



January 6, 2023

| Via Email

TO: Chief Executive Officers
Chief Business Officers
Chief Human Resource Officers

FROM: Abdimalik Buul, Ed.D., Visiting Executive of Educational Excellence and Equal Employment Opportunity Program

RE: New Equal Employment Opportunity Program Regulations & Model EEO Plan

Summary

In July of 2021, the Board of Governors of the California Community Colleges adopted new Equal Employment Opportunity (EEO) regulations to provide the necessary framework for more robust and accountable EEO programs. Since that time, the Chancellor's Office had been waiting on approval from the Department of Finance (DOF) in order to implement the regulations and begin requiring community college districts to draft new EEO plans consistent with the requirements of the new regulations. As the delay occasioned by the DOF review continued, districts that were due to submit a new EEO plan were in the untenable position of expending the time and resources necessary to prepare a new EEO plan despite the real possibility that those plans would be obsolete as soon as the DOF approval of the new regulations came through. As a temporary remedy to that situation, on or about February 22, 2022, the Chancellor's Office provided a 9-month extension to all districts for submission of their EEO plans. Prior to the expiration of this 9-month extension, DOF approved the EEO regulations, which became effective on October 20, 2022. Consistent with title 5, section 52010, districts should implement revised written policies and procedures required by these regulations within 180 days of their effective date, or April 18, 2023.

Because the newly adopted EEO regulations have made a number of substantive changes to EEO program requirements, and because the Chancellor's Office has created a new model EEO plan to incorporate those changes into district EEO plans, we are issuing this memo to highlight the new EEO requirements as well as provide additional information regarding EEO plan submission timelines, funding, and other issues related to compliance with EEO program requirements.

Significant Changes to EEO Regulations

Below are the most significant changes to the EEO regulations, which became effective as of October 20, 2022, and may be accessed through this [link](#).

- Requirement that community college districts adopt a policy statement consistent with Sections 51200 and 51201 of title 5 of the California Code of Regulations. (5 C.C.R. § 53002)
- Process for drafting and adopting EEO plans to be substantially changed (5 C.C.R. § 53003) **(specifics to be provided below)**
- Requirement that district EEO advisory committees, which assist in the drafting of EEO plans, be composed of a diverse membership and include members from district stakeholder groups, including, but not limited to, students, faculty, and classified staff. Members of the district EEO advisory committees as well as members of the district governing board shall receive anti-discrimination training as specified. (5 C.C.R. § 53005)
- Requirement that district's conduct longitudinal analysis of district employment trends as specified. (5 C.C.R. § 53006)
- Requirement that job announcements, where applicable, indicate the possibility of meeting minimum qualifications through equivalency. (5 C.C.R. § 53022)
- Requirement that districts conduct an initial demographic review of the qualified applicant pool before the application deadline closes, and, if necessary, extend the search period as specified. (5 C.C.R. § 53023)
- Listing of additional strategies for achieving institutional diversity goals that district's may utilize in their EEO plans. (5 C.C.R. § 53024.1)
- Process for annual certification of compliance with EEO requirements and amendments to the Chancellor's enforcement authority. (5 C.C.R. § 53024.2)
- Requirement that complaints alleging a violation of the EEO regulations be handled in the same manner as complaints of unlawful discrimination, pursuant to Section 59300, *et seq.* (5 C.C.R. § 53026)
- Annual expenditure report becomes part of the annual certification process. (5 C.C.R. § 53034 repealed)

Specific Changes to the EEO Plan Requirements

As mentioned above, in addition to other new requirements found in various regulatory amendments, the requirements for drafting and submitting EEO plans have significantly changed. These changes include the following:

- District governing boards must review and adopt the EEO plan at a regular meeting where the plan is considered as a separate action item and not part of the consent agenda. (5 C.C.R. § 53003(a)(2))

- A district's draft EEO plan must be submitted to the Chancellor for review at least 90 days prior to its adoption. The governing board must consider the Chancellor's comments on the draft EEO plan, if any, prior to adoption. (5 C.C.R. § 53003(a)(4))
- A district must review its EEO plan and assess progress toward EEO program goals on an annual basis. This review must take place during a regular meeting of the governing board and, should district goals not be met, the district must adopt revisions specifying the efforts it will make to meet those goals. (5 C.C.R. § 53003(b))
- EEO plans must include specific pre-hiring, hiring, and post-hiring EEO strategies the district intends to implement each year over the life of the EEO plan. These strategies may be taken from Section 53024.1 or other effective practices. In addition, the EEO plan must identify timetables for the implementation of the selected strategies. (5 C.C.R. § 53003(c)(1), (2)) (***Incorporation of the Multiple Methods into the EEO Plan***)
- Districts must utilize data from reliable public and private sources to determine whether monitored groups are underrepresented within district job categories. ((5 C.C.R. § 53003(c)(9))
- Districts must post a copy of their EEO plans on the district's website. ((5 C.C.R. § 53003(d))

Resources for Designing Robust EEO Programs and Effective EEO Plans

In order to assist community college districts to comply with their obligations under the new regulations, and particularly with respect to the new EEO plan requirements, the Chancellor's Office undertook a redesign of the model EEO plan that districts should use to craft and submit their EEO plans. The new model EEO plan may be accessed through this [link](#).

We would like to specifically highlight the major difference from the prior version of the model EEO plan, which is the incorporation of the Multiple Methods strategies directly into a district's EEO plan. This innovation will aid districts in formulating effective EEO programs by integrating Multiple Methods strategies they believe will help them achieve their EEO goals in their EEO plans.

In addition, to better reflect more recent and effective practices, the Chancellor's Office has also updated its EEO Best Practices Handbook. This handbook may be consulted by districts for ideas to implement effective EEO practices proven to result in positive EEO outcomes elsewhere in the system. Lastly, the Chancellor's office is in the process of developing training modules that will assist with data analysis, pre-hiring, hiring and post-hiring strategies which will be released in the new year.

Timelines for Submission of New EEO Plans

As before, under the current EEO program regulations, each community college district must review and submit a new EEO plan every three years. In order to facilitate oversight and ensure timely monitoring of district EEO plans, the Chancellor's Office will stagger the submissions of initial EEO plans under the new regulations as follows:

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- Districts whose EEO plans were due in or before 2022, have until **May 1, 2023** to submit their draft EEO plans to the Chancellor's Office for review.
- Districts whose EEO plans are current (i.e., not due until 2023 or later) have until **October 2, 2023** to submit a new EEO plan to the Chancellor's Office for review.

Districts that are unsure which group they are in should contact the Chancellor's Office at EEOSubmissions@cccoco.edu for guidance.

Permissible Use of Funds

Irrespective of the regulatory changes mentioned above, the regulations regarding the permissible use of EEO funds remain unchanged. EEO funds may be used to support the implementation of best practices for success in promoting equal employment opportunity and faculty and staff diversity, including for:

- (1) outreach and recruitment;
- (2) in-service training on equal employment opportunity;
- (3) accommodations for applicants and employees with disabilities pursuant to section 53025; and
- (4) other activities to promote equal employment opportunity.

We remind you again that all 2022 professional development offered by the Chancellor's Office has been designed to support districts and advance the new EEO regulations adopted by the Board of Governors.

Should you have any questions about this guidance, please contact Dr. Abdimalik Buul at: abuul@cccoco.edu.

cc:

Dr. Daisy Gonzales, Interim Chancellor

Dr. Lizette Navarette, Interim Deputy Chancellor

Marty Alvarado, Executive Vice Chancellor, Educational Services and Support

Dr. Siria Martinez, Assistant Vice Chancellor, Student Equity and Success