

PimaCountyCommunityCollegeDistrict Governing Board Bylaws

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Reflecting action by the Governing Board as of February 7, 2018.



Pima County Community College District Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Authority |
| <i>Bylaw Article Number:</i> | I |
| <i>Adoption Date:</i> | 11/15/78; 12/11/13; 10/19/16 |
| <i>Revision Date(s):</i> | 12/9/13; 10/19/16 |
| <i>Motion Number:</i> | 1513; 201610-05 |
| <i>Legal Reference:</i> | A.R.S. §§ 15-1444 and 15-1445 |

Section 1. The Governing Board (the "Board") of the Pima County Community College District (the "College") is the legally constituted and final authority for the operation of the College. In addition to those duties mandated by statute, the Board shall perform the following functions:

1. Determine the mission of the College and, based upon the mission, formulate College priorities;
2. Determine criteria for evaluating the success of the College in attaining Board-approved priorities. Evidence-based results for each priority will be measured and reported annually by the Chancellor of the College (the "Chancellor") in accordance with a schedule set by the board or his or her designee.
3. Adopt bylaws for the Board and Board Policies to govern the College.
4. Select a model of governance that will meet the needs of the College and the community it serves.
5. Establish limitations for and delegation of authority to the Chancellor of the College. The Chancellor shall serve as the Chief Executive Officer of the College.

6. Oversee and annually evaluate the Chancellor.

Section 2. In its role as a liaison between the College and the public, the Board shall perform the following functions:

1. Interpret the College mission, goals, and programs to the general public; and
2. Define and support the interests and needs of the College to all levels of government.

Section 3. All powers of the Board lie in its action as a public body. Individual Board members exercise authority over District affairs only by way of votes taken at a legal meeting of the Board. An individual Board member has authority only when and to the extent that the Board, by vote, has delegated such authority.

Section 4. The rules contained in the latest edition of *Robert 's Rules of Order, Newly Revised* shall govern the Board in all cases in which they are applicable and in which they are not inconsistent with the law, these bylaws, or any special rules of order the Board may adopt.



PimaCountyCommunityCollegeDistrict Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Membership |
| <i>Bylaw Article Number:</i> | II |
| <i>Adoption Date:</i> | 11/15/78; 12/11/13; 10/19/16 |
| <i>Revision Date(s):</i> | 2/8/95; 12/9/13; 10/19/16 |
| <i>Motion Number:</i> | 1514, 1515; 5300; 201610-05 |
| <i>Legal Reference:</i> | A.R.S. § 15-1441(C); A.R.S. § 38-231 |

Section 1. The Board members shall be required to accept the oath of office.

Section 2. The term of office for an elected Board member is six years.



PimaCountyCommunityCollegeDistrict Governing Board Bylaws

Bylaw Article Title: **Representatives to the Board**

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| <i>Bylaw Article Number:</i> | III |
| <i>Adoption Date:</i> | 2/8/95; 12/11/13; 2/5/14; 10/19/16 |
| <i>Revision Date(s):</i> | 3/13/96; 12/9/13; 2/4/14; 10/19/16 |
| <i>Motion Number:</i> | 5300; 5452; 201610-05 |
| <i>Legal Reference:</i> | A.R.S.§ 15-1445 |

There may be up to six non-voting representatives to the Board ("Board Representatives"):

- one regular faculty representative from the elected governing body (Faculty Senate);
- one adjunct faculty member (part-time) representative, selected from the Adjunct Faculty Committee;
- one regular staff representative, selected by the elected governing body (Staff Council);
- one temporary staff representative, selected by the Temporary Group;
- one administrative representative, selected by the Administrators; and
- one student representative, selected from the membership of the all-campus student-elected Student Government group.

These non-voting representatives shall serve in an advisory role to the Board.

Board representatives shall serve a one-year term commencing July 1st of each year.

Reports of Board Representatives may be given at the regular meetings of the Board and will contain brief highlights of their respective group's activities during

the preceding month and any positive recognition. Board Representatives may also comment on action items on the current agenda, include group concern(s) and offer suggestion(s) for consideration by the Board, subject to the Arizona Open Meeting Law, on a future agenda. The Board may not the merits of any such recommended action unless it is specifically listed separately on the agenda for discussion, deliberation or legal action.

Board Representatives shall not be counted toward a quorum of the Board. Nothing in this policy shall grant any right to a Board Representative.



Pima County Community College District Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Officers |
| <i>Bylaw Article Number:</i> | IV |
| <i>Adoption Date:</i> | 11/15/78; 12/11/13; 10/19/16; 2/7/18 |
| <i>Revision Date(s):</i> | 12/9/13; 2/1/16; 10/19/16; 1/18/18 |
| <i>Motion Number:</i> | 1516; 1518; 201610-05 |
| <i>Legal Reference:</i> | A.R.S. § 15-1443 |

Section 1. The officers of the Board shall be the Chair of the Board and Vice Chair/Secretary of the Board. These officers shall perform the duties prescribed by law, these bylaws and by the parliamentary authority adopted by the Board.

Section 2. The Board shall nominate and elect officers for a term of two years at the annual meeting (Article VI, Section 3). Board members shall rotate through these offices based on their original swearing-in date. Exceptions can be made to this section by majority vote.

Section 3. Vacancies for the unexpired term of an officer shall be filled by the Board at any regular or special meeting.



Pima County Community College District Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Duties of Officers |
| <i>Bylaw Article Number:</i> | V |
| <i>Adoption Date:</i> | 11/15/78; 12/11/13; 10/19/16 |
| <i>Revision Date(s):</i> | 2/8/95; 12/9/13; 10/19/16 |
| <i>Motion Number:</i> | 1519; 5300; 201610-05 |
| <i>Legal Reference:</i> | A.R.S. §§ 15-1443 and 15-1445 |

Section 1. The Chair of the Board shall perform the following duties:

1. In consultation with the Board and the Chancellor, plan the work of the Board and set Board priorities;
2. Preside at all meetings of the Board when possible;
3. Sign contracts and other official documents in the name of the Board when authorized by the Board or statute;
4. Ensure that the Board undertakes and completes a yearly self-evaluation prior to the conclusion of the Chair's term;
5. Sign communications from the Board, such as holiday greetings or acknowledgements of achievement or contributions of individuals or entities to the College.
6. Serve as or designate a Board member to represent the Board on occasions prescribed by law, state regulations or when assigned to do so by the Board;
7. Perform such other special duties as shall be prescribed by law or as vested

in the Board Chair by the Board;

8. Act as the official spokesperson for the Board in ceremonial events.

Nothing in this section precludes individual Board members from attending ceremonial events or expressing their own opinions.

Section 2. The Vice Chair/Secretary of the Board shall perform the following duties:

1. Sign the minutes and records of meetings of the Board and such other documents as directed by the Board;
2. In the absence of the Board Chair preside at Board meetings and, by action of the Board empowering the Vice Chair/Secretary, assume responsibilities vested in the Board Chair;
3. Perform such other special duties as shall be prescribed by law, determined by lawful regulations or delegated to the Vice Chair/Secretary by the Board.

Section 3. During a temporary absence of the Vice Chair/Secretary of the Board, the Board member present with the longest service on the Board shall fulfill the obligations of the Vice Chair/Secretary.

In the absence of both the Chair and Vice Chair/Secretary of the Board, the Board members present with the longest service shall be empowered by the Board to perform the duties of the Board Chair and Vice Chair/Secretary, respectively until a quorum of the Board has the opportunity to convene to elect a Board Chair and Vice Chair/Secretary.



PimaCountyCommunityCollegeDistrict Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Meetings |
| <i>Bylaw Article Number:</i> | VI |
| <i>Adoption Date:</i> | 11/15/78; 12/11/13; 2/5/14 |
| <i>Revision Date(s):</i> | 11/21/79; 2/18/81; 5/18/83; 4/19/89; 2/8/95; 9/21/11; 12/9/13; 1/14/14; 10/19/16; 11/2/17 |
| <i>Motion Number:</i> | 1520; 1522; 1944; 2418; 3296; 4405; 5300; 201610-05 |
| <i>Legal Reference:</i> | A.R.S. § 15-1443(B); A.R.S. § 38-431 through 38-431.03 |

Section 1. A “meeting” is a gathering, in person or through technical devices, of a quorum of the Board members at which they discuss, propose, or take legal action, including any deliberations by a quorum with respect to such action. “Legal action” means a collective decision, commitment or promise made by the Board pursuant to the law, these bylaws, or specified scope of appointment. Board members may participate telephonically.

Section 2. The regular meetings (as specified in A.R.S. § 15-1443) shall be held on the second Wednesday of every month at such time and place as the Board determines, unless otherwise ordered by the Board.

Section 3. Special meetings may be held at the request of the Chancellor, the Board Chair or upon request in writing by two Board members. The purpose of special meetings shall be to transact business or to study and discuss issues brought to the Board. A Study Session is a special meeting.

Section 4. In January of each year, the Board shall hold an annual meeting, as specified by A.R.S. § 15-1443(B), for the purpose of electing officers and conducting such other business as may be necessary. The annual meeting will be

the first Governing Board meeting in January, unless the Chancellor and Board Chair designate a different January meeting as the annual meeting. The Board may also select representatives to various organizations and discuss the parameters of that appointment.

Section 5. A majority of all members of the Board, including those present telephonically, shall constitute a quorum for purposes of a meeting. A majority vote of the Board members present, including those present telephonically, shall be required for any legal action to be taken.

Section 6. The agenda and order of business for regular and special meetings shall be determined by the Chair and the Chancellor. Each meeting shall commence with a call to order, pledge of allegiance, and a roll call of members present. An agenda may include a “consent agenda” of items that will not require discussion prior to action. Upon request of any board member at the meeting, an item may be removed from the consent agenda in order to allow discussion. An agenda will also include items for future board meetings, but if a board member proposes an item for future discussion, there shall be no debate on the substance of the proposed item until a future meeting when discussion or action on the proposed item is listed on the agenda.

Section 7. If the agenda includes an open call to the public (“Public Comment”), the following procedures shall apply during that part of the meeting:

- Any individual desiring to address the Board shall complete a form (Request to Address Board) and give this form to the designated College staff person prior to the start of the Public Comment.
- The Board Chair shall be responsible for recognizing speakers, maintaining proper order, and adhering to any time limit set.
- If considered necessary, the Board Chair shall set a time limit on the length of the Public Comment period. In order to ensure that each individual has an opportunity to address the Board, the Chair may also set a time limit for individual speakers.
- Upon conclusion of the Public Comment section of the meeting, individual members of the Board may respond to any criticism made by an individual who has addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda.

- Board members may not discuss or take legal action on matters raised during the Public Comment section of the meeting unless the matters are properly noticed for discussion and legal action.

Section 8. Any Board member can request agenda items by forwarding them to the Board Chair and the Chancellor. Alternatively, at a Board meeting, a Board member may request that an item be placed on a future agenda, as set forth in Section 6 above or in response to comments made in the Public Comment portion of the meeting, as set forth in Section 7 above.

Section 9. For each agenda action item other than routine status reports by Board representatives, Board members, or the Chancellor, there shall be a corresponding action item description that includes background, a recommendation, legal and financial impacts or the recommended action, a justification for action, and other pertinent information. In the case of a contract or agreement to be acted upon by the Board, the proposed language of the contract or agreement shall also be included. Staff, as designated by the Chancellor, shall prepare and submit the action item description and accompanying materials.

Section 10. The agenda, agenda items, and supporting materials shall be distributed to members of the Board and posted online no later than five calendar days in advance of the meeting. Additional and supplemental supporting materials shall be provided to the Board members and posted online at least 24 hours prior to the meeting unless the Board Chair, in the Chair's discretion, approves submission less than 24 hours prior to the meeting or in the case of an actual emergency. All supporting or backup materials for an agenda item, including proposed language of contracts or agreements to be acted upon by the Board, shall be available in the District office and/or linked on the posted agenda by hyperlink. Supporting or backup materials include, but are not limited to, the following: power points, contracts or agreements to be acted upon, and relevant reports if they are referred to in the presentation to the Board. No supporting or backup materials may be presented to or considered by the Board at a meeting if this section is not complied with. The Chair, in the Chair's discretion, may postpone consideration of an agenda item if the provisions of this section are not complied with.

Section 11. Board members and the Chancellor may present a brief summary of current events if a summary is listed on the agenda. In such event, specific matters to be summarized are not required to be separately listed on the agenda. The Board may not propose, discuss, deliberate, or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for discussion, deliberation or legal action to be taken by the Board.

Section 12. The Chancellor, or his or her designee, shall attend each regular and special meeting of the Board for the purpose of presenting business items, making recommendations, and reporting on items pertaining to the College

Section 13. Minutes or a recording of the public portion of a meeting shall be available for public inspection three working days after a meeting. Minutes of regular Board meetings will be approved at the next regular Board meeting. Minutes of special meetings shall come to the Board for approval as soon as possible, and not later than sixty (60) calendar days. With the exception of executive session minutes, minutes shall be posted to the College website following approval.

Section 14. The following procedural rules of order apply to motions made by Board members and shall govern the conduct of meetings of the Board:

- All motions require a second before the Board proceeds to a discussion or a vote.
- The Board Chair may make or second any motion and may discuss or vote on any motion.
- Motions may be amended without a vote if the Board member who made the original motion and the Board member who seconded the motion agree to the amendment. Absent agreement, there must be a vote on substitute motion and a second. If the substitute motion passes, it overrides the previous motion.
- All discussion on an agenda item by Board members shall occur after there is a motion and a second.
- The Chair shall endeavor to recognize Board members by name in the course of the meeting in order to ensure orderly discussion and action and assist members of the public who access the Board meeting remotely to identify which Board member is speaking.
- Unless otherwise permitted by the Chair in the Chair's discretion, when a member has spoken once on a question, the member shall not be recognized again on the same question until after other Board members who wish to speak have spoken.

- A motion to table a matter requires a motion, a second, and a vote by a majority of the Board members in favor of tabling the matter. A motion may be taken from the table at any time.
- A motion to close or limit debate or call the question (also known as call the previous question) requires a second and an affirmative vote of the members present.
- A motion for reconsideration of a previous action taken by the Board must occur no later than by the end of the next regularly scheduled meeting of the Board and may only be made by a Board member who voted in favor of the previous action. A motion for reconsideration may be seconded by any Board member. No question may be reconsidered one than once.
- At any time during a meeting, a Board member may make a motion to adjourn, which shall require a second and an affirmative vote of the majority of the Board members present. Such a motion can be made even if the Board has not considered all items on the agenda for that meeting. In such event, any matters that have not been considered, shall be placed on the agenda for the next regularly scheduled meeting of the Board.

To the extent any of these rules of order may conflict with *Robert's Rules of Order, Newly Revised*, these rules shall apply. The rules contained in this section are procedural in nature and, with the exception of the requirement of a second to a motion, may be waived without affecting the validity of the action taken.



PimaCountyCommunityCollegeDistrict Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Committees |
| <i>Bylaw Article Number:</i> | VII |
| <i>Adoption Date:</i> | 11/15/78; 12/11/13 |
| <i>Revision Date(s):</i> | 2/18/81; 5/18/83; 12/9/13; 10/19/16 |
| <i>Motion Number:</i> | 1523; 2418; 3296; 201610-05 |
| <i>Legal Reference:</i> | A.R.S. § 15-1445; A.R.S. §§ 38-431(1) and 38-431.01. |

Section 1. The Board may establish advisory committees (“Board Advisory Committee”) for the study of particular issues, functions or areas or for the purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the Board.

Section 2. Each Board Advisory Committee shall have a Board approved charter that outlines its mission and function and shall operate, at all times, according to that charter.

Section 3. A Board Advisory Committee shall not have the authority to bind the Board. Any recommendations the advisory committee makes to the Board shall be approved by a majority of the members of the advisory committee.

Section 4. A Board Advisory Committee shall comply with the requirements of the Arizona Open Meeting Law and Public Records Laws.

Section 5. Membership on a Board Advisory Committee may include one or two Board members and may include employee representatives, students and community members. The Chancellor may also appoint a key employee to assist a committee in completing its duties.

Section 6. Members of advisory committees, created by the Board, shall be appointed by the Board. If a Board member is on a committee, the Board member's length of service on the committee shall be determined by the Board.

Section 7. Except as provided in this article, all advisory committees shall meet at least two times annually, more if necessary. They shall report to the Board no later than the May Board meeting, at a time desired by the Committee or one requested by the Board.

Section 8. The Board may at any time discontinue any of its advisory committees by majority vote.



PimaCountyCommunityCollegeDistrict Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Discrimination Prohibited |
| <i>Bylaw Article Number:</i> | VIII |
| <i>Adoption Date:</i> | 11/15/78; 12/11/13 |
| <i>Revision Date(s):</i> | 3/8/95; 12/9/13; 10/19/16 |
| <i>Motion Number:</i> | 1526; 5319; 201610-05 |
| <i>Legal Reference:</i> | Title VI & VII of the 1964 Civil Rights Act (and as amended); Title IX of the Education Amendments of 1972; Executive Order 11246 (and as amended); Age Discrimination in Employment Act of 1975; Rehabilitation Act of 1973, Sections 503 & 504 (and as amended); Vietnam Era Veterans Readjustment Act of 1974; Americans with Disabilities Act of 1990; Equal Pay Act of 1963; Arizona Civil Rights Act of 1965; Uniformed Services Employment and Reemployment Rights Act of 1994; A.R.S. §§ 26-167 and 168 |

In its role as a governing body, the Board shall not discriminate on the basis of race, color, religion, sex, national origin, age, disability, sexual orientation, gender identity or any status protected by law.



PimaCountyCommunityCollegeDistrict Governing Board Bylaws

Bylaw Article Title: **Amendment of Bylaws**

Bylaw Article Number: IX

Adoption Date: 11/15/78; 12/11/13

Revision Date(s): 2/8/95; 12/9/13; 10/19/16

Motion Number: 1527; 5300; 201610-05

Legal Reference: A.R.S. §§ 1-216; 15-1445

Section 1. These bylaws may be amended by a vote of the majority of a quorum of the Board at any regular or special meeting called for that purpose with the following stipulations. Notice of intent to amend the Bylaws shall be made by the Chair of the Board at a previous regular meeting. Each member of the Board shall have been provided with a copy of the proposed amendment(s) to be acted upon at least 10 days prior to the meeting at which the Bylaws are proposed to be amended.

Section 2. The Board shall review the Bylaws at least every three years and may, amend these Bylaws at any time.



PimaCountyCommunityCollegeDistrict Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Code of Ethics |
| <i>Bylaw Article Number:</i> | X |
| <i>Adoption Date:</i> | 5/18/83; 12/11/13; 2/5/14 |
| <i>Revision Date(s):</i> | 2/8/95; 12/9/13; 1/28/14; 10/19/16 |
| <i>Motion Number:</i> | 3297; 5300; 201610-05 |
| <i>Legal Reference:</i> | A.R.S. §§.15-1444(A) and 15-1445; A.R.S. §§ 38-431.01 and 38-501 et seq. |

Section 1. General

Elected or appointed members of the Board are representatives of the citizens of the county.

The Board commits itself to the very highest legal and ethical conduct.

Section 2. Legal Powers and Duties

1. Carry out all requirements prescribed by local, state and federal laws, as they apply.
2. Operate within the guidelines set forth by the College’s accrediting agencies.
3. Comply with Board Bylaws and Policies

Section 3. Ethical Responsibilities

The Board shall:

1. Recognize its duty is to represent the entire county and to make decisions, which can benefit all constituents. Individual Board members should recognize the unique aspects of their geographic constituency when considering the needs of the entire College.
2. Recognize that the strength and effectiveness of the Board is as a Board, not as a group of individuals.
3. Assure the opportunity for high quality education for every student, within the fiscal limitations of the College.
4. Take official actions only in public sessions in compliance with the law.
5. Maintain confidentiality of privileged information.
6. Recognize the unique contributions of representatives to the Board in the Board's deliberation of agenda items.
7. Delegate authority to the Chancellor as the Board's executive and confine Board action to oversight policy determination, priority setting, planning, monitoring, evaluation of College performance, and maintenance of the fiscal stability of the College. Delegation to the Chancellor of the authority to approve contracts and procurements shall be by legal action of the Board, which shall specify the scope and parameters of delegated authority.
8. Employ competent, trained personnel.
9. Ensure an atmosphere in which controversial issues can be presented and discussed fairly and civilly, striving to maintain the dignity of each individual.
10. Respect the elected office and in no way misuse the power inherent in the office.
11. Recognize the responsibility to adhere to these ethical responsibilities.

Section 4. Conflict of Interest

Any board member who has, or whose relative has, a substantial interest in any decision, contract, sale, purchase or service to the College shall make known that interest in the official records of the College and shall refrain from voting upon or otherwise participating in any manner in such decision, contract, sale or purchase, as

more particularly set forth in A.R.S. § 38-501 et seq.

Section 5. Procedural Responsibilities

In keeping with the Governing Board's bylaws and policies, the Board asserts its responsibilities and:

1. Requests all employees to avail themselves of all administrative remedies and complaint resolutions procedures before requesting Board involvement.
2. Provides an opportunity for public comment at its regular meetings: for the general public, through the Public Comment section of the meeting and for employees, through representatives' reports. Unless the public comment and information contained in the reports relates to agenda items, Board action is limited to directing staff to study and/or to schedule the matter for future consideration.
3. Recognizes the First Amendment freedom of speech principle as fundamental to the operation of the College. No College employee shall be subjected to retaliation by the College for expressing his/her opinion in open meetings of the Board.
4. Asks that requests for information about Board actions be submitted through the Chancellor's Office.
5. Acknowledges the importance of employee and student understanding Governing Board members' roles and functions. To promote such understanding, the Governing Board affirms the following:
 - a) It is the policy of the Governing Board that the administration, faculty, staff and students of the College have the opportunity to participate, as appropriate, in the decision-making processes of the College.
 - b). The Governing Board acknowledges its responsibility to meet Arizona legal requirements regarding open meetings for public bodies.
 - c). All employees of the College are advised that the hiring, assigning, transferring, terminating or disciplining of employees will be handled according to established personnel policies through the office of Human Resources.
 - d). The Board acknowledges that its authority is legally vested only when

the Board acts as a whole and that, as individuals, the members of this Board have no authority to mandate action on the part of the College. This policy shall, however, in no way restrict individual Board members from full and complete access to all of the campuses of the College and to a complete range of inquiry to the Chancellor. The Chancellor will obtain information from the College employees and students so that the Board may be more fully informed and may properly exercise its responsibilities.

The following protocols apply:

- i) Board members shall inform the Chancellor and the campus President prior to attending any meeting, function or visit at that campus or at one of its centers.
- ii) While on a College site, Board members shall not conduct personal or political business using any College resources.
- iii) Information requests that will involve more than four hours of College staff time, per request, shall require the agreement of a majority of the Board.
- iv) Board members shall not use College resources for personal or political benefit that are not otherwise available to members of the public.



Pima County Community College District Governing Board Bylaws

Bylaw Article Title: **Orientation of New Members**

Bylaw Article Number: XI

Adoption Date: 1/10/90; 12/11/13

Revision Date(s): 5/14/90; 12/9/13; 10/19/16

Motion Number: 4602; 4669; 201610-05

Legal Reference: A.R.S. § 15-1445

Section 1. The Board shall hold an orientation session for new members of the Board within sixty (60) days of their election or appointment to the Board.

Section 2. Orientation sessions shall include the following:

1. General overview of the College, its programs, services and operations.
2. Role, responsibilities, and function of the Board and its members, including, but not limited to, familiarity with Board bylaws and policy.
3. Principles of Board decision making.
4. Board/Chancellor relations.
5. Ethical standards.
6. Response to complaints.
7. Board appointments.
8. Overview of auditing bodies and board committees.

9. Laws that apply to the conduct of the business of the College, such as the Open Meeting Law, public records laws, confidentiality, FERPA, and laws that prohibit discrimination.



Pima County Community College District Governing Board Bylaws

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| <i>Bylaw Article Title:</i> | Response to Complaints |
| <i>Bylaw Article Number:</i> | XII |
| <i>Adoption Date:</i> | 12/11/13 |
| <i>Revision Date(s):</i> | 10/19/16 |
| <i>Motion Number:</i> | 201610-05 |
| <i>Legal Reference:</i> | A.R.S. § 15-1445 |

Section 1. General

To promote the timely and appropriate response to complaints regarding the College and to maintain the appropriate distinction between the roles of the Board and College administration, Board members shall follow specific processes for responding to different types of complaints, as set forth below.

Section 2. Definition of a Complaint

For purposes of the complaint reporting processes described in this Article of the Bylaws, a “complaint” shall mean an allegation that there has been a violation of applicable federal law, state law, accreditation requirement, ethical standard, or published College bylaw, policy or standard.

Section 3. Process for Handling Specific Types of Complaints

1. In the case of a complaint of a general nature, the Board and individual Board members shall:
 - a. Avoid pursuing questions into the details of the substance of a complaint that could ultimately come before the Board for a decision regarding the

application of a College policy to a specific individual (e.g. an employee grievance of an adverse personnel action).

- b. Urge the complainant to use existing College procedures for resolving concerns. If the complainant deems existing College procedures inadequate, urge the complainant to make specific corrective recommendations to those procedures to the Chancellor.
- c. Refer the complaint to the Chancellor, and may refer the complainant to the Office of the Chancellor.

The Chancellor shall confirm to the Board that the complaint has been received and inform the Board how the complaint has been or will be addressed and resolved.

2. In the case of a complaint about the conduct of the Chancellor:

- a. The recipient of the complaint (including individual Board members) shall notify the Board Chair and College legal counsel of the complaint, who shall notify all Board members.
- b. The Board shall determine in consultation with College legal counsel whether the allegations, if accurate, would constitute a violation of applicable law, College policy, the terms of the Chancellor's contract, or any other applicable standards of conduct or performance.
- c. If the alleged conduct would qualify as such a violation, the Board shall determine in consultation with College legal counsel the most appropriate means for conducting unbiased fact finding, which might include outside professional services.
- d. The Board shall take appropriate corrective action as warranted by the results of fact-finding and consistent with due process.
- e. The Board, or its representative, shall provide notice of resolution to the complainant.

3. In the case of a complaint about the conduct of a Board Member:

- a. The recipient of the complaint (including individual Board members) shall notify the Board Chair, Chancellor and/or College legal counsel of the complaint, who shall notify all Board members.
- b. The Board shall determine in consultation with the Chancellor and College legal counsel whether the allegations, if accurate, would constitute a violation of applicable law, College policy, or any other applicable standards of conduct or performance.
- c. If the alleged conduct would qualify as such a violation, the Board shall determine in consultation with the Chancellor and College legal counsel

the most appropriate means for conducting unbiased fact finding, which might include outside legal counsel and/or outside professional services.

- d. To the extent allowed by law, the Board shall take appropriate corrective action as warranted by the results of fact-finding.
- e. The Board, or its representative, shall provide notice of resolution to the complainant.