple learning sessions that included presentations from faculty and colleges that have embedded DEIA components and a review of state and national examples of DEIA employee competencies and criteria from other higher education institutions. This information helped inform the Chancellor's Office and subgroup's co-design of the DEIA competencies and criteria ([go.boarddocs.com/ca/cccchan/Board.nsf/files/C8FVAS7FD746/\\$file/dei-competencies-criteria-a11y.pdf](http://go.boarddocs.com/ca/cccchan/Board.nsf/files/C8FVAS7FD746/$file/dei-competencies-criteria-a11y.pdf)).

The DEIA competencies and criteria align with the system's ongoing initiatives and priorities, including upskilling all CCC employees with opportunities for continuous improvement and growth, and to support student success and retention by creating inclusive, anti-racist institutions, pedagogy, and curriculum that are reflective of the system's diverse student body. The competencies and criteria were updated to outline competencies and criteria for accessibility. It is well documented that all students benefit from diverse faculty, staff, curriculum, and learning environments leading to an increased sense of belonging, academic and personal validation, and retention. This work also aligns with the Governor's Recovery with Equity Taskforce recommendation to "incorporate equity-centered practices into teaching and learning, grading, annual evaluations, and faculty review/tenure processes" by 2025.

To embed DEIA competencies and criteria as a minimum standard for evaluating employees, the Chancellor's Office is proposing new regulatory language that makes DEIA-focused competencies and criteria a minimum standard and a system-wide requirement. The proposed regulations include terminology and definitions (e.g.,

academic employee, accessibility, diversity, etc.) in reference to required resources to help guide implementation and to establish a common level of understanding and expectation. The proposed evaluation and tenure review regulations are intended to advance and strengthen equitable student outcomes by providing employees with measurable actions to support the diverse needs and learning variability of our students. The DEIA competencies and criteria, as referenced in Section 53601, will serve as a baseline for districts and colleges to incorporate into their own local processes. These competencies and criteria, per the proposed regulations, will be maintained and published by the Chancellor's Office in consultation with system stakeholder groups. Advancing regulations that embed DEIA in evaluation and tenure review processes reinforces the system's commitment to student-centered approaches designed to strengthen equitable outcomes.

ESTIMATED COST OR SAVINGS OF PROPOSED AMENDMENTS

The estimated cost or savings of the proposed amendments are anticipated to be as follows:

Mandate on local agencies or community college districts: *None*.

Cost or savings to state agencies: *None*.

Costs to local agencies or community college districts for which reimbursement would be required pursuant to part 7 (commencing with section 17500) of division 4 title 2 of the Government Code: *None*.

Other non-discretionary cost or savings imposed on community college districts: *None*.

Cost or savings in federal funding to state agencies: *None*.

The proposed amendments to title 5 would result in no fiscal impact to local or state governments, nor will it have any fiscal impact on any federal funding.

CONTACT PERSON

Inquiries concerning the content of these regulations may be directed to the Regulations Coordinator, at regcomments@cccco.edu.

TEXT OF PROPOSED REGULATIONS AND CORRESPONDING DOCUMENTS

Copies of the language of the proposed regulatory action, and all of the information upon which the proposal is based, may be obtained online at:

[Office of General Counsel - Pending Regulatory Actions](#)

Those who receive the Board of Governors Agenda package for the March 21, 2022, meeting can find a further description of the proposal and the full text of the regulatory action. You may also request a copy of the proposal from the Regulations Coordinator using the contact information provided above.