



Office of Human Resources
2100 Chester Avenue
Bakersfield, CA 93301-4099
(661) 336-5140

April 2017

**A REAFFIRMATION OF THE KERN COMMUNITY COLLEGE DISTRICT'S
NON-DISCRIMINATION/EQUAL EMPLOYMENT POLICY**

The Kern Community College District (KCCD) will not tolerate discrimination against any person. Unlawful discrimination is defined as special or disparate treatment based on race, color, religion, gender (or pregnancy related condition), national origin, age, disability (or medical condition), marital status or sexual orientation. The KCCD will enforce all state and federal laws prohibiting discrimination.

Furthermore, KCCD is committed to maintaining a working and educational environment free of sexual harassment. KCCD will not tolerate any behavior that constitutes sexual harassment of staff, students, or visitors. It is the policy of the KCCD that all members of the collegial community including staff, students, visitors, guests, or contractors, will not sexually harass one another or retaliate against one another for making sexual harassment complaints.

KCCD is committed to recruiting, training, and providing advancement opportunities that will result in equal employment opportunities for all qualified applicants and employees. Appropriate qualifications for the performance of specific duties are the basic criteria for the employment and promotion of personnel. Equal opportunity to seek, obtain, hold, and advance in employment in the KCCD shall be afforded to all who qualify without discrimination. KCCD will afford reasonable accommodations for applicants and employees to enable qualified individuals to perform essential job functions. Students with disabilities will be accommodated to ensure accessibility and full participation in all educational programs. To request reasonable accommodations, applicants and employees should contact the Safety Coordinator at (661) 336-5135. Students should contact the Student Services Department at their particular campus or center.

The following have been designated Equal Employment Opportunity Coordinators for 2015-16:

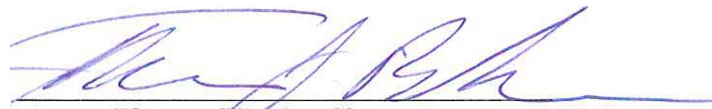
KCCD District Office	Vice Chancellor, HR	(661) 336-5141
Bakersfield College	College HR Manager	(661) 395-4850
Cerro Coso College	College HR Manager	(760) 384-6259
Porterville College	College HR Manager	(559) 791-2457

Inquiries concerning the application of federal and state laws and regulations should be referred to the coordinators. Coordinators are responsible for administering program progress and initiating corrective action when appropriate. All personnel actions are monitored and analyzed to ensure the adherence of this policy. Regular annual reports are submitted through the College Presidents for review and evaluation of progress.

Suppliers and contractors to the KCCD also are expected to meet their obligations to equal employment opportunity under both federal and state law and regulations.

The KCCD provides an expeditious and effective process for resolution of complaints of unlawful discrimination and/or sexual harassment by staff and students (Section IID4 of the Board Policy Manual).

To achieve the goals of our non-discrimination program, it is necessary that each member of the KCCD understand the importance of the program and his/her individual responsibility to contribute toward its maximum fulfillment. Specifically, managers' and supervisors' efforts toward the success of the non-discrimination program will be evaluated along with other KCCD performance goals.


Thomas J. Burke, Chancellor

NOTICE TO ALL EMPLOYEES

The unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited in all work places of the KCCD. Violation of this prohibition will result in disciplinary action, up to and including dismissal. Based upon reasonable suspicion of intoxication, KCCD reserves the right to request that an employee submit to blood, breath, or other toxicological tests while on duty. An employee's refusal to submit to such tests will be treated as a presumption that the employee is intoxicated while on duty.

In addition, these acts may constitute violation of the California Education Code and other State laws and may result in compulsory leave without pay in the event that criminal charges are filed.

"Substances" as referred to in this policy statement include all of the following:

- a) Illegal drugs.
- b) Legal drugs (either by prescription or over-the-counter) if these legal drugs are illegally possessed or misused or overused to such an extent as to cause impairment of job performance.
- c) Other mind-altering chemicals or material and other mind altering substances.
- d) Intoxicating beverages.

Alcoholism is the number one drug problem in the United States. Alcoholism takes a toll on personal finances, health, social relationships and families. It can have significant legal consequences. Abuse of alcohol or use of drugs may cause an individual driving a motor vehicle to injure others and may subject the abuser to criminal prosecution. Drunk drivers are responsible for more than half of all traffic fatalities.

A description of the health risks associated with the use of these controlled substances is posted on all employee bulletin boards at the three colleges and District Office.

As a condition of being employed to work under any federal grant received by the KCCD, employees are required to abide by the terms of this statement. These employees are further required to notify the College and the KCCD Human Resources Officer of any conviction for a criminal drug statute violation occurring in the workplace within five days after such conviction.

Employees with substance abuse problems and eligible for insurance benefits may receive assistance by calling the Employee Assistance Program at 1-800-999-7222. This service is a part of the benefit plan provided by the KCCD. You may obtain additional information regarding coverage by contacting the KCCD Benefits Department at (661) 336-5145.

Pursuant to 49 Code of Federal Regulations Part 40, Department of Transportation KCCD has established a policy and procedure to help prevent accidents and injuries resulting from misuse of alcohol or use of controlled substances by KCCD employees who drive commercial motor vehicles. KCCD requires alcohol and controlled substance testing for commercial drivers, pre-employment physicals and reasonable suspicion.



Computing and Network Use Agreement

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Kern Community College District Computing and Network Use Agreement

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.

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

Improper uses of Colleges/District computing and network resources are prohibited as follows:

- (1) The use of computing and network resources for cheating, plagiarism, furnishing false information, other acts of academic dishonesty, or malicious behavior that interferes with meeting College/District educational mission is prohibited.
- (2) The use of computing and network resources shall not interfere with the work of employees or students nor disrupt the normal operation of the Colleges/District.
- (3) Computing and network use that monopolizes resources; network use that creates unnecessary network traffic; broadcast of inappropriate electronic mail and messages; transmission of electronic chain letters or other requests for money; and distribution or circulation of media known or suspected to contain computer viruses are prohibited.
- (4) Copying, distributing (either free or for monetary gain), or receiving copyrighted software or electronic information without paying the specified royalty (U.S. copyright laws) are prohibited.
- (5) Unauthorized computing and network account sharing is prohibited.
- (6) Attempts to gain unauthorized access to any computing or network resource are prohibited.
- (7) Unauthorized commercial or business use of Colleges/District computing and network resources for individual or private gain is prohibited.
- (8) Use of Colleges/District computing and network resources to intentionally transmit, receive, display or copy obscene, pornographic, discriminatory or harassing materials not related to coursework or research is prohibited.
- (9) Use of Colleges/District computing and network resources to access or attempt to access student or employee information for any purpose not specifically job-related violates state and federal laws and is prohibited.
- (10) The Electronic Communications Privacy Act (federal law) includes electronic mail and messages in the same category as U.S. mail and telephone calls, and defines unauthorized attempts to access another user's information as unlawful behavior. Such behavior is prohibited.

Kern Community College District Computing and Network Use Agreement

SIGNATURE:

I hereby acknowledge I have received, reviewed, and completely understand all the information in this Computing and Network Use Agreement. By signing below, I agree to abide by the requirements of this Computing and Network Use Agreement. I specifically agree to the monitoring of communications and non-privacy provisions set forth above. I understand that any violation of this agreement may range from a warning, to restriction of use, to disciplinary action, and/or legal action.

Employee Signature

Print Name Here

Date



SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

- 1 *Unwanted sexual advances*
- 2 *Offering employment benefits in exchange for sexual favors*
- 3 *Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters*
- 4 *Derogatory comments, epithets, slurs, or jokes*
- 5 *Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations*
- 6 *Physical touching or assault, as well as impeding or blocking movements*

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within one year of the last act of harassment or retaliation. DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

THE MISSION OF THE DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING IS TO PROTECT THE PEOPLE OF CALIFORNIA FROM UNLAWFUL DISCRIMINATION IN EMPLOYMENT, HOUSING AND PUBLIC ACCOMMODATIONS, AND FROM THE PERPETRATION OF ACTS OF HATE VIOLENCE AND HUMAN TRAFFICKING.

FOR MORE INFORMATION

Department of Fair Employment and Housing
Toll Free: (800) 884-1684
TTY: (800) 700-2320
Online: www.dfeh.ca.gov

Also find us on:



If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or, for individuals who are Deaf or Hard of Hearing or have speech disabilities, through the California Relay Service (711), or call us through your VRS at (800) 884-1684 (voice).

To schedule an appointment, contact the Communication Center at (800) 884-1684 (voice or via relay operator 711) or (800) 700-2320 (TTY) or by email at contact.center@dfeh.ca.gov.

The DFEH is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested.

Contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320, or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.

SEXUAL HARASSMENT

THE FACTS

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

- ① *"Quid pro quo"* (Latin for "this for that") sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
- ② *"Hostile work environment"* sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with your work performance or create an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. That means that it alters the conditions of your employment and creates an abusive work environment. A single act of harassment may be sufficiently severe to be unlawful.

CIVIL REMEDIES:



ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1 *Damages for emotional distress from each employer or person in violation of the law*
- 2 *Hiring or reinstatement*
- 3 *Back pay or promotion*
- 4 *Changes in the policies or practices of the employer*

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

- ① Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- ② Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- ③ Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
 - Be in writing.
 - List all protected groups under the FEHA.
 - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
 - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
 - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
 - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources

manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
 - Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.
- ④ Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:
 - Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
 - Sending the policy via email with an acknowledgment return form.
 - Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
 - Discussing policies upon hire and/or during a new hire orientation session.
 - Using any other method that ensures employees received and understand the policy.
 - ⑤ If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.
 - ⑥ In addition, employers who do business in California and employ 50 or more part-time or full-time employees must provide at least two hours of sexual harassment training every two years to each supervisory employee and to all new supervisory employees within six months of their assumption of a supervisory position.

HATE VIOLENCE:

The mission of the Department of Fair Employment and Housing is to protect the people of California from unlawful discrimination in employment, housing and public accommodations, and from the perpetration of acts of hate violence and human trafficking.

DISCRIMINATION IS AGAINST THE LAW CIVIL RIGHTS IN CALIFORNIA



Under the Ralph Civil Rights Act, it is against the law for any person to threaten or commit acts of violence against a person or property based on race, color, religion, ancestry, national origin, age, marital status, medical condition, genetic information, disability, sex/gender, gender identity, gender expression, sexual orientation, political affiliation, or position in a labor dispute.

IF YOU BELIEVE YOU ARE VICTIM OF ILLEGAL DISCRIMINATION, HATE VIOLENCE, OR HUMAN TRAFFICKING, YOU CAN FILE A COMPLAINT WITH THE DEPARTMENT.

To File a Pre-Complaint Inquiry you may select one of the following methods:

- ⇒ Use the Department's online system at <http://www.dfeh.ca.gov>
- ⇒ Call the Communication Center at **800-884-1684** (voice or via relay operator 711) or 800-700-2320 (TTY) or by e-mail to contact.center@dfeh.ca.gov
- ⇒ Use the Pre-Complaint Inquiry form that matches your issue, complete and return it via U.S. mail to any of DFEH's office locations (www.dfeh.ca.gov/offices.htm)
- ⇒ E-mail the Pre-Complaint Inquiry form: contact.center@dfeh.ca.gov

FOR MORE INFORMATION:

Department of Fair Employment and Housing

Toll Free: (800) 884-1684

TTY: (800) 700-2320

Online: www.dfeh.ca.gov

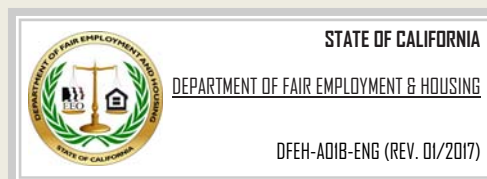
ALSO FIND US ON



If you have a disability that prevents you from submitting a written pre-complaint form on-line, by mail, or email, the DFEH can assist you by scribing your pre-complaint by phone or for individuals who communicate by American Sign Language through the relay system.

To schedule an appointment, contact the Communication Center at 800-884-1684 (voice) or 800-700-2320 (TTY) or by email at contact.center@dfeh.ca.gov

The Department of Fair Employment and Housing is committed to providing access to our materials in an alternative format as a reasonable accommodation for people with disabilities when requested. Please contact the DFEH at (800) 884-1684 (voice or via relay operator 711), TTY (800) 700-2320 or contact.center@dfeh.ca.gov to discuss your preferred format to access our materials or webpages.



The Department of Fair Employment and Housing (DFEH) enforces California state laws that prohibit harassment and discrimination in employment, housing, and public accommodations and that provide for pregnancy leave and family and personal medical leave. It also accepts and investigates complaints alleging hate violence or threats of hate violence and human trafficking.

WHAT DFEH DOES

- DFEH enforces these laws by
- ⇒ Investigating harassment, discrimination, and denial of leave complaints
 - ⇒ Assisting parties to voluntarily resolve complaints involving alleged violations of the laws enforced by DFEH
 - ⇒ Prosecuting violations of the law
 - ⇒ Educating Californians about the laws prohibiting harassment and discrimination by providing written materials and participating in seminars and conferences

The CA Fair Employment and Housing Act (FEHA) prohibits harassment and discrimination in employment based on the following:

- Race
- Color
- Religion
- Sex / Gender (including pregnancy, childbirth, or related medical conditions)
- Gender identity, gender expression
- Sexual orientation
- Marital status
- National origin (including language use restrictions)
- Ancestry
- Disability (mental & physical, including HIV & AIDS)
- Medical condition (cancer/genetic characteristics & information)
- Age (40 and above)
- Request for family care leave
- Military or Veteran status
- Request for leave for an employee's own serious health condition
- Request for Pregnancy Disability Leave
- Retaliation for reporting patient abuse in tax-supported institutions
- Discrimination is prohibited in all employment practices, including the following:
 - Advertisements
 - Applications, screening, and interviews
 - Hiring, transferring, promoting, terminating, or separating employees
 - Working conditions
 - Participation in a training or apprenticeship program, employee organization, or union

Discrimination is prohibited in all aspects of the housing business, including, but not limited to:

- Advertisements
- Mortgage lending and insurance
- Application and selection processes
- Terms, conditions, and privileges of occupancy, including freedom from harassment
- Public and private land-use practices, including the existence of restrictive covenants

Persons with disabilities are entitled to reasonable accommodation in rules, policies, practices, and services and are also permitted, at their own expense, to reasonably modify their dwelling to ensure full enjoyment of the premises.

As in employment discrimination law, persons are protected from retaliation for filing complaints.

CALIFORNIA WORKERS ARE:

- Guaranteed leave if disabled because of pregnancy
- Guaranteed reasonable accommodation for pregnancy
- Guaranteed leave for the birth or adoption of a child; for the employee's own serious health condition; or to care for a parent, spouse, or child with a serious health condition
- Protected from harassment because of their sex, race, or any other category covered under the law
- Protected from retaliation for filing a complaint with DFEH, for participating in the investigation of a complaint, or for protesting possible violations of the law
- California workers with disabilities are also entitled to reasonable accommodation when necessary in order to perform the job

FEHA also prohibits discrimination in the rental and sale of housing based on the following:

- Race
- Color
- Religion
- Sex /Gender (including pregnancy, childbirth, or related medical conditions)
- Gender identity, gender expression
- Sexual orientation
- Marital status
- National origin/Ancestry
- Familial status (households with children under age 18)
- Source of income
- Disability (mental and physical, including HIV and AIDS)
- Medical condition (cancer/genetic characteristics)

Discrimination in public services and accommodations is prohibited under the Unruh Civil Rights Act.

The law requires "full and equal accommodations, advantages, facilities, privileges, or services in all business establishments." Business establishments covered by the law include, but are not limited to:

- Hotels and motels
- Nonprofit organizations
- Restaurants
- Theaters
- Hospitals
- Barber shops and beauty salons
- Housing accommodations
- Local government and public agencies
- Retail establishments