



2017 REPORT

Equal Employment Opportunity Report

California Community Colleges Chancellor's Office | Eloy Ortiz Oakley, Chancellor
Office of the General Counsel | Marc LeForestier, General Counsel



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January 17, 2018

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol
Sacramento, CA 95814

RE: California Community Colleges Equal Employment Opportunity Report

Dear Governor Brown:

Please find enclosed the California Community Colleges Equal Employment Opportunity report required by Senate Bill 826, Chapter 23, of 2016. SB 826 tasks the California Community Colleges Chancellor's Office to submit a report to the Legislature on the demographic composition of faculty, and efforts to assist the community colleges to promote equal employment opportunity.

This report provides statistical data on the racial/ethnic and gender composition of full-time faculty, along with a summary of the Chancellor's Office efforts to provide support and guidance in promoting equal employment opportunity in faculty recruitment and hiring practices statewide.

On behalf of the Board of Governors of the California Community Colleges, I respectfully submit for your information and review, the California Community Colleges SB 826 Equal Employment Opportunity Report.

Marc LeForestier, general counsel, may be contacted for questions and comments. He can be reached at (916) 445-6272 or mleforestier@cccoco.edu.

Thank you for your interest in these programs and the students they serve.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eloy Ortiz Oakley'.

Eloy Ortiz Oakley, Chancellor

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EQUAL EMPLOYMENT OPPORTUNITY REPORT

Senate Bill 826, Chapter 23, of 2016 requires the California Community Colleges Chancellor's Office to:

“Report by December 1, 2016, and annually thereafter for five years, on the racial/ethnic and gender composition of faculty, and efforts to assist campuses in providing equal employment opportunity in faculty recruitment and hiring practices as well as system-wide training, monitoring, and compliance activities.”

This report provides an overview of Chancellor's Office efforts to assist local community college districts in providing equal employment opportunities (EEO) in faculty recruitment and hiring practices. Statistics related to the composition of community college faculty are attached to this report as [Attachment 1](#).

In the community college system, hiring decisions are made by the local districts. The Chancellor's Office does not make faculty recruitment and hiring decisions. However, the Chancellor's Office does provide a significant amount of outreach, training and guidance to local community college districts regarding EEO and diversity hiring practices. This report summarizes the outreach, training and guidance provided over the last year.

OVERVIEW

Proposition 209 prohibits preference-based hiring practices for individuals or groups on the basis of race, sex, color, ethnicity or national origin in the operation of public employment, public education or public contracting. At the same time, other state and federal laws require inclusionary hiring practices and compliance with EEO mandates.

Title 5, section 53024.1, states that “[e]stablishing and maintaining a richly diverse workforce is an on-going process that requires continued institutionalized effort.” Our colleges serve a highly diverse student population, reflective of the broader population of California, with more than 50 percent who are underrepresented students. Our EEO programs are essential for student success and play an invaluable role in meeting the systemwide goals.

FUNDING

The 2016-17 Budget Act (Chapter 23, Statutes of 2016) provided the Chancellor’s Office with \$2.767 million in funding to ensure equal employment opportunities to eliminate barriers through strategic, concentrated efforts that have been proven to promote EEO. These efforts include, but are not limited to:

- Training to eliminate unconscious and conscious bias
- Data collection and longitudinal studies
- Monitoring of district EEO Plans
- Software systems and hiring processes that intercept bias
- Monitoring of compliance with discrimination laws
- Technical assistance to the colleges

STATEWIDE EFFORTS RELATED TO EEO AND DIVERSITY HIRING PRACTICES

Presentations/Training

The Chancellor’s Office has offered numerous presentations and training opportunities to the community college districts regarding EEO practices and diversity hiring, including the following:

- In November 2016, the Chancellor’s Office, in conjunction with the Academic Senate for California Community Colleges, presented at the annual Community College League of California convention on “Faculty Hiring and Diversity: Practical Steps for Difficult Conversations.”
- In December 2016, the Chancellor’s Office presented at the California Education Roundtable Intersegmental Coordinating Committee on “Diversifying the Teaching Profession in California Public Schools and Higher Education Institutions.”
- In February 2017, the Chancellor’s Office presented at the Academic Senate for California Community Colleges regional meeting on “Hiring and Nurturing Faculty to Encourage Diversity and Equity.”
- In February, May, September and December 2017, the Chancellor’s Office hosted and presented at meetings of the statewide EEO and Diversity Advisory Committee on issues related to the collection and use of faculty demographic hiring data.
- In July 2017, the Chancellor’s Office presented at Consultation Council on statewide EEO efforts and recent data showing progress in full-time faculty diversity hiring.
- In November 2017, the Chancellor’s Office testified before the Senate Select Committee on Women and Inequality regarding implicit bias and its impact on women in the workforce along with gender occupational disparities.
- In November 2017, the Chancellor’s Office, in conjunction with the Academic Senate for California Community Colleges, presented at the annual Community College League of California convention on “Faculty Diversity and Serving Students: Progress and Challenges.”

Data Collection and Analysis

Over the past year, the Chancellor’s Office has made great progress in bringing attention to the critical need to collect both statewide demographic employment data and local applicant data. The Chancellor’s Office has made the collection and analysis of both employee demographic data, as well as longitudinal applicant data, a priority. Our efforts have included:

- In the spring of 2017, the Chancellor’s Office identified opportunities to improve the statewide faculty demographic and diversity data submissions from local community college districts. This includes certification forms, updates to the data dictionary, and training for the local community college districts. The Chancellor’s Office is in the process of implementing these statewide data submission reforms.
- In May 2017, the Chancellor’s Office created a Longitudinal Data subcommittee to assist the districts with issues related to the local collection and analysis of applicant and employment data. The subcommittee was tasked with identifying legal requirements, challenges and opportunities, maintaining data quality standards, and developing best practices in local data collection and the longitudinal analysis of employment data.
- In December 2017, the Chancellor’s Office disseminated a draft *EEO Longitudinal Data Guide*, which identifies the legal requirements for the collection and analysis of longitudinal hiring data, the benefits of a robust data program, best practices in EEO and diversity data collection, and examples of effective longitudinal analyses. Once finalized this report will be available on the Office of the General Counsel’s [EEO web page](http://extranet.cccco.edu/Divisions/Legal/EEO.aspx) (extranet.cccco.edu/Divisions/Legal/EEO.aspx).
- Webinars are currently being created relative to improved statewide demographic data submission requirements. The training sessions will be provided to the data personnel at the local community college districts responsible for the data submissions to the Chancellor’s Office.

Other Efforts

- In November 2016, the Chancellor’s Office created an Expenditures and Performance subcommittee to ensure that EEO funds are being utilized for:
 - Activities designed to encourage community college students to become qualified for, and seek employment as community college faculty or administrators;
 - Outreach and recruitment;
 - In-service training on equal employment opportunities (including training on implicit bias);

- Accommodations for applicants and employees with disabilities; and
- Other activities to promote equal employment opportunities.
- The Chancellor's Office has created an EEO resource archive that includes information about regional EEO trainings; webinars on pre-hiring, hiring and post-hiring; and an archived video of the EEO regional training at Yuba College, which are available on the Office of the General Counsel's [EEO web page](http://extranet.cccco.edu/Divisions/Legal/EEO.aspx) (extranet.cccco.edu/Divisions/Legal/EEO.aspx).

STATEWIDE EEO AND DIVERSITY ADVISORY COMMITTEE

“The purpose of the state Chancellor’s Office Equal Employment Opportunity and Diversity Advisory Committee is multifaceted. The Committee will facilitate and improve the communication between the state Chancellor’s Office and the community college districts in regard to human resources matters with a focus on diversity and EEO Programs. The Committee is also a forum for the exchange of information to drive the promotion, creation or implementation of effective EEO and diversity programs. The Committee will develop resources such as samples and best practices which can be shared with districts throughout the state. The Committee consists of a diverse representation of community college constituency group leaders and human resource professionals throughout the state.”

— Purpose Statement

- The statewide EEO and Diversity Advisory Committee has 22 members that include representatives from the four regional areas, as well as faculty, classified staff, trustees, chief executive officers, chief student services officers, and student representatives. The regional members are appointed by the regional HR/EEO groups to ensure a cross section of districts from around the state, with a mixture of those from multi-college and single college districts. See [Attachment 2](#) for a current membership listing.
- The statewide EEO and Diversity Advisory Committee meets quarterly throughout the year to exchange information, develop resources, and promote best practices on issues related to diversity and the community college district EEO programs.

- The Chancellor’s Office has created a web page for the statewide EEO and Diversity Advisory Committee, where minutes from meetings, as well as handouts, are posted and available to all Human Resources management and staff.
- The Chancellor’s Office once again funded the Registry/job bank, which provides a number of services for individuals seeking employment at a community college. The site has one of the top search engine responses and has been recently updated to include a social media presence. Additional efforts are underway to create a more streamlined application process for those interested in applying for a community college job. The Registry also holds two regional job fairs each year that are very well attended and successful.

MONITORING AND COMPLIANCE ACTIVITIES: MULTIPLE METHODS OF MEASURING SUCCESS

In 2016, the Chancellor’s Office implemented a change to the EEO Fund allocation model to a multiple methods certification process to measure success. Each district’s EEO advisory committee, chief human resources officer, chief executive officer and governing board must annually certify to the Chancellor’s Office that the district met the *Multiple Method* requirements in order to receive EEO funding. This ensures that a wide variety of stakeholders at the local level are aware of and invest in the EEO process.

THE MULTIPLE METHODS ALLOCATION MODEL

The Chancellor’s Office longstanding statewide EEO and Diversity Advisory Committee and the Office of the General Counsel identified nine best-practice areas for “success in promoting” EEO. These nine areas now serve as the “*multiple methods*” for allocation of the EEO Fund:

Pre-Hiring

1. District’s EEO Advisory Committee, EEO Plan, and expenditure/performance reports (**required for funding**).
2. Board policies & adopted resolutions.
3. Incentives for hard-to-hire areas/disciplines.
4. Focused outreach and publications.

Hiring

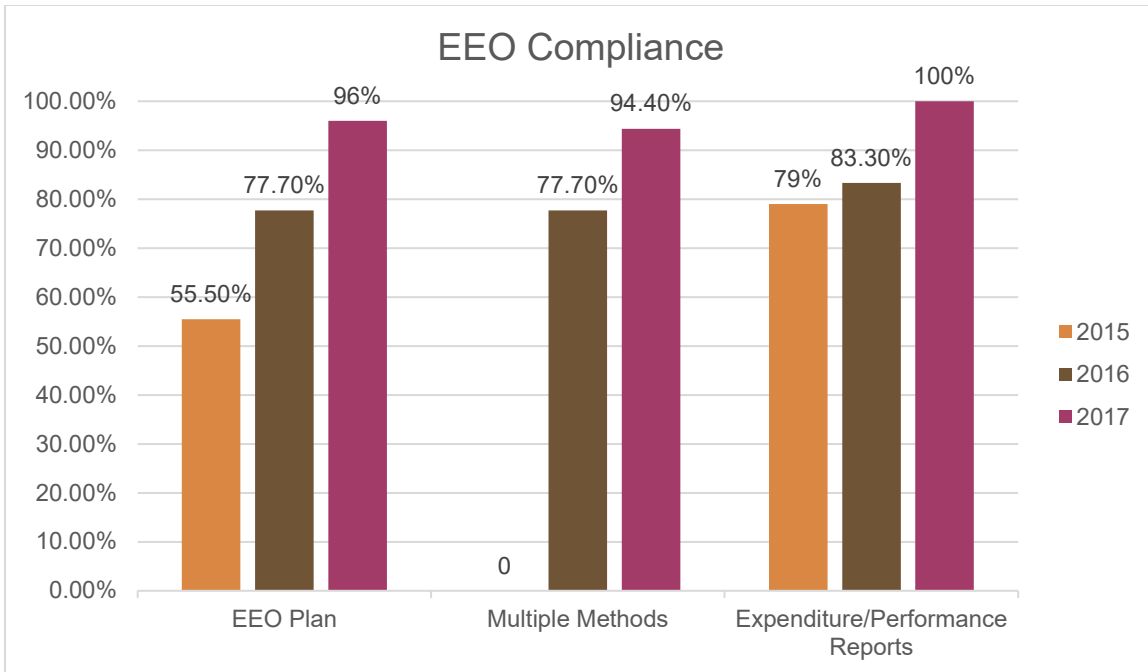
1. Procedures for addressing diversity throughout hiring steps and levels.
2. Consistent and ongoing training for hiring committees.

Post-Hiring

1. Professional development focused on supporting diversity.
2. Diversity incorporated into criteria for employee evaluation and tenure review.
3. Grow-Your-Own programs.

To qualify for funding under the *Multiple Methods* EEO Fund allocation model, districts must meet *Multiple Method 1* (have an EEO Advisory Committee and EEO Plan, and have submitted their expenditure/performance reports) plus a minimum of five of the remaining eight *Multiple Methods*. In other words, districts must minimally have an operational EEO Advisory Committee and an active EEO Plan in order to qualify for receipt of EEO funding. Title 5 clearly requires districts to submit a board-adopted EEO Plan every three years (section 53003) and to establish an EEO Advisory Committee to assist in developing and implementing the EEO Plan (section 53005). In June of 2017, an additional requirement was added to the *Multiple Methods* in that districts must also have timely submitted their annual expenditure/performance reports for the prior fiscal year to the Chancellor's Office (section 53034).

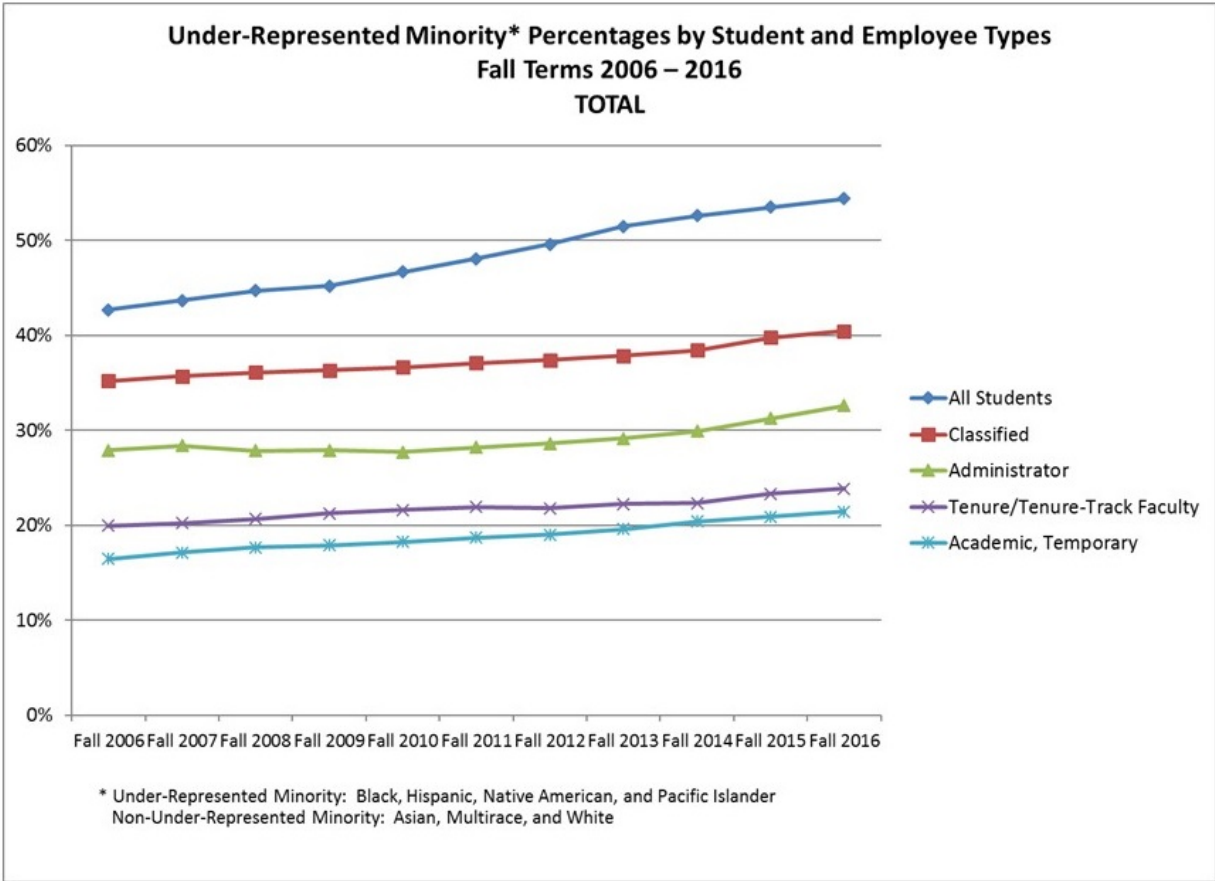
By tethering the receipt of EEO Funds to the submission of the *Multiple Methods* Certification, including an active EEO Plan, the Chancellor's Office dramatically increased district compliance with the requirement to submit and update EEO Plans, as required in title 5, section 53003. In December of 2015, only 55.5 percent of districts had active EEO Plans on file with the Chancellor's Office. By June of 2016, 77.7 percent of districts had an active EEO Plan in place, and as of June 1, 2017, almost 96 percent of districts had an active EEO Plan on file with the Chancellor's Office. Attaching funding to the *Multiple Methods* requirements has had a direct and proportional impact on overall program compliance.



EDUCATIONAL BENEFITS OF DIVERSITY

The purpose of our local EEO programs is to ensure that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and to enjoy the benefits of employment with each local district. Equal employment should include identifying and eliminating barriers to employment that are not job related, and creating an environment that fosters cooperation, acceptance, democracy and the free expression of ideas. Our colleges must be welcoming employment destinations for men and women, persons with disabilities and individuals from all ethnic and other groups protected from discrimination under the law.

There has been an increase in underrepresented students in California community colleges in recent years. Data shows that the student population in the community colleges has become increasingly more diverse, whereas no ranks of the workforce have reflected this increase in diversity. According to data submitted by the districts, for the past ten years, approximately 20 percent of full-time faculty members are from underrepresented communities. See chart below:

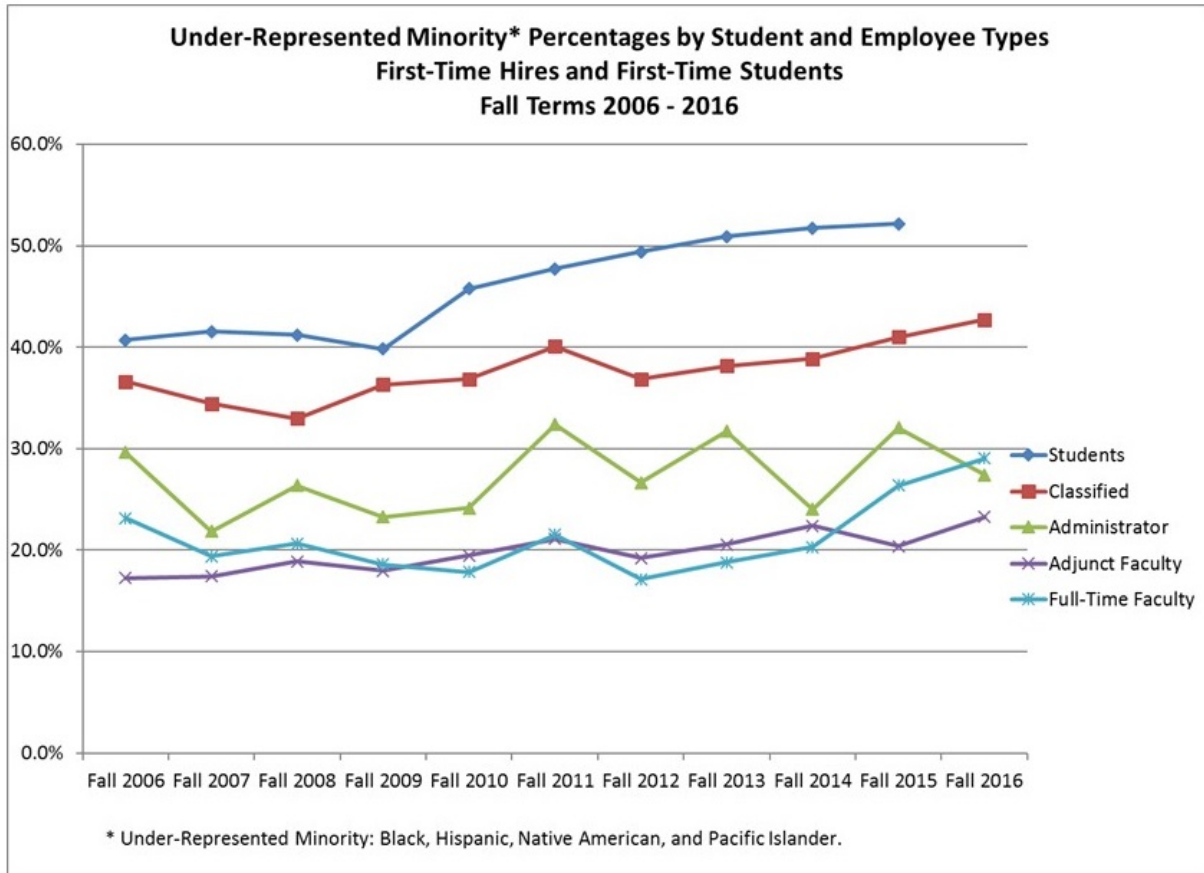


Studies have shown the educational benefits of a diverse workforce. A recent study at a California community college showed that underrepresented minority students who were taught by underrepresented minority instructors were able to close the achievement gap by 20-50 percent.¹ The study found that the interactions between underrepresented minority faculty and underrepresented minority students also affected longer-term student outcomes such as subsequent course selection, retention, and degree completion.

Increased diversity of ideas and attitudes within our faculty ranks is healthy for our system and beneficial to our existing tenured/tenure track and part-time instructors. If barriers to employment discourage or remove qualified instructors with diverse backgrounds and experiences from an applicant pool, the workforce itself is deprived of new ideas, approaches and perspectives.

¹ Fairlie, Robert W., Florian Hoffmann, and Philip Oreopoulos. 2014. "A Community College Instructor Like Me: Race and Ethnicity Interactions in the Classroom." *American Economic Review*, 104 (8): 2567-91.

As you can see in the chart below, the community college system has seen a significant increase in the percentage of underrepresented minorities in our first time, full-time faculty hiring over the last two years:



THE ELIMINATION OF BIAS IN HIRING DECISIONS

Research suggests that employers are vulnerable to unconscious stereotypes when making decisions regarding hiring and promotion. These stereotypes may then operate largely independent of the intent of an individual. Yet, whether an action is intentional or unintentional, unconscious bias acts as a barrier for job applicants who are underrepresented minorities.

Title 5, section 53003, states that as part of its EEO Plan, each district shall include a process for ensuring that district employees who participate on screening or selection committees receive training, prior to their participation. Training shall include, but not be limited to, the following four elements:

- (A) The requirements of title 5 and of state and federal nondiscrimination laws;

- (B) The educational benefits of workforce diversity;
- (C) The elimination of bias in hiring decisions; and
- (D) Best practices in serving on a selection or screening committee.

The Chancellor's Office is committed to ensure that districts are following current statutes and regulations to eliminate bias in hiring decisions, and have properly trained and educated hiring committees.

On November 14, 2017, the Chancellor's Office testified before the Senate Select Committee on Women and Inequality and the Senate Labor and Industrial Relations Committee to discuss efforts within the community college system to eliminate bias in hiring decisions and the impact of implicit bias on gender equality.

LEGAL AUTHORITY

Equal employment opportunity is embedded as a legal mandate through a number of statutes and regulations. Statutory authority for Equal Employment Opportunity can be found in California Education Code sections 87100-87108. The intent of the legislature is to diversify our community college faculty to better represent and assist our students.

1. Education Code

87100: Legislative findings and declarations

(a)(3) A work force that is continually responsive to the needs of diverse student population 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.

(b) It is the intent of the Legislature to establish and maintain within the California Community College districts a policy of equal opportunity in employment for all persons, and to prohibit discrimination or preferential treatment.

87101: Purposes

(a) "Equal employment opportunity" means that all qualified individuals have a full and fair opportunity to compete for hiring and promotion and fully enjoy the benefits of employment by a community college district. Ensuring equal employment opportunity is advanced in an inclusive environment that fosters cooperation, acceptance, democracy, and the free expression of ideas. An inclusive environment is welcoming to men and women, persons with disabilities,

individuals from all ethnic groups, and individuals from all other groups protected from discrimination by this article.

66010.2: Goals

(c) Educational equity not only through a diverse and representative student body and faculty but also through educational environments in which each person, regardless of race, gender, gender identity, gender expression, sexual orientation, age, disability, or economic circumstances, has a reasonable chance to fully develop his or her potential.

2. EEO Regulations

The legal parameters and standards for EEO are established in the following sections of California Code of Regulations, which implements and should be read in conjunction with Government Code sections 11135-11139.8:

**California Code of Regulations, title 5. Education, division 6.
California Community Colleges, chapter 4. Employees**

Section	Regulation
53000	Scope and Intent
53001	Definitions
53002	Policy Statement
53003	District Plan
53004	District Evaluation and Report to the Chancellor
53005	Advisory Committee
53006	Additional Measures to Support Diversity and Ensure Equal Employment Opportunity
53020	Responsibility; Delegation of Authority; Complaints
53021	Recruitment
53022	Job Announcements and Qualifications

Section	Regulation
53023	Applicant Pool Review
53024	Screening and Selection Procedures
53024.1	Developing and Maintaining Institutional Commitment to Diversity
53024.2	Accountability and Corrective Action
53025	Persons with Disabilities
53026	Complaints
53027	Applicability to Districts Operating on the Merit System
53030	Equal Employment Opportunity Fund Allocation
55033	Failure to Report
53034	Required Report

These regulations are required steps to promote faculty and staff equal employment opportunities which are in addition to and consistent with the nondiscrimination requirements of state and federal law.

CONCLUSION

The Chancellor’s Office is proud of its efforts to assist our local community college districts in providing equal employment opportunity in faculty recruitment and hiring practices. Additional information about the Chancellor’s Office EEO efforts can be found on the Office of the General Counsel’s [EEO web page](http://extranet.cccco.edu/Divisions/Legal/EEO.aspx) (extranet.cccco.edu/Divisions/Legal/EEO.aspx).

Please feel free to contact the Office of the General Counsel for the California Community Colleges Chancellor’s Office with any questions or concerns.

ATTACHMENTS

- Employee Category Ethnicity/Gender Headcount Distribution by District
(www.cccco.edu/Portals/1/images/Reports/Attachment-1.pdf)
- Membership List: Statewide EEO and Diversity Advisory Committee
(www.cccco.edu/Portals/1/images/Reports/Attachment-2.pdf)

Front cover photo: West Valley College

Photo at right: West Hills College
Lemoore

Back cover photo: College of Marin



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Student Success Scorecard

scorecard.cccco.edu

Salary Surfer

salarysurfer.cccco.edu

Associate Degree for Transfer

adegreewithaguarantee.com

Priority Registration

stepforward.cccco.edu

Workforce & Economic Development

doingwhatmatters.cccco.edu

Financial Aid

icanaffordcollege.com

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