

**POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES**

**POLICY TITLE: GENERAL EXECUTIVE CONSTRAINT**

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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.
10. 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.
11. 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.

12. The Chancellor shall implement guidelines that are adopted by the Governing Board for Maricopa County Community College District (MCCCD) Public Safety Officers on the use of force in the performance of their duties.
13. 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.
14. With respect to enrollment management, the Chancellor will promote practices that result in well and efficiently managed college enrollments, and shall establish enrollment goals that are appropriate to each college.
15. With respect to international education within the Maricopa Community Colleges, the Chancellor shall ensure academic integrity relative to curriculum and delivery of instruction, establish sound guidelines and procedures for all travel abroad, and shall show a generally acceptable level of oversight.
16. With respect to data assets and information technology resources, the Chancellor will pursue policies and practices that are consistent with the treatment of data and information as a valuable enterprise asset.
17. As a multi-college district, the Governing Board recognizes the operational and administrative relationship between the Chancellor and the College Presidents. Consistent with Governing Board policies, including those for Public Stewardship and Ethics and Emergency Executive Succession, the Chancellor shall perform an annual review of the members of his executive council.

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. 9286 & 9287  
Amended December 13, 2005 - MOTION NO. 9348 & 9349  
Amended October 24, 2006 - MOTION NO. 9385  
Amended February 27, 2007 MOTION NO. 9410  
Amended October 23, 2007 - MOTION NO. 9448  
Amended January 22, 2008 - MOTION NO. 9467  
Amended May 27, 2008 - MOTION NO. 9488

**POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES**

**POLICY TITLE: TREATMENT OF PEOPLE**

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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**

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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**

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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**

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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**

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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**

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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**

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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**

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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**

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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**

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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: USE OF FORCE**

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The Chancellor shall implement guidelines that are adopted by the Governing Board for Maricopa County Community College District (MCCCD) Public Safety Officers on the use of force in the performance of their duties.

**POLICY**

MCCCD Public Safety Officers will use only the force necessary to accomplish lawful objectives while protecting the lives of the Officer and others. The Control Options Response Chart serves as a guide for the escalation and de-escalation of force. Violation of this policy may result in sanctions as prescribed by MCCCD policy. Additionally, violation of Arizona state law may result in criminal and/or civil penalties in a court of law.

Since use of force decisions are made under exceedingly varied scenarios and often on a split-second basis, all Officers must be provided with the necessary knowledge and training upon which to make such decisions. Officers must also attain and maintain proficiency with firearms, impact weapons, oleoresin capsicum sprays or approved chemical agents, tasers, less-lethal weapons, handcuffs, and other equipment that may be used in the line-of-duty.

A written report will be submitted whenever an Officer discharges a firearm, intentionally or accidentally, for other than training or sporting purposes. An Officer must also submit a written report if he or she applies physical force through the use of any lethal or less-lethal weapon, and/or takes an action that results in or is alleged to have resulted in injury or death of another person.

The District Director of Public Safety will ensure that both criminal and administrative investigations into all incidents involving the use of lethal force are conducted promptly and accordance with the prescribed policy. Incidents involving complaints about other uses of force, e.g., voice commands, pain compliance, etc., will be handled according to MCCCD procedures.

The affected college will temporarily remove from a line-duty assignment, pending administrative review, any Officer whose actions or use of force results in a death or serious physical injury. During this period, provisions for post-incident debriefing and psychological counseling for the involved Officer will be made available.

**DEFINITIONS**

**A. Reasonable Belief:**

An Officer's belief or action is reasonable if the facts or circumstances the Officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances. The reasonableness of a particular use of force must be judged from the perspective of a reasonable Officer on the scene, in light of the facts and circumstances confronting him or her, rather than with the 20/20 vision of hindsight. Allowances must be made for the fact that Officers often

must make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.

**B. Serious Physical Injury:**

Serious physical injury includes physical injury which creates a reasonable risk of death, or which causes serious and permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

**C. Less-Lethal Force:**

Less-lethal force is defined as the use of a technique, weapon, or equipment to stun, temporarily incapacitate, or cause temporary discomfort to a person's body. Less-lethal force is any use of force other than that which is considered lethal force.

**D. Subject's Actions**

**1. Passive Resistance**

Physical actions that do not prevent an Officer's attempt at control but may include verbal responses.

**2. Psychological Intimidation**

- a. A combination of physical signs on the part of the subject who is ignoring verbal commands that indicate the subject is making mental/physical preparations before a fight begins.
- b. A combination of physical signs which may include, but are not limited to: clenching/unclenching of fists, setting of the jaw, accelerated breathing, verbal statements, and/or aggressive facial expressions.

**3. Defensive Resistance**

- a. Physical actions on the part of a subject, who is ignoring verbal commands, which attempt to prevent the Officer's control, but do not constitute an assault.
- b. Examples include ignoring the Officer's verbal commands and pulling away, hiding behind/under objects, pinning arms under the body, thrashing around, body going rigid, assuming a fighting stance.

**4. Danger to Self**

Physical actions on the part of the subject resulting in self-inflicted injuries or that indicate intent to harm one or commit suicide.

5. Active Aggression  
Assault with non-deadly physical force.
  6. Aggravated Active Aggression  
Assault with force which is capable of creating a substantial risk of causing death or serious physical injury.
  7. Dangerous Fleeing Felon  
The Officer reasonably believes that it is necessary to prevent the escape of a fleeing subject and the Officer reasonably believes that:
    - a. The subject has committed a felony involving the infliction or threatened infliction of serious physical injury or death.
    - b. The escape of the subject would pose an imminent danger of death or serious physical injury to the Officer or another person.
- E. Force Options (see Control Options Response Chart)
1. Display of Force
    - a. Officer Presence.
    - b. Verbal Commands.
  2. Subject Control
    - a. Techniques that have a minimal chance of injury. Examples: empty hand escort controls, pressure points, etc.
    - b. For deployment guidelines refer to policy.
  3. Chemical Agents
    - a. Oleoresin Capsicum (OC) pepper spray. For deployment guidelines refer to policy.
    - b. Hand held or weapon-deployed gas/smoke. For deployment guidelines refer to policy.
  4. Intermediate Force Options
    - a. Hard hands techniques (pain compliance) applied to primary target areas. Examples: nerve endings and muscle groups, which have a minimal chance of injury.
    - b. Taser deployment guidelines/requirements refer to policy.

5. Hard Hand Control

- a. Techniques that have more than a minimal chance of injury. Examples: kicks; elbow, palm, or knee strikes; punches to secondary targets such as joints, tendons, ligaments, and skeletal structure.

6. Impact Weapons

- a. Includes those weapons authorized for use by MCCCCD.
- b. For deployment guidelines/requirements, refer to MCCCCD policy.

7. Lethal Force

Force that is capable of creating substantial risk of death or serious physical injury.

## TRAINING

Officers will demonstrate knowledge of Arizona Revised Statutes (ARS) and MCCCCD's use of force policy. Prior to initial duties, each officer will receive refresher training on Arizona State law and MCCCCD use of force policy.

At least once a year, Officers will receive refresher training on use of force law, relevant case law, and MCCCCD policies to include a written assessment component. This training will be developed, coordinated and managed by the District Director of Public Safety. A minimum score of 80% must be attained on the assessment. Failure to achieve a minimum score will subject the Officer to remedial training and reevaluation.

Proficiency skills and continuing education training records will be maintained by the District Director of Public Safety's Office. The District Director will disseminate periodic reports to the College Directors of Public Safety on Officers and other employees of their Public Safety College Departments. An annual training report will be provided to the Vice Chancellor of Business Services by January 30th of each year on training conducted during the preceding calendar year.

## CONTROL OPTIONS RESPONSE CHART AS A GUIDE

The use of any force is usually reactionary in that the Officer is responding to the subject's initial or potential actions. The Officer's use of force is then constantly changing in response to the subject's actions. The goal in any use of force is to stop the subject's resistance or assault, using only the amount of force that is reasonable and necessary.

The Control Options Response Chart is a guide to assist Officers in choosing the appropriate level of force to be used to affect the arrest or maintain control over the situation. An Officer's choice in the level of force may take into account many variables, including, but not limited to:

- A. Officer to suspect: size, gender, age, fitness level, combat skills, presence of multiple subjects, and proximity of backup.
- B. Environmental conditions: lighting, weather, clothing, and high danger area.
- C. Totality of circumstances: suspect's danger to self or others, drug and alcohol influences, injury or exhaustion of Officer, Officer on the ground, mental state of the suspect, and prior knowledge about the suspect.

#### CONTROL OPTIONS CHART – (“X” indicates an authorized option)

Note: Progression of control options will normally proceed from left to right on this chart. However, Officers may immediately use any authorized option, if justified.

#### HANDLING SUSPECTS AFTER USE OF FORCE DEPLOYMENT

- A. Observe persons subjected to force options for “High Risk Indicators” of Sudden In-custody death. High risk indicators include:
  - 1. Bizarre/violent behavior (prior to, during, and after arrest).
  - 2. Obesity.
  - 3. Drug or alcohol use.
  - 4. Ineffectiveness of OC.
  - 5. Use of physical restraint techniques.
- B. Medical personnel should be summoned whenever the use of force creates a visible injury, complaint of injury or a suspected injury.
- C. Do not allow subjects to remain face down. Once restrained, sit subject upright and monitor their condition. Transport in upright, seated position.
- D. Persons who have been subjected to chemical agents will, as soon as is practical, after they are under police control, be afforded means of decontaminating to lessen discomfort.

#### USE OF FORCE REPORTING

- A. A Use of Force Supplement form will be prepared and submitted along with an original incident report in the following instances:
  - 1. When a firearm is discharged for other than training or legitimate recreational or sporting purposes.
  - 2. Anytime an Officer uses a pain compliance technique on a subject if it results in alleged or actual physical injury or death.

3. When a less-lethal or lethal weapon is used on a person.
  4. When a taser has been deployed, whether contact is made with a subject or not.
  5. When action results or is alleged to have resulted in injury or death.
- B. A supervisor will be immediately summoned to the scene and will comply with investigative procedures as required by MCCCCD in the following situations:
1. When a firearm is discharged in the line-of-duty.
  2. When a use of force results in death, serious injury, or suspected injury.
  3. When a subject complains that an injury has been inflicted.
  4. When misconduct is alleged or suspected.

#### OFFICER AND DEPARTMENTAL RESPONSE

##### A. Involved Officer

1. When an Officer discharges his/her weapon either accidentally or officially, the Officer will immediately:
  - a. Determine physical condition of any injured person, when the incident is under control, and render first aid.
  - b. Request paramedics.
  - c. Notify dispatch of the incident and location.
  - d. Notify his/her supervisor.
  - e. Protect his/her weapon for examination and submit the weapon to the scene investigator. The weapon will be kept in the condition found after the incident. The only exception is for the Officer to “check” the safety if necessary. The Officer will be issued a replacement weapon as soon after the incident as possible.
  - f. Refrain from discussing the incident with anyone except for appropriate MCCCCD supervisory personnel and investigating personnel.
  - g. Prepare a detailed report of the incident unless directed otherwise by the investigating supervisor.

##### B. Dispatcher

1. The involved dispatcher(s) will:

- a. Notify the nearest agency of the situation and request back-up if needed.
- b. Dispatch responding units if the situation is still continuing.
- c. Notify paramedics and ambulance personnel; get direction from the Officer in Charge (OIC) where to stage medical personnel.
- d. Notify the Officer's supervisor.

C. College Director of Public Safety

1. The College Director of Public Safety will:

- a. Respond immediately to the scene.
- b. Establish control of the scene.
- c. Secure the perimeter area.
- d. Direct Officers present at the scene, and evaluate the need for additional support.
- e. Notify the necessary personnel.
- f. Ensure all principal(s) and witnesses are located and kept in separate locations pending interviews. If more than one Officer is involved, they should also be separated.
- g. Brief appropriate college officials and District Director of Public Safety, and investigators about the incident.
- h. Assist all involved employees. Determine if a debriefing or support group is needed and make arrangements for them to respond.
- i. Ensure a detailed log of the incident to include dates, times, personnel involved in the investigation, and assignments are made.
- j. Notify outside agencies for assistance if needed.

D. Responsibility for the investigation rests with the District Director of Public Safety

1. The District Director of Public Safety or designee may call upon the assistance of an outside agency to assist in the investigation.
2. Ensure that a thorough investigation is conducted whenever an Officer discharges a duty weapon for other than training purposes.
3. Assigned investigators:

- a. Proceed immediately to the scene upon being notified.
  - b. The assigned investigator highest in rank will be responsible for the crime scene.
  - c. When a death or serious physical injury is involved a representative from the appropriate County Attorney's office or agency with jurisdiction will be notified.
  - d. Weapons of the Officer(s) involved in the shooting will be turned over for examination.
  - e. All witnesses will be interviewed.
  - f. The scene will be processed by the assigned investigative team.
  - g. Pre-interviews of witness employees at the scene will be conducted as a fact finding mission. Separate interviews will be conducted for each person involved.
  - h. Initiate an area canvas to locate additional witnesses who have pertinent information regarding the shooting.
4. Witness employee(s) will be interviewed prior to pre-interviewing the involved Officer(s), unless exigent circumstances exist.
  5. If deemed necessary by MCCCCD supervisory personnel on the scene, the involved Officer(s) may be interviewed first.
  6. Conduct an on scene critique with the investigators and the County Attorney to discuss the facts and circumstances of the case.
  7. Prior to a formal interview with the involved Officer(s), a review should be made to determine whether an admonition of Miranda warnings is appropriate. The decision to read Miranda rights will be based on the totality of the circumstances, and information available at the time of the investigation. Consultation with the County Attorney's Office should occur prior to the admonition of rights.
- E. Where an Officer's use of force causes death or serious physical injury, the significantly involved Officer(s) will be placed on administrative leave until cleared to return to work by a MCCCCD contracted psychologist.
  - F. The affected college, upon recommendation of the District Director of Public Safety, may remove any Officer from line-duty, pending review, for any excessive or inappropriate use of force. All reviews will be completed within 30 days, unless extended.

- G. Internal investigations of an Officer involved shooting or other incidents will be conducted by an agency designated by MCCCCD for the following purposes:
1. To access the scene to gather information for a later internal administrative report.
  2. To monitor interviews of witnesses, including witness officers and employees.
  3. Internal investigators will not participate in or be present during the criminal investigation interview of the Officer(s) who is/are the subject of the investigation.

#### MONITORING METHOD AND FREQUENCY

- A. Once a Use of Force Supplement is completed and reviewed, the approving college Director of Public Safety will forward the original incident report and Use of Force Supplement to the appropriate college administrator and a copy to the District Director of Public Safety for review.
- B. The District Director of Public Safety in consultation with the affected college president will determine if there are any policy, training, weapon/equipment and/or discipline issues which should be addressed.
- C. Within two weeks, the District Director of Public Safety will forward the reports and review to the Vice Chancellor of Business Services.
- D. An annual analysis will be completed at the end of each calendar year by the District Director of Public Safety and submitted to the Vice Chancellor for Business Services.

#### **MONITORING Method and Frequency:**

Method: Internal

Minimum Frequency: Ongoing/Matter of Practice

#### REFERENCES

ARS 13-105.34, "Serious Physical Injury"

ARS 13-409, "Justification; Use of Physical Force in Law Enforcement"

ARS 13-410, "Justification; Use of Deadly Physical Force in Law Enforcement"

**POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES**

**POLICY TITLE: INTERNAL CONTROL**

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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

\_\_\_\_\_  
College President (MCC)

\_\_\_\_\_  
Date

\_\_\_\_\_  
College President (PVCC )

\_\_\_\_\_  
Date

\_\_\_\_\_  
College President (PC)

\_\_\_\_\_  
Date

\_\_\_\_\_  
College President (RSC)

\_\_\_\_\_  
Date

\_\_\_\_\_  
College President (SCC)

\_\_\_\_\_  
Date

\_\_\_\_\_  
College President (SMCC)

\_\_\_\_\_  
Date

\_\_\_\_\_  
VC/Student Development &  
Community Affairs

\_\_\_\_\_  
Date \_\_\_\_\_

\_\_\_\_\_  
Other Chancellor's Executive  
Council Member (CEC)

\_\_\_\_\_  
Date

All Other Persons Defined

In This Policy

\_\_\_\_\_  
Date

**POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES**

**POLICY TITLE: ENROLLMENT MANAGEMENT**

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With respect to enrollment management, the Chancellor will promote practices that result in well and efficiently managed college enrollments, and shall establish enrollment goals that are appropriate to each college.

Accordingly, he shall:

1. Ensure that each college has a regularly updated enrollment management plan.
2. Ensure that appropriate data are available to colleges for the development of enrollment management plans.
3. Require regular progress reports on college enrollment management plans.

**MONITORING Method and Frequency:**

Items 1-3 Method: Internal Minimum Frequency: Once a Year

**POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES**

**POLICY TITLE: INTERNATIONAL EDUCATION**

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With respect to international education within the Maricopa Community Colleges, the Chancellor shall ensure academic integrity relative to curriculum and delivery of instruction, establish sound guidelines and procedures for all travel abroad, and shall show a generally acceptable level of oversight.

Accordingly, he shall:

1. Establish and monitor parameters for the development and evaluation of Education Abroad programs for students enrolled in any of the Maricopa Community Colleges. At minimum, courses offered must be Board approved MCCCDC courses and must meet all academic standards for content and length.
2. Establish parameters for the development and evaluation of Faculty Exchanges and Curriculum Development Programs abroad.
3. Establish parameters for the recruitment of international students.
4. Establish guidelines and procedures, including evaluation of outcomes, for travel abroad by students and all employees.

**MONITORING Method and Frequency:**

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

**POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES**

**POLICY TITLE: DATA ASSETS AND INFORMATION TECHNOLOGY  
RESOURCES**

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With respect to data assets and information technology resources, the Chancellor will pursue policies and practices that are consistent with the treatment of data and information as a valuable enterprise asset.

Accordingly, he shall:

1. Ensure that all enterprise data are secure from unauthorized access.
2. Ensure that employees with a legitimate, work-related requirement to access enterprise data have the ability to do so.
3. Ensure that policies are in place, along with appropriate training, to ensure appropriate confidentiality of enterprise data and information.
4. Promote the use of Maricopa's enterprise data assets for evidence-based decision making.

**MONITORING Method and Frequency:**

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

**POLICY TYPE: EXECUTIVE DUTIES AND RESPONSIBILITIES**

**POLICY TITLE: EXECUTIVE STEWARDSHIP**

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As a multi-college district, the Governing Board recognizes the operational and administrative relationship between the Chancellor and the College Presidents. Consistent with Governing Board policies, including those for Public Stewardship and Ethics and Emergency Executive Succession, the Chancellor shall perform an annual review of the members of his executive council to include an examination of the College Presidents in the following areas:

1. Progress toward the Governing Board Outcomes
2. Progress toward College Goals including:
  - a. Enrollment Management
  - b. College Climate
  - c. Diversity
3. The Accomplishment of Personal Goals including:
  - a. Executive Team Contributions
  - b. Community and Professional Contributions
  - c. Personal Improvement
4. Demonstration of Public Stewardship and Ethics
5. Progress toward Resource Development
6. Accomplishments and Challenges

MONITORING Method and Frequency:

Items 1-6 Method: Internal

Minimum Frequency: Once a Year