




**CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE**

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**LEGAL AFFAIRS DIVISION**

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To: All Colleges

Fr: Thuy Thi Nguyen, Interim General Counsel 

Cc: Brice Harris, Ed.D., Chancellor  
Dan Troy, Vice Chancellor for Finance and Facilities

Date: December 11, 2015

Re: New Allocation Model of Equal Employment Opportunity (EEO) Fund Pursuant to Title, Section 53030

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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 will implement a new fund allocation model (Education Code, Section 87107 and Board of Governors Standing Order 374.) 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 over the past 6 months.

**I. Purpose**

Each year, districts receive money from the EEO Fund which is allocated proportionally to the FTES of each district. The purpose of implementing a new model is to increase compliance with legal EEO requirements and provide our students with the educational benefits of a diverse workforce. Attached is a chart of the current diversity breakdown of California community colleges workforce compared to our student demographics statewide.

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."

Studies show the gains in institutional effectiveness with a diverse workforce. Studies also prove the educational benefits of a diverse faculty workforce. For instance, a study of a California community college showed the achievement gap closing by 20-50% when taught by minority instructors. (Fairlie, R. W., Hoffman, F., Oreopoulos, P. (2014). *A Community College Instructor Like Me: Race and Ethnicity Interactions in the Classroom*. American Economic Review, 104(8): 2567-2591.)

## **II. Regulatory Authority for new Multiple Method Allocation Model**

Title 5, Section 53030 states in relevant part (*with emphasis*):

Resources provided to the Board of Governors for the purpose of promoting equal employment opportunity in hiring and promotion within the system shall be placed in an EEO Fund and shall be allocated consistent with the following:

(a) A portion of the fund, but not more than 25 percent, shall be set aside to provide technical assistance, service, monitoring, and compliance functions.

(b) That portion of the funds not allocated pursuant to subdivision (a) may be allocated to the districts in the following categories:

(1) an amount proportional to the full-time equivalent students of each district to the total full-time equivalent students for all districts;

(2) an equal dollar amount to each district;

(3) *an amount related to success in promoting equal employment opportunity. Multiple methods of measuring success shall be identified by the Chancellor working through the established Consultation Process.*

“Success in promoting” EEO involves implementation of best practices. To date, the “multiple methods of measuring success” allocation option has not been utilized by the Board of Governors or Chancellor’s Office.

## **III. Nine (9) Multiple Methods**

The Chancellor’s Office longstanding Equal Employment Opportunity and Diversity Advisory Committee and the Legal Affairs Division identified 9 best-practice areas for “success in promoting” EEO. These 9 areas will serve as the “multiple methods” for allocating the EEO Fund:

### ***Pre-Hiring***

1. District’s EEO Advisory Committee and EEO Plan
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

The 9 multiple methods are also delineated in other regulation sections. See attached "9 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; and establishment of EEO Advisory Committee in Title 5, Section 53005.

### **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 met 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 1<sup>st</sup> of each year.

#### **A. *Multiple Method 1: Role of District EEO Advisory Committee and EEO Plan***

Under the *Multiple Method* allocation model, districts must minimally have an operational EEO Advisory Committee and an updated EEO Plan in order to qualify for receipt of the EEO Fund (*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).

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

To receive funding for that year's allocation amount, districts are also required to meet a minimum of 5 of the remaining 8 *Multiple Methods*.

### **IV. Funding Allocation**

#### **2014-15 Fund Allocation**

Last year, the system received its \$767,000 annual budgeted amount for the EEO Fund, and the Fund was allocated on an FTES basis with allocations ranging from approximately \$3,000 to \$32,000. Districts were required to report by September 30, 2015 how the Fund was expended.

### **Allocation of Funds for Success in Promoting EEO during Academic Year 2015-16**

#### **A. FTES Model (partially)**

For 2015-16, the system also received its \$767,000 annual budgeted amount for the EEO Fund. To provide a consistent source of funds during this year of transition to the new model, the Chancellor's Office allocated the funds similar to last year based on FTES.

#### **B. *Multiple Method* Allocation Model (partially)**

This year, the system also has over \$4 million in FON (Full Time Faculty Obligation Number) penalty that has been included in the EEO Fund pursuant to Education Code, Section 87482.7. The FON penalty portion of the Fund will be allocated based on meeting the aforementioned *Multiple Method* allocation model pursuant to Title 5, Section 53030. Each district that meets the requirements of the *Multiple Method* allocation model will receive \$45,000 (estimated) by the end of the fiscal year for use in the upcoming 2016-17 fiscal year.

### **Allocation of Funds for Success in Promoting EEO during Academic Year 2016-17**

#### **A. *Multiple Method* Model (entirely)**

Each district that meets the requirements of the *Multiple Method* allocation model will receive \$45,000 (estimated) by the end of the fiscal year for use in the upcoming year.

### **Allocation of Funds for Success in Promoting EEO AFTER Academic Year 2016-17**

#### **A. *Multiple Method* Model (entirely)**

Allocation of the EEO Fund by FTES will be discontinued. Instead, 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.

#### **V. 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.

## **VI. Resources**

The form requires districts to report the various activities that they are implementing to promote EEO for each of the 9 multiple methods. The Chancellor's Office will select some of the best practices reported by the colleges and highlight them in an "EEO and Diversity Best Practices Handbook". The handbook will be distributed Fall 2016.

The Chancellor's Office Legal Affairs Division and members of the Chancellor's EEO and Diversity Advisory Committee will hold a statewide webinar on Monday, February 1<sup>st</sup> at 2:00 p.m. to answer any questions about the 9 multiple methods and to provide ideas/examples of activities under each multiple method. Please contact [legalaffairs@cccco.edu](mailto:legalaffairs@cccco.edu) to RSVP for the webinar.

Thank you for your attention to this matter.

### ***Enclosures:***

1. *Multiple Method* Allocation Model, EEO Fund Form
2. Charts, Workforce Diversity and Student Demographics
3. *9 Multiple Methods* Cross Reference