UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LOREN PALSGAARD, et al.,

Plaintiffs,

v.

SONYA CHRISTIAN, et al.,

Defendants.

I. Introduction & Procedural History

On August 17, 2023, Plaintiffs filed this action against D

progress toward, proficiency in the locally-developed DEIA competencies or those published by

Id. § 53602(a).

employees must have or establish proficiency in DEIA-related performance to teach, work, or

include consideration of an employe

diversity, equity, inclusion, and accessibility DEIA-related competencies that enable work with

Id. § 53602(b).

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minimum standard for evaluating the performance of all employees; (2) ensure that evaluators have a consistent understanding of how to evaluate employees on DEIA competencies and criteria; (3) set clear expectations regarding employee performance related to DEIA principles,

competencies in employee evaluation and tenure review processes to support employee growth, development, and career advancement; (5) ensure professional development opportunities support employee development of DEIA competencies that contribute to an inclusive campus and classroom culture and equitable student outcomes; (6) ensure an evaluation process that provides employees an opportunity to demonstrate their understanding of DEIA and anti-racist competencies; [and] (7) include proposed or active implementation goals to integrate DEIA principles as a part o

Id. § 53602(c).

and professional practices that reflect DEIA and anti-racist principles, and in particular, respect for, and acknowledgement of the diverse backgrounds of students and colleagues to improve

Id. § 53605(a). It also provides obligations for administrators and

Compl. Ex. F, at 41.

approved by Human Resources, the Federation and the Academic Senates of all four colleges, a joint team from Human Resources, the Federation and the four Academic Senates will meet with all evaluators and evaluatees during the first two weeks of the Fall or Spring semester to ensure that all have a uniform understanding of the DEIA competencies and criteria, the expectations regarding a [faculty] ated to the competencies and criteria, and best

Compl. Ex. F, at 46. Plaintiffs complaint does not contain any allegations concerning the training developed or provided to faculty. The record before the Court does not include any description of such training, or of any

ave been provided in any such training.

Plaintiffs allege that the Faculty Contract incorporates the DEI Recommendations, Model Principles, Glossary of Terms, and Guidance Memo

. Compl. ¶¶ 5, 83, 198, 224, 257, 283, 312; *see also* Doc. 63 at 1. However, the Faculty Contract, which is attached to the complaint and incorporated therein, does not cite or specifically reference the regulations or the guidance documents. *See generally* Compl. Ex. F.

D. Plaintiffs

Plaintiffs are professors at various SCCCD community colleges. Compl. ¶ 5. Plaintiffs challenge the constitutionality of the DEIA regulations and the provisions of the Faculty Contract implementing the regulations. *See generally* Compl.

Plaintiff Loren Palsgaard is an English professor at Madera Community College. Compl. ¶

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Compl.