April 25, 2012

TO: Board of Trustees Presidents
    Chief Executive Officers
    Chief Human Resources Officers
    Equal Employment Opportunity Officers
    Community College Attorneys
    Chief Instructional Officers
    Academic Senate Presidents
    Chief Student Services Officers

FROM: Steven Bruckman
      Executive Vice Chancellor for Operations and General Counsel


Synopsis: This program advisory is to provide an update and guidance to districts regarding the proposed title 5 EEO regulations and district EEO Plans. The Board of Governors approved the proposed title 5 EEO regulations at its March 7, 2011 meeting. However since this approval, the Department of Finance (DOF) did not approve the proposed title 5 EEO regulations due to mandated cost concerns. We have subsequently met with DOF to try to address their cost concerns and we continue to work with them on the cost issue. The mandated cost issue is further complicated by the fact the Commission on State Mandates (CSM) decided on March 28, 2011 that the existing title 5 EEO regulations have mandated costs. Rest assured we will work with district representatives throughout the process of communicating with the Department of Finance. In the meantime, the current title 5 EEO regulations continue to remain in effect.

Despite these major challenges, the Board of Governors remain committed to EEO and diversity in the workforce. We recognize and support the compelling interest that districts have in obtaining the many benefits that result from a diverse workforce. Since there is no timeframe attached to final DOF actions regarding the revised regulations, we now strongly encourage districts to begin to work on the district EEO Plan using the Model EEO Plan as a framework to develop district EEO Plans. Here is the link to the Model EEO Plan click onto “Updated Model EEO Plan & Guidelines for California Community Colleges / 2006 4/03/07” (center column):

http://extranet.cccco.edu/Divisions/Legal/EEO.aspx
Our previous district EEO plan program advisory dated April 9, 2007 indicated that we were working on updating availability data which is needed to complete four of the eleven sections of the EEO Plan required under current regulations. This data is not available and districts will not be responsible for parts of the EEO Plan that are dependent upon sound availability data which are pursuant to title 5 section 53003(c)(7)-(9) and (d) or Model EEO Plan Components 11, 12, 13, and 15.


**Requested Action / Date:** Work on district EEO Plan and submit it to the State Chancellor’s Office by June 28, 2013.

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Legal Affairs Division