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

BP 3430 Prohibition of Harassment

References:

Education Code Sections 212.5, 44100, 66252, 66281.5, and 66262.5:

Government Code Sections 12923, 12940, and 12950.1:

Civil Code Section 51.9:

Title 2 Sections 10500 et seq.:

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

Age Discrimination in Employment Act of 1967 (ADEA):

Americans with Disabilities Act of 1990 (ADA)

All forms of harassment are contrary to basic standards of conduct between individuals, ~~are prohibited by s~~State and federal law, as well as this policy, prohibit harassment, and the District and will not ~~be tolerated~~ harassment. 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~~unlawful 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 ~~statuses~~statutes: race, ~~and~~ ethnicity, religious creed, color, ~~ethnic group identification,~~ national origin, ancestry, immigration status, 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/they 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.

The District recognizes that sex discrimination, including sexual harassment and violence, harms all students, undermines students' physical safety, impedes students' ability to learn, and can reinforce social inequality throughout a student's lifetime. The District will include on its website statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment

and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity. The District has a responsibility to make reasonable efforts to respond effectively when sexual harassment is reported to, or observed by, District employees.

Any student, employee, unpaid intern, or volunteer who believes that he/she/they 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. State and federal law and this policy prohibit retaliatory acts by the District, its employees, students, and agents. 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. TheyThis policy and related written procedures (including the procedure for making complaints) 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.