
Kern Community College District
Board Policy
Chapter 3 – General Institution

BP 3050 INSTITUTIONAL CODE OF ETHICS

Reference:
WASC/ACCJC Accreditation Standard III.A.13

The Kern Community College District recognizes that a commitment to the highest ethical and professional standards on the part of all persons associated with the District is necessary to fulfilling our mission and realizing our vision, which are policies of the District. This code of ethics is based on two fundamental principles.

The first is recognition of the dignity of all persons, which respects the inherent value and worth of each person. The second principle is a commitment to fulfilling our obligations to others using fair and honest means.

All associates in the District, faculty, students, management, classified staff, and trustees, as well as volunteers and vendors, each bear personal responsibility for their own ethical behavior and for the ethical stature of our organization. We are committed to fulfilling the District's mission. While we recognize the relationship between law and ethics, we further understand that legal requirements are necessary but not sufficient, and we endeavor always to do what is right and just, even when no one is watching, compelling, or evaluating our actions.

Respect for Persons and Academic Freedom
(Also see BP 4030 titled Academic Freedom)

The inherent dignity of all persons requires that we conduct ourselves with civility in all circumstances of our professional lives. This means that we do not participate in or accept, condone, or tolerate physical or verbal forms of aggression, threat, harassment, ridicule, or intimidation. The District is an institution of higher education and especially values a spirit of free inquiry and free speech. The District encourages the expression of a range of points of view, but we expect all expressions of content to be conducted in a manner respectful of persons. The District nurtures an atmosphere of mutual respect by treating everyone with dignity, even when the values, beliefs, or behavior of a person or group is different from our own. The District recognizes this foundation of mutual respect to be the basis of civil discourse in an academic environment.

The District further protects the dignity of persons by maintaining the boundaries of both necessary and appropriate confidentiality, and by prohibiting the exploitation of all persons through sexual harassment or financial, professional, or any other form of exploitation. The District seeks to develop policies, procedures, and practices which are both compassionate and fair. In order to assure that we are fair in our policies, procedures, and practices regarding the dignity and worth of persons, the District specifically prohibits discrimination **as codified in BP/AP 3410 titled Nondiscrimination**. While this prohibition is necessary, it is the genuine valuing of diversity that serves to create the general atmosphere in which persons can thrive and realize their potential.

Fairness and Honesty

The District desires to participate in a healthy work environment which emphasizes the achievement of our common purpose and the development of our potential as individuals and as an organization.

The District will actively work to build the trust necessary to conduct its mission through open, honest, and fair practices and communication at all levels.

The District values and practices the sharing of information, transparency of policy, and consistency of practice in all its dealings.

The District does not tolerate or condone dishonest practices, such as lying, stealing, plagiarizing, cheating, or deliberate misrepresentation of self, program, or information.

The District does not tolerate the misappropriation of resources of any kind, either through misuse of property, time, equipment, or systems, or through inaccurate reporting which results in personal or group gain.

The District develops and uses systems for the prohibition of bias, and for the reporting of conflict of interest, including conflicts resulting from work relationships in which employees have more than one role in relation to another person, resulting in social pressures on professional conduct.

In those circumstances where such conflicts cannot be avoided and/or are considered minor in scope, we will commit to open and transparent consultation with supervisors and colleagues in order to protect individual rights, professional reputations, and the ethical reputation of our institution.

The District will engage in self-monitoring and open information sharing to assure fairness in the distribution of resources necessary to support its mission.

Competence

The District recognizes the importance of competence to the effectiveness and trustworthiness of its endeavors. The District maintains currency in all areas of responsibility and seeks and uses feedback for improved performance, while also

recognizing and celebrating performance achievements. The District is aware of and will behave in accordance with the policies and practices of its various professional associations and share these practices with students and colleagues.

The District will further acknowledge and seek intervention related to impediments to competent performance, including but not limited to continuing education needs, drug and alcohol abuse, and physical or mental impediments to competent performance of our duties. The District will use appropriate systems to support rehabilitation and/or accommodation.

Conclusion

The District celebrates its existence as a unique institution for the realization of human potential in the geographic area it serves and through the global connections fostered by its online programs.

The District prizes most highly the education and achievements of students, and the fostering of lifelong learning throughout its organization.

The District allows this value not only to direct our positive behavior and limit our potentially negative behavior, but to inspire us with a sense of shared purpose and a willingness to cooperate with one another in developing the highest potential in individuals and communities.

The Binding Nature of Ethical Standards of Kern Community College District

This statement of ethics articulates mutual expectations related to the employment or participation in providing services in the District, including service on the Board of Trustees and community advisory boards, and as volunteers and contracted service providers.

[\(Also see BP 2715 titled Code of Ethics/Standards of Practice\).](#)

Definitions

Bias – a partiality that prevents objective consideration; influence in an unfair way

Civil Discourse – engagement in courteous and polite conversation intended to enhance understanding; a moral interaction that presupposes ethical standards.

Civility – courtesy; politeness.

Competence – the act of performing tasks and roles to an expected standard based on the possession of required skills, knowledge, qualifications, or capacity.

Dignity – bearing, conduct, or speech indicative of self-respect or appreciation of the formality or gravity of an occasion or situation; the quality or state of being worthy of

esteem or respect.

District – the Kern Community College District (referred to as “we” or “our”) is a political subdivision of the State of California and includes all Colleges, Centers, satellites, online, and all sites and persons governed by the Kern Community College District Board of Trustees.

Ethical Standard – the principles and norms of proper professional and moral conduct concerning the rights and duties of professionals themselves and their conduct toward others.

Ethical Stature – The reputation for achieving and maintaining the highest level of professional and moral conduct.

Ethics – a system of moral principles; moral principles, as of an individual; a set of principles of right conduct.

Exploitation – the act of using another for personal gain; the practice of treating someone badly

Inherent – existing in someone or something as a permanent and inseparable element, quality, or attribute; existing as an essential constituent or characteristics; intrinsic.

Just – guided by truth, reason, justice, and fairness; done or made according to principle; equitable; property.

Reputation – the estimation in which a person or thing is held by others; the state or situation of being held in high esteem.

Right – in accordance with what is good or proper; in conformity with fact, reason, truth, or some standard or principle; correct in judgment, opinion, or action.

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BP 3100 ORGANIZATIONAL STRUCTURE

Reference:
Education Code Section 72400

The District Chancellor shall establish organizational charts that delineate the lines of responsibility and fix the general duties of employees within the District.

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BP 3200 ACCREDITATION

References:

Title 5 Section 51016;

WASC/ACCJC Accreditation Eligibility Requirement 21;

WASC/ACCJC Accreditation Standards I.C.12 and 13

The District Chancellor shall ensure the District complies with the accreditation process and standards of the Western Association of Schools and Colleges (WASC)/Accrediting Commission of Community and Junior Colleges (ACCJC) and of other District programs that seek special accreditation.

The District Chancellor shall keep the Board informed of approved accrediting organizations and the status of accreditations.

The District Chancellor shall ensure that the Board is involved in any accreditation process in which Board participation is required.

The District Chancellor shall provide the Board with a summary of any accreditation report and any actions taken or to be taken in response to recommendations in an accreditation report.

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BP 3225 INSTITUTIONAL EFFECTIVENESS

References:

Education Code Sections 78210 et seq. and 84754.6;
WASC/ACCJC Accreditation Standard I.B.5 - 9

The Board of Trustees is committed to developing goals that measure the ongoing condition of the District's operational environment. The Board regularly assesses the District's institutional effectiveness.

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BP 3250 INSTITUTIONAL PLANNING

References:

Legally required

Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510, and 56270 et seq.;

WASC/ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5

The District Chancellor shall ensure that the District has and implements a broad-based comprehensive, systematic, and integrated system of planning that involves appropriate segments of the college community and is supported by institutional effectiveness research.

The planning system shall include plans required by law, including, but not limited to:

- Long Range Educational or Academic Master Plan, which shall be updated periodically as deemed necessary by the Board of Trustees;
- Facilities Plan;
- Equal Employment Opportunity (EEO) Plan;
- Student Equity Plan;
- Student Success and Support Program Plan;
- Transfer Center Plan;
- Cooperative Work Experience Plan; and
- Extended Opportunity Programs and Services (EOPS) Plan

The District Chancellor shall submit those plans (as required by Title 5) to Board of Trustees for approval.

*** The following is noted as good practice*

The District Chancellor shall inform the Board of Trustees about the status of planning and the various plans.

The District Chancellor shall ensure the Board of Trustees has an opportunity to assist in developing the general institutional mission and goals for the comprehensive plans.

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BP 3280 GRANTS

*Reference:
Education Code Section 70902*

The Board of Trustees will be informed about all grant applications made and grants received by the District.

The District Chancellor shall establish procedures to assure timely application and processing of grant applications and funds, and that the grants that are applied for directly support the purposes of the District.

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BP 3300 PUBLIC RECORDS

References:
Legally advised
Government Code Sections 6250 et seq.

The District Chancellor shall establish procedures for records management, including access by the public that comply with the requirements of the California Public Records Act.

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BP 3310 RECORDS RETENTION AND DESTRUCTION

References:

Legally required

Title 5 Sections 59020, et seq.;

Federal Rules of Civil Procedure, Rules 16, 26, 33, 34, 37, 45

The District Chancellor shall establish administrative procedures to assure the retention and destruction of all District records—including electronically stored information as defined by the Federal Rules of Civil Procedure—in compliance with Title 5. Such records shall include, but not be limited to student records, employment records and financial records.

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BP 3410 NONDISCRIMINATION

References:

Legally required

Education Code Sections 66250 et seq., 72010 et seq., and 87100 et seq.;

Title 5 Sections 53000 et seq. and 59300 et seq.;

Penal Code Section 422.55;

Title 2 Sections 1055 et seq.;

Government Code Sections 12926.1 and 12940 et seq.;

WASC/ACCJC Accreditation Eligibility Requirement 20; and

WASC/ACCJC Accreditation Standard Catalog Requirements

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities.

The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

The District Chancellor shall establish administrative procedures that ensure all members of the college community can present complaints regarding alleged violations of this policy and have their complaints heard in accordance with the Title 5 regulations and those of other agencies that administer state and federal laws regarding nondiscrimination.

No District funds shall ever be used for membership, or for any participation involving financial payment or contribution on behalf of the District or any individual employed by or associated with it, to any private organization whose membership practices are discriminatory on the basis of national origin, religion, age, gender, gender identity, gender expression, race, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and

veteran status, or because he/she is perceived to have one or more of the foregoing characteristics, or because of his/her association with a person or group with one or more of these actual or perceived characteristics.

Additional information can be found at:

<https://www.kccd.edu/human-resources/non-discrimination-equal-employment-policy>

Also see BP/AP 3430 titled Prohibition of Harassment, AP 3435 titled Discrimination and Harassment Complaints and Investigations, and BP/AP 5140 titled Disabled Student Programs and Services.

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BP 3420 EQUAL EMPLOYMENT OPPORTUNITY

References:

Education Code Sections 87100 et seq.;
Title 5 Sections 53000 et seq.;
WASC/ACCJC Accreditation Standard III.A.12

The Board of Trustees supports the intent set forth by the California Legislature to assure that effort is made to build a community in which opportunity is equalized, and community colleges foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. It agrees that diversity in the academic environment fosters cultural awareness, mutual understanding, harmony, respect, and suitable role models for all students. The Board therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

The District Chancellor shall develop, for review and adoption by the Board, a plan for equal employment opportunity that complies with the Education Code and Title 5 requirements as from time to time modified or clarified by judicial interpretation.

Additional information can be found at:

<https://www.kccd.edu/human-resources/non-discrimination-equal-employment-policy>

Also see BP/AP 5140 titled Disabled Student Programs and Services as well as BP/AP 7100 titled Commitment to Diversity.

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BP 3430 PROHIBITION OF HARASSMENT

References:

Legally required

Education Code Sections 212.5, 44100, 66252, and 66281.5;

Government Code Sections 12940 and 12950.1;

Title 2 Sections 10500 et seq.;

Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e

All forms of harassment are contrary to basic standards of conduct between individuals and are prohibited by state and federal law, as well as this policy, and will not be tolerated. The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation including acts of sexual violence. It shall also be free of other unlawful harassment, including that which is based on any of the following statuses: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, or military and veteran status, or because he/she is perceived to have one or more of the foregoing characteristics.

The District seeks to foster an environment in which all employees, students, unpaid interns, and volunteers feel free to report incidents of harassment without fear of retaliation or reprisal. Therefore, the District also strictly prohibits retaliation against any individual for filing a complaint of harassment or for participating in a harassment investigation. Such conduct is illegal and constitutes a violation of this policy. All allegations of retaliation will be swiftly and thoroughly investigated. If the District determines that retaliation has occurred, it will take all reasonable steps within its power to stop such conduct. Individuals who engage in retaliatory conduct are subject to disciplinary action up to and including termination or expulsion.

Any student, employee, unpaid intern, or volunteer who believes that he/she has been harassed or retaliated against in violation of this policy should immediately report such incidents by following the procedures described in AP 3435. All employees are required to report any incident to their supervisors. Supervisors are mandated to report all incidents of harassment and retaliation that come to their attention.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end the District Chancellor shall ensure that the institution undertakes education and training activities to counter discrimination and to prevent, minimize and/or eliminate any hostile environment that impairs access to equal education opportunity or impacts the terms and conditions of employment.

The District Chancellor shall establish procedures that define harassment on campus. The District Chancellor shall further establish procedures for employees, students, unpaid interns, volunteers, and other members of the campus community that provide for the investigation and resolution of complaints regarding harassment and discrimination, and procedures for students to resolve complaints of harassment and discrimination. All participants are protected from retaliatory acts by the District, its employees, students, and agents.

This policy and related written procedures (including the procedure for making complaints) shall be widely published and publicized to administrators, faculty, staff, students, unpaid interns, and volunteers particularly when they are new to the institution. They shall be available for students, employees, unpaid interns, and volunteers in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. Unpaid interns who violate this policy and related procedures may be subject to disciplinary measure up to and including termination from the internship or other unpaid work experience program.

Also see AP 3430 titled Prohibition of Harassment, AP 3435 titled Discrimination and Harassment Investigations, and BP/AP 3410 titled Nondiscrimination.

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BP 3440 SERVICE ANIMALS

References:

Legally required

The Americans with Disabilities Act of 1990;

42 United States Code Sections 12101 et seq.;

28 Code of Federal Regulations Part 35;

28 Code of Federal Regulations Part 36;

34 Code of Federal Regulations Part 104.44(b)

In order to prevent discrimination on the basis of disability, the District will allow an individual with a disability to use a service animal (dog or miniature horse) in District facilities and on District campuses in compliance with state and federal law.

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BP 3500 CAMPUS SAFETY

Reference:
Legally required
Education Code 67380(a)(4)

The Board of Trustees is committed to a safe and secure District work and learning environment. To that end, the District Chancellor shall establish a campus safety plan and ensure that it is posted or otherwise made available to students.

The campus safety plan shall include availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.

The campus safety plan and related information can be found at:

<https://www.kccd.edu/about/campus-safety>

Injury and Illness Prevention Program

Accidents and exposure to a hazardous environment, the Board of Trustees shall approve an Injury and Illness Prevention Program containing the following elements:

- Identification of the person or persons responsible for implementing the program.
- A system for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices.
- Methods and procedures for correcting unsafe or unhealthy conditions and work practices in a timely manner.
- An occupational health and safety training program designed to instruct employees in general safe and healthy work practices and to provide specific instruction with respect to hazards specific to each employee's job assignment.

- A system for communicating with employees on occupational health and safety matters, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal.
- A system for ensuring that employees comply with safe and healthy work practices, which may include disciplinary action.
- Correction of unsafe and unhealthy conditions and work practices in a timely manner based on the severity of the hazard.
- Training of:
 - (a) all employees when the training program is first established;
 - (b) all new employees;
 - (c) all employees given a new job assignment; and
 - (d) employees whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard, and whenever the District receives notification of a new or previously unrecognized hazard.
- Maintenance or appropriate records of steps taken to implement and maintain the program.

The District Chancellor shall work with the College Presidents to ensure compliance with the District's Injury and Illness Prevention Program.

Through the District's Injury and Illness Prevention Program, the District shall provide employees with information about Bloodborne Pathogen exposure. The District shall provide protective measures from blood or Other Potentially Infectious Materials (OPIM).

All machines in instructional and maintenance shops shall be operated in accordance with the recommendations of CAL-OSHA. Particular care shall be given to the proper use and maintenance of the safety devices installed on these machines.

Eye protective devices must be worn by students and instructors in courses in which the individual is engaged in, or observing an activity or the use of hazardous substances likely to cause injury to the eyes.

Also see BP/AP 3510 titled Campus Security and Access, BP/AP 3505 titled Emergency Preparedness Plan, BP/AP 3520 titled Local Law Enforcement, BP/AP 6800 titled Safety, AP 6850 titled Hazardous Materials, and AP 7343 titled Industrial Accident and Illness Leave and BP/AP 7600 titled Campus Public Safety Officers.

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BP 3501 CAMPUS SECURITY AND ACCESS

References:

Legally required

34 Code of Federal Regulations Part 668.46(b)(3);

WASC/ACCJC Accreditation Standard III.B.1

The District Chancellor shall establish procedures for security and access to District facilities.

Also see BP/AP 6520 titled Security for District Property.

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BP 3505 EMERGENCY RESPONSE PLAN

References:

Education Code Sections 32280 et seq. and 71095;
Government Code Sections 3100 and 8607(a);
Homeland Security Act of 2002;
National Fire Protection Association 1600;
Homeland Security Presidential Directive-5;
Executive Order S-2-05;
19 California Code of Regulations Sections 2400-2450;
34 Code of Federal Regulations 668.46(g)

Each College and the District Office shall have emergency response and evacuation procedures for notifying the campus community in the event of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.

The **District** Chancellor and College Presidents shall establish procedures that ensure that the District implements a plan to be activated in the event of an emergency or the occurrence of a natural disaster or hazardous condition. This plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The plan must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.

Compliance with NIMS and SEMS mandates include but are not limited to:

- Establishing disaster preparedness procedures or a plan; and
- Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines

Training requirements vary based on job titles or assigned roles within the emergency plan.

All employees must be informed that as public employees, they are also disaster service workers during national, state, and local emergencies. The District must ensure that its employees are in compliance with the disaster service worker oath requirements.

The District Chancellor and College Presidents should ensure that a team is created to carry out compliance with NIMS and SEMS mandates. The responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions, and state.

The plan should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response and recovery. The Colleges and District Office must ensure that its plan is updated regularly. Colleges must comply with NIMS and SEMS to receive federal or state funding.

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BP 3510 WORKPLACE VIOLENCE

References:

Legally required

Cal/OSHA: Labor Code Sections 6300 et seq.;

8 California Code of Regulations Section 3203;

"Workplace Violence Safety Act of 1994";

(Code of Civil Procedure Section 527.8 and Penal Code Section 273.6)

The Board of Trustees is committed to providing a District work and learning environment that is free of violence and the threat of violence. The Board's priority is the effective handling of critical workplace violence incidents, including those dealing with actual or potential violence.

The District Chancellor shall establish administrative procedures that assure that employees are informed regarding what actions will be considered violent acts, and requiring any employee who is the victim of any violent conduct in the workplace, or is a witness to violent conduct to report the incident, and that employees are informed that there will be no retaliation for such reporting.

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BP 3515 REPORTING OF CRIMES

Reference:
Legally required
Education Code Section 67380

The District Chancellor shall assure that, as required by law, reports are prepared of all occurrences reported to the Campus Public Safety Office of arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The District Chancellor shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

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BP 3518 CHILD ABUSE REPORTING

References:

Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3;

Welfare and Institutions Code Sections 300, 318, and 601;

Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892

The District Chancellor shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

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BP 3520 LOCAL LAW ENFORCEMENT

References:

Legally required

Education Code Section 67381;

34 Code of Federal Regulations Section 668.46(b)(4)

The District, on behalf of each campus or center, shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.

The District encourages accurate and prompt reporting of all crimes to the Campus Public Safety Office and/or the appropriate police agencies. The District Chancellor shall establish procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

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3530 WEAPONS ON DISTRICT PROPERTY

References:
Penal Code Sections 626.9 and 626.10

Firearms or other weapons shall be prohibited on any college or District center or in any facility of the District except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

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BP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

References:

Education Code Sections 67382, 67385, and 67386;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

Sexual and other Assaults on Campus

Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Chancellor shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law. (See AP 3540)

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BP 3550 DRUG-FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM

References:

Legally required

Drug Free Schools and Communities Act;

20 U.S. Code Section 1145g;

34 Code of Federal Regulations Sections 86.1 et seq.;

Drug Free Workplace Act of 1988, 41 U.S. Code Section 702

The District shall be free from all drugs and from the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

A description of the health risks associated with the use of these controlled substances shall be posted on all bulletin boards at the three Colleges and the District Office.

The District Chancellor shall assure that the District distributes annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

Also see AP 6950 titled *Drug and Alcohol Testing (U.S. Department of Transportation)* as well as BP/AP 7335 *Health Examinations*.

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BP 3560 ALCOHOLIC BEVERAGES

References:

Legally required

Business and Professions Code Section 25608;

34 Code of Federal Regulations Section 668.46(b)

The District Chancellor is authorized to enact procedures as appropriate and permitted by law regarding serving alcoholic beverages on campus or at fund-raising events held to benefit non-profit corporations. Alcoholic beverages shall not be served on campus except in accordance with the administrative procedures.

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BP 3570 SMOKING ON CAMPUS

Reference:
Good practice/optional
Government Code Section 7597.1

To enforce smoking and tobacco control regulations and procedures, the District Chancellor or designee is authorized to:

- Set enforcement standards for all District sites and campuses;
- Direct that the District post signs stating its tobacco use policy on campus, as follows:
 - the locations at which smoking or tobacco use is prohibited on campus
 - the locations at which smoking or tobacco use is permitted on campus
- Inform employees and students of the tobacco use policy and enforcement measures

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BP 3600 AUXILIARY ORGANIZATIONS

References:

Legally required

Education Code Sections 72670 et seq.;

Title 5 Sections 59250 et seq.

The Board of Trustees may recognize and approve auxiliary organizations established for the purpose of providing to the District any and all supportive services, specialized programs and functions identified in Title 5.

The District Chancellor shall establish the administrative procedures necessary to fully comply with California law relating to auxiliary organizations, and to submit this policy and those procedures to the Chancellor for the California Community Colleges as required by law. At a minimum, the procedures shall address the subjects required by Title 5.

Recognition and establishment of auxiliary organizations shall include a public hearing on the recommendation to recognize or establish an auxiliary organization; Board approval of the auxiliary organization; and approval of a written agreement between the District and the auxiliary organization describing the services, programs or functions to be performed. All such written agreements shall comply fully with the requirements of Title 5 Section 59257(j).

Any auxiliary organization recognized by the Board shall conduct its business in accordance with the administrative procedures adopted by the District Chancellor pursuant to this policy. Notwithstanding anything contained in the administrative procedures, any auxiliary organization recognized by the Board shall comply with Education Code provisions regarding:

- the composition of a board of directors and the way in which it conducts its meetings;
- conducting an annual audit;
- employing its work force;
- expending and appropriating its funds, and keeping its records.

No funds or resources, other than funds or resources derived from gifts or bequests, shall be transferred by the District to any of its auxiliary organizations for the purpose of either avoiding laws or regulations that constrain community college districts or providing the District with an unfair advantage with respect to any state funding mechanism. Such state funding mechanisms include, but are not limited to, general apportionment funding, capital outlay funding, Extended Opportunity Programs and Services funding, and funding for programs and services for disabled students.

DRAFT

**Kern Community College District
Board Policy
Chapter 3 – General Institution**

BP 3710 SECURING OF COPYRIGHT

References:

Legally Advised

Education Code Sections 72207 and 81459;

17 U.S. Code Section 201

The District Chancellor shall develop appropriate administrative procedures to implement the provisions of the Education Code which authorize the securing of copyright protection for works, including but not limited to registering copyrights and policing infringements, on behalf of the District. The procedures developed by the District Chancellor shall assure that the District may use, sell, give, or exchange published materials and may license materials prepared by the District in connection with its curricular and special services.

In the development of these procedures, the District Chancellor shall solicit the input of the proper representatives of the college community in accordance with the District's policies regarding participation in local decision-making.

**Kern Community College District
Board Policy
Chapter 3 – General Institution**

BP 3715 INTELLECTUAL PROPERTY

References:

Legally required

- 17 U.S. Code Sections 101 et seq.;
- 35 U.S. Code Sections 101 et seq.;
- 37 Code of Federal Regulations Sections 1.1 et seq.

The District Chancellor shall develop procedures that define the rights, interests, protection, and transfer of intellectual property created by the District employees and students.

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**Kern Community College District
Board Policy
Chapter 3 – General Institution**

BP 3720 COMPUTER AND NETWORK USE

References:

Legally required
Education Code Section 70902;
Government Code Section 3543.1(b);
Penal Code Section 502;
Cal. Const., Art. 1 Section 1;
17 U.S. Code Sections 101 et seq.

Employees and students who use District computers and networks and the information they contain, and related resources have a responsibility not to abuse those resources and to respect the rights of others. The District Chancellor shall establish procedures that provide guidelines to students and staff for the appropriate use of information technologies. The procedures shall include that users must respect software copyrights and licenses, respect the integrity of computer-based information resources, refrain from seeking to gain unauthorized access, and respect the rights of other computer users.

Also see AP 3570 Computer and Network Use.

**Kern Community College District
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BP 3810 CLAIMS AGAINST THE DISTRICT

References:
Education Code Section 72502;
Government Code Sections 900 et seq. and 910

Any claims against the District for money or damages, which are not governed by any other statutes or regulations expressly relating thereto, shall be presented and acted upon in accordance with Title 1, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

Claims must be presented according to this policy, **and the related procedure**, as a prerequisite for filing suit against the District.

Claims that are subject to the requirements of this policy include, but are not limited to, the following:

- Claims by public entities, claims by the state department or agency, or by another public entity.
- Claims for fees, salaries or wages, mileage, or other expenses and allowances.

The designated place for service of claims, lawsuits, subpoenas, documents pursuant the California Public Records Request Act, or other types of legal process upon the District is:

The Office of the General Counsel
2100 Chester Avenue
Bakersfield, California 93301
(661) 336-5040

Also see AP 3810 Claims Against the District for further instructions.

Kern Community College District
Board Policy
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BP 3820 GIFTS

Reference:
Education Code Section 72122

The Board of Trustees shall consider all gifts, donations, and bequests made to the District. The Board reserves the right to refuse to accept any gift which does not contribute toward the goals of the District, or the ownership of which would have the potential to deplete resources of the District.

The District shall assume no responsibility for appraising the value of gifts made to the District.

Acceptance of a gift shall not be considered endorsement by the District of a product enterprise or entity.

In no event shall the District accept a donation from any donor who engages in practices or policies which discriminate against any person on the basis of nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, military or veteran status, or physical or mental disability; or when the stated purposes of the donation are to facilitate such discrimination in providing educational opportunity.

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BP 3900 SPEECH: TIME, PLACE, AND MANNER

References:

Legally required

Education Code Sections 66301 and 76120

Students, employees, and members of the public shall be free to exercise their rights of free expression, subject to the requirements of this policy.

The Colleges of the District are non-public forums, except for those areas that are designated public forums available for the exercise of expression by students, employees, and members of the public. The District Chancellor or designee shall enact such administrative procedures as are necessary to reasonably regulate the time, place, and manner of the exercise of free expression in the designated public forums.

The administrative procedures promulgated by the District Chancellor or designee shall not prohibit the right of students to exercise free expression, including but not limited to the use of bulletin boards, the distribution of printed materials or petitions and the wearing of buttons, badges, or other insignia.

Speech shall be prohibited that is defamatory, obscene according to current legal standards, or which so incites others as to create a clear and present danger in the commission of unlawful acts on District property or the violation of District policies or procedures, or the substantial disruption of the orderly operation of the District.

Nothing in this policy shall prohibit the regulation of hate violence directed at students in a manner that denies their full participation in the educational process ([Education Code Section 66301\(e\)](#)), so long as the regulation conforms to the requirements of the First Amendment to the United States Constitution, and of Section 2 of Article 1 of the California Constitution. Students may be disciplined for harassment, threats, or intimidation unless such speech is constitutionally protected, members of the public may be asked to leave the campus pursuant to current law.

[Also see BP 4030 Academic Freedom and BP/AP 6700 Civic Center and Other Facilities Use.](#)