

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: GENERAL EXECUTIVE CONSTRAINT

The Chancellor shall promote those practices, activities, decisions, and organizational circumstances that are either legal, prudent, and in compliance with commonly-accepted business and professional ethics.

1. With respect to treatment of persons in the college community, the Chancellor shall promote conditions that are humane, fair, dignified, and nondiscriminatory.
2. Financial planning for any fiscal period shall pursue Board priorities for Strategic Directions, promote fiscal integrity, and show a generally acceptable level of foresight.
3. With respect to the actual ongoing condition of the organization's financial health, the Chancellor shall promote fiscal integrity by avoiding material deviation of actual expenditures from Board priorities established in Outcomes policies.
4. With respect to providing information and counsel to the Board, the Chancellor shall always keep the Board informed regarding the organization and its interests.
5. The Chancellor shall keep assets protected and scrupulously maintained avoiding unnecessary negative consequences.
6. The Chancellor shall promote fiscal integrity and public image through reasonable and prudent compensation and benefits to employees, consultants, contract workers, or volunteers.
7. In order to protect the Board from sudden loss of chief executive services, the Chancellor shall always have at least two other senior staff familiar with Board and chief executive issues, plans, problems, and processes.
8. The Chancellor shall always include faculty and staff representation on appropriate District committees.
9. With respect to the setting of charges for non-credit courses offered by the Maricopa Community Colleges, the Chancellor shall follow the parameters for setting non-credit private course offering and non-credit public course offerings, as applicable to the course and individuals taking the course.

AMENDED December 14, 1999 - MOTION NO. 8928
AMENDED November 27, 2001 - MOTION NO. 9079
AMENDED March 25, 2003 - MOTION NO. 9152
AMENDED December 14, 2004 – MOTION NO. 9287
AMENDED December 13, 2005 – MOTION NO. 9348 & 9349

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: TREATMENT OF PEOPLE

With respect to treatment of persons in the college community, the Chancellor shall promote conditions that are humane, fair, dignified, and non-discriminatory.

Accordingly, he or she shall:

1. Operate under personnel procedures that clarify personnel rules for employees, provide for effective handling of grievances, and protect against wrongful conditions.
2. Avoid unlawful retaliation against any student or community member for exercising his/her First Amendment rights.
3. Allow any employee to address the Board when (A) internal grievance procedures have been exhausted, and (B) the employee alleges either (i) that Board policy has been violated to his or her detriment, or (ii) that Board policy does not adequately protect his or her human rights.
4. Acquaint all employees with their rights under this policy.
5. Operate with an affirmative action plan.
6. Operate with a policy prohibiting harassment.
7. Comply with applicable laws and regulations regarding employment.
8. Shall be charged with designing and implementing the means to integrate diversity into its processes, policies, procedures, programs, services, curriculum, workforce, and student populations so that the organizational climate is one that respects and celebrates our diverse communities.

MONITORING Method and Frequency:

Item 1-8 Method: Internal Minimum Frequency: Once a Year

AMENDED DECEMBER 14, 1999 - MOTION NO. 8928
AMENDED FEBRUARY 22, 2000 - MOTION NO. 8945
AMENDED DECEMBER 12, 2000 - MOTION NO. 9005
AMENDED NOVEMBER 27, 2001 - MOTION NO. 9079

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: FINANCIAL PLANNING

Financial planning for any fiscal period shall pursue Board priorities for Strategic Directions, promote fiscal integrity, and show a generally acceptable level of foresight.

Accordingly, he or she shall pursue budgeting that:

1. Contains sufficient information to enable (A) understanding of planning assumptions, (B) accurate projection of revenues and expenditures, and (C) separation of both capital and operational revenues and expenditures.
2. Avoids the expenditure in any fiscal year of more funds than are conservatively projected to be received or carried forward in that period.
3. Results in a proposed budget that reflects stated Board priorities for Strategic Directions within the parameters of conservatively projected available revenues and a balanced budget.
4. Assures the General Fund balances to be at least eight percent of General Fund revenues.

MONITORING Method and Frequency:

Items 1-4 Method: Internal Minimum Frequency: Once a Year

AMENDED DECEMBER 14, 1999 - MOTION NO. 8928
AMENDED DECEMBER 12, 2000 - MOTION NO. 9005
AMENDED NOVEMBER 27, 2001 - MOTION NO. 9079
AMENDED DECEMBER 13, 2005 – MOTION NO. 9349

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: FINANCIAL CONDITION

With respect to the actual, ongoing condition of the District's financial health, the Chancellor shall avoid fiscal jeopardy and material deviation from the adopted budget of actual expenditures from Board priorities for Strategic Directions.

Accordingly, he or she shall:

1. Avoid expending in any fund more than has been received and carried forward in the fiscal year.
2. Avoid inter-fund transfers in amounts that would cause a deficit fund balance in any fund.
3. Avoid transfers from Governing Board contingency without Governing Board approval.
4. Avoid in any fiscal year expending funds or indebting the District in an amount that reduces the ending General Fund balance to less than eight percent of General Fund revenues recognized during the fiscal year.
5. Avoid cash management practices that prevent the settlement in a timely manner of payroll and other debts or obligations of the District.
6. Make tax payments or other government-ordered payments or filings on an accurate and timely basis.
7. Inform the Governing Board of contractual breaches, losses or potential losses from grant or contractual arrangements in the amount exceeding \$100,000.

MONITORING Method and Frequency:

Items 1-6	Method: Internal	Minimum Frequency: Twice a Year
Items 1,2,6	Method: External	Minimum Frequency: Once a Year
Item 7	Method: Internal	Minimum Frequency: Per Occurrence

AMENDED AUGUST 24, 1999 - MOTION NO. 8896
AMENDED DECEMBER 14, 1999 - MOTION NO. 8928
AMENDED DECEMBER 12, 2000 - MOTION NO. 9005
AMENDED DECEMBER 13, 2005 – MOTION NO. 9349

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: COMMUNICATION AND COUNSEL TO THE BOARD

The Chancellor shall keep the Board informed on a timely and continuous basis regarding the organization and its interests. Accordingly, he or she shall:

1. Submit monitoring data required by the Board in a timely, accurate, and understandable fashion, directly addressing provisions of the Board policies being monitored.
2. Make the Board aware of relevant trends, major program initiatives, anticipated adverse media coverage, material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established.
3. Advise the Board if, in the Chancellor's opinion, the Board is not in compliance with its own policies on Governance Process and Board-Staff Relationship, particularly in the case of Board behavior that is detrimental to the work relationship between the Board and the Chancellor.
4. Present information in moderate and understandable form and avoid information and advice to the Board that has significant gaps in timeliness, completeness, and accuracy.
5. Provide mechanisms for official Board communications.
6. Deal with the Board as a whole except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the Board.
 - A. In the case of individual Board Members or committees requesting information or assistance, the Chancellor shall make every effort to honor all such requests, with the exception where considerable time and expense are involved.
 - B. If refusing the request, the Chancellor must present the request to the Board as a whole for a decision.
 - C. Information requested from the Chancellor by one Board Member shall be provided to all Board Members.
7. Report in a timely manner an actual or anticipated noncompliance with any policy of the Board.
8. Present or have presented to the Board a diversity of policy-related opinion and perspective from the faculty and staff.
9. Clearly show the Board the proportion of the resources expended and/or allocated to specific Strategic Directions adopted by the Board.
10. Allow members of the Internal Audit Department to have unlimited access to all District activities, records, property, and employees including executives, Board Members, and the Audit and Finance Committee within the limits of the law.

MONITORING Method and Frequency

Items 1-10 Method: Internal Frequency: Ongoing as Matter of Practice

AMENDED AUGUST 24, 1999 - MOTION NO. 8896

AMENDED DECEMBER 14, 1999 - MOTION NO. 8928

AMENDED DECEMBER 12, 2000 - MOTION NO. 9005

AMENDED NOVEMBER 27, 2001 - MOTION NO. 9079

AMENDED DECEMBER 13, 2005 - MOTION NO. 9349

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: ASSET PROTECTION

The Chancellor shall keep institutional assets (both financial and tangible) protected and scrupulously maintained by avoiding unnecessary risks.

Accordingly he or she shall:

1. Establish, maintain, and monitor an adequate system of internal controls, both accounting and administrative, that are sufficient to meet generally-accepted accounting principles and auditing standards.
2. Adhere to ethical business practices and comply with relevant laws, regulations, and Board policies.
3. Provide for the procurement of goods and services by establishing procedures related to:
 - A. Monetary thresholds that balance competition and efficiency of process.
 - B. Capital equipment with a unit value of less than \$50,000.
 - C. Conflict of interest.
 - D. Official functions.
4. Establish fiscally sound procedures for the disposal of District furniture, equipment, and other personal property.
5. Not acquire, encumber, or dispose of real property.
6. Avoid placing the District at risk by:
 - A. Unnecessarily exposing the District, its Board, or staff to claims of liability.
 - B. Failure to insure against first party property and fidelity losses.
 - C. Failure to insure against liability losses to Board members, staff, and the District.
 - D. Failure to provide adequate preventative and major maintenance of physical plant, facilities, and equipment.

7. Avoid investment of moneys received by the District in any investment instruments or securities not permitted by applicable statutes or legal documents or other established guidelines or in a manner that jeopardizes the safety of invested principal.
8. Avoid entering into the following types of agreements by the district without Governing Board approval:
 - A. Cooperative agreements with outside entities requiring a significant commitment of District funds or that may impair the District's bonding capacity.
 - B. Leases involving a commitment of the District's funds in excess of \$100,000 per year or a total of \$300,000 over the original term.
 - C. Contracts for District-wide services for insurance, bookstores, and food service.
 - D. Real property leases or continuous use of District property by outside entities for commercial activity or for any activity that substantially increases the potential liability for the District or may impair its bonding capacity.
 - E. Dual enrollment agreements where an intergovernmental agreement is not required.
 - F. Contracts in which the legal authority to proceed is not explicit in statute or confirmed through case law or Attorney General opinion.
 - G. Purchases described below:
 1. A construction contract or construction consulting services contract exceeding \$100,000.
 2. Any purchase order for unbudgeted, single item purchase of capital equipment exceeding \$50,000.
 3. Any purchase order for services exceeding \$100,000, other than recurring annual services for support of district-wide systems or operations such as utilities, equipment or software maintenance.
 4. Any purchase of a single piece of information technology equipment or software exceeding \$100,000.
 - H. Purchases or sale of real property.
 - I. Agreements that by law must have Governing Board approval.
9. Establish a program for the management of public records.

MONITORING Method and Frequency:

Items 1-7	Method: Internal	Minimum Frequency: Twice a Year
Items 1-7	Method: External	Minimum Frequency: Once a Year
Items 8	Method: Internal	Minimum Frequency: Per Occurrence/Matter of Practice
Item 9	Method: Internal	Minimum Frequency: Once a Year

AMENDED August 24, 1999 - MOTION NO. 8896
AMENDED December 14, 1999 - MOTION NO. 8928
AMENDED December 12, 2000 - MOTION NO. 9005
AMENDED November 27, 2001 - MOTION NO. 9079
AMENDED December 10, 2002 – MOTION NO. 9140
AMENDED DECEMBER 13, 2005 – MOTION NO. 9349

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: STAFF COMPENSATION AND BENEFITS

The Chancellor shall recommend policies that promote fiscal integrity and public image by allowing reasonable and prudent compensation to employees, consultants, and contract workers.

The Chancellor shall establish sound guidelines and procedures to ensure compliance with statutes and other legal authority relative to tuition waivers.

The Chancellor shall maintain a program that encourages the benefit of wellness, recognizing that wellness is more than the absence of disease; it is the promotion of inner balance and the social, emotional, environmental, physical, intellectual, and occupational well being of all employees.

The Chancellor shall establish sound guidelines and procedures that allow employee participation in voluntary payroll deduction programs; including deductions for dues for approved employee organizations, the purchase of United States savings bonds, contributions to the Maricopa Community Colleges Foundation for scholarships and/or program support, and to charitable community organizations. The Governing Board may withdraw the deduction privilege from any organization at any time.

MONITORING Method and Frequency:

Method: Internal Minimum Frequency: Ongoing/Matter of Practice

AMENDED December 14, 1999 - MOTION NO. 8928
AMENDED December 12, 2000 - MOTION NO. 9005
AMENDED December 10, 2002 – MOTION NO. 9140
AMENDED February 24, 2004 – MOTION NO. 9220
AMENDED December 13, 2005 – MOTION NO. 9349
AMENDED January 23, 2007 – MOTION NO. 9395

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: EMERGENCY EXECUTIVE SUCCESSION

In order to protect the Board from sudden loss of chief executive services, the Chancellor shall have no fewer than two other senior staff familiar with Board and chief executive issues, plans, problems, and processes.

MONITORING Method and Frequency:

Method: Internal Minimum Frequency: Ongoing/Matter of Practice

Amended December 14, 1999 - MOTION NO. 8928

Amended December 12, 2000 - MOTION NO. 9005

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: NON-CREDIT COURSE CHARGES

With respect to the setting of charges for non-credit courses offered by the Maricopa Community Colleges, the Chancellor shall follow the parameters for setting non-credit private course offering and non-credit public course offerings, as applicable to the course and individuals taking the course. Courses that have charges that fall within these parameters are considered to be a “safe harbor charge” and may be implemented without specific Governing Board approval. Any charges that do not conform to these parameters must be specifically approved by the Governing Board before the non-credit course is offered.

Accordingly, the Chancellor shall:

1. Develop and implement charges for non-credit private course offerings. Private course offerings are for customized training for individual businesses or public agencies. Course pricing is market based and negotiated with each individual business or public agency. Such pricing is considered to be a “safe harbor charge”, which shall be calculated to recover, at a minimum, total estimated direct costs.
2. Develop and implement charges for public non-credit course offerings. Non-credit public course offerings are for customized personal interest instruction. Enrollment is open to all individuals. Each individual is personally responsible for payment of all course charges. Such pricing is considered to be a “safe harbor charge” and shall be developed based upon estimated enrollment to recover total estimated direct costs, but not exceed total estimated direct costs plus 75% for other charges associated with course offerings. Pricing may be developed based on aggregate costs for all non credit public offerings by a college to allow for cost and revenue sharing to offer the broadest mix of courses possible.
3. Develop charges using the definition for direct costs, as appropriate. Direct costs are for services and products directly associated with providing a course. These may include salaries and benefits, supplies, capital equipment, travel, transportation, lodging, facility or equipment rental, postage, marketing, bank credit card charges, and admission charges.
4. Develop charges using the definition for other charges associated with course offerings, as appropriate. Other charges are for shared services and products that support non-credit course offerings but are not directly associated with a specific course. These may include direct and indirect administrative overhead (administrative salaries and benefits, supplies, postage, marketing, travel, memberships), and charges for future development of new courses.

MONITORING Method and Frequency:

Method: Internal Minimum Frequency: Ongoing/Matter of Practice

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: RENTAL FEE RATES

With respect to the setting of fees for the one-time or limited use of facilities that are owned and operated by the Maricopa Community Colleges, the Chancellor shall direct that rental rates reflect fair rates based upon supply and demand throughout the district, the availability of other facilities near the colleges and peak/low times of facilities/classroom usage at each college. Rates that fall within these parameters may be implemented without specific Governing Board approval. Any rates or charges that involve the use of facilities that do not conform to these parameters must be approved by the Governing Board before the fee is assessed.

Accordingly the Chancellor shall:

- Develop and implement a rate structure for the use of college/district facilities;
- Develop and implement charges for related expenses including equipment and personnel services;
- Develop and implement charges for utilities;
- Develop and implement a rate structure related to the taxation of rental income.

MONITORING Method and Frequency:

Method: Internal Minimum Frequency: Ongoing/Matter of Practice

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: PUBLIC SAFETY

The Chancellor shall maintain a safe learning and working environment. Accordingly, he or she: shall be charged with designing and implementing the means to maintain college environments that are safe for students, employees and the community at large. This includes identifying and outlining district versus college authority over public safety matters through administrative regulations, and establish district standards of practice for the Department of Public Safety at each college. The Governing Board recognizes that the college safety officers that are certified pursuant to A.R.S. 15-1444(A)(10) have the authority and power of peace officers.

MONITORING Method and Frequency:

Method: Internal Minimum Frequency: Ongoing/Matter of Practice

POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES

POLICY TITLE: INTERNAL CONTROL

While the Board has identified the Chancellor as the single official link to the operating organization, under the Maricopa Governance structure within this multi-college district, the Chancellor shall also direct management to operate within a system of internal control.

A. Definition:

The term "management" means:

Members of the following employee groups: the Chancellor's Executive Council (CEC), and Management, Administrative & Technological (MAT) as well as any other employee groups (excluding faculty except as defined herein) that may subsequently be created in which employees are exempt from the Fair Labor Standards Act. Additionally, this policy applies to faculty members who serve as division chairs and department chairs and therefore serve in a supervisory or decision-making capacity for a division or department, faculty members or other employees who serve as a director or coordinator of a program, service, institute or other initiative.

B. Management Responsibility

MCCCD management is charged with the responsibility for establishing a system of internal controls, risk management and organizational processes over the operations of MCCCD in a manner which provides the MCCCD Governing Board reasonable assurance that:

1. Risks are appropriately identified and managed.
2. Interaction with the various organizational groups occurs as needed.
3. Significant financial, managerial, operational information is accurate, reliable and timely.
4. Employees' actions are in compliance with policies, standards, procedures and applicable laws and regulations.
5. Resources are acquired economically, used efficiently and protected.
6. Programs, plans and objectives are achieved.
7. Significant legislative or regulatory issues impacting MCCCD are recognized and addressed appropriately.

The system of internal controls over the operations is a function of management and is an integral part of the overall process of managing operations. As such, it is the responsibility of managers at all levels of the organization to:

1. Identify and evaluate the exposures to loss which relate to their operations.
2. Specify and establish plans and operating standards, procedures, systems, and other disciplines to be used to minimize, mitigate and/or limit the risks associated with the exposures identified.
3. Establish practical systems of internal control processes that require and encourage employees to carry out their duties and responsibilities in a manner that achieves the seven (7) control objectives outlined in the preceding paragraph.
4. Maintain the effectiveness of the systems of internal control processes that they are responsible for.

C. Audit and Finance Committee

The Audit & Finance Committee's purpose is to assist the MCCCCD Governing Board's broad oversight and monitoring responsibilities for:

1. The reliability, integrity and transparency of financial reporting and disclosure, and other financial information.
2. The establishment and ongoing monitoring processes to assure adequate functioning of the systems of internal control.
3. The establishment and ongoing monitoring processes of the MCCCCD ethics initiative; compliance with applicable laws and regulations and MCCCCD policies; including the results of ethics violations and violations of laws, regulations and MCCCCD policies.
4. The risk management policies and processes and ongoing monitoring efforts.
5. The independence and performance of the internal and external auditors.
6. The Audit and Finance Committee shall be chaired by a member of the community serving on the committee and the vice chair shall be a Maricopa Community Colleges Governing Board Member who serves on the committee. The community member shall be a financial expert.
7. At least annually, the Audit and Finance Committee shall meet in executive session with the external auditor and or Internal Audit Director. Executive sessions shall exclude those committee members who are directly employed by the Maricopa Community Colleges, except the Internal Audit Director.

D. Internal Audit Responsibility

MCCCD's Internal Audit and Management Advisory Services Department (IAMAS) is charged with the responsibility for ascertaining that MCCCD's systems of internal controls, risk management, and organizational processes, as designed and represented by management, are adequate and functioning. IAMAS is also responsible for reporting to management and the Audit and Finance Committee of the Governing Board on the adequacy and effectiveness of the organization's systems of internal control, together with ideas, counsel, and recommendations to improve the systems.

E. Review and Approval of Statement

The policy statement on Internal Control was reviewed and approved by all of those defined herein as management, as well as the chair of the Audit and Finance Committee. The District may elect to use an electronic form to collect these approvals/acknowledgements. The District may additionally engage in or require training of employees on this statement as may be necessary:

Chair of the Audit & Finance Committee

Date

Chancellor

Date

Director of Internal Audit

Date

College President (CGCC)

Date

VC / Business Services

Date

College President (EMCC)

Date

VC / Human Resources

Date

College President (GWCC)

Date

VC / Academic Affairs

Date

College President (GCC)

Date

VC/Student Development &
Community Affairs

Date

College President (MCC)

Date

Other Chancellor's Executive
Council Member (CEC)

Date

College President (PVCC)

Date

All Other Persons Defined

In This Policy

Date

College President (PC)

Date

College President (RSC)

Date

College President (SCC)

Date

College President (SMCC)

Date