Section I. General Information

A. Management Rights

The Board and its Administration (Management) reserves and retains the rights and responsibilities to administer, manage, direct and control the activities and work force of the College including, but not necessarily limited to, the right to:

- direct the work of its employees;
- hire, evaluate, promote, transfer, retain, reassign and relocate personnel;
- suspend, discipline, or discharge employees for proper cause;
- relieve its employees from duties because of lack of work, financial exigency, or other legitimate reasons; and
- determine and implement methods, means, assignments, reassignments, and personnel by which the operations of the College as Management, in its sole discretion, determines is in the best interest of the College District.

The Administration will develop regulations and procedures that are necessary for the purpose of implementing these policies. The foregoing rights, together with the right to determine the methods, processes and manner of performing work, are vested exclusively with the College.

Nothing in these personnel policies or any personnel policy statement shall inhibit, restrict, modify and/or supersede the Board’s responsibilities and/or authority pursuant to, and in compliance with, any state or federal law, executive order, agency rule or guideline, including Presidential Executive Order 11246; Title VII, Civil Rights Act of 1964; Section 503, Rehabilitation Act of 1973; the Vietnam Era Veterans Readjustment Assistance Act of 1974; the Americans with Disabilities Act of 1990; and the Civil Rights Act of 1991.

The personnel policies herein shall govern employment practices on and after their effective date. The provisions of these personnel policies, however, do not apply to or govern the employment practices of the College before the effective date of the policies. Such employment practices must be construed and dealt with according to the provisions of the personnel policies existing at the time of the specific employment practice in question.

The Governing Board of Pima County Community College District reaffirms that the personnel policies contained herein are the personnel policies of the Governing Board and may be supplemented, modified or deleted without restriction by the Governing Board pursuant to its statutory authority. In the administration of the Board’s personnel policies, the College Human Resources Office is responsible for interpreting and overseeing the implementation of the policies.
B. **Equal Employment Opportunity**  
- Board Policy BP-1501 [all employees]

The College is dedicated to providing equal opportunities to all individuals regardless of race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity or other legally protected category. The College will provide all qualified individuals reasonable accommodations in the work and educational environment and ensure equal access to all College programs, activities and facilities. The College does not discriminate in admissions, educational programs, or employment on the basis of any factor outlined above or prohibited under applicable law. The College is committed to creating and maintaining an environment free of discrimination that is unlawful or prohibited by College policy. This prohibition against discrimination applies to College employees, students, contractors, or agents of the College and to anyone participating in a College-sponsored event or activity.


C. **Discrimination, Harassment (including Sexual Harassment) and Retaliation**  
- SPG 1501-AA [all employees]

The College prohibits discrimination, harassment and retaliation in the workplace. All College employees are expected to maintain a work and educational environment that is free from harassment or retaliation.

Discrimination occurs when an individual is treated adversely based on a protected classification. Protected classifications are race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity or other legally protected category.

Harassment is a specific form of discrimination. Harassment is unwelcome behavior based on a protected classification that:

- a) has the purpose or effect of creating an intimidating, hostile, or offensive employment or educational environment or
- b) has the purpose or effect of unreasonably interfering with an employee’s work performance or an individual’s employment opportunities.

Prohibited harassment may take the form of, but is not limited to, offensive slurs, jokes, and other offensive or abusive oral, written, computer-generated, visual or physical conduct that is aimed at, or that adversely impacts, an employee or student because of his or her inclusion in a protected classification. It may also include negative stereotyping, including negative references about a person’s language or accent.

Sexual harassment is a form of sex discrimination and may involve individuals of the same sex or different sex. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or a student’s status;
• submission to or rejection of such conduct by an individual is used as the basis for employment decisions, or academic decisions affecting the individual; or
• such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance, a student’s academic performance, or a student’s ability to receive the benefits of a College program or activity or has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment. This may include:

- unwelcome sexual touching, advances or propositions;
- lewd comments, sexual jokes and offensive personal references;
- leering, demeaning, insulting, intimidating or sexually suggestive comments about an individual’s dress or body;
- the display in the workplace of demeaning, insulting, intimidating or sexually suggestive objects or pictures including nude photographs;
- demeaning, insulting, intimidating or sexually suggestive written records or electronically transmitted images;
- unwelcome touching.

Sexual harassment does not include conduct of a socially acceptable nature. Nor does it refer to the use of materials or discussion related to sex and/or gender for scholarly purposes appropriate to the academic context, such as class discussions or meetings.

Retaliation occurs when adverse action is taken against an employee or student as a result of the employee’s or student’s good faith participation in a protected activity. Retaliation becomes a separate complaint that can be claimed even if the original discrimination complaint was not substantiated. Retaliation can involve any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment.

Protected activities include (a) raising or reporting or filing allegations of discrimination, harassment or retaliation and/or (b) participating in any review or investigation of a claim of discrimination, harassment or retaliation.

Adverse action is any action that (a) materially affects an individual’s terms and conditions of employment or a student’s academic status, or (b) is reasonably likely to deter that individual or others from engaging in a protected activity.

D. Americans With Disabilities Act Compliance

- Board Regulation 1501/A and SPG 1501-AC [all employees]

The Pima County Community College Board of Governors endorses the philosophy of all state and federal laws providing for equal employment opportunity. Pima County Community College District supports the Americans With Disabilities Act (ADA).

Please refer to http://pima.edu/about-pima/policies/board-policies/BP-1501.html

Pima Community College will provide reasonable accommodation(s) to qualified employees or applicants with disabilities, unless to do so would cause undue hardship. For more information
regarding the College’s ADA accommodation process, contact the College’s Equal Employment Opportunity/Affirmative Action Office.

E. Accommodation for Religious Observances
[all employees]

Pima Community College accommodates the religious observances and practices of students, employees and applicants unless undue hardship to College operations or programs will result. For further information or guidance in carrying out this policy, contact the Human Resources Employee Relations Office or the Equal Employment Opportunity/Affirmative Action Office.

F. Discrimination and Harassment (including Sexual Harassment) Reporting Responsibility and Procedures
-Board Regulation 1501/A, SPG 1501-AA [all employees]

All members of the College community are responsible for creating an environment free from all forms of discrimination and for cooperating with College officials who investigate allegations.

Employees who (a) are administrators, (b) supervise employees, students, contractors, vendors or other agents of the College, or (c) instruct or advise students are required to immediately report possible discrimination, harassment or retaliation to the EEO/AA/ADA Office or the Vice President of Student Development as appropriate. The duty to report arises whenever one of the above-designated employees (a) witnesses possible discrimination, harassment or retaliation or (b) is provided with written or verbal notice or otherwise learns of possible discrimination, harassment or retaliation.

Employee complaints of discrimination may be filed directly with the EEO/AA/ADA Office, Office of Dispute Resolution or filed anonymously through the College’s hotline or reported to the appropriate administrator. Complaints received anonymously through the College’s Compliance and Ethics hotline will be investigated to the extent possible given the information provided.

The College will take prompt and appropriate action to thoroughly investigate complaints, correct any discrimination, harassment or retaliation that is determined to have occurred, and, if necessary, to discipline any individual who is found to have engaged in conduct that constitutes discrimination, harassment or retaliation.

If the person alleged to have committed the violation is the Chancellor, the complaint shall be referred to the Board Chair and College legal counsel, who shall notify all Board members conduct a review and provide notice of the resolution to the complainant, in accordance with the Board By-laws (Article XII).

G. USERRA
[all employees]

The College is committed to fully complying with the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, which prohibits an employer from denying employment, re-employment, retention in employment, promotion or any benefit of employment
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Based on a person’s membership in or obligation to perform service in a uniformed service, or retaliating against a person by taking adverse employment action against that person for asserting their rights or testifying in connection with or participating in an investigation pursuant to the Act.

H. Drug-and Alcohol-Free Environment
-Board Policy BP-2-20 [all employees]

It is the policy of Pima County Community College District to maintain a drug and alcohol-free working environment for its employees, students and visitors.

Please see Board Policy on Drug-Free Environment:
http://pima.edu/about-pima/policies/docs-ap-02/AP-2-20-01

The College administration is authorized to establish regulations and procedures to affect this policy.

I. Conflict of Interest
[all employees]

A conflict of interest is a real or perceived conflict between one’s professional or official duties and one’s other interests, or is a situation where one duty conflicts with another. Conflicts of interest may create an impairment of judgment or potential perception of the impairment of judgment. Conflicts of interest may arise in numerous circumstances including pecuniary interest, nepotism, consensual relationships, and outside or secondary employment.

1. Pecuniary or Proprietary Interest

College employees are subject to conflict of interest laws contained in A.R.S. 38-501-511. These statutes establish minimum standards for the conduct of public officers and employees who, in their official capacity, are or may become involved with a contract, grant, purchase, sale, service or decision that might affect their personal pecuniary or proprietary interest, whether direct or indirect, or those of their close relatives. By law, those relatives include a “spouse, child, grandchild, parent, grandparent, brother or sister of the whole or half blood and their spouses, and the parent, brother, sister or child of a spouse.” The College also considers as close relatives of the employee to include nephew, niece, grandchild, domestic partner and child of a domestic partner.

   a. Any employee who has, or whose relative has, a direct or indirect substantial financial or proprietary interest in any contract, grant, sale, purchase or service to the College or in any decision of the College, must make that interest known by completing a Conflict of Interest form and must refrain from participating in any manner in such contract, grant, sale, purchase, service or decision.

   b. Employees are prohibited from disclosing or using, without appropriate authorization, information designated as confidential by statute, rule, or College practice that they obtained from the College as a result of their employment with
c. Employees are prohibited from using or attempting to use their official position to secure things of value or benefits for themselves or their relative(s).

d. College employees shall not solicit or accept money, gratuities, favors, or goods of any modest monetary value from any current or potential vendor.

e. Employees are prohibited from agreeing to receive or receiving compensation other than as provided by law for services they rendered in any case, proceeding, application, or other matter pending before the College.

f. Employees are prohibited from agreeing to endorse a product or service of a commercial nature without prior approval by their supervising administrator.

**Requirement to Disclose**

Employees of the College shall annually complete a Conflict of Interest disclosure form. These forms shall be maintained as a public record in the Office of the Chancellor.

Employees of the College must be aware of, and identify on an ongoing basis, any circumstances in which the College’s actions might affect their interests, or the interests of their relatives, and avoid situations in which a conflict of interest may arise. If an employee feels that she or he has or soon may have a conflict of interest in a specific matter that was not disclosed during the annual completion of the Conflict of Interest form, the employee must immediately withdraw from participation in all related activities and decisions related to that matter. The employee must complete a new Conflict of Interest disclosure form, explaining in detail the potential or existing conflict of interest and affirming that the employee has withdrawn from participation in the matter. This new Conflict of Interest form shall be submitted directly to the Office of the Chancellor. (A copy of the Conflict of Interest form can be obtained from Human Resources or Human Resources Intranet.)

Failure to appropriately disclose a conflict of interest situation may result in corrective or disciplinary action, per Section V. Code of Conduct/Discipline.

The College administration is authorized to establish regulations and procedures to affect this resolution.

2. **Nepotism**

   [all employees]

**Nepotism** is favoritism granted to relatives without regard to their merit. Employees will avoid situations where the possibility of favoritism or conflict of interest might exist with relatives of the employee. Circumstances which create the potential for nepotism, or the appearance of nepotism, shall be disclosed.

No person may be employed if such employment would create either a direct or indirect supervisor/subordinate relationship with a relative or create either an actual conflict of interest or the appearance of a conflict of interest; further, no employee may initiate or participate in any transaction or decision involving the employee, a relative of the
employee, or an individual with a close personal relationship with the employee, which include, but are not necessarily limited to, College admissions, registration, records management, student grades, financial aid, student accounts, employment, payroll, operational finance, purchasing and any other College actions.

Employees who marry or become related through marriage or become members of the same household may continue employment as long as there is not a direct or indirect supervisor/subordinate relationship between such employees or an actual conflict of interest or the appearance of a conflict of interest, as is more particularly set forth in the preceding paragraph. Should any of the above situations occur, the College will attempt to find a suitable position to which one of the affected employees may be reassigned or transferred. If accommodations of this nature are not feasible, the employees will be permitted to determine between or among themselves which one of the employees will resign. In the event the employees are unable or unwilling to do so, the College will decide.

**Requirement to Disclose**

Employees of the College must be aware of and identify the circumstances in which the College’s actions might affect their interests or the interests of their relatives and avoid situations in which a conflict of interest may arise. An employee who feels that she or he may have a conflict of interest in a specific matter should immediately withdraw from participation in all related activities and decisions and prepare a memorandum explaining in detail the potential or existing conflict of interest and affirming that the employee has withdrawn from participation in the matter.

Failure to appropriately disclose a conflict of interest situation may result in corrective or disciplinary action.

The preceding information is provided as a summary and general guideline only. It does not cover all situations or aspects governing nepotism. Contact the Human Resources Employee Relations Office for assistance with questions and in interpreting and carrying out these requirements.

3. **Consensual Relationships**
   [all employees]

For the purpose of this section, consensual relationships are amorous, romantic and/or sexual relationships entered into by mutual consent between employees or between employees and students. The College recognizes and respects the individual employee’s right to engage in activities outside of his/her employment that are private in nature and do not in any way conflict with or reflect poorly on the College. However, the College reserves the right to establish guidelines and determine when an employee’s activities represent a conflict with the College’s interests and to prescribe means to resolve the situation.

The College policy on conflict of interest precludes individuals from evaluating the work or academic performance of those with whom they have intimate, familial relationships,
or from making hiring, salary, or other similar recommendations or decisions that have a financial or career impact on such persons. The same principles apply to consensual amorous, romantic and/or sexual relationships between employees or between employees and students.

An employee who may have a conflict of interest situation must disclose that interest in writing to the Chief Human Resources Officer or designee. The Human Resources Employee Relations Office is responsible for contacting the appropriate administrative personnel. Failure to appropriately disclose conflict of interest situations may result in disciplinary action up to and including termination. Contact the Human Resources Employee Relations Office for assistance in interpreting and carrying out these requirements.

**Requirement to Disclose**

A conflict of interest is inherent if a consensual relationship occurs between an employee and any person for whom the employee has a professional responsibility (e.g., as teacher, advisor, counselor, evaluator, service or benefit provider, or supervisor). A conflict of interest is also inherent in a consensual relationship when an employee is in a position to recommend or decide any matter of personal pecuniary or proprietary interest to the other participant, for example, a benefit, employment or financial matter. Any such conflict of interest affects the College’s obligation to provide equal employment and educational opportunity.

**Resolution and Reporting**

It is the duty of College employees to preclude such conflicts of interest and, if such a conflict does occur, to eliminate and report it. Therefore, the College requires:

a. The participants in such a relationship must initiate action immediately to eliminate the conflict of interest.

b. The persons in such a relationship must report it to the administrative supervisor(s) to ensure that all such conflicts of interest have been adequately addressed.

c. The administrative supervisor(s) must write and retain a report that specifies the appropriate, alternate arrangements which have been made to eliminate the conflict of interest and provide a copy to the participants and to the EEO/Affirmative Action Office.

d. These reports must be confidential, but may be available as evidence in the processing of possible related conflict of interest or sexual harassment complaints. Failure to resolve and report such conflicts of interest may result in disciplinary action.

e. In the event the issue is not resolved by the participants or the Administrative Supervisor, the matter will be referred to the Human Resources Employee Relations Office.

The preceding information is provided as a summary and general guideline only. It does not cover all situations or aspects governing consensual relationships, conflict of
interest, or nepotism. Contact the Human Resources Employee Relations Office for assistance in interpreting and carrying out these requirements.

Failure to appropriately disclose a conflict of an internal situation may result in corrective or disciplinary action per Section V. Code of Conduct.

4. **Outside and Secondary Employment**  
   [all employees]

Employees shall be free to seek and engage in outside and secondary employment so long as such employment does not interfere with the full and proper discharge of their primary professional responsibilities to the College. Such activities will be conducted with no involvement of College work time, facilities, equipment, or materials. Such outside employment will be subject to Article 8, Chapter 3, Title 38 of Arizona Revised Statutes (Conflict of Interest of Public Officers and Employees).

**Requirement to Disclose**

An employee who has a conflict of interest situation of this type must disclose that interest in writing to the Chief Human Resources Officer or designee. The Human Resources Employee Relations Office is responsible for contacting the appropriate Administrative Personnel. Failure to appropriately disclose conflict of interest situations may result in disciplinary action up to and including termination. Contact the Human Resources Employee Relations Office for assistance in interpreting and carrying out these requirements.

J. **Personnel Records**  
   [all employees]

1. **Establishing and Maintaining Personnel Records**

   It is the policy of the College to collect and maintain accurate employment-related information for employees as required by law or regarded as necessary by the College. The Chief Human Resources Officer or designee will maintain all employment records and personnel files and, within the scope of federal and state law where applicable, determine the appropriate content and establish appropriate provisions regarding safeguarding, confidentiality, access and disclosure.

   The Human Resources Office is the repository of the employee’s official personnel file for regular, temporary staff, and administrators. The Office of the Provost is the repository for the official personnel files for faculty (instructional and educational support regular and adjunct faculty). The Human Resources Office shall also establish and maintain separate safeguarded employment-related files for employee medical information\(^1\), employee relation matters (grievances, complaints\(^2\), and discipline),

\(^1\) The Employee Service Center maintains files on health insurance and medical information.  
\(^2\) Please note that the EEO/AA Office maintains files for discrimination and sexual harassment complaints, as well as ADA accommodation request documentation.
employment records (recruitment, screening and selection of personnel) as well as electronic personnel records. Supervisors and business offices may maintain informal work files. Supervisor records are deleted or destroyed within one year after the employee transfers or terminates. In addition, the Department of Public Safety may maintain employee information in accordance with state requirements.

The information in all personnel-related records and files in any format (including but not limited to hard copy and electronic, microfiche, audio, video, etc.) will be safeguarded and protected from unauthorized disclosure. Personnel information shall not be released without the authorization of the employee or the Chief Human Resources Officer or designee. Unauthorized release of personnel information or failure to appropriately safeguard personnel information may result in disciplinary action up to and including termination.

It is each employee’s responsibility to keep personal information such as address, contact telephone numbers and emergency notification current in the personnel file. Other status changes, such as marital status and birth of children, affect benefit and insurance plans and coverage, so it is the responsibility of the employee to notify the Human Resources Office promptly when these changes occur. It is the responsibility of the administrative supervisor to ensure that the Human Resources Office is notified of all other employment-related changes in a timely manner.

2. Access to Personnel Records and Personnel Information

Use of and access to personnel files and records is confined to authorized individuals, legitimate business purposes, and authorized public disclosure, including disclosure pursuant to Arizona's Public Records Law (A.R.S. 39-121 et seq). Public information includes, but is not limited to, dates of employment, current/last position held, and current/final salary.

When access to personnel files is granted, the personnel file must be reviewed in the Human Resources Office in the presence of a Human Resources employee (faculty files must be reviewed in the Office of the Provost in the presence of a Contract and Certification Analyst). Exceptions based on legitimate business needs must be authorized by the Chief Human Resources Officer or designee. No documents, papers, forms, or any contents may be added, removed, or altered except as provided in this policy. Access by any person other than the employee or designated Human Resources personnel will be recorded in the personnel file and will include a notation of the name, date and purpose of the person reviewing the file.

3. Employee Access to Official Personnel Records

a. Employees will be permitted reasonable access to their personnel files and records during regular business hours, in coordination with the Human Resources or Provost Office. An employee has the right to:

   1. Review the contents of his/her file and receive a copy of any documents in the file;
2. Respond to any document or correspondence in his/her file and have that response made a part of the file, and;
3. Make a written request to amend or correct any portion(s) of his/her file that the employee believes is not accurate, relevant, timely, or complete. Such a request is subject to the review of the employee’s supervisor(s) and the Chief Human Resources Officer or designee.

b. Upon receipt of a written request to amend or correct any portion of an employee’s personnel record, the Chief Human Resources Officer or designee shall:
   1. Make the amendment or correction requested by the individual, or;
   2. Inform the individual of his/her denial of the request to amend or correct the file, stating the reasons for the denial.

c. Regular full-time faculty and classified staff may grieve the denial of the Chief Human Resources Officer or designee to amend or correct his/her file/record. Such a grievance must be lodged within five work days of the employee’s receipt of the denial, and shall commence at Step Three (see Section VI, Grievance Procedure).

4. Access to Official Personnel Records by Other College Employees

Confidential information or personal data about an employee will not be shared with other College employees without the employee’s consent, except for those employees who have a legitimate business need to access, review, and/or modify file documents in any format during the normal course of conducting College business. Employees of the College shall not have access to personnel records without the permission of the Chief Human Resources Officer or designee.

5. Third Party Access and Disclosure

Unless it is required by law or there is a legitimate business reason, personnel information will not be disclosed or released. Individuals who are not employees of the College shall not have access to personnel records or confidential employee information without the permission of the employee or the Chief Human Resources Officer or designee.

K. Use of Information Technology Resources

[all employees]

A variety of College computing, mail, and telephone systems and services are provided for the use of Pima Community College students, faculty, administrators and staff in support of the programs and services of the College. As with all College resources, they are to be used only for education, institutional and academic development, research, general business operations of the College, including administrative and office support, and public service related to the College mission. All students, faculty, staff and administrators acting within the scope of their employment are responsible for seeing that these systems and services are used in an effective, efficient, ethical and lawful manner.
For the current document of acceptable use of Information Technology resources, please see Appendix E: Acceptable Use of Information Technology Resources.

Use of all College resources is subject to Section V, Code of Conduct/Discipline of this Personnel Policy Statement for College Employees. Unauthorized use or abuse of College resources may result in disciplinary action up to and including termination.

L. Use of Mail Services

College employees conducting official College business are eligible to use the Central Mail System. Mail services include the use of U.S. Postal Service mail (including international mail), inter-campus mail, and in-bound and out-bound courier service (e.g., UPS, Federal Express). The inter-campus mail system is a restricted service provided for the use of administrators, faculty, and staff. It is not available for personal use, private gain, or use by non-College groups for the distribution of mail and programs not sponsored or authorized by the College.

1. All mail addressed to Pima Community College is the property of the College and may be opened by Central Mail Service personnel if the recipient department or College employee (addressee) cannot be identified from information on the outside of the envelope.
2. All mail received by the various College departments is considered official business mail unless marked “personal and confidential”. Authorized departmental personnel may open such mail in the absence of the addressee to assure that College educational and business operations are not unduly interrupted by an employee’s absence.
3. Employees should not provide a College or campus address for personal mail.
4. Outbound personal mail may be processed through the Central Mail Service as long as it is sealed and the proper postage is affixed.

M. Service to the College

[all employees]

The College encourages employees to become involved in the various councils, committees, and advisory groups of the College, provided such participation does not interfere with the performance of an employee’s job duties or the operation of the College. Participation by faculty and administrators is expected as part of their professional responsibilities.

N. Employee Identification Number

[all employees]

All employees will be assigned a random identification number as the primary identifier for use in Pima Community College. Employee identification numbers are computer-generated and cannot be personalized. An employee identification number will not preclude the use of the social security number for Payroll and Human Resources purposes.