



STATE OF CALIFORNIA

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To: All Colleges

From: Jacob H. Knapp, Acting General Counsel

Cc: Eloy Ortiz Oakley, Chancellor
Erik Skinner, Deputy Chancellor
Mario Rodriguez, Vice Chancellor of Finance and Facilities

Date: January 23, 2017

Re: Allocation of the Equal Employment Opportunity (EEO) Fund

Under the Chancellor's authority to "represent the Board [of Governors] in monitoring the use of the Equal Employment Opportunity Fund for the purpose of promoting equal employment opportunities in hiring and promotion at community college districts," the Chancellor's Office implemented a new fund allocation model (California Education Code, Section 87107 and Board of Governors Standing Order 374) in fiscal year 2015-2016. The new *Multiple Method* allocation model was developed by the Chancellor Office's longstanding Equal Employment Opportunity and Diversity Advisory Task Force and CCCCO's Legal Division Office.

The EEO Fund will once again be allocated pursuant to the *Multiple Method* model for fiscal year 2017 – 2018. This year, the EEO and Diversity Advisory Task Force recommended one minor change to the allocation model: the submission of expenditure/performance reports for the prior fiscal year, as identified in California Code of Regulations, title 5, section 53034, will be required to qualify for the receipt of EEO Funding.

Beginning this fiscal year, *Multiple Method #1* requires each district to:

1. Submit a board-adopted EEO Plan to the Chancellor's Office at least every 3 years;
2. Establish an EEO Advisory Committee to assist in the development and implementation of the EEO Plan;
3. Submit a report on the use of EEO funds for the prior fiscal year (new requirement).

Consistent with prior practice, districts will also be required to demonstrate compliance with 5 of the 8 remaining *Multiple Methods*.

I. Purpose

The purpose of implementing the Multiple Method model was to increase compliance with legal EEO requirements and provide our students with the educational benefits of a diverse workforce.

California Education Code, Section 87100 requires “a work force that is continually responsive to the needs of a diverse student population [which] may be achieved by ensuring that all persons receive an equal opportunity to compete for employment and promotion within the community college districts and by eliminating barriers to equal employment opportunity.” Title 5, section 53024.1 states that “establishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized effort.”

II. Nine (9) Multiple Methods

The Chancellor’s Office longstanding Equal Employment Opportunity and Diversity Advisory Committee and the Legal Affairs Division identified nine best-practice areas for “success in promoting” EEO. These serve as the “multiple methods” for reallocating the EEO Fund:

Mandatory (Required for Funding)

1. District’s EEO Advisory Committee, EEO Plan, and submittal of Expenditure/Performance Reports for the prior fiscal year

Pre-Hiring

2. Board policies & adopted resolutions
3. Incentives for hard-to-hire areas/disciplines
4. Focused outreach and publications

Hiring

5. Procedures for addressing diversity throughout hiring steps and levels
6. Consistent and ongoing training for hiring committees

Post-Hiring

7. Professional development focused on diversity
8. Diversity incorporated into criteria for employee evaluation and tenure review
9. Grow-Your-Own programs

In order to qualify for EEO Funding, districts are required to demonstrate compliance with *Multiple Method #1*, and at least 5 of the remaining 8 *Multiple Methods*.

The multiple methods are also delineated in other regulation sections. See attached “*Multiple Methods Cross Reference*” document showing the “indicators of institutional commitment to diversity” in title 5, section 53024.1; submission of EEO Plan in title 5, section

53003; establishment of EEO Advisory Committee in title 5, section 53005, and submittal of a report on the use of Equal Employment Opportunity funds for the fiscal year following the use of the funds in title 5, section 53034.

III. Multiple-Method Allocation Model

The district's EEO Advisory Committee, chief human resources officer, chief executive officer, and governing board must certify that the district meets the requirements. See attached *Multiple Method Allocation Model*, EEO Fund Form. The form must be submitted to the California Community Colleges Chancellor's Office, Legal Affairs Division by June 1st of each year in order to qualify for EEO Funding.

Each district that meets the requirements of the *Multiple Method* allocation model will receive a funding amount to be determined by the Chancellor's Office based on available funds.

A. ***Multiple Method 1 (Mandatory for Funding): Role of District EEO Advisory Committee, EEO Plan, Expenditure/Performance Reports***

Under the *Multiple Method* allocation model, districts must minimally have an operational EEO Advisory Committee, an updated EEO Plan, and must have submitted their Expenditure/Performance reports for the prior fiscal year in order to qualify for receipt of EEO Funding (*Multiple Method 1*). Districts are required to submit a board-adopted EEO Plan every three years to the Chancellor's Office. (Title 5, section 53003). Districts are also required to establish an EEO Advisory Committee to assist in developing and implementing the EEO Plan. (Title 5, section 53005). Districts are also required to timely submit their Expenditure and Performance Report on the use of the Equal Employment Opportunity funds. (Title 5, section 53034.)

B. ***Multiple Methods 2-9***

To qualify for an allocation from the EEO Fund, districts are also required to meet a minimum of 5 of the remaining 8 *Multiple Methods*.

IV. Use of the EEO Funds

Under Education Code, Section 87108 and title 5, section 53030, EEO Funds received by the districts may be used for:

- Outreach and recruitment;
- In-service training on equal employment opportunity;
- Accommodations for applicants and employees with disabilities pursuant to title 5, section 53025;
- Activities designed to encourage students to become qualified for, and seek, employment as community college faculty or administrators; and
- Other activities to promote equal employment opportunity.

V. Resources

The certification form requires districts to report the various activities that they are implementing to promote EEO for each of the 9 multiple methods. Recently, the Chancellor's Office and the EEO and Diversity Advisory Task Force selected some of the best practices reported by the colleges and highlighted them in an "EEO and Diversity Best Practices Handbook." The handbook was distributed in Fall 2016 and is available on our website at <http://extranet.cccco.edu/Portals/1/Legal/EEO/eeo-handbook-final.pdf>. All Multiple Method forms submitted by districts for the 2016-17 fiscal year are also available on our website at <http://extranet.cccco.edu/Divisions/Legal/EEO.aspx>. Please use these resources as necessary to assist you in developing your nine best-practice areas for success in promoting EEO.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact our office.

Enclosures:

1. *Multiple Method* Allocation Model, EEO Fund Certification Form
2. *9 Multiple Methods* Cross Reference