



MEMORANDUM
August 1, 2024

Via Email

TO: Chief Executive Officers
Chief Human Resources Officers
Chief Business Officers
Chief Instructional Officers
Chief Student Services Officers
Chief Information Systems Officers
Management Information Systems Contacts

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

RE: Reporting Information, Best Practices and Frequently Asked Questions for the Annual Equal Employment Opportunity Certification Form

Summary

In July of 2021, the Board of Governors of the California Community Colleges amended the regulations governing Equal Employment Opportunity (EEO) programs to provide the necessary framework for more robust and accountable EEO programs. **As a part of the framework, districts are tasked with engaging in annual reporting of EEO-related activities to receive EEO funds appropriated by the Legislature.¹**

California Code of Regulations, title 5, Section 53024.2 sets forth the categories of information that must be reported as part of this annual certification. Districts must certify that they have:

- (1) recorded, reviewed, and reported the data required regarding qualified applicant pools and longitudinal data;
- (2) reviewed and updated, as needed, the Strategies Component of the district's EEO Plan;
- (3) investigated and appropriately responded to formal harassment or discrimination complaints filed pursuant to the process found beginning at Section 59300 of title 5 of the California Code of Regulations; and
- (4) expended Equal Employment Opportunity funds in accordance with the purposes set forth in subdivision (c) of section 53030.

¹Section 87102 of the Education Code provides in relevant part:

(a) As a condition for the receipt of funds pursuant to Section 87107, the governing board of the community college district that opts to participate under the article shall periodically submit to the board of governors an affirmation of compliance with this article, and, to promote faculty diversity, commencing with the 2023–24 academic year, shall implement strategies from the Multiple Methods identified by the office of the Chancellor of the California Community Colleges. Each participating community college district's equal employment opportunity program shall ensure participation in, and commitment to, the program by community college district personnel. Each participating community college district's equal employment opportunity plan shall include steps that the community college district will take to eliminate improper discrimination or preferences in its hiring and employment practices. Each plan shall address how the community college district will make progress in achieving the ratio of full-time to part-time faculty hiring, as indicated in Section 87482.6, while still ensuring equal employment opportunity.

EEO Annual Certification Form Due Date

Districts must submit the [Annual Certification form](#) by September 30, 2024 to EEOSubmissions@cccco.edu. This review is an annual process. Districts are required to complete and submit this form every year.

EEO Annual Certification Form Best Practice

California Code of Regulations, 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. The Advisory Committee should be composed of a diverse membership and include members from district stakeholder groups. It is a best practice for district Human Resources offices, institutional research divisions, and information technology divisions to work collaboratively in the collection, synthesis, and reporting of data for the EEO Annual Certification form. This interdepartmental cooperation ensures that data are accurate and comprehensive. Effective communication and shared responsibilities are critical in maintaining compliance with reporting requirements. By leveraging the unique expertise and resources of each division, districts can streamline processes, reduce redundancies, and enhance the overall quality of data reporting.

EEO Annual Certification Form Data Reporting

As part of the certification review process, districts must complete the EEO Annual Certification form using data from the academic years as specified below.

EEO Annual Certification Form Section	Academic Year for Data
Section B, Part 1: Collection and Analysis of Recruitment, Retention, and Longitudinal Data: Summarizing Actions, Strategies, Measurements, and Outcomes	2022-23
Section B, Part 2: Collection and Analysis of Recruitment, Retention, and Longitudinal Data: Longitudinal Data Reporting	Provide data for applicants and employees from the 2021-22, 2022-23, and 2023-24 academic years as described below: <ul style="list-style-type: none">• Applicant Data Timeframe: All applicant data from July 1 – June 30 of each reporting year.• Employee Data Timeframe: Active employees as of November 1st of each reporting year.
Section C, Part 1: EEO Plan Component 13	2022-23
Section C, Part: Additional EEO Plan Components (if applicable)	2022-23
Section C, Part 3: Supports for Strategy Implementation	2022-23

Section D: Response to Harassment and Discrimination Complaints	2023-24
Section E: Use of EEO Funds	2022-23

EEO Annual Certification Form Funding Formula

EEO funding will be based on the review of the EEO Annual Certification form and distributed using the following funding allocation formula:

- 15% for Section B: Collection and Analysis of Recruitment, Retention, and Longitudinal Data.
- 50% for Section C: EEO Plan Component 13.
- 15% for Section D: Response to Harassment and Discrimination Complaints.
- 20% for Section E: Use of EEO Funds.

EEO Annual Certification Form Questions and Answers (Q&A)

Please find attached the answers to questions asked at the May 2024 EEO Annual Certification Form information session. If you have additional questions, you may contact us by sending an email to EEOSubmissions@cccco.edu.

cc:

Sonya Christian, Chancellor

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

Attachments:

1. Q&A from May 2024 EEO Annual Certification Form information session

Equal Employment Opportunity (EEO) Annual Certification Form

Responses to Questions asked at the May 2024 EEO Annual Certification Form Information Session

To watch this Information Session, click [here](#).

If you have any questions not addressed in this document, please email eeosubmissions@cccco.edu.

1. When is the deadline for the Equal Employment Opportunity (EEO) Annual Certification form?

The 2024 deadline for the EEO Annual Certification form is September 30, 2024.

2. Can data be further disaggregated for the longitudinal data reporting in Section B Part 2? For example, can faculty data be disaggregated by instructional and non-instructional faculty?

Yes. The data can be further disaggregated, provided this practice remains consistent to enable longitudinal analysis.

3. Next year, the form will be due June 30, 2025. Harassment/discrimination data covers July 1, 2024, to June 30, 2025. How will we provide a comprehensive overview of harassment/discrimination cases if the current year is not yet completed?

Report outstanding investigations or complaints in the *Unresolved Complaints from Previous Academic Years* box (on page 19).

4. What academic year data are we reporting? If we are missing data for this period and cannot run an impact analysis, what should we do?

If your district is unable to provide the requested data, submit a detailed explanation. This explanation will be reviewed on a case-by-case basis by the Chancellor's Office.

As part of the certification review process, districts must complete the EEO Annual Certification form using data from the academic years as specified in the table below.

EEO Annual Certification Form Section	Academic Year for Data
Section B, Part 1: Collection and Analysis of Recruitment, Retention, and Longitudinal Data: Summarizing Actions, Strategies, Measurements, and Outcomes	2022-23
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Section C, Part 1: EEO Plan Component 13	2022-23
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Section C, Part 3: Supports for Strategy Implementation	2022-23
Section D: Response to Harassment and Discrimination Complaints	2023-24
Section E: Use of EEO Funds	2022-23

5. If the EEO Plan was approved by the Board of Trustees in 2024, how are we to report for 2022-23? We were at a standstill with new regulations and CCCCCO (Community Colleges Chancellor s Office) feedback and approval. Do we report success from January?

Although the regulations were pending approval, EEO work was not paused. Report on all pre-hiring, hiring and post hiring activities for the academic years specified in the *EEO Annual Certification Form Data Reporting* section of the *Reporting Information, Best Practices and Frequently Asked Questions for the Annual Equal Employment Opportunity Certification Form* memorandum.

6. We were capturing the following occupations categories for 2022-23 data: Faculty; Non-Teaching Faculty; Academic Administrator; Classified Administrator; Classified; Confidential; and Supervisor. We just switched to the categories required for the 2023-24 year: Executive/Administrative/Managerial; Faculty and Other Instructional Staff; Professional Non-Faculty; Secretarial/Clerical; Technical and Paraprofessional; Skilled Crafts; and Service and Maintenance. Will we have to redo our analysis to capture the new occupations categories for the year 2022-23?

No, you do not need to redo your analysis.

7. What are informal complaints or charges? I only know of informal/early resolutions.

“Informal” complaints or charges are those that are resolved informally pursuant to Section 59327 of Title 5 of the California Code of Regulations. If an informal complaint or charge is not resolved informally, it becomes a formal complaint and would be accounted for in the appropriate “discrimination complaint” category.

8. What if the “charge” was filed with the Civil Rights Department (CRD) or EEOC (Equal Employment Opportunity Commission)?

The charge should be included in the reporting of complaints, regardless of whether it was filed with the CRD or EEOC.

9. What does resolved mean related to the complaints?

“Resolved” means the complaint was dismissed, investigated and an administrative determination was made and/or has been heard and decided upon appeal.

10. Will there be a place for complaints still pending resolution on June 30, 2024?

Report outstanding investigations or complaints in the *Unresolved Complaints from Previous Academic Years* box (on page 19).

11. Does Section D discrimination complaints include Title IX complaints?

Yes.

12. How do you want retaliation complaints captured?

Report retaliation complaints in the boxes labeled *In the box below, list specific “Other” protected categories and report total number for each and describe status.*

13. There will be complaints that contain multiple protected categories. How do we account for that? The total may appear skewed.

Districts should accurately identify the true basis of allegations and report them accordingly. Complaints that pertain to multiple protected categories should be reported in all relevant categories.

14. What type of Board approval is required?

The annual certification form must be presented to and approved by your Board of Trustees.

15. Is “Section E - Use of EEO Funds” required? What year should it report on?

Section E- Use of EEO Funds is required. Report on expenditures from the 2022-23 academic year.

16. For clarification, under Section D, “Employment Related Complaints” are those submitted by Employees and the “Non-employment Related Complaints” are those submitted by others, such as students?

Yes. Employee-related complaints are those submitted by employees and non-employment-related complaints are those submitted by others (e.g., students).

17. Can you remind us of the approach you want us to use to determine adverse impact and underrepresentation? Also- please define those 2 terms.

The Chancellor’s Office developed a comprehensive training course on how to determine adverse impact and underrepresentation. Please visit the [EEO Data Modules in the Vision Resource Center](#).

18. Does this form replace the Multiple Methods form?

Yes. The Annual Certification form combines the reporting requirements in Section 53024.2 into a single document. It replaces the EEO Fund District Expenditure Report, and the Multiple Method Allocation Certification Forms used in past years.

19. After we submit the form, what is the anticipated turnaround time to be certified?

Districts will be notified of their certification status as promptly as possible.

20. For the “EEO Funding” section, where it asks anticipated dates and plans to use the unexpended/excess funds, do these funds need to be expended by the end of the fiscal year (June 30)?

No.

21. You provided the code section that requires us to certify we have done each of the items, but is there a code section that requires that we submit all this data to the CCCC (as opposed to us just submitting a certification that we have done it locally)?

This requirement is stipulated in [Education Code Section 87102](#).

22. Our plan was approved starting the 2023-24 year. So, we are in year 1 of our plan for component 13. Should we report on that or 2022-23 for that piece?

Districts are required to report on financial expenditures for the 2022-23 academic year. Harassment and Discrimination data must come from the current year (i.e., 2023-24).

23. If there are carryover funds from allocation year prior to 2021-22, would that be included in this report?

Districts should only report carry-over funds from the previous academic year. Include this information in the box *(a) Total Unexpended Allocation from Previous Year (Carry Over)* on page 20.

24. For Section B, Part 1: Summarizing Actions, Strategies, Measurements, and Outcomes, we are concluding the first year of implementation, but outcomes will be observed during year two. How should we address this on the form?

If outcomes have not yet been observed, please explain this and provide status updates on the strategies. For example, do you anticipate achieving the projected outcome, or do you foresee any challenges meeting these outcomes based on current progress?

25. For Section C, Part 1: EEO Plan Component 13, the implementation strategies listed differ from those listed on the Appendix A EEO Plan Component 13 template. Should those on our EEO Plan that are not reflected in Section C be entered in the “ADD ADDITIONAL/ALTERNATIVE STRATEGIES IN ADDITIONAL ROWS HERE” row(s)?

Yes. You should use this box to report on the strategies implemented in your district.

26. For Section C, Part 1: EEO Plan Component 13, should we report on the implementation strategies listed on the form that we currently utilize but did not list as a focus area in our EEO Plan?

Yes. You should use this section to report on the strategies implemented in your district.