

1, Division 3.6, Part 3, Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of the California Government Code.

3A15B 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:

3A15B1 Claims by public entities, claims by the state department or agency, or by another public entity.

3A15B2 Claims for: fees, salaries or wages, mileage or other expenses and allowances

3A15C 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

3B Facilities and Equipment *(revised 02/15)*

3B1 Use of Facilities - The public use of the facilities, equipment and services, (hereinafter sometimes referred to as property) of the Kern Community College District should be made available for community purposes when under the supervision of responsible persons. Public use must be within the policy guidelines adopted by the Board of Trustees, provided that such use does not interfere with the educational program of the College(s). Procedures shall be developed which include priorities for use, application, a fee schedule, and the method of payment for the use of District/College-managed facilities, grounds, and equipment. See [Procedure 3B1\(a\)](#) of this Manual for Guidelines for Use of District/College Property/Facilities. See [Appendix 3B1\(a\)](#) of this Manual for the Application and Agreement for Use of District Property form and [Appendix 3B1\(b\)](#) of this Manual for Kern Community College District Facility, Equipment, and Service Fee Schedule.

3B1A Request for use of District/College facilities, equipment, and services for public use must be submitted on the Application and Agreement for Use of District Property form by the applicant [see [Appendix 3B1\(a\)](#)]. The request application form, fees, if applicable, estimated attendance, and the name of the official representative/contact person must be submitted to the District/College thirty (30) working days prior to the requested dates for use of the facility. A District/College representative will respond within ten (10) working days of receipt of a completed application for use of facilities, equipment, and services.

- 3B1B** These purposes include use by associations “formed for recreational, educational, political, economic, artistic, or moral activities of the public school districts” in order to “engage in supervised recreational activities” or “meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment appertain to the educational, political, economic, artistic, and moral interests of the citizens of the communities in which they reside”. In granting permission to use the property, the District will not discriminate on the basis of viewpoint with regard to organizations engaging in expressive activities on the topics and subject matters articulated above.
- 3B1C** Use and occupancy of College property shall be primarily for the educational programs of the District. Any authorized use or occupancy of the property for other than College purposes shall be secondary and subordinate to this primary purpose.
- 3B1D** No group or organization may use District property to unlawfully discriminate on the basis of race, color, religion, ancestry, national origin, disability, gender, gender identity, gender expression, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics, or because a person associates with a person or group with one or more of these actual or perceived characteristics, or on any basis prohibited by law.
- 3B1E** Any permit may be revoked without previous notice where conflicting days have resulted or where need of the property for District/College purposes have subsequently developed. Permits may be revoked for other causes at any time upon reasonable notice. Permits are not transferable.
- 3B1F** District/College furniture or apparatus may not be removed or displaced by any applicant without permission from and under the supervision of the District/College employee in charge.
- 3B1G** When a facility is to be used, full details of services and equipment must be furnished in advance. A District/College supervisor will be required. Personnel may be furnished by the District/College, and in some circumstances, District/College personnel will be required. All other personnel used by the applicant are to be employed and paid by the applicant.
- 3B1H** 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.
- 3B1H1** 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 3B1H1](#).

3B1H2 Violations of 3B1H, 3B1H1, 3B1H2, 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.

3B1I Programs offered on District/College premises shall at no time contain matter, which might tend to cause a breach of the peace.

3B1J Proof of adequate supervision for any event must be provided by facility use applicant. The Chancellor, College President, or designee shall judge adequacy.

3B1K The District/College employee in charge of facilities is to preserve order, protect the District/College property, and carry out the provisions, intents, and purposes of this policy.

3B1L If free use is granted the meeting shall be non-exclusive and shall be open to the public.

3B1M The Chancellor or College President may deny the use of District/College facilities if the meeting or event is deemed to be an interference with the educational functions of the District/College.

3B1N The use of campus facilities for fund-raising by a community group or special promoter must be approved by the Chancellor, College President or designee. The request for use of these facilities must include plans for parking, security, and supervision.

3B1O District/College-managed equipment may be removed from District/College property by students or staff members only when such equipment is necessary to accomplish tasks arising from their District/College-approved activities or job responsibilities. In all cases where equipment is removed from the campus, prior approval must be secured from the appropriate administrator. Use of District/College equipment, both on and off campus, for personal use is prohibited.

3B2 Maintenance and Property Management - Facilities and equipment of the Kern Community College District shall be properly maintained.

3B2A The Board of Trustees shall review annually maintenance schedules for each College including, but not limited to, roofing, painting, parking, and walkway areas.

3B2B The College President or designee is responsible for the maintenance of equipment and facilities.

3B2C The Chancellor or Chief Financial Officer has the authority to act as the Board's negotiator regarding all property management matters that are necessary for the benefit of the District. No transaction regarding the lease, sale, use or exchange of real property by the District shall be enforceable until acted on by the Board.

3B2D The Chancellor or Chief Financial Officer is authorized by the Board to declare as surplus such personal property of the District as is no longer useful for District purposes, and shall establish procedures to dispose of such property in accordance with applicable law. All sales of surplus personal property shall be reported to the Board on a periodic basis. This policy shall not be construed as authorizing any representative of the District to dispose of surplus real property at any time.

3B3 Capital Construction - The purpose of providing facilities is to promote planned instructional programs and services.

3B3A The Chancellor and College Presidents are responsible for the planning and administrative management of the District's capital outlay and construction program.

District construction projects shall be supervised by the Chief Financial Officer. The Chief Financial Officer, or designee, shall monitor the progress of all construction work including inspection of workmanship, completion of work to meet specifications, and the suitability of proposed changes to the scope and original design of the work. The Director of Facilities shall assure compliance with laws related to use of state funds to acquire and convert existing buildings.

The Board shall approve and submit to the Board of Governors a five-year capital construction plan as required by law. The Chief Financial Officer shall annually update the plan and present it to the Board for approval. The plan shall address, but is not limited to, the criteria contained in law.

3B3B Capital outlay construction projects provided by general fund monies shall be completed according to a priority listing approved by the Chancellor.

3B3C The Board of Trustees must approve the architects for any project that requires bidding.

3B3C1 The Board of Trustees may appoint an architectural firm to perform all services for a campus. The selection will be based on architectural performance both past and present, experience, ability to communicate and access to the principal architects.

3B3D Change Orders - No changes in building plans or specifications are to be made before a change order is properly completed and approved by the Chancellor or Chief Financial Officer.

3B3E Notices of Completion - The Chancellor or CFO are authorized to file Notice of Completion for construction projects with a total cost of less than \$50,000.

3B3F Reduce Retention - The Chancellor or CFO are authorized to reduce retention held from contractor after mid-point of construction to an amount they deem adequate and sufficient to protect the ongoing interests of the District.

3B4 Naming District/College Properties, Facilities, and Programs

3B4A The naming of District/College properties, facilities, and programs as defined in [Policy 3B4B](#) requires the approval of the Board of Trustees of the Kern Community College District.

3B4B Definitions

1. The term “facilities” includes, but is not limited to, buildings, rooms, interior spaces, streets, courts, athletic fields, open spaces, forests, and all other areas and properties owned, operated, or controlled by the Kern Community College District.
2. The term “program” includes colleges, departments, institutes, centers, and other units operated or controlled by District/College functions.

3B4C The Chancellor or designee shall be responsible for developing procedures for the naming of properties, facilities, or programs in accordance with Kern Community College District Board Policy 3B4. Such procedures will employ the advisories of appropriate District/College consultation groups. See [Procedure 3B4](#) of this Manual for procedures related to Naming District/College Properties, Facilities, and Programs

3B4D Recommendations for naming properties, facilities, and programs shall be submitted by the College President to the District Chancellor for consideration. The Chancellor reserves the right to make certain decisions related to the naming of District/College properties, facilities, and programs and shall make recommendations to the Board of Trustees for action.

3B4E Proposals for naming District/College properties, facilities, and programs shall be considered individually on the proposal’s own merits. No commitment or public announcement regarding a proposed name shall be made prior to the Board of Trustees’ approval. The Kern Community

College District Board of Trustees reserves the right to accept or reject any recommendation related to naming.

3B4F Proposed names of a District/College property, facility, or program must meet at least one of the following criteria:

1. Designate the function of a property, facility, or program.
2. Reflect natural or geographical features.
3. Honor an individual or organization for making a significant contribution to the District/College.
4. Honor individuals who have attained achievements of extraordinary and lasting distinction who have had direct, substantial, and active association with the District/College.

3B4F4(a) A former employee, Board of Trustees member, or Board of Governors member must be retired at least three (3) years. A former employee, Board of Trustees member, or Board of Governors member may be deceased.

5. Honor individuals who have a record of scholarship, creativity, leadership, humanitarian service, or public service.
6. Honor benefactors, defined as individuals, corporations, and other organizations, who have made substantial financial contributions to the District/College.

3B4G Proposed names shall not confuse the public about location or function of the designated property, facility, or program, but rather should enhance a visitor's ability to identify, locate, and use it.

3B4H Names of District/College properties, facilities, and programs which are in use as of July 1, 2008 shall continue to be used unless the Board of Trustees takes action to re-name the property, facility, or program as defined in [Policy 3B4I](#).

3B4I Naming of properties, facilities, or programs shall be in perpetuity except as set forth in [Policies 3B4I1 and 3B4I2](#).

3B4I1 The Board of Trustees of the Kern Community College District reserves the right to re-name a property, facility, or program in extenuating circumstances. Extenuating circumstances are defined as:

- a. Where events or information available subsequent to the approval of the designation mean that identification with the designation

constitutes a significant and continuing challenge to the District/ College reputation.

- b. Where a benefactor has not met the conditions of a pledge commitment.

3B4I2 Replacement or substantial renovation of a property, facility, or program shall be considered the end of the useful life of the property, facility, or program. A named property, facility, or program will retain that name for the useful life of the property, facility, or program or until there is a change in the designated use or activity of the property, facility, or program unless one (1) or more of the following conditions exist.

- a. A property, facility, or program is named for a term of years.
- b. An exception is made by the Board of Trustees based upon the recommendation of the Chancellor.

3B4J The District/College shall maintain a file of all District/College properties, facilities, and programs with approved names.

3B5 Operations

3B5A The assignment of all building or room master keys shall be the responsibility of the College President or designee. They may be assigned only to authorized College personnel.

3B5B On all occasions where the Flag of the United States and the Flag of the State of California are displayed on College premises, federal and State rules on flag etiquette and procedures shall be strictly observed. It is the responsibility of each College to ensure that the Flag is treated with respect and handled with reverence at all times in accordance with regulations and policies of the Education Code and the Board of Governors of the California Community Colleges.

3B5C The Flag of the United States and the Flag of the State of California shall be prominently displayed at each member College and at the District headquarters. Both flags shall be prominently displayed at all open air performances.

3B5D The national flag shall not be a vehicle for the expression of political, social, or economic philosophy. Nothing in past custom and usage or existing statutes or regulations authorizes the District to lower the flag to express approval or disapproval of the popular cause of the day. Determination regarding the flying of the flag at half-mast at the member Colleges of the District shall be made either by Congressional,

Presidential or Governmental decree in the case of national or statewide proclamations, or by the Board of Trustees or the Chancellor in all other instances.

3B6 Parking

The College President shall establish administrative procedures regarding vehicles and parking on campus as are necessary for the orderly operation of the instructional program. No person shall drive any vehicle or leave any vehicle unattended on the campus except in accordance with such procedures. Limited parking permits may be issued to individuals or groups for a specific special event only. These permits will expire at the conclusion of the specific special event.

3B7 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. (See Administrative [Procedure 3B1](#)).