



Publication of Equal Employment Opportunity Statements¹

Q: Are community colleges required to provide notice of equal employment opportunity?

A: Yes. Community colleges are required to provide notice of equal employment opportunity through several different means, including work-site posters, vacancy notices and applications, and, in specific cases, through the local newspaper.

Posters: As employers, community colleges with the threshold number of employees must post notices in the workplace under Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Genetic Information Nondiscrimination Act, among others. In addition, colleges must post notices under laws applicable to recipients of federal funding and to educational institutions. The [Texas Workforce Commission](#) and the [U.S. Department of Labor](#) publish information on required workplace posters. [Posters](#) are also available through TASB HR Services.

Applications and vacancy notices: Community colleges should include EEO statements on applications and vacancy notices to ensure that their EEO policy is communicated to applicants. For example, Title IX, which prohibits discrimination on the basis of sex in education programs or activities, requires community colleges that receive federal financial assistance to include a notice of nondiscrimination on each vacancy notice used in connection with recruitment of employees. 34 C.F.R. § 106.9(b)(1). The [sample forms](#) in the TASB HR Library include EEO statements.

CTE programs: Special rules apply to community colleges with career and technical education (CTE) programs. A college that provides CTE programs must comply with the [Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap in Vocational Education Programs](#), 34 C.F.R. pt. 100, App. B. Before the beginning of each academic year, the college must advise students, parents, employees, and the general public that all career and technical education opportunities will be offered without regard to race, color, national origin, sex, or disability. The community college must use local newspapers or other media that reach the general public in the college's local community to disseminate the required notification. Sample notices are available, in English and Spanish, on TEA's website, [Career and Technical Education \(CTE\) Program Access Review \(PAR\) Resources](#).

¹ An electronic version of this document is available on TASB College eLaw at tasb.org/services/community-college-services/resources/tasb-college-elaw/documents/publication-of-equal-employment-opportunity-statements.pdf.

Q: *Are community colleges required to advertise their EEO status in minority-owned publications?*

A: No. Other than the requirement regarding CTE programs discussed above, there is no legal requirement that community colleges publish their EEO statements in magazines, newspapers, or other media, regardless of who owns the publication, except in connection with a job posting or similar communication to applicants.

If a community college wishes to engage in voluntary outreach activities, the focus should be on the quality of contact. Advertising in a magazine is not likely to be effective if the magazine is not circulated to qualified, minority applicants regardless of who owns or operates the magazine. Moreover, there are often low- and no-cost methods of targeting underrepresented groups—such as attending recruiting fairs at historically black colleges or women’s colleges—that are likely to be more effective.

Q: *Are community colleges required to adopt affirmative action programs?*

A: If a community college is considered a federal contractor, it must establish an affirmative action plan. Several federal laws require federal contractors to take affirmative action to ensure that applicants are employed without regard to their race, color, religion, sex, national original, disability, or Vietnam era veterans’ status. Exec. Order No. 11,246, 3 C.F.R. § 339 (1964-1965), *reprinted as amended in* 42 U.S.C. § 2000e (1991); Rehabilitation Act, § 503, 29 U.S.C. § 793 (1992); Vietnam Era Veterans’ Reemployment Rights Act, 38 U.S.C. § 4212 (2002). These laws are enforced by the Office of Federal Contract Compliance Programs (OFCCP).

The test for whether an entity is a *federal contractor* subject to OFCCP jurisdiction is as follows:

- (1) The entity holds one or more Federal contracts or subcontracts for supplies or services;
- (2) The value of the contracts or subcontracts exceeds \$50,000; and
- (3) The contractor has 50 or more employees.

Two other groups of contractors are also subject to OFCCP jurisdiction:

- (1) Contractors who provide construction services to the federal government; and
- (2) Contractor who hold Government bills of lading, serve as depositories of Federal funds, or are issuing and paying agents for U.S. savings bonds and notes in any amount.

41 C.F.R. §§ 60-1.40, -250.4, -741.4.

Q: Are community colleges required to engage in good faith efforts?

A: This requirement depends on whether a college is considered a federal contractor. *Good faith efforts* refers to a federal contractor's efforts to make all aspects of its affirmative action plan work. Good faith efforts are a component of mandatory affirmative action programs. If a college is not required to have a mandatory affirmative action program, the college is not required to engage in good faith efforts as defined by OFCCP.

Good business practices may include voluntary efforts to recruit applicants from underrepresented groups, such as through outreach to educator preparation programs with a high percentage of minority participants. But, these practices are not mandatory for community colleges that are not federal contractors.

Conclusion: Few, if any, community colleges are legally-required to externally publish their EEO statements, unless the publication is associated with a job advertisement or in compliance with a CTE program.

Q: Where can I get more information on EEO statements?

A: If you have questions about these or other legal issues, community college representatives may contact TASB Community College Services at 800.580.1488 or colleges@tasb.org.

For more information on community college law topics,
visit TASB Community College eLaw online at colleges.tasb.org/elaw.

This document is provided for educational purposes only and contains information to facilitate a general understanding of the law. It is neither an exhaustive treatment of the law on this subject nor is it intended to substitute for the advice of an attorney. It is important for the recipient to consult with the college's own attorney in order to apply these legal principles to specific fact situations.