



## Model Equal Employment Opportunity Plan

### Plan Component 1: Introduction

#### a. Recommended

The Title 5 regulations do not require district EEO Plans to have an introduction. However, an introduction is recommended.

#### b. Guidance

An introduction offers districts an opportunity to set the tone for the EEO Plan. An introduction can also set an overall framework for the EEO Plan that makes it easier to understand the individual components and makes them more user-friendly, all of which will assist in implementation of districts' individual EEO Plans.

The introduction also provides an appropriate place to:

- describe the district's diverse student population;
- articulate the nexus between workforce diversification and the district's educational goals and mission; and
- state the date on which the plan was adopted (which is required).

### Plan Component 2: Definitions

#### a. Recommended

The Title 5 regulations do not require district EEO Plans to have a definitions section. However, a definitions section is recommended.

#### b. Guidance

Including a definition section helps to promote clarity and a shared understanding of the EEO Plan, which facilitate buy-in, compliance, and enforcement. Thus, it is recommended that EEO Plans include a definition section. For focus and clarity, the definitions section should be limited to terms that are necessary to understand in order to interpret and implement the EEO Plan. The definitions established in Title 5, section 53001, should be utilized to the extent your EEO Plan includes terms defined in this section.

## **Plan Component 3: Policy Statement**

### **a. Recommended**

The Title 5 regulations do not require district EEO Plans to have a policy statement. However, Title 5, section 53002, requires that the governing board of each community college district adopt a policy statement setting forth the district's commitment to an EEO plan that is grounded in the principles of diversity, equity, and inclusion set forth in sections 51200 and 51201. Thus, it is recommended that this required policy statement be referenced and recited within the EEO Plan itself.

### **b. Guidance**

Title 5, section 53002 provides detailed expectations for the content of district EEO policy statements. It also notes that this statement may incorporate the nondiscrimination policy statement required pursuant to Title 5 section 59300, etc. and other similar nondiscrimination or EEO statements which may be required under other provisions of state and federal law. Districts should also consider referencing their Mission Statement and any relevant board resolutions.

## **Plan Component 4: Identification of District Officer with Delegated Responsibility and Authority to Implement and Enforce the EEO Plan**

### **a. Required**

This component is required by the Title 5 regulations. Section 53003(c)(3) requires that districts include in their EEO Plans the name of the designated employee who has been assigned the responsibility and authority for implementing the EEO Plan and assuring compliance with Title 5 requirements pursuant to section 53020.

### **b. Guidance**

Districts are organized in various ways; consequently, each district's EEO Plan will reflect how responsibilities are delegated in that district. However, developing Component 4 also offers districts the opportunity to examine whether the existing organizational structure is adequate to support meaningful development and enforcement of the district's EEO Plan.

## **Plan Component 5: EEO Advisory Committee**

### **a. Recommended**

Title 5, section 53005 requires that each district establish an EEO Advisory Committee to assist in developing, revising and implementing district EEO programs and plans. While the regulations do not require that the EEO Advisory Committee be referenced in the EEO Plan, it is recommended because the Committee is integral to EEO Plan development.

### **b. Guidance**

Providing information about the EEO Plan Advisory Committee within the EEO Plan can facilitate community understanding of and compliance with the EEO Plan. Useful information includes: how the Advisory Committee is formed; steps/processes utilized to ensure that the Advisory Committee is composed of a diverse membership and includes members from district stakeholder groups; and how the EEO Advisory Committee will receive the training required under Section 53005 and the schedule of such training.

## **Plan Component 6: The Procedure for Filing Complaints Pursuant to Section 53026**

### **a. Required**

Section 53003(c)(4) requires that district EEO Plans describe the procedure for filing complaints pursuant to section 53026.

### **b. Guidance**

Because the line between an “EEO complaint” and a “discrimination complaint” is inherently blurred, it is likely that the employee(s) designated to receive EEO complaints will also receive complaints asserting unlawful discrimination. Therefore, it is critical that the employee(s) designated to receive EEO complaints under section 53026 be able to distinguish between the two. They also must be able to navigate both complaint procedures, know their timelines, and be able to redirect individuals to the discrimination complaint procedure when indicated. Finally, because discrimination complaints must be processed, investigated, and reported on strict timelines, it is essential that EEO complaint officers review all complaints swiftly, so discrimination complainants can be redirected in a timely fashion. The EEO Plan should spell out the timelines and process for review in this component.

## **Plan Component 7: The Process for Notifying All District Employees of the Provisions of the EEO Plan and District Policy Statement**

### **a. Required**

Section 53003(c)(5) requires that districts describe their process for notifying all district employees of the provisions of the EEO Plan and the policy statement required under section 53002.

### **b. Guidance**

Districts may consider the following strategies to facilitate the notification process: Incorporate notification into your mandatory hiring committee and sexual harassment trainings; dedicate a section on district and college websites to the EEO Plan that provides information about the EEO Plan provisions and EEO complaint procedures; and include this notification in on-boarding or orientation materials.

## **Plan Component 8: The Process for Ensuring that District Employees Who Participate on Screening or Selection Committees Receive Training**

### **a. Required**

Section 53003(c)(6) requires district EEO Plans to describe the process for ensuring that district employees who participate on screening or selection committees, or who are involved in recruitment efforts, receive appropriate training. This training must cover, but need not be limited to: the requirements of this subchapter and of state and federal nondiscrimination laws; the educational benefits of workforce diversity; the elimination of bias in hiring decisions; and best practices in serving on a selection or screening committee. Title 5 does not indicate how often training of screening or selection committee members should occur.

### **b. Guidance**

Section 53024(e) provides that, “screening committees shall include a diverse membership whenever possible, to ensure a variety of perspectives are included in the assessment of applicants.” Component 8 should include the strategies and procedures the district will utilize to promote diversity within screening and selection committees.

## **PLAN COMPONENT 9: THE PROCESS FOR PROVIDING ANNUAL WRITTEN NOTICE TO COMMUNITY-BASED AND PROFESSIONAL ORGANIZATIONS**

### **a. Required**

Section 53003(c)(7) requires that districts describe in their EEO Plans a process for providing annual written notice to appropriate community-based and professional organizations concerning the district's EEO Plan and the need for assistance from such organizations in identifying a qualified and diverse pool of applicants

### **b. Guidance**

Written notice may include mailings and electronic communications. Permissible general recruitment strategies included communication with private, community-based and professional organizations that are dedicated to supporting particular groups, so long as the collective scope of each recruitment's broad-based.

## **Plan Component 10: A Process for Gathering Information and Periodic Longitudinal Analysis of the District's Employees and Applicants**

### **a. Required**

Section 53003(c)(8) requires that district EEO Plans provide a process for gathering information and periodic, longitudinal analysis of the district's employees and applicants, broken down by number of persons from monitored group status in each job category to determine whether additional diversification measures are required, and to implement and evaluate the effectiveness of those measures. The EEO Plan must also reflect that the district will conduct a data review as part of its plan renewal.

This requirement ensures that EEO Plans memorialize how districts will comply with the requirements of Section 53006 to conduct longitudinal analyses of district employment trends and utilize this data to identify and mitigate the causes of any adverse impact.

### **b. Guidance**

Districts should have processes for gathering and analyzing data about the district's existing workforce and applicant pools. This includes, for example, data that allows a district to compare the composition of initial applicant pools, qualified pools, and applicants recommended for interview. It also includes data that allows districts to track

the composition and diversity of who is hired and retained over time, disaggregated by college, discipline, job category and other measures relevant to your particular organization.

Demographic data about your applicants and employees provides the information you need in order to conduct adverse impact analyses. Adverse impact exists where the selection rate for a monitored group is less than four-fifths (or 80%) of the selection rate for the group with the highest rate.

This data should be differentiated from the data districts are also required to gather and analyze pursuant to section 53003(c)(9) and 53006 (discussed below)—commonly referred to as “availability data”. Availability data provides the information needed to conduct underrepresentation analyses.

In addition to the required review as part of EEO Plan renewal, districts should consider conducting periodic data reviews more frequently based on district size, demographics, and other unique factors.

## **Plan Component 11: A Process for Utilizing Data to Determine Whether Monitored Groups Are Underrepresented Within District Job Categories**

### **a. Required**

Section 53003(c)(9) requires that District EEO Plans describe how they will utilize data available from reliable public and private sources to determine whether monitored groups are underrepresented within district job categories.

This requirement ensures that EEO Plans memorialize how districts will comply with the requirements of Section 53006 to conduct longitudinal analyses of district employment trends and utilize this data to identify the causes of any underrepresentation.

### **b. Guidance**

In contrast to the data described in Component 10, this data allows for comparison of the percent of a “monitored” group in a job category with their projected representation based on availability in the workforce. Representation below 80% constitutes

underrepresentation. The Chancellor's Office is developing further guidance, which will be made available through the Vision Resource Center, to assist districts identify, locate, and utilize existing external data sources.

## **Plan Component 12: Methods for Addressing Underrepresentation**

### **a. Required**

Section 53003(c)(10) requires that districts identify the methods they will employ to address any underrepresentation identified pursuant to section 53003(c)(9).

### **b. Guidance**

District strategies to mitigate any identified adverse impact are organized under Component 10. However, if a district sees significant overlap in its strategies to address adverse impact and its strategies to address underrepresentation, they may be addressed together in Component 12. However, district strategies should be clear as to whether they are designed to address adverse impact, underrepresentation or both; how the method is designed to address the identified problem(s); and how the effectiveness of the method will be evaluated.

## **Plan Component 13: Selection of Specific Pre-Hiring, Hiring, and Post-Hiring EEO Strategies and Schedule Identifying Timetables for Their Implementation (Multiple Methods Integration)**

### **a. Required**

Section 53003(c)(1) requires that district EEO Plans include specific pre-hiring, hiring, and post-hiring strategies that the district intends to implement each year over the life of the EEO Plan. Section 53003(c)(2) requires that district EEO Plans include a schedule identifying timetables for implementation of the identified strategies.

This requirement ensures that EEO Plans memorialize how districts will implement the strategies selected, including, but not limited to those listed in Section 53024.1.

### **b. Guidance**

A district's strategies may include options listed in section 53024.1 and/or other practices informed by the district's workforce and applicant analyses. To assist districts memorialize the strategies they intend to implement, and thus demonstrate compliance with this requirement, a template is attached to this Model Plan as Appendix A.

The template is organized by pre-hiring, hiring and post-hiring categories. We recognize that these terms, and related strategies, overlap. Thus, to facilitate uniform use of these terms, we summarize how they are understood and applied by the State Chancellor:

- “pre-hiring” strategies: strategies that support the equitable and inclusive environment that helps to attract and retain candidates from underrepresented groups and other nontraditional candidates.
- “hiring” strategies: strategies that promote development of diverse and qualified candidate pools and/or eliminate bias in hiring decisions.
- “post-hiring” strategies: strategies that gather and utilize hiring and workforce data, support new employees, or manage and respond to EEO complaints.

The template also includes space to identify the district's timetable for execution; and space to indicate who is responsible for carrying out the measure and how the district will evaluate its effectiveness.

## **Appendix A - Plan Component 13 Template:**