PimaCommunityCollege

COMMITTEE ON FREE EXPRESSION ANNUAL REPORT
FY 2024-2025

December 1, 2025

INTRODUCTION

Pursuant to A.R.S. §15-1868, the Pima County Community College District ("PCC") and the PCC Committee on Free Expression ("Committee") hereby submit PCC's annual report on free expression for fiscal year ("FY") 2024-2025 (July 1, 2024 through June 30, 2025).

PCC COMMITTEE ON FREE EXPRESSION (*ARS §15-1868(A)*)

The FY2024-2025 members of PCC's Committee on Free Expression are as follows:

Committee Chair: Brian Stewart, Chief Cultural Impact Officer

Committee Members: Autumn Cavanaugh, Investigator - Office of Dispute Resources
Yolanda Gonzales, Manager of the Office of College and Community Connections
Libby Howell, Exec. Dir. - Media, Community & Gov't Rel'ns
Michelle Nieuwenhuis, Chief, PCC Police Department
Jennifer Madrid, Dean of Students
Janet Rico Uhrig, Director Human Resources
R. Seth Shippee, Deputy General Counsel

Additional Contributors: Prisila Mata, Director of Business & Travel Services; Tina Neil, Associate Vice Chancellor for Human Resources; Jeff Silvyn, General Counsel; Valerie Vidal-King, Director of Student Engagement

FREE EXPRESSION REPORTING ITEMS

1. BARRIERS TO OR DISRUPTIONS OF FREE EXPRESSION AT PCC (*ARS §15-1868(B)(1)*)

PCC did not experience any reported barriers to or disruptions of free expression during FY 2024-2025 and is unaware of any unreported barriers or disruptions. Lawful free expression, irrespective of content, is respected and protected at PCC. PCC believes that the freedom to teach and to learn, to engage in personal expression, and to assemble and protest lawfully are bedrock principles of PCC's educational mission and essential to academic freedom and intellectual growth.

2. ADMINISTRATIVE COMPLAINT AND DISCIPLINARY PROCESSES FOR HANDLING BARRIERS TO OR DISRUPTIONS OF FREE EXPRESSION AT PCC (*ARS §15-1868(B)(2)*)

PCC's commitment to maintaining an educational environment in which free expression is respected, encouraged, and protected is set forth both in the official policies of PCC's Governing Board ("Board Policy" or "BP") as well in PCC's Administrative Procedures ("AP"), employee handbook, and student and employee codes of conduct. BP 1.17, "Public Access and Free Expression on College Property," and AP 1.17.01, "Public Access and Expression on College Property" are attached hereto as Exhibit 1 and Exhibit 2, respectively. Relevant sections of PCC's Employee Handbook and its Student Code of Conduct are attached hereto as Exhibit 3 and Exhibit 4, respectively.

A. *COMPLAINT PROCEDURES*

i. Reservation Requests

Although reservations are not required in order to use public areas of PCC property for public-expression activities, individuals or groups may elect to reserve particular areas. Reservation requests are processed on a first-come-first-served basis and may be denied or canceled under limited, content-neutral circumstances (*e.g.,* the timing of the proposed activity conflicts with previously scheduled PCC activities) (see Exhibit 2, Sections 3.2-3.3). Denials or cancellations of reservations may be appealed to PCC's Provost pursuant to processes set forth in AP 1.17.01 (*id.* at Section 3.4).

ii. Violations of the Right to Public Expression

All PCC employees, students, volunteers, and visitors who feel their right to free expression has been violated or that PCC has failed to follow BP 1.17 or AP 1.17.01 may submit a complaint to PCC's Office of Dispute Resolution ("ODR") (see Exhibit 2, Section 14).

B. *DISCIPLINARY PROCEDURES*

PCC's Personnel Policy and Student Code of Conduct both require all employees and students to adhere to PCC policies and procedures, including those regarding free expression (see Exhibit 3, "Code of Conduct, Employee"; Exhibit 4, Section V.C.3). Employees and students who violate PCC's free-expression policies and procedures may be subject to disciplinary sanctions pursuant to established standards and procedures (see Exhibit 3, "Performance Management and Discipline"; Exhibit 4, Sections VII.F). Visitors who engage in activities that violate PCC's free-expression policies and procedures may be removed from PCC property (see BP 1.17, Section 4).

3. SUBSTANTIAL DIFFICULTIES, CONTROVERSIES, OR SUCCESSES IN MAINTAINING ADMINISTRATIVE AND INSTITUTIONAL NEUTRALITY AT PCC (*ARS §15-1868(B)(3)*)

PCC has not experienced any difficulties or controversies in maintaining administrative and institutional neutrality during FY 2024-2025. PCC attributes its success in this regard to its firm institutional commitment to fostering and maintaining a collegiate

culture which respects free expression and encourages the exercise of First Amendment rights by all.

4. COMMITTEE ASSESSMENTS, CRITICISMS, COMMENDATIONS, OR NOTABLE SUCCESSES (*ARS §15-1868(B)(4)*)

Despite the limitations of and challenges presented by the COVID-19 pandemic, the Committee reports the following commendations and notable successes in the exercise and advancement of free expression for FY 2024-2025:

- On August 9th & 10th, 2024, PCC held its Safety and Security Symposium. It provided faculty and staff on updates regarding safety, facilities access, and security planning, it included law enforcement from local agency and the PCC police as well as employee health and safety;

- On August 16, 2024, PCC conducted its "All College Day" featuring presentations by PCC administrators, a guest keynote speaker, and opportunities for PCC employees to ask questions, make comments, and express concerns about college matters;

- On September 11, 2024, PCC provided a virtual and campus-based program in remembrance of the events of September 11th. It provided moments of silence, opportunities for staff, students, and the community to reflect, and resources about the memorial and historical event;

- On September 17, 2024, PCC offered its first Deaf Awareness Day at Northwest Campus. The event included resources for the deaf community, sessions for both deaf and hearing individuals about the deaf community, and a forum with local deaf leaders on education and working as a person who is deaf/hard-of-hearing;

- On September 25, 2024, PCC offered its virtual "Emerging Leaders Program" annual summit. Topics included communication, goal setting, time management, leadership principles, group dynamics, health and wellness, digital identity, and creating change/action planning

- From October 7th to October 11th, 2024, PCC's "Aztec Gold Advanced Leadership Program" provided students with an opportunity to build their leadership skills and develop a deeper understanding of leadership theory and practice. The program included workshops focused on understanding leadership theory and a virtual group civic-engagement project in which students put leadership theory into practice;

- On October 19, 2024, PCC hosted a Scholarships 101 symposium which provided information and support to students who are seeking scholarships. It was a partnership with the Pima College Foundation, scholarship office, Diversity, Equity, and Inclusion Office, and Immigrant and Refugee Resource Centers. It included writing workshops, scholarship search, and was open to the entire community;

- On November 1 and November 2, 2024, PCC held a ""El Día de los Muertos Celebration of Life: Renewed Hope and Recovery"" at its Desert Vista Campus, focusing on mental health and wellness. Students, staff, and the community participated and provided written messages, photos, and flowers for the Altar de Ofrendas;

- On November 7th, 2024 at the Aviation Center Campus, PCC held its Veteran's Day celebration. Support organizations from around the community participated and the Quilts of Valor group presented quilts to College staff and students;

- On November 13th, 2024, PCC in partnership with the Southern Arizona Resources for Science Education Foundation held its annual STEMazing event. The event provides middle and high school students exposure to science careers and provides professional development for local teachers;

- On November 21, 2024, PCC held its "Mental Health Summit," a service project serving PCC students that featured presentations and group discussion on coping skills, mental-health literacy, and trauma. Handouts were provided to students, featuring resources at PCC including the counseling office, local mental health providers, and mental health first aid training;

- On November 20, 2024, PCC hosted a "Native American Heritage Month Celebration," at the East Campus and it was presented by PCC's Native American Student Association with support from PCC's administration. The celebration highlighted Native American and Indigenous cultures and included speakers, performances, and artwork;

- On December 20, 2024, PCC hosted its annual "Spirituality and Faith" event. The event provided a variety of sessions on different faith, religions, and spiritual events and holidays that occur during the month of December;

- On February 20th, 2025 the College participated in the Tucson Rodeo Days. The oldest non-mechanized rodeo parade in the country. The event connected the College to its history of the Southwest.

- On March 3, 2025, PCC hosted a virtual event about bias in AI and data collection sponsored by Pima Online and the institutional research office. The event covered topics around how algorithms, data collection, and data application often focuses on white men and the results may not apply to women or people of color. Changes in science and data collection are needed to improve both science outcomes and the business sector;

- On March 29, 2025 PCC held its one-day Leadership Retreat, covering topics of leadership in the 21st century, as well as the intersections that occur with these topics;

- On April 8 & 9, 2025, the College held the two-day "PCC Design Challenge" event, a showcase that challenged students from various disciplines to reimagine creative

solutions to the current and future sustainable needs including AI and innovation;

- On April 16, 2025, PCC held its NC3 National Signing Day to encourage students to enroll in career and technical education programs. The Assistant Secretary for Career, Technical, and Adult Education, Amy Loyd attended;

- On April 21, 2025, PCC held an Access and Disability Resources event at East Campus which included information on disabilities, disability law, and how to access education and employment as a disabled person;

- On April 23, 2025 PCC held the 8th annual Ethic, Gender, Transborder Studies and Sociology Summit. It provided students, scholars, and community members an opportunity to learn and dialogue around what it takes to create a community;

- On May 2, 2025, PCC worked with the University of Arizona the "Not Invisible - Missing and Murdered Indigenous Women and Girls" Symposium and Memorial, which included a variety of topical guest speakers, presentations, and discussion;

- On May 9th, 2025, PCC held its College Recognition Awards at West Campus. The event recognizes students, staff, faculty, and community members who had outstanding contributions to the College community related to equity, inclusion, and creating belonging in Pima County;

- On May 12th, 2025 PCC held its Honors and Phi Theta Kappa National Honor Society Awards event at West Campus. The event honors the academic and scholarship successes from through Pima College;

- On May 21, 2025, PCC held its 2025 Graduation Ceremony, at the Tucson Convention Center. Many graduates, PCC employees, and other celebrants enhanced the occasion with special messages for the graduates and their families and friends, and engaged in other celebratory personal-expression activities. The event was also live-streamed for those who opted to attend remotely;

The Committee has no specific assessments or criticisms or additional commendations or notable successes to report at this time. The Committee will continue to confer over the next year to review PCC's free-expression policies and procedures for further improvement and to consider additional ways to support and promote free expression at PCC, including potential recommendations for PCC-sponsored programming to address the importance of free expression, to encourage civil discourse, and to explore important topical issues in a manner that promotes thoughtful open discussion.

5. ACCOUNTING OF ALLOCATIONS OF STUDENT ACTIVITY FEES (*ARS §15-1868(B)(5)*)

PCC collected a total of $268,361.47 in Student Activities Fees in FY2024-2025, allocations from which were made on a content-neutral basis to a variety of student organizations with varying purposes and interests, as well as in furtherance of student-centric programs and campus activities. Information about the allocation of such funds specifically to support or facilitate free-expression activities is not available, as PCC does

not track that exact data. However, a detailed accounting of PCC's total fiscal allocations for student activities ($691,558.04), including funds from Student Activities Fees, for FY2024-2025 is attached as Exhibit 5.

EXHIBIT 1

PimaCountyCommunityCollegeDistrict
Board Policy

Board Policy Title:	**Public Access and Free Expression on College Property**
Board Policy Number:	BP 1.17
Adoption Date:	4/11/01
Schedule for Review & Update:	Every three years
Review Date(s):	1/13/15, 4/19/18, 9/14/18, 9/15/21, 11/08/23
Revision Date(s):	11/17/09, 1/13/15, 9/14/18, 11/10/21, 11/08/23
Sponsoring Unit/Department:	Governing Board
Motion Number:	6163
Legal Reference:	ARS § 15-1866
Cross Reference:	Public Access and Expression on College Property, AP 1.17.01

The Pima Community College ("College") Governing Board believes that the freedom to teach and learn, to express oneself freely, and to assemble and protest lawfully are essential to the College's education mission and to academic freedom.

In particular, the Governing Board affirms:

1. The primary function of the College is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate. To fulfill this function, the College shall strive to ensure the fullest degree of intellectual freedom and free expression.

2. The College role does not include shielding individuals from speech

protected by the First Amendment, including, without limitation, ideas and opinions that may be unwelcome, disagreeable, or deeply offensive.

3. The College's students, faculty, employees, and community members are free to express their personal opinions and beliefs and to discuss any issue that presents itself, as allowed by the First Amendment and within the limits of the content-neutral time, place, and manner restrictions established by the College. Students, faculty, employees, and community members may assemble and engage in spontaneous expressive activities if those activities are not unlawful and do not materially and substantially disrupt the functioning of the College.

4. Students, faculty, and employees of the College who engage in conduct that materially and substantially infringes on the rights of other persons to engage in or listen to lawful expressive activity may be subject to disciplinary sanctions. Community members who engage in such activity may be removed from College property.

5. The Board delegates to the Chancellor responsibility to develop and enact procedures to implement this Policy in compliance with applicable federal and state law, including ARS § 15-1866.

EXHIBIT 2

PimaCountyCommunityCollegeDistrict
Administrative Procedure

AP Title:	**Public Access and Expression on College Property**
AP Number:	AP 1.17.01
Adoption Date:	12/18/09
AP Number:	AP 1.17.01
Adoption Date:	12/18/09
Schedule for Review & Update:	Every three years
Review Date(s):	6/22/12, 3/28/18, 6/7/18, 8/14/18, 11/8/23, 10/2/24
Revision Date(s):	6/22/12, 3/28/18, 6/7/18, 8/14/18, 11/8/23, 10/2/24
Sponsoring Unit/Department:	Office of the Provost
Policy Title(s) & No(s).:	Public Access and Expression on College Property, BP 1.17
Legal Reference:	A.R.S. § 15-1864, A.R.S. § 15-1865 A.R.S. § 15-186
Policy Title(s) & No(s).:	Public Access and Expression on College Property, BP 1.17
Legal Reference:	A.R.S. § 15-1864, A.R.S. § 15-1865 A.R.S. § 15-1866
Cross Reference:	

SECTION 1: Definitions

1.1 "AP" means Administrative Procedure.

1.2 "BP" means Board Policy.

1.3 "Breach of the Peace" means seriously disruptive behavior as prohibited by Arizona's "disorderly conduct" statute (A.R.S. § 13-2904), including, but not limited to, committing acts of violence, making unreasonable noise; engaging in protracted disruptive behavior to prevent a lawful meeting, gathering, or procession; and refusing to obey a lawful order to disperse.

1.4 "College" means Pima Community College.

1.5 "College Authorized Activity" means an activity by any individual, group, or organization that has been permitted to take place on College Property by the Chancellor, Executive Vice Chancellor for Finance and Administration, the Vice Chancellor for Facilities, a Campus President, or his/her respective designee but is not organized, initiated, aided, or supervised by the College's administration or official organizations.

1.6 "College Community" means, collectively, all persons employed by, volunteering for, enrolled in classes at, or visiting the College or attending any College Sponsored Activity.

1.7 "College Property" means any campus, building, or grounds owned, leased, operated, or controlled by the College, as well as any structures, improvements, or equipment thereon.

1.8 "College Sponsored Activity" means any event, activity, or endeavor officially sanctioned by the College, on- or off-campus College Property, that is organized, initiated, aided, or supervised by the College's administration or official organizations.

1.9 "Commercial Speech" means all non-College advertising, marketing, sales, purchases, or agreements for the sale or purchase of goods or services, and all non-College solicitations of gifts of money or other goods or services by a person, groups of persons, or other entity, including charitable organizations. Commercial Speech is not Public Expression for purposes of this AP.

1.10 "Content Neutral" means without regard to the substance or subject matter of the Public Expression or to the viewpoint(s) expressed therein.

1.11 "Employee" means any person employed by the College on a full-time, part-time, temporary, or regular basis or directly engaged in the performance of work under the provision of a contract with the College. This definition does not include unpaid Volunteers.

1.12 "Fighting Words" means verbal or nonverbal Speech that, by its very utterance or other method of communication, based on reasonable and commonly accepted community standards, 1) inflicts injury on a person to whom it is addressed (including, but not limited to, seriously abusive or insulting epithets of a personal nature addressed to a specific individual), or
1.13 2) is reasonably likely to provoke immediate physical retaliation by the person to whom it is spoken, or 3) is intended to incite or encourage others hearing the speech to commit an imminent Breach of the Peace, act of vandalism, or act of violence against the speaker or against someone else.

1.14 "Gratuitous Violence" means real or simulated graphic, realistic visual depictions of brutal acts of physical harm or cruelty to or the infliction of brutal physical harm or cruelty upon humans, animals, or human- or animal-like creatures and, taken as a whole, lacks discernable literary, artistic, political, or scientific value.

1.15 "Harassment" means unwelcome Speech or conduct directed toward a specific individual that a reasonable person in the individual's position would perceive as being so severe, persistent, or pervasive as to deny or substantially disrupt the individual's ability to fully participate in or benefit from Ordinary College Operations or a College Sponsored Activity.

1.16 "Heckler's Veto" means completely preventing or attempting to completely prevent a speaker from speaking or from being heard by others through persistent, suppressive, and overwhelming boos, chants, shouted comments, or other intentional disruptions. A Heckler's Veto does not include isolated or intermittent vocal disagreement or heckling, even if it is loud, disrespectful, or briefly disruptive.

1.17 "Obscenity" means Speech or other expression in any medium that a reasonable person applying contemporary community standards would find appeals or is intended to appeal primarily to prurient interests, depicts or describes sexual conduct in a blatantly graphic or patently offensive way, and, taken as a whole, lacks discernable literary, artistic, political, or scientific value.

1.18 "Ordinary College Operations" means all day-to-day business and other functions of the College, including, but not limited to, academic instruction, administrative services, performance of employment responsibilities, facilities maintenance and grounds keeping, creative activity, community events, campus safety and security, and the maintenance of a College-wide

environment that is open, accessible, and welcoming to the College Community.

1.19 "Posted" means affixed to or deposited on College Property by any means.

1.20 "Prohibited Discrimination" means the unjust, prejudicial, or less favorable treatment of a person or group of persons based on actual or perceived protected characteristics or status in violation of state, federal, or municipal law, or College policy.

1.21 "Public Area" means an outdoor area that is generally open to the public during the College's regular hours of operation and accessible by a public road or walkway without the need to enter or pass through a building or enclosed space. Public Areas do not include the interiors of College buildings or enclosed outdoor spaces, such as building atriums or athletic fields.

1.22 "Public Expression" means all Speech – excluding Breaches of the Peace, Commercial Speech, Fighting Words, Gratuitous Violence, Harassment, Heckler's Veto, Obscenity, Prohibited Discrimination, or True Threats – conducted in a Public Area, including, but not limited to, protests, demonstrations, rallies, speeches, forums, the distribution of posters or leaflets, and the collection of signatures for petitions, and includes all activities related to an individual's right to peacefully assemble and/or petition the government for a redress of grievances.

1.23 "Public Posting" means any written or printed material that is placed on College Property in a Public Area or affixed to any structure on College Property in a Public Area.

1.24 "Reserved Area" means a Public Area that has been reserved and scheduled in advance by a specific individual or group for a particular activity in accordance with applicable College policy.

1.25 "Speech" means communication through any means, including, but not limited to, spoken or printed words or symbols, expressive gestures or utterances, symbolic actions, artistic expression, or forbearance from any of the foregoing (*e.g.*, intentional silence or non-participation in expressive actions).

1.26 "Student" means any person currently enrolled in courses at the College on either a full-time or part-time basis, as well as any person currently

registered for or participating in continuing-education classes through the College.

1.27 "Student Organization" means an organization composed primarily of students which has received recognition according to College policies and procedures through the campus Department of Student Life

1.28 "True Threat" means Speech in any medium that the speaker intends to communicate a serious expression of an intent to commit an act of unlawful violence against a specific person or group of persons.

1.29 "Visitor" means any person physically present on College Property or in attendance at a College Sponsored Activity who is not a current Student, Employee, or authorized Volunteer.

1.30 "Volunteer" means any individual who is not an Employee or Student of the College, and is authorized by the College to perform and voluntarily performs services for the College without promise, expectation, or receipt of compensation, future employment, or other tangible benefit, including academic credit. A Volunteer is not an Employee of the College for any purpose.

SECTION 2: General Principles

2.1 The College will at all times maintain a Content Neutral position in the application and enforcement of this AP.

2.2 As an institution of higher education, the College is dedicated to the principle that a free exchange of ideas is fundamental to the pursuit and dissemination of knowledge. To that end, the College is committed to protecting every member of the College Community's right to speak, write, listen to, explore, and debate competing ideas.

2.3 In any higher-education environment, including here at the College, it is normal for the ideas of various members of a college community to often differ and sometimes conflict. Although the College values highly the principles of civility and mutual respect, it is not the proper role of an institution of higher education to attempt to shield members of the College Community from ideas and opinions they may find unwelcome, disrespectful, upsetting, or even deeply offensive. Concerns about civility and mutual respect do not justify closing off discussion of any ideas or opinions, no matter how disagreeable or offensive they may be to some or

even most members of the College Community.

2.4 The College is committed fully to the fundamental tenet of higher education that the appropriate response to false, offensive, or even abhorrent Speech is not to prohibit it or hide from it, but to respond to and challenge it with more Speech

2.5 Although members of the College Community are free to criticize and contest the views expressed by others, they may not deny, materially obstruct, or otherwise improperly interfere with others' freedom to express views with which they disagree or which they find offensive or even loathsome.

2.6 The freedom to express ideas does not mean members of the College Community may exercise that freedom in ways that are incompatible with Ordinary College Operations or the rights of other members of the College Community, including their right to a full and equal opportunity to pursue their education, to a College environment free from impermissible or Prohibited Discrimination and Harassment, to access the resources available at the College, and to express their own opinions and beliefs.

2.7 The College may restrict Public Expression that violates state, federal, or local law; defames a specific person; or constitutes a Breach of the Peace, Commercial Speech, Fighting Words, Gratuitous Violence, Harassment, a Heckler's Veto, Obscenity, Prohibited Discrimination, or a True Threat; or otherwise disrupts Ordinary College Operations, College Sponsored Activities, or College Authorized Activities.

2.8 The College may place reasonable, Content Neutral regulations on the time, place, and manner of Public Expression to ensure it does not disrupt Ordinary College Functions, College Sponsored Activities, or College Authorized Activities.

2.9 The fact that Public Expression activity occurs on College Property does not imply and should not be construed as implying approval or endorsement by the College of any viewpoint or message expressed during the activity.

SECTION 3: Location of Public Expression

3.1 Any Public Area on College Property may be used for Public Expression consistent with this AP, including on a spontaneous basis, provided the Public Area has not already been reserved for use at that same time, subject

to reasonable time, manner, and place restrictions (see Section 4, below).

3.2 Reserving Public Areas for Public Expression

1. Reservations are not required in order to use Public Areas for Public Expression activities

2. The College recommends individuals or groups who wish to engage in Public Expression activities that are anticipated or likely to involve or attract large numbers of people, or that will involve special equipment (*e.g.*, stages or platforms, chairs, sound amplification) consult with the College's administration regarding the most appropriate Public Areas to accommodate those activities and reserve those Public Areas in advance.

3. Individuals or groups who wish to engage in planned Public Expression activities may reserve a particular Public Area in advance by submitting a written "Public Area Reservation Form" as follows:

   a. At least two (2) business days before the anticipated date of the Public Expression activity, although the College strongly encourages the submission of reservations as early as possible;

   b. To the respective Campus President or his/her designee when Public Expression activities are to be conducted at one of the College's campuses;

   c. To the Executive Vice Chancellor for Finance and Administration ("EVCFA") or his/her designee for activities to be conducted at the College's District Office;

   d. Public Area Reservation Forms may be obtained from the Campus Presidents' and EVCFA's offices or online at https://www.pima.edu/community/rent-facilities/docs/facilities-use-form.pdf [revised form forthcoming]

4. Reservation submissions will be processed on a first-come-first-served, Content-Neutral basis and may be denied at the College's discretion under one or more of the following circumstances:

   a. The Public Expression activity conflicts with scheduled College Sponsored Activities or College Authorized Activities;

b. The Public Area in question has already been reserved by another individual or group;

c. The Public Expression activity for which the reservation is sought does not conform to reasonable time, place, and manner restrictions set forth by the College;

d. The individual or group submitting the reservation has a prior history with the College of engaging in Public Expression activities that are harmful or injurious to members of the College Community, damaging to or the cause of excessive littering on College Property, excessively disruptive to Ordinary College Operations, or that otherwise violate College policy or do not conform to the College's time, place, and manner restrictions.

5. Individuals and groups submitting reservations will be notified within one (1) business day if their reservations are confirmed or have been denied.

6. If a reservation submission is denied, the College will provide a timely written explanation for the denial and make reasonable efforts to work with the individual or group whose reservation was denied to modify the reservation submission to facilitate its approval.

3.3 The College reserves the right to cancel any Public Area reservation or terminate any Public Expression activity already in progress if anyone participating in the Public Expression activity engages in any conduct prohibited by this AP (see Section 8 below), by state or federal law, or municipal ordinance.

3.4 Appeals

1. An appeal of the denial or cancellation of a reservation submission or of a decision to terminate Public Expression activity may be submitted to the Provost or his/her designee within three (3) business days of the date of the denial, cancellation, or termination.
2. Consideration of appeals shall be limited to questions of whether a misapplication of this AP or other College policies or procedures resulted in the denial or cancellation of a reservation submission or the decision to terminate Public Expression activity. The Provost or his/her designee will not review or otherwise second-guess decisions

of the Campus Presidents or the EVCFA regarding Public Expression or this AP on any other basis.

3. Appeals must be in writing and state the following:

   a. The name of the individual bringing the appeal (the "Appellant") and whether he or she is bringing it on behalf of a particular group;

   b. A summary of the facts leading to the denial, cancellation, or termination, including the date, time, and location of the Public Expression activity, as well as a description of the Public Expression in which the Appellant engaged or intended to engage;

   c. The basis why the Appellant believes this AP or other specific College policy or procedure was misapplied, and

   d. The relief the Appellant is requesting.

4. A copy of the Appeal must be delivered to the Provost or his/her designee and to the Campus President/EVCFA whose decision is being appealed (the "Appellee").

5. The Appellee may submit a written response to the appeal within one (1) business day. Copies of the Appellee's response must be delivered to the Provost or his/her designee and to the Appellant.

6. Appeals pursuant to this AP will be decided and the Appellant notified of the decision within two (2) business days of the College's receipt of the appeal.

SECTION 4: Time, Place, and Manner Restrictions

5.1 Reasonable time, place, and manner restrictions may be imposed on Public Expression activities to achieve a compelling College interest, including, but not limited to, ensuring Ordinary College Functions are not disrupted and to protect the safety and security of the College Community and College Property.

5.2 Time, place, and manner restrictions shall be determined by the respective Campus President or the EVCFA on a case-by-case basis, in consultation with the College's police department and legal counsel.

5.3 All time, place, and manner restrictions shall be the least restrictive means necessary to achieve the compelling College interest and must not effectively stop or prevent spontaneous Public Expression and to maximize opportunities and alternative channels for Public Expression.

5.4 Any time, place, and manner restrictions on Public Expression shall be Content Neutral.

5.5 In the event the College deems it necessary to restrict Public Expression, the College will nevertheless, to the maximum extent practicable, propose and provide alternate opportunities for such Public Expression.

5.6 The College reserves the right to require any form of Public Expression that a reasonable person applying contemporary community standards would find includes themes or depictions of graphic violence, explicit human sexual acts, or explicit human nudity (but does not otherwise constitute Gratuitous Violence or Obscenity); regardless of its artistic, scientific, or academic value; be conducted or displayed at a time, in a place, and/or in a manner designed to decrease the likelihood that members of the College Community (*e.g.*, minor children) will unintentionally encounter the Public Expression.

SECTION 5: After-Hours Public Expression on College Property

College Property, including all non-public and Public Areas, may not be used for Public Expression activities from 9:00 p.m. until 7:00 a.m., seven (7) days per week, excluding Public Expression associated with Ordinary College Operations or College Sponsored Activities, without the express written permission of the Provost or his/her designee.

SECTION 6: Invited Speakers

6.1 Public Areas on College Property shall be open to speakers invited by Students, Student Organizations, and College faculty to engage in Public Expression at the College

6.2 The College shall make reasonable efforts to address the safety of persons engaged in Public Expression on College Property, including invited speakers and persons attending invited speakers' events.

6.3 The College may charge a reasonable fee for the provision of security

services at Public Expression events involving invited speakers, provided security fees are charged uniformly and are in no way based on or influenced by the content of the Speech of the invited speaker or of the person or group who invited the speaker.

SECTION 7: Amplified Sound

The College reserves the right to restrict or prohibit the use of amplified sound during Public Expression activities at times when amplified sound is reasonably likely to interfere or disrupt Ordinary College Operations, College Sponsored Activities, or non-amplified College Authorized Activities.

SECTION 8: Contemporaneous Counter- Protests and Counter-Demonstrations

8.1 Protests, demonstrations, or other Public Expression activities may attract or invite other forms of Public Expression in response, including, but not limited to, contemporaneous counter-protests and counter-demonstrations.

8.2 The College will, to the maximum extent possible, treat individuals and groups engaging contemporaneously in Public Expression and in counter-Public Expression equally in accordance with this AP.

8.3 To preserve the health and safety of the College Community and to prevent damage to College Property, the College reserves the right to place mutual time, place, and manner restrictions on Public Expression activities and contemporaneous counter-Public Expression activities, including, but not limited to, requiring that activities be conducted a reasonable distance from each other, not to exceed the distance minimally necessary to maintain safety and order.

SECTION 9: Prohibited Conduct

9.1 The College expressly prohibits any conduct, regardless of any association it may have with legitimate Public Expression activity, if the conduct

1. Adversely affects or directly threatens to adversely affect the health or safety of members of the College Community or their opportunity to enjoy College programs and College Sponsored Activities, or

2. Materially disrupts Ordinary College Operations.

9.2 Specific conduct prohibited by this AP includes, but is not limited to, the following:

1. Causing physical injury or harm to a person;

2. Directing threats at individuals or specific groups of persons or attempting to intimidate them in a manner that would cause a reasonable person to fear for his or her own safety;

3. Obstructing sidewalks, vehicular roadways, or building entrances and exits;

4. Excluding or ejecting members of the College Community from a Public Area because of the content of their Public Expression;

5. Engaging in a Breach of the Peace, Fighting Words, Gratuitous Violence, Harassment, a Heckler's Veto, Obscenity, Prohibited Discrimination, or a True Threat;

6. Removing or obscuring Public Postings bearing an official stamp from the College before the expiration date indicated on the stamp (see Section 10 below);

7. Damaging or threatening to damage College Property;

8. Causing excessive and unreasonable littering or soiling of College Property;

9. Remaining on College Property after receiving lawful notice to depart;

10. Stating or implying, directly or indirectly, that any Public Expression activity or viewpoint of an individual or group on College Property is that of the College or is endorsed, supported, or approved of by the College

SECTION 10: Commercial Speech

10.1 The College is not required to permit any Commercial Speech on College Property and may restrict Commercial Speech on the basis of its content.

10.2 Any Commercial Speech on College Property is prohibited without the express written consent of the Provost or his/her designee.

10.3 The Provost shall designate one or more coordinators for Commercial Speech and commercial events held on College Property, including on each College campus.

10.4 Designated coordinators shall be responsible for ensuring that any Commercial Speech on their respective College Properties is consistent with College policies, procedures, and institutional values, as well as in compliance with applicable state and federal law.

10.5 Designated coordinators may, at their discretion, decline to permit any Commercial Speech.

SECTION 11: Public Postings

11.1 Public Postings – including, but not limited to, posters, flyers, leaflets, notices, and other printed materials, regardless of any Public Expression content – may be Posted on College Property only in designated areas.

11.2 All Public Postings must be officially stamped by the respective Campus President or EVCFA or his/her designee with the date the posting expires, not to exceed thirty (30) days from the original date they are Posted. Expired Public Postings will be removed promptly by the College.

11.3 Official date-stamps will be issued by Campus Presidents and the EVCFA on a Content Neutral basis and will not be withheld unless the Public Posting constitutes a Breach of the Peace, Fighting Words, Gratuitous Violence, Harassment, Obscenity, Prohibited Discrimination, or a True Threat.

SECTION 12: Anonymous Expression

12.1 Choosing to speak anonymously does not absolve members of the College Community of responsibility for their Public Expression or other speech, and

anonymous Public Expression must comply with this AP and all other applicable College policies and procedures, as well as applicable state and federal laws and municipal ordinance.

12.2 Anonymous Public Postings that do not comply with the College's Public Posting procedures may be removed at any time by any person.

SECTION 13: Violations

13.1 Any individual who violates this AP may be removed and/or trespassed from College Property or a College Sponsored Activity and/or denied the ability to reserve Public Areas of the College for future Public Expression activities.

13.2 Any violation of this AP by a College Student or Employee that also constitutes a separate violation of College policy may be subject to additional applicable sanctions pursuant to the Student Code of Conduct or College Employees Personnel Policy Statement, respectively.

13.3 Any violation of this AP that also constitutes a violation of federal, state, or local law may also subject an individual or group to additional sanctions, including criminal arrest, prosecution, and/or civil penalties.

SECTION 14: Complaints

14.1 Any member of the College Community who feels his or her right to Public Expression has been violated or that this AP has not been followed or has been misapplied may contact the College's Office of Dispute Resources ("ODR") to submit a complaint. ODR may be contacted by phone at (520) 206-4686 or toll-free at 1-855-503-8072, via email to *resolution@pima.edu*, or by filing a complaint online at www.complianceandethicshotline.ethicspoint.com or through ODR's webpage (https://www.pima.edu/administration/dispute-resolution/index.html).

14.2 In addition to pursing the College's complaint process, members of the College community also have the right to file, and do not need to exhaust the College's complaint process before filing, legal claims regarding First Amendment violations, including with outside agencies, such the following:

United States Department of Education
Office of Civil Rights (OCR)
1244 Speer Blvd., Suite 310

Denver, CO 80204-3582

Phone: (303) 844-5695

Fax: (303) 844-4303

Email: OCR.Denver@ed.edu

United States Equal Employment Opportunity Commission (EEOC)
3300 N. Central Avenue, Suite 690
Phoenix, AZ 85012-2504

Phone: (602) 640-5000

Phone: (800) 669-4000

TTY: (800) 669-6820

Fax: (602) 640-5071

Office of the Arizona Attorney General
Civil Rights Division (ACRD)
402 W. Congress Street, Suite S125
Tucson, AZ 85701-1367
Phone: (520) 628-6500

TDD: (502) 928-6872

EXHIBIT 3

Section: Code of Conduct
Adoption Date: 5/08/2020
Revision Date: 4/12/2024
Sponsoring Unit/Department: General Counsel

Code of Conduct

The College embraces and expects a level of conduct by all employees that includes mutual respect for others, basic courtesy, reciprocity and behaviors that create a positive and professional environment in which to learn and to work. Employees are required to comply with federal, state, county, and municipal laws and regulations as well as the policies and procedures of the College.

Conduct Expectations

Open & Honest Communications

The College values the robust exchange of ideas and different perspectives. At various times, a College employee may be speaking in a particular capacity - academic setting, employment context, or as a private citizen. Specific standards apply to these different situations. The standards in this Handbook apply when an employee communicates in the course of scope of employment or regarding topics directly related to work. The principles listed in this Handbook seek to promote truth, candid expression, and workplace civility. Academic freedom and speech as a private citizen are governed by other policies. See BP 3.02 Academic Freedom; BP 1.17 Public Access and Free Expression on College Property; AP 1.17.01 Public Access and Expression on College Property

- Tell the truth
- Communicate clearly & with civility
- Explain inconsistencies
- Share information early & often
- Ask for & listen to input
- Communicate performance expectations
- Promote employee development of communication skills (e.g., conflict resolution)

Fair, Reasonable & Consistent Policies, Procedures, Practices & Processes

- Apply current policies & procedures consistently & correctly
- Try new processes & communicate them
- Help others follow policies & procedures
- Empower people to offer new ideas
- Hold people accountable but don’t blame

Informed Decision-making & Planning

- Communicate the decision process early & the reasons behind decisions made
- Involve those who will be affected by decisions in making the decisions
- Use data in decision-making

- Make & review decision using student success as top criterion
- Take responsibility for decisions

Accountability

- Take responsibility for own & employees' work; use formal evaluation process
- Admit errors & work to fix them
- Honor commitments
- Follow & promote the College's vision, mission, values & goals
- Promote & evaluate employee development & learning
- Consistently & impartially acknowledge employee achievement

Leadership & Management

- Avoid favoritism & its appearance
- Lead by example
- Build & maintain trust within area of responsibility
- Plan strategically & act to improve resource levels
- Demonstrate awareness of good practices in work area
- Maintain qualified staff at efficient levels
- Respond to crises, adversity, and challenges as opportunities to improve

Assumed Practices for Employees

1. Report to work ready to work at the scheduled work hour and location
2. Perform assigned duties in a professional manner with quality and timeliness
3. Treat students, visitors and co-workers with fairness, courtesy and respect
4. In their capacities as employees of the College, maintain high standards of honesty, transparency, and integrity in their actions and communications in any form, including social media, to any member of the College, community, or the public.

Prohibited Employee Conduct

The following conduct is prohibited. These conduct examples are illustrative of behavior that is not permitted when the individual is acting as an employee, representing that they are acting as an employee, engaging in conduct that impacts the operations of the College, or engaging in conduct that a reasonable person would conclude impacts their ability to effectively perform their duties for the College. Any employee engaging in such conduct, attempting to engage in such conduct, or aiding another employee in such conduct is subject to corrective action and/or disciplinary procedures.

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.

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, disorderly or disruptive conduct.

c. Violating other College policies, including the Social Media Policy and Acceptable Use of Information Technology Resources.

d. 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.

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

f. Stealing, destroying, defacing, misusing or using College or another person's property without authorization.

g. Failing to notify the College of a felony conviction or the loss of a license or certificate required for the position.

h. Failing to cooperate in a College investigation or audit.

i. Abusing sick leave or having unauthorized absences from work.

j. 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 ($20 or less) 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.

k. Engaging in outside employment or activities that conflict with official College duties and responsibilities, or that tends to impair the capacity for performance of duties and responsibilities in an acceptable manner, or that create a real or apparent conflict of interest.

l. Failing to wear assigned safety equipment or failing to comply with safety rules and policies.

m. Disclosing information of a confidential nature to unauthorized persons.

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

o. Gambling on College property.

p. Lying, making false statements, or the deliberate misrepresentation or omission of facts, with the intent to mislead. Professional, fact-based discourse including expression of diverse viewpoints is always encouraged.

Section: Corrective Action
Adoption Date: 8/15/19
Revision Date: 4/21/2021, 7/01/2022, 7/01/2023, 07/01/2024
Sponsoring Unit/Department: Human Resources

Corrective Action

For non-corrective action conversations, see *General Expectations for Supervisors*.

The College's corrective action process addresses unsatisfactory employee conduct and/or performance, ensuring such matters are dealt with in a fair, consistent, and timely manner. The process applies to all employees where an employee's conduct/performance does not meet Department or College expectations.

Many situations can be resolved through discussions or coaching with the employee; however, some incidents may be severe enough to merit formal corrective action after one occurrence. The seriousness of the incident and the employee's corrective action and performance history will be considered when determining the level of corrective action to be applied.

Following coaching, there are three corrective action levels utilized in formally addressing unsatisfactory performance/behavior

- Written Warning
- Final Written Warning
- Termination

The corrective action process may begin at any level, including termination, depending on the nature and severity of the issue. Should new issues occur during a corrective action, the supervisor may include additional performance or conduct issues to an existing corrective action process but must provide formal notice to the employee and sufficient additional response time. The corrective action process may also be used to address investigatory findings.

Except in cases of extremely severe conduct or performance issues, the corrective action process will typically start at the lowest level. The corrective action process applies to all employees. Both temporary and probationary employees may have employment directly terminated at the discretion of the supervisor and the Chief Human Resources Officer.

Supervisors must consult with their Human Resources Consultant prior to taking any corrective action or notifications to ensure that the level of corrective action is appropriate.

Coaching

The College expects that Coaching will resolve the majority of performance and conduct issues and in many situations is sufficient. Coaching sessions are used to bring a problem to the attention of the employee before it becomes so serious that it has to be addressed with formal corrective action and documented in the employee's Human Resources file.

The purpose of Coaching is to clarify policies and expectations and assist employees by being clear and precise about performance or conduct and the consequences if concerns of the same nature or other problems with conduct or performance occur. Coaching alleviates misunderstandings, clarifies the direction for necessary and successful correction, and seeks to engage the employee in finding solutions.

The Supervisor must promptly document the discussion with the employee. (The Outcome-Based Coaching Plan template may be used for this purpose.) An HR Consultant is available to assist with the coaching plan but it is not necessary to copy Human Resources. This serves as a record of the meeting and as reference later if further corrective action is needed. It is not necessary to submit a formal document (to the employee's Human Resources file) of the Coaching session as it is considered an informal step in progressive corrective action.

Coachings should not be administered for the most serious incidents. Other more appropriate steps of the corrective action process should be considered. Supervisors should contact their Human Resources consultant for guidance. Further, it is not suitable for a supervisor to continue to try coaching when the employee repeats improper job performance or conduct. At this point corrective action needs to be considered.

Formal Corrective Actions

The College expects that Coaching will resolve the majority of performance and conduct issues. However, when this approach has been exhausted (or the severity warrants), the supervisor should utilize formal Corrective Action. If the poor performance/conduct addressed by Coaching is repeated or additional concerns arise, the supervisor will follow up with a Written Warning. A Written Warning may also be appropriate if a single incident is more serious in nature.

1. Written Warning

A Written Warning shall inform the employee of the specific concerns that must be addressed immediately and sustained indefinitely.

1. The Supervisor will consult with their HR Consultant.
2. Supervisor prepares a Notice of Potential Violations that:
    - Identifies specific potential violations.
    - Identifies the impact to the workplace.
    - Summarizes prior discussions, if applicable.
3. Supervisor provides the Notice of Potential Violations to the employee.
    - An employee shall receive two business days advance notice in writing of a corrective action meeting whenever possible. Meetings will be scheduled at a time that is reasonable and with consideration given to the employee's normal work schedule. The HR Consultant will also be in attendance.
    - Employee may provide a written response prior to meeting.
    - The employee may choose to bring an Employee Advisor at any step (see Employee Advisor section of Employee Handbook.)
4. During the Meeting:
    - Employee is provided an opportunity to ask related questions, offer explanation(s), or provide additional context for consideration, and may offer suggestions for an action plan/solution(s)
    - Both parties may agree to schedule further time.

- Employee may submit a written response to the Written Warning to be included in the Human Resources file.

5. Decision
    - The Supervisor considers all input.
    - If appropriate, issues a Warning and Performance Management Plan.
    - Informs the employee in writing.
    - Employee may submit a written response to the Notice of Potential Violations to be included in the Human Resources file.
    - Documentation is maintained in the Human Resources file with a copy provided to the employee and Human Resources.
6. Follow up steps
    - The Supervisor will regularly communicate with the employee regarding progress on the Performance Management Plan and overall performance.
    - Documentation of progress will occur at agreed upon intervals (usually at the 3 and 6 month period) and be attached to the corrective action document in the employees' Human Resources file.
    - Employee's performance evaluation will reflect on identified issues and progress in meeting expectations.
    - Documentation of successful completion of the Performance Management Plan is provided to the employee with a copy to Human Resources for the employee's file.

2. Final Written Warning

The process for Final Written Warning is the same as above.

Optional Final Written Warning Sanctions:

Working with their Human Resources consultant, the Supervisor may impose any combination of the following in a Final Written Warning:

- Suspension without pay. The Chief Human Resources Officer or designee must approve of any unpaid status.
- Work condition change such as:
    - Employee's workplace activity restricted/modified
    - Decision authority restricted
    - Requirement and/or limitations for professional development
    - Leave restrictions
- Job assignment change such as:
    - Corrective action reassignment (same pay/same unit)

- Corrective action transfers (same pay/different unit)
- Demotion (assigned to different position/lower pay grade, may include unit reassignment)

Review process for Written Warning or Final Written Warning

An employee who receives a Written Warning may request one review of the performance management plan and/or decision. In the event corrective action proceeds to a Final Written Warning, the employee may again ask for one review of the Final Written Warning decision. The request for review must be submitted in writing to the next level administrative supervisor and Human Resources within ten working days of receipt of the warning. The request should include a specific description of the issue for review and any information and material to be considered.

The administrator will generally complete the review within ten business days. The reviewer may request additional information or clarification from the employee or supervisor and may meet with either. The reviewer will then issue a written decision to the employee and supervisor, with a copy to Human Resources for the Human Resources file. The reviewer may affirm the prior decision, impose a lesser sanction, or overturn the corrective action.

A request for review will be considered if based on one or more of the following arguments:

- The Supervisor's corrective action decision was (a) not supported by sufficient evidence or reasonable inferences such that a reasonable person could not have reached the same decision, or (b) tainted by bias;
- The severity of the corrective action was unjustifiably disproportionate to the seriousness of the employee's misconduct;
- The process included a significant mistake or omission that a reasonable person could find affected or likely could have affected the final outcome of the corrective action process or otherwise made the proceeding fundamentally unfair.
- The discovery of new information that was not known and could not reasonably have been discovered prior to the corrective action decision and that is substantially likely to have affected the outcome of the corrective action process.

3. Termination Process

Termination of regular employment may be used for the most serious incidents or repetitions of improper job performance or conduct.Supervisors will consult with Human Resources before making a decision to terminate employment and consideration will be given to the severity of the situation

Examples include, but are not limited to:

- Physical violence at work or documented threat of physical violence at work
- Violations of Administrative Procedure (AP) 11.05.01 - Firearms and Other Weapons - Enforcement & Exception
- Violations of the College's Drug- and Alcohol-Free Environment Policy or AP 11.01.01 - Drug- and Alcohol-Free Environment
- Unauthorized intentional destruction of College property

- Use of offensive and/or derogatory comments or actions intended to offend, humiliate or degrade another person in violation of the College's Discrimination, Harassment and Retaliation Policy, if the actions meet the legal definition of Harassment
- Sexually explicit or implicit comments or actions in violation of the College's Discrimination, Harassment and Retaliation Policy, if the actions meet the legal definition of Harassment
- Conviction of a violent crime or not reporting such conviction to the College within 10 business days. Examples include, but are not limited to: assault, domestic violence, rape, robbery, or other violent crimes
- The revocation of a license that is required to perform one's job duties. Examples: 1) Revocation of a driver's license when the employee is required to drive as part of their job responsibilities, 2) the revocation of a professional license required to perform their job
- Theft of any kind which includes, but is not limited to, personal belongings and time card falsification
- Five consecutive days of not reporting to work and/or contacting thesupervisor/manager/director and/or the Employee Service Center to request a leave of absence
- Misuse of College funds for personal gain
- Intentional violation of safety procedures or protocols resulting in harm to oneself or others
- Deliberate falsification of records

Any employee terminated for cause is ineligible for rehire.

1. The Supervisor will consult with their HR Consultant and their supervising Administrator
2. If approved by the Supervisor's supervising Administrator and by the Chief Human Resources Officer, the Supervisor issues a Notice of Intent to Terminate to the employee with supporting evidence, and schedules a meeting with the employee.
    - An employee shall receive two business days advance notice in writing of Notice of Intent to Terminate meeting whenever possible.
    - Employee may provide a written response prior to meeting.
    - The employee may choose to bring an Employee Advisor at any step (see Employee Advisor section of Employee Handbook).
3. The Supervisor and Human Resources consultant meet with the employee to review the Notice of Intent to Terminate and receive input from the employee, such as additional evidence or circumstances to be considered.
4. The Supervisor prepares a Notice of Decision in consultation with their Human Resources Consultant, generally within two business days and schedules another meeting with the employee providing at least two business days notice.
    - If the decision is to proceed with termination, the Supervisor will terminate employment and collect any College property in possession of the employee.
    - Once a termination decision has been issued the employee will be placed in an unpaid status for the duration of any review process. If the termination decision is not upheld, the employee will receive applicable back pay.

Termination Review Process

The employee may request in writing a review of the termination decision within ten business days to the Chief Human Resources Officer (CHRO). The request must include the specific reason the employee believes the decision is incorrect and include all supporting information and materials that should be considered. The CHRO or designee shall designate an executive administrator from a different supervisory line to conduct the review. The designated administrator will generally complete the review within ten business days. The CHRO may request additional information or clarification from the employee or supervisor and may meet with either,
which may extend the time needed for the review process. The CHRO or designee will then issue a final written decision to the employee and supervisor, with a copy to the Human Resources file. A final decision will not be reviewed further.

Timelines

The time frames specified in this section are intended as guides to balance benefits of rapid resolution with those of thoroughness. Extensions to the time specified may be appropriate based on a legitimate business reason and notice of exceptions should be provided to those involved in the specific corrective action process. While excessive delay should be addressed, it would not serve as a basis to discontinue or overturn a corrective action decision.

Corrective action proceedings will continue if the employee takes a leave of absence during the process, absent extenuating circumstances.

EXHIBIT 4

STUDENT CODE OF CONDUCT

TABLE OF CONTENTS

SECTION I: Introduction	1
A. Purpose and Scope	1
B. Using the Code of Conduct	2
C. Additional Codes of Conduct for Specific College Programs	2
SECTION II: Students' Rights and Responsibilities	3
A. Rights Common to All Students	3
B. Student Rights and Responsibilities During Code of Conduct Proceedings	3
SECTION III: Self-Harm and Suicidal Thoughts or Ideation	5
SECTION IV: Distinguishing Between "Lesser" and "Major" Misconduct	6
SECTION V: Specifically Prohibited Acts of Misconduct	6
A. Violent, Threatening, or Dangerous Behavior	6
B. Discrimination and Harassment	7
C. Disruptive or Disorderly Behavior	8
D. False Reporting or Use of False Documents	8
E. Tobacco, Alcohol, and Illicit Drug Use	8
F. Misuse of College IT Systems	9
G. Property Offenses	10
H. Violations of Federal, State, or Local Law	10
I. Violations of College Policy, Procedure, or Explicit Direction	11
J. Disrupting College Investigations or Disciplinary Proceedings	11
K. Attempted Misconduct or Conspiracy to Commit Misconduct	12

SECTION VI: Reporting Code of Conduct Violations 12

A. In Emergencies 12

B. Submitting Complaints 12

C. Confidential and Anonymous Complaints 13

SECTION VII: Conducting Code of Conduct Proceedings 13

A. Selecting the Code Decision-Maker 13

1. Instructors as Complainants/Code Decision-Makers 13

2. The Dean of Students as Code Decision-Maker 14

B. Discretion of Code Decision-Makers in Initiating, Continuing, & Terminating Code Proceedings 14

C. Notice of Complaints and Delivery of Complaint-Related Information 14

D. Complaint Resolution Meetings 15

1. Lesser Misconduct Resolution Meetings 15

2. Major Misconduct Resolution Meetings 16

E. Code of Conduct Decisions 17

F. Responsive Action by the Code Decision-Maker 18

G. Notice of Code of Conduct Decisions, Responsive Actions, and Right to Appeal 19

SECTION VIII: Conduct Agreements – Form and Effect 20

SECTION IX: Appeals 20

A. Who May Appeal 20

B. Acceptable Bases for Appeal 21

C. Requesting an Appeal 21

D. Appellee Responses to Appeals 22

E. Designating an Appeal Review Board 22

F. Procedures for Appeal Review Boards 22

G. Decisions of Appeal Review Boards 23

H. Automatic Review of Expulsion Decisions and Decisions to Withhold Degrees or Certificates 23

SECTION X: Interim Suspension in Cases of Serious Threats or Disruptions 24

SECTION XI: Eligibility for Readmission to the College 25

SECTION XII: Glossary of Definitions 25

STUDENT CODE OF CONDUCT

SECTION I: Introduction

A. Purpose and Scope

1. Pima Community College ("College") is committed to promoting an academic environment that is welcoming, safe, and well-ordered and that encourages civil discourse, **Academic Integrity**, and mutual respect while protecting **Students**' rights as members of the **College Community**.[1]

2. The College has developed this Student Code of Conduct ("Code of Conduct" or "Code") to articulate clearly the College's expectations for its **Students** and to educate them about their rights and responsibilities as members of the **College Community**.

3. In the event a **Student** is determined to have violated this Code, the primary goal of any **Responsive Action** taken by the College shall be educational and corrective, focused on redressing wrongs while promoting **Student** growth and personal responsibility. Code of Conduct matters shall only be conducted as **Disciplinary** proceedings when **Major Misconduct** is at issue.

3. This Code applies to all **Students** who have applied for admission to or are currently enrolled in classes at the College.

4. This Code of Conduct applies to all **Student** conduct that

    a. Occurs on **College Property**,

    b. Occurs during a College class (including credit and noncredit, clock-hour, workforce-development, adult basic education, and developmental-education classes) or other **College Sponsored Activity**, regardless of modality or location (including online), or

    c. Regardless of the location,

        i. Adversely affects or is substantially likely to adversely affect **Ordinary College Operations** or another member of the **College Community**;

        ii. Violates College policy;

        iii. Violates local, state, or federal law.

5. This Code does not apply to **Academic Integrity** violations (*e.g.*, cheating, Plagiarism, *etc*.), which are addressed separately in the Academic Integrity Code.

[1] Defined terms are capitalized and presented in bold-faced type throughout this Code. A Glossary of Definitions can be found at the end of the Code in Section XII.

6. This Code does not apply to **Students** who are also **Employees** of the College when they are acting in their capacities as **College Employees**.

7. The College shall address Code of Conduct matters separately and individually with each **Student** alleged to have engaged or participated in a violation. No Code matters shall be handled collectively or with multiple **Student Respondents** at the same time.

8. Required state of mind for Code of Conduct violations:

    a. Unless specified otherwise, **Students** violate this Code if they engage in prohibited acts or omissions **Knowingly**, **Recklessly**, or **Negligently**.

    b. Acts and omissions that a **Reasonable Person** would consider good-faith mistakes or accidents that could not reasonably have been foreseen or avoided do not violate this Code.

B. Using the Code of Conduct

1. The College is optimistic that most matters involving **Student** conduct can be resolved without the need for Code of Conduct **Complaints**, official decisions, or **Responsive Action** by the College. Although they are not required to do so before submitting a **Complaint**, all members of the **College Community**, including other **Students**, are encouraged to respectfully inform **Students** that certain conduct in which they are or may be engaging is a violation of this Code and politely ask them to cease that conduct.

2. Any College **Employee** acting in the course of the **Employee**'s duties may direct a **Student** to cease conduct that violates this Code, and **Students** are expected to respect and comply with those directives, even if no **Complaint** is made. If a **Complaint** is made, a **Student**'s failure or refusal to comply with a prior reasonable request from a member of the **College Community** or directive from a College **Employee** may be considered an **Aggravating Factor** in a subsequent Code proceeding.

C. Additional Codes of Conduct for Specific College Programs

1. Specific College programs (*e.g.*, Nursing, Aviation, Athletics) may adopt additional **Student** codes of conduct tailored to a particular program's distinct needs ("Program Codes"), provided they are consistent with this Code, in writing, approved by the Provost or the Provost's designee, distributed to applicable **Students** or published where **Students** can easily find them, and subject to regular review and revision not less than every three (3) years.

2. Alleged Program Code violations that involve violence, assault, **Stalking**, **True Threats**, sexual misconduct, or **Substantial Disruption** to the **College Community** or **Ordinary College Operations**; or in which drugs or alcohol are a factor, must always be referred to **the Dean of Students** for a determination by the **Dean of Students**, in consultation with the Dean of the applicable College program, as to whether the alleged violation will be addressed through the Code of Conduct, the Program Code, or both.

SECTION II: Students' Rights and Responsibilities

A. Rights Common to All Students

1. **Students** have the right to be informed of and have easy access to this Code of Conduct. All **Students** are expected to familiarize themselves with the Code. Ignorance of the Code is not a defense to any violation.

2. Although all members of the **College Community** are ultimately responsible for their own actions, **Students** have the right to expect that the College will endeavor to provide a safe educational environment that promotes **Academic Integrity**, civility, and decorum.

3. **Students** have the right to public notice of any proposed substantive changes to this Code of Conduct and to have a meaningful opportunity to comment on such proposed changes and to propose changes of their own.

4. **Students** have the right to expect that the College will endeavor to assist them in correcting behaviors that do not comply with the College's expectations.

B. Student Rights and Responsibilities During Code of Conduct Proceedings

1. All **Students** involved in Code of Conduct proceedings have the following rights and responsibilities:

a. To be treated with respect and dignity;

b. To have Code of Conduct proceedings administered by objective, neutral, and knowledgeable College **Employees**;

c. To a Code process that causes as little disruption as practicable;

d. To be informed specifically of one's role in the Code process (*i.e*., as a **Complainant**, **Respondent**, or witness) and to be informed promptly if that role changes;

e. To have one's privacy and confidentiality respected to the extent possible under applicable law and College policy;

f. To be free from **Retaliation** in any form for participating in the Code process;

g. To receive information about services available through the College or in the community, such as counseling or legal assistance.

2. Additional Rights of Student Complainants

a. To an opportunity to request **Interim Measures** during the Code of Conduct process;

b. To withdraw a **Complaint** at any time, although the College may be required to continue an investigation or remedial actions under certain circumstances, such as when the safety of the **College Community** may be threatened;

c. To receive any evidence shared with the **Respondent**;

d. To an equal opportunity to identify relevant witnesses and other evidence;

e. If a **Complaint** alleges **Major Misconduct**, to **Confront** any witnesses who testify against the accuracy of the **Complaint**'s allegations or in favor of the **Respondent**;

f. To be notified of relevant information provided by the **Respondent** and any identified witnesses and to have an opportunity to respond;

g. To an opportunity to 1) have an **Advisor** present, or 2) be **Actively Assisted** by an **Attorney** at one's own expense during **Code Resolution Meetings** and appeal hearings regarding **Complaints** involving alleged **Major Misconduct** and at which the **Complainant** is assisted by an **Attorney**;

h. To be notified of any defenses or **Mitigating Factors** asserted by a **Respondent** and to have an opportunity to respond to them and to offer any **Aggravating Factors** one believes the **Code Decision-Maker** should consider;

i. To have a **Complaint** resolved in a timely manner;

j. To a decision that is free from bias and prejudice and based on credible, relevant evidence;

k. To receive timely written notice of the outcome of the Code process;

l. To an opportunity to make any available appeals;

m. To make a separate **Complaint** to an appropriate agency outside the College, including law enforcement, at any time.

3. Additional Rights and Responsibilities of Student Respondents

a. To defend oneself against any **Complaint** to which one is a **Respondent**;

b. To an equal opportunity to request **Interim Measures** during the Code process;

c. To decline to participate in or answer any question during the Code process, although the process will continue, and a decision will be made based on available information. **Code Decision- Makers** may infer from a **Respondent**'s non-participation or refusal to answer questions that the **Respondent** engaged in the misconduct alleged a **Complaint**, even if the **Respondent** has
affirmatively asserted one's Fifth Amendment right against self-incrimination;

d. To be treated neutrally and to have judgment on the **Complaint** withheld until a final decision is made;

e. To receive any evidence shared with the **Complainant**;

f. To an equal opportunity to identify relevant witnesses and other evidence;

g. If the **Respondent** is alleged to have engaged in **Major Misconduct**, to **Confront** any witnesses who testify against the **Respondent**, including the **Complainant**;

h. To be notified of relevant information provided by the **Complainant** and any witnesses and given an opportunity to respond;

i. To an opportunity to have an **Advisor** present or be **Actively Assisted** by an **Attorney**, at one's own expense, during **Code Resolution Meetings** and appeal hearings regarding alleged **Major Misconduct**;

j. To be notified of any defenses or **Aggravating Factors** asserted by a **Complainant** and to have an opportunity to respond to them and to offer any **Mitigating Factors** one believes should be considered when determining the College's **Responsive Action**;

k. To have a **Complaint** resolved in a timely manner;

l. To a decision that is free from prejudice and bias and based on credible, relevant evidence;

m. To receive timely written notice of the decision, including a summary of the facts on which the decision was based;

n. To an opportunity to make any available appeals.

SECTION III: Self-Harm and Suicidal Thoughts or Ideation

A. Harming oneself or thinking about or expressing an intention to harm oneself or to take one's own life is not, by itself, a violation of this Code of Conduct.

B. **Students** will not, in any way, face possible disciplinary proceedings for informing someone at the College that they (the **Students**) have harmed or are harming themselves, or are thinking about harming themselves or contemplating suicide.

C. The College will endeavor to connect **Students** with resources to assist them during such times of crisis. More information can be found on the College's "Health, Wellness and Safety" web page (www.pima.edu/current-students/health-safety/index.html).

D. Although the health, well-being, and safety of its **Students** are the College's top priorities, the College may still take appropriate action, including through a Code of Conduct proceeding, if a **Student** who is expressing, threatening, or engaging in self-harm or suicidal behavior presents a danger to other members of the **College Community** or **Substantially Disrupts** the College's educational environment or **Ordinary College Operations**. In such circumstances, the College shall address **Students'** dangerous or disruptive conduct while also endeavoring to connect **Students** in crisis with appropriate healthcare and counseling resources.

SECTION IV: Distinguishing Between "Lesser" and "Major" Misconduct

Students accused of the most serious Code violations are entitled to more formal **Disciplinary** proceedings than those accused of less serious violations, because the **Responsive Action** from the College and the possible consequences to **Students** for the most serious violations are significantly greater. Accordingly, the College distinguishes between **Lesser Misconduct** and **Major Misconduct** when conducting Code proceedings.

A. **Code Decision-Makers** have the discretion to decide whether to address alleged Code of Conduct violations as **Lesser Misconduct** or **Major Misconduct**. Such decisions shall be based on specific **Aggravating Factors**, **Mitigating Factors**, and other relevant circumstances, including, but not limited to, an accused Student's history of prior Code violations, the severity or pervasiveness of the alleged violations and their impact on other members of the **College Community**, whether the **Student** is accused of engaging in the alleged violations **Knowingly**, **Recklessly**, or **Negligently**, and whether the accused **Student** is alleged to have engaged in multiple Code violations.

B. **Lesser Misconduct** includes violations of the Code that are appropriately responded to with **Educational Measures** and do not warrant **Disciplinary Sanctions**. Students alleged to have engaged in **Lesser Misconduct** may not be accompanied by an **Advisor** or an **Attorney** during Code proceedings, and neither decisions that **Students** engaged in **Lesser Misconduct** nor the **Educational Measures** issued to those **Students** can be appealed.

C. **Major Misconduct** includes the most serious violations of the Code that could result in **Disciplinary Sanctions** up to and including **Suspension** or **Expulsion** from the **College** or the withholding of a degree or certificate. Code proceedings for alleged **Major Misconduct** are generally more formal and have opportunities to appeal, in addition to the following:

    1. **Students** alleged to have engaged in **Major Misconduct** may be accompanied by an **Advisor** of their choosing or by an **Attorney** provided at the **Student**'s expense. **Attorneys** may **Actively Assist Students** during **Code Resolution Meetings** and appeal hearings. **Students** may not be accompanied by **Advisors** or **Attorneys** at any other time during the Code of Conduct process.

    2. Allegations of assault, violence, **Stalking**, **True Threats**, or sexual misconduct, including **Sexual Harassment**, are always addressed as **Major Misconduct**. Whether to address any other "Specifically Prohibited Act of Misconduct" (see Section V below) as **Lesser Misconduct** or **Major Misconduct** is determined on a case-by-case basis by the **Code Decision-Maker**.

SECTION V: Specifically Prohibited Acts of Misconduct

The following acts and omissions constitute **Student** misconduct under this Code and are prohibited:

A. Violent, Threatening, or Dangerous Behavior

1. Physically assaulting or harming or making a **True Threat** to physically harm another member of the **College Community**;

2. Engaging in any illegal sexual offense, including, but not limited to, sexual assault, public sexual indecency, and indecent exposure (see A.R.S. § 13-1401 to 1406);

3. Engaging in **Stalking**, **Bullying**, or **Hazing**;

4. Secretly or covertly viewing, photographing, or making a video recording of a member of the **College Community** without that individual's express consent in a location where the individual has a reasonable expectation of privacy or in a manner that violates a reasonable expectation of privacy;

5. Engaging in or threatening to engage in a **Breach of the Peace**;

6. Harming, harassing, or endangering an animal, including, but not limited to, a **Service Animal** or **Emotional Support Animal**, on **College Property** or at a **College Sponsored Activity**;

7. Bringing or luring a wild or diseased animal onto, or enticing one to remain on, **College Property** or the location of a **College Sponsored Activity** without express authorization from the College;

8. Using, possessing, displaying, or storing any weapon or explosive, including, but not limited to, a firearm, explosive material or device, bomb-making material, firework, or unreasonably dangerous chemical on **College Property** or at a **College Sponsored Activity**, unless one or more of the following conditions is met:

    a. The **Student** is an **Arizona Peace Officer** authorized to carry a firearm or other weapon while off-duty, and the prohibited item is a legally possessed firearm or other weapon carried in accordance with all applicable laws and College policies;

    b. The campus **President** and the **Chief of Campus Police** or their respective designees have authorized the **Student** in writing to bring an item or material otherwise prohibited under this section onto **College Property** or to a **College Sponsored Activity** for an academic, law-enforcement, or other legitimate specified purpose;

    c. The prohibited item is a legally possessed firearm which the **Student** keeps locked in and not visible from the outside of the **Student**'s privately owned motor vehicle or motorcycle in compliance with A.R.S. § 12-781;

9. Threatening to bring a weapon on to **College Property** or to a **College Sponsored Activity**;

10. **Knowingly** failing to report to **Campus Police** a **True Threat** to a member of the **College Community** or other imminent threat to the health and safety of the **College Community**, including, but not limited to, the imminent arrival, or presence on **College Property** or at a **College Sponsored Activity**, of any individual who the **Student** knows is or has claimed to be in possession of a firearm and who is not a **Campus Police** officer or other law-enforcement officer;

B. Discrimination and Harassment

Engaging in discrimination against or harassment (including **Sexual Harassment**) of a member of the **College Community** on the basis of age, disability, race, color, ethnicity, national origin, religion or irreligion, sex, gender (including gender expression and gender identity), sexual orientation, or veteran status;

C. Disruptive or Disorderly Behavior

1. Causing a **Substantial Disruption** to a **College Sponsored Activity**, **College Authorized Activity**, or to **Ordinary College Operations**, including, but not limited, a class or lab exercise; academic, athletic, or cultural event; or the functioning of a College administrative office;

2. Repeatedly disrupting, impeding, or interrupting a **College Sponsored Activity**, **College Authorized Activity**, or **Ordinary College Operations** after being asked or directed by a **College Employee** to refrain from, cease, or reduce such activity, even if one such action would not normally, by itself, constitute a **Substantial Disruption**;

3. Significantly impairing or infringing upon the rights of other members of the **College Community** to engage in lawful free expression in violation of **BP** 1.17 and **AP** 1.17.01;

4. Failing to reasonably supervise and/or provide for the care of a minor child in one's custody or control when the minor child is on **College Property** or at a **College Sponsored Activity**;

5. Engaging in **Gross Insubordination** toward an **Instructor** or another College **Employee**.

D. False Reporting or Use of False Documents

1. **Knowingly** making, causing, or contributing to a false warning or false report of a dangerous condition, emergency, or crime;

2. **Knowingly** making, causing, or contributing to a false accusation or **Frivolous** or **Malicious** complaint against a member of the **College Community** about a violation of law or **College** policy, including this Code of Conduct;

3. **Knowingly** obtaining goods, services, or official action from the **College** by making false or misleading statements, presenting false identification, or presenting falsified, unauthorized, or misrepresented documentation;

E. Tobacco, Alcohol, and Illicit Drug Use

1. Smoking, vaping/e-cigarette use, or using any tobacco product (including smokeless tobacco) on **College Property** or during a **College Sponsored Activity**, or otherwise engaging in activity prohibited by the College's "Smoke-Free and Tobacco-Free Pima" policy (**BP** 8.07) and "Prohibition of Smoking and Tobacco Use" administrative procedure (**AP** 8.07.01);

2. Consuming, transferring, selling, possessing, or being impaired by alcohol on **College Property** or during a **College Sponsored Activity** as defined by and prohibited under the College's "Drug-Free Environment" policy (**BP** 2.20) and "Drug- and Alcohol-Free Environment" administrative procedure (**AP** 2.20.01);

3. At **College Sponsored Activities**, on or off **College Property**, for which the Chancellor or the Chancellor's designee has expressly granted an exception permitting alcohol to be served:

    a. Consuming or possessing alcohol when under age twenty-one (21);

b. If age 21 or older, engaging in disruptive or otherwise inappropriate behavior for the setting or circumstances while or after consuming alcohol;

c. Providing alcohol to any person under age 21;

4. Consuming, transferring, selling, possessing, or being impaired by illicit drugs or possessing drug paraphernalia as defined by and prohibited **BP** 2.20 and **AP** 2.20.01;

5. Operating a motor vehicle on **College Property** or in connection with a **College Sponsored Activity** while impaired by alcohol or drugs (see **AP** 2.20.01);

F. Misuse of College IT Systems

1. Circumventing any **College IT System** security feature without authorization;

2. Accessing any **College IT System**, including **Student** education records or other data, without authorization;

3. Accessing or attempting to access another user's **College IT Systems** account or using another person's **College IT Systems** account name, username, or password without authorization;

4. Allowing another person to use one's **College IT Systems** account name, username, or password without authorization from a College administrator;

5. Using **College IT Systems** to create, obtain, use, or transmit a computer virus, worm, spyware or other type of malicious software;

6. Altering, disrupting, or reconfiguring a **College IT System** unless specifically authorized to do so by a College administrator, including the following:

a. Altering any College records, including **Student** education records;

b. Introducing any new hardware, software, network device, or telephone on a **College IT System**;

c. Removing or reconfiguring any College hardware, software, network device, or telephone on a **College IT System**;

d. Running an IT server, whether virtual or physical, on any **College IT System**;

7. Violating any software license agreement or intellectual property right while using **College IT Systems**;

8. Using **College IT Systems** to access, view, display, download, create, store, send, or forward any of the following:

a. Copyrighted material in violation of the copyright or applicable law;

b. **Obscenity** or **Pornography**;

c. **Spam** or **Phishing** communications;

d. Harassing or threatening messages;

9. Using **College IT Systems** to commit or in furtherance of the commission of a violation of any local, state, or federal law or College policy or procedure;

G. Property Offenses

1. Misusing (including using or accessing without proper authorization), stealing, or improperly obtaining, retaining, or possessing any **College Assets**;

2. Damaging, defacing, or destroying **College Property**, **College Assets**, or the personal property or assets of others on **College Property** or during a **College Sponsored Activity**;

3. Entering or occupying **College Property** or a College-owned vehicle without proper authorization;

4. Obstructing a sidewalk or roadway on **College Property** or an entrance to or exit from a College building or facility without proper authorization;

5. Littering on **College Property** or at a **College Sponsored Activity** or leaving **College Property** or the location of a **College Sponsored Activity** unreasonably dirty after use;

6. Removing or defacing College-authorized posters, notices, or flyers that are posted properly on **College Property**;

7. Using, possessing, duplicating, modifying, or distributing College-issued keys, identification cards, pass cards, or pass-card information without proper authorization;

H. Violations of Federal, State, or Local Law

1. Being arrested for, charged with, or convicted of violating any local, state, or federal law based while on **College Property** or during a **College Sponsored Activity**, or based on events which occurred on **College Property** or during a **College Sponsored Activity**;

2. Being arrested for, charged with, or convicted of a violation of any local, state, or federal law, regardless of location, that

a. Involves violence or assault, **Stalking**, a **True Threat**, sexual misconduct, harassment, or significantly dangerous, threatening, or harmful activity;

b. Adversely affects or is substantially likely to adversely affect **Ordinary College Operations** or another member of the **College Community**;

c. Damages or is substantially likely to damage the reputation of the **College** or the **College Community**;

3. **Gambling** on **College Property** or during or on a **College Sponsored Activity**, excluding **College**-approved raffles or other fundraising events;

I. Violations of College Policy, Procedure, or Explicit Direction

1. Violating any College **BP** or **AP**;

2. Failing to comply with explicit directives or instructions from College **Employees** acting in the performance of their official duties;

3. Failing to meet with a **College Employee** when directed to do so and without making reasonable attempts to reschedule;

4. Failing to obtain proper College approval before engaging in any of the following:

   a. Posting information of any kind on **College Property** or at a **College Sponsored Activity**;

   b. Conducting a group event or activity inside a College building or otherwise not in an outdoor public area on **College Property**;

   c. Engaging in **Commercial Activity** on **College Property** or at a **College Sponsored Activity**, including, but not limited to, promoting non-College services or soliciting donations to non-College organizations or causes;

5. **Knowingly** attempting to address complaints about College policy or procedure issues, or to challenge decisions made pursuant to College policy or procedure, to **Employees** who are not part of applicable decision-making or appeal processes;

6. **Knowingly** repeating a complaint based on the same facts after it has been decided and all applicable appeals have been exhausted or waived;

7. Bribing or offering a **Bribe** to a College **Employee**;

J. Disrupting College Investigations or Disciplinary Proceedings

1. Interfering with any **College** investigation or disciplinary proceeding, including, but not limited to, by engaging in the following:

   a. Refusing to cooperate with an investigation when required to do so;

   b. Tampering with, withholding, or destroying evidence;

   c. Providing false, misleading, or materially incomplete information to a **College** administrator, **Investigator**, or decision-maker;

   d. Requesting or inducing another person to engage in conduct described in sections a, b, or c above;

2. Violating the terms of any **Educational Measure** or **Disciplinary Sanction** imposed as a result of a Code of Conduct decision;

K. Attempted Misconduct or Conspiracy to Commit Misconduct

1. Attempting to engage in conduct prohibited by this Code. A **Student** who engages in attempted misconduct can be disciplined to the same extent as if the **Student** had completed the prohibited act;

2. A **Student** who participates in a **Conspiracy** with others to engage in conduct prohibited by this Code can be disciplined to the same extent as if the **Student** engaged in the prohibited conduct alone, regardless of whether or not the **Conspiracy** was completed.

SECTION VI: Reporting Code of Conduct Violations

A. In Emergencies

If a suspected Code of Conduct violation involves an imminent health or safety threat, such as acts of violence or **True Threats**, contact **Campus Police** (520-206-2700) or call 9-1-1 immediately.

B. Submitting Complaints

1. Any member of the **College Community** may submit a **Complaint** about a suspected Code of Conduct violation as follows:

    a. If the **Student**'s suspected violation occurs during or as part of a class, by informing the course **Instructor** (a subsequent written **Complaint** may still be required);

    b. By submitting a **Complaint** to the **Dean of Students** by email or letter (mailed or hand-delivered), or by using the **College**'s Incident Report form (www.pima.edu/current-students/code-of-conduct/docs/code-of-conduct-incident-report.pdf);

    c. By calling the **Dean of Students**' office or visiting in person (a subsequent written **Complaint** may still be required).

2. There is no time limit for making a **Complaint** about a suspected Code of Conduct violation, although a **Complaint** should be made as soon as possible. **Code Decision-Makers** may, at their discretion, decline to take action on a **Complaint** if the elapsed time is a significant barrier to completing a full investigation and making an adequately informed decision.

3. **Complaints** should contain the following information (to the extent known):

    a. The name and contact information of the person submitting the **Complaint**;

    b. The names of the **Student**(s) and any other person(s) involved, including any victims or witnesses;

    c. The date of the alleged misconduct;

d. The location where the alleged misconduct occurred;

e. A description of the alleged misconduct;

f. A list of any documents or other evidence relating to the alleged misconduct (*e.g.*, photographs, emails, police reports).

4. **Complaints** may be dismissed without further action if **Code Decision-Makers**, in their discretion, determine the **Complaint** is **Frivolous** or **Malicious**.

5. **Complaints Involving Pending Code of Conduct Proceedings**

a. Code of Conduct proceedings will not be stayed or otherwise interrupted if an individual involved in the Code process files a separate, contemporaneous complaint of any kind against another individual involved in the same process (*e.g.*, **Respondent** files a complaint against the **Complainant** or the **Code Decision-Maker**).

b. If **Code Decision-Makers** are the subject of an internal College complaint brought by a **Student** while that **Student**'s Code of Conduct proceeding is pending, **Code Decision-Makers** should only recuse themselves if they believe they cannot remain impartial.

C. Confidential and Anonymous Complaints

1. Persons reporting alleged Code of Conduct violations may request that their **Complaints** remain confidential. The College will endeavor to honor such requests, although doing so may seriously limit the College's ability to investigate and respond to a **Complaint**, and the College's obligation to protect the **College Community** may override a **Complainant**'s request for confidentiality.

2. Anonymous **Complaints** are not accepted through the Code process. Persons wishing to remain anonymous may contact the College's Office of Dispute Resolution ("ODR") hotline (1-855-503-8072 or www.complianceandethicshotline.ethicspoint.com) or call **Campus Police** (520-206-2700).

SECTION VII: Conducting Code of Conduct Proceedings

A. Selecting the Code Decision-Maker

1. Instructors as Complainants/Code Decision-Makers

a. **Instructors** have the primary authority and responsibility to maintain an orderly educational environment in their classrooms (including online) and to respond to **Lesser Misconduct** that occurs during their classes. Accordingly, **Instructors** may often be both **Complainants** and **Code Decision-Makers** in **Lesser Misconduct** matters involving **Instructors**' **Students**. **Instructors** do not have authority to decide Code matters involving **Major Misconduct**.

b. Temporary Removal of Disruptive Students by Instructors

i. If a **Student** is causing a **Substantial Disruption** during a class or class-related **College Sponsored Activity** and will not comply with an **Instructor**'s direction to cease the

disruptive behavior, **Instructors** may, at their discretion, temporarily remove the **Student** by verbally directing the **Student** to leave for the remainder of that day's class or activity. At the end of the day's class or activity, **Instructors** shall notify their **Department Heads** or another immediate supervisor (either in writing or verbally and later confirmed in writing) of the **Student**'s removal and the reasons for it. The temporary removal of a disruptive **Student** is not a **Suspension**.

ii. **Instructors** may not remove disruptive **Students** for more than one day at a time based on a single disruptive incident. If an **Instructor** believes a **Student** should not return to the next class or to the next day's activity and/or has engaged in **Major Misconduct**, the **Instructor** must submit a **Complaint** to the **Dean of Students**.

c. If an **Instructor** believes a **Student** has engaged in **Major Misconduct**, the **Instructor** should submit a **Complaint** to the **Dean of Students**. If the **Dean of Students** determines that the violation alleged in the **Complaint** should not be addressed as **Major Misconduct**, the Dean may return it to the **Instructor** to be addressed as **Lesser Misconduct**.

2. The Dean of Students as Code Decision-Maker

a. The **Dean of Students** or the Dean's designee shall serve as the **Code Decision-Maker** for all **Complaints** alleging **Major Misconduct**.

b. If the **Dean of Students**, in consultation with the College's Office of the General Counsel, determines that a significant, College-wide conflict of interest may exist for a particular **Complaint**, the College may retain an outside third-party to serve as the **Code Decision-Maker** and investigate and issue a decision in accordance with Code procedures.

B. Discretion of Code Decision-Makers in Initiating, Continuing, and Terminating Code Proceedings

1. **Code Decision-Makers** have the discretion to determine if a **Complaint** sufficiently alleges a violation of the Code. If the **Code Decision-Maker** determines that a **Complaint** does not sufficiently allege a violation, the **Code Decision-Maker** shall notify the **Complainant** in writing of that decision and the reason for it.

2. If a **Complaint** adequately alleges a violation, but the **Code Decision-Maker** subsequently becomes aware of evidence indicating further proceedings are not warranted, the **Code Decision-Maker** may terminate the proceeding at any time by providing written notice of that termination and the reason for it to the **Complainant**. If **Respondents** have already received notice of the **Complaint**, they should also be notified in writing of the decision to terminate it.

3. Specific timelines and deadlines stated in this Code may be extended at the discretion of the **Code Decision-Maker**.

C. Notice of Complaints and Delivery of Complaint-Related Information

1. If the **Code Decision-Maker** determines that a **Complaint** adequately alleges a Code violation, the **Code Decision-Maker** shall provide written notice of the **Complaint** to the **Student** who is the

Respondent to the **Complaint** within five (5) **Business Days**. The notice shall include the following:

a. An explicit statement that the **Student** is a **Respondent** to a Code of Conduct **Complaint**;

b. A summary of the allegations against the **Student**, including any known evidence in support of those allegations;

c. The specific Code section(s) the **Student** is alleged to have violated;

d. Whether the **Student** is accused of **Lesser Misconduct** or **Major Misconduct** and the **Code Decision-Maker**'s basis for making that decision, and if a **Disciplinary Sanction** (*e.g.*, **Suspension**) could be imposed;

e. If the **Student** is accused of **Major Misconduct**, that the **Student** has the right to be accompanied to the **Code Resolution Meeting** by an **Advisor** or an **Attorney** (at the **Student**'s expense), and an **Attorney** may **Actively Assist** the **Student** during the **Code Resolution Meeting** and any subsequent appeal;

f. The date and time of the **Complaint Resolution Meeting** and the conditions under which that meeting could be rescheduled.

2. Unless approved in writing by the **Code Decision-Maker**, all Code of Conduct notices and **Complaint**-related information will be sent to **Students**' "*pima.edu*" accounts.

3. Notice will be considered effective and all information will be considered received on the date email is sent to **Students**' "*pima.edu*" accounts. If the **Code Decision-Maker** approves another means of delivery, notice will be considered effective and documents received on the date of hand-delivery or three (3) **Business Days** after the notice or document is deposited with the U.S. Postal Service or other carrier.

D. Complaint Resolution Meetings

1. Lesser Misconduct Resolution Meetings

a. After the **Student Respondent** has received notice of the **Complaint**, the **Code Decision-Maker** shall conduct a **Code Resolution Meeting** with the **Respondent** in a private setting and discuss the **Lesser Misconduct** the **Respondent** is alleged to have engaged in and the specific evidence supporting those allegations.

b. **Complainants** are generally not required or permitted to attend **Code Resolution Meetings** involving alleged **Lesser Misconduct** (unless the **Complainant** is the **Code Decision-Maker**, as in the case of an **Instructor**), but they shall have an opportunity to provide **Code Decision-Makers** with any evidence they believe is relevant, including **Aggravating Factors**.

c. **Respondents** may not be accompanied by **Advisors** or **Attorneys**.

d. **Respondents** shall have a full and fair opportunity to review and respond to the allegations in the

Complaint and the supporting evidence, including any statements from the **Complainant** and any witnesses. **Respondents** shall also have an opportunity to present their side of the story and to offer any additional evidence they believe is relevant, including any **Mitigating Factors**.

e. Generally, witnesses are not required or permitted to provide live testimony, although witness testimony may be allowed at the discretion of the **Code Decision-Maker**.

f. If, during the meeting, the **Code Decision-Maker** comes to believe that the **Respondent**'s misconduct is more serious than previously known and may warrant a **Disciplinary Sanction**, the **Code Decision-Maker** shall inform the **Student** of that fact and suspend the **Code Resolution Meeting**. If the **Code Decision-Maker** is an **Instructor**, the **Complaint** shall be referred to the **Dean of Students** for further proceedings, a revised notice shall be issued to the **Student**, and the **Code Resolution Meeting** shall be rescheduled and conducted according to the procedures required for **Major Misconduct**.

2. Major Misconduct Resolution Meetings

a. After the **Student Respondent** has received notice of the **Complaint**, the **Code Decision-Maker** shall conduct a **Code Resolution Meetings** with the **Respondent** in a private setting and discuss the **Major Misconduct** the **Respondent** is alleged to have engaged in and the specific evidence supporting the allegation(s). **Respondents** shall have a full and fair opportunity to review and respond to the allegations in the **Complaint** and to offer any additional evidence they believe is relevant, including any **Mitigating Factors**.

b. **Complainants** are required to attend **Code Resolution Meetings** for alleged **Major Misconduct** if they will be providing testimony against **Respondents,** unless **Respondents** waive their right to **Confront** witnesses who testify against them. **Complainants** may also be required to attend **Code Resolution Meetings** if the **Code Decision-Maker** determines their presence is necessary to make a fully informed and fair decision. Otherwise, **Complainants** may request, but are not required, to attend **Code Resolution Meetings**.

c. For **Complaints** involving allegations of assault, violence, **Stalking**, **True Threats**, or sexual misconduct, including **Sexual Harassment**, **Complainants** may request to attend **Code Resolution Meetings** remotely via videoconference or similar means, including one-way video in which **Respondents** can see **Complainants**, but not vice versa. Whether to permit remote attendance shall be at the discretion of the **Code Decision-Maker**. **Complainants**' remote attendance shall not interfere with **Respondents**' right to **Confront** witnesses who testify against them.

d. **Advisors** and **Attorneys**

i. Both **Respondents** and **Student Complainants** (if attending) may be accompanied by one (1) **Advisor** of their choice during **Code Resolution Meetings** involving **Complaints** of **Major Misconduct**. **Complainants** who are not **Students** may not be accompanied by **Advisors**. **Advisors** may be consulted by **Respondents** and **Student Complainants** during the meeting, suggest questions for them to ask, and help them clarify their responses to questions. An **Advisor** may not **Actively Assist** either the **Respondent** or the **Student Complainant**.

ii. At **Code Resolution Meetings** involving **Complaints** of **Major Misconduct**, a **Respondent** may be accompanied by an **Attorney** (in lieu of an **Advisor** and at the **Respondent**'s expense) who **Actively Assists** the **Respondent** during the meeting. If a **Respondent** opts to be accompanied by an **Attorney**, a **Student Complainant** shall also have an opportunity to be accompanied by an **Attorney** at the **Complainant**'s expense. **Complainants** who are not **Students** are not permitted to be accompanied by **Attorneys**. A **Student Complainant** may not be accompanied by an **Attorney** unless the **Respondent** first opts to be accompanied by an **Attorney**. Only **Attorneys** may **Actively Assist** either **Respondents** or **Complainants** during **Code Resolution Meetings**.

iii. **Students** must inform the **Code Decision-Maker** at least three (3) **Business Days** prior to the **Code Resolution Meeting** if they will be accompanied by an **Attorney** who will **Actively Assist** during the meeting or by an **Advisor** who is a **Legal Professional** by education or occupation. The College reserves the right to have College legal counsel present during any **Code Resolution Meeting** at which a **Student** is assisted by an **Attorney** or where a **Student**'s **Advisor** is a **Legal Professional**.

d. **Witnesses**

i. Both **Complainants** and **Respondents** have the right to require relevant witnesses, including each other, to testify in person during a **Code Resolution Meeting**. That right can be waived, and the parties may rely instead on written witness statements.

ii. The **Code Decision-Maker** shall ask witnesses questions and/or permit them to make statements. **Complainants** and **Respondents** shall have an equal opportunity to present additional questions or topics of questions for the **Code Decision-Maker** to ask each witness. The **Code Decision-Maker** may decline to ask witnesses any questions the **Code Decision-Maker** believes are irrelevant, repetitive, harassing, or unnecessarily embarrassing. **Complainants** and **Respondents** (or their **Attorneys**) may not object during witness testimony or directly question or cross-examine witnesses

e. Technical rules of evidence, such as would be used in a court of law, do not apply during **Code Decision Meetings**, although **Complainants** and **Respondents** may submit arguments about why certain evidence should or should not affect **Code Decision-Makers**' decisions.

E. Code of Conduct Decisions

1. Decisions on **Complaints** will be made by applying the **Preponderance of the Evidence** standard unless specified otherwise, and **Code Decision-Makers** shall determine if, based on the evidence, it is more likely than not the **Respondent** engaged in the misconduct alleged in the **Complaint**.

2. If the **Code Decision-Maker** decides that the evidence does not support a finding that the **Respondent** engaged in the alleged misconduct, the matter shall be concluded and the **Complaint** closed, subject to any available appeal.

3. If the **Code Decision-Maker** finds that the **Respondent** more likely than not engaged in the misconduct alleged in the **Complaint**, the **Code Decision-Maker** shall determine an appropriate **Responsive Action**.

F. Responsive Action by the Code Decision-Maker

1. If **Student Respondents** admit to violating or are found to have violated the Code of Conduct, **Code Decision-Makers** have the discretion to issue or not issue one or more **Responsive Actions**.

2. All **Responsive Action** shall be issued to **Respondents** in writing along with an explanation of the facts, including any **Aggravating Factors** and **Mitigating Factors,** the **Code Decision-Maker** took into consideration.

3. **Responsive Action** may include, but is not limited to, one or more of the following:

   a. Educational Measures (for both findings of **Lesser Misconduct** and **Major Misconduct**)

      i. Educational assignments that foster a new or greater understanding of the **Student**'s role in the **College Community** and how the **Student**'s conduct affects others;

      ii. **Restorative Justice** requirements;

      iii. Financial compensation for actual losses to the College or to a specific individual (*e.g.*, for theft or property damage). The College cannot award damages for pain and suffering or for other intangible injuries, or purely as punishment (*i.e.*, a fine);

      iv. Temporary prohibition (not to exceed six (6) months or one (1) academic year, whichever is greater) from engaging in certain **College Sponsored Activities**, including **Selective Extracurricular Activities**. Decision to impose such **Sanctions** shall be made in consultation with the **Employees** responsible for the specific activities in question.

      v. Temporary removal (not to exceed six (6) months or the remainder of the current academic year, whichever is greater) from specific College academic or certificate programs. Decisions to impose such **Sanctions** shall be made in consultation with the **Employees** responsible for the specific programs.

      vi. Temporary restriction on or denial of certain College services (*e.g.*, use of a library or certain **College IT Systems**), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;

      vii. Temporary restriction on enrollment (*e.g.*, being permitted to take only (or barred from taking any) online classes), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;

      viii. Temporary exclusion (*i.e.*, being "trespassed") from specified **College Property** (*e.g.*, a particular **College Campus** or Learning Center), not to exceed six (6) months or the remainder of the current academic year, whichever is greater;

ix. A **Conduct Agreement** (see Section VIII below);

x. A written **Reprimand**;

xi. **Probation**.

b. Disciplinary Sanctions (for findings of **Major Misconduct** only)

i. Prohibition from engaging in certain **College Sponsored Activities**, including **Selective Extracurricular Activities**, for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent prohibition. Decisions to impose such **Sanctions** shall be made in consultation with the **Employees** responsible for the specific activities in question;

ii. Removal from a specific College academic or certificate program, for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including indefinite or permanent removal. Decisions to impose such **Sanctions** shall be made in consultation with the **Employees** responsible for the specific programs;

iii. Restriction on or denial of certain College services (*e.g.*, use of a library or certain **College IT Systems**), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent restriction;

iv. Restriction on enrollment (*e.g.*, permitted to take only (or barred from taking any) online classes), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including an indefinite or permanent restriction;

v. Exclusion (*i.e.*, being "trespassed") from specified **College Property** (*e.g.*, a particular **College Campus** or Learning Center), for a period in excess of six (6) months or the remainder of the current academic year, whichever is greater, up to and including indefinite or permanent exclusion;

vi. **Suspension** from the College for any length of time;

vii. **Expulsion** from the College;

viii. Withholding of a degree or certificate.

G. Notice of Code of Conduct Decisions, Responsive Actions, and Right to Appeal

1. **Code Decision-Makers** shall provide **Respondents** with written decisions in a timely manner not to exceed ten (10) **Business Days** stating explicitly what, if any, misconduct a **Respondent** was found to have engaged in, explaining the specific factual basis for that decision, and stating the specific **Responsive Action** issued by the **Code Decision-Maker**, including an explanation of any **Aggravating Factors** or **Mitigating Factors** taken into consideration.

2. **Code Decision-Makers** shall inform **Respondents** in writing of any right they may have to appeal the decision or the **Responsive Action**, including the deadline to request an appeal and the College office to which or **Employee** to whom the appeal request should be submitted.

3. Because the specific facts of Code of Conduct proceedings are confidential educational records, most **Complainants** will generally be notified when Code proceedings are concluded but not informed of specific outcomes. However, **Complainants** alleged to have been victims of assault, violence, **Stalking**, **True Threats**, or sexual misconduct shall be given written notice of the specific outcome of their **Complaints**, including any **Responsive Measures** issued to the **Respondent**, as well as information regarding **Complainants**' right to appeal.

SECTION VIII: Conduct Agreements – Form and Effect

A. **Conduct Agreements** must be in writing, signed by both the **Student** and the **Code Decision-Maker**, contain a specific statement of the conduct and Code violations the **Student** admits to engaging in or for which the **Student** takes personal responsibility, and the specific terms by which the **Student** must abide in order to comply with the agreement.

B. A **Student**'s signature on a **Conduct Agreement** is a formal, binding admission that the **Student** engaged in or takes personal responsibility for all of the conduct and Code violations specified in the agreement. After signing, a **Student** may not recant or revise those admissions at any time, including after completing the terms of the **Conduct Agreement**.

C. If the **Student** successfully completes the **Conduct Agreement** or complies satisfactorily with its ongoing requirements, the College will take no further action on the **Student**'s misconduct unless the **Student** later recants an admission of, or acceptance of responsibility, for that misconduct.

D. A **Student**'s violation of a **Conduct Agreement** may, at the discretion of the **Code Decision-Maker**, result in the termination of the agreement and the immediate issuance of one or more **Responsive Actions**. If a **Student** later recants an admission or denies responsibility for the misconduct specified in a signed **Conduct Agreement**, the **Code Decision-Maker** may immediately issue another **Responsive Action**, even if the **Student** has already completed the terms of the **Conduct Agreement**. In the event of a violation or recantation of a **Conduct Agreement**, no **Code Resolution Meeting** is required before the issuance of a **Responsive Action**, although the **Code Decision-Maker** shall provide the **Student** with written notice of the **Responsive Action** and the basis for its issuance.

SECTION IX: Appeals

A. Who May Appeal (*i.e.*, be the "**Appellant**")

1. **Respondents** found to have violated the Code of Conduct may appeal a **Code Decision-Maker**'s decision and/or the **Responsive Action** issued to the **Respondent** only when a) the **Respondent** was found to have engaged in **Major Misconduct**, and b) the **Respondent** received a **Disciplinary Sanction**.

2. **Respondents** found to have violated the terms of a **Code Agreement** or who have recanted a signed admission or acceptance of responsibility for a Code violation resulting in the **Respondent** receiving a **Disciplinary Sanction** may appeal the decision that they violated the **Code Agreement** and/or the

Disciplinary Sanction issued to the **Respondent**. Such **Respondents** may not appeal **Educational Measures** or determinations that they violated the Code as stated in their signed **Code Agreements**

3. **Complainants** whose **Complaints** alleged they were victims of assault, violence, **Stalking**, **True Threats**, or sexual misconduct, including **Sexual Harassment**, may appeal the following decisions by **Code Decision-Makers**: a) decisions not to proceed with a **Complaint** or to terminate a **Complaint** without making a final decision, b) a finding that the **Respondent** was not shown by a **Preponderance of the Evidence** to have engaged in the alleged misconduct, and c) a **Disciplinary Sanction** issued to a **Respondent** found to have engaged in the alleged misconduct.

B. Acceptable Bases for Appeal

A request for appeal shall only be considered if it is based on one or more of the following arguments:

1. The **Code Decision-Maker**'s decision was **Clearly Erroneous** or tainted by clear bias;

2. The severity or leniency of the **Responsive Measure** was unjustifiably disproportionate to the seriousness of the **Respondent**'s misconduct;

3. A **Material Error in Procedure** occurred that affected or reasonably could have affected the **Code Decision-Maker**'s decision or the **Responsive Measure** issued to the **Respondent**;

4. The discovery of new information that was not known and could not reasonably have been discovered at the time of the **Code Resolution Meeting** that is substantially likely to have affected the outcome of the **Complaint** had it been presented at the **Code Resolution Meeting**.

C. Requesting an Appeal

1. An **Appellant**'s written request for appeal must be submitted to the **Dean of Students** no more than five (5) **Business Days** after receiving notice of the **Code Decision-Maker**'s decision. The appeal must contain a) a copy of the **Code Decision-Maker**'s decision, b) the **Appellant**'s basis for bringing the appeal (see Section IX.B above), c) an argument stating why the decision or **Responsive Measure** should be changed, and d) if the appeal is based on new evidence, a copy or written summary of the new evidence and a statement identifying the source of the new information and explaining why it was not available at the time of the **Code Resolution Meeting**.

2. Upon receipt of a timely appeal, the **Dean of Students** shall forward the appeal documentation to the **Vice President of Student Affairs** for further proceedings and notify both the **Code Decision-Maker** and the non-appealing party (*i.e.*, the **Complainant** or **Respondent**) (collectively, the "**Appellees**") of the appeal and their right to respond to it (see Section IX.D below).

3. If a timely request for appeal is submitted, any **Responsive Action** will be stayed until the appeal is decided unless there is a clear and significant risk that the health and safety of the **College Community** or **Ordinary College Operations** would be adversely affected if the **Responsive Action** did not take immediate effect.

D. Appellee Responses to Appeals

Within five (5) **Business Days** after receiving notice of an **Appellant**'s appeal, an **Appellee** may, but is not required to, submit to the **Dean of Students** a written response in opposition to the appeal. The **Dean of Students** shall forward any timely responses to the **Vice President of Student Affairs**.

E. Designating an Appeal Review Board

1. Within ten (10) **Business Days** of receipt of an appeal from the **Dean of Students**, the **Vice President of Student Affairs** shall designate an **Appeal Review Board** consisting of three (3) **Employees** selected by the **Vice President of Student Affairs** and provide each board member with a copy of the **Appellant**'s appeal and the **Appellees**' responses (if any). Any **Employee** may serve on an **Appeal Review Board**, provided the **Employee** has knowledge of the Code of Conduct and the appeal process, and has had no direct involvement in the matter being appealed.

2. If the **Vice President of Student Affairs**, in consultation with the College's Office of the General Counsel, determines that no College **Employees** can or should decide a particular appeal, such as in the event of a College-wide conflict, the College shall retain one or more third parties outside the College to review and decide the appeal in accordance with College procedure.

F. Procedures for Appeal Review Boards

1. Within ten (10) **Business Days** of being designated, the **Appeal Review Board** shall schedule a meeting to take place within the following thirty (30) days at which to decide the appeal. **Appeal Review Board** decision will generally be based only on written submissions. **Appeal Review Boards** may submit questions to **Appellants** and/or **Appellees** to be answered in writing prior to the meeting.

2. **Appellants** and **Appellees** (regardless of whether they responded to the appeal) shall be notified of the date of the **Appeal Review Board**'s meeting but shall not be permitted to attend the meeting unless a discretionary hearing is held (see Section IX.F.3 below). Attendance at meetings shall be limited to the board members and to one (1) non-voting consultant to assist the board with procedural and technical questions about the Code of Conduct and College policy (*e.g.*, a representative from the College's General Counsel's Office, Office of Dispute Resolution, or Human Resources office).

3. **Discretionary Appeal Hearings**

   a. Within three (3) **Business Days** after receiving notice of the scheduled date of the **Appeal Review Board**'s meeting, either the **Appellant** or an **Appellee** may submit to the **Vice President of Student Affairs** a written request for an appeal hearing. Requests for hearings shall be decided by the **Appeal Review Board** and should be granted only in exceptional circumstances. The party requesting a hearing bears the burden of demonstrating that to deny the request would effectively deny the party a full and fair opportunity to be heard. **Appeal Review Boards** shall notify **Appellants** and **Appellees** at least ten (10) **Business Days** before the scheduled meeting date if an appeal hearing will be conducted.

   b. If appeal hearings are conducted, **Appeal Review Boards** shall offer **Appellants** and **Appellees** an equal opportunity to be heard. Both **Appellants** and **Appellees** may each be accompanied to appeal hearings by one (1) **Advisor** or **Actively Assisted** by one (1) **Attorney**.

c. An appeal hearing is not a new **Code Decision Meeting**, and further witness testimony or other additional evidence will generally not be heard or considered. Additional evidence may be considered only when necessary to demonstrate the existence of new evidence that 1) could not have been discovered at the time of the **Code Resolution Meeting** and 2) is substantially likely to have affected the **Code Decision-Maker**'s decision.

d. **Appellants** shall address the **Appeal Review Board** first and present any arguments why an appeal should be granted. **Appellees** (if attending) may then address the board and present arguments why the appeal should be denied, if they choose to do so. Board members may ask questions during arguments, but **Appellants** and **Appellees** may not object, ask each other or the board members questions (except to seek clarification of a question from the Board that the Appellant or Appellee does not understand), or otherwise interrupt each other's arguments. The **Appeal Review Board** may offer each party an equal opportunity to make a rebuttal argument.

G. Decisions of Appeal Review Boards

1. **Appeal Review Boards** should give a great deal of deference to **Code Decision-Makers**' decisions and only change or overturn a decision or **Responsive Action** if the required voting majority of board members is firmly convinced the decision was in error, even if the board members themselves might have reached a different conclusion if they had been the **Code Decision-Maker**.

2. When deciding appeals, **Appeal Review Boards** may i) deny the appeal and affirm the **Code Decision-Maker**'s decision and/or **Responsive Action**, ii) affirm the decision that a Code violation occurred but reduce or increase the **Responsive Action**, iii) grant the appeal (entirely or in part) and remand the **Complaint** to the **Code Decision-Maker** for further proceedings and a new decision, or
iv) overturn a decision entirely and vacate all **Responsive Action** if and only if the board concludes unanimously that the **Respondent** is actually **Innocent**.

3. Generally, appeals shall be decided by simple majority vote of the **Appeal Review Board**. A unanimous decision is required when the board's decision would result in i) a **Student**'s **Expulsion** or the withholding of a **Student**'s degree or certificate, or ii) entirely overturning/vacating a decision on the basis of the **Student**'s **Innocence**.

4. **Appeal Review Boards** shall issue written decisions to the **Vice President of Student Affairs** within ten (10) **Business Days** of the board's meeting (or appeal hearing, if one is conducted) for distribution to the **Appellants**, **Appellees**, and the **Dean of Students**.

5. The decision of an **Appeal Review Boards** is final, and no further appeal or review of a Code of Conduct decision or **Responsive Action** is available unless the **Appeal Review Board**'s decision would result in a **Student**'s **Expulsion** or the withholding of a **Student**'s degree or certificate (see Section IX.G below).

H. Automatic Review of Expulsion Decisions and Decisions to Withhold Degrees or Certificates

1. All **Appeal Review Board** decisions that would result in a **Student**'s **Expulsion** or the withholding of a **Student**'s degree or certificate shall be reviewed and approved by the Provost. The Provost's review shall be limited to confirming that a) proper procedures were followed, and b) the **Appeal**

Review Board's decision was not **Clearly Erroneous** (*e.g.*, contradicted by the facts or tainted by clear bias). If the Provost determines proper procedures were not followed or that the board's decision was **Clearly Erroneous** or tainted by bias, the Provost shall either a) direct the board to reconvene in accordance with the correct procedure and/or issue a revised decision, or b) designate an entirely new board to reconsider the appeal. The Provost shall continue to review the **Appeal Review Board**'s decisions until the Provost is satisfied that proper procedures were followed and that the **Appeal Review Board**'s decision was reasonable in light of the facts.

2. **Appellants** and **Appellees**, or their **Advisors** or **Attorneys**, are not permitted to contact the Provost directly or indirectly regarding the Provost's review of **Appeal Review Board** decisions.

SECTION X: Interim Suspension in Cases of Serious Threats or Disruptions

A. The **Dean of Students**, **Campus Police** Chief, or **Campus Police** Operations Commander, or their respective designees, may, without prior notice, immediately issue an **Interim Suspension** to a **Student** if there is a reasonable basis to believe that the **Student**'s continued presence on **College Property** or at **College Sponsored Activities** while the **Student**'s Code of Conduct proceeding is pending poses a significant threat to the health or safety of the **College Community** or poses a risk of a **Substantial Disruption to Ordinary College Operations**.

B. **Students** shall be notified of their **Interim Suspension**, the specific reasons for it, the conditions by which the **Student** must abide, and the **Student**'s right to seek an expedited review (see Section X.C below) verbally at the time the **Interim Suspension** is imposed (if possible) and/or in writing within one (1) **Business Day**.

C. **Expedited Review of Interim Suspensions**

1. **Students** may submit a request for an expedited review of an **Interim Suspension** to the **Dean of Students** and the **Vice President of Student Affairs** within three (3) **Business Days** of receiving notice of the **Interim Suspension**. The request must be in writing and state specifically why the **Student** believes the **Immediate Suspension** is not justified, including why the **Student** would not pose a significant risk to the health or safety of the **College Community** or a risk of **Substantial Disruption** to **Ordinary College Operations** by the **Student**'s continued presence while the Code process is pending. **Interim Suspensions** shall remain in effect while **Students**' requests for expedited review are pending.

2. The **Dean of Students**, **Campus Police** Chief, or **Campus Police** Operations Commander may, but are not required to, submit a written response to the **Student**'s request for review to the **Vice President of Student Affairs**.

3. The **Vice President of Student Affairs** shall evaluate the **Student**'s request for review by applying the **Clear and Convincing Evidence** standard and shall issue a written decision within three (3) **Business Days**. No meeting with the **Student** or hearing shall be conducted. If a decision is made in favor of the **Student**, the **Interim Suspension** shall be lifted, and the **Student** may resume regular College activities, subject to any **Interim Measures**, while the Code process is pending. If a decision is made against the **Student**, the **Interim Suspension** shall remain in effect.

D. During **Interim Suspensions**, the **Dean of Students** may allow **Students** to continue their College course work via email and other correspondence, independent study, or other remote means with the approval of the **Students**' **Instructors**.

SECTION XI: Eligibility for Readmission to the College

A. **Students** who are **Suspended** from the College for violating this Code of Conduct may be required to satisfy specific conditions, provided to the **Students** in writing at the time of their **Suspension**, in order to be eligible for readmission to the College after the term of their **Suspension** has ended.

   1. If a **Student** fails to satisfy the conditions of a **Suspension**, or if the **Student** engages in additional Code violations during the term of the **Suspension**, the **Code Decision-Maker** may convert the **Student**'s **Suspension** to an **Expulsion**.

   2. A **Student** whose **Suspension** is converted to an **Expulsion** shall have the same right to appeal as any **Student** who receives a **Disciplinary Sanction** of **Expulsion**.

B. **Students** who have been **Expelled** from the College for violating this Code of Conduct are permanently ineligible for readmission at any time. Any request for readmission after **Expulsion** shall be denied automatically with no opportunity for appeal.

SECTION XII: Glossary of Definitions[2]

"Academic Integrity" means the adherence to intellectual honesty and authentic, responsible scholarship in one's Academic Work at the College.

"Academic Work" means all work product submitted to the College by a Student for a grade, academic credit, or official evaluation by the College, including, but not limited to, class assignments, examination responses, essays, reports, projects, research results and/or analyses, presentations and/or presentation materials, and artistic works.

"Actively Assist" means to present evidence and arguments and to ask questions on behalf of, as well as to provide advice to, a Student. It does not mean to answer or object to questions or to testify on behalf of or instead of a Student.

"ADR" means the College's Office of Access and Disability Resources.

"Advisor" means any non-Attorney assisting or supporting a Student during a Code Resolution Meeting or appeal hearing, including, but not limited to, another Student, an Employee; a parent, sibling, or other relative; or a religious or spiritual leader. An Advisor may be a legal professional by education or profession but may not Actively Assist a Student unless identified as an Attorney in accordance with this Code.

"Aggravating Factor" means any evidence or information that might warrant addressing an alleged Code of Conduct violation as Major Misconduct or justify imposing a harsher Responsive Measure for a particular violation, including, but not limited to, a history of prior violations by the Student, the degree of damage or caused by Student's misconduct (including physical and emotional damage to another member of the College

[2] Unless specified otherwise, all terns used in this Code of Conduct that are not specifically defined in the Glossary of Definitions shall be interpreted using their common dictionary definitions.

Community), whether the misconduct was planned or spontaneous (*i.e.*, "a crime of passion"), whether the misconduct demonstrates callous disregard or disrespect for others or the College, and whether the Student demonstrates a lack of remorse or refuses to accept personal responsibility for the misconduct.

"AP" means Administrative Procedure.

"Appellant" means a Complainant or Respondent appealing a decision of and/or Responsive Action issued by a Code Decision-Maker in accordance with the Code of Conduct's appeal procedures.

"Appellee" means a Code Decision-Maker, Respondent, and/or Complainant responding to an Appellant's appeal of a decision made and/or Responsive Action issued by a Code Decision-Maker.

"Arizona Peace Officer" means a person certified as a law-enforcement officer by the State of Arizona and who is currently employed as a law-enforcement officer by an Arizona law-enforcement agency.
"BP" means Board Policy.

"Attorney" means a legal professional licensed to practice law in the State of Arizona or another legal jurisdiction within the United States, including U.S. territories and federally recognized Indian/Native American Tribes and in good standing with that jurisdiction's bar who Actively Assists a Student during a Code Resolution Meeting or appeal hearing.

"Breach of the Peace" means seriously disruptive behavior as prohibited by Arizona's "disorderly conduct" statute (A.R.S. §13-2904), including, but not limited to, committing acts of violence, making unreasonable noise; engaging in protracted disruptive behavior to prevent a lawful meeting, gathering, or procession; and refusing to obey a lawful order to disperse.

"Bribe" means 1) anything of value offered, promised, or given to a College Employee with the intention of influencing that Employee's official decisions or actions, including, but not limited to, money, tangible goods, services, or information, or 2) the act of offering, promising, or giving a College Employee anything of value with the intention of influencing that Employee's official decisions or actions.

"Bullying" means a sustained course of conduct involving physical assault, threats of physical assault, harassment, ridicule, or deliberate and gratuitous intimidation of a kind and/or duration which no Reasonable Person could be expected to endure under the circumstances, the purpose or effect of which is to exert dominance over and/or humiliate another member of the College Community.

"Business Day" means between 8:00 a.m. and 5:00 p.m. on a day when the College conducts Ordinary College Operations, excluding Saturdays and Sundays, any officially recognized College holidays, and any other day the College is officially closed for any reason.

"Campus Police" means the Pima Community College Police Department.

"Clear and Convincing Evidence" means a decision-maker must have a firm belief that, based on the evidence available, it is highly probable a Student engaged in the conduct alleged in the Complaint in violation of the Code of Conduct. Clear and Convincing Evidence is a higher evidentiary standard than a Preponderance of the Evidence.

"Clearly Erroneous" means not supported by competent evidence or reasonable inferences such that no Reasonable Person could have reached the same decision in light of all of the evidence.

"Code Decision-Maker" means a College Employee or third party retained by the College (*e.g.*, a consultant or attorney) empowered to enforce the terms of the Code of Conduct, to conduct Code Resolution Meetings, to decide if Students have violated the Code, and, if so, to determine an appropriate Sanction.

"Code Resolution Meeting" means the meeting between the Respondent and the Code Decisions-Maker to discuss the Complaint and the Respondent's alleged Code of Conduct violation, as well as any evidence in support of the alleged violation, at which the Respondent has an opportunity to respond to the allegations in the Complaint and the evidence in support of those allegations and to present additional evidence.

"College Assets" means any possessions; including, without limitation, vehicles, equipment, materials, furnishings, goods or merchandise, records, or data; or financial resources owned or controlled by the College.

"College Authorized Activity" means an activity by any individual, group, or organization that has been permitted to take place on College Property by the Chancellor, Executive Vice Chancellor for Finance, the Vice Chancellor for Facilities, a Campus President, or one of their respective designees, but is not organized, initiated, aided, or supervised by the College's administration or official organizations.

"College Campus" means each College campus, education center, and adult learning center and any other facility where Students normally receive instruction from the College or where Ordinary College Operations are normally conducted.

"College Community" means, collectively, all persons employed by, volunteering for, enrolled in classes at, or visiting the College or attending any College Sponsored Activity.

"College Property" means any College Campus, building, or grounds owned, leased, operated, or controlled by the College, as well as any structures, improvements, or equipment thereon.

"College Sponsored Activity" means any event, activity, or endeavor officially approved by the College, on- or off-campus College Property, that is organized, initiated, aided, or supervised by the College's administration or official organizations.

"College IT Systems" means all College-owned or -controlled telephones, computers, software, network devices, servers, printers, and other College-owned or -controlled technology equipment, including both hardware and software, as well as the College's website "pima.edu," any email with a pima.edu domain name, and/or any information stored or transmitted on College servers.

"Commercial Activity" means all non-College advertising, marketing, sales, purchases, or agreements for the sale or purchase of goods or services, and all non-College solicitations of gifts of money or other goods or services by a person, groups of persons, or other entity, including charitable organizations.

"Complainant" means an individual who brings a Complaint alleging to have been subjected to or injured by a Student's violation of this Code of Conduct or who is responsible for a College Sponsored Activity during which a Student committed an alleged violation of this Code of Conduct.

“Complaint” means a formal, written allegation that a Student has violated the Code of Conduct.

“Conduct Agreement” means a written contract between the College and a Student who has admitted to or accepted responsibility for engaging in misconduct prohibited by this Code in which the Student agrees to do or refrain from doing certain things for a specified period of time in consideration for the College not pursuing or imposing Disciplinary Sanctions against the Student.

“Confront” means to oppose directly and contemporaneously, generally in person and face to face, but, at a minimum, in a manner in which one can hear and view the testimony of others against oneself as it is being given.

“Conspiracy” means an agreement between a Student and one or more other persons to engage in conduct prohibited by the Code of Conduct in which at least one action in furtherance of their agreement is undertaken.

“Dean of Students” means the College’s Dean of Students, individually and as an administrative office of the College, or the Dean’s designee. In the event of a College administrative reorganization prior to a revision of this Code, “Dean of Students” shall include a College administrator with duties and responsibilities equivalent to those of the Dean of Students as of the effective date this Code, or the Dean’s designee.

“Department Head” means a full-time faculty member or other College Employee who serves as the academic leader of a specific academic department and the immediate supervisor of Instructors within that department under the authority of an academic dean or a director of adult basic education.

“Discipline,” “Disciplinary,” or “Disciplinary Sanction” means a punitive consequence to a Student as a result of the Student’s Major Misconduct that could result in the Student’s Suspension or Expulsion from the College.

“Educational Measure” means a non-punitive consequence of a Student’s Code of Conduct violation, focused on corrective and restorative measures intended to help Students make amends to those affected, learn from the experience, and better understand the College’s expectations for them as members of the College Community. An Educational Measure is not a Disciplinary Sanction and will not result in the Student’s Suspension or Expulsion from the College.

“Emotional Support Animal” means a domesticated animal other than a Service Animal that serves as a companion for and/or provides a sense of safety and comfort to an individual with a disability that ameliorates one or more symptoms or effects of the individual's disability and has been approved by ADR.

“Employee” means any person employed by the College on a full-time, part-time, temporary, or regular basis or directly engaged in the performance of work under the provision of a contract with the College. This definition does not include unpaid Volunteers.

“Expulsion” means the complete and permanent separation of a Student from the College. An expelled Student is barred from all College Property and College Sponsored Activities, will be withdrawn from all classes, and will not receive credit for those classes or a refund of any tuition. A Student who has been expelled is ineligible to petition the College to be allowed to re-enroll at a later date.

“Frivolous” means lacking any discernible basis in fact or policy.

"Gambling" means to bet or wager money or anything of monetary value on an event with an uncertain outcome, including, but not limited to, games of chance or skill.

"Gross Insubordination" means seriously disrespectful behavior directed toward a College Employee, including, but not limited to, deliberately and blatantly ignoring or disobeying an explicit directive and/or using or directing vulgar, profane, abusive, or objectively insulting language in any medium toward or about the Employee.

"Hazing" means the imposition of dangerous, unnecessarily strenuous, or humiliating tasks or conditions as a part of acceptance or initiation into, or membership in, a group or program, whether undertaken voluntarily or involuntarily, that no Reasonable Person could be expected to endure under the circumstances.

"Innocent" or "Innocence" means the established facts clearly and convincingly prove with certainty that a Student did not violate of the Code of Conduct, not just that the facts could not establish by a Preponderance of the Evidence that the Student violated the Code as alleged in a Complaint.

"Instructor" means an adjunct or full-time faculty member at the College or an Employee providing educational services in continuing education, workforce development, adult basic education, and developmental education classes.

"Interim Measure" means a temporary condition imposed to halt ongoing misconduct, support and protect individuals involved in a Complaint and the College Community, and to protect the integrity of the investigation into a Complaint. Interim Measures may be requested by both Complainants and Respondents, and the College may impose Interim Measures at its own discretion.

"Interim Suspension" means an immediate Suspension that remains in effect until a Student's Code of Conduct proceeding is concluded, the Student's request of review of the Interim Suspension is granted, or the Dean of Students or the College's Chief of Police determines the Interim Suspension is no longer necessary.

"Investigator" means a College Employee or a third-party retained by the College to investigate and gather evidence related to an alleged Code of Conduct violation.

"Knowingly" means done in a way that a Reasonable Person would believe shows forethought, deliberate action, or an intention for an outcome to occur.

"Legal Professional" means a non-Attorney who 1) holds a *Juris Doctor* ("JD") or equivalent degree; 2) is licensed to practice law in a non-U.S. jurisdiction; or 3) is currently or formerly employed (including by retirement) as, or who has received education or training to become, a paralegal, judge, administrative law judge, magistrate, justice of the peace, or hearing officer.

"Lesser Misconduct" means any Code of Conduct violation that does not rise to the level of a Major Violation and warrants a Student receiving an Educational Measure, rather than a Disciplinary Sanction.

"Litter" means to leave trash and other discarded material; including, but not limited to, paper products, plastic or foam cups and containers, cans, bottles, and food scraps; on College Property or at a College Sponsored Activity without placing the material in a proper receptacle, such as a trash can or recycling bin.

"Major Misconduct" means a serious Code of Conduct violation that could result directly in a Student receiving a Disciplinary Sanction, up to and including Suspension or permanent Expulsion from the College, or the withholding of a Student's degree or certificate.

"Malicious" means intended merely to harass, intimidate, embarrass, or retaliate against a member of the College Community, to interfere with or disrupt Ordinary College Operations, or to delay a Code of Conduct proceeding.

"Material Error in Process" means a significant mistake or omission in administration of the Code of Conduct that a Reasonable Person could find affected or likely could have affected the final outcome of a Complaint proceeding or otherwise made the proceeding fundamentally unfair.

"Mitigating Factor" means any information or evidence presented to a Code Decision-Maker that might warrant addressing an alleged violation as Lesser Misconduct or justify a lesser Responsive Action, including, but not limited to, whether the Student admits to or accepts personal responsibility for the violation, lack of prior violations, personal circumstances that might explain but not excuse the violation (*e.g.*, severe stress or provocation), and whether the Student demonstrates genuine regret or remorse.

"Negligently" means done in a way that demonstrates a failure to act with the level of care that a Reasonable Person would exercise under the same circumstances.

"Obscenity" means material in any medium; including, but not limited to, written or spoken words, images, and videos; that a Reasonable Person applying contemporary community standards would find appeals or is intended to appeal primarily to prurient interests; depicts or describes sexual conduct in a blatantly graphic or patently offensive way; depicts or describes brutal acts of physical harm or cruelty to or the infliction of brutal physical harm or cruelty upon humans, animals, or human- or animal-like creatures, and, taken as a whole, lacks discernible literary, artistic, political, academic, or scientific value.

"Ordinary College Operations" means all day-to-day business and other functions of the College, including, but not limited to, academic instruction, administrative services, performance of employment responsibilities, facilities maintenance and grounds-keeping, creative activity, community events, campus safety and security, and the maintenance of a College-wide environment that is open, accessible, and welcoming to the College Community.

"Phishing" means the fraudulent use of deceptive email or text messages, often appearing to come from known persons or trusted institutions, to illegally obtain or attempt to obtain sensitive personal information, including, but not limited to, usernames, passwords, banking information, and credit card details.

"PimaOnline" means distance-learning educational services, including, but not limited to, classes and academic counseling, offered and conducted by the College primarily via the internet.

"Plagiarism" means the use or representation of someone else's work, words, or ideas from any source, with or without that person's consent, as if they were one's own Academic Work, including by incorporating them into one's Academic Work without proper attribution, citation, or acknowledgement.

"Pornography" means Obscenity in any medium that a Reasonable Person applying contemporary community standards would find portrays human nudity or sexual activity solely for the purpose of sexual arousal.

"Preponderance of the Evidence" means the decision-maker must determine that, based on the available credible information, it is more likely than not (*i.e.*, there is a greater than 50% chance) a Student engaged in the conduct alleged in a Complaint in violation of the Code of Conduct

"President" means the President of the College Campus where an alleged Code of Conduct violation occurred, or, if the alleged violation occurred off campus, the President with administrative authority over the College Sponsored Activity during which the violation allegedly occurred.

"Probation" means a Student has been formally warned that any violations of the Code of Conduct during a specified period of time will likely result in a Disciplinary Sanction. A probationary period may be for one or more semesters or may last indefinitely. Probation itself is not a Disciplinary Sanction.

"Reasonable Person" means a hypothetical adult person with average sensibilities and an ordinary degree of intelligence, common sense, emotional maturity, prudence, care, and foresight.

"Recklessly" means done in a way that a Reasonable Person would find unjustifiably impulsive, exceedingly careless, or totally unreasonable under the circumstances.

"Reprimand" means a formal written notice to a Student that the Student engaged in unacceptable conduct in violation of the Code that must be corrected and/or not repeated.

"Respondent" means the Student who is alleged in a Complaint to have violated the Code of Conduct.

"Responsive Action" means any Educational Measure or Disciplinary Sanction imposed on a Student by the College as a result of the Student accepting responsibility or being found responsible for a Code of Conduct violation.

"Restorative Justice" means any method of addressing and correcting Code of Conduct violations that provides an alternative to traditional punishments by focusing on accepting personal responsibility, making amends to individuals or institutions who have been harmed, and developing a stronger sense of one's identity and role as a member of the College Community.

"Retaliation" means adverse action taken against any participant in the Academic Integrity Code process because of that person's participation in the process.

"Selective Extracurricular Activity" means a College Sponsored Activity for which Students do not receive grades or academic credit that limits participation to Students who are invited individually to participate or who are permitted or chosen to participate through competitive or restrictive processes, such as class-standing or minimum-GPA requirements, try-outs, auditions, or elections.

"Service Animal" means a dog or, in certain instances, a miniature horse that has been individually trained to do work or perform tasks for a person with a disability that is directly related to the person's disability.

"Sexual Harassment" means unwelcome sexual advances or requests to engage in sexual activity of any kind; conditioning an academic outcome or a College benefit (*e.g.*, grades, financial assistance, employment, decisions in College proceedings) on acquiescence to or tolerance of sexual activity;

unreasonably persistent requests to socialize when the recipient of the requests has said no or indicated or otherwise declined the requests; or comments (including jokes and innuendo), conduct (including gestures), or physical contact (including unwanted touching) of a sexual nature.

“Spam” means unsolicited bulk email sent indiscriminately.

“Stalking” means repeatedly following, making contact with, or observing another member of the College Community without legal justification in a manner and/or under circumstances that would cause a Reasonable Person to feel threatened, unsafe, or intimidated or to fear for the safety of one’s immediate family members or close personal associates.

“Student” means any person who applies for admission to or is currently registered for or enrolled in any course(s) at the College on either a full-time, part-time, or clock-hour basis, as well as any person currently registered for or participating in continuing education, workforce development, adult basic education, or developmental education classes through the College.

“Student Organization” means a group composed primarily of Students that has received recognition from the College according to College policies and procedures through the campus Department of Student Life.

“Substantial Disruption” means one or more unauthorized acts or conditions that materially and significantly interfere with, interrupt, or impede the instructional or educational activities of the College, other College Sponsored Activities, College Authorized Activities, or Ordinary College Operations.

“Suspension” means the temporary complete separation of a Student from the College for any length of time. A suspended Student will be withdrawn from all classes and will not receive credit or a tuition refund for those classes. Once suspended, a Student may not enroll in any classes at the College, is barred from all College Property, and may not attend any College Sponsored Activity (unless specific arrangements have been made through the Office of the Dean of Students). Students who complete all required conditions of their Suspensions may return to the College at the end of their suspension period, although they may be required to comply with certain ongoing conditions after they return.

“True Threat” means a communication in any medium, directed to a specific person or group of persons, that the speaker intends to place the person or group in fear of physical violence, bodily harm, or death, regardless of whether the speaker truly intends to carry out the threat.

“Vice President of Student Affairs” means the College’s Vice President of Student Affairs, individually and as an administrative office of the College, or the Vice President’s designee. In the event of a College administrative reorganization prior to a revision of this Code, “Vice President of Student Affairs” shall include a College administrator with duties and responsibilities equivalent to those of the Vice President of Student Affairs as of the effective date this Code, or that individual’s designee.

“Volunteer” means any individual who is not an Employee or Student of the College and is authorized by the College to perform and voluntarily performs services for the College without promise, expectation, or receipt of compensation, future employment, or other tangible benefit, including academic credit. A Volunteer is not an Employee of the College for any purpose.

EXHIBIT
5

Fiscal Year 2025

Fund: 018000 **Student Activities**
Organization: PCCCD **Pima County Community College District**

	Revenue
Total Collected from Student Activity Fees:	$ 268,361.47

Expenses by Campus/Program Area

Downtown Campus

Acct Description	**Expense**
Other Compensation (Temporary Help)	$ 32,677.87
Fringe Benefits	$ 2,103.47
Contractual Services	$ 6,052.80
Supplies and Materials	$ 16,502.08
Total	**$ 57,336.22**

Desert Vista Campus

Acct Description	**Expense**
Other Compensation (Temporary Help)	$ 30,913.66
Fringe Benefits	$ 1,960.80
Contractual Services	$ 660.99
Supplies and Materials	$ 6,674.28
Total	**$ 40,209.73**

East Campus

Acct Description	**Expense**
Other Compensation (Temporary Help)	$ 18,953.76
Fringe Benefits	$ 1,123.86
Contractual Services	$ 1,657.66
Supplies and Materials	$ 8,600.90
Total	**$ 30,336.18**

Northwest Campus

Acct Description	**Expense**
Other Compensation (Temporary Help)	$ 38,423.97
Fringe Benefits	$ 2,210.58
Contractual Services	$ 1,388.83
Supplies and Materials	$ 9,517.43
Total	**$ 51,540.81**

West Campus

Acct Description	**Expense**
Other Compensation (Temporary Help)	$95,578.10
Fringe Benefits	$6,834.71
Contractual Services	$6,150.84
Supplies and Materials	$26,276.36
Total	**$ 134,840.01**

Multi-Campus/District-Wide

Acct Description	Expense
Other Compensation (Temporary Help)	$ 116,177.08
Fringe Benefits	$ 7,440.32
Travel	$ 152.04
Contractual Services	$ 179,761.98
Supplies and Materials	$ 74,187.01
Current Fixed Charges	$ 2,893.20
Provision for Doubtful Account	$ (3,316.54)
Total	**$ 377,295.09**
Expense Grand Total	**$ 691,558.04**