

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: ACTIVE RETIREMENT PROGRAM**

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**I. Introduction**

The Governing Board of the Maricopa County Community College District authorizes the following Active Retirement Program for those employees who meet the qualifications as outlined in this document. It is a requirement of this plan that participants also be in retirement status, i.e. receiving annuity allowances from the Arizona State Retirement System. Employment with MCCCCD of any person who is in retirement status shall be solely in accordance with the conditions contained in the MCCCCD Active Retirement Program, unless the person terminated employment with an ASRS employer at least twelve months before commencing employment with MCCCCD in retirement status. The MCCCCD Active Retirement Program, for purposes of this document, will be referred to as the "Active Retirement Program."

The Governing Board and MCCCCD support the concept of this Active Retirement Program, and will continue the past practice of making part-time employment accessible at all colleges and units to the extent that is possible and appropriate within the parameters of the MCCCCD mission and vision.

The Governing Board also supports the concept that all MCCCCD colleges and district offices maintain an active retirement program, such that eligible employees will have an equal opportunity to apply and be considered for participation.

It is anticipated that meaningful assignments will be available which will prove to be beneficial to both participants and the District. Neither the Governing Board, the District, nor the colleges/centers can guarantee an assignment or a level of participation for any person in this program. Continued participation requires yearly approval by the appropriate district/college administrator(s).

Active retirement candidates will first apply to the college or unit from which they are retiring. If no assignment is available at that college or unit, or if the applicant does not accept a proffered assignment, he or she may then request consideration for assignment at another location within the district. Campus Active Retirement Coordinators will take an active and collaborative role in outplacing candidates that are not selected for, or do not accept, an assignment at their college or unit of origin.

If a candidate accepts an assignment at a location other than the college/unit of origin, funding responsibility will pertain to the college/unit placement and not the college/unit of origin.

The Governing Board reserves the right to modify this program but will not do so without providing a minimum of six months notice to employees prior to any changes.

This amended policy becomes effective after June 30, 2004. Employees who retire prior to this effective date shall be governed by the previous version of the Active Retirement Policy which was amended on June 26, 2001. Regardless of the date of retirement, executives shall be subject to the previous version of the Active Retirement Policy which was amended on June 26, 2001.

These guidelines do not affect any person who is a participant in the Early Retirement Program.

## **II. Qualifications for Participation**

An employee wishing to retire and participate in the Active Retirement Program must notify, in writing, the appropriate supervisor, administrator(s), and college/district retirement manager at the place of current employment as soon as possible prior to the date of retirement. Verification of eligibility in the Arizona State Retirement System will be necessary before approval to enter the Program is granted.

Additionally, the employee must have a minimum of ten (10) consecutive years of service with MCCCDC as a full-time regular employee. (OYO status years excluded.) For Active Retirement eligibility purposes, all employees, both faculty and non-faculty, whose regular schedule or time of accountability is a 9, 9.5, or 10 month calendar, will earn a full year of service at the end of the period of accountability, provided the full 9, 9.5, or 10 months was worked.

Current MCCCDC employees with a minimum of five (5) years of service and appropriate additional service at the Maricopa Skill Center or in a specially funded position prior to becoming regular full-time MCCCDC employees are eligible to participate in the MCCCDC Active Retirement Program.

## **III. Additional Requirement for Participation**

A. The employee shall receive notification from the appropriate college/district retirement manager or administrator of eligibility. If the employee is not eligible to enter the Active Retirement Program or if an acceptable assignment is not available, then he/she may withdraw the letter of intent to retire.

B. The employee must have an assignment with the required approvals prior to beginning participation in the Active Retirement Program.

## **IV. Conditions of Participation /5-Year Tiered Program**

A. Conditions of Participation

1. Eligible employees may participate for up to five (5) years, as determined by years of service within the MCCCDC system as indicated below:

<u>Years of Service</u>	<u>AR Eligibility</u>
0 – 9.99	<i>no eligibility</i>
10 – 14.99	2 years
15 – 19.99	3 years
20 – 24.99	4 years
25 years +	5 years

2. The participant's assignment could continue to the end of the semester in which the graduation date occurs, with the President's/Vice Chancellor's approval.
- B. The level of participation in the Active Retirement Program along with the assignment must be approved each year. Participation level may vary but must be less than fifty percent (50%). Less than maximum participation for any year will not extend the length of eligibility as noted above.
- C. Continued participation in the Active Retirement Program may be affected as follows:
1. The participant chooses not to continue in the program by so stating in writing to the appropriate retirement manager and/or administrator. Returning to the program will not be permitted.
  2. The participant is unable to reach agreement and secure approval on a mutually acceptable assignment.
  3. A participant may be released from the program because of less than satisfactory performance. In this event, the participant may appeal the decision, in writing, within thirty (30) days, to the appropriate president, provost, or vice chancellor
- D. If, during the term of his/her participation in the program, the participant becomes totally disabled, he/she will be eligible to continue participation to the extent that is permissible under state and federal law.
- E. Once an employee elects to enter the Active Retirement Program, he/she may not return to full-time employment with MCCCDCD except under the provisions provided by Arizona Statutes.

**V. Benefits**

- A. Benefits
1. The District will not provide any health, health-related, or dental insurance benefits to participants in the Active Retirement Program.
  2. Effective January 26, 1994, all employees who enter the Active Retirement Program and elect COBRA will forfeit flex benefit credits provided by the District.

3. The District will make available, at retiree cost, term life insurance, not to exceed the level of participation at the time of retirement, but not to exceed \$50,000; and other insurance coverage as approved by the Governing Board.
- B. Wages In Lieu Of Benefits
1. Participants in the Active Retirement Program will be granted benefit credits as determined by the Governing Board.
  2. Payment will be made on a schedule and in a manner to be determined by the Vice Chancellor for Human Resources.
- C. Tuition Waivers
1. Participants in the Active Retirement Program shall be entitled to take classes at any Maricopa County Community College with the tuition/activity fee waived. (This tuition/activity fee waiver is to the extent of that amount determined by the Governing Board each year to be paid for one unit of credit for regular students attending classes. The tuition/activity fee waiver does not extend to additional fees, which may be assessed for certain courses.) Tuition/activity fee waivers do not extend to spouses or dependents.
- D. Termination of Wages In Lieu of Benefits
1. Participants in the Active Retirement Program will be granted benefit credits (see section V. B) through the end of the month in which they are no longer participating in the program in accordance with one of the subsections of IV.A.

## **VI. Program Funding**

Funding to support each participant in the Active Retirement Program is the responsibility of the college/center or district office location approving the assignment. If an assignment is approved for more than one location, each location will share in the funding in the same proportion as the assignment..

It is understood that the duties/services performed as part of any active retirement assignment must be of genuine value to the College/District Office, and that the compensation for such duties/services is both reasonable and appropriate. Presidents and Vice Chancellors are responsible for assuring such for each College/District unit. The college/center will be responsible for the salary at the assignment level.

## **VII. Compensation and Accountability**

### **A. Compensation**

Salaries for employees whose first day of retirement is July 1, 2004, or after, will be determined based on the schedules in effect on the date of retirement for the job assignment the active retiree will assume. No step changes or cost of living adjustment (COLA) will be applicable.

If an employee accepts a lower grade position at any time during their participation in the active retirement program, the salary schedule in effect for that position on the date of the employee's retirement shall serve as the basis for

salary placement. The salary for a lower grade position will be determined based on the top step of the employee group salary schedule in effect on the date of retirement for the position to which the active retiree is assigned.

If an employee accepts a higher grade position at any time during their retirement assignment, their salary schedule would be determined using the same promotional increase schedule that is being used according to the policy group of the assignment the retiree accepts. This would be based on the salary schedule in effect on the date of the employee's retirement.

The salary that is in effect on the first day of a retiree's assignment within a fiscal year will remain in effect throughout the entire fiscal year.

B. Accountability

1. Accountability for all participants will be determined by applying the approved percentage to the time requirement of the position as determined by the appropriate Employee Policy Manual in effect at the time of retirement except for instructional (classroom) faculty. Participation for instructional duties will be calculated based on specified load hours in Residential Faculty Policy with maximum participation being less than fifty percent (50%) of a full load for any academic year; residential faculty will have 49% of the load/accountability of residential service/teaching faculty.

2. Participants Assigned 'Service Faculty' Duties

a. Maximum Assignment

As in the case of faculty in the classroom, any participant performing non-classroom duties must work less than fifty percent (50%) of a full load during the academic year.

A participant in this category is limited to less than fifty percent (50%) of a full-time assignment (per week) if his/her assignment is to be for more than six (6) months in the calendar year.

b. A participant assigned service faculty duties may also teach and/or substitute and/or provide other non-teaching duties so long as the combination of all of the above is less than fifty percent (50%) of a full assignment during the academic year.

3. Participants Assigned Non-Faculty Duties

a. Maximum Work Load

A participant may work no more than nineteen (19) hours per week if his/her assignment will continue for more than five (5) months.

### **VIII. General Comments**

#### **A. Work Options**

A participant, after commencing in the Active Retirement Program with approval, has the option of increasing/decreasing his/her level of participation in subsequent years.

#### **B. Participation**

A participant, with approval, may be permitted the option of not working and not being paid at all during an academic year(s). That academic year(s), however, will be counted in the approved years of eligibility. Participant must pay his/her life insurance premium, if applicable while not on the payroll in order to remain in the district group coverage.

#### **C. Minimum Participation**

In order to qualify to receive wages in lieu of benefits, a participant in the Active Retirement Program must work at least one (1) day per fiscal year, unless that requirement is waived for medical or other extraordinary reasons, by the Vice Chancellor for Human Resources.

#### **D. Jury Duty**

A participant who is required to serve jury duty during the time when he/she has agreed to work for the college/district will continue to be paid at the regular rate except that pay received from jury duty, less mileage reimbursement, shall be deposited with the college fiscal officer or appropriate District official.

#### **E. Sick Leave**

Sick Leave is neither earned nor can it be used by participants in the Active Retirement Program.

#### **F. Regular Employee**

A regular employee is one who is covered by any of the following policy manuals:

Residential Faculty Policy Manual

Management/Administrative Technological Personnel Policy Manual

Professional Staff Association Policy Manual

Maintenance & Operations Policy Manual

Crafts Policy Manual

Safety Policy Manual

#### **G. Due Process**

It is the goal of the Active Retirement Program to provide fair and equitable treatment to its active retirees. Accordingly, employees who believe that they have been treated unfairly in terms of admission to the Program, or in terms of designated work assignment or compensation, or other related working conditions, may file a written petition to the Vice Chancellor for Human Resources within twenty-one (21) days of their perceived unfair treatment. The

Vice Chancellor will issue a final written decision within fifteen (15) days after receiving the petition.

**IX. Administration**

- A. The Active Retirement Program shall be under the direction of the Vice Chancellor for Human Resources.
  
- B. The Active Retirement Program is subject to applicable laws and regulations of the State of Arizona, the rules and regulations of the Maricopa County Community College District, and all related federal and state statutes.

CHANDLER-GILBERT COMMUNITY COLLEGES  
DISTRICT SUPPORT SERVICES CENTER  
ESTRELLA MOUNTAIN COMMUNITY COLLEGES  
GATEWAY COMMUNITY COLLEGES  
GLENDALE COMMUNITY COLLEGES  
MESA COMMUNITY COLLEGES  
PARADISE VALLEY COMMUNITY COLLEGES  
PHOENIX COLLEGE COMMUNITY COLLEGES  
RIO SALADO COMMUNITY COLLEGES  
SCOTTSDALE COMMUNITY COLLEGES  
SOUTH MOUNTAIN COMMUNITY COLLEGES

JULY 1989  
AMENDED JULY 23, 1991  
REVISIONS MARCH 31, 1995  
AMENDED JUNE 27, 1995  
AMENDED OCTOBER 22, 1996  
AMENDED NOVEMBER 21, 2000  
AMENDED JUNE 26, 2001  
AMENDED DECEMBER 9, 2003  
AMENDED MAY 24, 2005  
AMENDED SEPTEMBER 27, 2005

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: ADMINISTRATIVE LEAVE**

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- A. The Vice Chancellor for Human Resources may place an employee on paid administrative leave of absence. The Vice Chancellor for Human Resources may place the employee on paid administrative leave of absence only upon recommendation of the appropriate college president (in the case of a college employee) or appropriate Vice Chancellor (in the case of a District office employee) or only with concurrence of another Vice Chancellor (in the case of a District office Human Resources employee). An employee may be placed on paid administrative leave of absence pursuant to this policy only under either of the following circumstances:
1. an investigation into conduct that would be grounds for discipline, up to and including termination from employment, is pending and the Vice Chancellor for Human Resources has determined that such paid administrative leave of absence is in the best interests of the employee or in the best interests of other employees or students of Maricopa; or
  2. the Chancellor has recommended to the Governing Board that the employee be terminated from employment and the Vice Chancellor for Human Resources has determined that, pending final consideration of such recommendation by the Governing Board, keeping the employee on the job would pose a significant hazard.
- B. The Vice Chancellor for Human Resources or designee shall present personally to the employee, or mail via certified mail to the employee's current address of record with Maricopa, a letter notifying the employee that he or she has been placed on paid administrative leave of absence and shall continue on such status until further notice. The letter shall inform the employee that he or she will remain an employee of Maricopa while on paid administrative leave of absence, must continue to observe all policies and regulations regarding the conduct of Maricopa employees, and will continue to accrue all rights and benefits as an employee. The letter shall further inform the employee that during the duration of the paid administrative leave of absence the employee must contact his or her supervisor each work day, be available to provide information or services as required, and inform the employee's supervisor of all locations and phone numbers at which the employee can be contacted during each work day.
- C. This policy shall not apply to any employee whose employee policy manual specially provides for paid administrative leave of absence.

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: AWARDING OF EMERITUS DISTINCTION**

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- A. Upon recommendation by the Chancellor, the Governing Board may award emeritus distinction to any full-time residential faculty, chancellor, vice-chancellor, college president, or college vice president who retires from the Maricopa County Community College District.
- B. The Chancellor may recommend, and the Governing Board may award, emeritus distinction to a candidate only following a determination that the candidate has:
1. at least twenty years of full-time service in the Maricopa District with ten of the years in the position for which emeritus distinction is recommended;
  2. demonstrated satisfactory performance;
  3. not been the object of an adverse personnel decision; and
  4. fulfilled all terms and conditions of employment.
- C. The Governing Board may upon, recommendation by the Chancellor, award emeritus distinction to a candidate that does not meet the criteria in subsection (B), upon sufficient showing that the candidate has:
1. Contributed significantly to his or her respective field or discipline;
  2. Performed service throughout the candidate's employment in the Maricopa District that have been of direct benefit to students; and
  3. Contributed to the creation of innovative programs or initiatives within the Maricopa district.
  4. At least ten years of full time service in the Maricopa District.
- D. The awarding of emeritus distinction will mean that the candidate's name and title, followed by emeritus distinction, will be placed in the appropriate college catalog or district publication. Awarding of emeritus distinction shall not entitle the holder to remuneration or other benefit in addition to any provided under this policy.
- E. The Chancellor shall consider, for recommendation to the Governing Board, every employee eligible for emeritus distinction following the employee's retirement. This policy shall be applied retroactively to any eligible employee who has retired prior to the effective date of this policy provided that a written petition for emeritus distinction is submitted on the employee's behalf to the Chancellor and the Chancellor is provided sufficient written documentation to justify the awarding of emeritus distinction. Emeritus distinction may be awarded posthumously.

Governing Board Minutes, May 23, 2000 Adopted Motion, 8968  
Amended November 27, 2001 (for inclusion in Board Auxiliary Policy Type only)  
Amended June 25, 2002 Motion No. 9114  
Amended November 28, 2006 Motion No. 9388  
Amended January 23, 2007 Motion No. 9393

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: EMPLOYMENT STANDARDS**

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The following constitutes grounds for disciplinary action, up to and including termination of any Maricopa County Community College District (MCCCD) employee as outlined by the respective policy manuals:

1. Willful and intentional violation of any state or federal law, applicable ordinance, MCCCD Governing Board policy, or MCCCD administrative regulation that affects the employee's ability to perform his or her job.
2. Making a false statement of or failing to disclose a material fact in the course of seeking employment or re-assignment of position at MCCCD.
3. Willful and intentional failure to perform job duties that have first been communicated to an employee and are within the employee's scope of employment.
4. Willful and intentional commitment of acts of fraud, theft, embezzlement, misappropriation, falsification of records or misuse of MCCCD funds, goods, property, services, technology or other resources.
5. Conviction of a felony or misdemeanor that adversely affects an employee's ability to perform job duties or has an adverse effect on MCCCD if employment is continued.
6. Fighting with a fellow employee, visitor, or student, except in self-defense. Committing acts of intimidation, harassment or violence, including (but not limited to) oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
7. Reporting to work under the influence of alcohol and/or illegal drugs or narcotics; the use, sale, dispensing, or possession of alcohol and/or illegal drugs or narcotics on MCCCD premises, while conducting MCCCD business, or at any time which would interfere with the effective conduct of the employee's work for the MCCCD; the use of illegal drugs; or testing positive for illegal drugs. The exception would include the consumption of alcohol at a reception or similar event at which the employee's presence is clearly within the scope of employment.
8. Possessing firearms or other weapons on MCCCD property, except as may be required by the job or as otherwise permitted by law.
9. Abandonment of one's position.
10. Intentional destruction or threat of destruction of MCCCD property, with malicious intent.

11. Performing acts or executing job responsibilities in a reckless manner that pose a threat to the physical safety of the employee or another person.
12. Failure by the College President, Vice Chancellor, Chancellor or other senior level administrators to notify appropriate law enforcement authorities of any potential theft of District funds or assets.

The Vice Chancellor for Human Resources is responsible for reviewing documented violations of employment standards, establishing procedures for the review of recommended disciplinary action to be taken, and determining whether the recommended disciplinary action is consistent with the documented violations of the employment standards. The Vice Chancellor for Human Resources shall have final authority to recommend disciplinary action under this policy and shall document the rationale for all decisions. To the extent that the recommendation for disciplinary action by the Vice Chancellor for Human Resources differs from the recommendation of the employee's College President or Vice Chancellor or other Chancellor's Executive Council Member, the Chancellor shall be consulted and shall make the final recommendation on disciplinary action. The Vice Chancellor for Human Resources shall make recommendations that involve the Chancellor.

Quarterly, a summary report shall be submitted to the Governing Board on disciplinary actions taken pursuant to this policy.

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: INTERNATIONAL TRAVEL**

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A. The MCCCCD Governing Board acknowledges that the Maricopa Community Colleges are committed to international and intercultural education and globalization efforts. The Maricopa Community Colleges include global education as an integral component of the District's mission, and seek to create an environment where teaching and learning is augmented and enhanced by international study and work opportunities for faculty and by student-centered educational opportunities that prepare students for successful participation in the global community. International travel is just one of the ways in which the MCCCCD mission for global education is accomplished.

B. All international travel is subject to the rules and requirements stated in the existing travel regulations (Administrative Regulation 1.15 --Travel).

C. The Chancellor of the Maricopa Community Colleges has final approval of all international travel, regardless of funding source or destination. College Presidents have first line of authority for all international travel involving students, faculty, and staff at their colleges. Vice Chancellors have first line of authority for all international travel involving staff in their divisions. The Vice Chancellor for Academic Affairs has authority to recommend for Chancellor's approval any proposed student education abroad and faculty exchange or curriculum development initiative or reject the proposals because outcomes are not clear, criteria are not met, or program is not rigorous enough.

D. Student education abroad and faculty exchange and curriculum development programs are considered mission critical and will be approved as long as the proposed programs meet the following criteria:

D.1. Student Education Abroad:

All courses offered as part of student education abroad must be approved MCCCCD courses and must meet academic standards. All courses taught abroad will be equal to or surpass the same academic quality and excellence of a course offered locally at any of the MCCCCD colleges. The course competencies and content outline must be the ones that are officially approved for the course and published in the MCCCCD course bank. The courses must meet the MCCCCD rules concerning the length of time a course must meet. The proposed study abroad program will not be approved if courses are offered for recreational or travel purposes only.

The proposal for a study abroad program should include at a minimum:

A. Title of the course(s), course description, number of credits, course competencies, and course content outline.

B. Daily schedule of events, locally and abroad, indicating all of the activities of the course where contact hours are earned, including pre and post-trip class meetings. The total number of contact hours awarded must be exactly that which is officially required for the course (1 credit requires at least 15 hours of classroom or other supervised instruction). Contact hours cannot be awarded for a “visit” or a “tour” unless those activities include a lecture, discussion, or other instructional activity.

C. Justification, indicating why it is important for the course to be offered at the proposed destination and how the location supports the specific goals, objectives, and learning outcomes of the program as well as the mission of the Maricopa Community Colleges.

After the program occurs, the faculty sponsor will submit a full written report to the District Vice Chancellor for Academic Affairs and college administration, including his/her evaluation of the program and evaluations from all student participants. The report will be used to evaluate the program and ensure it continues to serve the needs of the students and the colleges. This evaluation will serve as the basis for continued support of the program and future funding. This information will also be used to prepare an annual report for the Chancellor and the Governing Board.

All multi-year student education abroad programs that were approved for implementation before January 2007 will be re-evaluated to ensure that they meet the criteria specified above.

#### D.2 Faculty exchanges and curriculum development programs:

Each faculty member interested in participating in a faculty exchange or curriculum development program will develop a proposal indicating how she/he will apply in his/her job what was learned by participation in the program. The proposal should address at a minimum the following:

- How the objectives of the proposed project relate to the purpose of the program;
- How the proposed project contributes to international learning outcomes and global competence;
- A clear description of expected outcomes and benefits to the students and the colleges. For example:
  - Curriculum changes; e.g., modifications to an existing course, creation of a new course, development of a new program or certificate and/or
  - Potential partnerships; e.g., development of a new study abroad program.
- Description of how faculty member intends to share the learning with a broader audience:
  - Preparation of a report to be shared with District and college administrators documenting the experience and resulting contributions to the District and the college and/or participation in activities to make the learning public; e.g., presentations at the college and/or District-wide, presentation at conference, publication of articles in newsletters and other venues, etc. and/or
  - Development of curriculum models that can be shared with other faculty for their use.

At the conclusion of the program, each participating faculty will submit a written report to the District and college administration, including his/her evaluation of the program and a plan of action to apply what was learned. The report will be used to evaluate the program and ensure it continues to serve the needs of the students and the colleges. This evaluation will also serve as the basis for continued support of the program and future funding. This information will also be used to prepare an annual report for the Chancellor and the Governing Board. At the end of the following academic year, each faculty member will be asked to submit a status report that describes progress made meeting the expected outcomes outlined in the proposal.

E. The Chancellor may consider requests on a case-by-case basis for participation in exceptional opportunities that are not considered mission critical. Other types of international travel (e.g., conferences, seminars, institutes, or board meetings sponsored by a professional organization or association) may be considered for approval by the Chancellor if the following criteria are met:

The event presents a unique opportunity for the individual and the institution and the learning or professional opportunity does not exist in the United States or its territories, or if the individual has a commitment to participate as a representative of Maricopa on a board, council, or committee of a professional association or organization. Individuals will submit a proposal to address at a minimum the following:

- How the proposed travel is linked to the individual's job responsibilities.
- Whether or not the opportunity, or a similar one, is available in the United States or its territories.
- What role the individual will play: keynote speaker, conference presenter, session/meeting facilitator, trainer, conference participant, board member, etc.
- How participation in the event or meeting benefits the institution.
- How the learning will be shared with others at MCCC.

Participants will submit a written report describing the activities in which they engaged, what outcomes were achieved, and how the learning will be shared with others at MCCC. This information will also be used to prepare an annual report for the Chancellor and the Governing Board.

F. Quarterly, each College President and each Vice Chancellor shall submit a detailed report to the Chancellor of all international travel including, but not limited to, name of traveler, destination, dates of travel, amount of funding, source(s) of funding, purpose and benefit to the institution, achieved outcomes, and plan to disseminate information learned or resulting products.

G. Quarterly, the Chancellor shall submit a summary report to the Governing Board on all international travel.

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: PUBLIC STEWARDSHIP AND ETHICS**

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The Governing Board of the Maricopa Community College District recognizes the responsibility to demonstrate ethical and professional conduct. In order to demonstrate this commitment to public trust and accountability to the communities that we serve, all Governing Board Members and Board-Approved employees shall be required to participate in training that focuses on public stewardship and institutional ethics. Such training shall be rigorous, practical and application based. Newly hired Board-Approved employees shall be required to participate in training during their probationary period and every two years thereafter. Existing Board-Approved employees shall be required to participate in training within two years of the adoption of this policy and every two years thereafter. The District also shall consider ways of training temporary employees once initial training of Governing Board Members and Governing Board-Approved employees is complete. Such training shall also be rigorous, practical and application-based and temporary employees shall be required to participate in training every two years after initial training. The delivery of training to temporaries may differ from that of regular employees, in recognition of the fact that they may work on a part-time or seasonal basis.

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: REQUESTS FOR PUBLIC RECORDS**

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As a political subdivision of the state of Arizona, the Maricopa County Community College District is subject to applicable laws related to the inspection and production of public records. A public record entails any record, either paper or electronic, made by a public officer (including members of the Governing Board, faculty, staff and administrators) and kept as a memorial of an official transaction.

All official reports and documents that are not exempt from disclosure will be made available for public access for inspection and copying upon a written request that reasonably describes an identifiable record or records. An appropriate fee may be charged for copying records, including a reasonable amount for the cost of equipment and personnel used in producing copies, but not for the cost of searching for records. The Chancellor shall establish administrative regulations that are necessary to outline the appropriate procedures and fees related to the inspection and production of public records.

Requests for documents will receive a response within a reasonable period of time. The Office of General Counsel must review information that is requested by lawfully issued administrative summons or judicial orders, including search warrants or subpoenas.

For the review of personnel files, the Governing Board of the Maricopa County Community College District establishes that only the following information be disclosed regarding present or former employees:

1. Name
2. Titles or positions (including academic degrees and honors received)
3. Fact of past or present employment
4. Dates of employment
5. Salaries or rates of pay
6. Name of employee's current or last known supervisor

Access to personal records or disclosure of personnel information may be provided in compelling circumstances affecting the immediate health or safety of the individual and others.

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: SPECIAL SERVICES EMPLOYMENTS**

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A. Limited, temporary special services employments allowing for additional compensation to Management, Administrative & Technological (MAT) or Residential Faculty employees for work beyond their normal hours of employment may be made upon the recommendation of a College President or, for the District Office, a Vice Chancellor, and the approval of a Vice Chancellor for Human Resources where one of the following conditions exists. Additionally, the terms of this policy apply to any and all other individuals having special services employments:

1. The employee possesses specialized knowledge or skills needed by an operating unit of the District which is not the employee's regular place of employment, and where the employee's workload does not permit "loaning" of services to the other unit during regular work hours; or
2. The employee is part of a special project or contract between the District or a college and a corporate or government client and the client requests a temporary change of schedule to accommodate a special need; or
3. The employee is part of a highly specialized program and possesses special skills which are not readily available elsewhere, the employer has additional assignments which are critical to the further development or maintenance of the specialized program, and the special assignment is not sufficient to warrant a full-time employee and requires skills that cannot be readily acquired on less than a full-time basis.

B. Every special services employment created pursuant to this policy shall be for a specified term, which shall not exceed twelve months. Work performed under such a special services employment shall be performed outside the employee's normal work hours or hours of accountability, and shall not be within the scope of the employee's normal full-time employment.

C. Employees and supervisors proposing special services employments are required to provide specific, detailed information about the scope of work, objectives and outcomes of the employment and the person and title of person for whom the work is performed. Falsification of special services employments can lead to employee discipline, including termination, for all parties involved.

D. Supervisors are required to verify all existing special services employments to determine that the employee reasonably can perform their normal work responsibilities as well as work to be performed under special services employments. The Vice Chancellor for Human Resources may set forth certain limits on the number of hours of work performed under special services employments in order to ensure that work can reasonably be performed and employees and supervisors shall observe these limits when establishing special services employments.

E. Special services employments shall not be put into effect on a retroactive basis.

F. Employees will be required to submit in writing a statement detailing how the objectives of the employment were met; this is to be signed by the supervisor and otherwise administered pursuant to guidelines established by the Vice Chancellor for Human Resources.

G. Paragraphs 11.4 (regarding shift differentials) and 19.3 (regarding overtime pay and/or compensatory time) of the MAT policy manual shall not apply to the calculation of compensation for a special services employment under this policy.

H. This policy shall in no way diminish the rights of residential faculty regarding assignments beyond the regular contract as provided under the Residential Faculty policy manual.

I. The Vice Chancellor for Human Resources, Vice Chancellors or College Presidents may delegate their responsibilities under this policy. Delegations shall be in writing and may not be delegated below the dean level or, for the District office, the director level.

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: WHISTLEBLOWER PROTECTION**

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In response to a legislative directive, the Governing Board has adopted the following policy:

1. Pursuant to A.R.S. §38-532, no adverse personnel action will be taken against an employee of the Maricopa County Community College District in retaliation or reprisal for written disclosure of information of a public concern to a public body concerning an alleged violation of law, mismanagement, gross waste of monies or abuse of authority (collectively referred to herein as "alleged wrongful conduct").
2. "Public Body" is defined as the Arizona Attorney General, the Arizona Legislature, the Governor of Arizona, the Maricopa County Attorney, a federal, state or local law enforcement agency, or the Maricopa County Community College District Governing Board.
3. It is prohibited personnel practice for an employee who has control over personnel actions, to knowingly take an adverse personnel action against an employee in retaliation for disclosing alleged wrongful conduct to a public body. Any District employee found to have so retaliated is subject to dismissal subject to termination procedures as set forth in District policy and a civil penalty of up to five thousand dollars (\$5,000).
4. This policy may not be used as a defense by an employee who is being or has been disciplined for legitimate reasons or cause under District policy, and it shall not be a violation of this policy to take an adverse personnel action towards an employee whose conduct or performance warrants discipline.
5. Any District employee who knowingly makes false allegations of alleged wrongful conduct to a public body shall be subject to discipline, up to and including termination of employment subject to termination procedures as set forth in District policy and a civil penalty of up to twenty-five thousand dollars (\$25,000).
6. An adverse personnel action under this policy is defined as one of the following if the reason for the action was prior disclosure of alleged wrongful conduct to a public body:
  - Termination of employment
  - Demotion with salary reduction
  - Imposition of suspension without pay
  - Receipt of written reprimand
  - Failure to appoint, promote or reemploy
  - Negative performance evaluation
  - Withholding of appropriate salary adjustments
  - Involuntary transfer or reassignment
  - Elimination of the employee's position absent a reduction in force, reorganization or by reason of a decrease or lack of sufficient funding, monies or workload
  - Significant change in duties or responsibilities which is inconsistent with the employee's salary or grade level

7. An employee or former employee (an employee who has been dismissed) who believes he or she has been subjected to an adverse personnel action based on prior disclosure of alleged wrongful conduct may protest the action by filing a claim of retaliation and having it considered in accordance with the following procedures:

- a. A written complaint setting forth the basis for the claim or retaliation must be filed with the Chancellor or designee within 10 days of the effective date of the action taken against him/her.
- b. The Chancellor or his/her designee shall name within five working days after receipt of a complaint described in paragraph (a), a Whistleblower Hearing Committee to hear the complaint.
- c. The committee shall be composed of three persons not associated with the incident or allegations. The make-up of the committee shall be as follows: one College President from a college not related to the alleged violation to be named by the Chancellor; one District employee named by the complainant; one District employee named by the individual who is accused of committing a prohibited personnel practice.
- d. The committee shall make an initial determination of jurisdiction over the subject matter within 10 working days after receipt of the complaint by the Chancellor. This means that, based upon the contents of the written complaint and any additional information the parties desire to submit, the committee will decide whether (1) the complainant did, in fact, disclose information to a public body as defined by the law and policy and (2) whether an adverse personnel action as set forth in Paragraph 6 took place. If the answer to either (1) or (2) is "no," no further action will take place.
- e. If the answers to (1) and (2) in Paragraph 7 (d) are yes, the committee will accept jurisdiction and set a hearing date no later than 30 calendar days after receipt of the complaint by the Chancellor.
- f. At the hearing, a determination of whether the adverse personnel action was retaliation for the disclosure or whether it was based upon other supportable reasons will be determined. Also, the issue of whether the complainant knowingly made false allegations to a public agency as described in Paragraph 5 will be decided if raised.
- g. All parties at the hearing may be represented by counsel.
- h. The hearing will be open to the public except where the complainant requests a confidential hearing. The hearing will not be subject to the technical rules of evidence except the rule of privilege recognized by the court. Each side will have the opportunity to call witnesses, present evidence, and cross-examine the other party's witnesses. The hearing will be recorded and transcribed upon the request of either party. The requesting party will bear the cost of transcription.
- i. The committee will issue findings of fact within 15 days after the conclusion of the

hearing. The committee's findings are final. These findings will be forwarded to the Governing Board along with the committee's recommendation for appropriate discipline, if applicable. The Governing Board shall make the final decision with regard to imposition of discipline or fine.

j. Complaints against the Governing Board or an appeal of the decisions made in accordance with this policy must be filed in Superior Court.

8. The District shall have Ombudsperson Services that are available to the external (non-employees) community and internal employee community to address complaints and concerns relative to the operations of the Maricopa County Community College District. These services may be staffed by District employees or may be contracted or both. The District shall also maintain a 24-hour hotline for the submission of complaints and concerns (anonymous or otherwise).

9. Among the concerns or complaints that may be reviewed by the Ombudsperson are unsolicited, derogatory and anonymous complaints or concerns about employees. These shall not be reviewed separately by the Governing Board.

10. Quarterly, the Chancellor shall submit to the Governing Board and District Audit and Finance Committee summary information on the number of whistleblower complaints in the District. Such report shall protect the identity of whistleblowers. Quarterly, the Chancellor also shall submit to the Governing Board and District Audit and Finance Committee summary information on complaints and concerns submitted to the external and internal Ombudsperson Services. Identities shall be protected.

**POLICY TYPE: BOARD AUXILIARY**

**POLICY TITLE: WORKPLACE VIOLENCE PREVENTION**

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It is the policy of the Maricopa County Community College District to promote a safe environment for its employees, students, and visitors. The Maricopa Community Colleges are committed to working with its employees to maintain an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in our facilities will not be tolerated, and it is the responsibility of all members of the Maricopa Community Colleges to report any occurrence of such conduct. Every employee, student and visitor on Maricopa Community College District property is encouraged to report threats or acts of physical violence of which he/she is aware. All reports will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

This policy applies to employees and students, as well as independent contractors and other non-employees doing business with the Maricopa Community Colleges. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both. The Chancellor is hereby instructed to enact all administrative regulations necessary to implement this policy.