

**Proposed Addition to  
Kern Community College District Board Policy Manual  
Section Eleven – General Personnel Administration**

Governance Process: Share as Information Only

Reason for Revision: To Establish District Procedure

**Unlawful Discrimination Complaint Process**

**I. Definitions**

- 1) Appeal – A written request made by a complainant to the Kern Community College District governing board pursuant to title 5, section 59338, or to the State Chancellor’s Office pursuant to title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.
- 2) Formal Complaint – A written and signed statement that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at title 5, sections 59300 et seq. that:
  1. If not involving employment, is filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation of unlawful discrimination.
  2. If alleging discrimination or harassment in employment, is filed within 180 days of the date the alleged unlawful discrimination occurred, except that this period should be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

A formal complaint may be filed by an individual who alleges that he or she has personally suffered unlawful discrimination or by one who has learned of such alleged discrimination or harassment, including District employees in their official capacity, students, or other third parties.

3) Informal Complaint – Any complaint of unlawful discrimination, filed within the timelines for a Formal Complaint, where the complainant wishes to use the informal resolution process.

4) Untimely Complaint – Any complaint alleging unlawful discrimination that falls outside the applicable timelines for a Formal Complaint.

5) Complainant – An individual who alleges that he or she has personally suffered unlawful discrimination.

6) Third-Party Reporter – An individual who files a formal or informal complaint of unlawful discrimination who has not personally suffered unlawful discrimination.

7) Days – Calendar days.

8) District – Kern Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes the District Personnel Commission and any other organization associated with the District or its college(s) that receives state funding or financial assistance through the District.

9) Responsible District Officer – The officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to title 5, section 59328, and coordinating their investigation.

10) Unlawful Discrimination – Discrimination, including harassment and retaliation, based on a category protected under title 5, section 59300. This includes employee conduct that occurs in connection with District employment, even if outside the regular workplace; it includes student in connection with academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location.