

ARTICLE 16

NON-DISCRIMINATION

16.1 The CSU prohibits discrimination on the basis of Age, Ancestry, Caste, Color, Disability, Ethnicity, Gender, Gender Expression, Gender Identity, Genetic Information, Marital Status, Medical Condition, Military Status, Nationality, Pregnancy, Race, Religion, Religious Creed, Sex, Sexual Orientation, Sex Stereotype, and Veteran Status. Additionally, the CSU prohibits discrimination on the basis of intersections of multiple identities, and ethnicities, consistent with California law.

~~16.2 There are also intersections between multiple identities, ethnicities, and other protected categories listed above. Such intersectionality may require further attention and support to affirm a non-discrimination climate in the form of direct support for faculty and department (or equivalent) support and training. CFA recognizes that discrimination may require health and safety measures consistent with Article 37, system-wide and campus policies.~~

16.3 The CSU shall provide accommodations to employees with disabilities in accordance with state and federal law. The CSU shall endeavor to process and respond to all requests for reasonable accommodations in a timely manner. Upon request, the CSU shall supply a list of faculty requests for accommodations by campus, noting the date of request, whether or not an accommodation was provided, and the date that the accommodation was offered on an annual basis.

~~16.X2 Provisions 16.1 and 16.X are not subject to the grievance procedure. In lieu of a grievance, an employee, who alleges a violation of a CSU systemwide non-discrimination or anti-harassment policy, shall file their complaint under the procedure described in the Non-Discrimination Policy or any successor policy, if applicable.~~

16.4 At either party's request, there shall be a joint statewide committee of CFA representatives and CSU administrators for the purpose of gathering and exchanging information and discussing CFA concerns regarding **faculty affirmative action**/diversity programs, **and** efforts to promote diversity, **and campus climate issues** in the CSU. The Committee may issue reports on the

status of efforts to promote diversity in the CSU. The Committee may also make recommendations regarding efforts to facilitate the instruction of diverse student populations, which may be considered for future implementation.

~~Upon request, a faculty member (with or without CFA) may meet with administrators to address campus climate issues and to more effectively “foster healthy discourse and bring together campus community members, and viewpoints that are ideologically different, in order to best promote the educational mission of the institution and the exchange of ideas in a safe and peaceful manner” per Senate Bill 108.~~

~~Further, faculty may (with or without CFA) meet with administrators to discuss Article 16 grievances that result in findings that discrimination could not be proven when faculty unit employees are still not satisfied that their workplace is free from discrimination, harassment, or retaliation. This joint endeavor may result in an individualized Restorative Harm Reduction plan. Restorative remedies may include (but not be limited to) management offering to supply mediation, restorative justice processes among voluntary participants, referral to professional ethics committee processes on the campus, mutually agreed upon evaluation recusals, and other remedies that aim to restore equity and belonging in cases where faculty allege experiences of harm and/or exclusion.~~

16.5 ~~The CSU shall process and respond to all requests for workplace accommodations within two weeks of the date of the request. If the CSU is unable to process a request, and the faculty member does not feel they can perform their assigned job, the CSU shall grant the faculty member leave with pay until the accommodation decision/determination is completed. The CSU shall endeavor to process and respond to all requests for reasonable accommodations in a timely manner.~~

16.6 ~~The CSU shall ensure that all campus buildings and faculty work environments are accessible to faculty with disabilities. The CSU shall supply an accounting, by campus, of buildings and spaces that are not accessible to faculty with disabilities and establish a timeline for making those spaces accessible on an annual basis.~~

16.7 ~~The CSU shall require all faculty who serve on hiring committees to undergo a minimum of four hours of anti-racism and anti-bias training on categories~~

including but not limited to those listed in 16.1<sup>1</sup> in the academic year that the committee is active. This training shall be considered part of the committee work.

16.8 The CSU shall require all faculty who serve on evaluation committees to undergo a minimum of four hours anti-racism and anti-bias training on categories including but not limited to those listed in 16.1<sup>2</sup>. This training shall be considered part of the committee work, and shall be refreshed every 3 years.

16.9 Every faculty hiring or evaluation committee shall have at least one Equity Advocate (EA) on the committee. EAs are members of the faculty who have completed training specified by the Faculty Affairs Office in consultation with the Senate Faculty Affairs Committee. The Faculty Affairs Office will maintain a list of certified EAs, will provide training for new EAs, and will provide continuing education for existing EAs. The official EA on a hiring or evaluation committee will have full committee member responsibilities and will also advise the hiring or evaluation committee on employing search practices that promote diversity, equity, and inclusion.

16.10 The parties shall agree that creating a culture of antidiscrimination is an affirmative endeavor and that harm reduction is an important goal of the University. In the event that an Article 16 grievance results in a finding that discrimination could not be proven, the faculty unit employee shall have the right to meet with their CFA representative (or a representative of their choice) and with CFA management to co-create an individualized Restorative Harm Reduction plan. Restorative remedies may include (but not be limited to) management offering to supply mediation, restorative justice processes among voluntary participants, referral to professional ethics committee processes on the campus, mutually agreed upon evaluation recusals, and other remedies that aim to restore equity and belonging in cases where faculty allege experiences of harm and/or exclusion. This meeting shall occur no later than 30 days after the Article 16 (or non-discrimination complaint) finding.

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<sup>1</sup> Anti-bias training learning outcomes will be determined through meet and conferring within two months of ratification.

<sup>2</sup> Anti-bias training learning outcomes will be determined through meet and conferring within two months of ratification.

16.11 ~~The CSU shall complete all investigations of Article 16 or discrimination complaints within six months. If the CSU is unable to complete the complaint process within that timeframe, it shall inform the faculty member of the delay and supply a date upon which it intends to complete the process. If a campus is unable to meet this deadline, the CSU shall hire outside counsel to assist in completing the work. Any campus with more than twenty active discrimination investigations at any time shall hire outside counsel to assist in completing the work.~~