

policy type

board auxiliary

policy title

active retirement program

1. 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 MCCCC of any person who is in retirement status shall be solely in accordance with the conditions contained in the MCCC Active Retirement Program, unless the person terminated employment with an ASRS employer at least twelve months before commencing employment with MCCCC in retirement status. The MCCCC Active Retirement Program, for purposes of this document, will be referred to as the "Active Retirement Program."

The Governing Board and MCCCC 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 MCCCC mission and vision.

The Governing Board also supports the concept that all MCCCC 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.

policy type

board auxiliary

policy title

active retirement program (cont'd)

2. 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.

3. 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.
4. Conditions of Participation/5-Year Tiered Program
 - A. Conditions of Participation
 - i. Eligible employees may participate for up to five (5) years, as determined by years of service within the MCCCDC system as indicated below:

| Years of Service | AR Eligibility |
|------------------|----------------|
| 0 – 9.99 | no eligibility |
| 10 – 14.99 | 2 years |
| 15 – 19.99 | 3 years |
| 20 – 24.99 | 4 years |
| 25 years + | 5 years |

- ii. 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:
 - i. 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.

policy type

board auxiliary

policy title

**active retirement
program (cont'd)**

- ii. The participant is unable to reach agreement and secure approval on a mutually acceptable assignment.
 - iii. 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 MCCCDC except under the provisions provided by Arizona Statutes.
- 5. Benefits
 - A. Benefits
 - i. The District will not provide any health, health-related, or dental insurance benefits to participants in the Active Retirement Program.
 - ii. Effective January 26, 1994, all employees who enter the Active Retirement Program and elect COBRA will forfeit flex benefit credits provided by the District.
 - iii. 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
 - i. Participants in the Active Retirement Program will be granted benefit credits as determined by the Governing Board. However, those participating in the retirement incentive for employees are not eligible for benefit credits of the active retirement program.
 - ii. Payment will be made on a schedule and in a manner to be determined by the Vice Chancellor for Human Resources.
 - C. Tuition Waivers
 - i. 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
 - i. 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.
- 6. 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.

policy type

board auxiliary

policy title

active retirement program (cont'd)

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.

7. 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

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.

C. Participants Assigned 'Service Faculty' Duties

i. 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.

ii. 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.

policy type

board auxiliary

policy title

active retirement program (cont'd)

- D. Participants Assigned Non-Faculty Duties
- i. 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.
8. 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:
 - i. Residential Faculty Policy Manual
 - ii. Management/Administrative Technological Personnel Policy Manual
 - iii. Professional Staff Association Policy Manual Maintenance & Operations Policy Manual
 - iv. Crafts Policy Manual
 - v. 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.
9. Administration
- A. The Active Retirement Program shall be under the direction of the Vice Chancellor for Human Resources.

policy type

board auxiliary

policy title

active retirement program (cont'd)

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

AMENDED September 23, 2008, Motion No. 9512

AMENDED September 27, 2005

AMENDED May 24, 2005

AMENDED December 9, 2003

AMENDED June 26, 2001

AMENDED November 21, 2000

AMENDED October 22, 1996

AMENDED June 27, 1995

REVISIONS March 31, 1995

AMENDED July 23, 1991

ADOPTED July 1989

policy type

board auxiliary

policy title

administrative leave

1. 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:
 - A. 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
 - B. 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.
2. 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.
3. This policy shall not apply to any employee whose employee policy manual specially provides for paid administrative leave of absence.

AMENDED November 27, 2001 (for inclusion in Board Auxiliary Policy Type only)

ADOPTED January 23, 2001, Motion No. 9014

policy type

board auxiliary

policy title

**arizona student loan
code of conduct**

1. Definitions
 - A. "Employee" or "School employee" means any employee, agent, student financial aid contractor, director, officer or trustee of the Maricopa County Community College District ("Maricopa"). For purposes of the Code provisions relating to gifts and stock ownership, this term includes family members of the Employee. For purposes of Paragraph 2 of this Code, this term includes family members living in the same household as the Employee.
 - B. "College" means all colleges, skills centers, campuses, departments or other components of the Maricopa County Community College District, including alumni associations.
 - C. "Student loan lender" or "lender" means any entity involved in making, holding, consolidating, originating, servicing or guaranteeing any loan to students or parents to finance higher education expenses. This includes lenders who provide private educational loans as well as lenders who provide loans that are made, insured or guaranteed by the U.S. Department of Education, except loans under the William D. Ford Direct Loan Program.
2. Employee Compensation Prohibition
 - A. No employee or Maricopa or "school-affiliated organization" (as defined in 34 CFR §682.200(b)(5)(i)(A)(8)) shall accept or solicit anything of other than nominal value from a student loan lender.
 - B. "Nominal value" means a total retail value of not more than ten dollars (\$10.00) as calculated over a 12-month period, or as defined by a Maricopa policy consistent with applicable federal and state law. This paragraph shall not prohibit Maricopa employees from conducting non-student lending business with any lender or accepting or soliciting anything of other than nominal value in any activity unrelated to student loans.
3. Lender Advisory Board Restrictions

A Maricopa employee shall not accept any remuneration or reimbursement of expenses for serving as a member of or otherwise participating on a student loan lender's advisory board or committee, consistent with applicable federal student loan requirements.
4. Financial Relationship Prohibitions

A person employed in the financial aid office of a College, or who otherwise has direct responsibilities with respect to educational loans or other financial aid, shall:

 - A. avoid any equity or other interest in any student loan lender other than a remote interest (a remote interest is ownership of less than three per cent of the shares of a corporation for profit, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed five per cent of the total annual income of such officer or employee and any other payments made to him by the corporation do not exceed five per cent of his or her total annual income.)
 - B. avoid consulting or similar financial relationships with student loan lenders, and
 - C. comply with Maricopa's Conflict of Interest Policies & Procedures.
5. Institutional Compensation Prohibition
 - A. A College will not accept anything of value from a student loan lender in exchange for any advantage of consideration provided to the lender related to its education loan activity. This prohibition shall include, but not be limited

policy type

board auxiliary

policy title

**arizona student loan
code of conduct (cont'd)**

to: (1) the College's receipt from any lender of any computer hardware for which the College pays below market prices, (2) preferential rates for, or access to, a lender's other financial products and (3) printing costs or services. Notwithstanding anything else in the paragraph, the College may accept assistance as contemplated by 34 CFR §682.200(b).

- B. A College shall not engage in revenue sharing with a student loan lender. "Revenue sharing" means any arrangement under which a student loan lender pays a higher education institution or an affiliated entity or organization a certain sum, fee or percentage calculated in relationship to the volume of loans received by the lender from students of the institution.
6. Preferred Lender List Requirements
- A. Best Interest of Students Paramount. If a College decides to develop and/or publish any list of suggested, recommended or preferred student loan lenders ("preferred lender list" or "lender list"), the College shall develop and maintain any lender list based solely on the best interests of students and parents borrowers.
- B. Required Disclosures. A College shall prominently disclose on all publications of a preferred lender list:
- i. the process and criteria by which the list was assembled;
 - ii. comparative information regarding interest rates and other benefits offered by the lenders; and
 - iii. that borrowers have the right and ability to select lenders not included on the list.
- C. Prompt Certification of Loans from Any Lender. A College will timely certify any loan from any lender selected by the borrower that offers the loan, to the extent consistent with applicable federal student loan requirements. The College will not cause unnecessary certification delays for borrowers who use a lender that has not been recommended or suggested by the School.
- D. Minimum Number of Lenders Required. A College shall ensure that there are at least three (3) student loan lenders names on each preferred lender list which are not "affiliates" of each other, as described in 34 CFR §682.212(h)(3).
- E. Review and Update of Preferred Lender Lists. Preferred lender lists must be reviewed and updated at least once a year. When publishing preferred lender lists, a College shall either rotate or randomize the list of lenders or list them alphabetically.
- F. Loan Resale. A College shall require that all lenders on a preferred lender list commit in writing to disclose to the borrower before a loan agreement is signed whether there is an existing agreement to sell loans to another lender, and if so, the contact information for the lender who will be purchasing the borrower's loan. The College shall inform student and parent borrowers that lenders can, and do, sell student loans, and encourage borrowers to contact their lenders for more information. Further, the College may remove a lender from its preferred lender list if that lender sells loans without ensuring that the advertised loan terms and benefits are honored with the new lender.
- G. Different Types of Loans. The College shall not include a student loan lender on a preferred list for one type of loan in exchange for benefits provided by the lender with respect to a different type of loan.
7. Promotion of Preferred Lenders Prohibited
- A College shall not allow a lender included on a preferred list to use the name, emblem, mascot or logo of either a College or Maricopa or other words, pictures or symbols readily identified with either the College or Maricopa in the marketing

policy type

board auxiliary

policy title

**arizona student loan
code of conduct (cont'd)**

of private educational loans to the students attending the College that implies the College or Maricopa endorses the private educational loans offered by the lender.

8. Master Promissory Note
A College shall inform borrowers of the procedure(s) for completing the Master Promissory Note or other loan agreement with the lender of the borrower's choice, whether or not the lender appears on the College's preferred lender list.
9. Lender Restriction Prohibition
A College shall not restrict borrowers to any particular type of lender (e.g., those that process loans electronically).
10. School as Lender
If a College participates in the School as Lender program under 20 U.S.C. §1085(d)(1)(E) and has an agreement to sell student loans to another lender, it must (a) disclose the existence of the agreement to the borrowers and provide contact information for the lender who will be purchasing the borrower's loan and (b) require that any lender to whom the loans are sold honors the loan terms and benefits the College advertised to borrowers.
11. Private Loans a Last Resort
A College shall not certify student eligibility for a private educational loan without first informing the borrower that (a) federal financial assistance (including grants and loans under Title IV) may be available and (b) federal loans may provide more advantageous terms to the borrower than private loans.
12. Opportunity Loans
 - A. A College shall not enter into an opportunity loan agreement with a student loan lender under which the College provides concessions or promises to the lender that prejudice other borrowers. An "opportunity" loan means a student loan provided to borrowers with poor or no credit history, or who otherwise would not meet the student loan lender's eligibility criteria.
 - B. A College shall not certify student eligibility for an opportunity loan made available pursuant to an agreement between the College and a lender unless (a) the agreement includes the options of short term or partial loans not to exceed one year and (b) the College informs the borrower of the short term or partial loan option, so the borrower can consider different or less expensive financing if the borrower's financial condition improves.
13. Staffing Assistance from Lenders
A College shall not request or accept from any lender any assistance with call center or financial aid office staffing, including in-person school-required initial or exit counseling, except as permitted by applicable federal student loan requirements. The College shall ensure that any lender employees on campus are accurately represented as such and not misidentified as College agents or employees. While lenders may provide professional development training to financial aid administrators and participate in financial literacy outreach activities, lender employees must clearly disclose the name of the entity preparing any written materials and may not promote the lender's products.
14. Implementation

A. Maricopa shall publish the Arizona Student Loan Code of Conduct prominently

policy type

board auxiliary

policy title

**arizona student loan
code of conduct (cont'd)**

on a Maricopa website within ten business days of its adoption by the Governing Board.

- B. All employees with direct responsibilities relating to student loans shall obtain training concerning the Arizona Student Loan Code of Conduct, applicable federal and state student loan laws and regulations and related Maricopa policies and procedures within 90 days of the date of hire. Each College shall adopt procedures to ensure these employees maintain current knowledge of the Code and applicable regulations.

ADOPTED October 28, 2008, Motion No. 9516

policy type

board auxiliary

policy title

**awarding of
emeritus distinction**

1. 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.
2. The Chancellor may recommend, and the Governing Board may award, emeritus distinction to a candidate only following a determination that the candidate has:
 - A. 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;
 - B. demonstrated satisfactory performance;
 - C. not been the object of an adverse personnel decision; and
 - D. fulfilled all terms and conditions of employment.
3. 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:
 - A. Contributed significantly to his or her respective field or discipline;
 - B. Performed service throughout the candidate's employment in the Maricopa District that have been of direct benefit to students; and
 - C. Contributed to the creation of innovative programs or initiatives within the Maricopa district.
 - D. At least ten years of full time service in the Maricopa District.
4. 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.
5. 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.

AMENDED January 23, 2007, Motion No. 9393

AMENDED November 28, 2006, Motion No. 9388

AMENDED June 25, 2002, Motion No. 9114

AMENDED November 27, 2001 (for inclusion in Board Auxiliary Policy Type only)

ADOPTED May 23, 2000, Motion No. 8968

policy type

board auxiliary

policy title

background checks

1. The Vice Chancellor for Human Resources shall create and implement a process of background checks concerning persons selected for employment or for volunteer or internship service in various positions, and concerning current employees who assume employment responsibilities that warrant such checks. Whether a background check is performed concerning a person shall be determined solely by pre-established aspects of the employment or service that would justify a background check, as identified by the Vice Chancellor. Performance of a background check shall not be based on the unique characteristics of a particular person.
2. A background check preformed pursuant to this administrative regulation may inquire only into a person's previous employment or service; prior acts or circumstances relevant to financial or other valuable assets; and criminal activity. A criminal conviction shall not serve as an absolute bar to employment or service.
3. The process of background checks shall be designated to ensure that all background check information be maintained in a confidential manner and shared with only those persons who possess a clear need to know such information. Employees of the Maricopa Community Colleges with decision-making authority in any hiring process shall facilitate hiring decisions in accordance with the process.

ADOPTED March 27, 2007, Motion No. 9418

policy type

board auxiliary

policy title

college course materials

In accordance with A.R.S. §15-1891, the MCCCCD Governing Board establishes the parameters for employees when ordering course materials from publishers and working with book dealers:

1. No faculty member or employee shall demand or receive any payment, loan, advance, good or deposit of money present or promised for selecting or purchasing specific course materials received for coursework or instruction, except that the faculty member or employee may receive:
 - A. free review copies, complimentary teacher editions or instructional materials that are not intended to be sold by any faculty, staff or bookstore.
 - B. royalties or other compensation from the sale of course materials that include the faculty member's own writing or work.
 - C. honoraria for academic peer review of course materials.
 - D. training in the use of course materials and learning technologies.
2. A faculty member or any other employee who is in charge of selecting or adopting course materials shall, prior to selection or adoption of any course materials, make a request for the following written information from the publisher of the course materials:
 - A. A listing of relevant course materials offered by the publisher and whether each of the course materials are offered in a bundled package or sold separately;
 - B. The suggested retail price, the estimated wholesale price or the price that the publisher makes available to the public for the course materials. The publisher may include the time period during which the pricing is available.
 - C. The copyright dates of the previous edition if the copyright dates do not appear in the course materials.
 - D. A summary of the substantive content differences between the current edition of the course materials and the immediate previous edition.
3. A faculty member or any other employee who is in charge of selecting or adopting course materials shall place orders for such course materials by the date specified and communicated by the College or District bookstore to enable the College or District bookstore or contract managed bookstore to confirm the availability of the requested materials.
4. An unsolicited free review copy, sample copy, or complimentary teacher edition of course materials provided by a publisher at no charge and delivered to the attention of an employee at a college or District location is presumed to be the property of the Maricopa County Community College District. However, such employee may nevertheless assume ownership of such materials if all of the following conditions are met:
 - A. the materials are, in the judgment of the employee, pertinent to the employee's academic discipline or professional responsibilities; and
 - B. the employee keeps the materials in his or her possession for personal use over a period of no less than one year, deriving academic or professional benefit from such materials.

As these materials are provided for professional academic use and are not intended by the publisher for sale, an employee should at no time sell or trade them to any person or other entity for personal profit. Appropriate disposition of the materials includes donation to a student or library or other non-profit or charitable organization.

policy type

board auxiliary

policy title

**college course
materials (cont'd)**

5. This policy shall not be construed in a manner that violates academic freedom.
6. For purposes of this policy:
 - A. "Book buyer" means any person or entity, including a university or community college district bookstore, engaged in the purchase or sale of course materials.
 - B. "Bundled" means one or more course materials that are packaged together to be sold as course materials for a single price.
 - C. "Complimentary teacher edition" means a book with information that is meant for the exclusive use of faculty members, commonly labeled as an "instructor edition" or "instructor manual" and that contains answers and solutions, test questions and pedagogical techniques.
 - D. "Course materials" means any textbook or other instructional tool published for the purpose of classroom instruction and used for or in conjunction with a course in a university under the jurisdiction of the Arizona board of regents or a community college under the jurisdiction of an Arizona community college district.
 - E. "Publisher" means any publishing house, firm or company that produces course materials.
 - F. "Sample copy" means any book that is the same as the regular student edition.
 - G. "Substantive content" means portions of a college textbook, including new chapters, additional eras of time, new themes or new subject matter.
 - H. "Written information" means information provided on print material. Written information includes electronic communication or publication on a website.

ADOPTED November 25, 2008, Motion No. 9520

policy type

board auxiliary

policy title

employment standards

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.

policy type

board auxiliary

policy title

**employment standards
(cont'd)**

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.

[ADOPTED February 27, 2007, Motion No. 9407](#)

policy type

board auxiliary

policy title

**identity theft red flag
and security incident reporting (cont'd)**

1. Purpose

In accordance with the provisions outlined in the Federal Trade Commission's Red Flag Rule, which implements Section 114 of the Fair and Accurate Transactions Act (FACTA) of 2003, the Maricopa County Community College District shall implement a program for Identity Theft Prevention. The purpose of the program is to provide information that will assist individuals in detecting, preventing and mitigating identity theft in connection with the opening of a "covered account" or any existing "covered account" or who believe that a security incident has occurred, and to provide information for the reporting of a security incident.
2. Definitions
 - A. Covered Account—is a consumer account that involves multiple payments or transactions in arrears such as a loan that is billed or payable monthly. This includes accounts where payments are deferred and made by a borrower periodically over time such as with a tuition or fee installment payment plan.
 - B. Creditor—is a person or entity that regularly extends, renews, or continues credit and any person or entity that regularly arranges for the extension, renewal or continuation of credit. Examples of activities that would indicate a Maricopa college or the District as a creditor would include:
 - i. Participation in the Federal Perkins Loan program;
 - ii. Participation as a school lender in the Federal Family Education Loan Program;
 - iii. Offering institutional loans to students, faculty or staff;
 - iv. Offering a plan for payment of tuition or fees throughout the semester, rather than requiring full payment at the beginning of the semester;
 - v. Emergency loans.
 - C. Personal Information—specific information that represents a legal or personal identity or that could result in public impersonation of identity or identity theft if such information were stolen or compromised. This would also consist of using information in combination with one or more data elements when either the name or elements are not encrypted or redacted. Sensitive personal information includes but may not be limited to the following:
 - i. Legal name (first, last, middle)
 - ii. Full date of birth
 - iii. SSN
 - iv. Driver's License Number
 - v. Enterprise ID
 - vi. Financial account number
 - vii. Password
 - viii. Home address
 - ix. Gender
 - x. Race
 - xi. Medical information
 - xii. Payroll information
 - D. Red Flag—a pattern, practice or specific activity that indicates the existence of identity theft or possible attempted fraud via identity theft on covered accounts.
 - E. Security Incident— a collection of related activities or events which provide evidence that personal information could have been acquired by an unauthorized person.
3. Identification of Red Flags

In order to identify relevant red flags, the MCCCCD considers the types of accounts

policy type

board auxiliary

policy title

**identity theft red flag
and security incident reporting (cont'd)**

that it offers and maintains, the methods provided to open accounts, the methods provided to access accounts , as well as previous experiences with identity theft.

The following categories are identified as red flags:

- A. Alerts, notifications or warnings from a consumer reporting agency including fraud alerts, credit freezes or official notice of address discrepancies.
- B. The presentation of suspicious documents such as those appearing to be forged or altered, or where the photo ID does not resemble its owner, or an application that appears to have been cut up, reassembled and photocopied.
- C. The presentation of suspicious personal identifying information such as a photograph or physical description on the identification that is not consistent with the appearance of the student presenting the identification; discrepancies is address, Social Security Number, Student ID, or other information on file; an address that is a mail-drop, a prison, or is invalid, a phone number that is likely to be a pager or answering service; and/or failure to provide all required information.
- D. Unusual use or suspicious account activity that would include material changes in payment patterns, notification that the account holder is not receiving mailed statement, or that the account has unauthorized charges.
- E. A request to mail something to an address that is not on file.
- F. Notice received from students, victims of identity theft, law enforcement, other persons regarding possible identity theft in connection with covered accounts.

4. Detection of Red Flags

The detection of red flags in connection with the opening of covered accounts and the processing of existing accounts can be made through internal controls such as:

- A. Obtaining and verifying the identity of a person opening and using an account;
- B. Authenticating customers;
- C. Monitoring transactions; and
- D. Verifying the validity of change of address requests for existing covered accounts.

5. Response to Red Flags

Maricopa's Identity Theft Prevention Program shall provide for appropriate responses to detected red flags in order to prevent and mitigate identity theft. This would include:

- A. Monitoring covered accounts for evidence of identity theft;
- B. Denying access to a covered account until other information is available to eliminate the identified red flag, or close the existing covered account;
- C. Notify the customer;
- D. Change any passwords, security codes or other security devices that permit access to a covered account;
- E. Close an existing account;
- F. Reopen a covered account with a new account number;
- G. Notify law enforcement if suspected illegal activity;
- H. Determine if no response is warranted given the particular circumstances.

6. Security Incident Reporting

An employee who believes that a security incident has occurred shall immediately notify their appropriate supervisor and the Program Manager. After normal business hours, notification shall be made to the college public safety office.

7. Service Providers Oversight

The Maricopa County Community College District remains responsible for

policy type

board auxiliary

policy title

**identity theft red flag
and security incident reporting (cont'd)**

compliance with the Red Flag Rules even in instances where services are outsourced to a third party. The written agreement between the MCCCDC and the third party service provider shall require the third party to have reasonable policies and procedures designed to detect relevant Red Flags that may arise in the performance of their service activities. The written agreement must also indicate whether the service provider is responsible for notifying the MCCCDC of the detection of a Red Flag or if the service provider is responsible for implementing appropriate steps to prevent or mitigate identity theft.

8. Program Oversight

The Chancellor shall designate a program administrator. The Program Administrator shall exercise appropriate and effective oversight over the Program and shall report regularly to the Governing Board and the Chancellor on the Program. The program administrator shall be responsible for developing, implementing and updating the Program throughout the Maricopa district. The Program Administrator shall be responsible for ensuring the appropriate training of college and district employees, reviewing staff reports regarding the detection of Red Flags and implementing steps to identify, prevent and mitigate identity theft.

ADOPTED by the Governing Board, September 22, 2009, Motion. No. 9606

policy type

board auxiliary

policy title

international travel

1. The MCCCDC 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 MCCCDC mission for global education is accomplished.
2. All international travel is subject to the rules and requirements stated in the existing travel regulations (Administrative Regulation 1.15 --Travel).
3. 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.
4. 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:
 - A. Student Education Abroad

All courses offered as part of student education abroad must be approved MCCCDC 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 MCCCDC colleges. The course competencies and content outline must be the ones that are officially approved for the course and published in the MCCCDC course bank. The courses must meet the MCCCDC 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:

 - i. Title of the course(s), course description, number of credits, course competencies, and course content outline.
 - ii. 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.
 - iii. 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.

policy type

board auxiliarypolicy title **international travel (cont'd)**

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.

B. 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:

- i. How the objectives of the proposed project relate to the purpose of the program;
- ii. How the proposed project contributes to international learning outcomes and global competence;
- iii. A clear description of expected outcomes and benefits to the students and the colleges. For example:
 1. Curriculum changes; e.g., modifications to an existing course, creation of a new course, development of a new program or certificate and/or
 2. Potential partnerships; e.g., development of a new study abroad program.
- iv. Description of how faculty member intends to share the learning with a broader audience:
 1. 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
 2. 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
 3. 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.

policy type

board auxiliary

policy title

international travel (cont'd)

5. 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:

- A. How the proposed travel is linked to the individual's job responsibilities.
 - B. Whether or not the opportunity, or a similar one, is available in the United States or its territories.
 - C. What role the individual will play: keynote speaker, conference presenter, session/meeting facilitator, trainer, conference participant, board member, etc.
 - D. How participation in the event or meeting benefits the institution.
 - E. How the learning will be shared with others at MCCCDC.
6. 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 MCCCDC. This information will also be used to prepare an annual report for the Chancellor and the Governing Board. 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.
 7. Quarterly, the Chancellor shall submit a summary report to the Governing Board on all international travel.

ADOPTED February 27, 2007, Motion No. 9414

policy type

board auxiliarypolicy title **public stewardship and ethics**

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 all 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 or within one year of their hire and every three years thereafter, with subsequent training to focus on updates or changes in course content. Existing Board-Approved employees shall be required to participate in training within two years of the adoption of this policy and every three years thereafter. Board-Approved employees includes those who have or could attain permanent status, one year onlys, one semester onlys, skill center and specially funded employees. The District also shall consider ways of training temporary employees once initial training of Governing Board Members and Governing Board-Approved employees is complete. Temporary employees shall be required to participate in training every three 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.

AMENDED November 27, 2007, Motion No. 9451

ADOPTED February 27, 2007, Motion No. 9403

policy type

board auxiliary

policy title

requests for public records

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.

ADOPTED October 28, 2003, Motion No. 9204

policy type

board auxiliarypolicy title **special services employments**

1. 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:
 - A. 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
 - B. 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
 - C. 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.
2. 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.
3. 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.
4. 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.
5. Special services employments shall not be put into effect on a retroactive basis.
6. Supervisors will be required to submit in writing a statement detailing how the employee met the objectives of the employment; this is to be administered pursuant to guidelines established by the Vice Chancellor for Human Resources. Employees who fail to meet the objectives of the employment may be ineligible for future special services assignments and/or subject to disciplinary or other appropriate action.

policy type

board auxiliary

policy title

**special services
employments (cont'd)**

7. 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.
8. 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.
9. 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.

AMENDED April 28, 2009, Motion No. 9552

AMENDED February 27, 2007, Motion No. 9406

AMENDED February 27, 2003, Motion No. 9148

AMENDED November 27, 2001 (for inclusion in Board Auxiliary Policy Type only)

ADOPTED July 24, 2001, Motion No. 9049

policy type

board auxiliary

policy title

whistleblower protection

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:
 - A. Termination of employment
 - B. Demotion with salary reduction
 - C. Imposition of suspension without pay
 - D. Receipt of written reprimand
 - E. Failure to appoint, promote or reemploy
 - F. Negative performance evaluation
 - G. Withholding of appropriate salary adjustments
 - H. Involuntary transfer or reassignment
 - I. 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
 - J. 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

policy type

board auxiliary

policy title

**whistleblower
protection (cont'd)**

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). These services are not considered to be services of the "public body" as defined in section

policy type

board auxiliary

policy title

**whistleblower
protection (cont'd)**

2 of this policy; persons seeking whistleblower protection may avail the services of the public body as defined in section 2.

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 Ombuds and 24-Hour Hotline complaints in the District. Such report shall protect the identity of Ombuds and 24-Hour Hotline. 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.

AMENDED November 27, 2007, Motion No. 9455

AMENDED February 27, 2007, Motion No. 9409

AMENDED December 13, 2005, Motion No. 9349

AMENDED November 27, 2001 (for inclusion in Board Auxiliary Policy Type only)

ADOPTED October 23, 1990, Motion No. 7424

policy type

board auxiliary

policy title

**workplace violence
prevention**

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.

ADOPTED March 26, 2002, Motion No. 9097