

1.2. Definitions

Just Cause

No faculty member shall be disciplined, reprimanded, suspended, or reduced in assignment or compensation without just cause.

Just cause is a burden or standard of proof that must be met in order to support the discipline of a faculty member. In order to sustain the discipline of a faculty member, all of the following criteria must be met:

- a. The employee knew or reasonably should have known that the employee's conduct could lead to disciplinary action;
- b. The disciplinary action is the result of job performance, violation of law, violation of established MCCCDCD policy or procedure, and/or a violation of established college/division/department policy or procedure;
- c. Management conducted a fair and objective investigation in accordance with MCCCDCD policy and the law;
- d. The investigation produced sufficient evidence or proof to establish by a preponderance of the evidence the failure of performance or violation as alleged;
- e. The disciplinary action taken was consistent with disciplinary action for similar or comparable conduct or was otherwise reasonable under the circumstances.

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Comment [1]: Definition relocated from RFP Section 6.2.

6. CONFLICT MANAGEMENT SYSTEM

The intent of this policy is to provide faculty and administration a clear path to resolving differences. Conflict is both an inevitable part of the workplace and an opportunity for improvement. Every conflict is unique and may require a distinct path to resolution. MCCCDCD is committed to offering the faculty access to the District's coordinated network of options for the good faith review and resolution of workplace conflicts. These options include:

- An informal process to encourage prompt resolution of disputes. The informal step may include consultation, facilitated discussions, or mediation; and
- A formal process for conflicts not resolved through informal efforts, including facilitated discussion, mediation, [workplace investigations and recommendations for action](#), and review by the College President and Chancellor.

The procedures established in this section are not the sole and exclusive remedy available for resolving disputes arising under this document. It is understood that the subject matter forming the basis of the [procedures set forth in this section](#) may also be instituted in an administrative action before a governmental board or agency. The provisions of Section 3.8. still apply.

Issues not covered by this policy

- Claims that involve accusations of harassment, or violations of the Americans with Disability Act (ADA) or other EEO issues, should be reported to the Office of Equal Employment Opportunity. See [Administrative Regulation 5: Non-Discrimination](#) for more information.
- Title IX claims shall be reported to the Vice President of Student Affairs and to the District Director of HR Solutions Center. See [Administrative Regulation 5: Non-Discrimination](#) for more information.
- Alleged violations of law, mismanagement, gross waste of monies or abuse of authority refer to [Administrative Regulation 6.20: Whistleblower Protection](#).

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Comment [2]: Reference to new Workplace Investigations process in RFP Section 6.6.

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- Allegations regarding perceived impairment of a faculty member that is manifesting in the workplace, should be reported to District Human Resources.
- Allegations of criminal conduct or perceived violations of workplace violence should be reported to Public Safety Department. See [Administrative Regulation 6.21: Workplace Violence Prevention](#) for more information.
- [Anonymous complaints may be submitted to the Office of Public Stewardship or to the Maricopa Concernline.](#) Please see [MCCCD Ombuds Services for more information.](#)

6.1. Definitions

Complainant

[A complainant is an individual who files a complaint of misconduct or policy violation against a faculty member, which leads to a workplace investigation, as described in Section 6.6.](#)

Expectations of Participation

[Employees are expected to participate and adhere to the processes outlined in this policy in accordance with the applicable MCCCD Administrative Regulations.](#)

Grievance

A Grievance is an alleged misapplication, misinterpretation, or violation of a specific provision(s) of the Residential Faculty Policies (RFP) or Administrative Regulations that adversely affects the grievant, as defined below. Initiation of a Grievance is the procedure by which a grievant may challenge a decision rendered by a supervisor, as defined below. Matters not specifically covered by the RFP or Administrative Regulations should be addressed through the Resolution of Controversy process, as defined below.

Grievant

A grievant is a faculty member or members covered by the RFP who initiates the Grievance [or RoC process as described in Section 6.3.](#) [If the grievant is the College Faculty Senate or District Faculty Association, the Grievance or RoC will be initiated at the appropriate level.](#)

Resolution of Controversy (RoC)

All faculty shall be accorded professional and courteous treatment by their colleagues and supervisors. A Resolution of Controversy (RoC) will be available for faculty to resolve workplace conflicts that are not Grievances. This process may be used to resolve issues such as, but not limited to, poor communication, different values, differing interests, scarce resources, adverse employment conditions, and personality clashes. Initiation of a [RoC](#) is the procedure by which a [grievant](#) may challenge a decision rendered by a supervisor, as defined below.

Respondent

A respondent is a faculty member or members covered by the RFP against whom a complaint of misconduct or policy violation is filed.

Workplace Investigation

[A workplace investigation is the process by which a complaint of misconduct or policy violation against a Faculty member is investigated and guidance as to appropriate action is provided. This process should not be used to evaluate student claims of discrimination \(see the Discrimination Complaint Procedures for Students\) or student complaints involving an academic process \(see RFP 6.7.\)](#)

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Comment [3]: New definition to define term used in RFP Section 6.6.

Supervisor

A supervisor is an individual with the authority to render a decision under the RFP or Administrative Regulations. For the purposes of this policy, it is assumed that Grievances or RoC may challenge decisions made by employees of the District Support Services Office when acting in a supervisory capacity and the levels will proceed according to their respective reporting structures.

6.2. Core Elements of the Conflict Management System**Facilitator**

A facilitator is a trained, neutral third party that may, upon request and agreement of all parties, facilitate problem-solving meetings at the informal or formal level.

Grievance File

All documents, communications, and records dealing with the processing of a formal Grievance or RoC shall be maintained in a separate Grievance file by District Human Resources and shall not be kept in the personnel file of any participant. Tracking and documenting all Grievances and RoCs will be the responsibility of District Human Resources. A [grievant](#) shall have access to all documents pertaining to their Grievance or RoC and shall be provided copies of same within five (5) accountability days.

Investigation

Prior to initiating any [workplace](#) investigation, District or College leadership must contact District Human Resources. District or College leadership should proceed according to District Human Resources Guidelines, which will include notifying the Faculty Senate President or Faculty Association President, and informing the faculty member being investigated unless such notification would jeopardize the integrity of the investigation or harm the institution.

Mediator

A mediator is a trained, certified, and neutral third party who may, as defined in [Section 6.3.](#), mediate the formal or informal process, following the steps outlined in [Section 6.5.](#)

Meetings for problem-solving

All meetings and hearings under this procedure shall be conducted in private and shall include relevant parties, their designated or selected representatives and a facilitator or mediator, if requested. The intent of the conflict management system is to provide confidential resolution of Grievances, [RoCs](#), and complaints. However, Governing Board policy and state or federal law may preempt this intent.

Representation

A faculty member may be accompanied by another employee, such as the Faculty Senate President, to meetings under this policy. The employee will be provided time to attend the meetings. When any faculty member is required by the College President to appear before the Chancellor, Governing Board, or any committee thereof, concerning any matters that could adversely affect employment, he/she shall be entitled to select a representative and/or to have legal counsel present to advise and/or represent him/her during such meetings.

Retaliation

Faculty and administration are prohibited from retaliating against any individual for using the conflict management system. Retaliation or retribution by any employee against any person who files a complaint may result in disciplinary action up to and including termination. Similarly, if it is determined that the complaint is materially false and that it was made in bad faith, the complaining party may be subject to disciplinary action up to and including termination or expulsion. Any employee who believes that retaliation is occurring shall report such actions to Human Resources.

Scope of Grievance or Resolution of Controversy

Disputed issues which were not presented in writing at the prior Grievance or RoC level may not be asserted at the next higher level.

Timelines

Timelines may be extended through mutual agreement, [or as otherwise set forth herein](#). Failure of the administration to render a decision within the prescribed timelines automatically elevates a Grievance or RoC to the next level. Failure of the grievant to elevate a Grievance or RoC within the prescribed timelines ends the process. Every effort shall be made to resolve Grievances and RoCs prior to the end of the academic year. Resolution of Grievances and RoCs may require continuation into the next academic year. Such continuation will suspend all procedural timelines until resumption of faculty accountability. In consultation with District Human Resources, the parties may mutually agree to continue during non-accountability periods. Initiation of either process under this section within the prescribed timelines will be deemed sufficient to toll the matter without prejudice to the grievant.

Written Decisions

Decisions rendered at all levels of the conflict management system shall be in writing, setting forth the decision and the reasons therefore, and shall be transmitted promptly to all parties in interest. Decisions that are unsatisfactory to the aggrieved person may be elevated through the conflict management system.

6.3. Procedures for Grievances or Resolutions of Controversy

6.3.1. Level One: Informal Process

Many Grievances or [RoCs](#) can be efficiently resolved through direct communication or negotiation with colleagues, supervisors, or appropriate administrators. Depending upon the specific organizational hierarchy, there may be multiple supervisory levels to attempt to resolve the Grievance or RoC prior to escalating the conflict to the formal level. These may include, but are not limited to Occupational Program Directors, Division/Department Chairs, or Deans. By mutual agreement all supervisory levels may meet during the informal step to resolve the issues in a single meeting and parties may request a neutral facilitator or mediator (see [RFP 6.5](#).) to assist in the discussion.

Within twenty-five (25) accountability days of the occurrence of the act or omission giving rise to the Grievance or RoC or within twenty-five (25) accountability days of the date when the grievant should reasonably have known of the act or omission, the [grievant](#) shall present the

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Comment [4]: Throughout Sections 6.3., 6.4. and 6.5. "or complainant" was removed to align to updated definitions of Grievant and Complainant and "Resolution of Controversy" was abbreviated to RoC.

Grievance orally or in writing to his/her immediate supervisor. For a Grievance, the grievant shall cite the specific section of the RFP or Administrative Regulation which has allegedly been misapplied, misinterpreted, or violated. For a RoC, the grievant shall specify the nature of the complaint. The purpose of bringing the matter to the attention of the immediate supervisor is to resolve the matter at the lowest level.

The supervisor or administrator has five (5) accountability days to schedule the problem-solving meeting. The actual problem-solving meeting will be held within ten (10) accountability days of scheduling the meeting. A decision will be rendered within five (5) accountability days of the problem-solving meeting. The decision will be rendered in writing to the grievant.

If other levels of supervision before Level One of the Formal Process (Appropriate Vice President) exist and are appropriate, then the grievant is required to informally proceed to the next level. The timeline noted above will be followed by both parties. By mutual agreement all supervisory levels may meet during Level One to resolve the issues in a single meeting.

6.3.2. Formal Process

6.3.2.1. Level Two: Appropriate Vice President

If the grievant is not satisfied with the disposition of the alleged Grievance or RoC at the informal level, the grievant may file a Grievance or RoC, in writing, within ten (10) accountability days with the Vice President who is the immediate supervisor of the person to whom Grievance or RoC was taken at the informal level. If the grievant elects not to file the Grievance or RoC in writing within ten (10) accountability days, the Grievance or RoC will be considered terminated.

The Vice President has five (5) accountability days to schedule the formal meeting. The actual problem-solving meeting will be held within ten (10) accountability days of scheduling the meeting. A written decision will be rendered within fifteen (15) accountability days of the problem-solving meeting. If no decision is rendered within fifteen (15) accountability days after the problem-solving meeting, the Grievance or RoC is automatically forwarded to the next level.

6.3.2.2. Level Three: College President

If the grievant is not satisfied with the disposition of the Grievance or RoC, the grievant may, within five (5) accountability days of the decision of the appropriate Vice President, forward the written Grievance or RoC and the response received from the Vice President to the College President. If the grievant elects not to forward the Grievance or RoC in writing within five (5) accountability days of the decision

of the Vice President, the Grievance or RoC will be considered terminated.

The College President has five (5) accountability days to schedule the problem-solving meeting. The actual problem-solving meeting will be held within ten (10) accountability days of scheduling the meeting. The College President will issue a written response to the grievant and to the Faculty Senate President within fifteen (15) accountability days after the problem-solving meeting. If no decision is rendered within fifteen (15) accountability days after the problem-solving meeting, the Grievance or RoC is automatically forwarded to the next level.

6.3.2.3. Level Four: Chancellor

If the grievant is not satisfied with the disposition of the Grievance or RoC, the grievant may, within five (5) accountability days of the decision of the College President, forward the written Grievance or RoC and the response received from the College President, to the Chancellor. The Chancellor has five (5) accountability days to schedule the problem-solving meeting. The actual problem-solving meeting will be held within ten (10) accountability days of scheduling the meeting. The Chancellor will issue a written response to the grievant and to the Faculty Senate President within fifteen (15) accountability days after the problem-solving meeting. The decision of the Chancellor is final and binding.

6.4. Grievances or Resolutions of Controversy by Action of Vice Chancellors or Chancellor

6.4.1.

If the Grievance or RoC is the result of conduct of a Vice Chancellor, the grievant will request a meeting with the appropriate Vice Chancellor in an effort to resolve the conflict. The Vice Chancellor has five (5) accountability days to schedule the problem-solving meeting. The actual problem-solving meeting will be held within ten (10) accountability days of scheduling the meeting. The Vice Chancellor will issue a written response to the grievant and to the Faculty Association President within fifteen (15) accountability days after the problem-solving meeting.

If the grievant is not satisfied with the disposition of the Grievance or RoC, the grievant may, within five (5) accountability days of the meeting with the Vice Chancellor, file a Grievance or RoC, in writing, to the Chancellor. The Chancellor has five (5) accountability days to schedule the problem-solving meeting. The actual problem-solving meeting will be held within ten (10) accountability days of scheduling the meeting. The Chancellor will issue a written response to the grievant and to the Faculty Association President within fifteen (15) accountability days after the meeting. The decision of the Chancellor is final.

6.4.2.

If the Grievance or RoC is the result of conduct of the Chancellor, the grievant will request a meeting with the Chancellor in an effort to resolve the conflict. The Chancellor has five (5) accountability days to schedule the meeting. The actual problem-solving meeting will be held within ten (10) accountability days of scheduling the meeting. The Chancellor will issue a written response to the grievant and to the Faculty Association President within fifteen (15) accountability days after the meeting.

If the grievant is not satisfied with the disposition of the Grievance or RoC, the grievant may, within five (5) accountability days of the meeting with the Chancellor, submit the Grievance or [RoC](#) request to the Governing Board. The Governing Board may, at its option within thirty (30) accountability days after receipt of the written Grievance or [RoC](#), review the evidence and issue a written decision which shall be final. Should no written decision be rendered within thirty (30) accountability days, the decision of the Chancellor is final.

6.5. Mediation Process

6.5.1. Mediation Process

If all parties agree to mediate the Grievance or [RoC](#), the Faculty Senate President or Faculty Association President will request that the Office of the Vice Chancellor for Human Resources contact the mediation service. The Mediator (trained, certified, and neutral) will mediate, conciliate, and coordinate communication among disputing parties. Timelines may be extended by mutual agreement.

6.5.1.1.

The Mediator shall coordinate meetings and/or the exchange of correspondence between the disputing parties. The Mediator shall establish the time, date, and place of each meeting, giving at least 48 hours notice. If all parties agree, mediation can occur with less than 48 hours notice.

6.5.1.2.

The Mediator shall forward copies of the complaint and the mediation guidelines to the disputing parties. All mediation meetings shall be closed and confidential.

6.5.1.3.

If the matter is resolved through mediation, the Mediator shall prepare an Agreement within five (5) accountability days of the completion of the mediation stating:

- The names of the parties
- That the mediation was successful
- The terms of the resolution.

Each party shall sign and date the Agreement at which time the mediation process ends.

6.5.1.4.

The Notice of Resolution, which will include the names of the parties involved, that the mediation was successful and the date of resolution, will be sent to the parties involved, the Faculty Senate President or Faculty Association President, the appropriate Vice President(s), and the College President.

6.5.1.5.

Information received by the mediator during the mediation process will be confidential. Personal notes and minutes created or received during the mediation will be destroyed by the Mediator. The Mediator will not testify or provide statements about cases in which he or she were involved to Grievance or any other committees or hearing boards.

6.5.1.6.

The Mediator may terminate mediation after meeting with each party at least once if it is apparent that the matter cannot be mediated.

6.5.1.7.

If the matter is grievable or subject to the [Grievance or RoC](#) process, a party has an additional fifteen (15) accountability days from the termination of mediation to proceed with the formal level of the Grievance or [RoC](#) process addressed in [Section 6.3](#), in accordance with the terms thereof.

6.5.1.8.

The mediation process shall conclude within forty-five (45) accountability days following the assignment of a mediator to the dispute. If no final resolution has been reached within that time, the mediation process shall cease; however, the mediator shall continue the mediation process for no more than fifteen (15) additional accountability days if the mediator and all parties to the mediation expressly acknowledge that the mediation process has been constructive and that the mediator and all parties believe that

continuing the process will lead to a successful resolution of the dispute.

6.6. Workplace Investigations

6.6.1. Scope

The purpose of this process is to investigate a complaint of misconduct or policy violation against a Faculty member and to provide guidance as to appropriate action. This process should not be used to evaluate student claims of discrimination (see the [Discrimination Complaint Procedures for Students](#)) or student complaints involving an academic process (see RFP 6.7.).

6.6.2 Filing of Complaint

Complainants are encouraged to resolve their concerns informally or at the lowest level by first reporting concerns to an immediate supervisor or Human Resources. Should the complaint be resolved informally, the supervisor or Human Resources shall document the complaint and resolution in writing.

Should a complainant decide not to attempt to resolve a complaint informally, or if the complaint cannot be resolved at that level, then the complainant shall submit a formal, written complaint to the Human Resources District Intake Coordinator. Complaints should be filed within twenty-five (25) accountability days of the complainant becoming aware, or within twenty-five (25) accountability days of when the complainant should have been aware, of the basis for a complaint. Untimely complaints will be considered on a case-by-case basis.

Absent overriding legal or policy reasons, within fifteen (15) accountability days of receipt of the complaint, the Human Resources District Intake Coordinator shall provide the respondent a copy of the complaint

The District Intake Coordinator shall administer the process of receiving and tracking complaints and coordinating the investigative process. The Human Resources District Intake Coordinator shall also be responsible for the administration and appropriate retention of documentation.

6.6.3 Investigative Committee Formation

Upon receipt of a complaint, the College President, in consultation with the Faculty Senate President, shall form an Investigative Committee by assigning the appropriate administrator and two Residential Faculty to conduct the investigation. The Investigative Committee may include administrators or Residential Faculty members from different Colleges. No witness, party to the complaint, the Faculty Association President, the Faculty Senate President or Department/Division Chair of the respondent, may serve on the Investigative Committee.

If the College President, in consultation with the Faculty Senate President, determines that an external investigation is warranted, an external investigator may be utilized.

Prior to serving on the Investigative Committee or serving as an external investigator, an individual must provide credentials, or have received and completed training acceptable to District Human Resources.

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Comment [5]: RFP Section 6.6.: Workplace Investigations will replace current Administrative Evaluation (6.6.) and Internal Investigations (6.8.).

The complainant or respondent may challenge the selection of a member to the Investigative Committee only upon a showing of bias. Such challenges shall be submitted in writing to the Human Resources District Intake Coordinator within fifteen (15) accountability days of notice of the member's selection. Composition of the Investigative Committee shall be final upon resolution of all claims of bias, which shall be decided in the sole discretion of the Human Resources District Intake Coordinator.

Once the Investigative Committee is formed, the Human Resources District Intake Coordinator shall issue written notice to the Investigative Committee members, the respondent, and the complainant.

6.6.4 Investigative Process

6.6.4.1

The Investigative Committee shall timely investigate the complaint. Within sixty (60) calendar days of notice of formation, the Investigative Committee shall issue a written report to the College President and Human Resources District Intake Coordinator, which includes findings of fact and conclusions with regard to the alleged policy violation or misconduct. This period of time may be extended through consensus of the Investigative Committee members.

If an external investigator is retained to conduct an investigation, within sixty (60) calendar days of such retention, the investigator shall issue a report to the District, which includes findings of fact and conclusions with regard to the alleged policy violation or misconduct.

The Investigative Committee, or the College President in the event of an external investigator, shall provide the respondent with a copy of the investigative report (excluding any content that is covered by the attorney-client privilege), which shall include sufficient detail to allow respondent to reasonably understand and respond to the findings.

Investigations shall be conducted in accordance with MCCC policies and procedures.

6.6.4.2

Absent overriding legal or policy reasons, during the investigative process, the respondent is entitled to be interviewed and to respond to the allegations made against her or him. A respondent may also submit a written response to the allegations within twenty (20) accountability days of notice of the Investigative Committee's formation. A respondent has the right to representation and counsel as stipulated in Section 6.2.

The complainant shall be afforded an opportunity to present evidence to substantiate her or his claim.

6.6.4.3

Absent overriding legal or policy reasons, the complainant, respondent, and Faculty Senate President are entitled to receive appropriate information concerning the status of the investigation.

6.6.4.4 Potential Outcomes of the Investigative Process

6.6.4.4.1 Administrative Closure

The Investigative Committee may determine through a consensus of all members that a complaint should be administratively closed and should not proceed. Reasons for administrative closure may include, but are not limited to, respondent's leaving the District's employment or sufficient information demonstrating a lack of merit to the complaint.

In the event of an administrative closure, the Investigative Committee shall set forth its reasons in writing, which shall be submitted to the Human Resources District Intake Coordinator and the College President. The Human Resources District Intake Coordinator shall notify the complainant, respondent, and Faculty Senate President in writing of the administrative closure.

6.6.4.4.2 Withdrawal of Complaint

A complainant may request to withdraw her or his complaint at any time. The Investigative Committee (or the Human Resources District Intake Coordinator if the Investigative Committee has not yet been formed) may in its sole discretion accept or reject such a request.

In the event of an accepted withdrawal, the Investigative Committee or Human Resources District Intake Coordinator shall notify the College President (and the Human Resources District Intake Coordinator, if applicable) of the withdrawal in writing. The Human Resources District Intake Coordinator shall notify the complainant, respondent, and Faculty Senate President in writing of the withdrawal.

6.6.4.4.3 Determination of No Cause

If the Investigative Committee concludes that there has been no misconduct or violation of policy, the Human Resources District Intake Coordinator shall communicate the no-cause determination to the complainant, respondent, and the Faculty Senate President.

A complainant may challenge the sufficiency or integrity of the investigative process where there is a no-cause determination by filing a written appeal to the Vice Chancellor for Human Resources within five (5) accountability days of notification. The written appeal must specifically identify the reasons for challenging the sufficiency or integrity of the process and provide any supporting documentation. The appeal process may not be used to raise new allegations or to submit new evidence. The Vice Chancellor, in consultation with the College President, may refer the investigative findings for a review.

6.6.4.4.4 Determination of Cause

If the Investigative Committee concludes that there has been misconduct or violation of policy, the Human Resources District Intake Coordinator shall communicate the cause determination to the respondent, complainant, and the Faculty Senate President.

The Investigative Committee or external investigator shall not recommend consequences or any action.

6.6.4.4.4.1 Appeal

The respondent may challenge the sufficiency or integrity of the investigative process where there is a cause determination by filing a written appeal to the Vice Chancellor for Human Resources within five (5) accountability days of notification of the cause determination. The written appeal must specifically identify the reasons for challenging the sufficiency or integrity of the process and provide any supporting documentation. The appeal process may not be used to argue the merits of the decision (such a rebuttal may be submitted in accordance with **6.6.4.4.4.2**). The Vice Chancellor, in consultation with the College President, may refer the investigative findings for review.

6.6.4.4.4.2 Rebuttal

Within fifteen (15) accountability days of notification of a cause determination if no appeal is taken pursuant to **6.6.4.4.4.1**, or within fifteen (15) accountability days of denial of an appeal pursuant to **6.6.4.4.4.1**, the respondent may file a rebuttal with the College President. The cause determination and any rebuttal shall be submitted to the Recommended Action Committee.

6.6.5 Recommended Action Committee

6.6.5.1 Formation

In the event of a cause determination, as set forth in **6.6.4.4.4** above, the College President, in consultation with the Faculty Senate President, shall form a Recommended Action Committee by assigning the appropriate Vice President and two Residential Faculty (who have been credentialed or trained in accordance with Section **6.6.3** above) to recommend appropriate action. The Recommended Action Committee may include a Vice President or Residential Faculty members from different Colleges. No administrator or Residential Faculty member serving on the Investigative Committee may serve on the Recommended Action Committee for the same complaint. Additionally, no witness, party to the complaint, the Faculty

Association President, Faculty Senate President or Department/Division Chair of the respondent, may serve on the Recommended Action Committee.

The complainant or respondent may challenge the selection of a member to the Recommended Action Committee only upon a showing of bias. Such challenges shall be submitted in writing to the Human Resources District Intake Director within fifteen (15) accountability days of notice of the member's selection. Composition of the Recommended Action Committee shall be final upon resolution of all claims of bias, which shall be decided in the sole discretion of the Human Resources District Intake Coordinator.

Once formed, the Human Resources District Intake Coordinator shall issue written notice to the Recommended Action Committee members, College President, Faculty Senate President, the respondent, and the complainant.

6.6.5.2 Process

Within fifteen (15) calendar days of convening, the Recommended Action Committee shall issue a recommendation of appropriate action, including any recommended corrective action, to the College President and the Human Resources District Intake Coordinator. The recommendation shall identify the parties required for compliance and the parties to be notified of the final decision by the College President.

6.6.5.3 Possible Corrective Action

The Recommended Action Committee, in consultation with Human Resources, shall recommend corrective action or actions equal to the level of the offense. Corrective action is intended to address current violations and to prohibit future violations. While progressive corrective action is favored, it is not guaranteed, and corrective action commensurate with the violation or misconduct will be recommended. In reaching its recommendation, the Recommended Action Committee may only consider any prior disciplinary or corrective actions issued to the respondent within the past twelve (12) months.

Recommended consequences may include, but are not limited to:

- 6.6.5.3.1** discipline, up to and including termination (see Section 3.12.)
 - 6.6.5.3.2** training, coaching, or mentoring
 - 6.6.5.3.3** facilitation or mediation
 - 6.6.5.3.4** restrictions with regard to holding Faculty leadership roles (e.g., Program Director, Department/Division Chair, Committee Chair, etc.)
 - 6.6.5.3.5** restricted usage of MCCCDC Enterprise Systems
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6.6.5.3.6 limitations on assignments beyond base contract (e.g., overload, summer overload, grants, and special projects)

6.6.5.3.7 ineligibility for faculty professional growth (e.g., travel, fees, grants, sabbaticals)

6.6.5.3.8 withholding of a step (see Section 4.6.2.)

6.6.5.3.9 renew with concerns, non-renewal, or extension of probation (Probationary Faculty only)

6.6.6 Final Decision by College President

6.6.6.1

Within ten (10) accountability of receipt of the Recommended Action Committee's recommendation, the College President shall issue a final decision regarding corrective action.

6.6.6.2

If the College President's decision is different from the Recommended Action Committee's recommendation, the College President will identify in writing the reasons for the difference.

6.6.6.3

The Human Resources District Intake Coordinator shall provide the respondent with a copy of the final decision.

6.6.6.4

The respondent may file a rebuttal to the College President's decision with the Vice Chancellor of Human Resources within fifteen (15) accountability days of notification of the College President's decision. The decision of the Vice Chancellor for Human Resources to uphold or modify the College President's decision is final.

6.6.6.5

Upon conclusion of this process, including a final decision by the College President or Vice Chancellor for Human Resources, the Human Resources District Intake Coordinator shall notify the parties required for compliance.

6.6.7.

Individuals filing a complaint pursuant to this policy retain the right to file concerns with appropriate local, state, or federal agencies.

6.6.8.

To the extent permissible by law, all participants in the investigative process shall maintain the confidentiality of the investigation.

6.6.9.

Any documents related to a finding of cause, the recommended action of the Recommended Action Committee, and the College President's final decision will be stored in the official personnel file in accordance with Section 3.9. Documents associated with the complaint and investigation would be stored in a separate investigation file in the District

[Office. Records will be retained in accordance Arizona Record Retention Policy \(five \(5\) years\).](#)

6.7. Conflict Between Student and Faculty Member

When there is a complaint by a student against a Faculty member, the proper District or College authority will work in confidence with the parties to resolve the conflict. A Faculty member will not be required to respond to any complaint that is not in writing [with the student's](#) signature or to complaints that do not have specific documentation of incidents such as dates, times, etc. This complaint must be made available to the Faculty member involved.

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6.7.1.

A student who feels that he/she has been treated unfairly or unjustly by a Faculty member (full-time or part-time) with regard to an academic process such as grading, testing, or assignments, shall discuss the issue first with the Faculty member involved. This conference shall be requested by the student within fifteen (15) business days from the time the student knew or reasonably should have known about the unfair or unjust treatment. This instructional grievance process shall not be utilized in a case in which a student feels he/she has experienced discrimination. If the student feels that he/she has experienced discrimination on the basis of race, color, religion, national origin, gender, age, disability, veteran status, or sexual orientation, the student shall refer to the [Discrimination Complaint Procedures for Students](#) as administered by the Vice President for Student Affairs.

6.7.2.

If, within ten (10) business days of the request for the conference with the Faculty member, the problem is not resolved or the Faculty member has been unable to meet with the student, the student may continue the process by filing a written complaint with the Department/Division Chair and appropriate administrative office at the College. This written complaint must be filed within ten (10) business days following the previous deadline. The written complaint will be given to the Faculty member five (5) days before any official meetings are convened.

6.7.3.

Upon receipt of a written complaint, the Department/Division Chair or appropriate college administrative officer will work with the parties in an attempt to resolve the conflict. The Faculty member may ask that the Faculty Senate President be in attendance. Every attempt will be made to maintain confidentiality during this process.

6.7.4.

A Faculty member will not be required to respond to a complaint that is not in writing and that, when appropriate, did not have the specific documentation including dates, times, materials, etc. The written complaint will be made available to the Faculty member.

6.7.5.

If the complaint is not resolved at this level within ten (10) business days, the student should forward, to the Vice President of Academic Affairs or appropriate College administrative office, a copy of the original written complaint with an explanation regarding action taken at each prior level. The Vice President of Academic Affairs or appropriate College administrative officer will meet with the student, Faculty member, the Department/Division Chair, and the Faculty Senate President (the latter upon request of the Faculty member), and attempt to resolve the issues. This level will be the final step in any complaint process regarding grades.

6.7.6.

If the complaint, other than those concerning grades, is not resolved by the Vice President of Academic Affairs or the appropriate College administrative officer, it may be forwarded in writing by the student to the College President for final resolution. The College President, or designee, will expedite a timely examination of the issues and will issue a final written determination in the complaint process.

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