

## ARTICLE 8: NONDISCRIMINATION AND NO REPRISALS

### 1 **Nondiscrimination Policy**

2 The District and the Association agree that neither Party shall unlawfully discriminate against faculty in  
3 accordance with applicable laws and policies.

### 4 **Physical or Mental Disability**

5 The District and the Association agree that a “physical or mental disability” shall mean any injury or illness  
6 as defined under the Americans with Disabilities Act or Rehabilitation Act of 1973, 1990, and 2000, as  
7 amended which would require an individual employee to receive “reasonable accommodation” under the  
8 law that does not impose an undue hardship on the organization.

### 9 **No Reprisals and Unfair Labor Practices**

10 The District and the Association agree that neither party shall unlawfully discriminate against faculty  
11 because of their participation or lack of participation in Association activities. The District and the  
12 Association agree not to take reprisals against members of the Association for lawful exercise of rights  
13 guaranteed by Government Code Section 3542, et seq. regarding the Agreement, including but not limited  
14 to the grievance procedure, etc.

15 Employees who believe an unfair practice has been committed in their area are encouraged to contact  
16 the Association. The Association agrees whenever possible, consistent with filing deadlines, to contact  
17 the Chief Human Resources Officer in advance of filing the unfair practice charge and the parties agree to  
18 attempt to resolve the issue using interest-based methods. If the charge must be filed in advance of the  
19 notification, the parties agree to attempt to resolve the issue using interest-based methods in advance of  
20 a hearing.

21 Violations by the District or the Association of rights guaranteed by Government Code Section 3542, et  
22 seq. (the Educational Employment Relations Act) may be unfair labor practices. Unfair practice charges  
23 are adjudicated by the State of California, Public Employment Relations Board and should be filed with  
24 that board.

### 25 **Grievance Article Applicability**

26 The parties agree that any alleged violations of District policies regarding nondiscrimination or physical or  
27 mental disability will not be subject to the grievance procedure set forth in Article 19 of this Collective  
28 Bargaining Agreement, unless the claim is based solely on discrimination in the administration of this  
29 Agreement. Allegations of discrimination will be processed through the District’s complaint procedure as  
30 provided in the Sierra College District Faculty and Staff Equal Employment Opportunities Plan.

31 Allegations of sexual harassment and any discipline resulting therefrom, will be processed through the  
32 District’s then current policy prohibiting sexual harassment and complaint procedure.

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