

Proposed Changes to Articles 5 and 17
Proposed additions are underlined; deletions have a strikethrough

Article 5

Discrimination Prohibited By Law and Process for Other
Complaints
~~Nondiscrimination~~

5.1 Discrimination Prohibited By Law

5.1.1 Except as provided by the California Education and Government Codes, the District and the CCFT agree not to discriminate against any unit member or District employee on the basis of race, color, creed, national origin, religion, sex, age, sexual orientation, partisan or electoral political activities/affiliations, marital status, physical handicap or exercise of Constitutional rights. The District and the CCFT further agree that it is the intent of the Cabrillo Community College District and the Cabrillo College Federation of Teachers to follow the procedures as presented in the Cabrillo College policies related to harassment and discrimination and to provide faculty due process of law against irresponsible or false accusations in accordance with District policy and state law. The unit member has the right to request representation prior to and during any meeting.

5.1.2 CCFT shall be entitled to have at least one representative on any committee that develops or modifies such policies.

5.2 Process for Other Complaints Not Covered by Article 5.1

5.2.1 Concerns from students, community members, faculty or staff conveyed via letter, email or verbally may or may not result in a formal written allegation. After discussing the concern with the complainant, the appropriate administrator may or may not recommend that the complainant file a formal written complaint on a District complaint form available in Human Resources. If a written complaint is filed on a District complaint form, the complaint is recognized as a formal written allegation from a student, community member, faculty or staff. If not, the complaint may be resolved without further investigation or process.

5.2.2 In the event that a formal written allegation from a student, community member, faculty or staff regarding conduct of a unit member is received by the District, and the allegation does not involve prohibited discrimination or harassment as defined in section 5.1.1 above, the appropriate administrator shall provide the unit member with a copy of the formal complaint and any related materials received by the District. The unit member has the right to request union representation during any investigatory meeting. For purposes of section 5.2.1, an allegation does not include a grade challenge, or any allegation that may lead to immediate suspension or dismissal in accordance with the provisions of California Education Code, sections 87732 – 87740.

5.2.1.1 In cases dealing with student grievances, procedures defined in the Student Rights and Responsibilities handbook will be followed. CCFT shall be entitled to have at least one representative on any committee that develops or modifies such policies.

5.3 Placement of Allegations in Personnel Files

Allegations covered by Article 5 that are withdrawn, shown to be false, or not sustained, shall not be placed in a unit member's personnel file and shall not be utilized in any evaluation or disciplinary action against a unit member. Allegations covered by Article 5 that are verified may be included in the evaluation or personnel files of the unit member, following the procedures detailed in Articles 17 and 19 respectively.

Proposed Addition to Article 17, Evaluation and Tenure

17.7.10 Additional Evaluation of Regular Tenured Faculty

If, during the period between regularly scheduled evaluations of a regular faculty member, in the judgment of the appropriate administrator there is a significant, compelling, and new or escalating issue identified, the appropriate administrator may elect to follow the following process to initiate an additional evaluation:

- (a) inform the faculty member by written notice of her/his concerns and the reasons therefore;
- (b) within ten (10) working days of receipt of the written notice, the appropriate administrator shall schedule a meeting with the faculty member to discuss these concerns and opportunities for improvement;
- (c) provide the appropriate vice president a copy of the written notice containing his/her concern. The appropriate vice president will confer with CCFT regarding the concerns. A committee of three CCFT officers will meet to review the case. The committee may seek input from the appropriate administrator if necessary. Information reviewed by the committee will remain confidential. If the appropriate vice president and the CCFT committee agree, then an additional off-cycle evaluation, following the process in Article 17.7, will commence with amended timelines.
- (d) depending on the outcome of the additional evaluation, another evaluation may occur the following semester according to Articles 17.7.8 and 17.7.9.