

Access Tucson's Code of Conduct, Disciplinary Process and Member Grievance Policies

Section 1 - Background:

The Access Tucson Board of Directors charged the Member Relations Committee with bringing forth revisions to the Code of Conduct and Member Grievance Procedures, to be voted on by the Access Tucson Board.

The goal of these revisions is to create the safest and most effective environment for the Access Tucson Mission to come to life.

Section 2 - Access Tucson's Code of Conduct:

The specific goal for revisions to the Code of Conduct is to create a safe and positive atmosphere for the fulfillment of Access Tucson's mission, identifying only those behaviors that are the most detrimental to the safety and effectiveness of Access Tucson operations.

Access Tucson's "General" Code of Conduct:

The General Code of Conduct is meant to apply to all individuals who are involved in the use or operation of Access Tucson; members, staff, administration, Board of Directors, guests.

1. All users, staff members, administration, guests and Board of Directors must abide by Access Tucson's Sexual and Other Unlawful Harassment Policy.
2. Language that can reasonably be interpreted to be abusive, threatening, and / or offensive to any user, staff member, administrator, board member or guest is prohibited.
3. Any language and / or actions that disrupt the normal operations of the facility are prohibited.
4. Any physical action that can reasonably be interpreted to be abusive, threatening, offensive and / or violent to any user, staff member, administrator, board of director, guest or equipment is prohibited.
5. All users, staff members, administration, guests and Board of Directors must abide by existing federal, state or local public laws – any such violations may be reported to the proper authorities.
6. No unauthorized weapons or hazardous materials are allowed into the facility (authorized law enforcement personnel excepted).
7. No smoking in the facility.
8. No user, staff member, administrator, board member, or guest may consume or possess any illegal substances on Access Tucson property.
9. No user, staff member, administrator, board member, or guest may consume alcohol on Access Tucson property without the prior approval of the Executive Director.
10. Persons under the influence of drugs, alcohol or other substances will not be allowed in the facility or to remain in the facility.
11. Maintain non-offending personal hygiene; for example, excessive cologne or obvious lack of personal hygiene.
12. Persons are required to be fully clothed, including shoes, except for program content purposes.
13. Take routine care not to expose others to contagious conditions.
14. Animals are not allowed except for program content purposes or those certified for personal assistance.
15. Food and drink are permitted only in designated areas and as authorized.
16. Do not use another's property, time or workspace without expressed permission.

17. Use of any computers and/or Internet connections that violate federal, state and local laws are prohibited; use of any computers or Internet connections to view materials that can be reasonably interpreted to be indecent is prohibited.

Creation of an Access Tucson's "Member" Code of Conduct:

In addition to the activity outlined in the Access Tucson General Code of Conduct, users of the facility should:

1. Follow posted equipment usage procedures and staff direction in accordance with Access Tucson policies.
2. Not use the facility intercom or paging system unless an emergency exists.
3. Not interfere with a staff member's duties and responsibilities; for example, please do not loiter around the front desk.

Creation of an Access Tucson's "Staff / Administration" Code of Conduct:

In addition to the activity outlined in the Access Tucson General Code of Conduct, employees of the facility must:

1. Perform the tasks described in their job descriptions in accordance with Access Tucson policies.
2. Comply with the Access Tucson employee code of conduct.

Section 3 - Access Tucson's Disciplinary Process:

The revised disciplinary procedures are meant to work in concert with the revised Code of Conduct. With the goal of fewer Code of Conduct violations, each violation would thus receive closer scrutiny and signify a more serious occurrence. The draft revisions provide information about how the violation would be judged, how sanctions are to be levied and what opportunities exist to appeal any disciplinary action.

1. A staff member who determines that a member may be violating the Code of Conduct (either through direct, personal observation or through what appears to be reasonable reporting from others) should speak directly to that member notifying him/her as such, and if the staff member thinks such behavior is a violation of the Code of Conduct, request that such behavior be stopped.
2. Members who violate the Code of Conduct will be notified verbally by an Access Tucson staff member; the staff member shall document the violation and provide a copy to his/her supervisor and the deputy director within two business days of the incident.
3. Within ten (10) business days of the incident being reported, the Deputy Director shall send the member by certified mail, return receipt requested, a notification of the violation. The member must schedule an appointment with the Deputy Director within ten (10) business days of the date of the notification of violation. The meeting shall be held within ten (10) business days of the date the member contacts the Deputy Director to schedule the meeting. At this meeting, the Deputy Director will present the member with evidence documenting the violation and will be offered the opportunity to provide his/her own evidence and perspective about the incident.
 - a. As a result of the meeting the Deputy Director may:
 1. Determine that a violation did not occur;
 2. Determine that a violation did occur and issue a written warning that future violations may bring a suspension of membership;

3. Determine that a violation did occur and issue a suspension of membership – which may be temporary or permanent.
 - b. The nature of any sanction levied depends on the circumstance(s) of the violation; factors to be taken into account include, but are not limited to:
 1. The nature of the violation;
 2. Whether it is a repeated violation of the same activity;
 3. Whether it is part of a pattern of violations of the Code of Conduct by the same member.
 - c. The Deputy Director shall either hand-deliver or mail by certified mail, return receipt requested, to the member, a written copy of his findings and sanctions.
 - d. It is the member's responsibility to schedule a meeting with the Deputy Director within ten (10) business days of the date of the notification of the violation of the Code of Conduct. If the member does not contact the Deputy Director to schedule an appointment within ten (10) business days, their membership privileges will be suspended.
4. A member may appeal any finding and sanction imposed by the Deputy Director by sending a letter appealing the sanction by certified mail, return receipt requested, to the Executive Director within ten (10) business days of the date the Deputy Director mails or hand delivers his findings and sanction. The member may appeal on the grounds that:
 - a. The finding of the violation of the Code of Conduct was not supported by evidence;
 - b. The severity of the sanction is not warranted by the violation;
 - c. Access Tucson did not follow due process in determining the violation and imposing a sanction.
5. Upon timely receipt of the member's request for an appeal, the Executive Director will convene a hearing panel composed of a staff member, a member of the Board of Directors and an Access Tucson member, to hear the presentation of evidence from both sides. One member of the hearing panel would be appointed chair. The Executive Director may observe the hearing.
 - a. The format of the hearing board consideration would include:
 1. Brief summary opening remarks from each side
 2. The Deputy Director would present the evidence surrounding the violation and the reasoning used to determine the nature of the sanction. Hearing panel members and the Access Tucson member would be offered the opportunity to ask questions.
 3. The Access Tucson member would present the basis for his/her appeal of the violation and / or sanction. Hearing panel members and the Access Tucson staff member would be offered the opportunity to ask questions.
 4. Brief summary conclusions from each side would be presented.
 - b. The hearing panel shall make a recommendation to the Executive Director as to whether the violation did occur and, if so, whether the sanction was appropriate. The committee shall send a written report to the Executive Director within three business days of the conclusion of the hearing.
 - c. Within ten (10) business days of receipt of the hearing board's recommendation, the Executive Director would make a final determination regarding the violation and sanction.
6. Certain violations of the Code of Conduct warrant immediate action to prevent harm to any member, guest or staff, or damage to equipment – these include:
 - a. Criminal behavior;

- b. Violent behavior that would be reasonably interpreted to lead, directly and immediately, to harming one's self, another individual or a piece of equipment.
- c. Failure to follow staff direction in such a way as to lead to harm to one's self, another individual or a piece of equipment.

Under these circumstances a member would be asked to leave the premises by the senior staff person on duty and be considered under immediate suspension. Any person under immediate suspension may, within 15 business days of being suspended, request, in writing, a meeting with the Deputy Director. The procedure for the meeting and the member's right of appeal shall be as set forth in Sections 3, 4, and 5.

7. Members who have Access Tucson privileges suspended will meet with the Deputy Director to discuss the conditions for resumption of membership.
8. For reporting purposes, the files of all Disciplinary cases appealed to the Executive Director will be forwarded to the Executive Committee of the Board of Directors within ten (10) business days of their completion.

Section 4 - Access Tucson's Member Grievance Process:

The goal underlying the Member Grievance Procedure revision is to create the fairest and most transparent means possible for members to report what they believe are unfair policies and / or a staff member's violation of a member's privileges to Access Tucson's resources.

It should be understood that the Member Grievance Procedure should not be seen as a continuation of the appeal process for any disciplinary cases resulting from violations of the Code of Conduct.

Existing personnel policies and procedures cover how employees are evaluated and/or disciplined for violation of Access Tucson's rules and guidelines. The Member Grievance Process as outlined below should be understood as a component of that larger system.

A member who has a grievance should follow these steps to find a solution:

1. Talk to a staff member who might be able to help resolve the problem. The Access Tucson staff member will document this interaction (noting content, people involved in the complaint, the time & date) and provide a copy to both the member and the Deputy Director.
2. If talking to a staff member does not resolve the grievance, talk to a supervisor who has responsibility for the area related to the problem. The Access Tucson supervisor shall document this interaction and provide a copy to both the member and the Deputy Director.
3. If the member is still unable to resolve the problem, the next step is to contact the Deputy Director for a resolution.
 - a. If the nature of the member's grievance is policy or procedure related, the Deputy Director will jointly work with appropriate staff and the member to attempt to find a satisfactory solution to the problem.
 - b. If the nature of the member's grievance is staff related, the Deputy Director will work to resolve the problem using the personnel policy procedures of Access Tucson.

- c. The Deputy Director shall notify the member of his/her decision about the member's grievance.
4. The member may appeal the Deputy Director's decision by contacting the Executive Director of Access Tucson.
5. The Executive Director will then evaluate the decision of the Deputy Director. The Executive Director's decision is final.
6. For reporting purposes, the files of all Member Grievance cases appealed to the Executive Director will be forwarded to the Executive Committee of the Board of Directors within ten (10) business days of their completion.