

Section Three

~~Business Services~~

General Institution

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*** Section 3 was reviewed and revised by the Board of Trustees March 2013, March 2014, March 2015, October 2017 and June 2019.*

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Employ the Process of Mutual Agreement

Policies: _____ None

Procedures: _____ None

Appendices: _____ None

Rely Primarily Upon the Advice and Judgment

This will now become 6200 - 6400

Policies: _____
_____ 3A1A6 (re: Budget Development)

Procedures: _____ None

Appendices: _____ None

****Fiscal and Budget matters are now in Chapter 6****

Employ the Process of Mutual Agreement

Policies:

Procedures:

Rely Primarily Upon the Advice and Judgment

Policies:

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Accreditation Related

Policies:

3050 Institutional Code of Ethics

3200 Accreditation

3225 Institutional Effectiveness

3250 Institutional Planning

3410 Non-Discrimination

3420 Equal Opportunity Employment

3501 Campus Security and Access

Procedures:

3050 Institutional Code of Ethics

3200 Accreditation

3225 Institutional Effectiveness

3250 Institutional Planning

3410 Non-Discrimination

3420 Equal Opportunity Employment

3501 Campus Security and Access

****Please make note of any of the newly numbered BP's that belong under the governance labels. I will move them upon request****

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Policy

**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 (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**.

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

BP 3100 Organizational Structure

Reference:

Education Code Section 72400

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

The organizational charts are subject to review by the Board.

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

BP 3200 Accreditation

References:

Title 5 Section 51016

ACCJC Accreditation Eligibility Requirement 21 and ACCJC Accreditation Standards I.C.12 and 13

The Chancellor or designee shall ensure the District complies with the accreditation process and standards of the Accrediting Commission of Community and Junior Colleges and of other District programs that seek special accreditation.

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

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

The Chancellor or designee 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 3250 Institutional Planning

References:

Title 5 Sections 51008, 51010, 51027, 53003, 54220, 55080, 55190, 55250, 55510, and 56270 et seq.;
ACCJC Accreditation Standards I.B.9, III.B.4, III.C.2, III.D.2, IV.B.3, and IV.D.5

The Chancellor or designee 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 Governing Board
- Facilities Plan
- Equal Employment Opportunity Plan
- Student Equity Plan
- Student Success and Support Program Plan;
- Transfer Center Plan
- Cooperative Work Experience Plan
- EOPS Plan

The Chancellor or designee shall submit those plans for which Board approval is required by Title 5 to the Board.

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

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.

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

BP 3300 Public Records

References:

Government Code Sections 6250 et seq.

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

Publications

Regulations established by the College President shall govern publication and distribution of official publications, signs, posters, handbills, books, magazines, newspapers, and recruitment materials.

Publications of a sectarian, partisan, or denominational character may be issued and distributed for sectarian, partisan, or denominational purposes provided that such activity is carried on in a manner which does not impede the orderly conduct of College classes and programs and shall be subject to rules and regulations of the Board of Trustees. No publication which advocates the commission of an unlawful act may be issued or distributed under this section.

**Kern Community College District
Board Policy**
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3310 Retention and Destruction of Records

References:

Title 5 Sections 59020, et seq.:

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

Records are all books, papers, data processing output and documents of the District.

Records shall be retained and disposed of according to law and regulations.

The Chancellor or designee shall periodically, at a minimum, once every three years, review and classify records of the District. See Procedure 3310 of this Manual for Classification of Records.

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.

**Kern Community College District
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BP 3410 Nondiscrimination

References:

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 shall be free of sexual harassment and all forms of sexual intimidation and exploitation.

All forms of discrimination and 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 and respects the dignity of individuals and groups.

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>

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

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

It shall be the policy of the Kern Community College District that equal opportunity to seek, obtain, hold, and advance in employment in the District shall be afforded to all who qualify without discrimination because of race, color, ethnic group identification, ancestry, religion, national origin, sex (gender), sexual orientation, age, and/or physical or mental disability. Appropriate qualifications for the performance of specific duties are the basic criteria for the employment and promotion of personnel. Additional efforts will be made to recruit, develop, and to promote qualified members of groups that are underrepresented in the District workforce, even if that underrepresentation cannot be traced to particular discriminatory actions on the part of the District. Community colleges of the District shall foster a climate of acceptance, with the inclusion of faculty and staff from a wide variety of backgrounds. The Board of Trustees therefore commits itself to promote the total realization of equal employment through a continuing equal employment opportunity program.

In accordance with State law, the District shall accept complaints filed within one (1) year of the alleged discrimination. See the corresponding procedure (AP 3420) for the guidelines to the complaint process. The District Vice Chancellor and/or his/her/their designee is responsible for ensuring the District complies with rules and regulations adopted in this policy and its corresponding procedure.

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

BP 3430 Prohibition of Harassment

All forms of harassment are contrary to basic standards of conduct between individuals 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 discrimination, including that which is based on any of the following statutes: 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 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 Chancellor shall establish procedures that define harassment on campus. The 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, and shall be posted on the District's website.

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.

**Kern Community College District
Board Policy
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BP 3440A Students and Staff with Disabilities

The Kern Community College District shall adhere to the wording and the spirit of the Federal Americans with Disabilities Act (ADA) and accompanying laws and regulations that protect persons with disabilities in the State of California.

The Kern Community College District shall consider or retain for employment all qualified individuals who satisfy the requisite skills, experience, education, and other related requirements and can perform the essential functions of that position with or without reasonable accommodations. Pre-employment physicals or drug testing shall be conducted after an offer of employment has been made. This offer of employment is conditioned on the employees either passing these tests or providing proof of disability [as defined in the Federal Americans with Disabilities Act (ADA)]. The District will provide reasonable accommodation upon request to applicants and employees in accordance with the Federal American with Disabilities Act (ADA).

The District's goal is to remove barriers to ensure that all qualified employees or students with disabilities are not excluded from or denied the benefits of services, programs, or activities because District facilities are inaccessible or unusable. The District, in terms of existing structures or new construction, shall make every reasonable effort to remove existing architectural barriers to the disabled and/or provide architectural access.

To the best of its ability, the District shall also furnish disabled students and staff with appropriate aids and instructional services in order to provide an equal opportunity to participate in the services, programs, or activities conducted by the Colleges.

The District shall designate a coordinator for the ADA related activity at each of its Colleges. The coordinator shall monitor compliance efforts, investigate complaints, complete an initial ADA self-evaluation, and update this evaluation at least every three (3) years.

The ADA complaint procedure to be utilized shall be that described in Procedure 3440.

**Kern Community College District
Board Policy**
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BP 3440B **Service Animals**

References:

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)

SERVICE ANIMALS

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. See AP 3440B

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

BP 3500 Campus Safety

Reference:
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>

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Board Policy
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BP 3501 Campus Security and Access

References:

*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.

The Kern Community College District is committed to establishing and maintaining a secure workplace for all employees, students, and campus guests.

Each College and the District Office shall have a security program as approved by the Board of Trustees.

Security notification requirements will be fulfilled by means of a student right-to-know and campus security program as follows:

Compile records of incidents and arrests for crimes of violence, hate violence (criminal and non-criminal), theft or destruction of property, illegal drugs, or alcohol intoxication.

Compile hate violence data to include a description of the act, victim characteristics, offender characteristics and make available the data on request to any employee or student or applicant. Post and distribute: the availability and location of security personnel; methods for summoning security personnel; any special safeguards for particular facilities or activities; and any actions taken in the preceding eighteen (18) months to increase safety and any changes in safety to be made during the next twenty-four (24) months.

**Kern Community College District
Board Policy
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**BP 3505 EMERGENCY PLANNING, PREPAREDNESS, AND
RESPONSE PLAN**

References:

- Education Code Sections 32280 et seq. and 71095:*
- Government Code Sections 3100 and 8607 subdivision (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 Part 668.46 subdivision (g)*

Emergency Procedures: 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 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.

College personnel 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 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.

Policy Statement

The Kern Community College District strongly supports creating a safe working environment for all of its employees. The purpose of this policy is to provide a reasonable and organized method of maintaining a safe environment for students, faculty, visitors, and staff of the District and Colleges during emergency situations.

The District 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 Chancellor and/or President shall establish an emergency response plan and procedures that ensure that the District and/or College implement a plan to be activated in the event of an emergency, or when a natural disaster or hazardous condition occurs. The District and Colleges shall maintain an incident command team to aid in the creation, maintenance, updating, and implementation of its emergency plan and procedures.

In the event of an emergency, natural disaster, or the occurrence of a hazardous condition the District and Colleges will activate its emergency response plan and procedures to protect and govern employees, students, visitors, and children in childcare programs in district-owned or operated facilities.

This policy shall be used in conjunction with the procedures currently in place and being utilized by the local jurisdictions having emergency response responsibilities.

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. The District and Colleges will comply with SEMS and NIMS to be eligible for state or federal funding of response-related costs. Field operations during an incident will be organized and conducted using ICS.

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

College personnel 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 Chancellor and/or President 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 District must ensure that its plan is updated regularly. Colleges must comply with NIMS and SEMS to receive federal or state funding.

In an emergency, lines of authority may change. Employees may be assigned to report to any member of the Incident Command System (ICS) team. This may or may not be the employees' regular supervisor or manager. Employees will follow the direction of the ICS team members during an emergency. All employees will follow the directions of uniformed responders (law enforcement, fire, etc.) at all times.

Emergency response often requires decisions to be made quickly under adverse conditions. Emergency or disaster conditions may require actions which are not listed in the emergency response plan, or which run counter to guidelines suggested. The District, its management, employees, students, and volunteers duly pressed into service during a local emergency or disaster shall act prudently while being protected by the privileges and immunities from liability as provided by

law.

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

BP 3510 WORKPLACE VIOLENCE

References:

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 in the workplace to report the incident, and that employees are informed that there will be no retaliation for such reporting.

**Kern Community College District
Board Policy**

Chapter 3 – General Institution

BP 3515 REPORTING OF CRIMES

Reference:

Education Code Section 67380

The District Chancellor shall assure that, as required by law, reports are prepared of all occurrences reported to Campus Public Safety of and 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.

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

BP 3520 LOCAL LAW ENFORCEMENT

References:

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 District 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 through the public records request process outlined in **BP 3810**.

The District encourages accurate and prompt reporting of all crimes to the campus safety office and/or the appropriate police agencies. The District Chancellor shall establish procedures that encourage 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.

**** Added to BPM July 11, 2019.**

**Kern Community College District
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BP 3530 Weapons on Campus

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 subdivision (f):

34 Code of Federal Regulations Part 668.46 subdivision (b)(11)

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 consistent with state and federal law. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Chancellor or designee 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.

The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386 and 34 Code of Federal Regulations Part 668.46.

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Chapter 3 – General Institution**

BP 3550 Drug-Free Environment and Drug Prevention Program

The Kern Community College District is committed to the development and maintenance of a drug-free environment in accordance with the Drug-Free Workplace Act. Accordingly, the District will not tolerate any unlawful activity such as the possession, use, manufacture, distribution and/or dispensation of a controlled substance on District owned or controlled property.

Substances as referred to in this policy statement include any and/or all of the following:

Illegal Drugs.

Legal drugs (either by prescription or over-the-counter) if illegally possessed or misused or overused to such an extent as to cause the impairment of job performance.

Other mind altering chemicals, materials or substances.

Intoxicating beverages.

A description of the health risks associated with the use of these controlled substances shall be posted on all bulletin boards at the three (3) Colleges and the District Office.

Violation of this prohibition by employees may result in disciplinary action, up to and including dismissal.

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.

For employees, violation may constitute an infraction of the California Education Code and other State laws and may result in immediate suspension without pay in the event criminal charges are filed. As a condition of being employed to work under any federal grant received this District, employees are required to abide by the terms of this statement. These employees are further required to notify the Campus or District Personnel officer of any conviction for a criminal drug statute violation occurring in the workplace within five (5) days after such conviction.

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BP 3560 ALCOHOLIC BEVERAGES

References:

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:

Government Code Section 7597.1

To enforce smoking and tobacco control regulations and procedures, the District Chancellor is authorized to set enforcement standards for all District sites and campuses. The following are the standards set for KCCD:

There shall be no intoxicants or narcotics used, including tobacco and non-tobacco vapor products, in the District/College buildings or District vehicles, nor shall profane language or gambling be permitted. Alcoholic beverages are prohibited except as provided for in the law, state regulations, and sections within this policy.

There shall be no smoking, including use of tobacco and non-tobacco vapor products, in the District/College buildings. Colleges that decide to have a tobacco or smoke free campus, or designated areas for tobacco use or smoking, may do so. The restrictions on tobacco or smoking at each college shall be found in AP 3570.

Violations of BP 3750, or any other regulation of this type during occupancy shall be sufficient cause for:

- immediate revocation of permit,
- immediate suspension of the activity,
- removal of all participants from the facility, and
- the denial of further use of District/College premises to the applicant.

****Language taken from 3B1H1**

**Kern Community College District
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BP 3600 **Auxiliary Organizations**

Auxiliary organizations are entities whose purpose is to provide services to the Colleges or District 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.

They may be formed by the Board of Trustees pursuant to the Education Code, California Administrative Code, Title 5, and Board of Trustees-approved implementing regulations and shall require:

That a recommendation is submitted to the Board of Trustees by the Chancellor when the organization serve the District; or by the Chancellor on behalf of a College President when the organization will primarily serve a particular College;

Prior to the recognition of an Auxiliary Organization, a public hearing on the recommendation will be held at a time, place, and in the manner determined by the Board of Trustees;

The approval of the establishment of the Auxiliary Organization by Board of Trustees. Approval by the Board of Trustees shall include a designation of the recognized services, programs, and functions and an identification of the number and category or categories of members of the Board of Directors of the Auxiliary Organization; and

The approval of a written agreement between the District and the auxiliary organization under which one (1) or more of the services, programs, or functions are to be performed.

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.

Each Auxiliary Organization may occupy, operate and use District facilities and property at its respective College site separately or jointly with the District.

The Auxiliary Organizations shall use the facilities and property only for those services and functions which are consistent with the policies, rules, and regulations, which have been or may be adopted by the Board of Trustees of the Kern Community College District.

The right to use any of the District facilities or equipment shall cease upon written notice by the District Chancellor that the facilities are needed for the exclusive use of the District.

An independent certified public accounting firm will be retained and approved by District Chief Financial Officer to audit the Auxiliary Organizations. The costs of the additional services will be paid by the Auxiliary Organizations.

The Auxiliary Organizations shall be included in the District's insurance policies for all regular functions. When special events are sponsored by an Auxiliary Organization, separate insurance coverage may be required by the District.

The Auxiliary Organizations shall not enter into any transaction concerning real property without the prior approval of the Board of Trustees.

The Auxiliary Organizations shall not permit anyone else to use the District facilities or any part thereof without written permission of the Board of Trustees or designee without written approval.

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BP 3715 Intellectual Property

References:

17 U.S. Code Sections 101 et seq.:

35 U.S. Code Sections 101 et seq.:

37 Code of Federal Regulations Parts 1.1 et seq.

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

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

3720 Computing and Network Use

References:

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 Kern Community College District shall provide computing and network resources that benefit faculty, staff, and students and support the instructional and administrative activities of the Colleges and the District. The District is committed to policies which promote the mission of the Colleges and encourage respect for the rights of individuals. These policies shall apply to all individuals using College and District computing and network resources, regardless of access method.

Computing and network resources and all user accounts provided by the Kern Community College District are the property of the Kern Community College District. Access to College/District computing and network resources is a privilege that may be wholly or partially restricted by the Kern Community College District without prior notice and without the consent of the user if required by and consistent with policy or law, when there is substantiated reason to believe that violations of policy or law have taken place, or, in exceptional cases, when required to meet time-dependent, critical operational needs.

Employees have no privacy whatsoever in their personal or work-related use of District computers, electronic devices, network and other electronic information resources or to any communications or other information in Kern Community College District computing and network systems or that may be transmitted through Kern Community College District computing and network systems.

Kern Community College District retains the right, with or without cause, and with or without notice to the employee, to remotely monitor, physically inspect or

examine Kern Community College District computers, electronic devices, network or other computing and network resources and any communication or information stored or transmitted through Kern Community College District computing and network resources including but not limited to software, data, image files, Internet use, emails, text messages and voicemail. Kern Community College District shall exercise this right only when required by and consistent with policy or law, when there is substantiated reason to believe that violations of policy or law have taken place, or in exceptional cases, when required to meet time-dependent, critical operational needs.

Use of computing and network resources must be for activities related to the mission of the Colleges and the District. Computing and network resources are to be used in an effective, efficient, ethical, and lawful manner.

Use of computing and network resources imposes responsibilities and obligations on the part of users. Users are expected to demonstrate respect for intellectual property, data ownership, system security, individuals' rights to access information, and freedom from intimidation or harassment.

Computing and network use shall be consistent with the educational, academic, and administrative purposes of the Colleges/District and shall respect the rights of individuals.

The Colleges may develop and implement procedures related to college computing and network use.

Sanctions for violation of the District/College Computing and Network Use Policies or Procedures may be imposed.

Sanctions may range from a warning, to restriction of use, to disciplinary action, and/or legal action.

Definition of Kern Community College District Computing and Network Resources includes, but is not limited to:

Any computer, including a laptop computer, that is:

Owned, leased, or rented by the Kern Community College District
Purchased with funds from a grant awarded to the Kern Community College District

Borrowed by the Kern Community College District from another agency, company, or entity

Any electronic device other than a computer that is capable of transmitting, receiving, or storing digital media and is:

Owned, leased, or rented by the Kern Community College District

Purchased with funds from a grant awarded to the Kern Community College District

Borrowed by the Kern Community College District from another agency, company, or entity

Electronic devices include, but are not limited to:

- Telephones
- Cellular Telephones
- Push-to-Talk Radios
- Pagers
- Radios
- Digital Cameras
- Personal Digital Assistants such as Palm Pilots and Smart Phones
- Portable storage devices such as USB thumb drives
- Portable media devices such as iPods and MP3 players
- Printers and copiers
- Fax machines

Any component that is used to build or support the Kern Community College District network including, but not limited to:

- Routers
- Switches
- Servers
- Enterprise Storage Systems
- Microwave Components
- Firewalls
- Cabling Infrastructure
- Wireless Access Points and Controllers
- Telephone Switches
- Voicemail Systems
- Network Management and Monitoring Systems

Attaching Outside Agencies to the District Wide Area Network (WAN)

The Kern Community College District (KCCD) may attach outside agencies to the District Wide Area Network (WAN) when such attachments are mutually beneficial, and consistent with the purposes of the District and its Colleges. These agencies may include, but are not limited to, school districts, hospitals, and police and fire departments.

The proposal to attach to the District WAN shall be put in the form of a written agreement or contract and approved by the Board of Trustees or its designee.

Written proposals will follow the Procedures for implementing these Policies. [See Procedure 3720 of this Manual for Attaching Outside Agencies to the District-wide Area Network (WAN).]

Electronic Mail Policy

The Kern Community College District (KCCD) recognizes that principles of academic freedom, freedom of speech, and privacy of information hold important implications for electronic mail and electronic mail services. There is, however, no absolute right to such privacy provided by law; information retained on, or transmitted via, an employer's computer systems is considered the property of the employer.

KCCD encourages the use of electronic mail and respects the privacy of users. It does not routinely inspect, monitor, or disclose electronic mail without the holder's consent. Subject to the requirements for authorization, notification, and other conditions specified in the accompanying Procedure, KCCD may deny access to its electronic mail services and may inspect, monitor, or disclose electronic mail (a) when required by and consistent with law; (b) when there is substantiated reason to believe that violations of law or of KCCD policies have taken place; (c) when there are compelling circumstances; or (d) under time-dependent, critical operational circumstances.

Security Policy

Kern Community College District has an obligation to ensure that all Information Technology data, equipment, and processes in its domain of ownership and control are properly secured. This obligation is shared, to varying degrees, by the Colleges and their Centers and every employee of the Kern Community College District. Meeting this obligation is critical to achieving Kern Community College District's mission of providing outstanding educational programs and services that are responsive to our diverse students and communities.

In order to carry out its mission, Kern Community College District shall provide secure yet open and accessible Information Technology resources to all employees and students. Toward this end, Kern Community College District will strive to balance its Information Technology Security Program efforts with identified risks that threaten the availability and performance of mission critical computing and network resources.

Kern Community College District shall ensure that the use of Information Technology resources complies with the appropriate Kern Community College District policies and procedures and applicable Federal and State regulations.

Definitions

- a. Information Technology Resources: people, processes, and technology needed to deliver Information Technology services (Banner, e-mail, online classes, etc.) to Kern Community College District employees and students.

- b. Computing and Network Resources: any and all technology (servers, personal computers, applications, laptops, routers, etc.) that make up Kern Community College District's vast Information Technology operation.

Scope of Information Technology Security

Information Technology Security Defined

Information Technology Security is defined as the state of being relatively free of risk. This risk concerns the following categories of losses:

- a. Confidentiality of Information Technology data or privacy of personal data and college data
- b. Integrity or accuracy of personal data and college data stored in Information Technology systems
- c. Information Technology assets which include Information Technology systems, networks, facilities, programs, documentation, and data
- d. Personal and college data stored in Information Technology systems

Information Technology Security is also viewed as balancing the implementation of security measures against the risks that have been identified and weighted against the effective operation of the Kern Community College District.

Domains of Information Technology Security

Kern Community College District's Information Technology Security shall deal with the following domains of security:

- a. Computer Systems' Security: servers, workstations, applications, laptops, mobile devices, operating systems, and related peripherals used by Kern Community College District employees and students
- b. Network and Communications Security: all equipment, people, and processes in place to operate Kern Community College District's network and communications infrastructure
- c. Physical Security: premises occupied by Information Technology personnel and core (not end-user) Information Technology equipment such as servers, routers, and switches
- d. Operational Security: environmental systems such as HVAC, power, and other related operational systems

Information Technology Security Program

Kern Community College District shall have an Information Technology Security Program comprised of the following components:

- a. A framework for classifying, reviewing, and updating Kern Community College District's Security risk posture (Risk Assessment)

A framework for identifying location, type, sensitivity, and access requirements for all data residing anywhere within the Kern Community College District

Documentation of Information Technology Security Program roles, responsibilities, processes, and architecture

A plan for identifying, prioritizing, and addressing applicable Federal, State, and other legal compliance requirements

Appropriate Information Technology Security policies, procedures, and guidelines

An Information Technology Security Awareness and Information Dissemination plan

A plan for identifying, validating, prioritizing, implementing, and auditing Information Technology security technology initiatives needed to effectively secure Kern Community College District's Information Technology operations

Roles and Responsibilities

Within the context of Information Technology Security, all Kern Community College District employees and students are responsible to some degree for safeguarding the Information Technology resources they use. Equally, all Kern Community College District employees and students are expected to comply with all Kern Community College District Information Technology Security policies and related procedures.

The Information Technology Managers from the three Colleges and the District Office are responsible for Information Technology Security throughout Kern Community College District.

Kern Community College District's Director, Information Technology is responsible for carrying out Kern Community College District's Information Technology Security Program as outlined.

Appropriate College and District-wide committees shall have the opportunity to provide input on the development of Information Technology Security policies and procedures.

Sanctions

Violations of this policy are subject to the established Kern Community College District disciplinary processes as outlined in Kern Community College District Board Policy and Kern Community College District employee contracts.

Acknowledgements: Kern Community College District acknowledges Murdoch University of Perth, Western Australia (www.murdoch.edu.au), and the University of Minnesota (www.umn.edu) for allowing Kern Community College District to use their Information Technology Security policy material.

Management Information System and CCFS 320 Apportionment Data

District shall provide oversight of data submitted to the California Community Colleges Chancellor's office for the CCFS-320 apportionment process and to the Management Information Systems to ensure data is submitted accurately and in a timely manner.

- 1) District shall develop desk procedures that document data flow from the colleges to the district office and the steps taken to complete attendance accounting tasks relative to MIS Reporting.
- 2) District shall establish a schedule of procedures for attendance accounting and data processing tasks that provide time for staff to complete tasks related to CCFS- 320 and MIS data submission
- 3) District shall perform an annual review of process and procedures and update them as needed.

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BP 3810 Claims Against the Kern Community College District

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 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
- Claims by any other public entity
- Claims for fees, salaries, wages, mileage, damages or other expenses
- Subpoenas (along with a check made payable to the Kern Community College District – KCCD, the amount appropriate for the specific subpoena)
- Requests for documents pursuant to the California Public Records Act – CPRA
- Signed Authorization and Release of Information documents submitted by third parties

The designated place for service of claims, lawsuits 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

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BP 3820 GIFTS

Reference:

Education Code Section 72122

The Board 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, 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

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 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 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 of 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, 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.