

Article 5

Discrimination Prohibited By Law and Process for Other Complaints

- 5.1 Discrimination Prohibited By Law
- 5.1.1 Except as provided by the California Education and Government Codes, the District and CCFT agree not to discriminate against any unit member or District employee on the basis of race, color, creed, national origin or ancestry, religion, sex, gender, gender identity, gender expression, age, sexual orientation, partisan or electoral political activities/affiliations, marital status, mental or physical disability, medical condition, pregnancy or pregnancy disability, genetic information, military and veteran status, 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 Board Policy and Administrative Procedures 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.