Section V. Code of Conduct/Discipline

A. Preamble
[all employees]

It is the policy of the College that certain rules and regulations regarding employee behavior are necessary for the efficient operation of the College and for the benefit and safety of all visitors, students and employees. All College employees are expected to contribute to a productive and cooperative effort to conduct the business of the College and to serve the students and the general public. Further, College employees have a responsibility to the College and the community to conduct themselves at the highest level of ethical standards.

Conduct that interferes with operations, discredits the College, or violates performance or ethical standards will not be tolerated. Such conduct will result in the implementation of the Corrective Action Procedure, Disciplinary Procedure, and/or other appropriate action depending upon the situation. The Corrective Action Procedure attempts to assist and encourage College employees to correct unsatisfactory personal conduct and/or improve their job performance through a series of discussions, meetings, and action plans. Disciplinary Actions, when necessary, will be recommended, authorized, and carried out as described in the Disciplinary Procedure. The employee may elect to file a grievance (Section VI) decisions made and/or actions authorized as a result of either the Corrective Action or Disciplinary Procedures if he/she believes that College policies and/or procedures were not followed in the Corrective Action or Disciplinary Procedures. However, the outcome of this grievance process will not change the contents of the Corrective Action Plan or Disciplinary Action, but may result in an independent investigation of the process used to arrive at that outcome. The employee may also elect to file an appeal (Section V., L.) if he/she believes that the outcome of a Disciplinary Procedure is not satisfactory.

B. Definitions

• **Appellant:** the person filing an appeal regarding the outcome of a Disciplinary Action
• **Respondent:** the person who determined the outcome in a Disciplinary Procedure
• **Representative:** the regular employee or member of the employee representative group supporting the appellant or respondent as per Section V., H.
• **Level one supervisor:** the person who supervises the respondent
• **Executive administrator:** the person who reports to the Chancellor and who has final supervisory over the level one supervisor (e.g., the Campus President or Vice Chancellor)
• **Outcome:** the specific action(s) identified in a Corrective Action Plan or Disciplinary Action
• **Retaliation:** an adverse action taken against an employee or student as a result of the employee’s or student’s good faith participation in a protected activity
C. Code of Conduct and Standards of Behavior for Employees

[all employees]

Pima Community College employees will show mutual respect for others, basic courtesy, reciprocity (treating others as we wish to be treated), and behaviors that create a positive environment in which to learn and to work. College Administration will set the tone for civil behavior through their professional conduct and through their leadership of the institution. All members of the college community will create a positive environment characterized by considerate and principled conduct.

1. All employees are expected to conduct themselves and behave with professionalism, courtesy, integrity, and with the highest level of ethics. Such conduct includes, but is not limited to:

   a. Cooperating with other employees and treating all students, visitors, other employees, and members of cooperating agencies or businesses in a courteous and considerate manner;
   b. Reporting to management unethical or illegal conduct, or conduct suspected to be unethical or illegal, by employees or students;
   c. Maintaining high standards of honesty and integrity, free from personal considerations, bias, or favoritism.

2. Employees are expected to perform their assigned duties in accordance with established timelines, standards of quality, and College Policies. This includes, but is not limited to:

   a. Meeting established quality standards in a timely fashion;
   b. Protecting and conserving College property and resources;
   c. Employing all appropriate safeguards and practices to ensure the safety of students, employees, and visitors;
   d. Reporting ready for work at the assigned starting time and at the proper work location, and notifying the supervisor in advance of any absence from work or the inability to report to work on time.

3. Employees are required to comply with Federal, State, County, and Municipal laws and regulations as well as the Policies and Procedures of Pima Community College.

4. In order to assist employees in their efforts to meet the expectations of the College, supervisors shall:

   a. Be familiar with College policies and procedures that affect assigned personnel; Consult with Human Resources Employee Relations for assistance prior to initiating corrective or disciplinary action.
   b. Substantiate each apparent violation of policy or procedure or instance of unsatisfactory performance before taking action;
   c. Inform the employee if any policy or procedure has been violated;
   d. Ensure that any action taken is prompt and in accordance with applicable College policy.
5. The following conduct is prohibited and any employee engaging in such conduct, attempting to engage in such conduct, or aiding another employee is subject to the Corrective Action and/or Disciplinary Procedures. The examples below are illustrative of the behavior that will not be permitted, but are not intended to be all-inclusive:

a. Reporting to work under the influence of alcohol and/or illegal drugs or narcotics; using, selling, dispensing or possessing alcohol and/or illegal drugs or narcotics on College premises, while conducting College business, or at any time which would interfere with the effective conduct of the employee’s work for the College; using illegal drugs; or testing positive for illegal drugs (see SPG-4006AA);

b. Fighting or assaulting a fellow employee, visitor or student; using language, actions, and/or gestures which are threatening, intimidating, abusive, obscene, or profane; engaging in any form of intimidation, bullying, harassment, sexual harassment, discrimination, or contributing to an offensive, hostile environment (see Section I., C.); disorderly or disruptive conduct;

c. Refusing to follow College policies, regulations, and procedures or management’s instructions concerning a job-related matter, except in cases where the safety of the employee may be endangered or in cases where the action is illegal or unethical;

d. Possessing firearms or other weapons on College property, except as required by the job;

e. Stealing, destroying, defacing, misusing or using College or another person’s property without authorization;

f. Lying or intentionally falsifying, altering or withholding relevant information from any College record or report; failing to notify the College of a felony conviction or the loss of a license or certificate required for the position, or failing to cooperate in a College investigation or audit;

g. Abusing sick leave or demonstrating a pattern of sick leave use without required medical documentation; or having unauthorized absences from work;

h. Using an employee’s official position for personal gain; using confidential information for personal advantage or to further any private interest; accepting or soliciting, directly or indirectly, any gift or item of other than modest monetary value from any person or entity seeking action from, doing business with, or whose interests may be substantially affected by the performance or nonperformance of the employee’s duties (see Section I., H.);

i. Engaging in outside employment or activities that conflict with official College duties and responsibilities, or that tend to impair the capacity for performance of duties and responsibilities in an acceptable manner, or that create a real or apparent conflict of interest (see Section I., H.);

j. Failing to wear assigned safety equipment or failing to abide by safety rules and policies;

k. Disclosing information of a confidential nature to unauthorized persons; tape recording or transmitting conversations without the express permission of all parties;

l. Conducting personal business during work hours and/or on College premises;

m. Gambling on College property.
D. Reporting Violations of Law and College Policy (Whistle-blowing)

[all employees]

In accordance with Arizona Revised Statutes '38-531 and '38-532, it is a prohibited personnel practice for an employee who has control over personnel actions to take reprisal against an employee for a disclosure of information of a matter of public concern by the employee to a public body that the employee reasonably believes evidences:

1. A violation of any law.
2. Mismanagement, a gross waste of monies or an abuse of authority.

Every employee has the responsibility to report violations of Federal, State, County, Municipal laws or regulations, College policies or procedures, or failures to meet the standards of professionalism and ethical conduct expected by the College which the employee has reason to believe have occurred or will occur. For violations as listed above, the report should be made to the employee’s supervisor, an Executive Administrator, the College’s Internal Auditor, the College’s hotline, the College’s attorney, or the campus police as appropriate.

The disclosure by an employee to a public body alleging a violation of law, mismanagement, gross waste of monies or abuse of authority shall be in writing and shall contain the following information:

1. The date of the disclosure.
2. The name of the employee making the disclosure.
3. The nature of the alleged violation of law, mismanagement, gross waste of monies or abuse of authority.
4. If possible, the date or range of dates on which the alleged violation of law, mismanagement, gross waste of monies or abuse of authority occurred.

A finding that any employee, supervisor, or administrator has violated, is violating or intends to violate the Federal, State, County, Municipal laws or regulations, College policy or procedures, or is failing to meet the standards of professionalism and ethical conduct expected by the College will subject the employee to appropriate corrective or disciplinary action, up to and including termination.

E. Whistle-Blowing Protection

[all employees]

Retaliation against any employee for whistle blowing, or participating in an investigation is strictly prohibited. The College prohibits any form of retaliation against employees for bringing bona fide allegations or providing information about violations of law or College policy to the attention of the College.

Employees who, in good faith, report what they believe to be workplace violence, a violation of law or College policy, or who cooperates in any investigation will not be subject to retaliation. However, if an employee knowingly makes erroneous allegations or provides false information, then, depending on the circumstances, the employee may be subject to disciplinary action, up to
and including termination.

Any employee who believes he/she has been a victim of retaliation for reporting workplace violence, a violation of law or College policy, or in an investigation should immediately contact the Chief Human Resources Officer or his/her designee or the Office of Dispute Resolution.

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.

F. Investigative Process
[all employees]

It is the responsibility of all employees to comply with the College’s Code of Conduct, policies, procedures, and standards of job performance; any noncompliance must be remedied. It is the responsibility of the appropriate supervisor or administrator to assure compliance with the College’s Code of Conduct, policies, procedures, and standards of job performance and to investigate, or initiate investigation of, any allegations of non-compliance. All investigations will be conducted promptly and will provide due process for all participants in the investigation. All College investigations shall be conducted in an impartial and as confidential a manner as possible in accordance with College policy, and State and Federal laws. All employees are expected to cooperate in ongoing investigations. Tape recording of investigatory meetings will only be permitted if all parties at the meeting agree.

1. Investigations

Alleged violations, including the appearance of violations, of Federal, State, County, or Municipal laws shall be investigated by the appropriate College personnel who have the training and responsibility to conduct such investigations. Allegations of a violation of federal fair employment law or any type of unlawful discrimination shall be investigated according to the College Discrimination Complaint process. Violations and concerns that go beyond the scope of College administrative investigations will be referred to the appropriate law enforcement agency as needed. Alleged violations of any laws may also result in the initiation of the Corrective Action or Disciplinary Procedure as detailed in this section.

In matters pertaining to job performance, personal conduct, or observance of College policies, the appropriate College personnel will conduct the investigation.
Matters concerning a Chancellor 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.

An employee who is required to attend an investigatory meeting will be informed of the nature and intent of the meeting when the meeting is scheduled. The employee may choose to have a representative accompany him/her to the meeting (Section V., H.). Should it become necessary, the appropriate supervisor may decide to initiate the Corrective Action or Disciplinary Procedures.

2. Administrative Leave

In order to investigate allegations of misconduct, the College, through the appropriate Executive Administrator, in consultation with the Chief Human Resources Officer or designee, may place an employee on an administrative leave (leave with pay), immediately following notification to the employee. Such an action is taken when it is deemed to be in the best interest of the College and/or the employee to do so. The notification to the employee will include a written summary of the allegations prompting the leave. Any employee placed on administrative leave will not be required to use accumulated annual or sick leave and will continue to receive his/her regular (base) salary and benefits.

While on an administrative leave, the employee is expected to be available to the College during the employee’s normal work hours, by either home phone or cellular phone. The employee is also expected to cooperate with the College in conducting the review and in providing information and resources necessary to conduct College business. Contact and communication with College employees may be limited to those directly involved in conducting the investigation. No employee may discuss details or matters related to the investigation with College employees who are not involved in conducting the review.

G. Guidelines for Corrective Action and Disciplinary Procedures
[full-time regular employees]

Depending upon the facts and circumstances involved in each situation, including what the College believes to be the seriousness and/or repetitive nature of the improper conduct or performance, management may in its sole discretion begin corrective or disciplinary procedures at any step. The steps are defined as the procedures are identified in the following sections:

- (J.1) Corrective Action: Step 1
- (J.2) Correction Action: Step 2
- (K) Disciplinary Procedure

1. Employees and their representatives will be allowed reasonable reassigned time from their regular duties in order to meet with College management.
2. All meetings held under these procedures shall be conducted as soon as is possible but no longer than 48 hours from the time of notification and at a place that affords a fair and reasonable opportunity for all persons entitled to be present to attend.
3. All discussions held under these procedures should occur in a private office, if reasonably available, or in an area substantially removed from the immediate presence.
of others.

4. As the corrective action moves from one step to the next, the supervisor may not add new allegations to the action without formal notice to the employee and provision of sufficient additional response time.

5. Retaliation shall not be taken against an employee for requesting representation, or an employee representative for fulfilling his/her responsibilities.

H. Representation

All employees have the right and option to identify and select another regular College employee as a representative of his/her choice at any and all steps of the Corrective Action or Disciplinary Procedures. This individual should be a member of the same employee group as defined in Board Policy 4001 unless all employees involved in the matter agree that a representative from another group is acceptable. A selected representative may decline and the employee may then select another representative. A representative shall not be a key witness in the same matter.

If the representative has legal training or is an attorney, the representative may not act in the capacity of an attorney as related to this matter or any issue that may be tied to the matter. The employee may assign any or all of the following roles to his/her representative, but is responsible for making all final decisions regarding how to pursue the matter:

- observer
- note-taker
- person who speaks in addition to the employee, but not for the employee
- assistant to read and interpret policy or provide other appropriate support
- advisor

All communications between the representative and the employee that relate to the matter shall be confidential.

I. Time Line Exceptions

All time requirements in the processes described below shall be met unless the parties mutually agree to an extension, an unforeseen event occurs, or an extension is granted by the Chief Human Resources Officer or designee. All extensions must be documented in writing and distributed to all parties involved.

The Chief Human Resources Officer or designee may extend any of the following timelines if it is determined that attempts to resolve the matter legitimately caused a participant to miss any of the following deadlines (e.g., if mediation efforts delay the initial filing) or if there are other extenuating circumstances.

In the case of an appeal (Section V., L.):

- If the respondent fails to meet the time requirements and has not received an extension, the appeal advances by default to the next step in the process.
- If the appellant fails to meet the time requirements, the appeal shall be considered withdrawn.
J. Corrective Action Procedure  
[full-time regular employees]  

The Corrective Action procedure is designed to aid the supervisor in assisting the employee in remedying unsatisfactory job-related conduct and/or performance. The College encourages informal resolution of initial or minor infractions whenever possible. An oral or written directive may be given outside, or in addition to, the corrective action process, but may not necessarily be a part of the corrective action process. So long as subsequent corrective action is not required, a written directive will not be filed in an employee’s official personnel file. In some cases, the alternative dispute resolution process called Mediation (Appendix D) or the Employee Assistance Program may provide suitable avenues for resolving the situation. The Employee Assistance Program may be utilized prior to or in conjunction with the corrective discussion.

In general, the Corrective Action procedure begins with the Initial Corrective Action Discussion and provides the employee sufficient time to improve his/her conduct or job performance. If the employee fails to make satisfactory progress, the Second Corrective Action Discussion communicates the urgent need for the employee to make additional improvements in a more formal manner. Should the employee fail to make satisfactory progress on the action plan developed in the Second Corrective Action Discussion, the supervisor may choose to initiate the Disciplinary Procedure.

The College reserves the right, when warranted and in consultation with Human Resources Employee Relations, to begin the Corrective Action Procedure at any intermediate step and assumes the responsibility of clearly informing the employee of this intent and the consequences associated with this intent.

The Corrective Action Procedure is intended to be used when previous informal discussions with the employee have failed to improve unsatisfactory job performance or conduct.

1. Step One: Initial Corrective Action Discussion  
The purpose of this discussion is to counsel and advise an employee of unsatisfactory job behaviors.

   a. The supervisor will notify the employee of the unsatisfactory job performance and/or conduct and simultaneously schedule a private meeting with the employee. At this point, the employee is informed that the meeting is for the initial corrective action discussion as set forth in policy. The meeting will be at a mutually agreed upon time within seven calendar days. The supervisor may invite a facilitator from Human Resources Employee Relations to be present but shall inform the employee of this intent.
   b. The employee may choose to have an employee representative accompany him/her to the meeting (Section V., H.).
   c. As part of the initial corrective action discussion, the employee will have an opportunity to ask questions and explain his/her behavior and conduct. Additionally, the employee will be advised of the consequences that may follow if the employee's performance or conduct does not improve.
d. The supervisor will provide the employee, in writing, with a description of the unsatisfactory job performance/conduct and the desired job performance/conduct. The employee and supervisor will determine a corrective plan of action with specific steps, goals, and timeframes. The Initial Corrective Action Plan shall not exceed 90 calendar days of the employee’s scheduled work time. Plan item timeframe may be extended upon mutual agreement, and will be adjusted for approved absences of one week or more. The supervisor will document this plan in writing, and both the employee and supervisor will sign the plan as set forth. This paperwork is provided for clarity and will be maintained in the supervisor’s file. This paperwork will not be placed in the employee’s official personnel file.

e. Upon satisfactory completion of the corrective action plan, the employee shall be provided written confirmation of the satisfactory performance. One year after the satisfactory completion of the plan, the written record will be removed from the supervisor’s files and returned to the employee.

f. Should performance/conduct not improve, or recur within one year of the completion of the corrective action plan, the written record may be used in subsequent corrective action and disciplinary steps.

2. Step Two: Second Corrective Action Discussion

The second corrective action discussion is pursued if the employee fails to improve his/her unsatisfactory job performance/conduct as stated in the initial corrective plan of action or when, in the judgment of the supervisor, the seriousness of the substandard job performance/conduct warrants skipping the initial corrective action discussion.

a. The supervisor will notify the employee, in writing, of the unsatisfactory job performance/conduct including specific information such as dates, times, places, and names.

b. The supervisor will schedule a meeting with the employee. At this point, the employee is informed that the meeting is for a second corrective action discussion as set forth in policy. The meeting will be at a mutually agreed upon time within seven calendar days of the notification. The employee shall be given sufficient time to prepare for the meeting (at least 48 hours). The supervisor may invite a facilitator from Human Resources Employee Relations but shall inform the employee of this intent.

c. The employee may choose to have an employee representative accompany him/her to the meeting.

d. The emphasis of the meeting will continue to be corrective in intent. The employee and supervisor will discuss the job performance/conduct that fails to meet expectations. The employee will have an opportunity to ask questions and explain his/her behavior and conduct. The supervisor will clearly explain both the steps required to correct the job performance/conduct as well as the consequences of failure to meet reasonable standards.

e. The supervisor will present the employee with a Second Corrective Action Plan with specific steps, goals, and timeframes. The Second Corrective Action Plan shall not exceed 90 calendar days of the employee’s scheduled work time.
work time. Plan item timeframes may be extended upon mutual agreement and will be adjusted for absences of one week or more. The supervisor and employee will sign the plan. The original will be given to the employee, a copy will be placed in the employee's personnel file, and the supervisor shall retain a copy.

f. If an employee reaches the second corrective action discussion as a result of substandard job performance, the Second Corrective Action Plan will be written as a Performance Improvement Plan and will be managed through the appropriate employee performance evaluation process. The progress will be reviewed at the next annual performance evaluation. Failure to make satisfactory progress on the Performance Improvement Plan may result in recommendations for disciplinary actions.

g. Following satisfactory completion of the second Corrective Action plan, and at the end of one year from the date of completion, the written record will be removed from the employee's personnel file at the request of the employee.

h. If the goals outlined in the Corrective Action Plan have not been fully met, the supervisor may amend the Corrective Action Plan for review at the next performance evaluation meeting or proceed with disciplinary action.

i. If, after the satisfactory completion of the corrective action plan, but within one year of its completion, the employee fails to maintain the satisfactory job performance/conduct that had been identified in the plan, the supervisor has the option to reinstate the corrective action plan or proceed with Disciplinary Action.

K. Disciplinary Procedure

[full-time regular employees]

Disciplinary Action recommendations are generally made when the employee has failed to satisfactorily meet the goals stated in the Second Corrective Action Plan within the stated timeframe.

If an employee, by his/her actions, has violated a law, threatened or endangered any person, violated College policies or procedures, or jeopardized the integrity of the College or its programs, the supervisor may elect to begin the initial disciplinary procedure without following the steps of the Corrective Action Procedure.

As established by the disciplinary procedure, no employee will be disciplined, transferred for disciplinary reasons, demoted, suspended, or terminated without cause. Cause includes, but is not necessarily limited to, violations of the code of conduct, misconduct, unacceptably low activity, incompetence, and failure to follow applicable College policies and procedures, or to cooperate reasonably with other employees.

1. Initial Disciplinary Procedure
   a. Even if an investigation or corrective action plan has not taken place, the supervisor will schedule a meeting with the appropriate Administrator and a representative from Human Resources Employee Relations to determine an appropriate plan of action.
   b. The supervisor will schedule a fact-finding meeting with, a representative from
Human Resources Employee Relations and the employee. This meeting is used to provide the employee an opportunity to respond to any allegations and explain questioned behaviors. The meeting will be during a regularly scheduled workday for the employee. The employee shall be given sufficient time to prepare (at least 48 hours). In unusual circumstances where the physical or emotional safety of the employee or others is endangered, alternate means will be utilized to provide the employee an opportunity to respond.

i. The employee may choose to have an employee representative accompany him/her to the meeting (see Section V., H.).

ii. The supervisor will present his/her reasons for believing that disciplinary action is warranted and, if applicable, why the Corrective Action Procedure was skipped. The employee will have an opportunity to respond to the allegations.

iii. If additional meetings with the employee are warranted, the meeting procedure as indicated in 1.b will be followed.

c. The presiding Administrator will decide, with the assistance of Human Resources Employee Relations, if Disciplinary Action is warranted and, if so, what disciplinary action to pursue. All parties will be notified of the decision in writing. If disciplinary action is authorized, a copy of the decision is placed in the employee’s personnel file. The employee will have the opportunity to provide a written response to the decision for inclusion in the employee’s personnel file.

d. When disciplinary action(s) has been authorized, the employee will be notified of the decision in writing. The written notification will be delivered to the employee in person or by registered or certified mail to the last known home address. The notification will specify the nature of the disciplinary actions, including any financial implications. The notification will also inform the employee of his/her right to grieve (Section VI) the decision, including any relevant timelines for filing an appeal. If the employee chooses to appeal the decision, the disciplinary action will be held in abeyance pending completion of the grievance.

e. Should disciplinary action be authorized, the employee may file a grievance if he/she believes that College policies and/or procedures were not followed in the Disciplinary Procedure. The outcome of this grievance will not change the contents of the Disciplinary Action, but may result in an independent investigation of the process used to arrive at that outcome. The employee may also elect to file an appeal (Section V., L.) if he/she believes that the outcome of the Disciplinary Procedure is not satisfactory.

2. Disciplinary Actions

The following actions are the recognized disciplinary actions available to the College. These actions may be used in isolation or they may be used in combination. An oral or written directive may be given outside, or in addition to, the disciplinary action process, but may not necessarily be a part of the disciplinary action process.
Following any disciplinary action, other than termination, there will be a disciplinary probation period of six months. During this period of time, the supervisor will provide feedback and evaluation to the employee. During this period, the supervisor and appropriate administrator can initiate further disciplinary action if warranted.

a. Written Reprimand

A written reprimand is a disciplinary action to document the misconduct or failure to perform or meet job standards and warns that any future violations will result in more severe disciplinary actions, including possible suspension, demotion, and/or termination.

The employee will sign the reprimand to acknowledge receipt. A copy of the reprimand will be provided to the employee and the signed copy acknowledging receipt will be placed in the employee’s personnel file. Employees may provide a written response for inclusion with the copy of the reprimand in the personnel file.

After a period of one year, the employee, with the concurrence of his/her supervisor and administrative supervisor, may recommend to the Chief Human Resources Officer that the written reprimand be removed from the employee’s personnel file, provided there has been no other misconduct, or failure to meet job requirements, or subsequent disciplinary action. If it is the decision of the Chief Human Resources Officer to remove the written reprimand from the employee’s personnel file, the document will be removed and forwarded to the employee. If the decision by the Chief Human Resources Officer is to not remove the reprimand, the employee may again request removal after another one (1) year period has elapsed.

b. Disciplinary Reassignment

The College may choose, for disciplinary reasons, to reassign the employee to a different position within the same pay grade and within the current administrative unit. This action is taken when the College believes that such reassignment will benefit the College and the employee.

c. Disciplinary Transfer

The College may choose, for disciplinary reasons, to transfer the employee to a different position within the same pay grade in a different administrative unit. This action is taken when the College believes that such transfer will benefit the College and the employee.
d. Suspension

A suspension is considered to be a significant disciplinary action and may be used for what the College believes are more serious incidents or repetitions of improper job performance or conduct. Notice of suspension will be delivered to the employee personally or by certified mail to the last known address. The notice will contain the specific reason(s) for and the duration of the suspension. The employee will sign and return a copy of the suspension decision to acknowledge receipt. The signed copy acknowledging receipt will be placed in the employee’s personnel file. The employee may provide a written response within ten days for inclusion with the suspension decision in the personnel file.

i. Notice in Lieu of Suspension
The employee will receive notice that a suspension is warranted, but due to College operational concerns, the employee remains at work.

ii. Administrative Leave With Pay
The employee may be placed on administrative leave with pay, until a decision is made regarding his/her employment status with the College.

iii. Suspension Without Pay
The employee will not be compensated and may not use or accrue leave for any period of suspension without pay. Other benefits may be affected in accordance with College policy on leave without pay.

e. Demotion

A demotion is a very significant disciplinary action where the employee is assigned to a different position at a lower pay grade. Such a demotion may require moving the employee to a different administrative unit. The College considers a demotion to be the most severe form of discipline short of termination, but should be regarded as an attempt to find an alternative position within which the employee may satisfactorily meet the College’s expectations.

f. Termination of Employment

Termination of regular employment may be used for what the College believes are most serious incidents or repetitions of improper job performance or conduct. Authority to terminate employment rests with the Governing Board.
i. Notice of Recommendation to Terminate
The Executive Administrator shall prepare a written notice recommending termination of employment, which shall be delivered to the employee either personally or by certified mail, return receipt requested, to the employee’s last known address. The notice will contain the reasons for the proposed termination and will afford the employee an opportunity to provide a written response to the Chancellor. The employee will sign and return a copy of the notice to acknowledge receipt.

ii. Notice of Decision
After consideration of any additional information (including any response by the employee), the Chancellor shall issue a written notice of decision to the employee. The notice of decision will contain the reasons for the decision and, where applicable, advise the employee of the right to grieve the action. The employee will sign and return a copy of the notice to acknowledge receipt. The signed copy acknowledging receipt will be placed in the employee’s personnel file.

a. If the Chancellor determines that termination is not warranted, the notice of decision will advise the employee and specify any action that will be taken in lieu of termination.

b. If the Chancellor determines that termination is warranted, the notice of decision will advise the employee that termination will be recommended to the Governing Board and that the employee will be placed on administrative leave with pay pending action by the Governing Board on the recommendation to terminate.

L. Appeal Processes for Outcomes of Disciplinary Action Excluding Termination

Supervisors are to investigate and discuss an appeal only with those individuals who have a need to know about it or who are needed to supply necessary information.

1. Initial Appeal to the Level One Supervisor

If an employee is not satisfied with the outcome of a Disciplinary Procedure, he/she may file a formal written appeal within seven calendar days after the decision is received. This appeal must:

a. Identify a reason why the decision is not satisfactory,

b. Contain a statement of the facts surrounding the incidents with appropriate
documentation,
c. Contain the remedy sought.
d. Be filed with:
   • the respondent
   • the level one supervisor(s)
e. Be signed by the appellant or sent from the appellant’s PCC email account.

Any appeal that does not include these essential elements will be rejected.

The level one supervisor will confer with the parties, Human Resources Employee Relations and any other persons he/she deems appropriate, to investigate the issues. Within seven calendar days from the date of the receipt of the appeal, the level one supervisor will provide a written decision and justification to the appellant and the respondent.

2. Final Appeal to Executive Administrator

If the appellant or respondent is not satisfied with the decision received at the initial stage of the appeal process described above, the appellant may appeal the decision to the executive administrator responsible for the campus or department where the Disciplinary Procedure originated, unless the appeal is with the executive administrator, in which case, the appeal will be sent to the Chancellor or his/her designee.

The appeal must be in writing and must include the formal appeal paperwork and decision, and the reason(s) the decision is not considered satisfactory. The appeal must be sent to all participants in the process to date. Any appeal that does not include these essential elements will be considered withdrawn. The appeal must be signed by the appellant or respondent or sent from the appellant’s or respondent’s PCC email account.

This final appeal must be filed within seven calendar days of receipt of the initial appeal decision. The executive administrator or designee will take the steps he/she deems necessary to review and investigate the appeal and may meet with the appellant, respondent, and level one supervisor. The executive administrator or designee will document all steps taken in the investigation of the appeal. The executive administrator or designee will complete the review and investigation within seven calendar days of receipt of the appeal and will issue a written decision with justification to the participants. This decision is final.

M. Appeal of Termination

Employees may promptly appeal a recommendation of termination directly to the Governing Board, within seven calendar days from the date of the Chancellor’s written notice of decision to recommend termination. The Governing Board shall hear the appeal, normally within 21 calendar days of the Board’s receipt of the appeal. Within 21 calendar days after the hearing concludes, the Governing Board will render a written decision to the appellant.
If, upon appeal, the termination is upheld, the separation will be processed effective the date of the Board’s decision. If, upon appeal, the termination is denied or reduces to a lesser action in lieu of termination (e.g., suspension without pay), the employee will be returned to duty and provided with back pay when appropriate and benefits for any period of erroneous or unwarranted unpaid suspension.