



Introduction

The topics of safety in the workplace, student surveys of faculty and the discipline and complaints processes have been elevated by the Anti-Racism in Collective Bargaining workgroup as contract subjects rife with the presence and/or possibility of systemic bias leading to harm experienced by BIPOC and other historically marginalized workers in educational settings. Far too often, student, co-worker and supervisor biases arise in the context of performance review and complaints, contributing to missed opportunities, discipline, and termination. Furthermore, concerns of safety and harassment are not always taken seriously when voiced by members of historically marginalized groups, leading to inadequate responses and ongoing victimization.

In addition to the recommendations and principles outlined below, it is important to recognize the history of institutionalized oppression in educational settings, including in the very systems designed to address performance issues. In light of that, it is recommended that committees, task forces, etc. include members of historically marginalized groups who are most likely to be impacted by bias in an effort to more effectively dismantle oppressive structures.

Anti-Racism in Collective Bargaining Language - Safe Workplace

Purpose: To ensure that the workplace, including classrooms, are safe for faculty and students and that roles and responsibilities for establishing and maintaining safety are clear.

Principles

1. The College will prioritize the safety of the students, the staff, and the faculty by taking immediate action when alerted by a campus community member that safety is at risk.
2. When there is notification of a student engaged in unsafe, aggressive, disruptive, or other behavior that could lead to harm, the college will intervene to re-establish safety. Steps may include:
 - a. Removal of the student while the behavior is occurring.
 - b. Blocking the student's return to class until other students, staff and faculty are assured of their safety.
 - c. Providing a security presence in the classroom or workplace upon request.
 - d. Communication to the Union of the plan for ensuring safety within five days of the incident precipitating the response.
3. In the event the employer receives notification of harassment, stalking, or other threats toward an employee the employer will:
 - a. Make contact with the respondent within 24 hours to assess risk level.

Anti-Racism in Collective Bargaining Language – Faculty Feedback and Course Surveys

Purpose: Student surveys of courses should serve the purpose of providing feedback to the faculty and department that allows for improvement of course content, effectiveness in achieving course and program outcomes, and guidance for professional, course and program development. Surveys should not be used as the sole basis for decision-making regarding tenure, promotion, or rehire, nor should they assess personal characteristics of the faculty. Survey forms and processes should be void of implicit or explicit bias and presuppositional questions. The survey should utilize relevant objective criteria within the following areas:

- Course Syllabus
- Structure, and Content of the course
- Fulfillment of Course Outcomes
- Course content alignment with future goals for career attainment or advancement
- Student self-assessment of their participation in the course

Method of Evaluation: Faculty have the choice to use a survey form agreed upon by the Union and Management or a process such as a Small Group Instructional Diagnosis (SGID) agreed upon by the Union and Management. To facilitate constructive and fair surveys, the employer will include training on unconscious/implicit bias and the importance of fair surveys in training mandated by 28B.10.145. Faculty feedback and course surveys will be assessed as to the presence of bias on the basis of race, gender, sexual orientation, faith, disability, nationality, class, and other protected classes.

Anti-Racism in Collective Bargaining Language - Complaints Against Faculty

The purpose of this section is to ensure that a fair and consistent process for considering, investigating, and resolving complaints against faculty is practiced. Additionally, it is understood that implicit and explicit bias may exist leading to or within complaints as well as in the process of investigation and resolution. The complaint process should be designed to assess for this and address it when it when present.

If the complaint may be a Title IX complaint, the process for handling such complaints must also be followed.

Principles and Practices to Protect Against Bias

1. Establish a setting of safety for both the complainant and the respondent by:
 - a. Making clear that any retaliatory action will not be tolerated.
 - b. Ensuring that all parties are safe from further harm.
 - c. Informing parties that they may have a representative with them throughout the process.
 - d. Refraining from drawing premature conclusions, making assumptions, or appearing to take sides throughout the process.
 - e. Providing access to resources either party may benefit from.
 - f. Advising faculty who are to be interviewed regarding a formal complaint of their Weingarten right to union representation during such interview.
2. Follow local, state, and federal laws as well as college policies in handling Title IX or other discrimination-based complaints.
3. Where the complainant or the respondent is a member of a protected class, steps should be taken to ensure the complaint is not an expression of discrimination on the basis of the protected class. A staff member with the skills and knowledge to identify and respond to coded language, implicit or explicit bias and other indicators of discrimination should participate in or, at minimum, review the investigation process and findings.
4. Informal disciplinary action, e.g., denying future contracts to an adjunct faculty member based solely on a student complaint, shall not be permitted.
5. Prior to implementation of changes to the Formal Student Complaint Process, such changes shall be reviewed by the Joint Labor Management Committee and input by the Union considered for inclusion.

