



An Essential Guide
for Maricopans

THE
BLUE BOOK

2009 Edition

Maricopa County Community College District

The Blue Book is a resource guide that contains select policies and administrative regulations of the Maricopa County Community College District. The 2009 edition replaces the 2007 edition.

For a comprehensive collection of all approved policies and administrative regulations, visit:
www.maricopa.edu/publicstewardship/governance/index.php

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governing board policy

ALL EMPLOYEE GROUP POLICIES

[Bracketed number references the District's All Employee Group Manual.]

introduction

INTRODUCTION [ALL EMPLOYEE GROUP MANUAL - A1]

The Governing Board of Maricopa County Community College District has vested the Chancellor of this District and his/her designee with the power and authority to establish standard professional conduct, rules, regulations, terms, and conditions of employment which are not in conflict with state or federal statutes and/or employee policy manuals.

active retirement

ACTIVE RETIREMENT — ACTIVE RETIREMENT PROGRAM [ALL EMPLOYEE GROUP MANUAL - A15]

An employee who participates in the District Active Retirement Program shall be covered by Governing Board policy relating to that program. (www.maricopa.edu/hrweb/pol_dwnld.html)

az state retirement

ARIZONA STATE RETIREMENT AND SOCIAL SECURITY PROGRAMS — PENSIONS AND RETIREMENT [ALL EMPLOYEE GROUP MANUAL — A11]

An employee of the District is covered under the Federal Social Security System and the Arizona State Retirement System/Plan.

employee policy

EMPLOYEE POLICY ADMINISTRATION [ALL EMPLOYEE GROUP MANUAL — A13]

- Copies of this policy will be printed at the expense of the District.
- The District will distribute copies of this agreement to all current employees and will provide a copy of these policies to each new employee at the time of orientation.

employment

EMPLOYMENT REQUIREMENTS [ALL EMPLOYEE GROUP MANUAL — A3]

- Under the Immigration Reform and Control Act of 1986 (IRCA, 8 United States Code §1324a), all employees hired after November 6, 1986, must show their employers documents that prove their identity and their eligibility to work in this country. Completion of form I-9 (Employment Eligibility Verification Form) is required.
- Affirmative Action guidelines will be followed. The individual staff and administrative relationships, general responsibility, and authority will be assigned to each position.
- An individual who is appointed or assigned to a position must meet the minimum requirements for that position.

gov bd rights

GOVERNING BOARD RIGHTS [ALL EMPLOYEE GROUP MANUAL — A2]

The Board and its agents shall have, in addition to all powers, duties, and rights established by constitutional provision or statute, at least but not limited to the following exclusive powers, duties, and rights as specified:

- Direct the work of its employees.
- Hire, evaluate, promote, demote, transfer, assign, reassign, and retain employees.
- Suspend, discipline, or discharge employees for proper cause.
- Maintain the efficiency of its operation.
- Relieve its employees from duties because of lack of work, financial exigency, program change, or other legitimate reasons, according to policy manual guidelines.
- Determine and implement methods, means, assignments, reassignments, and personnel by which its operations are to be conducted.
- Take such actions as may be necessary to carry out its mission as the Governing Board of the Community Colleges.
- Manage the physical facilities under its control including any alteration, relocation, or new construction thereof.
- Initiate, prepare, certify, and administer its budgets.
- The Governing Board will, as part of its regular meeting agenda, provide a time for employee groups to address the Board.

HIRING OF RELATIVES [ALL EMPLOYEE GROUP MANUAL – A14]

- A. A relative of any employee of the Maricopa County Community College District (District) may apply for, be considered without prejudice for, and be hired into any employment position. However, no employee of the District may be employed where a relative is within the line of supervisory authority, except if the individual in line of supervisory authority has recused themselves as provided in section A14.2, and no employee of the district may be involved in any key decision involving a relative.
- B. Responsibility for any employment or key decision regarding a relative of an employee shall be assigned to a manager or supervisor who is not related to either the relative or the employee and who is higher in managerial or supervisory authority than both the employee and the relative, except in extraordinary circumstances. The Vice Chancellor for Human Resources is the sole authority to determine extraordinary circumstances and the appropriate course of action to be taken and the individual in the line of supervisory authority shall recuse himself/herself from all decision-making. The Vice Chancellor for Human Resources will retain appropriate documentation of such actions. If the Vice Chancellor for Human Resources is in the line of supervisory authority of a relative, the Vice Chancellor shall recuse himself/herself and the Chancellor shall name a different member of the Chancellor's Executive Council to perform this duty.
- C. In such cases where an individual is currently employed where a relative is within the line of supervisory authority, a transfer or resignation of one of the parties shall be required (effective with the adoption of this procedure), except as provided in section A14.2. Adoption of this procedure shall address existing situations; inclusion of this provision in this policy shall address any future situations that may arise, for example, if employees marry or otherwise change their employment or personal status to be employed within the line of supervisory authority.
- D. Annually, every board approved employee shall file a disclosure naming any relatives who also are an employee of the district. This disclosure also shall include an acknowledgement by the employee that they have read and understand the district's hiring of relatives policy. Updated disclosures will be submitted by the employee during the year if personal circumstances change.

hiring relatives

holidays

industrial comp

E. Definitions

1. A "relative" includes a parent, step-parent, parent-in-law, brother, stepbrother, sister, stepsister, spouse, son, stepson, daughter, stepdaughter, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, grandchild, great-grandchild, aunt, uncle, niece and nephew of the employee or the employee's spouse. A "relative" also includes a domestic partner of an employee who is claimed as a dependent by the employee for insurance purposes, and a relative (as that term is defined herein) of such domestic partner.
2. A "key decision" includes any decision involving the hire, renewal, retention, supervision, promotion, probationary review, initial salary determination, discipline, evaluation, or compensation of a relative. A key decision does not include a decision that incidentally affects a relative among other employees.
3. "Supervise" means to make day-to-day decisions regarding the employment of a person employed by the Maricopa County Community College District, such as work assignments, change in responsibilities, work schedule, and other decisions in direction of such person.
4. Line of supervision includes all individuals who have the capacity to approve or determine the outcome of significant personnel actions that may impact an individual. Significant personnel actions include, but are not limited to employment, promotion, transfer, demotion, and disciplinary action.
5. "Employee" means a person employed by the Maricopa County Community College District, and includes, but is not limited to, any Governing Board-approved employee, student employee, and person employed under a special service employment.

HOLIDAYS [ALL EMPLOYEE GROUP MANUAL – A16]

Schedule of Paid Holidays

The following designated days are recognized holidays by the District:

- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day
- Friday following Thanksgiving
- Winter Recess
- Martin Luther King Day
- Presidents Day
- Spring Recess - 2 Days, Thursday and Friday
- Memorial Day

At the Chancellor's option, an additional holiday(s) may be declared during the fiscal year.

INDUSTRIAL COMPENSATION [ALL EMPLOYEE GROUP MANUAL – A10]

- The District will provide, at no cost to the employee, Industrial Compensation Insurance. Any injury to an employee during working hours will be reported immediately to his/her immediate supervisor. The employee and the supervisor will complete the necessary paperwork and forward to the Employee Benefits Department within twenty-four (24) hours for processing.

- An employee absent due to an industrial accident resulting in injury or illness to the employee will be allowed up to thirty (30) days absences without loss of pay and without loss of current or accumulated sick leave. During this thirty (30) day period the district will pay the employee the difference between the wage loss benefit check received under the Industrial Compensation laws of the state to equal his/her daily rate of pay. Beginning the thirty-first (31st) day, sick leave will be reduced by the amount of the difference between the total salary of the employee and the wage loss benefit check received by the employee. The employee will also cease accruing illness hours. At the exhaustion of all illness hours, the District will cease to pay the difference between the benefits check and the employee's full rate.
- Any employee off on Industrial Leave of Absence will return to his/her position provided the employee presents a full medical release.
- Failure to return to duty after an Industrial Leave will be grounds for termination from the District.

JURY DUTY [ALL EMPLOYEE GROUP MANUAL – A7]

- An employee recommended for jury duty or subpoenaed by the courts, which requires absences from assigned work shall notify his/her immediate supervisor of the summons or subpoena. A copy of the subpoena shall be retained by the supervisor and the original forwarded to the personnel file located in the Records and Information Center of the Employee Relations Department at the District Office. No employee will be dismissed or transferred from his/her position because of the length of jury duty.
- While serving on jury duty and away from assigned work, pay received for jury duty, exclusive of mileage paid, shall be turned over to the College Fiscal Office or the appropriate District officer, or a deduction of such amount earned shall be made from the salary of the employee.
- Time during the regularly scheduled work day (for the District) not required for jury duty is to be utilized in pursuit of District-assigned duties.

MILITARY LEAVE FOR ACTIVE DUTY [ALL EMPLOYEE GROUP MANUAL – A6]

- For MCCCED employees, a military leave for active duty will be treated as an Absence for Personal Reasons. Employee's are due the benefits as designated in their respective policies.
- Employees on a Military Leave will be paid the difference between their base salary with Maricopa and the total monetary compensation they are receiving from the Military for one year. The amount received will not exceed 100 percent of the employee's regular wages. One (1) copy of the employee's military orders must be presented to Employee Relations.
- Under the Uniformed Services Employment and Reemployment Act (USERRA, 38 United States Code §4301), an employer must hold an employee's job for up to five (5) years when an employee is called to active duty and the leave can be intermittent. The employee must give notice upon discharge from active duty.

MILITARY LEAVE FOR MILITARY TRAINING [ALL EMPLOYEE GROUP MANUAL – A5]

Arizona Revised Statutes provide for release of employees who are members of the Arizona National Guard or Reserve Units to attend periods of military training without jeopardizing their positions of employment.

jury duty

military leave—active

military leave—train

tax-sheltered accts

tuition waivers

National Guard or Reserve Training will be paid up to thirty (30) working days in a two (2) year period. One (1) copy of the employee's military orders must be presented to the Employee Relations Department to assure continuation of salary while on leave.

The training period will not be deducted from the vacation period with pay to which an employee is otherwise entitled and will be considered as a period of work performance in determining eligibility for vacation accrual.

TAX-SHELTERED ACCOUNTS [ALL EMPLOYEE GROUP MANUAL – A8]

The District has authorized the participation of the employees in tax-sheltered programs from those companies recommended by the Employee Benefits Advisory Committee and approved by the Governing Board in accordance with legal requirements. Further information may be obtained from the Employee Benefits Department at the District Office.

TUITION WAIVERS — EMPLOYEE AND DEPENDENT EDUCATIONAL ASSISTANCE [ALL EMPLOYEE GROUP MANUAL – A12]

Waiver of Fees

Pursuant to Arizona Revised Statutes §15-1445, the Maricopa Governing Board has approved the waiver of tuition and fees for the following categories of persons:

1. Full-time employees of the District
2. Spouses and dependent children of full-time employees (including those under employee's legal guardianship); and
3. Adjunct faculty members for a maximum of six (6) credit hours during the semester in which they teach. An adjunct faculty may elect to defer use of a waiver during a term that follows teaching, but the deferral must take place within the same fiscal year of the contract.

Tuition and fee waivers are limited to the per-credit-hour cost of classes and to out-of-county and out-of-state fees. Other fees, such as lab or towel fees, are not waived and must be paid by the employee.

Employee tuition waivers for classes that do not conflict with the employee's regularly scheduled work hours, and dependent tuition waivers should be handled through the fiscal office of the college where the classes are taken.

An eligible employee wishing to take a class that conflicts with his/her normal working hours of accountability must obtain the signatures of this/her supervisor and President/Provost/Vice Chancellor prior to presenting the completed form to the fiscal office. Approvals may be granted in accordance with the following:

1. There will be a limit of one (1) class per semester unless approved by the supervisor and President/Provost/Vice Chancellor.
2. The class must be offered only during the employee's regular work schedule.
3. Any change in the work scheduled must have the approval of the supervisor and President/Provost/Vice Chancellor.

**VOTING FOR PUBLIC ELECTIONS — VOTING RESPONSIBILITY
[ALL EMPLOYEE GROUP MANUAL – A9]**

Pursuant to Arizona Revised Statute §16-402, a person entitled to vote at a primary or general election that is held within Arizona may, on the day of the election, be absent from the service or employment at which he or she is employed for the purpose of voting if there are less than three consecutive hours between the opening of the polls and the beginning of the regular work schedule or between the end of the regular work schedule and the closing of the polls.

In such event, an employee may be absent for a length of time at the beginning or end of the work schedule that, when added to the time difference between the schedule hours and opening or closing of the polls, will provide a total of three consecutive hours. Employees will not be liable for any penalty, nor shall any deduction be made from their usual salary or wages because of such absence. This accommodation does not mean that the work schedule is reduced by three (3) consecutive hours, but instead that the poll opening and closing times are factored in accordance with the start or end of an employee's shift.

An employee shall make the request a time off accommodation for voting in writing prior to the day of election, and the supervisor may specify the hours during which the employee may be absent.

voting responsibility



board auxiliary policies

administrative leave

ADMINISTRATIVE LEAVE

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

az stu loan code

ARIZONA STUDENT LOAN CODE OF CONDUCT

A. Definitions

- 1. "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.

2. "College" means all colleges, skill centers, campuses, departments or other components of the Maricopa County Community College District, including alumni associations.
3. "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.

B. Employee Compensation Prohibition

No employee of 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.

"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.

C. 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.

D. 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:

1. 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);
2. avoid consulting or similar financial relationships with student loan lenders, and
3. comply with Maricopa's Conflict of Interest Policies & Procedures.

E. Institutional Compensation Prohibition

1. A College will not accept anything of value from a student loan lender in exchange for any advantage or consideration provided to the lender related to its education loan activity. This prohibition shall include, but not be limited 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 this paragraph, the College may accept assistance as contemplated by 34 CFR §682.200(b).
2. 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.

F. Preferred Lender List Requirements

1. **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.
2. **Required Disclosures.** A College shall prominently disclose on all publications of a preferred lender list:
 - a. the process and criteria by which the list was assembled;
 - b. comparative information regarding interest rates and other benefits offered by the lenders; and
 - c. that borrowers have the right and ability to select lenders not included on the list.
3. **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.
4. **Minimum Number of Lenders Required.** A College shall ensure that there are at least three (3) student loan lenders named on each preferred lender list which are not "affiliates" of each other, as described in 34 CFR §682.212(h)(3).
5. **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.
6. **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.
7. **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.

G. Promotion of Preferred Lenders Prohibited

A College shall not allow a lender included on a preferred lender 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 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.

H. 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.

I. Lender Restriction Prohibition

A College shall not restrict borrowers to any particular type of lender (e.g., those that process loans electronically).

J. 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.

K. 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.

L. Opportunity Loans

1. 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.
2. A College shall not certify student eligibility for an opportunity loan made available pursuant to an agreement between the College and a lender unless (i) the agreement includes the option of short term or partial loans not to exceed one year and (ii) 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.

M. 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.

N. Implementation

1. Maricopa shall publish the Arizona Student Loan Code of Conduct prominently on a Maricopa website within ten business days of its adoption by the Governing Board.
2. 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 following adoption of this Code. All new employees shall obtain such training 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.

AWARDING OF EMERITUS DISTINCTION

The Governing Board has adopted the following policy:

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

background checks

BACKGROUND CHECKS

- A. 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.
- B. A background check performed 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.

- C. 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.

COLLEGE COURSE MATERIALS

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

- A. 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:
1. free review copies, complimentary teacher editions or instructional materials that are not intended to be sold by any faculty, staff or bookstore.
 2. royalties or other compensation from the sale of course materials that include the faculty member's own writing or work.
 3. honoraria for academic peer review of course materials.
 4. training in the use of course materials and learning technologies.
- B. 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:
1. 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;
 2. 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.
 3. The copyright dates of the previous edition if the copyright dates do not appear in the course materials.
 4. A summary of the substantive content differences between the current edition of the course materials and the immediate previous edition.
- C. 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.
- D. 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:
1. The materials are, in the judgment of the employee, pertinent to the employee's academic discipline or professional responsibilities;
 2. 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;

college course materials

3. The employee at no time sells or trades the materials to any person or other entity, and disposes of the materials only by donating them to students or to the college library or another department within the Maricopa County Community College District.
- E. This policy shall not be construed in a manner that violates academic freedom.
- F. For purposes of this policy:
 1. "Book buyer" means any person or entity, including a university or community college district bookstore, engaged in the purchase or sale of course materials.
 2. "Bundled" means one or more course materials that are packaged together to be sold as course materials for a single price.
 3. "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.
 4. "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.
 5. "Publisher" means any publishing house, firm or company that produces course materials.
 6. "Sample copy" means any book that is the same as the regular student edition.
 7. "Substantive content" means portions of a college textbook, including new chapters, additional eras of time, new themes or new subject matter.
 8. "Written information" means information provided on print material. Written information includes electronic communication or publication on a website.

employment standards

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 commission 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 MCCCCD premises, while conducting MCCCCD business, or at any time which would interfere with the effective conduct of the employee's work for the MCCCCD; 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 MCCCCD 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 MCCCCD property, with malicious intent.
11. Performing acts or executing job responsibilities in a reckless manner that pose a threat to the physical safety of the employee or another person.
12. Failure by the College President, Vice Chancellor, Chancellor or other senior level administrators to notify appropriate law enforcement authorities of any potential theft of District funds or assets.

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

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

EXECUTIVE STEWARDSHIP

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:

- A. Progress toward the Governing Board Outcomes
- B. Progress toward College Goals including:
 1. Enrollment Management
 2. College Climate
 3. Diversity
- C. The Accomplishment of Personal Goals including:
 1. Executive Team Contributions
 2. Community and Professional Contributions
 3. Personal Improvement
- D. Demonstration of Public Stewardship and Ethics
- E. Progress toward Resource Development
- F. Accomplishments and Challenges

executive stewardship

INTERNATIONAL TRAVEL

- A. The MCCCCD Governing Board acknowledges that the Maricopa County Community Colleges are committed to international and intercultural education and globalization efforts. The Maricopa County Community Colleges include global education as an integral component of the District's mission, and seek to create an environment where teaching and learning is augmented and enhanced by international study and work opportunities for faculty and by student-centered educational opportunities that prepare students for successful participation in the global community. International travel is just one of the ways in which the MCCCCD mission for global education is accomplished.
- B. All international travel is subject to the rules and requirements stated in the existing Travel Regulations (Administrative Regulation 1.15 --Travel).
- C. The Chancellor of the Maricopa County 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 the program is not rigorous enough.
- D. Student education abroad and faculty exchange and curriculum development programs are considered mission critical and will be approved as long as the proposed programs meet the following criteria:

1. Student Education Abroad

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

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

- a. Title of the course(s), course description, number of credits, course competencies, and course content outline.
- b. Daily schedule of events, locally and abroad, indicating all of the activities of the course where contact hours are earned, including pre- and post-trip class meetings. The total number of contact hours awarded must be exactly that which is officially required for the course (1 credit requires at least 15 hours of classroom or other supervised instruction). Contact hours cannot be awarded for a "visit" or a "tour" unless those activities include a lecture, discussion, or other instructional activity.
- c. Justification, indicating why it is important for the course to be offered at the proposed destination and how the location supports the specific goals, objectives, and learning outcomes of the program as well as the mission of the Maricopa County Community Colleges.

After the program occurs, the faculty sponsor will submit a full written report to the District Vice Chancellor for Academic Affairs and

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

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

2. Faculty Exchanges and Curriculum Development Programs

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

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

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

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

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

- 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.

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.

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

POLICY ON INTERNAL CONTROL

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

A. Definition

The term "management" means:

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

B. Management Responsibility

MCCCDC management is charged with the responsibility for establishing a system of Internal Controls, Risk Management and organizational processes over the operations of MCCCDC in a manner which provides the MCCCDC 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 MCCCCD 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 & 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 & Finance Committee shall be chaired by a member of the community serving on the committee and the vice chair shall be a Maricopa County Community Colleges Governing Board Member who serves on the committee. The community member shall be a financial expert.
7. At least annually, the Audit & 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 County Community Colleges, except the Internal Audit Director.

D. Internal Audit Responsibility

MCCCCD's Internal Audit and Management Advisory Services Department (IAMAS) is charged with the responsibility for ascertaining that MCCCCD'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 & 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.

public stewardship

request public records

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 & 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. (Signatures Needed: Chair of Audit & Finance Committee; Chancellor; VC/ Business Services; VC/Human Services; VC/Academic & Student Affairs; VC/ Community Affairs; Other Chancellor’s Excecutive Council Member (CEC); All Other Persons Defined in this Policy; College President (CGCC); College President (EMCC); College President (GCC); College President (GWCC); College President (MCC); College President (PC); College President (PVCC); College President (RIO); College President (SCC); College President (SMCC))

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 only, one semester only, Skill Center and specially funded. 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.

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.

SPECIAL SERVICES EMPLOYMENTS

- A. Limited, temporary Special Services Employments allowing for additional compensation to Management, Administrative & Technological (MAT) or Residential Faculty employees for work beyond their normal hours of employment may be made upon the recommendation of a College President or, for the District Office, a Vice Chancellor, and the approval of a Vice Chancellor for Human Resources where one of the following conditions exists. Additionally, the terms of this policy apply to any and all other individuals having Special Services Employments:
 1. The employee possesses specialized knowledge or skills needed by an operating unit of the District which is not the employee's regular place of employment, and where the employee's workload does not permit "loaning" of services to the other unit during regular work hours; or
 2. The employee is part of a special project or contract between the District or a college and a corporate or government client and the client requests a temporary change of schedule to accommodate a special need; or
 3. The employee is part of a highly specialized program and possesses special skills which are not readily available elsewhere, the employer has additional assignments which are critical to the further development or maintenance of the specialized program, and the special assignment is not sufficient to warrant a full-time employee and requires skills that cannot be readily acquired on less than a full-time basis.
- B. Every Special Services Employment created pursuant to this policy shall be for a specified term, which shall not exceed twelve months. Work performed under such a Special Services Employment shall be performed outside the employee's normal work hours or hours of accountability, and shall not be within the scope of the employee's normal full-time employment.
- C. Employees and supervisors proposing Special Services Employments are required to provide specific, detailed information about the scope of work, objectives and outcomes of the employment and the person and title of person for whom the work is performed. Falsification of Special Services Employments can lead to employee discipline, including termination, for all parties involved.
- D. Supervisors are required to verify all existing Special Services Employments to determine that the employee reasonably can perform their normal work responsibilities as well as work to be performed under Special Services Employments. The Vice Chancellor for Human Resources may set forth certain limits on the number of hours of work performed under Special Services Employments in order to ensure that work can reasonably be performed and employees and supervisors shall observe these limits when establishing Special Services Employments.

special services

whistleblower

- E. Special Services Employments shall not be put into effect on a retroactive basis.
- F. Employees will be required to submit in writing a statement detailing how the objectives of the employment were met; this is to be signed by the supervisor and otherwise administered pursuant to guidelines established by the Vice Chancellor for Human Resources.
- G. Paragraphs 5.4 (regarding shift differentials) and 21.3 (regarding overtime pay and/or compensatory time) of the MAT policy manual shall not apply to the calculation of compensation for a Special Services Employment under this policy.
- H. This policy shall in no way diminish the rights of residential faculty regarding assignments beyond the regular contract as provided under the Residential Faculty policy manual.
- I. The Vice Chancellor for Human Resources, Vice Chancellors or College Presidents may delegate their responsibilities under this policy. Delegations shall be in writing and may not be delegated below the dean level or, for the District Office, the director level.

WHISTLEBLOWER PROTECTION

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

- A. 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").
- B. "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.
- C. 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).
- D. 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.
- E. 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).
- F. An adverse personnel action under this policy is defined as one of the following if the reason for the action was prior disclosure of alleged wrongful conduct to a public body:
 - Termination of employment
 - Demotion with salary reduction
 - Imposition of suspension without pay
 - Receipt of written reprimand

- Failure to appoint, promote or reemploy
 - Negative performance evaluation
 - Withholding of appropriate salary adjustments
 - Involuntary transfer or reassignment
 - Elimination of the employee's position absent a reduction in force, reorganization or by reason of a decrease or lack of sufficient funding, monies or workload
 - Significant change in duties or responsibilities which is inconsistent with the employee's salary or grade level
- G. An employee or former employee (an employee who has been dismissed) who believes he or she has been subjected to an adverse personnel action based on prior disclosure of alleged wrongful conduct may protest the action by filing a claim of retaliation and having it considered in accordance with the following procedures:
1. 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.
 2. 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.
 3. 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.
 4. 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.
 5. 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.
 6. 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.
 7. All parties at the hearing may be represented by counsel.
 8. 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.
 9. 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.

10. Complaints against the Governing Board or an appeal of the decisions made in accordance with this policy must be filed in Superior Court.
- H. 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 2 of this policy; persons seeking whistleblower protection may avail the services of the public body as defined in section 2.
- I. 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.
- J. 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.

workplace violence prevention

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 County 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 County Community Colleges to report any occurrence of such conduct. Every employee, student and visitor on Maricopa County 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 County 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.



administrative regulations

[Bracketed number references the Administrative Regulation Reference Number.]

abuse-free environment

ABUSE-FREE ENVIRONMENT [AR 2.4.7]

A. Substance Abuse/Misuse Statement

Drug abuse and misuse has become a national issue and is receiving national attention, particularly in the academic community. The insidious effects of the abuse of these agents are also felt by all walks of life and economic levels. Therefore, as an education-providing institution, we are responsible to provide knowledge and guidelines about prevention, control, and treatment of the abuse/misuse of alcohol, illegal and legal drug uses and misuses.

This policy statement has been constructed on the belief that higher education has a responsibility to face safety and health factors of substance abuse/misuse issues forthrightly and innovatively. We believe that the community college needs to adapt programs applicable to their community as well as to our individual student's needs. The policy statements should be comprehensive, understood by those expected to comply, realistic and enforceable, consistently applied, and cover foreseeable dangers.

Construction of this statement has been founded on concerns of individual safety, educational quality, and legal liability. It is recognized that each individual is responsible for his/her actions and must be afforded an opportunity to develop knowledge, skills and talent, and be willing to share community responsibilities. The Maricopa County Community College District has an equal "duty to care" responsibility and a commitment to substance abuse/misuse education for all students and employees.

The Maricopa County Community College District shall:

1. Visibly demonstrate a performance of its "duty to care."
2. Comply with requirements for federal funds.
3. Describe what the college does about substance abuse/misuse (alcohol, drugs, anabolic steroids).
4. Inform/educate members of the academic community of adverse effects of these substances.
5. Inform/educate the academic community about the policies concerning substance misuse and abuse.
6. Discourage illegal drug abuse and legal substance misuse.
7. Provide individual and group counseling.
8. Provide assistance and guidance to obtain treatment and rehabilitation of any identified problem.

To achieve these objectives, the program must provide an environment capable of:

1. Developing and implementing substance misuse/abuse prevention programs.
2. Providing educational training and prevention programs for the college and community it serves.

3. Providing timely and accurate information dissemination.
4. Establishing supportive counseling programs as needed.
5. Establishing a strong on-going evaluation of services.
6. Providing assistance to obtain treatment and rehabilitation of substance abuse/misuse.
7. Clarifying the college regulations for control of alcohol and drug use.
8. Providing procedures that the college will follow to correct and stabilize emergency situations.

Each college will identify key people to provide emergency services and to contact and work with outside agencies.

The Maricopa County Community College District is committed to establishing a preventative substance abuse program at each college designed to affect positively the problems of irresponsible use of alcohol and the use and abuse of illegal substances. A main focus of the program will be on education of the campus community and assistance to individuals.

The Maricopa County Community College District fully supports disciplinary action for misconduct and the enforcement of state laws governing the use of alcohol and the use, abuse, possession or distribution of controlled substances or illegal drugs.

B. Student Program to Prevent Illicit Use of Drugs and Abuse of Alcohol

1. Introduction and Purpose

The Federal Drug-Free Schools and Communities Act of 1989 (Public Law 101-226) requires federal contractors and grantees to certify that they will provide a drug-free school. As a recipient of federal grants, the District must adopt a program toward accomplishing this goal. While federal legislation has been the impetus for creation of the program, the administration and Governing Board recognize that substance abuse is a problem of national proportions that also affect students at the Maricopa Community Colleges. Based upon that concern, it is intended that this program on prevention of alcohol and drug abuse on college campuses will go beyond the strict dictates of the law and will serve as a comprehensive educational and resource tool.

The Maricopa Community Colleges are committed to maintaining learning environments that enhance the full benefits of a student's educational experience. The Maricopa County Community College District will make every effort to provide students with optimal conditions for learning that are free of the problems associated with the unauthorized use and abuse of alcohol and drugs. Part of the educational mission of the Maricopa Community Colleges, in conjunction with this program, is to educate students about positive self-development, the benefits of a healthy lifestyle and the health risks associated with substance abuse.

The purpose of this program is to:

- a. Ensure that the Maricopa County Community Colleges working and learning environment for students and the public is safe, orderly and free of illegal activity.
- b. Comply with the Drug-Free School and Communities Act of 1989, and other relevant substance abuse laws.
- c. Provide students with access to appropriate treatment and rehabilitation assistance for problems associated with substance use or abuse.

2. Standards of Conduct

In the student handbooks of the Maricopa County Community Colleges under codes of conduct, the following are examples of behavior that is prohibited by law and/or college rules and policies:

- a. Drinking or possession of alcoholic beverages on the college campus.
- b. Misuse of narcotics or drugs.

3. Sanctions for Violation of Standards of Conduct

Disciplinary actions include, but are not limited to:

- a. Warning
- b. Loss of privileges
- c. Suspension, or
- d. Expulsion

4. Legal Consequences of Alcohol and Other Drugs

a. Laws Governing Alcohol

The State of Arizona sets twenty-one as the "legal drinking age." An underage person who buys, receives, possesses or consumes alcoholic beverages is guilty of a misdemeanor and may be subject to a fine and imprisonment for up to six months.

Arizona Revised Statutes, Title 28, Chapter 4, Article 3 prohibit driving while under the influence of intoxicating liquor or drugs (DWI). Drivers arrested for a DWI who refuse to be tested face suspension of their licenses or permits to drive for twelve months. A driver whose test results show a blood or breath alcohol concentration of 0.08 or more will, on conviction for a first offense, be sentenced to no less than ten days in jail, pay a fine of not less than \$250, pay an additional assessment of \$1,000 and may be required to perform community restitution and equip his or her vehicle with a certified ignition interlock device. On conviction of a second offense within 84 months, the person shall have his/her driving privilege revoked for one year. Additionally, the person shall be sentenced to not less than 90 days in jail, pay a fine of not less than \$500, pay an assessment of \$2,500 and shall be ordered to perform at least 30 hours of community restitution. Additionally, the person may be required to equip his or her vehicle with a certified ignition interlock device for up to twelve months starting on the date that his or her driving privileges are restored.

b. Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

First conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. (21 United States Code §844)

After one prior drug conviction: At least fifteen days in prison, not to exceed two years, and fined at least \$2,500 but not more than \$250,000, or both. (21 United States Code §844)

After two or more prior drug convictions: At least ninety days in prison, not to exceed three years, and fined at least \$5,000 but not more than \$250,000, or both. (21 United States Code §844)

Special sentencing provisions for possession of crack cocaine (21 United States Code §844):

1. Mandatory at least five years in prison, not to exceed twenty years, and fined up to \$250,000, or both, if:

- a. First conviction and the amount of crack possessed exceeds five grams.
 - b. Second conviction and the amount of crack possessed exceeds three grams.
 - c. Third or subsequent crack conviction and the amount of crack possessed exceeds one gram.
2. Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack.) (21 United States Code §853)
 3. Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance. (21 United States Code §§853 and 881(a)(4))
 4. Civil fine of up to \$10,000 (pending adoption of final regulations). (21 United States Code §884(a))
 5. Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses. (21 United States Code §862)
 6. Ineligible to receive or purchase a firearm. (21 United States Code §922(g))

Miscellaneous: Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Note: These are only some of the Federal penalties and sanctions.

C. State Penalties and Sanctions

Title Thirteen, Chapter 34 of the Arizona Revised Statutes lists drug offenses and their penalties. Following is list of drugs that are frequently misused with a description of the potential penalties attached to a conviction.

1. Marijuana: A first offense for possession or use of marijuana in an amount of less than two pounds constitutes a class 6 felony and carries a possible prison term of one year and a fine of not less than \$750. The sale of marijuana in an amount of less than two pounds constitutes a class 3 felony and carries a prison sentence of three and one-half years and a fine of no less than \$750. There are other possible penalties as well. (A.R.S. §13-3405)
2. LSD and Methamphetamine: Possession, use and sale are felonies carrying sentences from four to five years and fines of not less than \$1,000. There are other possible penalties as well, including a presumptive sentence of ten years for the sale of methamphetamine. (A.R.S. §13-3407)
3. Heroin and Cocaine: Possession, use and sale are felonies carrying sentences up to five years and a fine of not less than \$2,000. There are other possible penalties as well. (A.R.S. §13-3408)

alcoholic beverages

ALCOHOLIC BEVERAGES – USAGE REGULATION [AR 4.13]

This Administrative Regulation prohibits the use of District funds to purchase alcoholic beverages or services related to them except in small amounts to be used in cooking for the District's culinary programs. Additionally, it generally prohibits the presence of alcoholic beverages on premises owned by the District, or those

leased or rented by the institution. It permits a few, narrow exceptions to that latter prohibition. The exceptions are not available to the general population of District employees or officials. More importantly, they are established to ensure that the District's actions stay within the boundaries of state law and the District's insurance coverage. Therefore, strict compliance with this regulation is essential.

- A. No Funds.** No funds under the jurisdiction of the governing board of the District may be used to purchase alcoholic beverages, except for the limited purposes of purchasing small amounts of them for use solely as ingredients in food preparation for classes and at the District's culinary institutes. Alcoholic beverages may not be stored on premises owned, leased, or rented by MCCCC except as provided in Paragraph H.
- B. No Service or Sale of Alcoholic Beverages.** The law of the state of Arizona strictly regulates the service, sale, distribution and consumption of alcoholic beverages. In light of that law, the District does not permit alcoholic beverages to be served, sold or distributed on or in the premises owned by the District or leased or rented by the Maricopa Community Colleges for District-approved educational, fund-raising or other community purposes, except as provided in Paragraphs C and G.
- C. Service at District Events on District-owned Property.** The Chancellor has the sole authority to approve the service, but not the sale or other distribution, of wine or beer at District events on district-owned property that the Chancellor either sponsors or approves. The only District employees authorized to request the Chancellor's approval are the College Presidents and the Vice Chancellors. Additionally, the law strictly limits the service of wine or beer by the District on District-owned property, and those restrictions are specified in Paragraph E. Unless approved by the Chancellor in compliance with the law and this regulation, alcoholic beverages may not be served on District-owned property.
- D. Event Form Required.** A College President or Vice Chancellor who wishes to obtain the Chancellor's approval for the service of wine or beer at a District-sponsored event on District-owned property shall forward a completed written request to the Chancellor no later than 30 days before the event. The request form is available at: [AS-6 - Notice of Intent to Serve Beer and Wine](#). On signing the form, the Chancellor will provide a copy of it to the requestor and to the MCCCCD Risk Manager. For events that the Chancellor sponsors, he or she will complete the form, sign it and provide it to the MCCCCD Risk Manager no later than 10 business days before the event. The MCCCCD Risk Manager will forward copies of the forms to the Arizona Department of Liquor Licenses and Control.
- E. Service restrictions required by law.** An event approved under Paragraph D must, by law, comply with the all of the following restrictions:
1. The only alcoholic beverages that may be served and consumed are wine and beer. Wine consumption is limited to 6 oz. per person, and beer consumption is limited to 24 oz;
 2. The gathering must be by invitation only, and not open to the public;
 3. The gathering may not exceed 300;
 4. Invitees may not be charged any fee for either the event or the beer or wine; and
 5. The consumption may only take place between noon and 10:00 p.m.

Additionally, beer and wine may only be served by a beverage service contractor whose liquor license with the state of Arizona is in good standing, except as provided in Paragraph F. The contractor must provide all of the beverages served and well as the servers or bartender. Before the event, the contractor must provide a certificate of insurance that meets the requirements

of the District's Risk Manager and that adds the District as an additional insured. The contractor must also agree in writing to indemnify the District regarding the service of the beverages.

F. Culinary Institutes. The Chancellor may sponsor or approve an event at one of the District's culinary institutes. Students may serve wine and beer at the event as part of their class requirements, subject to the limitations of Paragraph E. Any student serving those beverages must, by law, be 19 years or older.

G. Third-Party Event. The Maricopa County Community College District foundation and the friends of public radio Arizona may, with the approval of the Chancellor, sponsor an event on District-owned property under this regulation. The City of Phoenix and the friends of the Phoenix Public Library may also do so, with the approval of the Chancellor, at the joint library on the campus of South Mountain Community College.

These third-party, non-district entities are solely responsible for determining the steps that they are required to take to comply with Arizona's alcoholic beverages laws. Additionally, they must comply with the following steps:

1. The entity obtains a liquor license from the Arizona Department of Liquor Licenses and control for each event and fully complies with the laws, rules and other requirements applicable to that license;
2. The entity completes the form available at [AS-7 - Request to Serve - Third Party](#) and provides it to the Chancellor for approval along with a copy of the liquor license no later than 60 days before the event;
3. The entity provides a certificate of insurance demonstrating that it has liquor liability coverage and that it adds the District as an additional insured;
4. The entity agrees in writing to indemnify the District from any claims of any kind arising out of the event;
5. Beer and wine are the only alcoholic beverages served and only served through a beverage service contractor whose liquor license with the state of Arizona is in good standing;
6. The contractor provides all of the beverages served and well as the servers or bartenders;
7. Before the event, the contractor provides a certificate of insurance that meets the requirements of the District's Risk Manager and that adds the District as an additional insured; and
8. The contractor agrees in writing to indemnify the District regarding the service of the beverages.

H. Receipt of beverages; storage. It is not permissible to store wine or beer on premises owned, leased or rented by MCCCCD, except as provided in this paragraph. Alcoholic beverages purchased for use in cooking in District culinary courses must be stored in such a way that it is inaccessible to anyone except the Director or designee of the culinary program. For wine and beer to be used for receptions at the district's culinary institutes, as authorized by this administrative regulation, the following storage requirements apply:

1. Wine and beer to be served may only be brought to MCCCCD property no sooner than four hours prior to the event, and remain there no longer than four hours after the event; and
2. Once the wine and beer arrives on MCCCCD property, the Director of the culinary program shall assign an MCCCCD employee to ensure that it is not stolen or that it is not opened until ready to be served.

- I. Compliance with law.** In compliance with applicable law, any persons planning an event under this administrative regulation are required to familiarize themselves with the pertinent laws and other requirements established by the state of Arizona for the service of alcoholic beverages, particularly those in Arizona Revised Statutes Title 4 (Alcoholic Beverages) Chapters 1 (General Provisions), 2 (Regulations and Prohibitions) and 3 (Civil Liability of Licensees and Other Persons) as well as Arizona Administrative Code Title 19, Articles 1 (State Liquor Board) and 3 (Unlicensed Premises Definitions and Licensing Time-Frames).
- J. Residential Housing.** Lawful occupants of residential housing under the jurisdiction of the Governing Board, if over the age of 21 years and not otherwise lawfully barred from such practice, may possess and consume alcoholic beverages in the privacy of their respective leased housing facility. Guests of such occupants over the age of 21 years shall have the same privilege. No alcohol is permitted in public areas (nor common areas of a dormitory) at any time.
- K. Personal Responsibility.** The personal or individual purchase of alcoholic beverages by individuals attending District-approved functions held in places serving alcoholic beverages is a personal and individual responsibility. Administrative discretion shall be exercised in the approval of the location of such activities, as such decision pertains to the nature of the group involved.

CHILDREN ON CAMPUS [AR 2.4.10]

- A. Children (younger than 18) may not attend any class unless they are officially registered for the class.
- B. Children will not be allowed on campus unless participating in an authorized college program or under the supervision of an adult.

COMPUTER SOFTWARE [AR 4.5]

Statement on Computer Software

Just as there has been shared responsibility in the development of this regulation, so should there be shared responsibility for the resolution of the problems inherent in providing and securing good educational software. Educators have a valid need for quality software and reasonable prices. Hardware developers and/or vendors also must share in the effort to enable educators to make maximum cost-effective use of that equipment. Software authors, developers and vendors are entitled to a fair return on their investment.

A. Educators' Responsibilities

Educators need to face the legal and ethical issues involved in copyright laws and publisher license agreements and must accept the responsibility for enforcing adherence to these laws and agreements. Budget constraints do not excuse illegal use of software.

Educators should be prepared to provide software developers or their agents with the written Software Policy Statement approved by the Maricopa County Community College District including as a minimum:

1. A clear requirement that copyright laws and publisher license agreements be observed;
2. A statement making employees who use Maricopa County Community College District equipment responsible for taking all reasonable precautions to prevent copying or the use of unauthorized copies on Maricopa County Community College District equipment;

children on campus

computer software

3. An explanation of the steps taken to prevent unauthorized copying or the use of unauthorized copies on Maricopa County Community College District equipment;
4. A designation that the Vice Chancellor for Business Services or designee are the only parties authorized to sign software license agreements for the Maricopa County Community College District;
5. A designation at the campus site level of who is responsible for enforcing the terms of the Maricopa County Community College District regulation and terms of licensing agreements.

B. Hardware Vendor's Responsibilities

Hardware vendors should assist educators in making maximum cost effective use of the hardware and help in enforcing software copyright laws and license agreements. They should as a minimum:

1. Make efforts to see that illegal copies of programs are not being distributed by their employees and agents;
2. Work cooperatively with interested software developers to provide an encryption process that avoids inflexibility but discourages theft.

C. Software Developer's and Vendor's Responsibilities

Software developers and their agents can share responsibility for helping educators observe copyright laws and publishers license agreements by developing sales and pricing policies.

Software developers and vendors should as a minimum:

1. Provide for all software a copy to be used for back-up purposes, to be included with every purchase;
2. Provide for on-approval purchases to allow Maricopa County Community College District to preview the software to ensure that it meets the needs and expectations of the educational institution;
3. Work in cooperation with hardware vendors to provide an encryption process that avoids inflexibility but discourages theft;
4. Provide for, and note in advertisements, multiple-copy pricing for Maricopa County Community College District sites with several machines and recognize that multiple copies do not necessarily call for multiple documentation;
5. Provide for, and note in advertisements, network compatible versions of software with pricing structures that recognize the extra costs of development to secure compatibility and recognize the buyer's need for only a single copy of the software.

D. Software Policy Statement

It is the intent of the Maricopa County Community College District to adhere to the provisions of copyright laws in the area of computer programs. Though there continues to be controversy regarding interpretation of those copyright laws, the following procedures represent a sincere effort to operate legally.

We recognize that computer software piracy is a major problem for the industry and that violations of computer copyright laws contribute to higher costs and greater efforts to prevent copies and/or lessen incentives for the development of good educational software. All of these results are detrimental to the development of effective educational uses of microcomputers. Therefore, in an effort to discourage violation of copyright laws and to prevent such illegal activities the following apply:

1. Maricopa County Community College District employees will be expected to adhere to the provisions of Public Law 96-517, Section 10(b) which

amends Section 117 of Title 17 of the United States Code to allow for the making of a back-up copy of computer programs. This states that "... it is not an infringement for the owner of a copy of a computer program to make or authorize the making of another copy or adaptation of that computer program provided:

- a. that such a new copy or adaptation is created as an essential step in the utilization of the computer program in conjunction with a machine and that it is used in no other manner, or
 - b. that such a new copy and adaptation is for archival purposes only and that all archival copies are destroyed in the event that continued possession of the computer program should cease to be rightful."
2. When software is to be used on a disk sharing system, efforts will be made to secure this software from copying.
 3. Illegal copies of copyrighted programs may not be made or used on Maricopa County Community College District equipment.
 4. The Vice Chancellor for Business Services or designee of the Maricopa County Community College District is designated as the only individual who may sign license agreements for software.
 5. The president of each college of the Maricopa County Community College District is responsible for establishing practices that will enforce this regulation at the college level.

It is the policy of the Maricopa County Community College District that no person shall use or cause to be used in the Maricopa County Community College District's computer laboratories any software that does not fall into one of the following categories:

1. It is in the public domain.
2. It is covered by a licensing agreement with the software author, authors, vendor or developer, whichever is applicable.
3. It has been donated to the Maricopa County Community College District and a written record of a bona fide contribution exists.
4. It has been purchased by the Maricopa County Community College District and a record of a bona fide purchase exists.
5. It has been purchased by the user and a record of a bona fide purchase exists.
6. It is being reviewed or demonstrated by the users in order to reach a decision about possible future purchase or request for contribution or licensing.
7. It has been written or developed by a Maricopa County Community College District employee for the specific purpose of being used for District purpose.

It is also the policy of the Maricopa County Community College District that there be no copying of copyrighted or proprietary programs on computers belonging to the Maricopa County Community College District.

CONCEALED WEAPONS POLICY [AR 4.6]

All persons who attend classes, are employed by the District/college, are visiting the District/campus or who otherwise have business within MCCCCD are prohibited from carrying concealed weapons on their person or in their vehicles or concealed within their immediate control.

The above persons are also prohibited from carrying or possessing any type of deadly weapon, edged weapon, dangerous instrument or martial arts weapon, as defined in ARS §13-105.11, §13-105.13, §13-105.17 and §13-3101.7.

concealed weapons

These items include, but are not limited to: all firearms, sheath knives, boot knives, swords, pocket knives or folding knives with a blade length greater than three (3) inches, crossbows, long bows, compound bows, sling shots, any instrument under the circumstances of use that could cause death or serious injury, nuunchakus (numbchucks), throwing stars, darts, throwing knives and related martial arts weapons.

The above listed persons are also prohibited from carrying or possessing any type of explosive or explosive devices as defined in ARS §§13-3101.3 and 13-3101.7a, f through h. This section also prohibits the possession of all ammunition and ammunition components.

A. Persons excluded from this policy:

1. Any certified peace officer, currently employed by a law enforcement agency
2. Upon the approval of the Chancellor/or appropriate College President or president's designee, any person possessing a weapon for the purpose of teaching firearm safety, hunter safety, martial arts, law enforcement procedures or related course
3. Upon approval of the Chancellor/or appropriate College President or president's designee, any person possessing a weapon for the purpose of demonstrating, for educational purposes, any of the above stated weapons
4. Any person otherwise approved by the Chancellor/or appropriate College President or president's designee

B. Sanctions for Violations*: Failure to comply with this policy may result in, but is not limited to:

1. Removal or ejection from the properties of the institution at which the violation occurs by public peace officers and/or authorized representatives of the concerned institution;
2. Criminal prosecution;
3. Suspension or expulsion from the concerned institution and/or all institutions within the MCCCDC, and civil and/or criminal prosecution.

* Sanctions will be in accordance with the MCCCDC Student Policies and Procedures manual.

CONSENSUAL RELATIONSHIPS [4.18]

A. General

The existing Governing Board Policy on Hiring of Relatives prohibits employees from being involved in any employment or key decision that involves a relative. This would include work performance, job assignments, or pay related matters. In that such relationships can create a conflict with the interests of the Maricopa Community Colleges, and the increased potential for nepotism and favoritism, the same principles also apply in the case of consensual amorous, romantic and/or sexual relationships that occur between employees or between employees and students.

In the work and academic environment, such a relationship that might be appropriate in other circumstances is inappropriate if one of the individuals in the relationship has a professional responsibility toward, or is in a position of authority with respect to, the other, such as in the context of supervision, instruction, coaching, counseling or advisement. An element of power is present in such a context and it is incumbent upon those with authority not to abuse that power. In addition, consensual relationships may yield to third parties the appearance that unfair bias or favoritism towards the student or supervisee is taking place.

1. Definitions

- a. Consensual relationships are defined as romantic, amorous and/or sexual relationships between consenting employees or between employees and adult (18 years or older) college students currently enrolled at one of the community colleges.
- b. An employee is any individual who is employed by the Maricopa County Community College District (MCCCD). An employee includes an individual who is subject to an established employee job group policy manual, whether regular, full-time board approved, at-will, part-time, and/or temporary. An employee also includes a contract worker (special services employment, request for personnel services) working or serving as an agent or designee on behalf of the MCCCD.
- c. A student is considered to be any person currently enrolled in a credit or non-credit class at one of the colleges or centers within the Maricopa County Community College District.
- d. A vendor is someone who sells or can sell products or services to the Maricopa County Community College District.
- e. A recent consensual relationship is considered to be one that has taken place within the past 24 months.

2. Prohibited Conduct

- a. An employee shall not maintain, engage in or be involved in a consensual relationship with another employee who is subject to that individual's supervision or with a student that is currently enrolled in the individual's class, or a student whom the individual otherwise instructs, coaches, counsels or advises, or with a vendor if the employee manages that contract or otherwise exerts influence over the contract.
- b. The Governing Board recognizes that the personal life of its employees is not a concern of the institution, and therefore, this regulation does not seek to prohibit romantic relationships that exist between parties where the context of power-authority between employees or between employees and students is not present; and provided that the relationship does not affect the employee's effectiveness in fulfilling his or her professional obligation. For these instances, appropriate measures should still be taken in order to avoid conflicts of interest from occurring. For relationships that may exist prior to the time that either a student or employee is placed in a situation of instruction or supervision that is considered to be a conflict of interest, the employee(s) involved shall disclose and take immediate measures to avoid the conflict or appearance of conflict.

B. Procedures for Disclosure

Employees should first avoid allowing an inappropriate consensual, amorous or sexual relationship to develop with a supervisee or student.

1. Where the employee is already in or has had a recent consensual relationship with a supervisee, the following procedures shall be followed:
 - a. Immediate disclosure by the employee of the relationship to their supervisor and to the appropriate Vice President or Vice Chancellor in order to ensure that any conflicts of interest have been adequately addressed.

- b. The respective administrator responsible for the department or division shall place the subordinate under alternate supervision when a supervisor under his/her direction has or has had a recent consensual relationship with the employee.
 - c. The supervisor shall recuse himself or herself from any discussions or involvement with decisions related to evaluations, promotion, hiring, determination of salary, or continuation of contract or employment.
 - d. The respective Vice President or Vice Chancellor shall prepare and retain a report that specifies the appropriate alternate arrangements that have been made to eliminate the conflict of interest. The EEO/AA Office shall be provided a copy of the report along with the employees involved in the relationship.
2. Where the employee is already in or has had a recent consensual relationship with a student prior to enrollment in his or her class, the following procedures shall be followed:
- a. The faculty member shall counsel and advise the student not to enroll in his or her course.
 - b. The Consensual Relationships Policy will be made available to students via the student handbook and other appropriate communications vehicles.
 - c. If it is not possible for a student to enroll in another course, section, or course and section at another college due to a requirement for completion of a degree or certificate and no other academic option is available, disclosure of the relationship will be made to the appropriate Department Chair, Dean and Vice President of Academic Affairs or Vice President for Student Affairs as appropriate for review. The Vice President will refer the matter to the Vice Chancellor for Academic and Student Affairs for consideration. The Chancellor or his/her designee may allow a student to enroll in the class only upon a showing by the student that the enrollment is necessary to avoid an extreme hardship, and upon a showing by the college President or designee that the academic integrity of the student's enrollment in the class will nevertheless be maintained.
- C. Persons who are married, or were married, are included within the definition of persons that have or who have had a consensual amorous relationship. Disclosure in this instance may be made via the Maricopa Disclosure process at www.maricopa.edu/disclosure/.
- D. An employee who fails to follow the requirements established in this policy and who does not withdraw from participation in activities or decisions that may reward or penalize a supervisee or student with whom the employee has or has had a recent consensual amorous relationship, will be considered in violation of policy and will be addressed in accordance with established processes in job group policy manuals.

copyright

COPYRIGHT REGULATION [AR 3.2]

- A. It is the intent of the Governing Board of the Maricopa County Community College District to adhere to the provisions of the U.S. Copyright Law (Title 17, United States Code Section 101 et seq.). Though there continues to be controversy regarding interpretation of the Copyright Law, this policy represents a sincere effort by the Board to operate legally within the District.
- B. The Governing Board directs the Chancellor or his designee(s) to develop and distribute to employees guidelines that (1) clearly discourage violation of the

Copyright Law and (2) inform employees of their rights and responsibilities under the Copyright Law.

- C. Each College President or provost and the Chancellor shall name an individual(s) at each District location who will assume the responsibilities of distributing copyright guidelines, act as a resource person regarding copyright matter and provide training programs on current copyright laws.
- D. Employees are prohibited from copying materials not specifically allowed by the (1) Copyright Law, (2) fair use guidelines, (3) licenses or contractual agreements, or (4) other permission.
- E. The Governing Board disapproves of unauthorized duplication in any form. Employees who willfully disregard this Board policy and/or the aforementioned copyright guidelines do so at their own risk and assume all liability for their actions.
- F. In order to assist employees and students in complying with the Copyright Law, appropriate notices shall be placed on or near all equipment capable of duplicating copyrighted materials.

DOMESTICATED ANIMALS ON CAMPUS [AR 3.9]

Recommendation

Implement a formal administrative regulation that addresses instances where animals are permitted on campus. This item would take the place of language titled "Pet Policy" that presently appears in student handbooks and instead be placed within the INSTRUCTION SECTION of the administrative regulations.

Responsibilities

Animals, including pets, are prohibited on campus with the exception of service animals as defined by the Americans with Disabilities Act (ADA), and service-animals-in-training that are part of a certified or accredited program that is recognized within the service animal industry to train animals in compliance with the Americans with Disabilities Act; animals for instructional purposes as approved by the appropriate district or college authority, and working dogs used by a law enforcement agency for law enforcement purposes. Animals in training must be clearly identified (i.e., wearing a vest) and prior permission of the college's administration shall be obtained in advance. During work and classroom hours, no more than one service-animal-in-training is permitted on site per employee or student.

The ADA defines service animals as those that are individually trained to provide assistance to any individual with a disability. If animals meet this definition, they are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government. This does not include animals for emotional support. Service animals and service animals in training shall be leashed and remain under the owner's or caretaker's control at all times.

Animals that are used specifically to further an instructional purpose as part of a college or district program are permitted at the college and may also be kenneled at that location. These animals shall be kenneled and handled in such a way that does not pose a danger to any person on campus. Any injuries resulting from interaction with these animals shall be reported immediately to the College Public Safety Department for documentation. Injuries may also be subject to reporting with the Maricopa County Animal Care and Control

ELECTRONIC COMMUNICATIONS [AR 4.3]

A. General Statement

Electronic messaging services at the Maricopa County Community College District (MCCCD) are provided to support education, research, scholarly communication, administration and other MCCCD business. Electronic

domesticated animals

electronic communication

communication is not different from any other form of communication and is subject to all applicable federal and state regulations and MCCCCD administrative regulations.

As is the case with other technology resources, electronic messaging services are shared among the entire MCCCCD community. Everyone using electronic messaging services should be considerate of the needs of others, and be certain that nothing is done to impede anyone else's ability to use this service. All electronic messages must contain the name and electronic mail address of the person making the information available – no anonymous information may be sent.

B. Application of Other Policies

1. All policies applied generally at MCCCCD are expressly applicable to the electronic environment. Policies that apply to the use of MCCCCD resources, including equipment and time also apply to electronic messaging. Relevant institutional policies include, but are not limited to:
 - a. MCCCCD Governing Board policies
 - b. MCCCCD Administrative Regulations
 - c. Employee policy manuals
 - d. Student Code of Conduct
 - e. Confidentiality of student records
 - f. Sexual harassment policy
 - g. General Standards Governing use of Maricopa County Community College District Technology Resources (Technology Resource Standards)
2. This is not a comprehensive list of applicable MCCCCD policies. Any policy which applies to the use of MCCCCD resources, including equipment and time, also applies to electronic messaging. In the event of a conflict between policies, the more restrictive use policy shall govern.
3. MCCCCD colleges and operational units may develop additional "conditions of appropriate use" for local computing and network facilities to supplement the Technology Resource Standards with additional detail, guidelines or restrictions. Such conditions must be consistent with and subordinate to the general computing standards.

C. Specifically Acceptable Uses

1. Communications with local and foreign educators, students, administrators, researchers and colleagues in connection with instruction or research
2. Communication and exchange for scholarly development, to maintain currency, or to debate issues in a field or sub-field of knowledge
3. Use in applying for or administering grants or contracts for research or instruction, but not for non-Maricopa public relations activities
4. Announcements of new products or services for use in research, college administration, student services, or instruction but not commercial advertising of any kind
5. Factual vendor communication relevant to official MCCCCD business
6. Communication incidental to otherwise acceptable use, except for illegal or specifically unacceptable use

D. Specifically Unacceptable Uses

1. Using electronic messaging for illegal activities is strictly prohibited
2. Use for for-profit activities (sales, consulting for pay, and so on) or use by for-profit institutions unless covered by the general principle, or as one of the specifically acceptable uses

3. Use for private or personal business in violation of MCCCCD policies
4. Chain letter, or any illegal schemes or activities
5. Mailings to large numbers of people that contain unwanted solicitations or information; these mailings are often referred to as "spams" or "letter bomb", etc
6. Communication that constitutes harassment
7. Anonymous mailings, or mailings which impersonate another individual
8. Allowing anyone else to use your account
9. Any communication which adversely impacts the communications of MCCCCD by over-loading the network

E. Confidentiality

The confidentiality of electronic messaging cannot be assured, and any confidentiality may be compromised by access consistent with applicable law or policy, including this policy, by unintended redistribution, or due to current technologies inadequate to protect against unauthorized access. Users, therefore, should exercise extreme caution in using electronic messaging to communicate confidential or sensitive matters, and should not assume that their electronic messaging is private or confidential.

In addition, MCCCCD is subject to public records statutes that require state agencies, political subdivisions and other governmental entities to make available records they maintain – both paper and electronic – for public inspection.

F. Complaint Procedures

Persons experiencing misuse, abuse, harassment or other incidents related to the technologies which they cannot pursue on their own should report the matter to the supervisor, designated college (IT) personnel or to the authority at the company or service from which the sender is transmitting. Violations of privacy or property involving the technology may be reported, even if the perpetrator is not a member of the college community.

G. Enforcement of Policy

Engaging in any activity that violates the Technology Resource Standards can result in the loss of access privileges or other discipline as defined in other sections of these standards or other relevant policies. Supervisors, college presidents or their designees, should take necessary steps to ensure that employees under their supervision have notice of, and will comply with this regulation and any protocols of the MCCCCD electronic communications network, as issued by the vice chancellor of information technology, college president or designee. Issues related to enforcement of policy will be addressed in accordance with established processes in job group policy manuals.

ELECTRONIC COMMUNICATIONS RETENTION AND RECORDS REQUESTS [AR 4.15]

Introduction

The Maricopa County Community College District (MCCCCD) regards electronic messaging and voice communications as vehicles for delivery of information and not as primary mechanisms for the retention and archival of such information. Reasonable efforts will be taken to maintain the integrity and effective operation of the electronic message and voice systems. These systems should in no way be regarded as a secure medium for the communication of sensitive or confidential information.

As a public organization, Arizona law establishes that communications sent electronically by MCCCCD personnel may constitute "correspondence" and, therefore, may be considered as records subject to retention and public inspection.

electronic records

Retention and Recovery

Electronic mail will be retained on tape for one month after the date of a system backup. It is the responsibility of the electronic mail user to determine what information is essential to his or her official activities and should be retained or archived in his or her e-mail account, and retain that information locally.

Voice mail communications may be erased or otherwise destroyed after taking the required action. Voice mail backups will be retained for one month after the date of a system backup.

Upon formal request, every attempt will be made by MCCCCD to recover the contents of electronic communications from tape backups that fall under this retention schedule. For an electronic message to be available on a backup tape, it must reside in a mailbox or file on MCCCCD's central service system for 24 hours.

Requests for Copies and Inspection of Electronic Communications and Hardware

If there is a local hardware or system failure, employees may request that electronic communications created by them or written directly to them be restored from backup. All requests for copies or searches for electronic communications created and maintained by other account users of MCCCCD's electronic communication systems and that may involve a specific content or topic area must be reviewed and authorized by the General Counsel.

MCCCCD expects to cooperate fully and expeditiously with law enforcement or government officials when information from its computing resources is required for investigative purposes. Information that is requested by a lawfully issued administrative summons or judicial order, including search warrants and subpoenas, must be submitted to the Office of General Counsel. Requests made by members of the general public should be directed to the District ombudsperson.

After review and authorization by the General Counsel, requests for copies of electronic communications will be forwarded to ITS security services. ITS security services will comply with the request and coordinate retrieval of the information within seven business days.

FISCAL MANAGEMENT [AR 1.17]

CASH HANDLING

Scope of Coverage of this Regulation

This regulation covers all Maricopa County Community College District (MCCCCD) employees or offices (including, but not limited to: all employees – Board-Approved or part-time, cashiers offices, performing arts centers, athletic facilities, program offices, etc.) that accept payment for any MCCCCD services or donations (including, but not limited to: tuition, fees, dues, event tickets, etc.). Cash is defined as coins, currency, checks, money orders, credit cards, electronic funds transfers, and all cash equivalents (including, but not limited to: tokens, gift cards, tuition waivers, parking tickets, stamps).

General Standards

- A. To ensure strong internal controls over cash handling, to safeguard against loss and to meet our obligation to the community as stewards of public resources, the following elements of internal controls must be adhered to:
 1. Proper segregation of duties (i.e., dual controls)
 2. Specific safeguards for handling, transporting and storing cash
 3. Specific safeguards for deposits
 4. Independent reconciliation of deposit documents to receipts
 5. Management oversight and review of cash handling processes and personnel

Each college and the District Office are required to establish written procedures for all locations that handle cash. Such procedures shall ensure compliance with all of the required internal control elements identified in (A). Such procedures shall address all control elements identified in (A) by reflecting the space, physical configuration, staff and other particulars of each location.

- B. The District's Business Services division will review such written procedures for potential areas of concern relating to the required internal control elements. Such concerns will be noted and communicated back to the applicable College/District Office for further action.
- C. On or about January 1st of each year, each college and the District Office are to review the written procedures relating to cash handling. If significant changes are required, such changes are to be reviewed by the District's Business Services division as in (C). above.
- D. The District's Internal Audit and Management Advisory Services Department may test the written procedures for compliance in accordance with their established audit plan.
- E. If inappropriate activity is suspected or determined (i.e., a pattern of cash shortages, forgery or alterations of checks, misapplication of tuition waivers, loss or damage to securities, computer fraud, etc.), the college or District Office staff should immediately notify their appropriate Vice President or Vice Chancellor, who should then notify Risk Management and Internal Audit and Management Advisory Services of any real or potential losses. The notifications stated above are critical as MCCCCD has a limited discovery period in which to report such activity to our insurance carrier.
- F. If it is suspected that a theft has occurred, the appropriate law enforcement authorities must be notified.
- G. Annually, each employee responsible for handling cash will be required to complete an acknowledgement that they have read and agree to abide by established procedures for proper handling of cash.
- H. Annually, each Vice President or senior level administrator with supervisory or management responsibility for any and all areas that handle cash and the College President and Vice Chancellors with any and all responsibility for cash shall complete an acknowledgement that they will enforce the established procedures for the proper handling of cash.
- I. The Vice Chancellor for Business Services shall develop, make available and has the authority to require training as may be appropriate for any and all persons handling cash or supervising these individuals at the colleges, District Office or any District location.

INTERNAL AUDIT [AR 1.13]

Internal Audit Authority [AR 1.13.1]

The Internal Audit & Management Advisory Services (IAMAS) Department is granted the authority to:

- Assess all MCCCCD functions, programs and control systems, and is responsible to advise the Audit & Finance Committee and management concerning the condition of reviewed functions, programs and systems.
- Allocate resources, set frequencies, select subjects, determine scopes of work, and apply the techniques required to accomplish audit objectives.
- Obtain the necessary assistance of personnel in units of the organization where they perform audits, as well as other specialized services from within or outside the organization.

internal audit

internal audit access

instruction—enrollment irregularities

The IAMAS Department is not authorized to:

- Perform any operational duties for the organization.
- Initiate or approve accounting transactions external to the Internal Audit Department.
- Direct the activities of any organization employee not employed by the Internal Audit Department, except to the extent such employees have been appropriately assigned to assist the internal auditors.

INTERNAL AUDIT ACCESS [1.13.2]

In the performance of audits, members of the IAMAS team are granted unlimited accessibility to all MCCCDC activities, records, property, and employees, within the limits of the law, and are charged with maintaining stringent accountability of safekeeping and confidentiality. They are granted unrestricted access to the Chancellor, all Vice Chancellors, all College Presidents and provosts, the MCCCDC Governing Board, and the Audit & Finance Committee.

See Appendix FM-1, which contains the IAMAS Department's mission statement, accompanied by explanatory sections on scope of work, accountability, reporting relationships and independence, responsibility, and standards of audit practice.

INSTRUCTION – ENROLLMENT IRREGULARITIES [AR 3.7]

Scope of Coverage

This regulation covers all MCCCDC colleges, centers, and offices. Enrollment irregularities are enrollment practices that might reflect falsified enrollment or might reflect nepotism. Examples might include residential or adjunct faculty members enrolling in courses they instruct; employees enrolling in multiple courses taught at the same time that are not open-entry/open-exit courses; enrollment in multiple courses taught that overlap in time and that are not open-entry/open-exit courses; employees enrolling in a course taught by a relative; employees enrolling in a course for the sole purpose of making it "go" (i.e., not be canceled).

General Standards

- A. As a steward of public funds, the District must protect against falsified enrollments or questionable enrollments by its employees.
- B. Notwithstanding exceptions granted as permitted in this regulation, enrollments that are not permitted by employees include the following: enrollment in a course taught by oneself; enrollment in multiple courses taught at the same time that are not open-entry/open-exit courses; enrollment in multiple courses taught that overlap in time and that are not open-entry/open-exit courses; enrollment in a course taught by a relative; enrollment and subsequent withdrawal for the sole purpose of making a class "go" (i.e., not be canceled); faculty who knowingly teach a relative, whether that person is a District employee or not.
- C. When employees are enrolling in a credit or Skill Center course taught at the Maricopa Community Colleges and paying with a Maricopa Community Colleges tuition waiver, employees must submit declarations to the Vice Presidents of Academic Affairs and Student Affairs. The employee declarations shall be submitted in advance of the start of the course.

Approval to take the course shall be subject to approval of the Vice Presidents for Academic Affairs and Student Affairs, after consultation with the respective President of the college.
- D. The Vice Chancellor for Academic Affairs shall be responsible for establishing processes as appropriate to allow for appeals. The appeal process shall be carried out within a week of the reported enrollment irregularity. In addition,

information on any denials to take a course shall be forwarded to the Vice Chancellor for Academic Affairs for the establishment of any other processes as appropriate to review denial decisions.

- E. All instructors of credit or Skill Center courses shall submit declarations each semester identifying any potential enrollment irregularities. The instructor declarations must be submitted no later than five days after the start of the class (or the first class, if a late start). Review of potential irregularities shall be conducted by the Vice Presidents for Academic Affairs and Student Affairs, after consultation with the respective President of the college.
- F. Information on the college's review of potential enrollment irregularities shall be forwarded to the Vice Chancellor for Academic Affairs who shall be responsible for reviewing the college decisions to ensure consistent application of this regulation.
- G. Standardized written procedures to check that questionable enrollments are not occurring will be developed and adhered to. These procedures shall be submitted to the Chancellor. Procedures shall include reviews by each college each semester of employee and dependent tuition waivers in order to determine that employees and their dependents have not enrolled in courses taught by departmental members.
- H. Each college President shall annually submit to the Chancellor a report that documents its written procedures and compliance with the terms of this regulation. The Chancellor shall annually share these reports with the Governing Board. Each college president shall be required to correct weaknesses in their practices within a timeframe set by the Chancellor.
- I. Violation of this regulation could lead to disciplinary action, including termination.
- J. Notwithstanding section B of this regulation, the Chancellor or his/her designee may allow a student to enroll in a class taught by a relative of the student only upon a showing by the student that the enrollment is necessary to avoid an extreme hardship, and upon a showing by the college President or designee that the academic integrity of the student's enrollment in the class will nevertheless be maintained.

K. Definitions

1. "Relative" includes a parent, step-parent, parent-in-law, brother, stepbrother, sister, stepsister, spouse, son, stepson, daughter, stepdaughter, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, great-grandparent, grandchild, great-grandchild, aunt, uncle, cousin, niece and nephew of the employee or the employee's spouse. A "relative" also includes a domestic partner of an employee, and a relative (as that term is defined herein) of such domestic partner.
2. "Employee" means a person employed by the Maricopa County Community College District, and includes, but is not limited to, any Governing Board-Approved employee, Skill Center employee, specially funded employee, one-year-only employee, one-semester-only, student employee, and person employed under a Special Services Employment.

MARICOPA INTEGRATED RISK ASSESSMENT [4.16]

Purpose

The Maricopa County Community College District (MCCCD) endeavors to be an innovative, flexible higher education institution that encourages risk assessment and management as an integral process for carrying out our mission to promote and enhance student learning and success. MCCCD also embraces a comprehensive approach to risk management that promotes broad strategic thinking and analysis, while fundamentally integrating our institution's vision, mission, and values. To this

end, risk management will provide our institution with the superior capabilities to identify, assess, and manage the full spectrum of risks and opportunities and to enable management, faculty and staff at all levels to better understand and manage risk.

Background

In March 2000, the Maricopa County Community College District Governing Board, with support from the Chancellor's Executive Council (CEC), approved an initiative to embed ongoing risk assessment and management into MCCCDC's daily operations and culture. The CEC has reaffirmed its support and commitment in July 2003, August 2004, and September 2005 and will reaffirm its support annually thereafter. This initiative is called the Maricopa Integrated Risk Assessment (MIRA) project and it extends beyond traditional risk management to embrace a wider view of risk management called Enterprise Risk Management (ERM). While traditional risk management focuses on insurable and hazard risks, enterprise risk management is a process and management tool to address all sources of risk that would threaten strategic objectives.

Approach to Risk Management

MIRA shall be collaboratively integrated into existing management processes and daily operations. To ensure that we achieve our strategy, MIRA provides our employees with the tools and capabilities to overcome barriers that arise in striving to exceed expectations. By realizing that risk management is everyone's job, our management, faculty, and staff shall proactively identify risk while delivering high quality education to our students in a more efficient and cost effective manner. MIRA allows our employees to view issues from various angles to identify not only the risk mitigation activities, but also to seek out and act on potential opportunities—therefore challenging conventional wisdom to create better solutions.

Employee Responsibilities

It is the responsibility of every employee to identify, assess, and manage risks and opportunities individually, throughout our organization, and to collaboratively strive for continuous quality improvement and the efficient and effective use of our resources. All management, faculty and staff are expected to demonstrate appropriate standards of behavior in the development of strategy and pursuit of expected outcomes. All Board-Approved employees shall be required to participate in training that focuses on risk identification, assessment, and management, and this training shall be rigorous, practical, and application-based. Board-Approved employees includes those who have or could attain permanent status, one year onlys, one semester onlys, Skill Center and specially funded employees. Newly hired Board-Approved employees shall be required to participate in training during their probationary period or within one year of their hire date and every three years thereafter. This training shall be incorporated into other mandatory training and/or shall be stand-alone training. Existing Board-Approved employees shall be required to participate in training within two years after the adoption of this administrative regulation and every three years thereafter. The District shall consider ways of training temporary employees once initial training of Board-Approved employees is complete.

General Expected Outcomes

Expected outcomes include:

- Increased overall effectiveness and accountability
- Sound business processes; greater assurance of business continuity
- Clear demonstrated compliance with applicable laws and regulations
- Enhanced employee empowerment and pride
- Reinforcement of the strong MCCCDC cultural identity
- Enhanced competitive advantage

The MIRA project shall establish a philosophy of fostering continued evaluation of effectiveness and efficiency of organizational leadership, systems, and strategies.

Ultimately, accountability for resources – human, financial, intellectual, physical, and technical – will be impacted at every level of MCCCDC.

Annual Review for Effectiveness

Each year the MIRA project committee shall measure progress and monitor results. This information will be presented in an annual report to the Governing Board and the CEC. This report will be submitted by August 31st of each fiscal year.

MOTOR VEHICLE USAGE [AR 4.14]

A. Each College President shall designate an official at his/her respective college who shall ensure that any employee at that college who is authorized to operate a college or District-owned motor vehicle or vehicle rented, borrowed or leased for college or District purposes:

1. Has completed a driver training program approved by the District Risk Manager; and
2. Has been the subject of an authorized motor vehicle record review conducted on behalf of the college.

The Vice Chancellor for Human Resources shall designate an official at the District Office to ensure that any employee at the District Office who is authorized to operate a college or District-owned, -rented, or -borrowed motor vehicle has completed such training program and been the subject of a motor vehicle record review. The training and motor vehicle record review shall be completed for an employee before that employee is permitted to operate a motor vehicle. The District Risk Manager shall coordinate the training program and processes for motor vehicle record review required under this regulation.

- B. A college or District-owned, -rented or -borrowed motor vehicle may be operated only by an employee of the Maricopa County Community College District. A Maricopa County Community Colleges student may operate such a motor vehicle only in the event of an emergency as determined at the time of the emergency by a responsible college or District employee.
- C. A college or District driver shall report to his/her supervisor and the manager responsible for authorizing the use of college vehicles within 48 hours any conviction for driving under the influence of alcohol or drugs, moving traffic violations, license suspension, or license revocation that occurs regardless of whether or not the driver was operating a college or District-owned, rented or borrowed vehicle. The driver's supervisor shall immediately forward this information to the District Risk Manager. Failure to report information as required under this paragraph may result in disciplinary action and the loss of authority to operate a vehicle in the performance of employment responsibilities.
- D. The driver of a college or District-owned, -rented or -borrowed motor vehicle shall not use a cellular telephone similar communication device while operating the vehicle.

NON-DISCRIMINATION POLICY [AR 5.1]

The Maricopa County Community College District is committed to continue to promote a learning and work environment that is non-discriminatory. This commitment is demonstrated through the value of inclusion, the implementation of policies and regulations that serve to prohibit discrimination and by practicing non-discriminatory actions in both our employment and academic activities.

This means that Maricopa will not discriminate nor tolerate discrimination against any applicant, employee, or student in any of its policies, procedures, or practices.

This policy covers all selection and decision practices of the employment relationship, as well as admission to, access to, and treatment of students in Maricopa's programs and activities.

motor vehicles

non-discrimination policy

policy statements declaration

MARICOPA EEO POLICY [AR 5.1.1]

It is the policy of the Maricopa District (consisting of Chandler-Gilbert Community College, the District Office, Estrella Mountain Community College, GateWay Community College, Glendale Community College, Maricopa Skill Center, Mesa Community College, Paradise Valley Community College, Phoenix College, Rio Salado Community College, Scottsdale Community College, and South Mountain Community College) to:

- A. Recruit, hire, and promote in all job groups, and to ensure that all Human Resources (HR) employment selection and decision practices do not discriminate nor tolerate discrimination against any applicant or employee on the basis of race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status.
- B. All HR employment selection and decision practices pertaining to advertising, benefits, compensation, discipline (including probation, suspension, and/or involuntary termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training will continue to be administered without regard to race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status.
- C. Hold each level of management responsible for ensuring that all employment policies, procedures, and activities are in full compliance with all applicable federal, state, and local EEO statutes, rules, and regulations.

MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (MARICOPA) [AR 5.1.2]

Maricopa's Equal Employment Opportunity (EEO) Policy Statement or EEO Clause appears in all major publications distributed to employees, students, and applicants. Copies of these documents are available at each of the colleges, at the District Employee Services Office, and at the EEO/Affirmative Action (AA) Office, as well as the web site: www.maricopa.edu/eoo/

maricopa eeo policy

EEO POLICY STATEMENT [AR 5.1.3]

It is the policy of Maricopa to promote equal employment opportunities through a positive continuing program. This means that Maricopa will not discriminate nor tolerate discrimination against any applicant or employee because of race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status. Additionally, it is the policy of Maricopa to provide an environment for each Maricopa job applicant and employee that is free from sexual harassment, as well as harassment and intimidation on account of an individual's race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status.

eeo clause

EEO CLAUSE [AR 5.1.4]

The Maricopa County Community College District is an EEO/AA institution.

use of eeo statement or clause

USE OF THE EEO POLICY STATEMENT OR EEO CLAUSE [AR 5.1.5]

As required by federal regulations, the EEO Policy Statement or EEO Clause MUST appear in all major publications distributed to employees, students, and applicants throughout Maricopa's system. These publications include, but are not limited to, catalogs, handbooks, schedules, policy manuals, recruitment publications, advertisements (internal and external), and application forms (employee and student).

Additionally, the EEO Policy Statement or EEO Clause MUST be included in all purchase orders and contracts.

POLICY STATEMENTS DECLARATION [AR 5.1.6]

The Policy Statements Declaration, which is an exhibit to this regulation, is a one-page document of Maricopa's policies that is to be posted on bulletin boards throughout the entire District. It clearly defines Maricopa's firm commitment to EEO/AA and to a workplace that is free from harassment.

NOTICE OF AMERICANS WITH DISABILITIES ACT (ADA)/ SECTION 504 OF THE REHABILITATION ACT/TITLE IX COORDINATOR [AR 5.1.7]

The District Office and each Maricopa location must post the address and telephone number for the individual responsible for coordinating services and/or activities relating to the Americans with Disabilities Act (42 U.S.C. Chapter 126), Section 504 of the Rehabilitation Act (29 U.S.C. §794(d)), and Title IX of the Education Amendments of 1972 (20 U.S.C. §1681), using the format below:

_____ ADA/504/Title IX Coordinator

_____ Address

_____ Phone #

_____ Email address

Additionally, each college/center must publish the above information in student handbooks and catalogs.

Under the ADA and Section 504, Maricopa recognizes the obligation to provide overall program accessibility throughout its locations for disabled individuals. The designated ADA/504/Title IX Coordinator at each college/center will provide information as to the existence and location of services, activities, and facilities that are accessible to and usable by individuals with disabilities. Likewise, under Title IX, there is an obligation to provide services and program accessibility in a gender-neutral manner.

In accordance with all applicable federal, state, and local regulations, Maricopa will maintain and update its Affirmative Action Plans (AAPs) on an annual basis. Copies of the AAP will be distributed to the Governing Board and CEC members by December 31st of each year. They include the AAP for Minorities and Females, the AAP for Individuals with Disabilities, and the AAP for Other Eligible Veterans, Special Disabled Veterans, and Vietnam Era Veterans. MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (Maricopa) Policy Statements Declaration.

EEO Policy Statement

It is the policy of Maricopa County Community College District (consisting of the District Support Services Center, Chandler-Gilbert Community College, Estrella Mountain Community College, Glendale Community College, GateWay Community College, Maricopa Skill Center, Mesa Community College, Paradise Valley Community College, Phoenix College, Rio Salado Community College, Scottsdale Community College, and South Mountain Community College) to promote equal employment opportunities through a positive continuing program. This means that Maricopa will not discriminate nor tolerate discrimination against any applicant or employee because of race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status. Additionally, it is the policy of Maricopa County Community College District to provide an environment for each Maricopa job applicant and employee that is free from sexual harassment, as well as harassment and intimidation on account of an individual's race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status.

Affirmative Action Policy Statement for Individuals with Disabilities

In conformance with the provisions of Section 503 of the Rehabilitation Act of 1973, as amended, and the implementing regulations, 41 CFR 60-741.5 (a), as amended, Maricopa County Community College District will not discriminate nor tolerate discrimination against any applicant or employee because of physical or mental disability in regard to any position for which the known applicant or employee is qualified. Maricopa agrees to take affirmative action to employ, advance in employment, and otherwise treat known qualified individuals with disabilities without regard to their physical or mental disability in all human resources selection and decision practices, such as the following: advertising, benefits, compensation, discipline (including probation, suspension, and/or termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training. Maricopa will also continue to administer these practices without regard to race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status. Additionally, all applicants and employees are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Act.

Affirmative Action Policy Statement for Other Eligible Veterans, Special Disabled Veterans, and Vietnam Era Veterans

In conformance with the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Veterans Employment Opportunities Act of 1998, and the implementing regulations, 41 CFR 60-250 (k), Maricopa County Community College District will not discriminate nor tolerate discrimination against any applicant or employee because he or she is a special disabled veteran or Vietnam era veteran in regard to any position for which the known applicant or employee is qualified. Maricopa agrees to take affirmative action to employ, advance in employment, and otherwise treat known qualified special disabled veterans and Vietnam era veterans without discrimination based upon their disabled or veteran status in all human resources selection and decision practices, such as the following: advertising, benefits, compensation, discipline (including probation, suspension, and/or termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training. Maricopa will continue to administer these practices without regard to race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status. Additionally, Maricopa agrees to post all suitable job openings at the local office of the State employment service where the job opening occurs. This includes full-time, temporary greater than 3 days' duration, and part-time employment. Finally, all applicants and employees are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Act.

official functions

OFFICIAL FUNCTIONS [AR 1.16]

Scope of Coverage of this Regulation

This regulation covers expenses by MCCCDC and its colleges and centers for official functions. Its purpose is to provide fiscal and legal guidelines and standards for making certain expense decisions, and to ensure documentation of such decision-making. It applies to official function expenses regardless of the fund from which they are made. The official function object code should be used for all expenses that fall within the definition of "official function" as specified in this regulation.

Definitions

The term "official function" means an activity or item that:

- A. Does not appear to be, without explanation, an ordinary and necessary function of MCCCDC as a public educational institution; and
- B. Provides a tangible benefit and links directly to MCCCDC's educational mission; and

- C. Is reasonable and commensurate in value to the tangible benefit that MCCCC will receive.

Paragraphs 9 and 10 below contain some examples of activities that are not official functions, and some that may be if properly documented.

General Standards

1. Before the expense is made, the Chancellor, College Presidents or Vice Chancellors must approve any expense for an official function on the "Official Function Form" (Appendix R) or, for certain institutional or individual memberships as described in Paragraph 8, the "Membership Payment Worksheet" (Appendix S). Those officials may delegate this authority only to designated college deans or administrative directors. The person approving the "Official Function Form" or "Membership Payment Worksheet" must be someone other than the person signing the form as the requisitioner. Additionally, the requisitioner must be a full-time MCCCCD employee.
2. Approval of an official function expense must be based on a determination that the expense meets the definition of an "official function" specified in this regulation. The determination must be documented on the "Official Function Form" or the "Membership Payment Worksheet." Higher-dollar or entertainment expenses generally require particular specificity showing the linkage and benefit to MCCCCD's mission.
3. District Office, college or other appropriate fiscal officers must verify and approve the availability of funds under the selected budget account before an expense for an official function is made.
4. The Legal Services Department, the Purchasing Department, or the Accounts Payable Office may request the submission of the "Official Function Form" or "Membership Payment Worksheet" before approving contracts, issuing purchase orders, or paying invoices related to an expense deemed to be an official function.
5. The Fiscal Office of the MCCCCD entity completing the "Official Function Form" or "Membership Payment Worksheet" must retain it for 3 years after the expense is made.
6. MCCCCD's Internal Audit & Management Advisory Services staff may annually audit the records of MCCCCD entities to ensure compliance with this regulation.
7. Student groups may make modest contributions or donations or purchase items to donate to third parties for charitable purposes but only if they use funds raised by them for that purpose. Other funds may not be used. For such contributions or donations, completion of the "Official Function Form" is at the discretion of the MCCCCD entity. Contributions and donations of MCCCCD funds or items purchased with MCCCCD funds are otherwise prohibited.
8. Expenses for MCCCCD or individual memberships in professional organizations that are specifically and directly related to MCCCCD's educational mission or to an employee's job are considered ordinary and necessary business expenses of MCCCCD. Examples of membership expenses that are appropriate without further explanation are:
 - American Association Of University Women
 - Cooperative Education Association
 - National Council For Student Development

In each of those examples, the name of the organization demonstrates the connection and MCCCCD entities need not complete the "Official Function Form" or the "Membership Payment Worksheet."

However, the propriety of MCCCCD or individual memberships in organizations whose names do not clearly establish that they are professional or academic **and** are related to public employment or education needs to be documented

off-premise property loan

under this regulation. For those types of memberships, MCCCCD employees must complete the worksheet entitled "Membership Payment Worksheet" (Appendix S) and provide it to the college or other appropriate fiscal officer to retain. Colleges or other MCCCCD entities may require executive-level approval of memberships.

Payment of memberships in non-school related civic or community groups are inappropriate. Additionally, payment of individual memberships should be considered only if the organization does not allow an institutional membership, where the organization requires both an institutional membership and individual memberships for MCCCCD employees participating in the organization, or where the appropriate fiscal officer determines that an individual membership is the most cost effective.

9. Examples of expenses that don't meet any of the criteria for the definition of "official function" are charges for alcoholic beverages, charitable contributions or donations (except as described in Paragraph 7), dues for memberships in non-school related civic or community organizations (such as Rotary, Kiwanis) or in discount stores, gifts of any type for personal life events (such as births, deaths, weddings, funerals), and gifts for personal use (such as apparel, jewelry or luggage) in appreciation of an MCCCCD employee or officer.
10. Examples of expenses that may be official functions if shown to meet the criteria in (B.) and (C.) of the definition of "official function" are employee or officer retreats, employee or officer retirements, non-travel restaurant charges, conference banquet or hotel contracts, sponsorships and institutional memberships in chambers of commerce where the MCCCCD entity is located (or where it maintains a strong community influence or presence).

OFF-PREMISE PROPERTY LOAN [AR 1.11.1]

The Maricopa County Community College District (MCCCCD) Governing Board recognizes that a need exists for employees and Governing Board members to utilize property off premises for job related purposes or furthering the District's mission. This administrative regulation has been established pursuant to the Governing Board's Asset Protection policy title.

A. General

Use of MCCCCD property off premises shall be limited as follows:

1. Outside entities: the loan or off premise use of MCCCCD property to or by other than MCCCCD employees and governing board members is prohibited unless authorized through an agreement between MCCCCD and another public agency for the mutual benefit of both parties.
2. Students: the loan or off premise use of MCCCCD property to or by a student is prohibited unless a responsible college official has determined that such use is necessary for instructional purposes.
3. Employees and Governing Board members: the loan of MCCCCD property to or by an employee or a Governing Board member for **personal reasons** is prohibited.

B. Responsibility for property taken off District premises: while the property is off premises, it is in the care, custody, and control of the lendee using it. Lendee is responsible for the property and its appropriate use and maintenance until the equipment return receipt has been completed. The lendee using the property must take all measures necessary to ensure the security of the property.

While the property is in the possession of a lendee, lendee is responsible for returning the property to MCCCCD in the same condition as lendee received it. Lendee agrees to assume the risk of loss or property damage due to the lendee's failure to exercise due care in the possession or use of the property. The phrase "due care" means that level of care appropriate under the circumstances.

Failure to exercise due care will be presumed unless the lendee can demonstrate that the property was lost or damaged despite the lendee's exercise of due care. If the property is damaged as a result of a failure to exercise due care, lendee agrees to pay the cost of repair with the cost of repair not to exceed the replacement value. At the discretion of MCCCCD, and in the case of damage, MCCCCD may require replacement rather than repair. The lendee assumes financial responsibility for loss or damage to property through their homeowner's insurance or personal funds.

C. Loan or off-premise use of property: MCCCCD property loaned or taken off District premises regardless of duration must be recorded on a property loan agreement (Appendix P*). This form is used both to authorize and record the off premises use of MCCCCD property. The following information is required:

1. Identification of the lendee to be using the property off premises
2. Off premises location of property
3. Justification for taking the property off premises
4. Complete description of the item(s) to be taken off premises
5. Description of the condition of the property at date of loan

All loans of property, regardless of duration, will be monitored by the President/Vice Chancellor, or his/her designee. Loans of property for thirty (30) days or less will require authorization by the dean/director, or his/her designee. Loans of property over thirty (30) days, or for out-of-state/out-of-country use for any duration will require authorization by the respective President/Vice Chancellor, or his/her designee, and documentation on file in the District Property Accounting Department and Human Resources Records Department. Verification of property return by completion of return receipt on the property loan agreement will be the lendee's responsibility and must be verified by the respective dean/director, President/Vice-Chancellor or his/her designee.

* Appendix P is available at: www.maricopa.edu/gvpolicy/adminregs/appendices/p.htm.

EMPLOYEE RETURN OF PROPERTY AND ASSETS [AR 1.11.2]

It is the policy of the Maricopa County Community College District (MCCCCD) that assets be protected and scrupulously maintained. Consistent with that policy is the creation of procedures for retrieving personal property (including any outstanding debt or obligation to MCCCCD) in the possession of employees who are to be transferred or reassigned to a different location within MCCCCD, or are pending separation from employment, as well as rescinding or modifying, as necessary, those employees' access to data, systems, and facilities.

- A. Each college President or Vice Chancellor shall designate an official(s) with general authority to ensure that:
 1. College- or District-owned property is retrieved from an employee whose employment assignment is either to be transferred or re-assigned to a different location within MCCCCD, or is pending separation from MCCCCD employment;
 2. Rescinding or modifying, as necessary, that employee's access to data, systems and facilities; and,
 3. Ensuring that building security or college safety is formally notified of the departure of an employee whether due to termination, resignation or transfer, to facilitate deactivating building security badges and collect all keys to facilities.
- B. To facilitate compliance with this regulation, the Vice Chancellor for Human Resources shall cause to be issued appropriate procedures to be used to inventory MCCCCD property and assets as they are assigned to each employee

employee return of property & assets

procurement

and the collection of assigned property and assets at the time of transfer, reassignment, or separation. Adherence to the steps detailed in those procedures ([Appendix FM-13](#)) shall constitute compliance with this regulation.

- C. Action as authorized by law, as well as by MCCCCD policy and administrative regulation, may be taken against any person who willfully fails to return college- or District-owned property, or to surrender access to data, systems and facilities as required by this regulation. Such action may include, but is not limited to, withholding as appropriate, compensation due and owing to the employee, legal action in a court of competent jurisdiction, and employment discipline. Any payment by MCCCCD of wages, salary, or other compensation shall not constitute a waiver of any claim by MCCCCD over a person's failure to return college-or District-owned property or surrender access to data, systems and facilities.

PROCUREMENT OF GOODS AND SERVICES [AR 1.9]

PROCUREMENT CONFLICT-OF-INTEREST POLICY [AR 1.9.1]

A. Policy Statement

Pursuant to ARS Section 38-503, Governing Board members and employees who or whose relatives have a substantial interest in any decision of the District or who have a substantial interest in any contract, sale, purchase or service to the District shall make known such interest by filing a disclosure statement. A Governing Board member or employee disclosing such an interest shall refrain from voting upon or otherwise participating in any manner in such decision, contract, sale, purchase or service.

- B. The Chancellor or his/her designee is directed to inform employees of the contents of this policy and to designate an appropriate office with the responsibility for overseeing a process for monitoring and maintaining records and compliance.
- C. All Governing Board-Approved employees shall annually complete and submit a conflict of interest form and shall submit an acknowledgement that they have read and understand the District's Conflict of Interest Policy. Updated disclosures shall be made during the year by the employees as needed if circumstances change. Other employees may also be required by the Vice Chancellor of Business Services to annually complete these forms, given the nature of their job responsibilities and the potential for conflicts of interest.
- D. All Board-Approved employees shall be required to take a course currently entitled: "Legal Issues: Public Sector Employment" or its successor course offered by the District Employee and Organizational Learning Team or its successor office.

purchasing authority

PURCHASING AUTHORITY [AR 1.9.2]

- A. The Vice Chancellor for Business Services is empowered by the Governing Board and the Chancellor to act as the Chief Fiscal Officer for the District.
- B. The authority to act as the Procurement Officer is delegated by the Vice Chancellor for Business Services to the Chief Procurement Officer, who shall be responsible to annually review the purchasing procedures and recommend appropriate policy revisions accordingly and to further delegate procurement authority as appropriate.

C. Definition of Terms

- 1. Acquisition: For purposes of this policy, the term "acquisition" means purchase, rental lease, lease/purchase or lease with option to purchase, or the contracting of service which produces revenue for the District.

2. **Capital Equipment:** All items of furnishings and equipment which are capitalized within the guidelines for budgeting, accounting, and reporting, for Arizona community colleges including, but not limited to, equipment for occupational education programs, information technology, and new and replacement equipment.
3. **Real Property:** All items, fixed in nature, which are capitalized within the guidelines for budgeting, accounting, and reporting for Arizona community colleges.

thresholds for competition

THRESHOLDS FOR COMPETITION [AR 1.9.3]

Determination to use competitive sealed bidding or the sealed competitive proposal process shall be made by the Chief Procurement Officer for all purchasing transactions exceeding \$50,000. Procurement of professional services is included in this category. The Chief Procurement Officer shall prescribe varying levels of competition under this threshold amount. Guidelines regarding competitive thresholds are available in Appendix (K.).

supplier development

SUPPLIER DEVELOPMENT POLICY [AR 1.9.4]

- A. The District is committed to increasing its commercial activities with minority and women owned businesses and, therefore directs the Chancellor or his/her designee to establish a Supplier Development Program for the purpose of identifying and recruiting minority and women owned businesses to participate in the District's procurement process.
- B. For purposes of this policy,
 1. "Minority Owned Business" means a business that is owned, operated and controlled at least 51% by a minority individual or individuals.
 2. "Women Owned Business" means a business that is owned, operated and controlled at least 51% by a woman or women.
 3. "Procurement" means the acquisition of goods or services as well as the contracting of operations or functions that either return revenues to the District or that operate at a break even.

privatization of services

PRIVATIZATION OF SERVICES POLICY [AR 1.9.5]

A. Policy Statement

The Governing Board supports the concept of utilizing the most beneficial method of providing services and goods to the District, whether it be from the public or private sector.

Whenever possible, established criteria shall be used to analyze the benefits of one source over the other.

B. Delegation of Authority

The Chief Procurement Officer, as delegated by the Governing Board through the Chancellor and the Vice Chancellor for Business Services, shall be responsible for establishing review criteria; for writing procedures relating to privatization; and for the timely review, action, and reporting on all privatization proposals. Personnel actions affecting District personnel as a result of privatization efforts are separate from procurement activities.

C. Reports on Privatization Efforts

A report shall be filed annually by the Chief Procurement officer outlining progress in the areas of privatization. Numbers of formal inquiries as well as any records of any appeals and their outcomes shall also be reported.

This annual report shall be provided to other agencies such as the Private Enterprise Review Board, if so requested.

D. **Privatization Review Criteria**

Proposals for privatization will be evaluated on a number of factors including cost. Additional factors will depend upon the service or goods proposed, but may include:

1. Quality of Service – the effect privatization will have on the quality of service.
2. Cost Efficiency – the effect privatization will have on the quality of service.
3. Market Strength – availability of private providers interested in providing the service.
4. Risk to the District – degree which privatization increases District exposure to hazards and risk.
5. Legal Barriers – the effect of laws on privatization decisions.
6. Control – ability of the District to oversee and monitor the service, once it has been privatized.
7. Resources – efficient and effective use of existing District assets.
8. Impact on Employees – the effect privatization will have on both full time and student employees of the District.
9. Political Resistance – opposition from the public, the provider of the service, interest groups, or elected officials.

real property

REAL PROPERTY [AR 1.9.6]

- A. All purchases of real property shall be made on behalf of and with the title residing with the Maricopa County Community College District. The District shall follow its own procedures for the acquisition and disposal of real property.
- B. Acquisition of land, buildings, site improvements, and internal systems (mechanical, electrical, and electronic) shall be processed through the District Purchasing Department.
- C. A building, structure, addition or alteration of a District facility may be constructed by force account employees if the cost does not exceed \$20,000. Calculation of this threshold shall include all materials and services, including labor performed by District employees.

sexual harassment

SEXUAL HARASSMENT POLICY FOR EMPLOYEES AND STUDENTS [AR 5.1.8]

The policy of the Maricopa County Community College District (MCCCD) is to provide an educational, employment, and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct or communications constituting sexual harassment as defined and otherwise prohibited by state and federal law.

Sexual harassment by and between, employees; students; employees and students; and campus visitors and students or employees, is prohibited by this policy.

Violations of this policy may result in disciplinary action up to and including termination for employees; sanctions up to and including suspension or expulsion for students; and appropriate sanctions against campus visitors.

This policy is subject to constitutionally protected speech rights and principles of academic freedom. Questions about this policy may be directed to the MCCCD EEO/Affirmative Action Office.

EXAMPLES OF POLICY VIOLATIONS [AR 5.1.9]

It shall be a violation of MCCC'D's Sexual Harassment Policy for any employee, student or campus visitor to:

- A. Make unwelcome sexual advances to another employee, student or campus visitor.
- B. Make unwelcome requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment or academic relationship.
- C. Engage in verbal or physical conduct of a sexual nature with another employee, student or campus visitor that may threaten or insinuate, either explicitly or implicitly, that the individual's submission to, or rejection of, the sexual advances will in any way:
 - 1. Influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or
 - 2. Influence his or her grades, participation in or access to academic programs, class standing or other educational opportunities.
- D. Engage in verbal or physical conduct of a sexual nature that:
 - 1. Has the purpose or effect of substantially interfering with an employee's ability to do his or her job; or with a student's ability to learn or participate in a class; or
 - 2. Creates an intimidating, hostile or offensive work or academic environment.
- E. Commit any act of sexual assault or public sexual indecency against any employee or student whether on MCCC'D property or in connection with any MCCC'D-sponsored activity.
- F. Continue to express sexual interest in another employee, student or campus visitor after being informed or on notice that the interest is unwelcome (reciprocal attraction is not considered sexual harassment).
- G. Engage in other sexually harassing conduct in the workplace or academic environment, whether physical or verbal, including, but not limited to, commentary about an individual's body (or body parts), sexually degrading words to describe an individual, sexually offensive comments, sexually suggestive language or jokes, innuendoes, and sexually suggestive objects, books, magazines, computer software, photographs, cartoons or pictures.

ADDITIONAL POLICY VIOLATIONS [AR 5.1.10]

Supervisors, managers, administrators and faculty who disregard or fail to report allegations of sexual harassment (whether reported by the person who is the subject of the sexual harassment or a witness) are in violation of this policy.

RESPONSIBILITY FOR POLICY ENFORCEMENT [AR 5.1.11]

Every MCCC'D employee and student must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work or in the academic environment.

Employees and students are encouraged (but not required) to inform perceived offenders of this policy that the commentary/conduct is offensive and unwelcome.

COMPLAINTS [AR 5.1.12]**A. Employees**

Employees who experience sexual harassment at work (by a supervisor, co-employee, student or visitor) are urged to report such conduct to the direct attention of their supervisor, their College President or to the MCCC'D EEO/AA

Office. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go directly to the MCCCCD EEO/AA Office.

B. Students

Students who experience sexual harassment in the academic environment (by a faculty member, administrator, campus visitor or other student) are urged to report such conduct to the Dean of Students (or equivalent) at each individual campus. A student may also contact the MCCCCD EEO/AA Office to obtain the name and phone number of the college official designated to respond to sexual harassment complaints.

C. General - Applicable to Both Employees and Students

1. Complaints will be investigated according to procedures established by the MCCCCD EEO/AA Office. Copies of these procedures may be obtained in the College President's office, Dean of Students Office and the MCCCCD EEO/AA Office.
2. The college/center/MCCCCD will investigate all complaints as professionally and expeditiously as possible.
3. Where investigation confirms the allegations, appropriate responsive action will be taken by the college/center/MCCCCD.
4. The MCCCCD EEO/AA Office phone number is 480-731-8477.

CONFIDENTIALITY [AR 5.1.13]

Records will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with MCCCCD's legal obligation to investigate and resolve issues of sexual harassment.

VIOLATIONS OF LAW [AR 5.1.14]

An employee or student may be accountable for sexual harassment under applicable local, state, and/or federal law, as well as under MCCCCD policy. Disciplinary action by MCCCCD may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

FALSE STATEMENTS PROHIBITED [AR 5.1.15]

Any individual who knowingly provides false information pursuant to filing a discrimination charge or during the investigation of a discrimination charge will be subject to appropriate disciplinary action, up to and including, employment termination or academic dismissal.

RETALIATION PROHIBITED [AR 5.1.16]

Retaliation against an employee or student for filing a sexual harassment complaint or participating in the investigation of a complaint is strictly prohibited. MCCCCD will take appropriate disciplinary action, up to and including employment termination or academic dismissal if retaliation occurs.

STATE EMPLOYEES, ACCESS TO INTERNET PORNOGRAPHY PROHIBITED; CAUSE FOR DISMISSAL; DEFINITIONS [A.R.S. §38-448]

- A. Except to the extent required in conjunction with a bona fide, agency approved research project or other agency approved undertaking, an

**state employees,
access to internet
pornography
prohibited**

employee of an agency shall not knowingly use agency owned or agency leased computer equipment to access, download, print or store any information infrastructure files or services that depict nudity, sexual activity, sexual excitement or ultimate sexual acts as defined in Section 13-3501. Agency heads shall give, in writing, any agency approvals. Agency approvals are available for public inspection pursuant to Section 39-121.

- B. An employee who violates this section performs an act that is cause for discipline or dismissal of the employee and for an employee in state service is considered misuse or unauthorized use of state property pursuant to Section 41-770.
- C. All agencies shall immediately furnish their current employees with copies of this section. All agencies shall furnish new employees with copies of this section at the time of authorizing an employee to use an agency computer.
- D. For the purposes of this section:
 - 1. "Agency" means:
 - a. All offices, agencies, departments, boards, councils or commissions of this state.
 - b. All state universities.
 - c. All community college districts.
 - d. All legislative agencies.
 - e. All departments or agencies of the state supreme court or the court of appeals.
 - 2. "Information Infrastructure" means telecommunications, cable and computer networks and includes the Internet, the worldwide web, Usenet, bulletin board systems, on-line systems and telephone networks.

TECHNOLOGY RESOURCE STANDARDS [AR 4.4]

Introduction

The Maricopa County Community College District (MCCCD) provides its students and employees access to information resources and technologies. Maricopa recognizes that the free exchange of opinions and ideas is essential to academic freedom, and the advancement of educational, research, service, operational, and management purposes, is furthered by making these resources accessible to its employees and students. At Maricopa, technological resources are shared by its users; misuse of these resources by some users infringes upon the opportunities of all the rest. As Maricopa is a public institution of higher education, however, the proper use of those resources is all the more important. Accordingly, Maricopa requires users to observe Constitutional and other lawful mandates whose aims are to safeguard and appropriately utilize technology resources that are acquired and maintained with public funds.

General Responsibilities

Technology resources (including, but not limited to, desktop and laptop systems, printers, central computing facilities, District-wide or college-wide networks, local-area networks, access to the Internet, electronic mail and similar electronic information) of the Maricopa County Community College District are available only to authorized users, and any use of those resources is subject to these Standards. All users of Maricopa's technology resources are presumed to have read and understood the Standards. While the Standards govern use of technology resources District-wide, an individual community college or center may establish guidelines for technology resource usage that supplement, but do not replace or waive, these Standards.

Acceptable Use

Use of Maricopa's technology resources, including websites created by employees and students, is limited to educational, research, service, operational, and

technology resource standards

management purposes of the Maricopa County Community College District and its member institutions. Likewise, images and links to external sites posted on or transmitted via Maricopa's technology resources are limited to the same purposes.

It is not Maricopa's practice to monitor the content of electronic mail transmissions, files, images, links or other data stored on or transmitted through Maricopa's technology resources. The maintenance, operation and security of Maricopa's technology resources, however, require that network administrators and other authorized personnel have access to those resources and, on occasion, review the content of data and communications stored on or transmitted through those resources. A review may be performed exclusively by persons expressly authorized for such purpose and only for cause. To the extent possible in the electronic environment and in a public setting, a user's privacy will be honored. Nevertheless, that privacy is subject to Arizona's public records laws and other applicable state and federal laws, as well as policies of Maricopa's

Governing Board all of which may supersede a user's interests in maintaining privacy in information contained in Maricopa's technology resources.

Frequently, access to Maricopa's technology resources can be obtained only through use of a password known exclusively to the user. It is the user's responsibility to keep a password confidential. While Maricopa takes reasonable measures to ensure network security, it cannot be held accountable for unauthorized access to its technology resources by other users, both within and outside the Maricopa community. Moreover, it cannot guarantee users protection against loss due to system failure, fire, etc.

Much of the data contained in Maricopa records that are accessible through use of technology resources is confidential under state and federal law. That a user may have the technical capability to access confidential records does not necessarily mean that such access is authorized. A user of Maricopa's technology resources is prohibited from the unauthorized access to, or dissemination of, confidential records.

Violation of any provision of the Standards could result in immediate termination of a user's access to Maricopa's technology resources, as well as appropriate disciplinary action. A violation of the Standards should be reported immediately to the appropriate administrator.

Prohibited Conduct

The following is prohibited conduct in the use of Maricopa's technology resources:

1. Posting to the network, downloading or transporting any material that would constitute a violation of Maricopa County Community College District contracts.
2. Unauthorized attempts to monitor another user's password protected data or electronic communication, or delete another user's password protected data, electronic communications or software, without that person's permission.
3. Installing or running on any system a program that is intended to or is likely to result in eventual damage to a file or computer system.
4. Performing acts that would unfairly monopolize computing resources to the exclusion of other users, including (but not limited to) unauthorized installation of server system software.
5. Hosting an unauthorized website that violates the .EDU domain request.
6. Use of technology resources for non-Maricopa commercial purposes, including to advertise personal services, whether or not for financial gain.
7. Use of software, graphics, photographs, or any other tangible form of expression that would violate or infringe any copyright or similar legally recognized protection of intellectual property rights.
8. Activities that would constitute a violation of any policy of Maricopa's Governing Board, including, but not limited to, Maricopa's non-discrimination policy and its policy against sexual harassment.

9. Transmitting, storing, or receiving data, or otherwise using technology resources in a manner that would constitute a violation of state or federal law, or MCCCCD policy or administrative regulation including, but not limited to, obscenity, defamation, threats, harassment, and theft.
10. Attempting to gain unauthorized access to a remote network or remote computer system.
11. Exploiting any technology resources by attempting to prevent or circumvent access, or using unauthorized data protection schemes.
12. Performing any act that would disrupt normal operations of computers, workstations, terminals, peripherals, or networks.
13. Using technology resources in such a way as to wrongfully hide the identity of the user or pose as another person.
14. Allowing any unauthorized access to Maricopa's technology resources.

Disclaimer

The home page of a web site must display, or link to, the following disclaimer in a conspicuous manner:

All information published online by MCCCCD is subject to change without notice. MCCCCD is not responsible for errors or damages of any kind resulting from access to its internet resources or use of the information contained therein. Every effort has been made to ensure the accuracy of information presented as factual; however errors may exist. Users are directed to countercheck facts when considering their use in other applications. MCCCCD is not responsible for the content or functionality of any technology resource not owned by the institution.

The statements, comments, or opinions expressed by users through use of Maricopa's technology resources are those of their respective authors, who are solely responsible for them, and do not necessarily represent the views of the Maricopa County Community College District.

Complaints and Violations

Complaints or allegations of a violation of these standards will be processed through Maricopa's articulated grievance procedures or resolution of controversy.

Upon determination of a violation of these standards, Maricopa may unilaterally delete any volatile content and terminate the user's access to Maricopa's technology resources. It is the user's responsibility to demonstrate and/or establish the relevance of content in the event that a content complaint is made official. Users retain the right to appeal actions through Maricopa's grievance procedures or resolution of controversy.

TOBACCO-FREE ENVIRONMENT [AR 4.12]

The District is dedicated to providing a healthy, comfortable and educationally productive environment for students, employees and visitors. Toward that end, the District's Governing Board adopted a resolution on March 26, 1991 that established the parameters for smoking on District property.

In November 2006, the Citizens of Arizona voted into law Proposition 201, the Smoke-Free Arizona Act (Arizona Revised Statutes §36-601.01). This does not repeal the District's more restrictive regulation and authorizes the District to enact policies that are more restrictive than the act should it desire to do so. (See A.R.S. §36-601.01M)

A. Definition – for purposes of this regulation, "smoking" will mean all uses of tobacco.

B. Prohibitions

1. Smoking is prohibited in enclosed District/college/center buildings and within twenty-five (25) feet of any building entrance or exit.

**tobacco-free
environment**

travel

2. Smoking is prohibited in any areas where flammable gases, liquids or any other volatile materials are located or stored or in which a fire or safety hazard may exist.
3. Smoking is prohibited in all District/college center vehicles.
4. The sale of cigarettes or other tobacco items is prohibited at all sites within the Maricopa District.

C. Enforcement – The success of this regulation will depend upon the thoughtfulness, consideration and cooperation of smokers and nonsmokers. All employees and students share in the responsibility for adhering to and enforcing the regulation. Any problems should be brought to the attention of the appropriate supervisor and handled through normal channels.

TRAVEL [AR 1.15]

Authority [1.15.1]

Pursuant to A.R.S. §15-1406-B, a community college District may establish procedures and amounts for travel for a District purpose by a board member, member-elect, officer or employee. Such procedures and amounts may authorize reimbursement for lodging, subsistence, and travel expenses. The statewide travel policy as issued by the Arizona Department of Administration is adopted by the MCCCCD Governing Board as the principal authority for travel by board members, members-elect, officers and employees. In addition, the MCCCCD Travel Regulation has been designed to qualify as an accountable plan under regulations established by the Internal Revenue Service (IRS).

Funds shall be properly budgeted and total travel amounts shall be specifically approved by the Governing Board at the time of annual budget adoption, or as legally changed during the fiscal year.

DEFINITIONS [1.15.2]

- A. Annual Travel Acknowledgement Form** - A form signed by authorized travelers establishing acknowledgement of the terms and conditions of authorized business travel.
- B. Approved Travel Status** - For a College/District traveler to be in approved travel status, the person must be conducting official College/District business with authorization as stated in section 1.15.3.

If expenses are to be incurred and/or paid, a Travel Request Form must be approved prior to travel. A conference brochure (or equivalent detailed document) should accompany conference-related travel requests. When travel expenses are not incurred or are paid for by another agency or individual, colleges may still require that a Travel Request Form be filled out. For in-county travel required for routine District business purposes, a Travel Request Form is not required.

- C. Conference Designated Lodging** - The hotel where the conference is being held or the hotel(s) specified in the conference brochure (or equivalent detailed documents). Accommodations at alternate hotels in the immediate vicinity of the conference may be considered as conference designated lodging when no vacancies exist at the recommended hotel(s) and may be reimbursed at the actual or conference rate, whichever is less.
- D. Commute Miles** - The distance between an individual's residence and his or her duty post.
- E. Duty Post** - "Employee" - The place an officer or employee spends the largest portion of his or her regular working time or the place to which they return on completion of a special assignment. An employee who has more than one

place of work on a regular basis is deemed to have multiple duty posts. A duty post may also be a geographical area, such as, different campuses or teaching locations or where the same routes are traveled frequently on one-day trips.

“Others” - The duty post for members of boards, commissions, authorities, councils, and committees who are not full-time employees of the College/ District served by the board, commission, authority, council, or committee shall be deemed to be their place of residence.

- F. Governing Authority** - The individual or individuals authorized to approve travel. (See approval section 1.15.3)
- G. Group Travel** - Students traveling together for a common event or purpose with at least one MCCCDCD employee, for which only one Travel Request Form is required. A list of employees and students participating in the trip must accompany the Travel Request Form for group travel. A group of MCCCDCD employees in approved travel status at the same location or event is not considered group travel.
- H. In-County Trips** - Travel within Maricopa County on official business and between MCCCDCD locations. Generally, meals and incidental expenses are not reimbursed for in-county travel.
- I. In-State Travel** - Travel on official business outside Maricopa County but within the state of Arizona.
- J. Ground Transportation** - Tolls, taxi, shuttle bus, limousine, and streetcar use to and from airports, train stations or bus terminals as needed in order to conduct business is classified as local transportation.
- K. Meals and Incidental Expenses (M&IE)** - The cost to supplement sustenance as well as any incidental expenses, including gratuity, laundry, tips, etc. while in travel status. Reimbursement is calculated using a per diem rate in accordance with the MCCCDCD Travel Regulation.
- L. Official Function** – An activity or item that appears to be outside of the ordinary and necessary function of MCCCDCD as a public educational institution, but that provides a tangible benefit and links directly to MCCCDCD’s educational mission and is reasonable and commensurate in value to the tangible benefit that MCCCDCD will receive. Expenses incurred by a traveler for activities or events that are an official function must comply with the Official Functions Administrative Regulation (1.16)
- M. Out-of-Country Travel** - Travel outside of the parameters of the United States, or its possessions or territories.
- N. Out-of-State Travel** - Travel within the parameters of the United States other than Arizona, including possessions of the United States such as Guam and Puerto Rico. Travel outside of Arizona, but still within the parameters of the United States, including U.S. possessions or territories.
- O. Per Diem Rate** – The daily amount used to reimburse meals and incidental expenses, established by the state of Arizona and accessible at the following web site: <http://www.gao.state.az.us/travel/>.

Note: the amount allowed for meals is not intended to cover the entire cost of a meal taken while in travel status. The amount is calculated to compensate the traveler for the estimated difference between the cost of a meal taken on the road and cost of a meal prepared at home.

- P. Professional Development Funds** - Money made available by the District to support development activities of its employees. Criteria under which professional development funds are awarded may differ by employee group, and are outside the scope of this Regulation. However, all awards as part of professional development fund initiatives are subject to the regulations and procedures outlined in this policy.

travel approval

- Q. Residence** - The actual dwelling place of the individual without regard to any other legal or mailing address. Individual(s) required to reside away from their primary residence due to official travel away from their duty post may continue to claim such domicile as their residence if said residence is either inhabited by their dependents or is held vacant at tangible expense. No reimbursement for lodging or other expenses shall be allowed on the premises of an individual's residence.
- R. Traveler** - Every District Governing Board member, employee, non-employee and student of the College/District who is in approved travel status.
- S. Valid Receipt** - An original proof of payment that includes sufficient detail to identify the services and/or items purchased. For airfare, car rentals, hotels and registration fees, the receipt must be in the traveler's name.

APPROVAL AUTHORITY [1.15.3]

Travel for the MCCCC District Governing Board, its employees and representatives must be authorized by the appropriate governing authority or its designee(s). When travel expenses are not incurred or are paid for by another agency or individual, colleges may still require that the Travel Request Form be filled out.

In order for travel to be approved, the Annual Travel Acknowledgement Form must also be on file. All District travelers must complete the Annual Travel Acknowledgement Form.

Travel approval is delegated to each College President and each Vice Chancellor, or their designees, for all employees under their areas of jurisdiction. Travel approval for the Governing Board members, College Presidents, Vice Chancellors, in addition to direct staff personnel to the Chancellor, shall be by the Chancellor or his or her designee. A Vice Chancellor will countersign for the Chancellor's travel.

All out-of-country travel must be pre-approved by the Chancellor, or designee (as expressly identified and named by the Chancellor).

Traveler's expense claims shall be approved by the College/District Fiscal Office. College Presidents' and Vice Chancellors' expense claims are to be approved by the Chancellor or designee. Vice Presidents' claims are to be approved by the College President. Governing Board members' and the Chancellor's expense claims will be approved by a Vice Chancellor or designee. Reimbursement exceptions may be granted in extenuating circumstances upon review by the Chancellor or Vice Chancellor for Business Services.

When an individual is to remain in approved travel status for longer than 30 days, the Governing Board must approve the claiming of lodging and M&IE, which may be less than the maximum established rate.

The Vice Chancellor for Business Services may approve hotel stays for certain conference formats that are held locally.

No District obligation exists to reimburse any employee for travel costs unless traveler is in an approved travel status prior to trip departure.

Trips supported by professional development funds administered by the various MCCCC employee groups are subject to the rules and requirements stated in this policy. In some cases, the professional development fund guidelines may be more restrictive than this regulation. Except for the differences outlined in those programs, this regulation shall be applied consistently to all employee groups and to expenses paid from any source of MCCCC funds. Cases that have restrictive standards, such as external grants, the provisions of the grant shall be followed.

Expenses incurred by a traveler for activities or events that are an official function must comply with the Official Functions Administrative Regulation (1.16)

LIMITATIONS [1.15.4]

Travel out-of-country is prohibited in instances where either the learning or professional growth opportunity exists in the United States or its territories.

Reimbursements are limited to those travelers in approved travel status. If expenses are to be incurred and/or paid, a Travel Request Form must be approved prior to travel. For group travel, the Travel Request Form must include a list of employees and students participating in the trip. For travel involving conferences, a conference brochure (or equivalent detailed documents) must accompany the travel authorization. For travel not involving a conference format, documentation to support estimated costs must accompany the Travel Request Form.

Blanket purchase orders for travel agencies should only be used for approved travelers. Travel expenses for companions of employees should not be included in Maricopa funding requests, regardless of intent to reimburse.

Reimbursement is also limited to expense of travel by the most direct and usually traveled route; by the most economical means of transport. When determining the most economical means, both cost and traveler's time must be considered. That portion of travel that is by indirect route, which is not in the best interest of the College/District, or is for personal business, will not be reimbursed. Excess travel time will be charged to annual leave.

Travel reimbursement requests must be submitted within 30 calendar days (or by June 30th of the current fiscal year, whichever comes first) after completion of the trip. If a trip concludes during the last half of June, special efforts must be taken to submit reimbursement requests by June 30th of the fiscal year for which the travel occurred. All reimbursement requests made after this timeframe require approval by the College President or designee and from the funding entity if professional growth funds are used.

When the total expense of the trip exceeds the estimated total cost, reimbursement of the additional expense will be at the discretion of the governing authority that approved the Travel Request Form.

Mileage reimbursement requests must be submitted within 30 calendar days after the end of each calendar month or by June 30th of the current fiscal year, whichever comes first.

Any amounts paid to or on behalf of a traveler that have not been substantiated with an expense claim or required receipts within 60 days of completion of travel will be deducted from the traveler's wages.

Cash advances for travel purposes will be approved only in limited instances. Such instances include academic, group or team travel, i.e., extended stays, class trips, student clubs and organizations, or athletic teams. Supporting documentation that outlines how the advance amount was determined should be included as part of the travel authorization. Every effort should be made to use established travel procedures, i.e., pre-pay known expenses, charge expenses to a Procard or issue purchase orders to vendors who will accept them.

Receipts are required for all expenditures greater than \$25.00 per expense claim (except M&IE, per diems and mileage), and for expenditures less than \$25.00 for purchases of gas for rental car vehicles and communication expenses. All receipts must be valid. When clearing advances, specific expenses for alcoholic beverages will not be allowed.

Travel expenses for non-employees that are serving or acting as agents on behalf of MCCCCD are reimbursed according to policies/regulations applicable to MCCCCD employees.

TRANSPORTATION [1.15.5]

Allowable expenses are for airfare, privately-owned motor vehicle mileage, bridge and road tolls, necessary taxi, shuttle, light-rail, subway, train/railroad, bus or streetcar fares, motor vehicle rental, and necessary parking fees.

Reimbursement will be made only for the method of transportation that is in the best interest of the College/District considering the travel expense as well as the traveler's time. When more than one traveler uses the same privately-owned vehicle, only one claim for mileage reimbursement will be allowed and other travelers should be identified. Reimbursement rates are set by the Arizona Department of Administration and are incorporated by reference.

A. Driver's License/Insurance

Before any employee of the College/District operates a motor vehicle while engaged in any work phase of their employment, either assigned or implied, they must first possess a valid Arizona driver's license and have read the MCCC Administrative Regulation 4.14 for Motor Vehicle Usage.

The operator of a non-District privately-owned motor vehicle shall have in force a personal automobile insurance policy consisting of bodily injury and property damage liability limits which complies with Arizona Revised Statutes. Such personal automobile insurance policy shall provide primary coverage. The District's insurance program may be considered excess coverage for operators of privately-owned motor vehicles in approved travel status once primary coverage has been exhausted.

The District's insurance program provides coverage to authorized drivers of College/District vehicles when on official College/District business. Passengers must be on official College/District business. Personal property stolen or damaged in an accident in any vehicle is not covered by the District's insurance program.

B. College/District-Owned Motor Vehicles

1. College/District-owned motor vehicles should be used in place of privately-owned motor vehicles whenever possible.
2. The use of College/District motor vehicles for transporting individuals not essential to the purpose for which the vehicle was dispatched is prohibited.

C. Privately-Owned Motor Vehicle

1. Travelers are encouraged to first use College/District vehicles. If none are available, mileage may be reimbursed for conducting College/District business. A traveler using a privately-owned motor vehicle for College/District business with supervisory approval and appropriate funding may receive mileage reimbursement regardless of eligibility for lodging or M & IE reimbursement if previously approved on travel authorization.
2. When the travel begins or ends at the individual's residence, mileage shall be computed from the residence or the designated duty post, whichever is the shorter distance. Commute mileage is to be based on no more than one round trip to duty post per day.
3. When an individual is required to report to a duty post outside of normal working hours, reimbursement for mileage from residence to designated duty post and return is allowable.

A privately-owned motor vehicle may be used for out-of-state travel with supervisory approval. Reimbursement for mileage is limited to no more than the lowest cost mode of transportation and should be documented prior to travel.

4. When a privately-owned motor vehicle is authorized for travel, reimbursement will be at the rate set by the Arizona Department of Administration computed by odometer readings or official state highway maps. If map mileage is used, enter "map mileage" in place of odometer readings. Commute miles must be deducted from mileage claim, when applicable. The use of internet mapping programs to determine mileage

is permissible provided that a printout of the program showing the addresses and the calculation is included with the travel claim.

5. If a traveler driving a privately-owned vehicle is involved in an accident and found to be at fault, his or her personal automobile carrier is responsible to the limits of the policy. If the claim exceeds that coverage, the District's insurance program will at that time cover the amount over the policy limits if the traveler was acting within the course and scope of his or her employment. If a traveler driving his or her own motor vehicle on College/District business is involved in an accident, regardless of fault, the College/District will not reimburse the traveler for any physical damage to the motor vehicle.

D. Rented Motor Vehicles

1. Rented motor vehicles may be authorized when other means of travel cannot be used economically. Use of rented automobiles shall be limited to instances where it is to the advantage of the College/District and not for the personal convenience of the traveler. The governing authority is responsible for determining if the advantages of using a rented motor vehicle outweigh the costs of other modes of transportation, as well as the type of vehicle rented. Reimbursement of motor vehicle rentals must be substantiated by a valid receipt.
2. Travelers using rented vehicles will not be allowed to claim mileage. Reasonable gasoline purchases will be reimbursable if receipts are provided.

E. Airlines

Airfare should be purchased via a purchase order with an approved travel agency, with a valid procurement card, or as a reimbursement after travel has taken place. Reimbursement for commercial airfare may exceed the lowest fare only if seats are unavailable at the lowest fare and travel is imperative. In all cases, the decision to pay a higher fare must take into consideration the best interest of the College/District. Flight insurance purchased by the traveler is not reimbursable.

If a trip is cancelled, every effort must be made to recover the credit. The following situations describe the factors to consider when reimbursing for cancellations:

1. When the cancellation of the trip was within the traveler's control and:
 - a. No credit is issued – the traveler must reimburse the District/College for the cost of the ticket.
 - b. A credit is issued – the credit must be used for MCCCCD business travel or the traveler must reimburse the District/College.
2. When the cancellation of the trip was outside of the traveler's control and:
 - a. No credit is issued – the District/College will cover the cost of the ticket.
 - b. A credit is issued – the credit must be used for MCCCCD business travel or the traveler can "buy" the credit from the District/College for personal use. If the credit can't be used, the District will absorb the cost of the ticket.

Change fees can be reimbursed if the change was due to a circumstance or event outside the control of the traveler, or if the change enabled the traveler to decrease the cost of the trip by returning earlier than originally planned. The purpose of the change fee must be clearly documented for it to be reimbursed.

F. Railroads and Buses - Railroad or bus travel may be used when convenient or economical and if excessive travel time and additional expenses do not result.

G. Ground Transportation - Tolls, taxi, parking, shuttle, limousine, light-rail, subway, train, streetcar and non-airport parking are classified as

travel m&ie

ground transportation and can be claimed without receipts up to \$25.00 per expense claim form. Amounts claimed above \$25.00 require receipts for all amounts claimed. The purpose for the ground transportation claimed must be identified. The most economical means of transportation shall be used in traveling to and from airports, train stations or bus terminals. Ground transportation for personal activities, such as sightseeing or travel to restaurants, is not reimbursable.

When traveling to and from airports, train stations or bus terminals, the most economical and reasonable means of transportation shall be used. To determine the most economical means of ground transportation, all factors such as car rental costs, parking, taxi fares, and/or available shuttle or limousine services must be considered.

When departing Arizona, storage or parking for privately-owned motor vehicles at airports, train stations or bus terminals is allowed at economy lot rates. If a traveler is dropped off at the airport, no parking is reimbursable. When the traveler is picked up at the airport, up to one hour of parking may be reimbursed.

Tips for transportation and baggage handling as well as storage charges are to be paid from the traveler's M&IE allowance.

- H. International Ground Transportation** – Receipts are required for ground transportation amounts claimed above \$25.00. When receipts are not available, the destination and expense should be noted on the ground transportation log.

MEALS AND INCIDENTAL EXPENSES (M&IE) [1.15.6]

Each college is responsible for providing direction and information concerning travel to their personnel, subject to the limitation of the travel and expense allowances outlined within this regulation. To be eligible for M&IE the traveler must 1) be away from their residence or duty post substantially longer than an ordinary day's work; or 2) stop for substantive sleep or rest to properly perform their duties.

For purposes of this Travel Regulation, an employee's workday encompasses the hours actually worked on a given day, irrespective of his or her normal shift (workdays and travel days are applicable only in the context of interpreting the Travel Regulation and are not to be applied to the calculation of the number of hours worked or for the computation of compensation or benefits).

A. Meal Allowances

Regardless of any circumstance or condition, a traveler may not claim more than three (3) meals in any single calendar day or in any period of twenty-four (24) consecutive hours. Meals and incidental expenses shall not exceed those amounts allowed by Travel Regulation. To claim any meal expense, the traveler must show where and when the trip begins and ends.

1. Rates - for per diem allowances can be found at www.gao.state.az.us/travel for domestic travel and www.state.gov/m/a/asl/prdm/ for international travel. No receipts are required. Note: the amounts allowed for meals are not intended to cover the entire cost of a meal taken while in travel status. The amounts are calculated to compensate the traveler for the estimated difference between the cost of a meal taken on the road and the cost of a meal prepared at home.
2. The rate used for a meal should be based on the city in which the meal was consumed, and not the traveler's final destination.
3. Full-Day Allowance - Except as may be otherwise provided, a travel day of fourteen (14) or more hours shall be considered a full day and entitle

the traveler to reimbursement for up to three (3) meals. Exceptions include circumstances under which the traveler is by some other means (such as meals served at a conference or on a plane) provided one or more meals during the course of a day. Reimbursement shall not exceed the daily per diem.

4. Partial-Day Allowances - When the travel day is less than a full day as described above, the following guidelines shall be applied to amounts for meals:
 - a. Breakfast: when departure is prior to 7:00 a.m. and/or return is after 9:00 a.m.
 - b. Lunch: when departure is prior to 11:30 a.m. and/or return is after 1:30 p.m.
 - c. Dinner: when departure is prior to 5:00 p.m. and/or return is after 7:00 p.m.

Departure and return are measured from the time the traveler leaves and returns to their home and duty post, whichever is closer. Partial day allowances for domestic travel is determined within the rate index, while international travel per diem is reimbursed at percentages consistent with those established by the Arizona Department of Administration.

5. Meals Provided - Whenever meals are provided at no additional cost to the traveler, regardless of the menu or whether the traveler participated in the meal, (including meals on planes, and meals included in conference registration fees and meals reimbursed to another traveler), the traveler shall not be entitled to any per diem for those particular meals. Regardless of menu, continental breakfast is considered a provided meal. A conference brochure (or equivalent detailed document) must be provided for documentation of meals included in conference registration. It is the obligation of the traveler to make any necessary arrangements for special dietary needs.
6. Meals for Group Travel – The applied per diem amount for group travel may be less than the published per diem rate. Whenever an employee (e.g., advisor or coach) receives funding for group or team meals, the meal form must state how the funds are being distributed and be signed when the distribution occurs. If multiple distributions occur, then multiple forms must be signed. The use of prior signed meal forms is prohibited. Valid receipts are also required in instances when funds are not distributed to students but the meals are paid for the group as a whole, or when all meals are paid from the advance.
7. Meals for a Group of Employees – When a group of MCCC employees are traveling together and one employee pays the total meal cost, the reimbursement for the meal will be actual cost, not to exceed the number of employees multiplied by the pro-rated per diem amount for the meal. An exception is allowed if the host has an approved "Official Functions Form" that was submitted in advance of the event. The "Official Function" activity will be reimbursed separate from the employee's travel expense. In either case, a valid receipt and list of participants must be submitted to substantiate the cost of the meal. Participating employees who did not pay shall not claim under the per diem rate for this meal. Official Function activity shall be limited to one meal per trip.

B. Incidental Expenses

1. Incidental expenses include, but are not limited to, gratuities, laundry, baggage handling, and tips.
2. Allowance will be reimbursed at the per diem rates per meal. No receipts are required. Amounts for incidental expenses are not over and above the partial day meal per diem allowances and are included in the daily per diem rate.

travel lodging

LODGING – IN-STATE AND OUT-OF-STATE [1.15.7]

- A. The traveler must be in approved travel status to be reimbursed for lodging costs. Lodging costs incurred will be reimbursed only if traveler is required to be away from his or her residence or duty post substantially longer than an ordinary day's work, and would not be able to return to their home or duty post by 9:00 p.m. Other lodging costs incurred may be reimbursed if an emergency exists and the appropriate governing authority approves as designated in section 1.15.3.

The Vice Chancellor for Business Services may approve local hotel stays for certain conference formats. Reimbursement requires prior approval. Lodging must be at a commercial establishment and the traveler is required to request the lowest available rate (government, commercial, corporate, conference, etc.).

- B. Receipts** - A valid receipt is required for reimbursement. It is the traveler's obligation upon checking into the establishment to assure that the establishment can provide a receipt containing the required information on the establishment's letterhead or invoice.

C. Reimbursement Amounts

1. The reimbursement amount includes room charges and applicable taxes, and should not exceed the Arizona Department of Administration rate index. The rates published in the Arizona Department of Administration rate index are limits for actual expenses and are not meant as a per diem for lodging expenses. If a situation exists that makes compliance with the maximums impractical and the governing authority approves, actual lodging costs in excess of the Department of Administration's rate index may be reimbursed.
2. For conference travel, reimbursements may be made at conference lodging costs. In these instances, the reimbursement amount will be the actual lodging, cost plus tax, of the conference designated hotel. If the traveler chooses to stay in a hotel other than the conference designated hotel, the traveler will be reimbursed the actual lodging cost plus tax, provided the cost (including transport from hotel to conference and back) does not exceed the conference designated hotel cost. A brochure of the conference must accompany the Travel Request Form. If applicable, parking fees assessed by the hotel may be reimbursed if funding is available.
3. When lodging is shared with another individual on College/District business, reimbursement will be made to the traveler who paid. When lodging is shared with an individual not on College/ District business (such as a spouse) reimbursement shall not exceed the single room rate plus tax.
4. Reimbursement shall not exceed the actual amount of travel-related expenses.
5. Travel expenses for non-employees are reimbursed according to policies/regulations applicable to MCCC employees.
6. Business communication charges, including telephone, internet access, faxes and copies, are reimbursable. Travelers should note the party to whom business calls were made and/or purpose. Personal phone calls are not reimbursable.

MISCELLANEOUS TRAVEL ISSUES [1.15.8]

- A. Out-of-State Use of Equipment** - Any out-of-state use of College/District owned equipment including vehicles must be specifically approved by the governing authority (as defined in 1.15.3). The guidelines set forth in the Off Premises Property Loan Administrative Regulation 1.11 also apply.

B. Non-Reimbursable Expenses – The following are not reimbursable travel expenses under any circumstances:

- Alcohol
- Airline Or Social Club Membership Dues
- Babysitting Or Childcare Costs
- Travel / Miscellaneous Issues – continued
- Car Repairs/Routine Maintenance Or Locksmith Charges
- Clothing, Luggage, Briefcases
- Credit Card Delinquency Fees/Finance Charges/Annual Fees
- Expenses For Travel Companions/Family
- Frequent Flyer Miles
- Health Club Facilities, Saunas, Massages
- Helicopter Services For Airport Transfers
- Kennel Fees And Pet Care For Pets While On Travel Status
- Laundry And/Or Dry Cleaning
- Loss/Theft Of Cash
- Loss/Theft Of Personal Property (Lost Baggage, Etc.)
- Magazines, Books, Newspapers, Or Movies
- Optional Travel Or Baggage Insurance
- Parking Or Traffic Violation Tickets
- Personal Accident Or Property Insurance
- Personal Entertainment/Grooming/Gifts/Souvenirs
- Personal Sightseeing/Tourist Activities
- Trip Cancellation Insurance

C. Other - Any travel issues that are not specifically addressed within this regulation require review by the Vice Chancellor of Business Services and/or the appropriate designee.

LODGING AND M&IE OUT-OF-COUNTRY [1.15.9]

The appropriate governing authority has authorization to approve out-of-country travel (Section 1.15.3). U.S. Department of State allowances will be used for reimbursement amounts for all travel out-of-country, including lodging for work study trips. The listed amount includes allowances for both lodging and M&IE. Links to information regarding reimbursement amounts for foreign areas is available on the Accounts Payable website: www.maricopa.edu/business/ap/travel.

A. M&IE - Please reference previous language within section 1.15.6a on allowable M&IE. The daily total amount available for out-of-country M&IE should be obtained from the U.S. Department of State's website: (<http://www.state.gov/m/a/als/prdm/c16476.htm>) and be allocated between meals, when necessary, using the following percentages (these percentages include allocating the incidentals that the U.S. Department of State identifies separately):

BREAKFAST	20%
LUNCH	25%
DINNER	55%

- B. Lodging** - please reference previous language within section 1.15.7 on allowable lodging expenses.
- C. Receipts** - A valid receipt is required for reimbursement. Ground transportation can be claimed without receipts up to \$25.00 per expense claim form. All other expenses above \$25.00 require a receipt, except for allowable M&IE. Traveler must identify itemized expenses for receipts presented in a foreign language and foreign currency should be converted to U.S. dollars.
- D. Conversion Rates** - Conversion of foreign exchange should be completed prior to submitting the reimbursement request. Conversion may take place prior to leaving Arizona or during travel with a receipt from an official banking establishment specifying the date, conversion rate and amount converted. Conversion rates may also be calculated using the date each actual expense was paid from an official conversion web site of the traveler's choice. Copies of the conversion table should be attached to the travel expense claim form. Information on conversion rates can be obtained by contacting the Treasury, Tax and Audit Department District Business Services or on their website at: www.maricopa.edu/business/treasury/.
- E. Ground Transportation** – please reference previous language within section 1.15.5 h on international ground transportation.

TRAVEL AND M&IE FOR OUT-OF-STATE CANDIDATES AND FINALISTS FOR EMPLOYMENT [1.15.10]

The Governing Board of the Maricopa County Community College District authorizes the reimbursement of travel and M&IE expenses for out-of-state finalists for employment for Management, Administrative and Technological positions Grade 18 and above; finalists for residential faculty positions; and candidates and finalists for Chancellor's Executive Council positions under the following circumstances:

- A. The Chancellor, appropriate Vice Chancellor or College President verifies the need for an on-site interview and identifies appropriate funds to cover the costs of reimbursement; and
- B. Reimbursement will be limited to actual expenses and valid receipts. The most economical means of transportation that is available should also be used.

use of college facilities

USE OF COLLEGE FACILITIES [AR 1.5]

Definitions [1.5.1]

The term "facility" means MCCCCD buildings, other structures or land. It includes athletic fields, parking lots, and gymnasiums.

The term "non-MCCCCD activities" means any activity other than one in which MCCCCD is the sole sponsor, in which MCCCCD employees strictly plan and manage it, or is a co-sponsor, as defined below.

The term "co-sponsor" means any activity in which MCCCCD is an announced and publicized co-sponsor with another organization or organizations. To be a co-sponsor under this regulation, MCCCCD personnel must actively participate in the planning and managing of the activity, and the co-sponsorship must be approved at the Vice President level or above.

SCOPE OF COVERAGE OF THIS REGULATION [1.5.2]

This regulation covers use of MCCCCD facilities for personal, business or non-MCCCCD activities by non-MCCCCD parties or MCCCCD employees or Governing Board members. It excludes activities covered by the administrative regulation entitled "Solicitation." It also excludes use of facilities by the general public when attending an event, or of facilities open to the public such as libraries.

GENERAL STANDARDS [1.5.3]

- A. Use of MCCCC facilities is the use of a public resource. Therefore, facilities use by non-MCCCC parties or MCCCC employees or Governing Board members for personal, business or non-MCCCC activities must be consistent with state law, Maricopa Governance policies and this administrative regulation. The following principles apply to facilities use:
1. MCCCC is not obligated to permit facilities use for any activity that the Vice Chancellor of Business Services, College President, or that official's designee determines is contrary to public policy or the safety of persons or property, or is not in the best interest of the community or MCCCC.
 2. MCCCC employees, Governing Board members, or their relatives or associates may not use MCCCC facilities for personal or business purposes, or for non-MCCCC activities, without complying with the standards and procedures specified in this administrative regulation applicable to non-MCCCC parties. That includes compliance with the requirements for insurance coverage and the payment of rent. MCCCC-sponsored programs for employees, such as health and fitness programs, are considered MCCCC activities under this regulation. At the discretion of the Vice Chancellor of Business Services, College President or that official's designee, an MCCCC employee or Governing Board member may use facilities for an event without complying with the rent or insurance requirements of this regulation where the event meets the following limited conditions:
 - a. The employee or Governing Board member actively participates in the event and is responsible for managing it; and
 - b. The event is for a professional organization in which the employee or Governing Board member actively participates, and whose objectives directly relate to the employee's work at MCCCC or to the Governing Board member's MCCCC responsibilities. The Vice Chancellor of Business Services or College President may establish guidelines for the use of MCCCC facilities under this professional organization exception, including any reasonable reimbursement of expenses as appropriate.
 3. Before using MCCCC facilities, non-MCCCC parties must submit certificates of insurance to MCCCC covering that use.
 4. Non-MCCCC parties, including non-profit agencies or other public entities, must pay fair market rent unless the use relates directly to MCCCC's stated mission. Reduced rent, or no charge, is appropriate only as specified in this regulation.
 5. MCCCC will not enter into a license or lease agreement, as defined in this regulation, where facilities use is strictly for personal or business purposes, or does not have some relationship to MCCCC's mission of education and training.
 6. MCCCC classes, programs and activities for students have priority over all other activities, and other MCCCC activities have priority over non-MCCCC activities.
 7. MCCCC has the right to approve any advertising concerning a non-MCCCC party's use of MCCCC facilities.
 8. A non-MCCCC party must obtain specific authorization from the Vice Chancellor of Business Services, College President or that official's designee to operate any concession activity at MCCCC facilities.
 9. A non-MCCCC party may not alter an MCCCC facility without the prior written approval of the Vice Chancellor of Business Services, a College President, or that official's designee.

- B. The Vice Chancellor of Business Services is responsible for administering this regulation and applicable laws and MCCCCD policies relating to facilities use. The Vice Chancellor is also responsible for annually approving appropriate rent for MCCCCD facilities under the Rental Rate Guidelines attached to this regulation (Appendix FM-6).
- C. The Legal Services Department is responsible for advising MCCCCD on legal issues relating to facilities use, and for preparing agreements and forms for the use of MCCCCD facilities. It is also responsible for ensuring compliance with applicable law and conformance with industry standards relating to insurance coverage.
- D. Rents charged to a non-MCCCCD party for the use of MCCCCD facilities will be credited to the account of the MCCCCD college or entity where the facilities are located, and be available to them through approved budget procedures.

written agreements

WRITTEN AGREEMENTS REQUIRED [1.5.4]

- A. Any non-MCCCCD party wishing to use MCCCCD facilities must sign an MCCCCD-generated agreement specifying the terms of that use. The non-MCCCCD party must sign and comply with that agreement and the insurance requirements of this regulation regardless of whether MCCCCD charges rent for that use.
- B. The MCCCCD standard form entitled "FACILITIES USE AGREEMENT" must be signed if the MCCCCD facility will be used one time, or for a limited period of time during a week and during a year. Under the "FACILITIES USE AGREEMENT" form, the user does not have exclusive use of the portion of the facility being rented (that is, the user will occupy the facility when MCCCCD is not occupying it).
- C. A license, prepared by the Legal Services Department, must be signed if the MCCCCD facility will be used for a significant period of time during a year. Under a license agreement, the user does not have exclusive use of the portion of the facility being rented.
- D. A lease, prepared by the Legal Services Department, must be signed if the MCCCCD facility will be used for a significant period of time during a year. Under a lease, the user has exclusive use of the portion of the facility being rented. The Governing Board policy entitled "Asset Protection," Paragraph 8-d, generally requires Governing Board approval of leases of MCCCCD facilities.
- E. The Vice Chancellor of Business Services or the Vice Chancellor's designee must sign any agreement for the use of MCCCCD facilities. However, the College President or the president's designee may sign the "FACILITY USE AGREEMENT" form unless the non-MCCCCD party has requested or made changes to the standard terms and conditions of that form. The legal services department must review any changes to the standard terms and conditions of the form.

insurance

INSURANCE REQUIREMENTS [1.5.5]

- A. Before any non-MCCCCD party may use an MCCCCD facility it must supply the MCCCCD risk manager, college fiscal officer or that officer's designee with a certificate of insurance evidencing insurance coverage. The MCCCCD risk manager may determine that the activity for which the facility will be used requires other types of insurance coverage, or that reduced levels of insurance are appropriate. A non-MCCCCD party must provide a certificate of insurance regardless of whether it pays rent for the use of MCCCCD facilities. The certificate must show insurance coverage from insurance companies licensed to do business in Arizona with a current A.M. Best Rating of A: VIII or better. The certificate must state that the insurance policy has been endorsed to name MCCCCD, and its agents, officers, officials, employees, and volunteers as additional insureds, except for worker's compensation and employer's liability insurance.

- B. Unless the MCCCCD risk manager changes the insurance coverage and limits required, the minimum coverage and limits required are:
1. Commercial general liability insurance with a limit of not less than \$1,000,000 per occurrence for bodily injury, property damage, personal injury, products and completed operations, and blanket contractual coverage, including but not limited to, the liability assumed under the indemnification provisions of the rental, license or lease agreement;
 2. Automobile liability insurance with a combined single limit for bodily injury and property damage of not less than \$1,000,000 each occurrence with respect to outside party's owned, hired, and non-owned vehicles; and
 3. Workers' compensation insurance with limits statutorily required by any federal or state law and employer's liability insurance of not less than \$100,000 for each accident, \$100,000 disease for each employee, and \$500,000 disease policy limit.

RENT REQUIRED AND EXCEPTIONS [1.5.6]

- A. Non-MCCCCD parties or MCCCCD employees or Governing Board members using facilities for personal, business or non-MCCCCD activities must be charged the rent specified below, unless the use qualifies for reduced rates or free use under paragraph B:
1. For facilities use under a "FACILITY USE AGREEMENT" form, the rent developed according to the rental rate guidelines attached to this regulation; or
 2. For facilities use under a license or lease agreement, a fair market rent, as initially determined by the College President or the president's designee and reviewed by the Legal Services Department and MCCCCD Director of Financial Services/Controller.
- B. Before a college or other MCCCCD entity may waive or reduce rent below that required under this regulation for use of facilities for non-MCCCCD activities, the Vice Chancellor of Business Services, a College President or that official's designee must determine that the following conditions exist:
1. The activity for which the facility is to be used relates directly to MCCCCD's mission of education and training, and MCCCCD obtains a specific public benefit from the activity;
 2. The activity is not political; and
 3. The value or benefit that MCCCCD receives from the activity is substantially equivalent to the amount of rent that MCCCCD is foregoing.
- C. A college or other MCCCCD entity must document that the conditions specified in Paragraph B exist before waiving or reducing rent. If the "FACILITY USE AGREEMENT" form is used, the college or other MCCCCD entity must specifically explain on the form, or on a separate document attached to the form, the conditions identified in Paragraph B that make a waiver or reduction of rent appropriate. If the Legal Services Department prepares the agreement, the college or other MCCCCD entity must provide that information to that department. It is the nature of the activity itself and whether it directly benefits MCCCCD that determines whether a waiver or reduction in rent is appropriate. The fact that MCCCCD may gain some financial gain from the activity other than rent, or that the entity using the MCCCCD facility is another public entity, including a university, or a non-profit organization, does not qualify the activity for a waiver or reduction in rent.

rent

ANNUAL REPORTING [1.5.7]

Four times per year (January, April, July and October), each Chancellor's Executive Council member shall submit a report to the Vice Chancellor for Business Services that documents all facilities use during the year by non-MCCCD parties, or MCCCD employees or Governing Board members using facilities for personal, business or non-MCCCD activities in accordance with requirements outlined in section 1.5.3.a2. Such report shall include the name of the person or party using the facility, date(s) of use, rent paid or waived. If rent is waived, an explanation demonstrating compliance with the criteria for waivers shall be provided. The Vice Chancellor for Business Services shall submit these reports to the Chancellor and Governing Board.

Appendix FM-1

INTERNAL AUDIT & MANAGEMENT ADVISORY SERVICES DEPARTMENT CHARTER

Mission

The mission of the Internal Audit & Management Advisory Services (IAMAS) Department is twofold: to support the vision, mission and values of the Maricopa County Community College District (MCCCD) and its colleges and centers by providing independent and objective assurance, management evaluation, consultation and reporting services; and to help ensure the efficient and effective use of resources, program operations and stewardship over assets. The IAMAS department helps the MCCCD accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Scope of Work

The scope of work of IAMAS is to determine whether the organization's network of risk management, control and governance processes, as designed and represented by management, is adequate and functioning in a manner to ensure:

- Risks are appropriately identified and managed.
- Interaction with the various governance groups occurs as needed.
- Significant financial, managerial, and operating information is accurate, reliable and timely.
- Employees' actions are in compliance with policies, standards, procedures and applicable laws and regulations.
- Resources are acquired economically, are used efficiently and are adequately protected.
- Programs, plans and objectives are achieved.
- Quality and continuous improvement are fostered in MCCCD's control process.
- Significant legislative or regulatory issues impacting the organization are recognized and addressed properly.

Accountability

The Director of IAMAS, in the discharge of his/her duties, shall be accountable to management and the Audit & Finance Committee to:

Provide annually an assessment on the adequacy and effectiveness of MCCCD's processes for controlling its activities and managing its risks in the areas set forth under the mission and scope of work.

Report significant issues related to the processes for controlling the activities of the MCCCD, including potential improvements to those processes, and provide information concerning such issues through resolution. This would include informing and advising the Audit & Finance Committee of the Governing Board and management on the areas examined, and discharging the responsibilities in a manner that is consistent with the Institute of Internal Auditors (IIA) code of ethics.

Provide copies of completed audits to the Audit & Finance Committee and Governing Board Members. The Audit Director and staff will lead the discussion on audit reports with the Audit & Finance Committee. The Audit & Finance Committee may choose to send a letter to the auditee requesting the status and corrective action taken on significant findings. Audits with significant findings will be referred to the appropriate Vice Chancellor for follow-up with the auditee. This is in

addition to the IAMAS follow up that will occur three months after the audit is completed. This will serve to ensure timely implementation of findings. If progress on findings is unclear as to a plan of action to address the findings within six months, the Audit & Finance Committee will require the auditee to attend the next Audit & Finance Committee meeting to review the status of the audit findings. If the Audit & Finance Committee does not find that the auditee's response is adequate, it will so notify the Chancellor and Governing Board.

Reporting Relationships and Independence

Reporting relationships will be maintained in a manner that supports departmental independence and promotes comprehensive audit coverage. To provide for the independence of IAMAS, its personnel report to the Director of IAMAS, who reports administratively to the Vice Chancellor for Business Services while operating under the direction of the Audit & Finance Committee. The Director of IAMAS will periodically report to the Audit & Finance Committee in a manner outlined in the section on accountability. Periodically, it will include as part of its reports to the Audit & Finance Committee a regular report on Internal Audit personnel. The Audit Director will meet regularly with the Maricopa County Community Colleges' Chancellor to discuss the status of the audit plan and matters of concern.

The Director of IAMAS Has Responsibility To:

- Develop a flexible annual audit plan using appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the Audit & Finance Committee for review and approval. The audit plan is approved at the beginning of each fiscal year. Annually, the Audit & Finance Committee formally authorizes the three-year audit plan. This plan is used in planning and budgeting audit assignments and is annually re-evaluated using a risk assessment process. Input obtained from the District Office, college administrators, and the Auditor General's Office is instrumental in developing this plan. The audit plan is considered a guide to distribute internal audit coverage across MCCCCD but remain flexible enough to accommodate unexpected changes.
- Implement the annual audit plan, as approved, including, and as appropriate, any special reviews or projects requested by members of the Chancellor's Executive Council (CEC) and the Governing Board. An audit intake form will be completed by a CEC or Governing Board Member and submitted to IAMAS for review. IAMAS, the Chancellor and Vice Chancellor for Business Services will review these requests and submit their recommendations to the Audit & Finance Committee for authorization. The Audit & Finance Committee shall determine if an audit should be conducted or another referral shall be made. If an audit will be conducted, the Audit & Finance Committee shall make a determination of the impact on the audit plan and necessary adjustments in this plan.
- Maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of this Charter.
- Establish a quality assurance program by which the director of IAMAS assures the operations of internal auditing activities.
- Perform consulting services, beyond IAMAS' assurance services, to assist management in meeting its objectives. Examples may include facilitation, process design, training and advisory services.
- Evaluate and assess significant new functions, changing services, processes, operations and control processes coincident with their development, implementation and/or expansion.
- Issue periodic reports to the Audit & Finance Committee and management summarizing results of audit activities.
- Keep the Audit & Finance Committee informed of emerging trends and successful practices in internal auditing.
- Provide a list of significant measurement goals and results to the Audit & Finance Committee.
- Assist in the investigation of significant suspected fraudulent activities within the organization and notify management and the Audit & Finance Committee of the results.

- Consider the scope of work of the Auditor General’s Office and regulators, as appropriate, for the purpose of providing optimal audit coverage to the MCCCCD at a reasonable overall cost.

Standards of Audit Practice

The IAMAS will meet or exceed the standards for the professional practice of internal auditing of the Institute of Internal Auditors

Note: below is a formal sign-off of the Internal Audit Charter by the Audit & Finance Committee Chair, Chancellor, Vice Chancellor for Business Services and the Director of Internal Audit.

Chair of the Audit & Finance Committee

Date

Chancellor

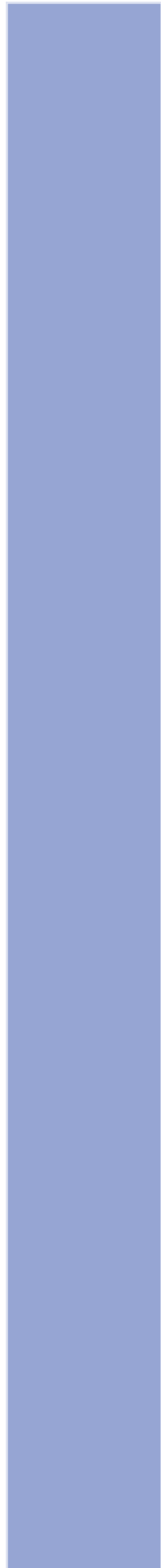
Date

Vice Chancellor for Business Services

Date

Director of Internal Audit

Date



Appendix FM-6

USE OF MCCCC FACILITIES RENTAL RATE GUIDELINES

All use of MCCCC facilities and rental rates must be consistent with state law, MCCCC governance goals, policies, and administrative regulations.

These rental rate guidelines are applicable only to Facilities Rentals whereby facilities will be used one time, or for a limited period of time and the user will not have exclusive use of the portion of the facility being rented. These guidelines may be used for licenses (non-exclusive use for a significant period of time) or leases (exclusive use for a significant period of time) of MCCCC facilities; however, such agreements must be reviewed and approved by the MCCCC Legal Services Department and/or the Governing Board.

Rental rates are determined by each college and reflect fair market rentals based on supply/demand throughout the District, availability of other facilities near the colleges, and peak/low times of facilities/classroom use at each campus. Annually, each college must submit a schedule of rental rates for review and approval by the Vice Chancellor for Business Services.

At a minimum, rental rates should be stated on an hourly basis for the following categories:

FACILITIES

- Classrooms/Lecture Halls/Labs
- Conference/Meeting Rooms
- Dining Facilities
- Performing Arts Facilities
- Athletic Facilities
- Parking Lots

EQUIPMENT

- Audio Visual
- Computers

PERSONAL PERSONNEL SERVICES

- Maintenance/Custodial
- Security
- Technical Support (AV or Computer Technicians)

UTILITIES

Taxation Issues Related to Facilities Rental Income Include

1. State facilities rental tax (.5%) must be multiplied by the rental amount for facilities, equipment and personal services and added to the total amount charged to the user.
2. Unrelated Business Income Tax (UBIT) may have to be paid by the College/District on certain rental income net of related expenses. UBIT may be avoided or minimized as follows:
 - a. Rentals of facilities/utilities, equipment, or personal services for activities related to MCCCC's exempt purpose or mission of education and training are exempt from UBIT.
 - b. Rentals of facilities only are exempt from UBIT whether the activities are related or unrelated to MCCCC's exempt purpose or mission.
 - c. Mixed rentals of facilities and equipment for unrelated activities are exempt from UBIT if the equipment rental is less than 10% of the total rental.
 - d. The equipment rental portion only of mixed rentals of facilities and equipment for unrelated activities is subject to UBIT if the equipment rental is less than 50% of the total rental. Otherwise, the total rental is subject to UBIT.

- e. Provide no personal services as part of rentals for unrelated activities.
- f. Identify expenses incurred by the College/District related to the facility rental (e.g., utility costs, wages for personal service providers, depreciation on equipment, overhead).

NOTE: The ordinary provision of security and routine janitorial services in order to protect and maintain District property does not necessarily result in a taxable event.

Upon approval by the Chancellor or appropriate Vice Chancellor/College President, or designee, rental rates may be reduced or waived under either of the following conditions:

1. Facilities use is by an employee or Governing Board member responsible for and/or participating in an activity or event for a professional organization whose objectives directly relate to the employee's or Governing Board member's MCCCCD responsibilities.
2. Facilities use is by an organization/entity whose activity/event meets the following requirements:
 - a. It directly relates to MCCCCD's mission of education and training.
 - b. MCCCCD receives a specific public benefit from the activity/event and the value or benefit that MCCCCD receives from the activity/event is substantially equivalent to the amount of rent foregone or waived.

Appendix FM-7

INSTRUCTIONS FOR COMPLETING THE OFFICIAL FUNCTION FORM

MCCCD is required to spend its resources only for things that tangibly and directly benefit its educational mission and objectives. Some expenses by their nature aren't appropriate. Others require an explanation to meet that requirement.

Examples of expenses that are not official functions are charges for alcoholic beverages, memberships in non-school related civic organizations, and gifts and decorations for parties for births, deaths or weddings. Examples of expenses that may be official functions are employee retreats and conference banquet or hotel contracts.

Here are the procedures and guidelines for filling out the Official Functions Form. They apply regardless of the source of funds being used for the expense.

- A. The description in Item 4 of the Form must be specific. Vague or overly subjective descriptions won't satisfy the documentation requirement.

Examples of descriptions that are insufficient are:

- Scheduling this particular employee-only event at "X" location will significantly increase attendance.
- Participation as a sponsor in the specified event will provide the college with visibility in the community.

Examples of descriptions that may be adequate are:

- The day-long employee training to be provided at the specific event will directly address the development of some of the core skills that are identified in the employee manual as essential to the performance of the MCCCD employees who attend.
- The persons attending the event for which MCCCD intends to be a sponsor are those that MCCCD has targeted for outreach as potential students, specifically high school seniors. Attendance is expected to be 25. MCCCD's participation will provide advertising and marketing opportunities within that population. The expense is within the range for other MCCCD marketing or advertising efforts.

- B. Likewise, the description provided in Item 5 of the Form must be precise and identify specific activities or objectives of MCCCD. Vague descriptors are insufficient as are statements showing a benefit to the public generally. The benefit also needs to equate to or exceed the expense that MCCCD is incurring. So, while the benefit doesn't have to be described in dollars, it must be identified specifically in terms that "paint" a clear picture that the values exchanged are about the same. Higher-dollar expenses require answers with greater specificity.

Examples of descriptions that are insufficient are:

- Participation in the event will provide prestige to MCCCD.
- The particular event will boost employee morale.

Examples of descriptions that may, depending on the expense, be sufficient are:

- The agenda for the MAT employee retreat consists of sessions on essential management skills. The cost per employee trained at the retreat is \$40, which is significantly less than market training fees for the same management training.
- MCCCD's sponsorship of the event will provide advertising and marketing opportunities among targeted high school seniors. The expense of \$X is within the range for other MCCCD marketing or advertising efforts.

- C. If the expense is under a grant or similar restricted fund, the person initiating it must make sure that it is allowable.

- D. A separate form must be completed for each activity, even if the expenses are recurring in nature, or are encumbered under the umbrella of a blanket purchase order.

Appendix FM - 8

INSTRUCTIONS FOR COMPLETING THE MEMBERSHIP PAYMENT WORKSHEET

- A. If the name of the organization clearly establishes that it is professional or academic in nature and relates to public employment or education, this Worksheet does not need to be completed and submitted for approval.

Examples of memberships that, by virtue of the names of the organizations, don't require completion of the Worksheet are the American Association of University Women, the Cooperative Education Association, and the National Council for Student Development.

- B. For all other memberships, the Worksheet must be thoroughly completed and the required approvals obtained before the expense is incurred.

An example of a membership that may be appropriate but for which the Worksheet needs to be completed is the Chamber of Commerce.

- C. Individual memberships are appropriate only:

If the organization does not allow an institutional membership, where the organization requires that MCCCCD hold an institutional membership, and participating MCCCCD employees hold individual memberships; or where the appropriate fiscal officer determines that an individual membership is the most cost effective.

For an individual membership, the employee must be full-time.

- D. The descriptions provided in Items 3 and 4 of the Worksheet must be specific. Vague or overly subjective descriptions won't satisfy the documentation requirement.

Examples of descriptions that are insufficient are:

- Membership will provide the college with visibility in the community.
- Membership will be prestigious.

Examples of descriptions that may be sufficient are:

- The organization consists of a significant number of employers within the county - a key constituency in developing an appropriate workforce. Some employer-members are significantly involved in the college's workforce development program, such as _____.
- This organization is the leading association for registered nurses and plays a significant role in the certification requirements in various states. MCCCCD gains significant insights about curriculum needs for the nursing program from participating in this organization.

- E. Likewise, the description on the Worksheet in Item 5 must be precise. It must identify specific activities or objectives of MCCCCD that are satisfied. The benefit that MCCCCD receives also needs to equate to or exceed the expense incurred. So, while the benefit doesn't have to be described in dollars, it must be identified specifically in terms that "paint" a clear picture that the values exchanged are about the same. Higher-dollar expenses require more specificity.

An example of a description that fails meet those requirements is:

- The membership provides me with collegial opportunities.

An example of a description that is sufficient is:

- Membership allows my students access to special collections not viewable by the public. During the preceding year, I escorted 24 students on three separate field studies that included access to the special collections, for a value in excess of the \$300 membership.

Appendix FM-12

Maricopa County Community College District Internal Audit & Management Advisory Services

AUDIT INTAKE FORM

Requested by: _____ (must be CEC or Board member)

Day Phone: (____) _____

Cell Phone: (____) _____

What is the Issue? (Please provide a detailed description with the reason for and nature of your concern)

What type of service is needed?

- Review of a department's significant operating processes and associated internal controls for potential risks. (**Internal Control Review** – we give recommendations for managing and mitigating the risks. The review will also include compliance review and may incorporate some testing).
- Investigate possible fraud or misappropriation, or alleged violations of laws or policies and procedures that could result in prosecution or disciplinary action. (**Special Request** – theft, misappropriation of assets, and conflicts of interest are examples of reasons for Special Requests).
- Address the internal control environment of information systems and how people use those systems (**Information Systems Audits** – we give recommendations to ensure the adequacy and reliability of the controls and to ensure the integrity of data processing).
- Other: _____ (See reverse side for other types of services).

Please describe and explain the level of urgency: _____

Audit Contact(s): _____

Day phone: (____) _____

Cell phone: (____) _____

Other Issues or Comments: _____

Disposition: Audit? Yes No

Type: _____

Auditor: _____

Date Started: _____

Date Closed: _____

Other types of Internal Audits and Management Advisory Services

Compliance Audits and Reviews are designed to review and evaluate a department's or area's level of compliance with established guidelines – federal and state laws and regulations, institutional policies and procedures, and terms of contracts. Recommendations typically call for improvements in processes and controls intended to ensure compliance with regulations.

Financial Reviews involve an evaluation and analysis of accounting and financial transactions to determine if commitments, authorizations, and receipt and disbursement of funds are properly and accurately recorded and reported. This type of review also determines if there are sufficient controls over cash and other assets and that adequate process controls exist over the acquisition and use of resources. Unlike external financial audits, internal financial reviews do not prepare or express professional opinions on the financial statements' fairness.

Management Audits assess the quality of the decision-making process and the information environment.

Cost-benefit Audits evaluate the economy, efficiency and effectiveness of a program or activity. The auditor will concentrate on the inputs and outputs for a specific program. The purpose may overlap with internal control reviews, and compliance and management audits.

Consulting Services intend to add value to governance, risk management, and control processes without the auditor assuming management responsibilities. Consulting services may include consultation, research assistance, and facilitation.

Note: The purposes of the types of internal audits and management advisory services may overlap depending on the situation. For example, an Internal Control Review that concentrates on various processes such as cash handling, payroll, equipment inventory and accounts payable, will also incorporate elements of a Compliance Audit and may include Financial and Management Reviews.

APPENDIX AS-3

COMPLAINT PROCESS

(Supplement to the Technology Resources Administrative Regulation)

Complaints alleging violation of the Technology Resource Standards shall be filed in writing, under signature of the complainant, with the Maricopa County Community Colleges Office of Information Technology Services. The complaint shall state with particularity the content or activity believed to be in violation.

Within five working days of its receipt by the Office of Information Technology Services, a copy of the complaint in its entirety shall be sent to the user alleged to be responsible for the content or conduct at issue. The user shall have five working days from the date of receipt of the complaint to voluntarily remove or amend the content at issue or cease the conduct complained of.

If the user voluntarily removes or amends the content at issue or ceases the conduct complained of, no further review shall be undertaken.

Initial Assessment – Per Se Violations

Within five working days of receipt of the complaint, the Office of Information Technology Services, in consultation with the MCCC General Counsel's Office, will conduct an Initial Assessment and render an opinion as to whether the alleged use of technology resources constitutes a **per se** violation of any law, Maricopa policy or administrative regulation. Upon determination of such a violation, including a violation of any law, the General Counsel's Office will issue a written finding to the user, the College President, or the Vice Chancellor of Information Technology indicating with specificity the nature of the alleged violation and recommending the action to be taken. Pending further review pursuant to this regulation, the College President or the Vice Chancellor of Information Technology shall have the authority to remove any content found to be in violation or to prohibit access by the user to any MCCC resource being used to facilitate the conduct found to be in violation.

In the event the Office of Information Technology Services does not find the complained of conduct to be in violation of MCCC policy or the Technology Resource Administrative Regulation; or the Office of General Counsel does not find the conduct to be violation of law, the complaint will be forwarded for full review pursuant to this regulation for the purpose of determining if the conduct is an appropriate use of public resources.

Due to the dynamic and changing nature of technological resources, complaints that do not constitute a **per se** violation will be referred for full review pursuant to this regulation.

Full Review – Committee Composition; Default; Notification

Within five working days of the conclusion of the Initial Assessment, the Office of Information Technology Services shall provide written notice of the complaint, which has been forwarded for Full Review. The notice shall be provided to the user, with copies forwarded to the appropriate employee group president, appropriate instructional council chair (if applicable), appropriate College President or Vice Chancellor, and the Chancellor. Appropriate designations as outlined in this section must be made and the Office of Information Technology Services advised of the same within 10 working days of the notice.

If the user who is the subject of the complaint is a residential faculty member, the Full Review committee shall consist of: The current faculty senate president at the college to which the faculty member is assigned; the chair of the instructional council for the faculty member's assigned discipline as listed with Human Resources; a designee of the college's president, a designee of the Chancellor, and a designee of the user. All designees must be Board-Approved, permanent employees. The faculty senate president shall chair the committee. In the event that the chair of the instructional council is unwilling or unable to serve, the president of the college's faculty association

shall select an alternate member. In the event that the user fails to make a designation, the College President shall be authorized to have the content removed or to prohibit access by the user to any MCCCDC resource being used to facilitate the violation.

If the user who is the subject of the complaint is an employee other than a residential faculty member, the Full Review committee shall consist of: The current president or recognized leader for employee policy negotiations of the user's employee policy group; a peer of the user from an MCCCDC site other than that of the user who shall be chosen by the current president of the user's employee policy group; a designee of the college's president or a vice Chancellor, a designee of the Chancellor, and a designee of the user. All designees must be Board-Approved, permanent employees. The employee group president/leader shall chair the committee. In the event that the user fails to make a designation, the user will be deemed to have conceded that a violation occurred and the College President or vice Chancellor shall be authorized to have the content removed or to prohibit access by the user to any MCCCDC resource being used to facilitate the violation.

If the user who is the subject of the complaint is a student, and the complaint involves the use of resources related to a course, student club or organization, the Full Review would be conducted by the instructor and Vice President of Academic Affairs, or the club advisor and Vice President of Student Affairs, as appropriate.

Within ten working days of the committee's composition being forwarded to the Office of Information Technology Services, the committee chair, in consultation with the user named in the complaint and the other committee members, shall establish a time to meet and consider the complaint, and notify the Office of Information Technology Services of the same. The Office of Information Technology Services shall provide written notice to the user and committee members of the meeting time. The date shall be no more than 15 working days from the date the Office of Information Technology Services was notified of the committee composition.

At the time set for the committee to consider the complaint, the user shall be afforded the opportunity to provide written or oral testimony relevant to the defense of the content or conduct complained of.

The committee may meet subsequently for private deliberations if deemed necessary.

All meetings of the committee shall be conducted at the site of the user named in the complaint.

At the conclusion of its review and deliberations, the Evaluation Team shall determine by simple majority vote whether there is clear and convincing evidence that the content or conduct complained of is contrary to the reasonable exercise of academic freedom, or to the advancement of the educational, research, service, operational, or management purposes of Maricopa, and therefore a violation of the MCCCDC Technology Resource Administrative Regulation. The committee shall make its determination no later than 20 working days from the date of its initial meeting to review and consider the complaint.

The committee chair shall communicate the committee's determination to the user, the Office of Information Technology Services, and the College President or Vice Chancellor. If the committee determines that no violation occurred, the user shall not be required to remove the content or cease the conduct complained of. If the committee determined that a violation did occur the College President or Vice Chancellor shall be authorized to have the content removed or to prohibit access by the user to any MCCCDC resource being used to facilitate the violation.

The user may contest the action of the College President, Vice Chancellor or designee through established grievance or resolution of controversy procedures.

Decisions rendered under this process are considered final.

APPENDIX AS-8

GUIDELINES FOR INCIDENTAL COMPUTER USAGE

FOR THE MARICOPA COMMUNITY COLLEGES

(Supplement to the Technology Resources Administrative Regulation)

The Maricopa Community Colleges are committed to the continuous improvement of its employees through training, tuition waivers and reimbursement as well as professional growth. Maricopa also supports a productive friendly work environment for employees. Since Maricopa has been updating computer usage policies, it is important to help clearly define and identify some acceptable, though incidental, uses of Maricopa technology in relation to these goals.

These guidelines have been written to specifically address two different but broad employee incidental usage scenarios. The first is the employee usage, outside their normal hours of accountability, of Maricopa technology resources to improve their educational experiences. The second is the practice of having inconsequential personal information, such as pictures or music on their local computer to promote a productive friendly work environment.

In relation to expanding one's educational experience, whether the employee is working on professional growth activities or homework for an educational program, using Maricopa technology in support of these efforts has an inconsequential impact on Maricopa's technical infrastructure. This type of usage, outside one's hours of accountability, is considered acceptable incidental computer usage of Maricopa's technology resources.

Another illustration of incidental computer usage is the placement of personal pictures or music, owned by the employee, on their local computer. In a normal work environment having a picture of ones family as a background image or screen saver or privately listening to music has no impact on Maricopa technical resources but helps promote a positive work environment.

The following are examples of incidental computer usage. These examples do not supersede any expanded local college guidelines that might prohibit such use:

1. Employees that are working on a course for their bachelor's degree stay after work to use their computer to do research for their course. They search the Internet, local library resources, and other online resources to gather material for their research paper. They use their local computer word processing program to write and prepare their paper. When completed, the employees save their work on portable media (thumb drive, floppy, etc.) and take it home for printing and/or review.
2. An employee places pictures of their family and uses one as their desktop background picture and saves the rest into a pictures folder used by the operating system screen saver program.
 - a. At no time would the employee download any special screen saver application software and install it on their local computer.
3. An employee plays personally owned music stored on a mobile device (example: CD, Thumb Drive, etc.) on their local computer at work. An employee shall not copy personally owned music to server disk space and will comply with applicable copyright law. It is important to note that while playing personally owned music is listed as an example of incidental computer usage, this activity is subject to the appropriateness of the work environment as well as a supervisor's discretion.

Note: In all cases, local college and Maricopa policies and regulations supersede these guidelines.

APPENDIX AS-9

GUIDELINES FOR INCIDENTAL PHONE USAGE

FOR THE MARICOPA COMMUNITY COLLEGES

(Supplement to the Technology Resources Administrative Regulation)

The Maricopa Community Colleges are committed to the continuous improvement of its employees through training, tuition waivers and reimbursement as well as professional growth. Maricopa also supports a productive friendly work environment for employees. Since Maricopa has been updating telephone usage policies, it is important to help clearly define and identify some acceptable, though incidental, uses of Maricopa technology in relation to these goals.

Incidental telephone usage refers to those calls which are unrelated to the conduct of official Maricopa business, but are authorized if they:

1. Do not adversely affect the performance of the duties of the employee or the employee's department; and
2. Are not for commercial purposes, for-profit activities unrelated to Maricopa, or in support of other outside employment or business activity (e.g. consulting for pay, sales or administration of business transactions, sales or supply of goods or services).
3. Are of a reasonable duration and frequency; and
4. Could not reasonably have been made at another time; and
5. Do not result in additional charges to Maricopa (e.g. long distance, toll calls, 900#). Note that employees who are participating in the accountable plan may utilize a cell phone for incidental use, but must reimburse the district for those charges.

The following are examples of incidental telephone usage. These examples do not supersede any expanded local college guidelines that might prohibit such use:

1. Calls to notify family members and/or physician in case of an emergency.
2. Calls to notify family members of work schedule changes, delays or changes in travel plans.
3. Brief local calls to an employee's residence, family member, child's school, child care provider, or elder-care provider.
4. Brief calls to local businesses (including government agencies, physicians or auto and home repair) that can only be reached during normal work hours.

Note: In all cases, local college and Maricopa policies and regulations supersede these guidelines.



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