

## Catalog Common Pages 2020-2021

### MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT

3.4 Recording of Faculty Lectures, AMENDED by Direct Approval from the Chancellor, April 20, 2021

5.1.9 Additional Policy Violations AMENDED by Direct Approval from the Chancellor, November 16, 2020;

2.9 Veteran Services AMENDED by Direct Approval from the Chancellor, October 21, 2020 and April 14, 2021;

5.1.16 Title IX Sexual Harassment Policy AMENDED by Direct Approval from the Chancellor, September 16, 2020;

2.5.1 Disciplinary Standards AMENDED by Direct Approval from the Chancellor, August 11, 2020;

2.5.2 Student Conduct Code by Direct Approval from the Chancellor, August 11, 2020;

2.4.4 Sexual Harassment Policy for Students RESCINDED by Direct Approval from the Chancellor, August 3, 2020;

5.1.16 Title IX Sexual Harassment Policy, ADOPTED by Direct Approval from the Chancellor, August 3, 2020;

2.2.2 Admission Information AMENDED through the Administrative Regulation Process,

June 30, 2020; 2.2.4 Transfer Credit and Prior Learning Assessment Policy AMENDED through the Administrative Regulation Process, June 30, 2020; 2.3.3 Grading AMENDED through the Administrative Regulation Process, June 30,

2020; S-1 Residency for Tuition Purposes AMENDED through the Administrative Regulation Process, June 30, 2020

The following are a portion of the Administrative Regulations used in managing the day-to-day operations of the Maricopa County Community College District (MCCCD) and are subject to change. Administrative Regulations are amended, adopted, or deleted as necessary and are subject to a formal approval process. Administrative Regulations are referenced by number, which corresponds with the regulations on the MCCCD web site:

<https://district.maricopa.edu/regulations>

Some regulations include reference to Arizona Revised Statutes from the State of Arizona and are noted as “ARS” followed by a reference number.

#### 2.4.1 General Statement

The Maricopa Community Colleges are dedicated to providing a healthy, comfortable and educationally productive environment for students, employees and visitors.

#### 2.4.2 Nondiscrimination (see [5.1.1 Maricopa EEO Policy](#))

It is the policy of the Maricopa County Community College District (MCCCD), (consisting of Chandler-Gilbert Community College, the District Office, Estrella Mountain Community College, GateWay Community College, GateWay Community College - Central City, Glendale Community College, Mesa Community College, Paradise Valley Community College, Phoenix College, Rio Salado Community College, Scottsdale Community College, South Mountain Community College, and all affiliated locations) to:

1. Recruit, hire, and promote in all job groups, and to ensure that all Human Resources (HR) employment selection and decision practices do not discriminate, nor tolerate discrimination in employment against any applicant or employee, on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.
2. Administer all HR employment selection and decision practices pertaining to advertising, benefits, compensation, discipline (including probation, suspension, and/or involuntary termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training will be administered without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.
3. Hold each level of management responsible for ensuring that all employment policies, procedures, and activities are in full compliance with all applicable federal, state, and local EEO statutes, rules, and regulations.
4. Maintain an educational environment that does not discriminate or tolerate discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, or veteran status in federally funded programs, activities and MCCCD sponsored events.

5. Hold each level of academic and student life management responsible for ensuring that all academic environments and activities are in full compliance with all applicable federal, state, and local non-discrimination laws.

**AMENDED by Direct Approval from the Chancellor, April 8, 2020**

**AMENDED by the Administrative Regulations Approval Process, January 2, 2020**

#### **2.4.3 Equal Opportunity Statement (see [5.1.3 EEO Policy Statement](#))**

It is the policy of the Maricopa County Community College District (MCCCD) to promote equal employment opportunities through a positive continuing program. This means that Maricopa will not discriminate, nor tolerate discrimination in employment or education, against any applicant, employee, or student because of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information. Additionally, it is the policy of Maricopa to provide an environment for each Maricopa job applicant and employee that is free from sexual harassment, as well as harassment and intimidation on account of an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.

In addition, lack of English language skills is not a barrier to admission into Career and Technical Education (CTE) programs or skill centers.

**AMENDED by Direct Approval from the Chancellor, April 8, 2020**

**AMENDED through the Administrative Regulations Approval Process, January 2, 2020**

### **AFFIRMATIVE ACTION STATEMENTS**

#### **Affirmative Action Policy Statement for Individuals with Disabilities**

In conformance with the provisions of Section 503 of the Rehabilitation Act of 1973, as amended, and the implementing regulations, 41 CFR 60-741.5 (a), as amended, Maricopa County Community College District (MCCCD) will not discriminate, nor tolerate discrimination in employment or education, against any applicant, employee, or student because of physical or mental disability in regard to any position for which the known applicant or employee is qualified. MCCCD agrees to take affirmative action to employ, advance in employment, and otherwise treat known qualified individuals with disabilities without regard to their physical or mental disability in all human resources selection and decision practices, such as the following: advertising, benefits, compensation, discipline (including probation, suspension, and/or termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training. MCCCD will also continue to administer these practices without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information. Additionally, all applicants and employees are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Act.

#### **Affirmative Action Policy Statement for Other Eligible Veterans, Special Disabled Veterans, and Vietnam Era Veterans**

In conformance with the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Veterans Employment Opportunities Act of 1998, and the implementing regulations, 41 CFR 60-250 (k), Maricopa County Community College District (MCCCD) will not discriminate, nor tolerate discrimination in employment or education, against any applicant, employee, or student because they are a special disabled veteran or Vietnam era veteran in regard to any position for which the known applicant or employee is qualified. MCCCD agrees to take affirmative action to employ, advance in employment, and otherwise treat known qualified special disabled veterans and Vietnam era veterans without discrimination based upon their disabled or veteran status in all human resources selection and decision practices, such as the following: advertising, benefits, compensation, discipline (including probation, suspension, and/or termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training. MCCCD will continue to administer these practices without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information. Additionally, MCCCD agrees to post all suitable job openings at the local office of the State employment service where the job opening occurs. This includes full-time, temporary greater than 3 days' duration, and part-time

employment. Finally, all applicants and employees are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Act.

**Notice of Americans with Disabilities Act (ADA)/ Section 504 of the Rehabilitation Act/Title IX Coordinator (see [5.1.7 Notice of Americans with Disabilities Act \(ADA\)/Section 5004 of the Rehabilitation Act/Title IX Coordinator](#))**

Under the ADA and Section 504, the Maricopa County Community College District (MCCCD) recognizes the obligation to provide overall program accessibility throughout its locations for qualified disabled individuals. Students and employees can raise concerns or make complaints, without retaliation, about matters made unlawful under the ADA.

**EMPLOYEES**

The District Office and each College must post the address and telephone number for the individual responsible for coordinating services and/or activities relating to the Americans with Disabilities Act (42 U.S.C. Chapter 126), Section 504 of the Rehabilitation Act (29 U.S.C. §794(d)), and all other applicable law. The Notice will specify how employees can request reasonable accommodations.

College ADA Coordinators (Credentials are needed to enter secure site.)

**STUDENTS**

The District Office and each MCCCD location must post the address and telephone number for the individual responsible for coordinating services and/or activities relating to the Americans with Disabilities Act (42 U.S.C. Chapter 126), Section 504 of the Rehabilitation Act (29 U.S.C. §794(d)), and Title IX of the Education Amendments of 1972 (20 U.S.C. §1681), using the format below:

- ADA/504/Title IX Coordinator
- Address
- Phone #
- Email address

Additionally, each college/center must publish electronically or in print the above information in student handbooks and catalogs.

The designated ADA/504/Title IX Coordinator at each college/center will provide information as to the existence and location of services, activities, and facilities that are accessible to and usable by individuals with disabilities. Likewise, under Title IX, there is an obligation to provide services and program accessibility in a gender-neutral manner.

Title IX Coordinators

ADA/504 Managers

**AMENDED through the Administrative Regulations Approval Process, January 2, 2020**

**Governing Values (Board Policy 4.1)**

**Our Vision:** A Community of Colleges—Colleges for the Community—working collectively and responsibly to meet the life-long learning needs of our diverse students and communities.

**Our Mission:** The Maricopa Community Colleges provide access to higher education for diverse students and communities. We focus on learning through:

*University Transfer Education*  
*General Education*  
*Developmental Education*  
*Workforce Development*  
*Student Development Services*  
*Continuing Education*  
*Community Education*  
*Civic Responsibility*  
*Global Engagement*

**Our Institutional Values:** The Maricopa Community Colleges are committed to:

### **Community**

We value all people—our students, our employees, their families, and the communities in which they live and work. We value our global community of which we are an integral part.

### **Excellence**

We value excellence and encourage our internal and external communities to strive for their academic, professional and personal best.

### **Honesty and Integrity**

We value academic and personal honesty and integrity and believe these elements are essential in our learning environment. We strive to treat each other with respect, civility and fairness.

### **Inclusiveness**

We value inclusiveness and respect for one another. We believe that team work is critical, that each team member is important; and we depend on each other to accomplish our mission.

### **Innovation**

We value and embrace an innovative and risk-taking approach so that we remain at the forefront of global educational excellence.

### **Learning**

We value lifelong learning opportunities that respond to the needs of our communities and are accessible, affordable, and of the highest quality. We encourage dialogue and the freedom to have an open exchange of ideas for the common good.

### **Responsibility**

We value responsibility and believe that we are each accountable for our personal and professional actions. We are responsible for making our learning experiences significant and meaningful.

### **Stewardship**

We value stewardship and honor the trust placed in us by the community. We are accountable to our communities for the efficient and effective use of resources as we prepare our students for their role as productive world citizens.

## **ADMISSION, REGISTRATION AND ENROLLMENT**

### **2.1 General Regulation**

#### **1. General Statement**

##### *Compliance with Policies, Rules and Regulations*

Every student is expected to know and comply with all current published policies, rules and regulations as stated in the college catalog, class schedule, and/or student handbook. Documents are available on each college's website.

Policies, courses, programs, fees and requirements may be suspended, deleted, restricted, supplemented or changed through action of the Governing Board of the Maricopa Community Colleges.

The Maricopa Community Colleges reserve the right to change, without notice, any materials, information, curriculum, requirements and regulations.

*Note: The regulations that comprise the student section contain language that appears in various sources such as the Catalog Common Pages and the Student Handbook. All areas became Administrative Regulations with the 1996 adoption of the Governance Model. Changes are made annually either through the Administrative Regulations approval process, or by Board approval for those items that fall under its statutory duty, such as Tuition and Fees. In an effort to prevent duplication, topics in this section may be incorporated by reference, as they are featured in other areas of the manual and are noted accordingly.*

The Maricopa County Community College District Vision, Mission and Values that are featured in the Common Pages are a part of approved Governing Board policy and are located in the policy section of the manual. As such, the following statement related to Outcomes Assessment that appears in the Common Pages is presented here as a general statement.

## **2. Outcomes Assessment**

The mission of the Maricopa Community Colleges is "to create and continuously improve affordable, accessible, and effective learning environments for the lifelong educational needs of the diverse communities we serve." In order to evaluate how successfully the Maricopa County Community College District accomplishes this mission, student outcomes will be assessed as part of the continuous improvement process.

Students may be asked to participate in a variety of assessment activities at each college. Assessment results will be used to improve educational programs, services and student learning.

### **2.2.1 Admission Policy**

Persons meeting the admissions criteria may attend any Maricopa Community College of their choice. Falsification of any admission materials or official college records may be cause for denial or cancellation of admission. Exceptions to the admissions policies may be requested through the Admissions and Standards Committee. Admission is determined in accordance with state law (ARS §§15-1805.01 and 15-1821) and regulations of the Maricopa Community Colleges Governing Board.

## **Admission Classifications**

### **1. Admission of Regular Students**

Admission to the community college in Arizona may be granted to any person who meets at least one of the following criteria:

- A. Is a graduate of a high school, which is accredited by a regional accrediting association as defined by the United States Office of Education or approved by a State Department of Education or other appropriate state educational agency.
- B. Has a high school certificate of equivalency.
- C. Is at least 18 years of age and demonstrates evidence of potential success in the community college.
- D. Is a transfer student in good standing from another college or university.

### **2. Admission of Students Under 18 Years of Age**

- A. A community college in this state shall grant admission to any student who is under eighteen years of age and who achieves at least one of the following:
  - i. A composite score of 720 or more on the Preliminary Scholastic Aptitude Test (PSAT).
  - ii. A composite score of 720 or more on the Scholastic Aptitude Test (SAT).
  - iii. A composite score of twelve or more on the American College Test (ACT).
  - iv. A passing score on the relevant portions of the statewide assessment.
  - v. The completion of a college placement method designated by the community college district that indicates the student is at the appropriate college level for the course.
  - vi. Is a graduate of a private or public high school or has a high school certificate of equivalency.
- B. A community college may limit the number of semester hours in which the student may enroll to not more than six (6) credit hours.
- C. Home schooled students are exempt from this sub-section.
- D. Students who enroll in vocational courses may be admitted on an individual basis with the approval of college officials if the student meets the established requirements of the courses for which the student enrolls and the college official determines that the student's admission is in the best interest of the student.

### **3. Specialized Vocational / Training Program**

Students who enroll in vocational courses may be admitted on an individual basis with the approval of college officials if the student meets the established requirements of the courses for which the student enrolls and the college officials determine that the student's admission is in the best interest of the student.

### **4. Western Undergraduate Exchange Program**

The Western Undergraduate Exchange (WUE) program is a student exchange program coordinated by the Western Interstate Commission for Higher Education (WICHE) and administered by the Arizona Board of Regents. Through WUE, students who reside in western states (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming), Guam and the Commonwealth of the Northern Mariana Islands (CNMI) and who meet the eligibility requirements, pay 150 percent of the regular resident tuition plus fees. Students must mark prominently on the Student Information Form that they seek admission as WUE students. Students may not apply as out-of-state students and expect to receive the WUE tuition rate after admitted. Once admitted as WUE students, students may not petition for in-state residency. Further information may be obtained from the Admissions and Records Office/Office of Student Enrollment Services.

## **5. Admission of F-1 Nonimmigrant Students**

Prospective students should contact the Admissions and Records Office/Office of Student Enrollment Services or designated office for the international student application form(s). When completed, the form(s) should be returned to the Admissions and Records Office/Office of Student Enrollment Services or the International Education office with all requested supporting documents. After the file has been reviewed, a notice will be sent to the applicant indicating either acceptance or denial of admission.

To be guaranteed consideration for admission, all application materials must be received by July 1 for the fall semester and November 1 for the spring semester.

Prospective students seeking admission based on F-1 nonimmigrant status must provide proof of secondary school completion with documentation comparable to a United States high school diploma or higher degree. It is recommended that F-1 nonimmigrant students have graduated in the upper 50% of their secondary school (high school or equivalent) in order to ensure success in academic classes at this college. Applicants for admission to the college must have high school and college (if applicable) transcripts sent directly from the high school or college to the Admissions and Records Office/Office of Student Enrollment Services or designated office. In addition, it is the applicant's responsibility to have all transcripts translated into English and evaluated by a foreign credential evaluation service if necessary.

### **A. Admission to Academic Programs**

Applicants who wish to enroll in an academic program at the college must present evidence of English language proficiency. If the Test of English as a Foreign Language (TOEFL) is used to satisfy this requirement, the applicant must attain a score of at least 500 (on the paper-based TOEFL) or 61 (on the internet-based TOEFL, known as the iBT). If the International Language Testing System (IELTS) is used to satisfy this requirement, an IELTS overall Band Score of 5.5 or better is required, and a minimum IELTS individual Band Score of 5.0 on each module is recommended. The dean or director of Admissions and Records Office/Office of Student Enrollment Services of the college may accept other proof of English language proficiency for admission purposes, such as the ASSET, ACCUPLACER, COMPASS or CELSA tests.

### **B. Admission to an Intensive English Program**

Applicants for admission to an Intensive English Program are advised to check with individual colleges for their respective admission requirements. Applicants must provide evidence of at least an intermediate command of English by way of one or more of the following criteria:

- i. At least six years of English language instruction as shown by the applicant's school transcript(s);
- ii. A minimum TOEFL score of 400 (on the paper-based TOEFL) or 23 (on the internet-based test);
- iii. An original letter of recommendation from a teacher, school principal or headmaster/ headmistress, or the director of an English language institute attesting to the applicant's proficiency at the intermediate level;
- iv. Other credentials, test scores, interview results, or evidence accepted by the coordinator of an intensive English program or the college's responsible designee. Students admitted to an Intensive English Program will not be allowed to enroll in courses outside those officially designated as part of the program unless and until they have met all of the prerequisites or other course requirements.
- v. Foreign students under certain types of visas may need special permission to enroll and should contact the appropriate college official.

### **C. Financial Support**

Evidence of financial support will be required prior to issuance of the I-20 form. The colleges have no scholarship or financial aid provisions for foreign students; therefore, students must be fully prepared to meet the necessary financial obligations for the full time they will be in the United States. The colleges estimate a student's average expenses for 10 months to be:

|                  |             |
|------------------|-------------|
| Tuition and Fees | \$ 8,010(1) |
| Living Expenses  | \$10,140(2) |
| Books            | \$800(3)    |
| Health Insurance | \$1400(4)   |
| Total            | \$20,350(5) |

**D. Dependent Financial Guarantee**

Evidence of financial support for dependents of F-1 and M-1 students (spouse and dependent children) is also required: \$5,000 for the first dependent and \$2,500 for each additional dependent.

**E. Health Insurance**

All F-1 and M-1 students who have an I-20 issued by one of the Maricopa Community Colleges are required to purchase the Maricopa Community Colleges' international student health insurance plan. Health insurance coverage for dependents of F-1 and M-1 students is highly recommended. The Maricopa Community Colleges contracts with an insurance provider annually to offer a health insurance plan for F-1 and M-1 students. For more information contact the college Admissions and Records Office/Office of Student Enrollment Services or designated international student office.

Footnotes:

(1) Based on 2016-2017 tuition and fee schedule.

(2) Based on estimated living expenses for two (2) semesters (10 months).

(3) Based on average new and used textbook prices and Rental Rates. Assumes books are sold at the end of the semester.

(4) Based on the 2016-2017 insurance premiums for the mandatory Maricopa Community Colleges' International Student Health Plan.

(5) Applicants must provide evidence of this minimum amount of financial support before an I-20 is issued.

**AMENDED by Direct Approval from the Chancellor, June 4, 2019**

**AMENDED through the Administrative Regulations Approval Process, June 5, 2017**

## 2.2.2 Admission Information

Students must file a Student Information Form with the Admissions and Records Office/Office of Student Enrollment Services at the college of attendance. There is no charge for this service.

### 1. Student Status

- A. Freshman - A student who has completed fewer than 30 credit hours 100-level courses and above.
- B. Sophomore - A student who has completed 30 credit hours or more in 100-level courses and above.
- C. Unclassified - A student who has an associate degree or higher.

### 2. Student Identification Number

Disclosure of the social security number is voluntary (ARS §15-1823). However, students must use social security numbers for reporting information pertaining to potential educational tax credits and for processing federal financial aid applications and Veterans Administration benefits.

### 3. Residency for Tuition Purposes (See [Appendix S-1](#))

All students are classified for tuition purposes under one of the following residency classifications:

- A. Maricopa County resident
- B. Out-of-County resident
- C. Out-of-State resident (including F-1 non-immigrant students and students on other non-immigrant visas)

Residency for tuition purposes is determined in accordance with state law (ARS §§15-1801et seq.) and regulations of the Maricopa Community Colleges Governing Board. All of the Maricopa Community Colleges are subject to the above statutes and regulations. Students who have questions about their residency should contact the Admissions and Records Office/Office of Student Enrollment Services for clarification.

#### A. Implementation



- i. An applicant must be eligible to attend post-secondary education in the United States prior to being eligible to register for classes and pay fees.
- ii. Domicile status must be established before the student registers and pays fees. It is the student's responsibility to register under the correct domicile status.
- iii. Enforcement of domicile requirements shall be the responsibility of the Chancellor of the Maricopa Community Colleges. The Chancellor has charged the Director of Admissions and Records or other designee at each college to make the initial domicile classification. In determining a student's classification, the college may consider all evidence, written or oral, presented by the student and any other information received from any source which is relevant to determining classification. The college may request written sworn statements or sworn testimony of the student.
- iv. A request for review of the initial classification may be made to a district review committee. The request must be in writing, signed by the student and accompanied by a sworn statement of all facts relevant to the matter. The request must be filed with the admissions officer of the college within ten (10) days of receipt of notification of classification as a non-resident. Failure to properly file a request for review within the prescribed time limit constitutes a waiver of review for the current enrollment period. The decision of the review committee shall be final.

#### B. Definitions

- i. "Armed forces of the United States" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the commissioned corps of the United States Public Health Services, the National Oceanographic and Atmospheric Administration, the National Guard, or any military reserve unit of any branch of the armed forces of the United States.
- ii. "Continuous attendance" means enrollment at one of Maricopa Community Colleges as a full-time or part-time student for a normal academic year since the beginning of the period for which continuous attendance is claimed. Students need not attend summer sessions or other such intersession beyond the normal academic year in order to maintain continuous attendance.
- iii. "Maricopa County resident" means an individual who lives in Maricopa County and has lived in the state of Arizona for at least one year prior (365 days) to the first day of the semester (as published in the approved MCCC Academic Calendar posted online at [ACADEMIC CALENDARS](#)) and who is a United States citizen or in a lawful status. In-state residency must be established prior to county residency for those moving from other states. Refer to Section C for guidelines.
- iv. "Domicile" means a person's true, fixed, and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere. Visa status must confer the ability to establish domicile in the United States in order to be classified as an in-state student.
- v. "Emancipated person" means a person who is neither under a legal duty of service to his parent nor entitled to the support of such parent under the laws of this state.
- vi. "Full-time student" means one who registers for at least twelve (12) credit hours per semester.
- vii. "Part-time student" means one who registers for fewer than twelve (12) credit hours per semester.
- viii. "Parent" means a person's father, or mother, or if one parent has custody, that parent, or if there is no surviving parent or the whereabouts of the parents are unknown, then a guardian of an unemancipated person if there are not circumstances indicating that such guardianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.

#### C. Criteria for Determining Residency

- i. In-State Student Status
  1. Except as otherwise provided in this article, no person having a domicile elsewhere than in this state is eligible for classification as an in-state student for tuition purposes. Applicants for in-state tuition status and other public benefits must demonstrate lawful presence in the United States by presenting one of the documents listed in this regulation, under the section "Demonstrating Lawful Presence."
  2. A person is not entitled to classification as an in-state student until the person is domiciled in this state for one year preceding the official starting day of the semester, except that a person whose domicile is in this state is entitled to classification as an in-state student if the person meets one of the following requirements:



- a. The person's parent's domicile is in this state and the parent is allowed to claim the person as an exemption for state and federal tax purposes.
- b. The person is an employee of an employer which transferred the person to this state for employment purposes or the person is the spouse of such an employee.
- c. The person is an employee of a school District in this state and is under contract to teach on a full-time basis, or is employed as a full-time non-certified classroom aide, at a school within that school District. For purposes of this paragraph, the person is eligible for classification as an in-state student only for courses necessary to complete the requirements for certification by the state board of education to teach in a school District in this state. No member of the person's family is eligible for classification as an in-state student if the person is eligible for classification as an in-state student pursuant to this paragraph, unless the family member is otherwise eligible for classification as an in-state student pursuant to this section. Eligibility for in-state tuition is subject to verification of intent to domicile in this state. Determination of residency is made by the admissions and records office/office of enrollment services.
- d. The person's spouse has established domicile in this state for at least one year and has demonstrated intent and financial independence and is entitled to claim the student as an exemption for state and federal tax purposes or the person's spouse was temporarily out of state for educational purposes, but maintained a domicile in this state. If the person is a non-citizen, the person must be in an eligible visa status pursuant to federal law to classify as an in-state student for tuition purposes.

AMENDMENT TO BE REPEATED IN CORRESPONDING APPENDIX ITEM S-1 – IN-STATE STUDENT STATUS  
SECTION C

3. The domicile of an unemancipated person is that of such person's parent.
4. An unemancipated person who remains in this state when such person's parent, who had been domiciled in this state, removes from this state is entitled to classification as an in-state student until attainment of the degree for which currently enrolled, as long as such person maintains continuous attendance.
5. A person who is a member of the armed forces of the United States and who is stationed in this state pursuant to military orders or who is the spouse or a dependent child of a person who is a member of the armed forces of the United States and who is stationed in this state pursuant to military orders is entitled to classification as an in-state student. The student does not lose in-state student classification while in continuous attendance toward the degree for which he or she is currently enrolled.
6. A person who is a member of the armed forces of the United States or the spouse or a dependent of a member of the armed forces of the United States is entitled to classification as an in-state student if the member of the armed forces has claimed this state as the person's state of home record for at least twelve consecutive months before the member of the armed forces, spouse or dependent enrolls in a university under the jurisdiction of the Arizona Board of Regents or a community college under jurisdiction of a community college district governing board. For purposes of this subsection, the requirement that a person be domiciled in this state for one year before enrollment to qualify for in-state student classification does not apply.
7. Immediate classification as an in-state student shall be granted to a veteran who meets the provisions of Arizona statute HB 2091, paragraph G, which reads: G. A person holding an honorable discharge from the uniformed services of the United States from either active duty or reserve or national guard status, or who has retired from active duty or reserve or national guard status, shall be granted immediate classification as an instate student and, while continuously enrolled, does not lose instate student classification if the person has demonstrated objective evidence of intent to be a resident of Arizona that, for the purposes of this section, includes at least one of the following:
  1. Registration to vote in this state.
  2. An Arizona driver license.
  3. Arizona motor vehicle registration.
  4. Employment history in Arizona.
  5. Transfer of major banking services to Arizona.
  6. Change of permanent address on all pertinent records.

7. Other materials of whatever kind or source relevant to domicile or residency status.
8. A veteran using Chapter 30 or 33 benefits who does not otherwise qualify under item 7 above (paragraph G of PL 2091), or a veteran's dependent or spouse who is using transferred Post-9/11 GI Bill® (Chapter 33) benefits or the Marine Gunnery Sergeant John David Fry Scholarship, may be eligible for immediate classification as an in-state student if he/she meets the provisions of Arizona statute HB 2091, paragraph H: h. A person who, while using educational assistance under 38 United States Code Chapter 30 or Chapter 33, enrolls in a university under the jurisdiction of the Arizona Board of Regents or a community college under the jurisdiction of a community college district governing board within three years after the veteran's discharge from active duty service of ninety or more days or within three years after the service member's death in the line of duty following a period of active duty service of ninety or more days or who remains continuously enrolled beyond the three-year period following the discharge of the veteran or the service member's death shall be granted immediate classification as an in-state student and does not lose in-state student classification if the person has demonstrated objective evidence of intent to be a resident of this state that, for the purposes of this section, includes at least one of the following:  
Students are required to submit the following:

1. Certificate of eligibility letter from the VA Awarding Chapter 30 or 33 benefits or the Fry scholarship, or the Dept. of Defense document approving the transfer of CH. 33 benefits
2. DD-214 proving a minimum of 90 days service and no more than 3 years since discharge or since death of veteran
3. Students must also provide at least one of the following:
  - A. Registration to vote in this state.
  - B. An Arizona driver license.
  - C. Arizona motor vehicle registration.
  - D. Employment history in Arizona.
  - E. Transfer of major banking services in Arizona.
  - F. Change of permanent address on all pertinent records.
  - G. Other materials of whatever kind or source relevant to domicile or residency status.

*GI Bill® is a registered trademark of the U.S. Department of Veterans Affairs (VA). More information about education benefits offered by VA is available at the official U.S. government Web site at <https://www.benefits.va.gov/gibill>.*

9. Per Arizona state law, a person who is honorably discharged from the armed forces of the United States on either Active Duty or Reserve or National Guard Status, or who has retired from Active Duty or Reserve or National Guard Status, shall be granted immediate classification as an in-state student on honorable discharge from the armed forces and, while in continuous attendance toward the degree for which currently enrolled, does not lose in-state student classification if the person has met the following requirements:

- A. Registered to vote in this state.
- B. Demonstrated objective evidence of intent to be a resident of Arizona which, for the purposes of this section, include at least one of the following:

1. An Arizona driver license

2. Arizona motor vehicle registration
3. Employment history in Arizona
4. Transfer of major banking services to Arizona
5. Change of permanent address on all pertinent records
6. Other materials of whatever kind or source relevant to domicile or residency status

10. A student using any VA educational benefits who does not otherwise qualify under items above shall be granted immediate classification as an in-state student, and while continuously enrolled does not lose in-state student classification if the person has demonstrated objective evidence of intent to be a resident of Arizona that for the purposes of this section, includes at least one of the following:

1. Registration to vote in this state
2. An Arizona driver license
3. Arizona motor vehicle registration
4. Employment history in Arizona
5. Transfer of major banking services to Arizona.
6. Change of permanent address on all pertinent records
7. Other material of whatever kind or source relevant to domicile or residency status.

11. A person who is a member of an Indian Tribe recognized by the United States Department of the Interior whose reservation land lies in the state and extends into another state and who is a resident of the reservation is entitled to classification as an in-state student.

ii. Alien In-State Student Status

1. An alien is entitled to classification as an in-state refugee student if such person has been granted refugee status in accordance with all applicable laws of the United States and has met all other requirements for domicile.
2. In accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208; 110 Stat. 3009-546), a person who was not a citizen or legal resident of the United States or who is not lawfully present in the United States is not entitled to classification as an in-state student pursuant to ARS §15-1802 or entitled to classification as a county resident pursuant to ARS §15-1802.01. A student will be assessed out-of-state tuition until such time that documentation of lawful presence is received in the Office of Admissions and Records/Enrollment Services and (eligibility for) residency is confirmed. Documentation must be provided prior to the end of the term in which residency classification is being requested. Documentation received after the end of term will be used for residency determination in subsequent terms.
3. In establishing domicile, the alien must not hold a visa that prohibits establishing domicile in the United States and this state. After meeting other domicile requirements, students holding valid, unexpired visas in the following categories may be classified as in-state students (See Appendix S-1A):
  - A**=Foreign Government Official or Adopted Child of a Permanent Resident
  - E**=Treaty Traders
  - G**=Principal Resident Representative of Recognized Foreign Member Government to International Staff
  - H**=H1B AND H4
  - K**=Spouse or Child of Spouse of a US Citizen, Fiancé or Child of Fiancé of US Citizen
  - L**=Intracompany Transferee or Spouse or Child

**N6=NATO-6**

**U, T=Victim of Criminal Activity**

**V=Spouses and Dependent Children of Lawful Permanent Residents**

4. Students who hold a current visa and have submitted an I-485 to U.S. Citizenship and Immigration Services (USCIS), may establish residency if other domicile requirements have been met. Residency eligibility for I-485 applicants may be considered one year after the date on the USCIS Notice of Action letter (I-797) confirming application for permanent resident status provided their prior visa status is one that allows the visa holder to establish domicile in the United States. Students must provide required residency documentation in addition to the (I-797) Notice of Action for residency consideration. In establishing domicile, the alien must be in a status that does not prohibit establishing domicile in this state for at least one year immediately preceding the official starting date of the semester. Exception: In the event that an alien student's parent is allowed to claim the student as an exemption for state or federal tax purposes (3C.1.2.A) (E.G., The student is under 23 and not emancipated), the student's residence is deemed to be the same as the parent's. If the parent holds a visa that is not listed in section 3 above, he or she would not be eligible to establish residency. In such circumstances, the student would likewise be barred notwithstanding his or her own filing of an I-485.

5. Students who hold a current or expired visa and have applied for a change of status will retain their immigration status based on their prior visa status and not the status or visa for which they are applying.

### III. Proving lawful presence in the United States

All applicants for in-state tuition (and other public benefits) must first show at least one of the following documents in accordance with ARS §1-502 to demonstrate that they are lawfully present in the United States by presenting to the Registrar at least one of the following documents:

- H. An Arizona Driver's license issued after 1996 or an Arizona non-operating identification license or an Arizona Instruction Permit
- I. A birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States (A hospital record/certificate and certified Abstract of Birth are not acceptable).
- J. A United States certificate of birth abroad.
- K. A United States Passport.
- L. A Foreign Passport with a United States Visa.
- M. An I-94 Form with a Photograph.
- N. An appropriately designated United States Citizenship and Immigration Services Employment Authorization (Work Permit) or Refugee Travel Document [as listed on the Employee Authorization Document Chart].
- O. A United States Permanent Resident Card
- P. A United States Certificate of Naturalization.
- Q. A United States Certification of Citizenship.
- R. A Tribal Certificate of Indian Blood.
- S. A Tribal or Bureau of Indian Affairs Affidavit of Birth.

Tribal Members\*, the Elderly and "Persons with Disabilities or incapacity of the mind or body," may submit certain types of documents under Section 1903 of the Federal Social Security Act (42 UNITED STATES CODE 1396B, As Amended By Section 6036 Of The Federal Deficit Reduction Act of 2005)\*\*

\* A document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe.

\*\* If you think that this may apply, please contact the Legal Services Department for assistance.

#### IV. Presumptions Relating to Student Status

Unless there is evidence to the contrary, the registering authority of the community college or university at which a student is registering will presume that:

1. No emancipated person has established a domicile in this state while attending any educational institution in this state as a full-time student, as such status is defined by the community college district governing board or the Arizona Board of Regents, in the absence of a clear demonstration to the contrary.
2. Once established, a domicile is not lost by mere absence unaccompanied by intention to establish a new domicile.
3. A person who has been domiciled in this state immediately before becoming a member of the armed forces of the United States shall not lose in-state status by reason of such person's presence in any other state or country while a member of the armed forces of the United States.

#### V. Proof of Residency

When a student's residency is questioned, the following proof will be required.

##### 1. In-State Residency

- a. An affidavit signed by the student must be filed with the person responsible for verifying residency.
- b. ~~Any~~ **A COMBINATION** of the following may be used in determining a student's domicile in Arizona:
  1. Arizona income tax return
  2. Arizona Voter registration
  3. Arizona Motor Vehicle registration
  4. Arizona Driver's license
  5. Employment history in Arizona
  6. Place of graduation from high school
  7. Source of financial support
  8. Dependency as indicated on federal income tax return
  9. Ownership of real property
  10. Notarized statement of landlord and/or employer
  11. Transfer of major banking services to Arizona
  12. Change of permanent address on all pertinent records
  13. **ARIZONA DEPARTMENT OF CHILDREN SERVICES DOCUMENTS RELATED TO FOSTER CARE PLACEMENT**
  14. Other relevant information

##### 2. County Residency

A combination of the following may be used to determine a student's county residency:

1. Notarized statements of landlord and/or employer
2. Source of financial support
3. Place of graduation from high school
4. Ownership of real property
5. Bank accounts
6. Arizona income tax return
7. Dependency as indicated on a Federal income tax return
8. Other relevant information

#### D. Concurrent Enrollment in Arizona Public Institutions of Higher Education (ARS §15-1807) (See [Appendix S-3](#))

Under Arizona Revised Statutes §15-1807, it is unlawful for any non-resident student to register concurrently in two or more public institutions of higher education in this state including any university, college or community college for a combined student credit hour enrollment of more than six (6) credit hours without payment of non-resident tuition at one of such institutions. Any non-resident student desiring to enroll concurrently in two or more public institutions of higher education in this state including any university or community college for a combined total of more than six (6) credit hours who is not subject to non-resident tuition at any of such institutions shall pay the non-resident tuition at the institution of his choice in an amount equivalent to non-resident tuition at such institution for the combined total of credit hours for which the non-resident student is concurrently enrolled.

AMENDED through the Administrative Regulations Approval Process, June 30, 2020

AMENDED through the Administrative Regulations Approval Process, November 5, 2019

AMENDED by Direct Approval from the Chancellor, September 17, 2018

AMENDED by Direct Approval from the Chancellor, August 30, 2017

AMENDED by Direct Approval from the Chancellor, August 30, 2015

AMENDED by Direct Approval from the Chancellor, May 20, 2015

### 2.2.3 Other Admission Information

#### 1. Veterans

By Arizona statute, any failing grades from any Arizona university or community college that were received prior to military service will not be used to determine admission to the community college for the honorably discharged veterans with two years' service in the armed forces of the United States. Students admitted or readmitted to the community college under this statute are subject to progression, retention, graduation and other academic regulations and standards. (See [Withdrawal - Appendix S-7](#))

#### 2. Ability to Benefit

- A. Federal guidelines require that students who are applying for financial aid demonstrate the ability to benefit. Under federal law, a student who enrolls after June 30, 2012, must be a high school graduate, have a GED certificate, or have completed a secondary school education in a home school setting that is treated as a home school or private school under state law, be admitted as a regular student, and be pursuing an eligible degree or certificate to qualify for federal financial assistance under Title IV of the Higher Education Act.
- B. For student enrolled prior to July 1, 2012, an evaluation during the admission process resulted in the student being admitted to the college with the status of Regular, Regular with Provisional Requirements or Special.
  - i. "Regular" status, for the purpose of 2.2.3.2, is granted to an individual admitted to the college who is a high school graduate, has a GED certificate, or has completed a secondary school education in a home school setting that is treated as a home school or private school under state law. A student without a high school diploma or GED certification and beyond the age of compulsory high school attendance may be a regular status student if the student has been assessed to benefit from college instruction by receiving qualifying scores on approved assessment instruments. All regular status students must be pursuing a degree/certificate in an eligible program.
  - ii. "Regular with Provisional Requirements" status, for the purpose of 2.2.3.2, is granted to a student admitted to the college who is not a high school graduate, does not have a GED certificate, is beyond the age of compulsory high school attendance, or has completed a secondary school education in a home school setting that is treated as a home school or private school under state law, but has been assessed to benefit from college instruction and is pursuing a degree/certificate in an eligible program.
  - iii. "Special" status, for the purpose of 2.2.3.2, is granted to a student admitted to the college for concurrent enrollment or pursuing one or more courses of special interest and who meets all the requirements for admission.

#### 3. Transcripts

The Maricopa Community Colleges reserve the right to require an official transcript for admission to specific programs, for verification of course requisites and for determination of academic standing. The official transcript must be sent directly from the source institution to the college Admissions and Records Office/Office of Student Enrollment Services. The official transcripts may be sent via a secured website. Please contact the Admissions Office of The Maricopa College you plan to attend to verify which secure websites may be valid.

It is the student's responsibility to ensure that official transcripts have been received and are complete.

Students entering as high school graduates may be required to submit high school transcripts. Please contact the Admissions Office of the Maricopa College you plan to attend for more information on preparing a home-schooled official transcript. Students entering as GED recipients may be required to present a copy of the high school equivalency certificate or official report of qualifying GED scores.

#### 4. Educational Assessment

All students are encouraged to undergo an educational assessment to determine course placement. Prospective students who do not possess a high school diploma or GED equivalence certificate are required to complete an educational assessment to determine their ability to benefit from college instruction. See Student Course Placement Process (AR 2.2.7)

#### 5. High Pressure Recruitment Tactics

The Maricopa County Community College District prohibits its employees from engaging in high-pressure recruitment tactics or in providing to any person or entity engaged in student recruitment, admission activity, or in making decisions regarding the award of Title IV, HEA funds, any commissions, bonuses, or other incentive payments based, in any part, directly or indirectly upon successfully securing enrollments or the awarding of financial aid.(34 CFR 668.14(A)(22)(I)).

AMENDED through the Administrative Regulations Approval Process, October 23, 2019

AMENDED through the Administrative Regulations Approval Process, June 5, 2017

### 2.2.4 Transfer Credit and Prior Learning Assessment Policy

#### TRANSFER CREDIT

A student enrolling at one of the Maricopa Community Colleges after having attended other post-secondary institutions can have coursework evaluated for transfer credit. To be eligible for evaluation, coursework must appear on official transcripts from the source institutions. The official transcripts must be mailed or sent through an approved electronic transfer method directly from the source institutions to the Admissions and Records/Enrollment Services Office of the receiving institutions. Hand-carried and emailed transcripts cannot be accepted for an official evaluation. Students should allow approximately 10 days before confirming with your Maricopa Community College that the transcript(s) was received. The Admissions and Records/Enrollment Services office at the receiving institutions will complete course-by-course evaluations for all submitted transcripts upon student request. The award of transfer credit shall not express or imply that all transfer credit will be fully accepted or applied toward all Maricopa associate's degree and certificate requirements.

The Maricopa Community Colleges will evaluate coursework from institutions listed in the *database of institutions and programs accredited by recognized U.S. accrediting organizations* at the time the coursework was taken. To be "recognized" means that the accreditors in the database have been reviewed by the Council for Higher Education Accreditation (CHEA) or by the U.S. Department of Education (USDE) or both and meet the quality standards of the respective organizations.

College-level courses completed outside the United States and recorded on official transcripts will be evaluated for transfer credit, provided that the institution where the courses were taken is accredited by the Ministry of Education in that country. It is the student's responsibility to submit all foreign and international transcripts to an approved international credential evaluation service to be translated into English (when applicable), evaluated on a course-by-course-basis, and sent directly to the receiving college(s). Contact your College Admissions and Records/Enrollment Services Office to obtain a list of recommended evaluation services.

#### CONDITIONS OF TRANSFER CREDIT:

- ~~The coursework was earned with a grade of "C" or better.~~ CREDITS TRANSFERRED FROM OUTSIDE OF MCCCC GRADED ON A PLUS/MINUS GRADING SCALE ARE CONVERTED BASED ON THE GRADING SCALE OF THE TRANSFERRING INSTITUTION. ONLY COURSES WITH A GRADE OF "C" (2.0 ON A 4.0 SCALE) OR BETTER ARE TRANSFERABLE. Course credit below 100 level, earned at an MCCCC Institution prior to August 2020 or at a sending institution, cannot be used to calculate grade level.
- Developmental coursework below 100-level is accepted for the purpose of fulfilling course prerequisites. However, the credit does not apply toward a degree or certificate, and it does not transfer to another postsecondary institution. It does, however, get added to the Transfer Credit Report as part of the evaluation.
- Courses with different credit systems (quarter hours, units) are converted to semester hours of credit. The semester conversion of quarter credits is at a rate of .67 semester credit hours for each quarter hour.



- The age of credit may be considered in applying credit toward degrees and certificate programs.

### REVERSE TRANSFER OF CREDIT

In an effort to assist former Maricopa students who have transferred to a university, the Maricopa Community Colleges offer reverse transfer of credit with participating universities. Former Maricopa students may use this opportunity to fulfill previously incomplete coursework requirements. Interested students at participating universities must meet university criteria to qualify for free transcript exchange when available. Participation in reverse transfer of credit does not guarantee coursework applicability or degree or certificate eligibility. Students participating in reverse transfer of credit must meet all curriculum and college requirements.

### PRIOR LEARNING ASSESSMENT (PLA)

The Maricopa Community Colleges are committed to the idea that people deserve credit for college-level learning, no matter how it was acquired. Many people have developed learning outside of the traditional classroom. This evaluation of credit is referred to as Prior Learning Assessment, or PLA. Prior Learning can be identified and assessed in a variety of ways to determine if college credit should be awarded. PLA credit may be awarded if the following standards have been met:

- Student has been admitted to the college.
- Student has declared a pathway (certificate or degree).
- The learning is college level and verifiable.
- PLA credit may be applied toward a degree program, certificate, general education requirements, concentration, and general electives that count toward the student's elected pathway. Some restrictions may apply depending on the specific program of study.
- PLA credit may satisfy prerequisite requirements using the same policy that applies to other course equivalencies.
- All work assessed for PLA credit was earned with a grade of "C" or better.

Students may be awarded no more than 30 credit hours through Prior Learning Assessment, unless required by a specific program of study within the Maricopa Community Colleges. Exceptions include evaluated credit from post-secondary institutions and military credit as indicated on joint service transcripts. Credit awarded for Prior Learning does not count as hours in residence for graduation requirements. Exceptions may be granted at some of the Maricopa Community Colleges for unique programs of study. No more than 20 credit hours may be applied to the Arizona General Education Curriculum (AGEC). Please direct questions about Prior Learning Assessment at the Maricopa Community Colleges to the Admissions and Records/Enrollment Services Office.

### PRIOR LEARNING ASSESSMENT FEE SCHEDULE

No fees are assessed by the college for the following types of Prior Learning Assessment: Transfer credit from ~~regionally or non-regionally accredited~~ **NATIONALLY RECOGNIZED** institutions, **INTERNATIONAL COURSEWORK THAT HAS BEEN OFFICIALLY EVALUATED BY A FOREIGN EVALUATOR SERVICE (SUCH AS EDUCATIONAL CREDENTIAL EVALUATORS)**, standardized college-level exams (such as CLEP, AP, IB, DSST, CIE), GED exams, Military Transcripts, ACE (American Council On Education) transcripts, credit received through **ORGANIZATIONS AND** companies that offer nationally recognized credit evaluated by ACE, NCCRS, etc. (Straighterline, NOCTI, Study.Com, etc.), **INDUSTRY RECOGNIZED CREDENTIALS** ~~international coursework that has been officially evaluated by a Foreign Evaluator Service (such as Educational Credential Evaluators)~~, and Skill Center and ~~or~~ clock hour transcripts.

Departmental Challenge Exam and Credit By Evaluation

~~See Tuition and Fees Schedule~~

### **CREDIT BY EXAM (COLLEGE-LEVEL EQUIVALENCY EXAMINATIONS)**

ACE has published credit recommendations for a number of national standardized examinations such as the ones listed below in the *Guide to Educational Credit by Examination*. The Maricopa Community Colleges use these recommendations as guidelines to award credit for equivalent coursework as well as elective credit. The number of credits listed in the *ACE Guide* are recommendations only. A college is not required to grant a student the number of credits recommended.

Scores must be sent directly to the Admissions and Records/Enrollment Services Office from the specific testing company(IEs) before credit is awarded; equivalencies are subject to review and change. Credit received through Prior Learning Assessment is transferable within the Maricopa Community Colleges but is not necessarily transferable to other colleges and universities. Therefore, students are strongly advised to research the credit for Prior Learning Assessment policies at any college or university outside of the Maricopa Community Colleges to which they plan to transfer. Credit by exam is awarded based on equivalencies in effect at the time of evaluation. Changes to exams and scores are determined by the respective Maricopa Instructional Councils (ICS) and/or Statewide Articulation Task Forces (ATFS).

#### **Maricopa recognizes the following examinations:**

- Advanced Placement (AP)
- American College Testing Proficiency Examination Program (ACT-PEP)
- Cambridge International Exams (CIE), A and AS LEVEL
- College-Level Examination Program (CLEP)
- Departmental Exams (also known as “Challenge Exams”)
- Defense Activity For Non-Traditional Education Support [DANTES] Subject Standardized Tests (DSST)
- GED, College Ready + Scores
- International Baccalaureate (IB) Diploma/Certificate
- Pearson VUE Exams

Fees for standardized exams are the responsibility of the student.

[Current list of exams and scores.](#)

### **ADVANCED PLACEMENT (AP) CREDIT**

Students who have taken an advanced placement course of the College Entrance Examination Board (CEEB) in their secondary school and who have taken an advanced placement examination of the CEEB may receive course credit. Scores must be received directly from CEEB to Admissions and Records/Enrollment Services before credit is awarded.

### **AMERICAN COLLEGE TESTING PROFICIENCY EXAMINATION PROGRAM**

The Maricopa Community Colleges may award credit for the American College Testing Proficiency Examination Program (ACT-PEP) based on the scores earned to Admissions and Records/Enrollment Services.

### **CAMBRIDGE INTERNATIONAL EXAMINATIONS (CIE) A AND AS LEVEL**

Students who have taken a Cambridge International Examination may receive college credit. Scores must be received directly from CIE to Admissions and Records/Enrollment Services before credit is awarded.

### **COLLEGE LEVEL EXAMINATION PROGRAM (CLEP)**

Students who have taken a college level examination of the College Entrance Examination Board (CEEB) may receive college credit. Scores must be received directly to Admissions and Records/Enrollment Services from CEEB before credit is awarded.

Estrella Mountain Community College, Rio Salado College, Paradise Valley Community College, and Mesa Community College are CLEP test sites. For more information on registering for the CLEP examinations, contact the Testing Centers at these colleges.

### **DEPARTMENTAL EXAMS (ALSO KNOWN AS CHALLENGE EXAMS)**

Students may apply for departmental credit by examination in certain courses by obtaining the appropriate form in the Admissions and Records Office, paying the required fee, and completing the examination and other requirements of the college. See fee schedule for appropriate fees. Students may not request:

- To challenge a course a second time;
- To challenge a course while currently enrolled in the course;
- To establish credit in a previously completed course; and
- To establish credit for a lower level of a course in which credit has been received.

#### **ADDITIONALLY:**

- Exceptions may be granted at some of the Maricopa Community Colleges for their unique programs of study. specialized programs may allow courses to be repeated due to the student needing to have recent knowledge of the content in order to progress in the program.
- Academic departments may have additional requirements that must be met before credit may be granted through departmental credit by examination.
- Only grades of A, B, C, D or P earned as a result of this examination will be recorded on the student's transcript. Fees are not refundable after the examination has been administered, regardless of results.
- When credit is granted as outlined above, a notation of "Credit by Examination," a grade and the number of credits will appear on the student's transcript. The grade is used in computing the grade point average.

### **DSST (FORMERLY DEFENSE ACTIVITY FOR NON-TRADITIONAL EDUCATION SUPPORT OR DANTES)**

The Maricopa Community Colleges may award credit for DSST Examination Program to individuals who meet or exceed the ACE recommended scores for awarding credit on the DSST exams. The Maricopa Community Colleges do not award credit for ENG 102 through DSST examination. Credit received through DSST is transferable within the Maricopa Community Colleges, but is not necessarily transferable to other colleges and universities.

The Assessment Center at Rio Salado College is a DSST test site. For additional information on registering for DSST examinations, call (480) 517-8560.

Students who have taken a DSST examination may receive college credit. Scores must be received directly from DSST before credit is awarded.

### **GED EXAMS**

The Maricopa Community Colleges may award credit for GED subject area scores designated as College Ready + in accordance with the ACE recommended scores. The transcript needs to be sent directly by the Department of Education to the Admissions and Records Office /Enrollment Services in order to be awarded credit. **DISCLAIMER: TEST SCORES ARE CONTINUALLY REVIEWED AND MAY BE UPDATED AT ANY TIME.**

### **EDUCATIONAL EXPERIENCES IN THE ARMED SERVICES**

The Maricopa Community Colleges may award credit for military experiences based on the ACE Guide to the Evaluation of Educational Experiences in the Armed Services. A student may receive college credit if:

- Training parallels a discipline area offered through the Maricopa Community Colleges, and
- Credit meets a program requirement or is used as elective credit.

Upon request, individuals who have successfully completed basic training, four (4) credit hours in physical education will be awarded as indicated in the ACE Guide and the Community College of the Air Force Catalog. Official documentation of military training is required.

### **INTERNATIONAL BACCALAUREATE (IB) DIPLOMA/CERTIFICATE**

Students who present an international baccalaureate diploma/certificate may qualify for college credit. Maricopa grants credit for college-level courses only. Scores must be received directly from the institution where the exams were administered before credit is awarded.

### **CREDIT BY EVALUATION**

#### **COLLEGE CREDIT RECOMMENDATION SERVICE**

ACE evaluates training programs offered by business, industry, and government and publishes its credit recommendations in *The National Guide*. If a student has received training that appears in the guide, he or she may receive college credit if:

- Training parallels a discipline area offered through the Maricopa Community Colleges, and
- Credit meets a program requirement or is used as elective credit.

### **DEPARTMENTAL CREDIT BY EVALUATION**

Students may apply for Departmental Credit by Evaluation in certain courses by obtaining the appropriate form in the Admissions and Records /Enrollment Services Office. The completed Credit by Evaluation form and the required fees are due to the college when the Credit by Evaluation request is submitted.

Some academic departments may have additional requirements that must be met before credit may be granted through Departmental Credit by Evaluation. When credit is granted a notation of "Credit by Evaluation," and the number of credits will appear on the student's transcript. These credits are not used in computing the grade point average. Credit by Evaluation is transferable within the Maricopa Community Colleges, but is not necessarily transferable to other colleges and universities. Students may not request:

- To challenge a course a second time;
- To challenge a course while currently enrolled in the course;
- To establish credit in a previously completed course; and
- To establish credit for a lower level of a course in which credit has been received.

### **PLA AND TRANSFER DISCLAIMER**

**IF PURSUING A TRANSFER DEGREE (AA, ABUS, AS, AAEE, AAFA, OR ARTICULATED ACADEMIC DEGREE PROGRAM), TRANSFER CREDIT AND PLA WILL BE GRANTED FOR THE PURPOSE OF SATISFYING MARICOPA GRADUATION REQUIREMENTS. BECAUSE CREDITS MAY NOT TRANSFER TO ALL COLLEGES OR UNIVERSITIES, CONTACT YOUR TRANSFERRING INSTITUTION TO DETERMINE THEIR TRANSFER CREDIT AND PLA REQUIREMENTS AND POLICIES.**

**AMENDED through the Administrative Regulations Approval Process, June 30, 2020**

**AMENDED through the Administrative Regulations Approval Process, November 5, 2019**

**AMENDED by Direct Approval from the Chancellor, August 10, 2018**

**AMENDED by Direct Approval from the Chancellor, May 8, 2018**

**AMENDED by Direct Approval from the Chancellor, June 28, 2017**

**AMENDED through the Administrative Regulations Approval Process, June 5, 2017**

**AMENDED by Direct Approval from the Chancellor, January 4, 2017**

## **2.2.6 Academic Advising, New Student Orientation, and Student Success Course**

### **1. Academic Advising**

Students who will be attending college for the first time, and intend to earn an Associate's degree or to transfer to a college/university to complete a Bachelor's degree, will be required to meet with an academic advisor prior to the start of their first semester at a MCCCCD college.

i. Recent high school students who received MCCCCD credits through Dual/Concurrent Enrollment, ACE, Hoop of Learning, or any MCCCCD Early Outreach Program are considered first time to college.

## 2. New Student Orientation

Students who will be attending college for the first time, and intend to earn an Associate's degree or to transfer to a College/university to complete a Bachelor's degree, will be required to attend New Student Orientation prior to the start of their first semester at a MCCCCD College.

i. Recent High School students who received MCCCCD credits through Dual/Concurrent Enrollment, ACE, Hoop of Learning, or any MCCCCD Early Outreach Program are considered first time to college.

## 3. Student Success Course

Students who will be attending college for the first time, and intend to earn an associate's degree or transfer to a college/university to complete a bachelor's degree will be required to successfully complete a college success course (CPD150 or CPD115/AAA115) within the first two semesters at a MCCCCD college, unless they have completed high school within the last 10 years with a cumulative, unweighted grade point average of 2.6 or above. colleges have the leeway to determine if a student who is not first-time or enters with a cumulative grade point average of 2.6 or higher should have the college success course (CPD150 or CPD115/AAA115) added to their program requirements.

**AMENDED by Direct Approval from the Chancellor, April 16, 2020**

**AMENDED through the Administrative Regulations Approval Process, June 4, 2019**

## 2.2.7 Student Assessment and Course Placement

### 1. Course Placement

A. Students who plan to register in English, Reading, or Math will be advised to enroll into courses based on valid District-approved placement methods.

B. Students who place into course(s) that are below college-level (i.e., below 100-level) will be advised to enroll into the course(s) within the first two semesters.

C. A department/division chair or designee may grant a course placement waiver under special circumstances. The signed waiver will be noted on the student's electronic record. The process may also be done electronically without a signature if supported by the attending college.

D. Course placement will be determined utilizing the district placement options under any one of the following conditions:

- i. The student is taking his or her first college credit English, reading or math course, or any college course for which English, reading or math is a prerequisite.
- ii. The student is pursuing a degree or transfer pathway and does not have current valid District approved course placement on file or does not have previous college credit in English, reading and math.
- iii. The student for whom English is not the primary language and who is taking his or her first English as a Second Language class is required to take a test of English proficiency.

E. Students will be exempt from the course placement process if at least one of the following conditions apply:

- i. The student has earned an associate or higher degree from a regionally accredited college.
- ii. The student has earned college credits from a regionally accredited college in English, reading, and math with a grade of C or higher.
- iii. The student has currently valid District approved course placement scores on file.

- iv. The student who is exempt from the course placement process must still fulfill the minimum graduation requirements.

## **2. Determining Course Placement**

Maricopa County Community Colleges use multiple placement options. In cases, when a course placement test is given, scores will be valid for two years. Other placement methods will also have limited time validity. For additional information, go to [PLACEMENT](#).

- A. Reading placement test scores that indicate “exempt from CRE101” do not expire.
- B. Students will be permitted one re-test in English, reading, or by math level after at least a 24-hour waiting period. One additional re-test is permitted no sooner than three months from the oldest valid score date at any course placement testing site.
- C. The Vice President of Student Affairs or designee may approve re-testing for students with special needs or circumstances. The re-test date will then serve as the date of record.

## **3. Implementation of Policy**

To ensure consistency of the course placement process within the Maricopa Community Colleges:

- A. All colleges shall accept the same approved course placement methods.
- B. All colleges shall adhere to the same approved placement scores.
- C. All colleges shall adhere to the approved limited time validity for each course placement method. for more information, go to: [PLACEMENT](#).
- D. Reading Placement Scores that Indicated “Exempt from CRE101” Do Not Expire.

## **4. Evaluation**

The Maricopa Community Colleges will provide an ongoing evaluation of the course placement process. An annual report shall be submitted to the Governing Board to indicate the policy's effectiveness noting the number of students assessed, their placement scores and their success in courses. Every three years a thorough review of the policy and procedures shall be implemented, including recommendations from the English, Reading and Math Instructional Councils regarding cut-off scores, course placement assessment tools and procedures.

**AMENDED through the Administrative Regulations Approval Process, June 4, 2019**

### **2.2.8 Registration**

Students must register according to the dates indicated, and in the manner described in the college class schedule. To be eligible for registration, students must have completed the appropriate steps listed under the Admissions section. The college may allow early or priority registration. Tuition and fees must be paid or payment arrangements made by the due date to secure class enrollment. Students may not attend a class for which they are not registered.

The colleges reserve the right to enroll students in courses. The final decision for admission to any class for students admitted under section 2 of AR 2.2.1 will be determined by the designated college administrator in consultation with the department chairperson and/or faculty.

Class Registration Deadlines:

- 1. For classes with published start dates and meeting times, registration in the class must be completed before the first official class meeting date and time. Students may not register for a class once it has started. Self-Service registration for a class through [my.maricopa.edu](http://my.maricopa.edu) will end at 11:59 PM on the day before the class starts. Registration for a class on the date it starts must be done in person or on the phone, and must be completed before the class start time.
- 2. For classes without published meeting times (for example, online classes, special projects), registration in the class must be completed by 11:59 PM on the day before the class starts.
- 3. Exceptions
  - a. Exceptions to class registration deadlines require permission of appropriate instructor(s) and approval of the appropriate department/division chair or designee.
  - b. Exceptions are limited to
    - i. Courses requiring permission of instructor
    - ii. Courses requiring auditions or try-outs

- iii. Courses for Special Populations or Cohorts
- iv. Enrollment in an alternative section of a course taught by the same instructor
- v. Enrollment in an alternative section of a course taught by a different instructor
- vi. Course level changes
- vii. Students dropped for non-payment during the 100% refund period may be reinstated if they attended since the first class meeting.
- viii. Students dropped due to Human or system errors may be reinstated if they attended the first class meeting.
- ix. Other exceptions may be granted after faculty consultation with the student.

### 2.2.9 Tuition and Fees Policy

Tuition and fees are public monies within the jurisdiction and responsibility of the Maricopa Community Colleges Governing Board under the laws and regulations of the State of Arizona and must be administered by the Governing Board. The Governing Board reserves the right to change tuition and fee charges when necessary without notice. All students are classified for tuition purposes under one of the following residency classifications:

- 1. Maricopa County resident
- 2. Out-of-County resident
- 3. Out-of-State resident (including F-1 non-immigrant students)

Residency for tuition purposes is determined in accordance with state law (ARS §§15-1801 et seq.) and regulations of the Maricopa Community Colleges Governing Board. All of the Maricopa Community Colleges are subject to the above statutes and regulations. Students who have questions about their residency should contact the Admissions and Records Office/Office of Student Enrollment Services for clarification.

Students attending more than one Maricopa Community College will be assessed fees for their enrollment at each of the Maricopa Community colleges/centers. (Students who are considered to be out-of-state residents for tuition and fees purposes should refer to Appendix S-3, Concurrent Enrollment in Arizona Public Institutions of Higher Education.)

#### 1. Time of Payment\*

All tuition, fees, assessments and deposits must be paid at the time of registration or by the specified deadline date and in accordance with the fee schedule approved by the Maricopa Community Colleges Governing Board.

#### 2. Tuition and Fees Schedule (Effective July 1, 2018 for fall, spring and summer Sessions)\*

Current information can be found at <https://district.maricopa.edu/regulations/admin-regs/appendices/students/s-4>

The following is a tuition and fees schedule for 2018-2019 and is provided for reference. ***These tuition and fees are subject to change.*** Consult the college's Admissions and Records Office/Office of Student Enrollment Services for course fees in effect during the semester/term in which you intend to register. See [Appendix S-4](#).

**Amended by Direct Approval from the Chancellor, November 21, 2018**

### [Appendix S-4: Tuition & Fee Schedule - Tuition Discounts for 2020-2021 Academic Year](#)

#### A. Determine Student Residency Status

Refer to admissions information ([AR 2.2.2](#)) of the college catalog for residency information and to review the requirements for classification as a Maricopa county resident. Contact the Admissions and Records Office/Office of Student Enrollment Services if you have questions about residency requirements.

#### B. Use the Chart to Locate Tuition Charges

Determine the correct column based on your residency status and then select the number of credit hours. The general tuition chart is provided for reference only.

#### C. Add Any Additional Fees

A one-time, per semester \$15 registration fee is due by the official start of the term (semester) or by the specified due date or at time of registration.

#### D. There may also be additional course fees for classes, please refer to the college schedule for course fees.

#### E. If you choose to audit a class, add an additional fee of \$25 per credit hour.



- F. Additional course fees may apply for specific courses. Check with the college's Admissions and Records Office/Office of Student Enrollment Services for a current listing of course fees.
- G. Pay Your Fees  
Payment of fees may be made by cash, check, money order, VISA, MasterCard, Discover or American Express. Payment Plan options are also available.

*NOTE: If you do not pay your tuition and fees at the time of registration or by the specified due date, you may be dropped from your classes and may be responsible for the tuition and fees based on the refund schedule which outlines the refund deadlines for each course.*

#### **Skill Center Tuition Rates**

|                   |                       |
|-------------------|-----------------------|
| Regular           | \$5.00 per clock hour |
| Nursing Assistant | \$6.00 per clock hour |
| Practical Nursing | \$6.00 per clock hour |

**Amended through the Administrative Regulations Approval Process, May 5, 2017**

#### **Credit by Examination & Credit by Evaluation (excludes Allied Health courses)**

|               |                         |
|---------------|-------------------------|
| Regular Rate  | \$85.00 per credit hour |
| Contract Rate | \$42.50 per credit hour |

### **3. Outstanding Debts**

Any debt or returned check may revoke a student's current enrollment and the student's right to register in subsequent semesters at all Maricopa Community Colleges. Delinquent debts may require penalties, late charges, collection costs, and/or legal fees to be paid before good standing is restored to the student.

The following procedure will be used for the collection of returned checks and other outstanding debts:

- A. The designated college official or fiscal officer is responsible for:
  - i. Verifying the student's district wide debt,
  - ii. Attempting to notify the student of the debt and
  - iii. Attempting to collect the debt.
- B. Maricopa Community College services may be withheld pending payment of debt (at designated college office) with cash, certified check or money order or online with debit or credit card or in person with credit card. Student may be withdrawn from classes.
- C. If other collection attempts fail, the Maricopa Community Colleges District Office will either collect or use other means available, including:
  - i. Collection agency, requiring payment of collection fees by the student;
  - ii. The Tax Refund Setoff Programs as stated in ARS §42-1122;
  - iii. Litigation, requiring payment of court costs and legal fees by the student.
- D. Debt Holds may be lifted only in limited instances by the appropriate College or District business services designee for the extension of services provided that at least one of the following conditions are met:
  - i. MCCCCD staff verify that full payment has been made to another College;
  - ii. The College can deduct payment from a financial aid award made to the student (referring to student authorization guidelines for regulations on applying federal financial aid to debt balances);
  - iii. A third party not related to the student, such as an employer or state agency, makes a verified payment directly to the College;
  - iv. It is determined and verified with the appropriate MCCCCD office that the hold resulted from a system error and the error is due to an activity that requires correction by the appropriate College or District personnel.

Admission Criteria to Attend a College within the Maricopa Community College District (MCCCCD) is determined in

accordance with state law (ARS §§15-1805.01 AND 15-1821) and regulations of the Maricopa Community Colleges Governing Board and the Chancellor. As such, participants enrolled in courses as part of third party agreements are also subject to the same admissions criteria. This includes the participants resolving any current enrollment or administrative holds that are unrelated to the Third party in an existing student account, but that otherwise impact his/her eligibility to enroll in courses or participate in programs delivered by MCCCDC faculty or staff.

#### 4. Discounted Fees and Waivers

- A. Citizens 62 years of age and older shall be issued ID cards that allow them the privilege of attending events at no cost and that allow them to use the library facilities.
- B. Employees, Dependents and Mandated Groups  
The Maricopa Community College District waives tuition and student activity fees for credit-hour courses for employees and their dependents, and for legislatively mandated groups. Special fees and fees for Non-credit/Special interest Community Services courses are not waived.
- C. Tuition and Registration Fee Waiver for Members of the Pima-Maricopa Indian Community  
Tuition and fee waivers shall be funded through Auxiliary Fund Monies for college credit courses for the enrolled members of the Pima-Maricopa community who live on the Pima-Maricopa Reservation.

All other guidelines and procedures established for the purpose of administering waivers, affidavits and exemptions are outlined in the Maricopa County Community College District tuition waiver manual.

### 2.2.10 Refund Policy

#### 1. Refund Policy for Credit/Clock Classes

Students who officially withdraw from credit/clock classes (in fall, spring, or summer) within the withdrawal deadlines listed below will receive a 100% refund for tuition, class and registration fees. Deadlines that fall on a weekend or a college holiday will advance to the next college workday except for classes fewer than 10 calendar days in length or as specified by the college. Calendar days include weekdays and weekends. Refer to individual colleges for withdrawal and refund processes. Never attending is not an allowable refund exemption or an excuse of the debt incurred through registration.

| Length of Class     | Official Withdrawal Deadlines for 100% Refund  |
|---------------------|--|
| 1-9 calendar days   | Prior to the class start date                  |
| 10-19 calendar days | 1 calendar day including the class start date  |
| 20-29 calendar days | 2 calendar days including the class start date |
| 30-39 calendar days | 3 calendar days including the class start date |
| 40-49 calendar days | 4 calendar days including the class start date |
| 50-59 calendar days | 5 calendar days including the class start date |
| 60-69 calendar days | 6 calendar days including the class start date |
| 70+ calendar days   | 7 calendar days including the class start date |

*\*Course fees and registration processing fees will be refunded only if the student qualifies for a 100% refund. Debts owed to any MCCCDC college must be satisfied before any refunds are paid to the student. Refunds for students receiving federal financial assistance are subject to federal guidelines. Requests for exceptions to the refund policy must be filed within one year from the semester in which the course was taken.*

#### 2. Refund Policy for Non-Credit Classes

Unless otherwise specified, students must drop non-credit classes prior to the course start date to be eligible for a 100% refund.

#### 3. Canceled Classes

When a class is canceled by the college, a 100% refund will be made.

#### 4. Refund Exceptions

Students withdrawing from a college or from courses for one of the following reasons must submit a written request for a refund exception to the Admissions and Records Office/Office of Student Enrollment Services or designated college official:

- A. A student with a serious illness, verifiable by a doctor's written statement that the illness prevents the student from attending all classes for the semester. The doctor's statement must be on file with the college before a refund can be given.
- B. Serious illness or death of an immediate family member that prevents the student from attending all classes for the semester. Immediate family members include spouse/partner, father, mother, grandfather, grandmother, child, foster child, grandchild, stepchild, sibling, stepsibling, stepfather, stepmother, or spouse's/partner's father, mother, grandfather, grandmother, or in-laws in any one incident. Appropriate documentation must be provided before a refund can be given.
- C. Death of a student. Appropriate documentation must be provided before a refund can be given.
- D. A student in the armed forces or the Arizona National Guard who is called to active duty and assigned to a duty station, verifiable by a copy of the orders, will be allowed to withdraw and receive a 100% refund of tuition, provided courses have not been completed.

Requests for a total withdrawal from a college or courses for one of the above reasons may result in a partial prorated refund of tuition, provided courses have not been completed. All decisions made by the college are final.

**Limitation:** Never attending is not an allowable refund exception or an excuse of the debt incurred through registration

#### **5. Refund Policy for Department of Defense Tuition Assistance Funds**

Students who receive tuition assistance (TA) funds for a course or courses from the department of defense (DOD) may have a refund processed and returned to the student's DOD branch of service in the following situations. Refer to individual colleges for withdrawal and refund processes.

- A. Per refund exception D, a student who is called to active duty and assigned to a duty station, verifiable by a copy of the orders, will be allowed to withdraw, provided courses have not been completed. A 100% refund of TA funds will be issued to the student's DOD branch of service.
- B. A student who withdraws for reasons other than those outlined above within the first 60% of the period for which funds were received will have the proportional amount of unearned TA funds returned to the student's DOD branch of service. Refer to individual colleges and DOD branch of service for potential student financial responsibility as a result of withdrawal.

*Requests for refund should be referred directly to the college of enrollment.*

**AMENDED by Direct Approval from the Chancellor, January 13, 2020.**

**AMENDED through the Administrative Regulations Approval Process, May 5, 2017**

#### **2.2.11 Student Financial Assistance**

The Maricopa Community Colleges provide students financial assistance to enable access to higher education. Student financial assistance shall be awarded on the basis of demonstrated financial need except where funds are specified for recognition of special talents and achievements. Additional procedural information on financial assistance is available in [Appendix S-5](#).

#### **Appendix S-5: Student Financial Assistance**

The Maricopa Community Colleges provide students financial assistance to enable access to higher education. Student financial assistance shall be awarded on the basis of demonstrated financial need except where funds are specified for recognition of special talents and achievements. Only those with a lawful presence in the United States may qualify for federal financial aid or Maricopa County Community College District (MCCCD) scholarships. Under Arizona law, any information the student provides about his or her legal status when applying for financial aid or publicly funded scholarships may be subject to mandatory reporting to federal immigration authorities. This does not apply to applications for the private scholarship funds held in and distributed by the Maricopa Community Colleges Foundation.

The office of financial aid may request to have the validity of a student's high school completion evaluated if either the college or the United States Department of Education has reason to believe that the high school diploma is not valid or was not obtained from an entity that provides secondary school education. An evaluation may be conducted on the basis of any of the following:

- Alerts, bulletins, or similar communications provided by any state, federal, or other governmental agency, another institution, a professional or similar organization, or any other resource that might provide information helpful to the evaluation;
- A transcript or other record received from another institution the student may have attended;
- The contents of the student's Free Application for Federal Student Aid, student information form, or any other information the student provides to the college;
- The independent professional judgment by any official of the office of student financial aid.

### **How to Apply for Federal Financial Aid**

New students must complete the Free Application for Federal Student Aid (FAFSA) or FAFSA on the Web at <http://www.fafsa.ed.gov/>. Each academic year, continuing students must reapply by completing a FAFSA, Renewal FAFSA, or FAFSA on the Web. Scholarships require separate applications. Specific information regarding financial assistance, including application deadlines or priority dates, may be obtained from the college Office of Student Financial Aid.

### **Types of Aid**

Grants, loans, student employment, and scholarship funds may be available from federal, state, and/or private sources.

The Maricopa Community Colleges Foundation offers a variety of scholarship opportunities. Scholarship opportunities are available year round. However, most scholarships are posted mid-January and most deadlines are the last week of March. Options are available at <https://mcccdf.org/> or by calling 480-731-8400.

### **Distribution of Aid**

Criteria by which aid is distributed among eligible financial aid applicants are available on request at the college Office of Student Financial Aid.

### **Rights and Responsibilities**

Students should read all information provided in the process of applying for federal financial aid in order to gain a greater knowledge of all the rights as well as responsibilities involved in receiving that assistance.

### **Satisfactory Academic Progress**

Specific requirements for academic progress for financial aid recipients are applied differently than scholastic standards. In addition to scholastic standards which are explained elsewhere in this catalog, financial aid recipients are also subject to the following [Standards of Satisfactory Academic Progress](#). Specific information is available at the college Office of Student Financial Aid.

### **Refunds and Repayments**

In accordance with federal regulations (CFR 668.22), a student may be required to repay federal financial aid funds if they completely withdraw, are withdrawn, or fail to earn a passing grade from all classes during a semester. Further information is available at the college Office of Student Financial Aid. This could affect a student's ability to receive Financial Aid in the future at any school. For a student receiving Financial Aid, also see [Appendix S-7](#) for Withdrawal procedures.

### **Verification of Information**

1. A Free Application for Federal Student Aid (FAFSA) or a change to that FAFSA may be selected for verification. If a student's FAFSA is selected for verification, the student will be notified via the Student Center in my.maricopa.edu. In most cases, the student will be required to submit documentation as part of the verification process. The earlier the Financial Aid Office receives the required documentation, the earlier the student's eligibility for financial aid can be

determined. The verification process must be completed no later than 120 days after the last date of enrollment or August 31, whichever comes first. In addition, the Financial Aid Office must receive a final and valid electronic SAR by the student's last day of enrollment or June 30 of the award year, whichever comes first. The verification process must be completed before the Financial Aid Office can award any federal aid.

2. If an award has already been made and a FAFSA is selected for verification, the student must provide required documentation within thirty days after it has been requested of the student or on June 30, whichever comes first. If documentation is not received within this deadline, the student's award may be adjusted or canceled.
3. The required forms and documents a student submits for verification will be compared to the information reported on the student's FAFSA. If the information provided does not match what is shown on the FAFSA, the Financial Aid Office will submit changes to the US Department of Education FAFSA processor. After all changes are made to the FAFSA data, the student's eligibility for financial aid will be reviewed. If there are any changes to the student's financial aid eligibility as a result of verification, the student will be notified by means of the Student Center in my.maricopa.edu. If, following verification, the institution discovers evidence of student aid fraud (including identity theft), waste or abuse of US Department of Education funds, such evidence may be referred to the Office of Inspector General of the US Department of Education.

### **Award Amount and Level of Enrollment**

Award amount is determined, in part, on the level of enrollment. A reduction in course load after financial aid has been awarded may result in an adjusted financial aid award. Federal student aid recipients are advised to register at the same time for all classes they intend to take during a semester to maximize award. Some federal aid may not be awarded for classes added at a later date. Contact the college Office of Student Financial Aid for more information.

### **Repeated Coursework and Financial Aid Enrollment Status**

Federal regulations regarding repeated coursework may impact your financial aid eligibility and awards. Federal regulations specify that students may receive federal financial aid funding for one repetition of a previously passed course. A passed course is defined as one in which a grade of A, B, C, D, or P is received. If you enroll in a course in which you have previously received passing grades twice, the course will not be counted towards your enrollment level for financial aid purposes. You may repeat a failed course until it is passed. Your enrollment for financial aid purposes will be calculated accordingly.

### **Maricopa Community Colleges Standards of Satisfactory Academic Progress (SAP) for Financial Aid Eligibility**

Federal regulations (CFR 668.32(f) and 668.34) require a student to move toward the completion of a degree or certificate within an eligible program when receiving financial aid. Specific requirements for academic progress for financial aid recipients are applied differently than Scholastic Standards. Federal regulations state that Academic Progress Standards must include a review of all periods of enrollment, regardless of whether or not aid was received. Students will be evaluated using the standards described below. Failure to meet any of these minimum standards will result in loss of title IV, HEA program (federal financial aid) eligibility.

To remain eligible for federal and state aid programs, students must meet ALL of MCCC's Satisfactory Academic Progress (SAP) standards regardless of whether a student has received financial aid in the past or not. These standards apply to a student's entire academic records at any MCCC college, including transfer credit hours accepted by the college.

#### **1. Definitions and Terminology Pertaining to this Policy**

- A. Summer: Enrollment in the summer semester includes all courses scheduled within the summer enrollment period with all coursework counted in the SAP evaluation.
- B. Non-Standard Session / Clock Hour: Sessions that do not follow the traditional start and end dates for the semester.
- C. Attempted Credit: Any credit for which a grade of A, B, C, D, F, I, IP, N, P, W, Y, or Z is received and courses not yet graded.
- D. CGPA [Cumulative Grade Point Average]: The MCCC grading policy is published in the administrative regulations at 2.3.3. The CGPA does not include credits accepted in transfer.

- E. Financial Aid Warning: status assigned to an eligible payment period for the next enrolled semester after failing SAP GPA (2.0) and/or Completion Pace ( $\frac{2}{3}$ ). Students not meeting maximum timeframe evaluation are not eligible for a warning period.
  - F. Appeal: A process by which a student who is not meeting the institution's satisfactory academic progress standards is eligible to appeal the institution for reconsideration of the student's eligibility for title IV, HEA program assistance based on extenuating circumstances.
  - G. Extenuating Circumstance: A one-time (not on-going) circumstance that is beyond the reasonable control of the student.
  - H. Financial Aid Probation: A status assigned by an institution to a student who fails to make satisfactory academic progress and who has appealed and has had eligibility for aid reinstated. A student in this status may not receive title IV, HEA program funds for the subsequent payment period unless the student makes satisfactory academic progress or the institution determines that the student met the requirements specified by the institution in the academic plan for the student.
  - I. Academic Plan – A plan developed through the SAP Appeal Process which will lead a student to qualify for further title IV, HEA program funds and complete the program within 150% of published program length.
  - J. Financial Aid Suspension – The status assigned upon failing to meet the minimum SAP standards or the terms of probationary status. Students in this status are not eligible to receive title IV, HEA assistance.
2. Federal regulations (CFR 668.32(f) and 668.34) require institutions of higher education to evaluate Satisfactory Academic Progress (SAP) using qualitative (GPA) and quantitative (pace of progression) standards.
  3. Qualitative and quantitative measures of SAP are required to ensure students receiving Federal Student Aid are progressing towards the completion of a degree or certificate within an eligible program.
  4. Specific requirements for academic progress for Federal Student Aid recipients are applied differently than Scholastic Standards. Federal regulations state that SAP Standards must include a review of all periods of enrollment, regardless of whether or not aid was received. Standards are applicable for all enrolled payment periods, including all levels of enrollment (full-time or part-time enrollment). Students will be evaluated using the standards described below.
  5. Failure to meet any of the minimum standards outlined below will result in a student's loss of HEA, Title IV Federal Student Aid.

### Evaluation Period

1. Standards of Satisfactory Academic Progress (SAP) will be evaluated at the end of each payment period. For credit hour programs, a payment period is a semester (Fall, Spring, and Summer). For clock hour programs, a payment period / evaluation will depend on the hours required in the program.
2. Standards of Satisfactory Academic Progress (SAP) are evaluated based on qualitative (GPA), quantitative (pace of progression), and maximum timeframe. Failure to meet any of these standards may result in the loss of eligibility for financial aid. Grades of F, I, N, W, Y, Z, and courses not yet graded are considered attempted, but not completed in evaluating SAP. Late grades will be recalculated and may change eligibility.
  - a. **Grade Point Average Qualitative Measurement:** Students must maintain a 2.0 cumulative Grade Point Average in order to meet SAP GPA requirements.
  - b. **Pace of Progression Quantitative Measurement:** Students must successfully complete  $\frac{2}{3}$  (66.67%) of all attempted course work. For clock hour programs, please refer to program attendance requirements.
  - c. **Maximum Time Frame Measurement:** Students must be able to complete their program within 150% of the published program length. Once students have attempted 150% of the published program length, they are no longer eligible for Federal Student Aid. For example, a 16 credit certificate program will allow up to 24 credit hours to complete the

program. A 60 credit Associate's degree will allow up to 90 credit hours to complete the program.

3. Courses included in SAP evaluation:

- a. All attempted coursework, regardless of enrollment status
- b. Courses funded through a Consortium Agreement
- c. All attempted remedial credits, including English as a Second Language (ESL) courses.
- d. Repeated course work
- e. All transferred coursework
- f. Grades attempted, but not completed (F, I, N, W, Y, Z)

4. Course work included in the Maximum Time Frame evaluation:

- a. All of those included in the Pace of Progression evaluation
- b. Any Bachelor's degree (or higher) earned will be considered to have exhausted maximum timeframe eligibility
- c. All coursework forgiven through the Academic Renewal Process

5. Course work not included in SAP evaluation:

- a. Audited courses
- b. Non-credit courses
- c. Credit by examination
- d. Credit for prior learning option (as outlined in the college general catalog)

### **Notification**

Students who have applied for Federal Student Aid, but are not meeting Satisfactory Academic Progress requirements, will be notified via email of their FA Warning or ineligibility for financial aid. The notification will direct students to information regarding available college resources during the Warning Period and the appeal process in cases of extenuating circumstances.

### **Financial Aid Warning**

Students are allowed a warning period upon failing Qualitative and/or Quantitative SAP standards. The warning period allows one (1) payment period (semester) of Federal Student Aid eligibility upon failing SAP. The warning period will follow the semester for which SAP was not met, meaning the next semester for which the student registers for classes. In order to receive the Warning period, students must be meeting Maximum Timeframe requirements.

### **SAP Appeal**

Any student who has lost federal student aid eligibility due to a resolved, one-time extenuating circumstance may appeal to have their financial aid reinstated by completing a Satisfactory Academic Progress Appeal Form. The form must address:

1. what caused the student's work to fall below acceptable standards--specific explanations must be provided, including any supporting documentation,
2. each incomplete/failed course,
3. how the extenuating circumstance has been resolved, and
4. how the student will maintain good academic standards and progress toward the degree if the appeal is granted.

The outcome of the appeal will depend upon:

1. the nature of the extenuating circumstances (if the stated circumstance qualifies as such),
2. the quality of the documentation provided, and
3. how well the student has demonstrated the ability to progress towards degree completion within a reasonable time period.

All documentation submitted is confidential. All decisions are final and cannot be appealed. For assistance in completing the SAP appeal paperwork, including examples of supporting documentation, visit your college Financial Aid Office.



Students will be notified of the results of their appeal within ten (10) days of filing the appeal. Notification will include any restrictions or conditions pertaining to their appeal. The outcome of an appeal may include a probationary period. Appeals granted longer than one (1) payment period must include an academic plan, which must be followed. Failure to follow an approved academic plan will result in immediate suspension of Federal Student Aid. Students are responsible for any and all debt incurred as a result of this adjustment to financial aid. Failure to successfully complete all conditions during the probationary period (as defined in the academic plan) will result in loss of future financial aid eligibility.

### **Regaining Eligibility**

A student who has lost financial aid eligibility may only regain eligibility by meeting the minimum SAP standards. Transfer coursework taken at other colleges will be considered for reinstatement purposes.

If you are receiving federal financial aid it is important to read the information below prior to making a decision to withdraw.

### **Treatment of Title IV Aid When a Student Withdraws**

The law specifies how your school must determine the amount of Title IV program assistance that you earn if you withdraw from school. The Title IV programs that are covered by this law are: Federal Pell Grants, National SMART grants, TEACH Grants, Stafford Loans, PLUS Loans, Federal Supplemental Educational Opportunity Grants (FSEOGs), and Federal Perkins Loans.

When you withdraw during your payment period or period of enrollment (you may contact the Financial Aid office to define these for you and tell you which one applies) the amount of Title IV program assistance that you have earned up to that point is determined by a specific formula. If you received (or your school or parent received on your behalf) less assistance than the amount that you earned, you may be able to receive those additional funds. If you received more assistance than you earned, the excess funds must be returned by the school and/or you.

The amount of assistance that you have earned is determined on a pro-rata basis. For example, if you completed 30% of your payment period or period of enrollment, you earn 30% of the assistance you were originally scheduled to receive. Once you have completed more than 60% of the payment period or period of enrollment, you earn all the assistance that you were scheduled to receive for that period.

If you did not receive all of the funds that you earned, you may be due a post-withdrawal disbursement. If your post-withdrawal disbursement includes loan funds, your school must get your permission before it can disburse them. You may choose to decline some or all of the loan funds so that you don't incur additional debt. Your school may automatically use all or a portion of your post-withdrawal disbursement of grant funds for tuition, fees, and room and board charges (as contracted with the school). The school needs your permission to use the post-withdrawal grant disbursement for all other school charges. If you do not give your permission, you will be offered the funds. However, it may be in your best interest to allow the school to keep the funds to reduce your debt at the school.

There are some Title IV funds that you were scheduled to receive that cannot be disbursed to you once you withdraw because of other eligibility requirements. For example, if you are a first-time, first-year undergraduate student and you have not completed the first 30 days of your program before you withdraw, you will not receive any FFEL or Direct loan funds that you would have received had you remained enrolled past the 30th day.

If you receive (or your school or parent receives on your behalf) excess Title IV program funds that must be returned, your school must return a portion of the excess equal to the lesser of:

1. your institutional charges multiplied by the unearned percentage of your funds, OR
2. the entire amount of excess funds. The school must return this amount even if it didn't keep this amount of your Title IV program funds.

If your school is not required to return all of the excess funds, you must return the remaining amount. Any loan funds that you must return, you (or your parent for a PLUS Loan) repay in accordance with the terms of the promissory note. That is, you make scheduled payments to the holder of the loan over a period of time. Any amount of unearned grant funds that you must return is called an overpayment. The maximum amount of a grant overpayment that you must repay is half of the grant funds you received or were scheduled to receive. You must make arrangements with your school or the Department of Education to return the unearned grant funds.

The requirements for Title IV program funds when you withdraw are separate from any refund policy that your school may have. Therefore, you may still owe funds to the school to cover unpaid institutional charges. Your school may also charge you for any Title IV program funds that the school was required to return. You can view the tuition refund policy and requirements and procedures for withdrawing from school at <https://district.maricopa.edu/regulations/admin-regs/section-2/2-2>

**TECHNICAL CHANGE by Legal Counsel, May 6, 2020**

**AMENDED by Direct Approval from the Chancellor, May 5, 2020**

**AMENDED through the Administrative Regulations Approval Process, June 5, 2017**

### **2.2.12 Vaccinations (As Required By 20 USC §1092(a)(1)(V)):**

The Maricopa County Community Colleges District does not require that students receive vaccinations prior to enrollment. Certain professional or occupational programs do require particular vaccinations for participation in those programs. More information about these programs can be found on college websites.

### **2.2.13 UNIVERSITY TRANSFER**

#### **UNIVERSITY TRANSFER**

The Maricopa Community Colleges have developed formal agreements to facilitate the transfer of credit to four-year colleges and universities. This is accomplished through the development of course and program articulation agreements. The Maricopa Community Colleges articulate with accredited private, public, and international baccalaureate granting institutions. Maricopa transfer agreements are on behalf of the district as a whole and not with individual colleges within the District. Courses taken at any of the Maricopa Community Colleges are equally transferable by institutions wishing to articulate. Students planning to transfer to a university may be required to submit official transcripts.

Articulated transfer programs and pathways between the Maricopa Community Colleges and baccalaureate-granting institutions [such as the Maricopa-ASU Pathway Program (MAPP), the UA Bridge Program, 2NAU and 90/30 Transfer Agreements] are official, recognized programs of study that fulfill both associate degree and bachelor's degree requirements. These articulated programs and pathways are designed to aid in a smooth transition for a student planning to transfer to a four-year college or university by identifying the required, transferable, and applicable coursework for that student's specific program of study. A complete list of Maricopa-ASU Pathway Program requirements by major and catalog year is maintained on ASU'S website, at [Transfer](#).

#### **ARIZONA PUBLIC COMMUNITY COLLEGES AND UNIVERSITIES**

Maricopa is a participant in the Arizona statewide transfer system. [AZTRANSFER.COM](http://AZTRANSFER.COM) is the official source of information for the statewide articulation agreements between the Arizona public community colleges and universities (Arizona State University, Northern Arizona University, and University of Arizona). Included on [AZTRANSFER.COM](http://AZTRANSFER.COM) is the Course Equivalency Guide (CEG), which shows transfer course equivalencies between Arizona's public community colleges and tribal institutions to Arizona State University, Northern Arizona University, and the University Of Arizona. The transferability of a course does not indicate directly how the course will apply to meet requirements for specific bachelor's degrees. [AZ Transfer Course Equivalency Guide](#)

#### **(U.S.) AND INTERNATIONAL INSTITUTIONS**

The Maricopa Community Colleges have transfer agreements with accredited U.S. universities and colleges as well as international institutions that have been approved by the Ministry of Education. These partnerships are formalized

through District-Wide memorandums of understanding and articulation agreements, and are designed to help students maximize the applicability of transfer credit toward a bachelor's degree. To access a list of institutions with which Maricopa has established articulation agreements, visit: [Maricopa University Partner List](#)

## TIME LIMIT FOR TRANSFER COURSEWORK

Students should be aware other colleges and universities may have age of credit limits on certain coursework to be used in transfer. Students should refer to the policy of their intended transfer institution regarding time limits for transfer coursework.

## SHARED UNIQUE NUMBERING (SUN) SYSTEM COURSE INFORMATION

Senate Bill 1186, which passed into law in 2010, mandated the creation of a shared numbering system for public college and university courses in Arizona to identify courses that transfer from community colleges to universities toward a baccalaureate degree. The Shared Unique Number (SUN) system is a college course numbering system designed to help students locate and enroll in courses that have direct equivalents for transfer among Arizona's public community colleges and three state universities. However, even if a course at the Maricopa Community Colleges is not designated as a SUN course, it may still transfer to other Arizona public institutions with a direct equivalent as per the Course Equivalency Guide on [AZTRANSFER.COM](#). The SUN system does not address the applicability of courses. Students are encouraged to work with an academic advisor on course selections. To access a list of SUN courses, visit [SUN](#)

**ADOPTED through the Administrative Regulations Approval Process, June 4, 2019**

### 2.9 Veterans Services

The Maricopa Community Colleges' veterans' services offices act as liaisons with the Department of Veterans Affairs (VA) and the state approving agency. Each program must be approved by the state approving agency. Students may be eligible to receive educational benefits if they are registered in courses that apply to the student's approved programs. Application forms, counseling, advisement, tutoring, and priority enrollment are available for students who are eligible for veteran's educational benefits. Students applying for veteran's educational benefits should allow eight to ten weeks before receiving benefits. The amount of benefits awarded is determined by the Department of Veterans Affairs, and is based on the number of credit hours or clock hours for which a student is enrolled and the length of the enrollment period for each course.

Veteran's benefits available:

- Chapter 30 - Montgomery GI Bill®
- Chapter 31 - ~~Vocational Rehabilitation (separately served through the local VA office)~~  
**VETERAN READINESS AND EMPLOYMENT (VR&E)**
- Chapter 32 - VEAP Program
- Chapter 33 - Post 9/11 GI Bill® & Transfer of Eligibility to Dependents (TOE)
- Chapter 35 - Survivors and dependents of deceased/100% disabled veterans
- Chapter 1606 - Montgomery GI Bill®, Selected Reserve
- Chapter 1607 - REAP Reserve Educational Assistance Program

*GI Bill® is a registered trademark of the U.S. Department of Veterans Affairs (VA). More information about education benefits offered by VA is available at the official U.S. government Web site at <https://www.benefits.va.gov/gibill>.*

**COVERED INDIVIDUALS (AS DEFINED IN 38 U.S.C. § 3679) UTILIZING CHAPTER 33 OR CHAPTER 31 VA EDUCATION BENEFITS MAY ATTEND OR PARTICIPATE IN A PROGRAM OF STUDY DURING THE PERIOD BEGINNING ON THE DATE THE INDIVIDUAL PROVIDES THE EDUCATIONAL INSTITUTION A CERTIFICATE OF ELIGIBILITY (COE), A STATEMENT OF BENEFITS OBTAINED FROM EBENEFITS, OR A PURCHASE ORDER FOR CHAPTER 31, AND ENDING ON THE EARLIER OF THE FOLLOWING DATES:**

1. THE DATE UPON WHICH PAYMENT FROM THE VA IS MADE TO THE INSTITUTION;
2. 90 DAYS AFTER THE DATE THE INSTITUTION CERTIFIED TUITION AND FEES FOLLOWING THE RECEIPT OF THE CERTIFICATE OF ELIGIBILITY.

NO PENALTY, INCLUDING THE ASSESSMENT OF LATE FEES, AND/OR THE DENIAL OF ACCESS TO CLASSES OR OTHER INSTITUTIONAL FACILITIES WILL BE IMPOSED ON THE INDIVIDUAL DUE TO THE DELAYED DISBURSEMENT FUNDING FROM VA UNDER CHAPTER 31 OR 33.

It is the student's responsibility to notify the office that serves veterans at their campus regarding any change in enrollment, address, program of study, enrollment at another institution, or any other change that may impact their veteran's educational benefits.

Those students receiving benefits must follow the VA academic progress policy to continue to receive benefits.

Department of Veterans Affairs regulations require that all persons using any type of veteran educational assistance program make satisfactory academic progress toward achievement of their educational objective (program of study). A student who does not meet the minimum standards of 2.0 upon completion of 12 or more credit hours will be placed on probation, at which point the student will have no more than two semesters in which to improve academic standing to acceptable. At this point, if satisfactory academic progress has not been demonstrated, veteran educational benefits will be terminated. Benefits may be resumed when the student raises the cumulative grade point average to the required minimum standards or demonstrates the ability to meet these standards through the approval of a written appeal. For appeal procedures, contact the office that serves veterans at your campus.

For additional details and information regarding veteran's educational benefits, contact the office that serves veterans at your campus.

#### **Distance Learning:**

The course content and competencies for distance learning classes are the same as courses offered in-person or in a hybrid format. The courses offered in this format lead to completion of MCCC degrees and/or certificates of completion.

Colleges use Learning Management Systems (LMS) like Canvas and RioLearn for online offerings. These portals are used for both hybrid and online classes. Students must use their Maricopa Enterprise ID and password to access the portal. The link to the portal is provided on the college home page and on [my.maricopa.edu](http://my.maricopa.edu), the district's website for student access to Maricopa tools. Maricopa-assigned student email addresses are used for communicating with students within the tools. Students are also able to communicate with the instructor through the LMS, via Maricopa e-mail or by phone.

#### **Externship Programs:**

The Maricopa Community College's official District course descriptions for credited experiential learning opportunities (Internships, Externships, Practicums, and Clinicals) state the amount of hours required in order for a student to receive college credit. The descriptions also indicate if a maximum amount of credit is allowable for any given experiential learning opportunity. Each course that includes an experiential learning opportunity is assigned a Maricopa Instructor of Record who is responsible for ensuring that the student completes the required hours and assignments in order to receive credit. Additionally, the instructor works extensively with a site supervisor to ensure that the student is making satisfactory progress and meeting the time requirements. The experiential credit process for the student includes the specific course details and learning outcomes, how hours will be tracked, and what is required for grading and course completion. The instructor submits the final grade for the experience. Maricopa's experiential learning process is in compliance with CFR 38 21.4265

A complete list of internship courses, along with course objectives, can be found on the Maricopa Community College's District – [Center for Curriculum and Transfer Articulation](https://curriculum.maricopa.edu/transfer-and-articulation) website, located at: <https://curriculum.maricopa.edu/transfer-and-articulation>

#### **Prior Credit Evaluation:**

Department of Veterans Affairs requires that all persons using any type of veteran's educational assistance must have all prior education and training evaluated. Students will be required to request transcripts from all prior institutions, including military training. Without all prior institutions and military training, veteran educational assistance may not be certified. Transcripts will be evaluated and credit will be granted, as appropriate.

**AMENDED through Direct Approval by the Chancellor, April 14, 2021**

**AMENDED through Direct Approval by the Chancellor, October 21, 2020**

**AMENDED through Direct Approval by the Chancellor, March 6, 2019**

**AMENDED through Direct Approval by the Chancellor, September 17, 2018**

**AMENDED through Direct Approval by the Chancellor, April 17, 2018**

**AMENDED through the Administrative Regulations Approval Process, June 5, 2017**

**AMENDED through the Administrative Regulations Approval Process, May 16, 2016**

### **SCHOLASTIC STANDARDS**

#### **2.3.1 Academic Load**

A credit hour is defined as an amount of work represented in course competencies and verified by evidence of student achievement that reasonably approximates not less than one hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately fifteen weeks for one semester hour of credit, or the equivalent amount of work over a different amount of time, or at least an equivalent amount of work for other academic activities, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours. In accordance with common practice in higher education, instruction representing a credit hour is typically delivered in a 50 minute class period.

Students carrying at least twelve (12) credit hours will be considered full-time students for the fall and spring semesters. Three-quarter-time is 9 - 11.9 credit hours. Half-time is 6 - 8.9 credit hours. Fewer than six (6) credit hours is considered less than half-time. Academic load for summer and special terms may be defined differently. Contact the Admissions and Records Office/Office of Student Enrollment Services for clarification. As provided in the Reduced Course Load administrative regulation, a student may be deemed a full-time student carrying fewer than twelve credit hours pursuant to an accommodation of a disability.

Courses may vary in length, and begin and end throughout the year. A credit hour indicates the value of an academic credit. Standards for the awarding of credit hours may be time based or competency based. To obtain credit, a student must be properly registered and must pay fees for the course. The fall and spring semesters are typically sixteen (16) weeks in length. Summer sessions are typically five or eight weeks in length.

Students desiring to take more than eighteen (18) credit hours must obtain approval from the designated college official. Ordinarily, only students with a grade point average of 3.0 or higher for the preceding semester or first semester students who were in the upper quarter of their high school graduating class are permitted to carry more than eighteen (18) credit hours.

Students participating in extra-curricular or co-curricular activities or receiving financial assistance may be required to maintain a specified minimum academic load.

Students who are working, have considerable extra-curricular or co-curricular activities, or have been reinstated from academic suspension/probation should plan their academic load accordingly.

## Schedule Changes

Students may change their schedule by following the designated procedures at their college of enrollment. It is the student's responsibility to notify the college if he/she will no longer be attending the class (see [Appendix S-7](#) for Withdrawal Procedures).

### 2.3.2 Attendance

- Only persons who are registered for a class at any of the Maricopa Community Colleges may attend that class. Attendance requirements are determined by the course instructor. Students who do not meet the attendance requirement as determined by the course instructor may be withdrawn.
- Students who fail to attend the first scheduled class meeting, or to contact the instructor regarding absence before the first scheduled class meeting may, at the option of the instructor, be withdrawn.
- At the beginning of each course, each faculty member will provide students with written attendance requirements. It is the student's responsibility to consult with the instructor regarding official or unofficial absences. Absences begin to accumulate with the first scheduled class meeting.
- Students bear the responsibility of notifying the Admissions and Records Office/Office of Student Enrollment Services when they discontinue studies in a course or at the college. Please refer to [Appendix S-7](#) for Withdrawal Procedures.

#### 1. Official Absences

- A. Official absences are those that occur when students are involved in an official activity of the college, i.e., field trips, tournaments, athletic events, and present an official absence excuse form. Absences for such events shall not count against the number of absences allowed by an instructor or department. Students who must miss a class for an official reason must obtain an official absence verification card from the appropriate vice president or designee and present it to the appropriate instructor(s) before the absence. Prior arrangements must be made with each instructor for make-up work. If prior arrangements have been made, the student will not be penalized.
- B. Other official absences include jury duty and subpoenas. Appropriate documentation will be required. Prior arrangements must be made with each instructor for makeup work. If prior arrangements have been made, the student will not be penalized.
- C. In the event of military commitments. Absences for periods of up to one week will not be counted against the number of absences allowed by an instructor or department. The student is required to provide appropriate documentation of the specific orders, length of assignment and location. Prior notification must be initiated with each instructor to discuss make-up work. If the length of the absence will be longer than one week, the instructor and the student will determine whether there is sufficient opportunity for the student to make up the work. If it is determined that the length of absence for the military commitment provides an undue hardship on the student's ability to make up the assignments, he or she will be provided an opportunity to request an incomplete grade or drop the class or, in the case of open-entry classes, the opportunity to request an extension.
- D. In the event of the death of an immediate family member, absences for periods of up to one week will not be counted against the number of absences allowed by an instructor or department. Students should contact instructor(s) as soon as possible to arrange for make-up work. Appropriate documentation will be required (for example, a copy of the obituary or funeral program). In specialized programs that require clinical rotations, this regulation may not apply.

#### 2. Religious Holidays

Students shall have the right to observe major religious holidays without penalty or reprisal by any administrator, faculty member or employee of the Maricopa Community Colleges. Absences for such holidays shall not count against the number of absences allowed by an instructor or department, provided the student has utilized the Religious Accommodation Procedure outlined in ND-4 of the Administrative Regulations Appendices. The Procedure and Religious Accommodation form may be found at [ND-4](#). As outlined in the ND-4 Religious Accommodation Procedure, to the extent possible, requests must be made at least two (2) weeks before the requested absence from class due to religious holiday or day of observance by providing the faculty member with the [Religious Accommodation Request Form](#). Once a religious accommodation is granted, the student must make arrangements with each instructor for make-up work.

### 2.3.3 Grading

#### 1. Policy

It is the policy of the Maricopa Community Colleges that a grade will be assigned at the conclusion of the course. Official grades are available on designated college web sites.

#### Grade Key

|    |                    |                                     |
|----|--------------------|-------------------------------------|
| A  | Excellent          | 4 grade points per credit hour      |
| B  | Above Average      | 3 grade points per credit hour      |
| C  | Average            | 2 grade points per credit hour      |
| D  | Passing            | 1 grade point per credit hour       |
| F  | Failure            | 0 grade points per credit hour      |
| I  | Incomplete         | Not computed in grade point average |
| IP | Course in Progress | Not computed in grade point average |
| N  | Audit              | Not computed in grade point average |
| P* | Credit             | Not computed in grade point average |
| W  | Withdrawn, passing | Not computed in grade point average |
| Y  | Withdrawn, failing | 0 grade points per credit hour      |
| Z  | No Credit          | Not computed in grade point average |

*\* A "P" is judged to be equivalent to a grade of C or higher.*

**NOTE: GRADING ERRORS DISCOVERED AFTER THE SIXTY (60) DAY EXPIRATION DATE CAN BE CORRECTED IF THEY HAVE BEEN RESEARCHED BY THE DIRECTOR OF A&R/ENROLLMENT SERVICES AND THE INSTRUCTOR OF RECORD OR THE DEPARTMENT/DIVISION CHAIR.**

#### 2. Incomplete Grade

- Students who are doing acceptable work may request an incomplete grade "I" if they are unable to complete the course requirements by the end of the term because of illness or other extenuating circumstances. If the request is approved by the instructor, he or she shall define, in a written/electronic contract, how the course will be completed.
- Students must complete the requirements within the time period agreed to--maximum time allowed is seven (7) months from the last date of class in which the grade of incomplete was assigned. Students who do not complete the requirements within the approved time period will have their grade recorded in accordance with the written contract. Students should NOT reregister for the course to complete the contract.
- A student's eligibility for financial aid may be jeopardized by an incomplete grade. Refer to the Standards of Satisfactory Academic Progress for details.

#### 3. Repeating a Course/Improving a Grade

Students who wish to improve their GPA may repeat a course within the Maricopa Community Colleges up to three times after the initial attempt. (A "W" is not considered an attempt.) Students planning to repeat a course should seek advisement prior to enrolling. The lower grade(s) and credit for repeated courses taken at the same college will automatically be excluded from the grade point calculation.

However, if the course(s) were taken at a different Maricopa Community College, the student must submit a request for the lower-graded course to be excluded from the GPA. The request can be submitted to the Admissions and Records Office at any of the Maricopa Community Colleges that the student attended.

Students receiving federal financial assistance and/or benefits should follow up with the Office of Financial Aid and/or Veterans' Services regarding their policies for repeated courses. An official student transcript is a permanent academic record issued by the college registrar. It displays all courses taken for credit within the Maricopa



Community Colleges District and includes all grades received. Unlike an unofficial transcript, it is signed and dated by the college registrar and displays the college seal of the Maricopa College issuing the official transcript.

Check individual courses and programs for exceptions.

#### 4. Credit/No Credit Courses (P/Z)

- A. Some courses may be taken under a credit/no credit grading system. These courses carry grades of P (credit, equivalent to a grade of C or higher) or Z (no credit) and are not computed in the student's grade point average. Credits earned with a grade of P may be counted toward graduation with the exception of AGECE (Arizona General Education Curriculum).
- B. The prescribed time limits are for full-semester classes. Time limits for classes which meet fewer than sixteen (16) weeks are adjusted accordingly. See "Important Deadlines for Students".
- C. In courses with credit/no credit (P/Z) grading, the student may request standard grading (A, B, C, D, F), within fourteen (14) days including the date of the first class meeting. The instructor must immediately notify the Admissions and Records Office/Office of Student Enrollment Services.
- D. In courses with standard grading (A, B, C, D, F), the instructor determines if the credit/no credit option is available. If the option is available, the student must obtain the permission of the instructor. The instructor must notify the Admissions and Records Office/Office of Student Enrollment Services within fourteen (14) days including the day of the first class meeting.
- E. It is the student's responsibility to verify the transferability of credit/no credit courses. Some universities place a limitation on the number of credit/no credit courses that can be transferred.

**Advisory note:** Some institutions outside the Maricopa Community Colleges may translate the Z grade as failing.

#### 5. Audit Courses

- A. Auditors are those who enroll in a course for the sole purpose of obtaining information; they receive no credit, grades, homework, or tests. If an auditor wishes to earn credit, he or she must change from audit status to credit status within the first week. If a student wishes to audit a course for which he or she is enrolled for credit, the change must be made within the first five (5) weeks of a semester. Auditors are subject to the same attendance policies as other students and must meet the same prerequisite requirements or obtain approval of the instructor. See the fee schedule for charges. Financial aid is not available for audited courses.
- B. The prescribed time limits are for full-semester classes. Time limits for classes which meet fewer than sixteen (16) weeks are adjusted accordingly and appear in the "Important Deadlines for Students."

#### 6. Important Deadlines for Students (See [Appendix S-12](#))

| Class Length                   | Deadline for Students to Withdraw with Guaranteed Grade of W | Deadline for Students to Withdraw from a Course (Instructor Signature Required) | Deadline for Students to Request Complete Withdrawal           | Deadline to Change Type of Grading (A-F to P/Z, or P/Z to A-F) | Deadline to Change From Audit Grade to Credit Grade | Deadline to Change from Credit Grade to Audit Grade |
|--------------------------------|--|---|--|--|---|---|
| One Week or Less (1 to 7 days) | 1 <sup>st</sup> Day of Class                                 | 1 <sup>st</sup> Day of Class or Prior to the Last Day of Class                  | 1 <sup>st</sup> Day of Class or Prior to the Last Day of Class | 1 <sup>st</sup> Day of Class                                   | 1 <sup>st</sup> Day of Class                        | 1 <sup>st</sup> Day of Class                        |
| Two Weeks (8 to 14 days)       | 3 <sup>rd</sup> Calendar Day                                 | 6 <sup>th</sup> Calendar Day  | 6 <sup>th</sup> Calendar Day                                   | 1 <sup>st</sup> Day of Class                                   | 1 <sup>st</sup> Day of Class                        | 3 <sup>rd</sup> Calendar Day                        |
| Three Weeks (15 to 21 days)    | 6 <sup>th</sup> Calendar Day                                 | 12 <sup>th</sup> Calendar Day   | 12 <sup>th</sup> Calendar Day                                  | 2 <sup>nd</sup> Calendar Day                                   | 1 <sup>st</sup> Day of Class                        | 5 <sup>th</sup> Calendar Day                        |
| Four Weeks (22 to 28 days)     | 9 <sup>th</sup> Calendar Day                                 | 17 <sup>th</sup> Calendar Day   | 17 <sup>th</sup> Calendar Day                                  | 3 <sup>rd</sup> Calendar Day                                   | 2 <sup>nd</sup> Calendar Day                        | 7 <sup>th</sup> Calendar Day                        |
| Five Weeks (29 to 35 days)     | 12 <sup>th</sup> Calendar Day                                | 23 <sup>rd</sup> Calendar Day   | 23 <sup>rd</sup> Calendar Day                                  | 4 <sup>th</sup> Calendar Day                                   | 2 <sup>nd</sup> Calendar Day                        | 9 <sup>th</sup> Calendar Day                        |
| Six Weeks (36 to 42 days)      | 14 <sup>th</sup> Calendar Day                                | 29 <sup>th</sup> Calendar Day   | 29 <sup>th</sup> Calendar Day                                  | 5 <sup>th</sup> Calendar Day                                   | 3 <sup>rd</sup> Calendar Day                        | 11 <sup>th</sup> Calendar Day                       |
| Seven Weeks (43 to 49 days)    | 17 <sup>th</sup> Calendar Day                                | 35 <sup>th</sup> Calendar Day   | 35 <sup>th</sup> Calendar Day                                  | 5 <sup>th</sup> Calendar Day                                   | 3 <sup>rd</sup> Calendar Day                        | 12 <sup>th</sup> Calendar Day                       |
| Eight Weeks (50 to 56 days)    | 20 <sup>th</sup> Calendar Day                                | 41 <sup>st</sup> Calendar Day   | 41 <sup>st</sup> Calendar Day                                  | 6 <sup>th</sup> Calendar Day                                   | 3 <sup>rd</sup> Calendar Day                        | 15 <sup>th</sup> Calendar Day                       |
| Nine Weeks (57 to 63 days)     | 23 <sup>rd</sup> Calendar Day                                | 46 <sup>th</sup> Calendar Day   | 46 <sup>th</sup> Calendar Day                                  | 7 <sup>th</sup> Calendar Day                                   | 4 <sup>th</sup> Calendar Day                        | 17 <sup>th</sup> Calendar Day                       |
| Ten Weeks                      | 26 <sup>th</sup> Calendar Day                                | 52 <sup>nd</sup> Calendar Day   | 52 <sup>nd</sup> Calendar Day                                  | 8 <sup>th</sup> Calendar Day                                   | 4 <sup>th</sup> Calendar Day                        | 19 <sup>th</sup> Calendar Day                       |



|   |                                    |  |  |   |                               |                                     |
|---|------------------------------------|--|--|---|-------------------------------|-------------------------------------|
| <b>(64 to 70 days)</b>  |                                    |  |  |   |                               |                                     |
| <b>Eleven Weeks<br/>(71 to 77 days)</b>   | 29 <sup>th</sup> Calendar Day      | 58 <sup>th</sup> Calendar Day                | 58 <sup>th</sup> Calendar Day                | 9 <sup>th</sup> Calendar Day                          | 5 <sup>th</sup> Calendar Day  | 21 <sup>st</sup> Calendar Day       |
| <b>Twelve Weeks<br/>(78 to 84 days)</b>   | 32 <sup>nd</sup> Calendar Day      | 63 <sup>rd</sup> Calendar Day                | 63 <sup>rd</sup> Calendar Day                | 10 <sup>th</sup> Calendar Day                         | 5 <sup>th</sup> Calendar Day  | 23 <sup>rd</sup> Calendar Day       |
| <b>Thirteen Weeks<br/>(85 to 91 days)</b>   | 35 <sup>th</sup> Calendar Day      | 70 <sup>th</sup> Calendar Day                | 70 <sup>th</sup> Calendar Day                | 10 <sup>th</sup> Calendar Day                         | 5 <sup>th</sup> Calendar Day  | 25 <sup>th</sup> Calendar Day       |
| <b>Fourteen Weeks<br/>(92 to 98 days)</b>   | 38 <sup>th</sup> Calendar Day      | 76 <sup>th</sup> Calendar Day                | 76 <sup>th</sup> Calendar Day                | 11 <sup>th</sup> Calendar Day                         | 6 <sup>th</sup> Calendar Day  | 27 <sup>th</sup> Calendar Day       |
| <b>Fifteen Weeks<br/>(99 to 105 days)</b>   | 41 <sup>st</sup> Calendar Day      | 82 <sup>nd</sup> Calendar Day                | 82 <sup>nd</sup> Calendar Day                | 12 <sup>th</sup> Calendar Day                         | 6 <sup>th</sup> Calendar Day  | 28 <sup>th</sup> Calendar Day       |
| <b>Sixteen Weeks or more<br/>(106 or more days)</b>                               | End of the<br>7 <sup>th</sup> week | Two weeks before<br>the last class<br>period | Two weeks before<br>the last class<br>period | Within 14 days<br>including the first<br>class period | Within first week<br>of class | Within first five<br>weeks of class |
| <i>Deadlines are based on calendar day and begin with the first day of class.</i> |                                    |  |  |   |                               |                                     |

**AMENDED through the Administrative Regulations Approval Process, June 30, 2020**

**AMENDED through the Administrative Regulations Approval Process, June 5, 2017**

**AMENDED through the Administrative Regulations Approval Process, June 4, 2018**

### 2.3.4 Academic Probation (Progress)

#### 1. Probation

A student will be placed on academic probation if, after completion of twelve (12) or more credit hours, the student's cumulative grade point average is less than 2.0:

Students on academic probation may take no more than twelve (12) credit hours per semester unless approved by the Admissions and Standards Committee.2.9

#### 2. Continued Probation

A student on academic probation who fails to raise the cumulative grade point average 2.0 will be placed on continued probation and may be limited to taking six (6) credit hours.

Academic probation and continued probation are calculated at the conclusion of every term including summer.

### 2.3.5 Instructional Grievance Process

A student who feels that he or she has been treated unfairly or unjustly by a faculty member with regard to an academic process such as grading, testing, or assignments, has the right to appeal according to the approved procedures.

The appeal process for grades must be initiated no later than sixty (60) calendar days from the date the grade was issued. Steps outlining the process are available in [Appendix S-6](#).

#### Appendix S-6: Instructional Grievance Process

A student who feels that he/she has been treated unfairly or unjustly by a faculty member (full-time or part-time) with regard to an academic process such as grading, testing or assignments, shall discuss the issue first with the faculty member involved. This conference shall be requested by the student within fifteen (15) working days from the time the student knew or reasonably should have known about the unfair or unjust treatment.

This instructional grievance process should not be utilized in a case in which a student feels he/she has experienced discrimination. If the student feels that he/she has experienced discrimination on the basis of race, color, religion, sex, gender identify, national origin, citizenship status (including document abuse), gender, age, disability, veteran status, genetic information, or sexual orientation, the student should refer to the Discrimination Complaint Procedures for Students as administered by the Vice President for Student Affairs.

Steps for students to follow:

1. If, within ten (10) working days of the request for the conference with faculty member, the problem is not resolved or the faculty member has been unable to meet with the student, the student may continue the process by filing a written grievance with the Department/Division Chairperson and appropriate administrative officer at the

college/center. This written grievance must be filed within ten working days following the previous deadline. The written grievance will be given to the faculty member five days before any official meetings are convened.

2. Upon receipt of a written grievance, the Department/Division Chair or appropriate college administrative officer will work with the parties in an attempt to resolve the conflict. The faculty may ask that the College Faculty Senate President be in attendance. Every attempt will be made to maintain confidentiality during this process. A faculty member will not be required to respond to a grievance which is not in writing and which, when appropriate, did not have specific documentation including dates, times, materials, etc. The written grievance will be made available to the faculty member.
3. If the grievance is not resolved at this level within ten working days, the student should forward to vice president of academic affairs or designee, a copy of the original written grievance with an explanation regarding action taken at each prior level. The dean of instruction or appropriate college/ center administrative officer will meet with the student, faculty member, the College Faculty Senate President if requested by the faculty member, and Department/Division Chair and attempt to resolve the issues. This level will be the final step in any grievance process regarding grades.
4. If the grievance, other than those concerning grades, is not resolved by the vice president of academic affairs or designee, it may be forwarded in writing by the student to the college president for final resolution. The college president or designee will issue a final written determination in the grievance process.
5. Instructional grievances are resolved at the college level. The district office is not an avenue of appeal for the instructional grievance process.

**Note:** The grievance process for grades must be initiated no later than sixty (60) calendar days from the date the grade was issued.

### **2.3.12 Non-Instructional Complaint Resolution Process**

A student who feels that he or she has been treated unfairly or unjustly by any employee with regard to a non-instructional process such as a student or administrative services has the right to file a formal and written complaint according to the approved procedures. See [Appendix S-8](#).

### **Appendix S-8: Non-Instructional Complaint Resolution Process**

A student who feels that he or she has been treated unfairly or unjustly by any employee with regard to a non-instructional process such as a student or administrative services has the right to file a formal and written complaint according to the approved procedures. Steps for students to follow:

1. Discuss the issue with the employee involved. The student should request this conference within fifteen (15) working days from the time the student knew or reasonably should have known about the unfair or unjust treatment.
2. If, within ten (10) working days of the request for the conference with the employee, the problem is not resolved or the employee has been unable to meet with the student, the student may continue the process by filing a written complaint with the appropriate supervisor of the employee where authority exists to take corrective action. This written complaint must be filed within ten (10) working days following the previous deadline. The written complaint will be given to the employee five (5) working days before any official meetings are convened.
3. Upon receipt of a written complaint, the appropriate supervisor will work with the parties in an attempt to resolve the conflict. Every attempt will be made to maintain confidentiality during this process. An employee will not be required to respond to a complaint which is not in writing and which, when appropriate, does not have specific documentation including dates, times, actions, supporting documents, etc. The written complaint will be made available to the employee.
4. If the complaint is not resolved at this level within ten (10) working days, the student should forward to the Vice President of Student Affairs or Designee, a copy of the original written complaint with an explanation regarding action taken at each prior level. The dean and/or associate dean will meet with the student, the employee, and the relevant supervisor and attempt to resolve the issues.
5. If the associate dean and/or dean do not resolve the complaint, the student may forward it in writing to the college president for final resolution. The college president or designee will issue a final written determination in the complaint process.

### **2.3.6 Withdrawal**

To withdraw from a course or courses from the college, students must follow approved procedures (See [Appendix S-7](#)). The Office of Admissions and Records provides information about the withdrawal process. The official date of withdrawal is the date the withdrawal is received in the Admissions and Records Office/Office of Student Enrollment Services.

Never attending is not an allowable refund exception or an excuse of the debt incurred through registration. Please see the refund policy.

## **Appendix S-7: Student and Faculty Withdrawal Procedures**

### **Student Withdrawal Procedures**

#### **1. Withdrawal from Specific Courses**

A student may officially withdraw from specific courses in the following ways:

- A. Through the 7th week\*, a student may initiate an official withdrawal from any course by completing the withdrawal process online using the student self service system or by submitting a course withdrawal form to the Admissions and Records Office/Office of Student Enrollment Services in accordance with the published deadlines. A grade of W (withdrawn, passing – not computed in the grade point average) will be assigned.
- B. After the 7th week\*, a student must initiate a withdrawal request with the faculty member. If, after consultation with the student, the faculty member approves the request, a grade of W (withdrawn, passing--not computed in the grade point average) or Y (withdrawn, failing--computed in the grade point average as a failing grade) will be assigned. If the request is not approved, the student will remain in the course.
- C. A student has the right to appeal a withdrawal decision according to the approved procedures. Steps outlining the process are available in [Appendix S-6](#).

*\*The prescribed time limits are for full semester classes. Time limits for classes which meet fewer than sixteen (16) weeks are adjusted accordingly. See Important Deadlines for Students. Failure to file an official withdrawal form may result in failing grades and responsibility for course tuition and fees. Refunds will only be processed within the refund period.*

#### **2. Complete Withdrawal from College**

Students electing to withdraw from the college must contact the Admissions and Records Office/Office of Enrollment Services no later than two weeks\* before the end of the last class meeting and may be required to file a written request.

A grade of W will be assigned in all courses for students who withdraw by the end of the 7th week\* of classes. Withdrawals completed after this time will result in a grade of W (withdrawn, passing – not computed in the grade point average) or Y (withdrawn, failing – computed in the GPA as a failing grade).

*\*The prescribed time limits are for full semester classes. Time limits for classes which meet fewer than sixteen (16) weeks are adjusted accordingly. See Important Deadlines for Students. Failure to file an official withdrawal form may result in failing grades and responsibility for course tuition and fees. Refunds will only be processed within the refund period.*

#### **3. Withdrawal of Financial Aid Students**

In accordance with federal regulations (34CFR 668.22), a student may be required to repay federal financial aid funds if they completely withdraw or are withdrawn, or fail to earn a passing grade from all classes during a semester. Further information is available at the college Office of Student Financial Aid. This could affect a student's ability to receive Financial Aid in the future at any school.

### **Faculty Withdrawal Procedures**

A faculty member has the option of withdrawing a student who has accumulated unofficial absences in excess of the number of times indicated in that faculty member's attendance policy in the course syllabus (see AR 2.3.2). A grade of W (withdrawn passing, not computed in GPA) or a grade of Y (withdrawn failing, 0 grade points per credit hour) may be assigned in accordance with the course syllabus. Faculty members electing to withdraw students must record the withdrawal through the online system, including last date of attendance and withdrawal code. Students withdrawn for excessive absences may be reinstated only with the approval of the faculty member. Any impact on attendance that is protected by the exercise of students' rights under ADA/504, Title IX, Title VI, or other recognized law or policy do not count as unexcused absences for the purposes of instructor-initiated withdrawals for lack of attendance/participation.

**Requests for withdrawals should be referred directly to the College of Enrollment.**

AMENDED through the Administrative Regulations Approval Process, December 12, 2018

AMENDED through the Administrative Regulations Approval Process, February 23, 2010

AMENDED through the Administrative Regulations Approval Process, August 18, 2008

AMENDED through the Administrative Regulations Approval Process, March 5, 2009

### 2.3.7 Academic Renewal

Students who are returning to this college after a separation of five (5) years or more from the Maricopa Community College District, may petition for academic renewal. The request must be in writing and submitted to the Admissions and Records Office/Office of Student Enrollment Services at the college where the grades were earned.

Academic renewal at one of the Maricopa Community Colleges does not guarantee that colleges outside the Maricopa Colleges will accept this action. Acceptance of academic renewal is at the discretion of the receiving institution.

1. Prior to petitioning for academic renewal, the student must demonstrate a renewed academic performance by earning a minimum of twelve (12) credit hours and a cumulative grade point average of 2.5 or higher within Maricopa Colleges after reenrollment.
2. Upon approval, all courses taken prior to reenrollment with a grade of "A," "B," "C," "D," "F," and "Y" will be annotated as academic renewal on the student's permanent record. All course work affected by academic renewal will not be computed in the grade point average. Courses with grades "A," "B," or "C" will have the associated credit hours counted in the total credit hours earned. Such credit will not be computed in the grade point average.
3. All course work will remain on the student's permanent academic record, ensuring a true and accurate academic history.
4. The academic renewal policy may be used only once at each college and cannot be revoked once approved.
5. Students who have been granted Academic Renewal must also meet the Financial Aid Standards of Academic Progress if they wish to receive financial aid.

### 2.3.8 Honors Program

Each of the Maricopa Community Colleges has an honors program. Interested students should contact the college honors coordinator for information about the program and available scholarships, including the Chancellor's, Foundation's, and President's Scholarships.

#### President's Honor List

The President's Honor List for each college consists of all students who complete twelve (12) or more credit hours in residence in courses numbered 100 or higher in a given semester with a college semester grade point average of 3.75 or higher.

### 2.3.9 General Graduation Requirements

**Note:** Also see Catalog Under Which a Student Graduates ([AR 2.2.5](#))

All students are required to complete the degree and/or certificate requirements as approved by the MCCCCD Governing Board. The college reserves the right to make necessary course and program changes in order to meet current educational standards. In addition, students must:

1. Be credited in the Admissions and Records Office/Office of Student Enrollment with not fewer than: 60 semester credit units in courses numbered 100 or above for the Associate in Arts degree, Associate in Science degree, Associate in Transfer Partnership degree, and Associate in General Studies degree; 60 semester credit units for the Associate in Applied Science degree; 62 semester credits for the Associate in Business degrees. For specific certificate programs, be credited with not fewer than the minimum total of credit units required for the certificate program.  
Students not continuously enrolled, as outlined in the [Catalog Under Which a Student Graduates](#) policy, must satisfy current graduation requirements.

2. Have earned a minimum of 12 semester credit units toward the degree or certificate at the district college granting the degree or certificate. The 12 hours in the AAS degree curricula may be in the Required Courses area and/or Restricted Electives courses. Courses from the General Education Core and Distribution area are excluded. In cases where the certificate requires fewer than 12 credit units, a minimum of six credit units must be completed at the college awarding the certificate. The minimum of six credit hours in the certificate or degree curricula may be in the Required Courses area and/or the Restricted Electives. Courses from the General Education Core and Distribution areas are excluded.  
Shared Programs are programs offered at multiple colleges but not available at all colleges. The requirements are identical at all the colleges offering the program.

A shared program requires a minimum of six credit hours from the total program requirements to be completed with a grade of "C" or better at the college awarding the certificate or degree.

The exception is the Nursing program. For those shared programs with less than six credit hours, the total hours for the program must be completed at the college awarding the certificate.

The same degree or certificate can only be awarded once within the Maricopa Community College District.

3. Have filed an application for the degree or certificate with the Admissions and Records Office/Office of Student Enrollment Services on the date determined by the college/center. Students must apply for graduation from the college where they have successfully completed Block 4 of the Associate in Applied Science in Nursing.
4. Have a minimum cumulative grade point average of 2.000 at the college granting the degree.
5. Have a minimum cumulative grade point average of 2.000 in all courses used to fulfill degree requirements. Some specific programs have higher grade requirements. It is the student's responsibility to be aware of these program requirements.
6. For the Maricopa Nursing program offered at eight of the MCCCCD campuses, the cumulative GPA for awarding purposes is calculated based on courses required for the degree or certificate taken at **any** MCCCCD Maricopa Nursing campus and includes pre-requisites, co-requisites, and nursing blocks.
7. Have removed, thirty (30) days after the anticipated graduation date, all deficiencies on the record to use those courses toward program completion.
8. Have removed any indebtedness to any MCCCCD college /center.
9. Have paid required degree or certificate application fee.

See fee schedule for charges.

### **Graduation with Honors**

All courses used to fulfill graduation requirements, including courses from other accredited institutions, will be entered in the grade point average calculation for honors designations.

Students who have the following grade point averages will graduate with the following distinctions:

- 3.50 to 3.69 "with distinction"
- 3.70 to 3.89 "with high distinction"
- 3.90 to 4.0 "with highest distinction"

### **Certificates/Degrees**

The Maricopa Community Colleges offer Certificates of Completion as well as Associate Degrees, one of which is conferred on each student who has completed a program of study. These certificates and degrees are as follows: (1) Certificate of Completion (Career Program Specified); (2) Academic Certificate; (3) General Education Certificate; (4) Associate in Arts; (5) Associate in Science; (6) Associate in Business; (7) Associate in General Studies; (8) Associate in Transfer Partnership; (9) Associate in Applied Science (Career Program Specified).

All candidates for a degree and/or certificate must complete the General Graduation Requirements as approved by the MCCCCD Governing Board.

All students are urged to meet with a faculty advisor, program advisor or counselor as soon as possible to determine which program meets their needs and to plan their course of study.

### **Licensure Disclaimer**

Maricopa Community Colleges courses and programs prepare students for entry into a variety of professions. Many of these professions require that a person hold an occupational license or certificate in order to work in a particular field. Typically, a person must meet certain legal requirements before obtaining such a license or certificate. These requirements are established by county, state or federal agencies, and often are based on a person's character, or whether the person has been convicted of a criminal offense. It is possible for a student who has obtained a degree or certificate from a community college to be denied the right to work in a particular profession after completing the degree or certificate because of concerns over the student's character or criminal background. Any student preparing to enter a field for which a professional license or certificate is required is strongly advised to consult with the appropriate government agency that issues such credentials. That agency can provide the student complete information about any requirements the law imposes for working in a particular occupation.

### **MCCCCD General Education Statement**

The general education core of the program of study for an associate degree or a certificate helps students develop a greater understanding of themselves, of their relationship with others, and of the richly diverse world in which they live. The general education experience provides students with opportunities to explore broad areas of commonly held knowledge and prepares them to contribute to society through personal, social, and professional interactions with others. General education fosters students' personal development by opening them to new directions, perspectives, and processes.

Through its general education requirements, the Maricopa County Community College District is committed to helping students develop qualities and skills that will serve them throughout their lives. General education opportunities encourage students to:

1. Build self-awareness, self-respect, and self-confidence
2. Recognize and respect the beliefs, traditions, abilities, and customs of all people and all cultures
3. Consider the local, global, and environmental impacts of personal, professional, and social decisions and actions
4. Access, evaluate, analyze, synthesize, and use information wisely
5. Communicate effectively personally, socially, and professionally
6. Think critically, make informed decisions, solve problems, and implement decisions
7. Consider the ethical implications of their choices
8. Value the learning process throughout their lives
9. Integrate and connect ideas and events in a historical perspective, and see relationships among the past, the present, and the future
10. Develop a personal sense of aesthetics
11. Use technological resources appropriately and productively
12. Work cooperatively and respectfully with others to serve their communities

The general education experience at MCCCCD is composed of specific elements across the curriculum designed to provide the learner with essential knowledge and skills:

- Communication
- Arts and Humanities
- Numeracy
- Scientific Inquiry in the Natural and Social Sciences
- Information Literacy
- Problem-Solving and Critical Thinking
- Cultural Diversity

### General Education Designations (example: (FYC), [SB], [HU], etc.)

Effective fall 2000 the course evaluation and/or general education designation as listed in the Arizona CEG (Course Equivalency Guide) within the Arizona Course Applicability System (AZCAS) is valid for the term in which the student is awarded credit on the transcript. A course evaluation and/or general education designation may be subject to change. Given that curriculum is dynamic at both MCCC and the institutions to which MCCC students transfer, students have the option to petition for general education evaluations and/or general education designations.

The college reserves the right to make necessary course and program changes in order to meet current educational standards.

**AMENDED by Direct Approval from the Chancellor, December 6, 2019**

**AMENDED through the Administrative Regulations Approval Process, June 5, 2017**

### 2.2.5 Catalog Under Which a Student Graduates

Students maintaining continuous enrollment at any public Arizona community college or university may graduate according to the requirements of the catalog in effect at the time of initial enrollment or according to the requirements of any single catalog in effect during subsequent terms of continuous enrollment. Students may maintain continuous enrollment whether attending a single public community college or university in Arizona or transferring among public institutions in Arizona while pursuing their degrees.

1. A semester in which a student earns course credit will be counted toward continuous enrollment. Non-credit courses, audited courses, failed courses, or courses from which the student withdraws do not count toward the determination of continuous enrollment for catalog purposes.

#### EXAMPLE A

Admitted & Earned Course Credit at a Public Community College or University  
Continued at a Public Community  
College Transferred to a University

Fall '05 (Active)  
Spring '06, Fall '06 (Active)  
Spring '07 (2005 or Any  
Subsequent Catalog)

#### EXAMPLE B

Admitted & Earned Course Credit at a Public Community College or University  
Enrolled But Earned All Ws, Zs, or Fs  
Enrolled in Audit Courses Only  
Nonattendance  
Transferred to a University

Fall '02 (Active)  
Spring '03 (Inactive)  
Fall '03 (Inactive)  
Spring '04 (Inactive)  
Fall '04 (2004 or Any  
Subsequent Catalog)

2. Students who do not meet the minimum enrollment standard stipulated in No. 1 during three consecutive semesters (fall/spring) and the intervening summer term\* at any public Arizona community college or university are no longer considered continuously enrolled, and must meet requirements of the public Arizona community college or university catalog in effect at the time they are readmitted or of any single catalog in effect during subsequent terms of continuous enrollment after readmission.

#### EXAMPLE A

Admitted & Earned Course Credit at a Public Community College or University  
Nonattendance

Fall '02 (Active)  
Spring '03, Fall '03, Spring '04  
(Inactive)  
Fall '04 (Active)  
Spring '05 (2004 or Any  
Subsequent Catalog)

Readmitted & Earned Course Credit at a Public Community College  
Transferred to a University

#### EXAMPLE B



|   |   |
|---|---|
| Admitted & Earned Course Credit at a Public Community College or University | Fall '02 (Active)                         |
| Nonattendance   | Spring '03 (Inactive)                     |
| Readmitted & Earned Course Credit at a Public Community College             | Fall '03, Spring '04 (Inactive)           |
| Nonattendance   | Summer '03 (Active)                       |
| Transferred to a University   | Fall '04 (2002 or Any Subsequent Catalog) |

*\*Students are not obligated to enroll and earn course credit during summer terms, but summer enrollment may be used to maintain continuous enrollment status.*

- Students admitted or readmitted to a public Arizona community college or university during a summer term must follow the requirements of the catalog in effect the following fall semester or of any single catalog in effect during subsequent terms of continuous enrollment.

#### EXAMPLE

|   |   |
|---|---|
| Admitted & Earned Course Credit at a Public Community College or University | Summer '04 (Active)                         |
| Continued at a Public Community College                                     | Fall '04, Spring '05 (Active)               |
| Nonattendance   | Fall '05 (Inactive)                         |
| Readmitted & Earned Course Credit at a Public Community College             | Spring '06 (Active)                         |
| Transferred to a University   | Summer '06 (2004 or Any Subsequent Catalog) |

- Students transferring among Arizona public higher education institutions must meet the admission requirements, residency requirements, and all curricular and academic requirements of the degree-granting institution.

The college reserves the right to make necessary course and program changes in order to meet current educational standards.

### 2.3.10 Transcripts for Transfer

An official student transcript is a permanent academic record issued by the college registrar. It displays all courses taken for credit within the Maricopa Community College District and includes all grades received. Unlike an unofficial transcript, it is signed and dated by the College Registrar and displays the college seal of the Maricopa College ISSUING the official transcript.

The transcript is issued upon written request only. Those students who want to transfer to other institutions of higher education, including other Maricopa Community Colleges, must request their transcript be sent from the Admissions and Records Office/Office of Student Enrollment Services. However, transcripts may be shared within the Maricopa Community College District without the written request of the student in compliance with FERPA.

Official transcripts will not be issued to students having outstanding debts to any of the Maricopa Community Colleges. The release of transcripts is governed by the guidance of the Family Education Rights and Privacy Act of 1974 (see Records Policy in the Student Rights and Responsibilities section of this manual). There is no charge for unofficial transcripts, or for official transcripts sent between Maricopa Community Colleges. See the Tuition and Fee Schedule for charges for other official transcripts.

**AMENDED through the Administrative Regulations Approval Process, June 5, 2017**

## COLLEGE ENVIRONMENT

### 2.4.4 Sexual Harassment Policy for Students

#### ~~I. SEX DISCRIMINATION AND SEXUAL HARASSMENT~~

~~"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . . ." 20~~

~~USC §1681 / 34 C.F.R. part 106~~



The policy of the Maricopa County Community College District (MCCCD) is to provide an educational, employment, and business environment free of sexual violence, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting Sexual Harassment as prohibited by state and federal law. Discrimination under this Policy is an unequal treatment of a student based on the student's actual or perceived gender, sexual orientation, or pregnancy. This Policy prohibits Sexual Harassment and Discrimination in any college education program or activity, which means all academic, educational, extracurricular, athletic and other programs. This Policy is subject to Constitutionally protected speech rights and principles of academic freedom. Questions about this Policy may be directed to the MCCCD EEO/affirmative action office.

#### A. ***SEXUAL HARASSMENT***

Any unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a student of the ability to participate in or benefit from any MCCCD educational program or activity. The unwelcome behavior may be based on power differentials, the creation of a Hostile Environment, or retaliation for allegations of Sexual Harassment under this Policy. Sexual Harassment can occur regardless of the relationship, position or respective sex of the parties. Sexual Harassment includes Hostile Environment Harassment, Sexual Assault, Inducing Incapacitation for Sexual Purposes, Sexual Exploitation, Dating Violence, and Stalking. Same-sex Sexual Harassment violates this Policy. Sexual Harassment by and between students; employees and students; and campus visitors and students is prohibited by this Policy.

———— Depending on the particular circumstances, Sexual Harassment may include, but is not limited to, the following:

1. Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults; and intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual's body in a sexual manner.
2. Offering or implying an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct.
3. Threatening or taking a negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual's academic work more difficult because sexual conduct is rejected.
4. The use or display in the classroom, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification.
5. Explicit sexual comments by one or more students about another student, or circulating drawings or other images depicting a student in a sexual manner.
6. Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments by a student about another student's sexuality or sexual experience. Such conduct between peers must be sufficiently severe, persistent, or pervasive that it creates an educational environment that is hostile or abusive. A single incident involving severe misconduct may rise to the level of Sexual Harassment.

#### B. ***HOSTILE ENVIRONMENT HARASSMENT***

Harassment based on sex, pregnancy, gender identity, gender expression, or sexual orientation that is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities.

~~A Hostile Environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, students, and campus visitors or contractors). Mere offensiveness is not enough to create a Hostile Environment. Although repeated incidents increase the likelihood that harassment has created a Hostile Environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.~~

~~In determining whether harassment has created a Hostile Environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:~~

- ~~a. the degree to which the conduct affected one or more students' education;~~
- ~~b. the nature, scope, frequency, duration, and location of incident or incidents;~~
- ~~c. the identity, number, and relationships of persons involved;~~
- ~~d. the nature of higher education.~~

### **~~C. SEXUAL ASSAULT~~**

~~An act involving forced or coerced sexual penetration or sexual contact.~~

### **~~D. INDUCING INCAPACITATION FOR SEXUAL PURPOSES~~**

~~Using drugs, alcohol, or other means with the intent to affect, or having an actual effect on, the ability of an individual to consent or refuse to consent to sexual contact.~~

### **~~E. SEXUAL EXPLOITATION~~**

~~Taking non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and such behavior does not otherwise constitute a form of Sexual Harassment under this Policy. Examples of behavior that could rise to the level of Sexual Exploitation include:~~

- ~~a. Prostituting another person;~~
- ~~b. Non-consensual visual (e.g., video, photograph) or audio recording of sexual activity;~~
- ~~c. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;~~
- ~~d. Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);~~
- ~~e. Engaging in non-consensual voyeurism;~~
- ~~f. Knowingly transmitting an STI (sexually transmitted infection), such as HIV, to another without disclosing one's STI status;~~
- ~~g. Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals;~~
- ~~h. Possessing, distributing, viewing or forcing others to view obscenity.~~

### **~~F. DATING VIOLENCE~~**

~~Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:~~

- ~~A. the length of the relationship;~~
- ~~B. the type of relationship;~~
- ~~C. the frequency of interaction between the persons involved in the relationship.~~

## ***G. STALKING***

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

## ***H. CONSENTING TO SEXUAL ACTIVITY***

Consent is clear, knowing, and voluntary; it is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in sexual activity.

Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent in future sexual acts. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When people make clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. In order to give effective consent, one must be age 18 or older.

If you have sexual activity with someone you know to be — or should know to be — mentally or physically incapacitated, you are in violation of this Policy. Incapacitation is a state where one cannot make a rational, reasonable decision because one lacks the ability to understand the who, what, where, why or how of that person's sexual interaction.

## ***II. DEFINITIONS***

### ***ALLEGED VICTIM***

The person who is the victim of any alleged Sexual Harassment or Discrimination in violation of this Policy.

### ***COMPLAINANT***

A person who has experienced or witnessed, or otherwise knows of Sexual Harassment or Discrimination in violation of this Policy and files a Formal Complaint pursuant to this Policy.

### ***RESPONDENT***

The person who is alleged to have engaged in Sexual Harassment or Discrimination prohibited under this Policy.

### ***TITLE IX COORDINATOR***

The Vice President of Student Affairs serves as each respective college's Title IX Coordinator. The Title IX Coordinator is the individual responsible for providing education and training about Discrimination and Sexual Harassment to the college community and for receiving and investigating allegations of Discrimination and Sexual Harassment in accordance with this Policy. The Title IX Coordinator is authorized to designate other appropriately trained individuals to investigate Discrimination and Sexual Harassment Complaints and reports as deemed appropriate. The contact information for the Title IX Coordinator at each college may be found at <https://district.maricopa.edu/consumer-information/title-ix/title-ix-coordinators>

## ***III. REPORTING DISCRIMINATION***

### **~~A. BYSTANDER~~**

~~No student or employee should assume that an official of the college knows about a particular situation. The college encourages any student who feels he or she has been discriminated against or harassed in violation of this Policy to promptly report the incident to the Title IX Coordinator. Any student who knows of Discrimination or Sexual Harassment prohibited under this Policy that is experienced by another student should report that information to the Title IX Coordinator. Before a student reveals information, college employees will try to ensure that the student understands the employee's obligations and, if the student wishes to maintain confidentiality, direct the student to confidential resources. A student may choose to make a full report or request confidentiality as he or she determines.~~

~~All members of the college community are expected to adhere to this Policy, to cooperate with the procedures for responding to complaints of Discrimination and Harassment, and to report conduct or behavior they believe to be in violation of this Policy to the Title IX Coordinator. A duty to report conduct or behavior that violates this Policy is imposed on all administrators, supervisors, faculty members, and persons in positions of authority. Such employees perform their duty to report by reporting the conduct or behavior to the Title IX Coordinator.~~

### **~~B. COLLEGE COMPLAINTS AND REPORTING~~**

~~Any person who has experienced, witnessed, or otherwise knows of Sexual Harassment or Discrimination prohibited under this Policy is to report such conduct to the college's Title IX Coordinator. The Title IX Coordinator is trained to help you find the resources you might need, to explain all reporting options, and to respond appropriately to conduct of concern. Such conduct is to be reported to the Title IX Coordinator as soon as possible after it occurs. The Title IX Coordinator tracks all reports of Sexual Harassment or Discrimination.~~

~~There are several avenues available for any person who experiences, witnesses, or otherwise knows of Sexual Harassment or Discrimination to report such conduct:~~

- ~~• Leave a private voice message for the Title IX Coordinator;~~
- ~~• Send a private email to the Title IX Coordinator;~~
- ~~• Mail a letter to the Title IX Coordinator's office;~~
- ~~• Visit the Title IX Coordinator (although it is best to make an appointment first to ensure availability);~~
- ~~• File a Formal Complaint pursuant to this Policy;~~
- ~~• Report to another trusted college official (e.g., faculty member, coach, advisor) who will provide information as required under the Policy to the Title IX Coordinator.~~

~~If there is an allegation of conduct in violation of this Policy about the Title IX Coordinator or any staff member who is part of the Vice President of Student Affairs' office, that allegation should be lodged with the President of the college. The President will appoint another trained individual to take the place of the Title IX Coordinator for purposes of the allegation.~~

### **~~C. RETALIATION PROHIBITED~~**

~~Retaliation occurs when adverse action is taken against a student or employee because he or she has engaged in protected activity such as filing a complaint of Discrimination or Harassment. Retaliation may be found even when the underlying charge does not constitute Discrimination or Harassment in violation of this Policy, and all persons who participate in a Discrimination or Harassment proceeding, not only the complaining party, are protected against retaliation. A retaliatory adverse action is an action taken to deter a reasonable person from opposing a discriminatory or harassing practice, or from participating in a Discrimination or Harassment proceeding, or more generally, from pursuing that person's rights.~~

#### **D. CRIMINAL REPORTING**

Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to College Safety or local law enforcement. Some forms of Discrimination and Harassment may also be crimes. For example, sexual assault, stalking and rape are crimes. Criminal reports should be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you: obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.

#### **E. CONFIDENTIALITY OF COMPLAINTS AND REPORTS**

Parties in these processes, including the Alleged Victim, Respondent, Complainant and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this Policy. In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality. The Title IX Coordinator or investigator will keep confidential the Complaint, report, witness statements, and any other information provided by the Alleged Victim, Respondent, Complainant or witnesses, and will disclose this information only to the Alleged Victim, Complainant, Respondent, or witnesses as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law; to other college officials as necessary for coordinating interim measures or for health, welfare, and safety reasons; and to government agencies who review the college's compliance with federal law. The written investigation report and any written decision will be disclosed only to the Alleged Victim, Complainant, Respondent, Title IX Coordinator, and discipline authority. In the case of employees, the discipline authority is the college administrator with the authority to impose sanctions in accordance with applicable employment policies. In the case of students, the discipline authority is the Vice President for Student Affairs and college officials as necessary to prepare for subsequent proceedings (e.g., college President and MCCC legal counsel).

#### **F. ANONYMOUS REPORTING**

The Title IX Coordinator accepts anonymous reports of conduct alleged to violate this Policy and will follow up on such reports. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or investigator to inquire into or investigate the report, and respond as appropriate. The Title IX Coordinator or investigator may be limited in the ability to follow up on an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator or investigator to conduct a meaningful and fair inquiry or investigation.

### **IV. RIGHTS OF PARTIES**

#### **A. ALLEGED VICTIM: The Alleged Victim has the right to:**

1. An inquiry and appropriate resolution of all credible allegations of Sexual Harassment, Discrimination, and sexual violence made in good faith to the Title IX Coordinator.
2. Be treated with respect by college officials.
3. Have the same opportunity as the Respondent to have others present (in support or advisory roles) during an investigation.
4. Report Sexual Harassment, Discrimination, and violence to both on-campus and off-campus authorities.
5. Be informed of the investigation findings and imposed sanctions at the same time as the Respondent.
6. Be informed of and afforded access to available counseling, mental health, physical health or student services for victims of Sexual Harassment, Discrimination, and violence.
7. Have notification of and options for, and available assistance in, changing academic and living situations after an alleged act of Sexual Harassment or Discrimination prohibited under this Policy, if so requested by the Alleged

~~Victim and if such changes are reasonably available. No Formal Complaint, or investigation—campus or criminal—need occur before this option is available. Accommodations may include:~~

- ~~- Change of on-campus student's housing to a different on-campus location;~~
- ~~- Assistance from college support staff in completing relocation;~~
- ~~- Arranging to dissolve a housing contract and pro-rating a refund;~~
- ~~- Exam, paper, or assignment rescheduling;~~
- ~~- Taking an incomplete in a class;~~
- ~~- Transferring class sections;~~
- ~~- Temporary withdraw from institution;~~
- ~~- Alternative course completion options.~~

- ~~8. Not have irrelevant prior sexual history admitted as evidence in an investigation.~~
- ~~9. Make a victim impact statement available to the investigator and decision maker.~~
- ~~10. Access to available protection against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others.~~
- ~~11. Have allegations of sexual misconduct that might be criminal in nature responded to quickly and with sensitivity by campus law enforcement.~~
- ~~12. Seek Reconsideration of the finding of the investigation and any sanction imposed.~~
- ~~13. Review all documentary evidence collected, used, and disseminated during the investigation and sanctioning process.~~
- ~~14. Petition that any member of the investigative process be removed on the basis of demonstrated bias.~~
- ~~15. Have an advocate or advisor present at all phases of the investigation.~~
- ~~16. Present relevant witnesses to the investigator and decision maker, including expert witnesses.~~
- ~~17. Be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations.~~
- ~~18. Have MCCCCD compel the presence of student, faculty, and staff witnesses.~~
- ~~19. Written notice of the investigation, findings and sanctions.~~
- ~~20. Challenge documentary evidence obtained during the investigation.~~
- ~~21. Be informed in advance of any public release of information regarding the investigation.~~
- ~~22. Give consent for the release of any personally identifiable information contained in the investigation.~~

#### ***B. IMMEDIATE ACTION AND INTERIM MEASURES***

~~The college may take interim measures to assist or protect the parties during the inquiry or investigation process, as necessary and with the Alleged Victim's consent. Such measures for an Alleged Victim may include arranging for changes in class schedules or living arrangements, issuing a no-contact order, obtaining counseling, and modifying test schedules or other class requirements temporarily.~~

#### ***C. RESPONDENT: The Respondent has the right to:***

- ~~1. An inquiry and appropriate resolution of all credible allegations of Sexual Harassment, Discrimination, and sexual violence made in good faith to the Title IX Coordinator.~~
- ~~2. Be treated with respect by college officials.~~
- ~~3. Have the same opportunity as the Alleged Victim to have others present (in support or advisory roles) during an investigation.~~
- ~~4. Be informed of and have access to campus resources for medical, counseling, and advisory services.~~

5. ~~Be fully informed of the nature, rules, and procedures of the investigation process, and to thorough and timely written notice of all alleged violations, including the full nature of the violation and possible sanctions.~~
6. ~~Protections of due process required by local, state, or federal law.~~
7. ~~Not have irrelevant prior sexual history admitted as evidence in an investigation.~~
8. ~~Make an impact statement available to the investigator and decision maker.~~
9. ~~Seek Reconsideration of the finding of the investigation and any sanction imposed.~~
10. ~~Review all documentary evidence collected, used, and disseminated during the investigation and sanctioning process.~~
11. ~~Present relevant witnesses to the investigator and decision maker, including expert witnesses.~~
12. ~~Petition that any member of the investigative process be removed on the basis of demonstrated bias.~~
13. ~~Have MCCCCD compel the presence of student, faculty, and staff witnesses.~~
14. ~~Challenge documentary evidence obtained during the investigation.~~
15. ~~Have an advocate or advisor present at all phases of the investigation.~~
16. ~~An outcome based solely on evidence presented during the investigation. Such evidence should be credible, relevant, based in fact, and without prejudice.~~
17. ~~Written notice of the investigation, findings, and sanctions.~~
18. ~~Be informed in advance of any public release of information regarding the investigation.~~
19. ~~Give consent for the release of any personally identifiable information contained in the investigation.~~

## **V. DUE PROCESS**

~~Due process is afforded any employee, student, or visitor accused of Sexual Harassment or Discrimination prohibited under this Policy. On receipt of a Formal Complaint, or upon receipt of credible evidence that Sexual Harassment or Discrimination prohibited under this Policy has occurred, an immediate preliminary inquiry will be conducted to determine if there is reasonable cause to believe this Policy has been violated. A preliminary inquiry shall be concluded within ten working days following the determination that such reasonable cause exists; however, it may be re-opened in the event additional evidence of a violation of this Policy is later discovered. If, following a preliminary inquiry, such reasonable cause is found, a prompt, thorough, impartial investigation will be conducted by a qualified, authorized investigator. An investigation will be conducted using a preponderance of evidence standard. A preponderance of evidence standard means that an investigator will conclude that Sexual Harassment or Discrimination occurred only if the results of the investigation demonstrate it is more likely than not that such conduct took place. If the investigator's final decision is that Sexual Harassment or Discrimination prohibited under this Policy occurred, the college will take immediate action to eliminate the Harassment or Discrimination, prevent its recurrence, and address its effects. Remedies for the victim of Sexual Harassment or Discrimination will also be sought. Violations of this Policy may result in disciplinary action up to and including termination for employees; sanctions up to and including suspension or expulsion for students; and appropriate sanctions against campus visitors. This Policy applies to prohibited conduct that impacts the educational environment, whether it occurs on or off campus, and covers students, employees, and visitors.~~

### **A. SEX DISCRIMINATION GRIEVANCE PROCEDURES FOR STUDENTS**

~~The purpose of these procedures is to provide a prompt and equitable resolution for allegations of Discrimination as prohibited under this Policy. Persons believing that they have been subjected to or witnessed, or otherwise know of Discrimination or Harassment on any of these bases may file a Complaint with the college. These procedures address allegations of Discrimination or Sexual Harassment as prohibited under this Policy. The procedures also address allegations of retaliation against those who have opposed practices forbidden under the Policy, those who have made allegations of Discrimination or Harassment under the Policy, and those who have testified or otherwise participated in enforcement of the Policy.~~

## **B. ~~MEDIATION~~**

~~Alleged victims who believe they have been discriminated against or harassed may choose in certain circumstances to resolve their allegations through mediation. Mediation is an informal and confidential process where parties can participate in a search for fair and workable solutions. An~~

~~Alleged Victim may choose to ask the Title IX Coordinator to assist in the mediation process.~~

~~Allegations that are addressed through mediation are not required to be made in writing. The parties may agree upon a variety of resolutions such as modification of work assignment, training for a department, or an apology. Parties may agree to a resolution that is oral or embodied in a written agreement. With a written agreement, the parties may elect to file it with the Title IX Coordinator in the event enforcement becomes necessary. Once both parties reach a mediated agreement, it is final and cannot be the basis of a Request for Reconsideration. The Title IX Coordinator or either party may at any time, prior to a final agreement, decide that attempts at mediation have failed. Upon such notice, the Title IX Coordinator may conduct a preliminary inquiry to determine whether this Policy has been violated. The mediation process may not be used if the alleged conduct constitutes criminal conduct.~~

## **C. ~~FORMAL COMPLAINT PROCESS~~**

~~A person who has experienced, witnessed, or otherwise knows of Sexual Harassment or Discrimination in violation of this Policy may file a Formal Complaint by contacting the Title IX Coordinator at each respective college or center. A Complainant may file a Formal Complaint either orally or in writing. The Title IX Coordinator will accept Formal Complaint filings within 300 calendar days of the most recent occurrence of the alleged discriminatory act.~~

~~The Complainant's documentation in support of a Formal Complaint should clearly and concisely identify the action, decision, conduct, or other basis that constituted an alleged act or practice of Discrimination prohibited under this Policy. Upon receipt of a Formal Complaint, the Title IX Coordinator will notify the college President and the Office of General Counsel. The Office of General Counsel will assign a case number to the Formal Complaint.~~

~~A copy of the Formal Complaint will be shared with the Respondent within five (5) working days of receipt by the Title IX Coordinator. The Respondent will be put on notice that retaliation against the Complainant, Alleged Victim, or potential witnesses will not be tolerated and that an investigation will be conducted.~~

~~The Respondent must provide a written response to the Formal Complaint within fifteen (15) calendar days of his or her receipt of the Formal Complaint.~~

~~After either accepting a Formal Complaint or receiving credible evidence that Discrimination has occurred, and determining after a preliminary inquiry that there is reasonable cause to believe this Policy has been violated, the Title IX Coordinator will:~~

- ~~• Designate an investigator to conduct a fact finding investigation, which will include, at a minimum, a review of written evidence (including the Complaint and response) and interviews with appropriate employees and students. The Title IX Coordinator may serve as investigator;~~
- ~~• Determine the identity and contact information of the Complainant;~~
- ~~• Identify the correct policies allegedly violated;~~
- ~~• Conduct a thorough, reliable, and impartial investigation;~~
- ~~• Complete the investigation promptly (within 60 calendar days, unless—owing to the complexity of the investigation or the severity and extent of the alleged conduct—more time is necessary to complete the investigation);~~



- Make findings based on the preponderance of evidence; and
- Present the findings to the Title IX Coordinator, who will deliver the findings, in writing, within ten (10) working days, to the President, with a recommendation as to the disposition of the matter.

The President shall accept, reject, or modify the recommendation, and provide a written notification of his or her action, along with the findings presented by the Title IX Coordinator, to the Complainant, Alleged Victim, and Respondent within fifteen (15) calendar days of receiving the findings and recommendation from the Title IX Coordinator.

Evidence which is collateral to the allegations of Discrimination or Sexual Harassment and which was obtained during an investigation may be used in subsequent grievance or disciplinary procedures.

#### **D. MAINTENANCE OF DOCUMENTATION**

Documentation resulting from each level in the Formal Complaint Process (including witness statements, investigative notes, etc.) will be forwarded to and maintained by the Office of General Counsel. Investigative records are not to be maintained with or considered as a part of a student record. Documentation regarding corrective action is considered part of the student's record.

#### **E. RIGHT TO ASSISTANCE**

A Complainant, Alleged Victim or Respondent may receive the assistance of an attorney or other person at any stage of a Complaint filed under the Formal Complaint Process. Such person may attend any investigative interview and advise the Complainant, Alleged Victim or Respondent but shall not otherwise participate in the interview. The investigator shall direct communications directly to the Complainant, Alleged Victim and Respondent, and not through such individual's attorney or other person providing assistance.

#### **F. TIME FRAME AND GROUNDS FOR FILING A REQUEST FOR RECONSIDERATION**

A Complainant, Alleged Victim or Respondent who is not satisfied with the decision of the President has ten (10) working days to request, in writing, reconsideration of the decision by the Maricopa Community College District's Executive Vice Chancellor and Provost. There are four grounds upon which a Request for Reconsideration may be made: (1) the party has new information, unavailable at the time of the investigation; (2) the party has procedural concerns that may change or affect the outcome of the determination; (3) the party perceives that there was insufficient evidence to support the investigators findings; or (4) the party perceives any action taken by the President to be too severe. The Executive Vice Chancellor and Provost will review the findings of the investigation and recommendation of the Title IX Coordinator, and respond to the Request for Reconsideration within ten (10) working days from its receipt. The Title IX coordinator shall ensure that, prior to acting on any Request for Reconsideration, the Executive Vice Chancellor and Provost has been fully briefed regarding every component of this Policy. If the Executive Vice Chancellor and Provost determines that the investigation was not conducted in a fair manner, or that the determination is not consistent with the evidence, or that any disciplinary action is not commensurate with the allegations, the case file will be reopened and assigned for further investigation. If the Executive Vice Chancellor and Provost concludes that the investigation was conducted in a proper manner, that the determination is consistent with the evidence, and that any disciplinary action is commensurate with the allegations, he or she will—in writing—certify that the Executive Vice Chancellor and Provost has read and thoroughly considered all of the information collected in the investigation, certify that the investigation was conducted in a proper manner and the decision is consistent with the evidence, and deny the Request for Reconsideration. The written certifications and decision by the Executive Vice Chancellor and Provost shall be delivered to the Complainant, Alleged Victim, and Respondent promptly after they are issued. At this point, or if no Request for Reconsideration is made, the investigation into alleged Discrimination under this Policy is concluded.

#### **G. EXTERNAL FILING OF DISCRIMINATION COMPLAINT**

~~MCCCD encourages students to use the due process under this Policy to resolve Discrimination concerns. Students also have the right to file civil rights complaints with appropriate external agencies. No retaliation will be taken against a person for filing a complaint with an external agency. The following agency accepts discrimination charges filed by, or on behalf of, students:~~

~~Office for Civil Rights  
U.S. Department of Education  
Denver Office  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 310  
Denver, Colorado 80204-3582  
Phone: 303-844-5695  
Fax: 303-844-4303  
TDD: 303-844-3417  
E-mail: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)~~

~~ADOPTED by Direct Chancellor Approval: May 20, 2015~~

#### **2.4.4 Sexual Harassment Policy (replaced with Administrative Regulation 5.1.16).**

**Administrative Regulation 2.4.4 is rescinded effective August 14, 2020. For cases made prior to August 14, 2020, 2.4.4 applies. Administrative Regulation 2.4.4 has been archived for transitional purposes.**

**RESCINDED through Direct Approval from the Chancellor, August 3, 2020**

### **5.1.8 Policy Prohibiting Harassment**

#### **A. Policy**

The policy of the Maricopa County Community College District (MCCCD) is to provide an educational, employment, and business environment free of harassment that is based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information. Such prohibited harassment includes but is not limited to sexual violence, unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct or communications constituting harassment with regards to race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information as defined and otherwise prohibited by state and federal law.

Employee complaints of harassment must be reported to the District Office of Equal Employment and Opportunity.

Harassment based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information violates MCCCD Policy when the conduct is unwelcome, verbal, or physical conduct that is sufficiently severe, or pervasive that it alters working conditions and creates a hostile environment for employees. The unwelcome behavior may be based on power differentials, the creation of a hostile environment, or retaliation for harassment complaints. Harassment by and between any student or employee (paid, unpaid, or contract), is prohibited by this policy.

Due process is afforded any employee accused of harassment. Upon receipt of a complaint, an immediate preliminary review will be conducted to determine if there is reasonable cause to believe the nondiscrimination policy may have been violated. If so, then a prompt, thorough, impartial investigation will be conducted by the authorized administrator, or designee. If the final decision is that harassment occurred, the college will take immediate action to eliminate the hostile environment, prevent its recurrence, and address its effects. Remedies for the complainant will also be sought. Violations of this policy may result in disciplinary action up to and including termination for employees, sanctions up to and including suspension or expulsion for students, and appropriate sanctions against

campus visitors. This policy applies to prohibited conduct that occurs both on and off campus and covers employees, and visitors.

MCCCD affirms its commitment to supporting the academic and personal freedom of all members of the community. In particular, the policy against harassment shall not be applied in a manner that contradicts the principle of academic freedom: Faculty and other members of the community are entitled to freedom in research, and faculty members are entitled to freedom in the classroom to pursue controversial matters related to their disciplines. However, this right to teach controversial material entails the responsibility that it be carried out in a way that would be judged by peers as not violating the District's non-discrimination policy.

Questions about this policy may be directed to the [MCCCD EEO/Affirmative Action Office](#).

## **B. Examples of Policy Violations**

It shall be a violation of MCCCD's Harassment Policy for any employee (paid, unpaid, or contract), student or campus visitor to engage in any unwelcome conduct that is based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information. Such as to:

1. Engage in offensive conduct that is sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive. Such conduct must be based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.
2. Engage in unwelcome verbal or physical conduct, including intimidation, ridicule, insult, or comments, when the behavior can reasonably be considered to adversely affect the work or academic environment, or an employment decision based upon the employee's acceptance or rejection of such conduct. Such verbal or physical conduct must be based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information or on their protected activities under applicable non-discrimination laws and policies,
3. Engage in Sexual Harassment, which includes, but is not limited to:
  - A. Make unwelcome sexual advances to another employee (paid, unpaid, or contract), student or campus visitor;
  - B. Make unwelcome requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment or academic relationship;
  - C. Engage in verbal or physical conduct of a sexual nature with another employee, student or campus visitor, that may threaten or insinuate, either explicitly or implicitly, that the individual's submission to, or rejection of, the sexual advances will in any way:
    1. Influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or
    2. Influence his or her grades, participation in or access to academic programs, class standing or other educational opportunities;
  - D. Engage in verbal or physical conduct of a sexual nature that:
    1. Has the purpose or effect of substantially interfering with an employee's ability to do his or her job; or with a student's ability to learn or participate in a class; or
    2. Which creates an intimidating, hostile or offensive work or academic environment;
  - E. Commit any act of sexual assault or public sexual indecency against any employee or student whether on MCCCD property or in connection with any MCCCD-sponsored activity;
  - F. Continue to express sexual interest in another employee, student or campus visitor after being informed or on notice that the interest is unwelcome (reciprocal attraction is not considered sexual harassment);
4. Engage in other harassing conduct in the workplace or academic environment, whether physical or verbal, including, but not limited to, commentary about an individual's body (or body parts), degrading words to

describe an individual, offensive comments, suggestive language or jokes, innuendoes, and suggestive objects, print or digital media. Misconduct may include exploitation, stalking, bullying. Such conduct must be based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.

5. Treat a complainant or witness of harassment in a manner that could dissuade a reasonable person from pursuing or participating in the complaint and investigation. Such treatment must be based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.
6. **ENGAGE IN SEXUAL MISCONDUCT, INCLUDING BUT NOT LIMITED TO:**
  - A. THE USE OR DISPLAY IN THE CLASSROOM, INCLUDING ELECTRONIC, OF PORNOGRAPHIC OR SEXUALLY HARASSING MATERIALS SUCH AS POSTERS, PHOTOS, CARTOONS OR GRAFFITI WITHOUT PEDAGOGICAL JUSTIFICATION.
  - B. EXPLICIT SEXUAL COMMENTS BY ONE OR MORE EMPLOYEES ABOUT ANOTHER EMPLOYEE OR STUDENT, OR CIRCULATING DRAWINGS OR OTHER IMAGES DEPICTING AN EMPLOYEE OR STUDENT IN A SEXUAL MANNER.
  - C. UNWELCOME SEXUAL ADVANCES, REPEATED PROPOSITIONS OR REQUESTS FOR A SEXUAL RELATIONSHIP TO AN INDIVIDUAL WHO HAS PREVIOUSLY INDICATED THAT SUCH CONDUCT IS UNWELCOME, OR SEXUAL GESTURES, NOISES, REMARKS, JOKES, QUESTIONS, OR COMMENTS BY A STUDENT ABOUT ANOTHER PERSON'S SEXUALITY OR SEXUAL EXPERIENCE.
  - D. HARASSMENT BASED ON SEX, PREGNANCY, GENDER IDENTITY, GENDER EXPRESSION, OR SEXUAL ORIENTATION THAT CREATES A HOSTILE ENVIRONMENT. A HOSTILE ENVIRONMENT EXISTS WHEN THE CONDUCT IS SUFFICIENTLY SEVERE, OR PERVASIVE THAT IT UNREASONABLY INTERFERES WITH, LIMITS, OR DEPRIVES AN INDIVIDUAL FROM PARTICIPATING IN OR BENEFITTING FROM THE DISTRICT'S EDUCATION PROGRAMS AND/OR ACTIVITIES, INCLUDING EMPLOYMENT. THE EXISTENCE OF A HOSTILE ENVIRONMENT IS TO BE JUDGED BOTH OBJECTIVELY (MEANING A REASONABLE PERSON WOULD FIND THE ENVIRONMENT HOSTILE) AND SUBJECTIVELY (MEANING THE IMPACTED INDIVIDUAL FELT THE ENVIRONMENT WAS HOSTILE).
  - E. SEXUAL EXPLOITATION, WHICH MEANS TAKING NON-CONSENSUAL OR ABUSIVE SEXUAL ADVANTAGE OF ANOTHER FOR ANYONE'S ADVANTAGE OR BENEFIT OTHER THAN THE PERSON BEING EXPLOITED. EXAMPLES OF BEHAVIOR THAT COULD RISE TO THE LEVEL OF SEXUAL EXPLOITATION INCLUDE:
    1. RECRUITING, HARBORING, TRANSPORTING, PROVIDING, OR OBTAINING ANOTHER PERSON FOR THE PURPOSE OF SEXUAL EXPLOITATION;
    2. NON-CONSENSUAL VISUAL (E.G., VIDEO, PHOTOGRAPH) OR AUDIO-RECORDING OF SEXUAL ACTIVITY;
    3. NON-CONSENSUAL DISTRIBUTION OF PHOTOS, OTHER IMAGES, OR INFORMATION OF AN INDIVIDUAL'S SEXUAL ACTIVITY, INTIMATE BODY PARTS, OR NAKEDNESS, WITH THE INTENT TO OR HAVING THE EFFECT OF EMBARRASSING AN INDIVIDUAL WHO IS THE SUBJECT OF SUCH IMAGES OR INFORMATION;
    4. GOING BEYOND THE BOUNDS OF CONSENT (SUCH AS ATTEMPTING TO KISS AN EMPLOYEE OR STUDENT WITHOUT THEIR CONSENT)
    5. ENGAGING IN NON-CONSENSUAL VOYEURISM;
    6. KNOWINGLY TRANSMITTING AN STI (SEXUALLY TRANSMITTED INFECTION), SUCH AS HIV, TO ANOTHER WITHOUT DISCLOSING ONE'S STI STATUS;
    7. EXPOSING ONE'S GENITALS IN NON-CONSENSUAL CIRCUMSTANCES, OR INDUCING ANOTHER TO EXPOSE THEIR GENITALS;
    8. POSSESSING, DISTRIBUTING, VIEWING OR FORCING OTHERS TO VIEW OBSCENITY.
7. ALL COMPLAINTS OF SEXUAL HARASSMENT OR SEXUAL MISCONDUCT SHALL BE REFERRED PROMPTLY TO THE COLLEGE TITLE IX COORDINATOR (OR THE DISTRICT TITLE IX COORDINATOR, IF THE ALLEGATIONS CONCERN A DISTRICT OFFICE EMPLOYEE), FOR INITIAL REVIEW IN DETERMINING THE APPROPRIATE INVESTIGATION CHANNEL.
8. MATTERS PERTAINING TO SEXUAL HARASSMENT/MISCONDUCT THAT DO NOT MEET THE DEFINITION OF SEXUAL HARASSMENT AS OUTLINED IN ADMINISTRATIVE REGULATION 5.1.16 OR OTHERWISE DO NOT MEET THE

DEFINITION OF AN EDUCATIONAL PROGRAM OR ACTIVITY AND DO NOT OCCUR AGAINST A PERSON WITHIN THE UNITED STATES WILL BE REFERRED BY THE TITLE IX COORDINATOR TO THE COLLEGE OR DISTRICT'S RESPECTIVE HUMAN RESOURCES DEPARTMENT FOR INVESTIGATION AND ADJUDICATION UNDER THIS CONDUCT POLICY.

**AMENDED by Direct Approval from the Chancellor, August 18, 2020**

**AMENDED by Direct Approval from the Chancellor, April 8, 2020**

**AMENDED through the Administrative Regulations Approval Process, January 2, 2020**

#### **5.1.9 Additional Policy Violations**

~~All Maricopa County Community College District (MCCCD) employees (paid, unpaid, or contract) are~~ Mandatory Reporters ~~(AS DEFINED IN ADMINISTRATIVE REGULATION 5.1.16) under Title IX. Mandatory Reporters~~ must report allegations of sexual harassment/assault (whether reported by the person who is the subject of the sexual harassment or a witness) **TO AN OFFICIAL WITH AUTHORITY OR THE TITLE IX COORDINATOR (AS DEFINED IN ADMINISTRATIVE REGULATION 5.1.16).** Failure to report to **AN OFFICIAL WITH AUTHORITY OR THE TITLE IX COORDINATOR** ~~the designated Title IX coordinator~~ is a policy violation subject to discipline up to and including dismissal.

Campus Security Authority (CSAs) are mandatory reporters under the Cleary Act. Failure to report is a policy violation subject to discipline up to and including dismissal.

~~All employees~~ **MANDATORY REPORTERS** are expected to report harassment/discrimination (whether reported by the person who is the subject of the sexual harassment or a witness) based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information. Failure to report may be a policy violation subject to discipline up to and including dismissal.

**AMENDED by Direct Approval from the Chancellor, November 16, 2020**

**AMENDED by Direct Approval from the Chancellor, January 2, 2020**

#### **5.1.10 Responsibility for Policy Enforcement**

Employees and students must avoid offensive or inappropriate harassing behavior based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information at work or in the academic environment (in and out of the classroom).

Employees and students are encouraged (but not required) to inform perceived offenders of this policy and that the commentary/conduct is offensive and unwelcome.

#### **5.1.11 Complaints**

##### **1. Employees**

Employees who experience harassment at work (by a supervisor, co-employee, student or visitor) are urged to report such conduct to the direct attention of their supervisor, their college president or to the Maricopa County Community College District (MCCCD) Equal Employment Opportunity/Affirmative Action Office. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with their immediate supervisor, the employee may go directly to the MCCCD EEO/AA Office.

##### **2. Students**

Students who experience sexual harassment or sexual assault in a school's education program and activities (by a faculty member, administrator, staff, campus visitor or other student) are urged to report such conduct to the designated Title IX Coordinator, of which there is one for each MCCCD college. A student may also contact the MCCCD EEO/AA Office to obtain the name and phone number of the college official designated to respond to harassment complaints based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information.

### **3. General**

- A. Complaints by employees will be investigated according to procedures established by the MCCCC EEO/AA Office. Copies of these procedures may be obtained on the District website and the MCCCC EEO/AA Office.
- B. Complaints by students will be investigated according to the procedures established in the College Environment section of the Administrative Regulations (AR 2.4). Copies of these procedures are posted on the District website.
- C. All complaints will be investigated in a prompt, thorough, and impartial manner.
- D. Where investigation confirms the allegations, appropriate, response action will be taken by the college/center/MCCCCD.

**AMENDED by the Administrative Regulations Approval Process, January 2, 2020**

#### **5.1.12 Confidentiality**

Records will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with the Maricopa County Community College District's (MCCCCD) legal obligation to investigate and resolve issues of discrimination and harassment based on one's protected class status as outlined in law and in MCCCCD policy. The MCCCCD cannot promise complete confidentiality.

**AMENDED by the Administrative Regulations Approval Process, January 2, 2020**

#### **5.1.13 Violations of Law**

An employee or student may be accountable for sexual harassment under applicable local, state, and/or federal law, as well as under Maricopa County Community College District (MCCCCD) policy. Disciplinary action by MCCCCD may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

**AMENDED by the Administrative Regulations Approval Process, January 2, 2020**

#### **5.1.14 False Statements Prohibited**

Any individual who knowingly provides false information pursuant to filing a discrimination charge or during the investigation of a discrimination charge, will be subject to appropriate disciplinary action, up to and including, employment termination or academic dismissal.

**AMENDED by the Administrative Regulations Approval Process, January 2, 2020**

#### **5.1.15 Retaliation Prohibited**

Retaliation against an employee or student for engaging in protected activity is strictly prohibited. The Maricopa County Community College District (MCCCCD) strictly prohibits taking an adverse action that might deter a reasonable person from participating in activity protected by antidiscrimination laws. Protected activity consists of:

- (a) opposing conduct reasonably believed to constitute discrimination, including harassment which violates a nondiscrimination statute or which MCCCCD policy prohibits;
- (b) filing a complaint about such practice; or
- (c) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint.

Retaliatory actions are not limited to formal personnel actions such as termination, demotion, non-promotion, or non-selection. Retaliatory actions are broadly defined as harassing behavior, significant changes to job duties or working conditions, and even threats to take personnel actions based on engaging in protected activity. MCCCCD will take appropriate disciplinary action, up to and including employment termination or academic dismissal if retaliation occurs.

**AMENDED by the Administrative Regulations Approval Process, January 2, 2020**



## 5.1.16 TITLE IX SEXUAL HARASSMENT POLICY

### I. DEFINITIONS

1. **ACTUAL KNOWLEDGE** MEANS THAT AN EMPLOYEE, STUDENT, OR THIRD-PARTY INFORMS THE TITLE IX COORDINATOR OR OTHER OFFICIAL WITH AUTHORITY OF THE ALLEGED OCCURRENCE OF ALLEGED HARASSING, DISCRIMINATORY, AND/OR RETALIATORY CONDUCT. ACTUAL KNOWLEDGE COMPELS THE MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (MCCCD) TO INITIATE ACTION.
2. **ADVISOR** MEANS A PERSON CHOSEN BY A PARTY OR APPOINTED BY THE INSTITUTION TO ACCOMPANY THE PARTY TO MEETINGS RELATED TO THE **RESOLUTION** PROCESS, TO ADVISE THE PARTY ON THAT PROCESS, AND TO CONDUCT CROSS-EXAMINATION FOR THE PARTY AT THE HEARING, IF A HEARING IS HELD. THIS INDIVIDUAL MAY BE AN MCCCD EMPLOYEE, A MEMBER OF THE COMMUNITY, OR ATTORNEY (HIRED AND PAID FOR BY A PARTY).
3. **COMPLAINANT** MEANS AN INDIVIDUAL WHO IS ALLEGED TO BE THE VICTIM OF CONDUCT THAT COULD CONSTITUTE SEXUAL HARASSMENT OR RETALIATION FOR ENGAGING IN A PROTECTED ACTIVITY.
4. **FORMAL COMPLAINT** MEANS A DOCUMENT FILED WITH THE TITLE IX COORDINATOR/SIGNED BY A COMPLAINANT OR SIGNED BY THE TITLE IX COORDINATOR ALLEGING AGAINST SEXUAL HARASSMENT OR RETALIATION FOR ENGAGING IN A PROTECTED ACTIVITY AGAINST A RESPONDENT AND REQUESTING THAT THE MCCCD INVESTIGATE THE ALLEGATION.
5. **CONFIDENTIAL RESOURCE** MEANS AN EMPLOYEE WHO IS NOT A MANDATORY REPORTER OR AN OFFICIAL WITH AUTHORITY (IRRESPECTIVE OF CLERY ACT CAMPUS SECURITY AUTHORITY STATUS). AT MCCCD, THERE IS ONLY ONE CONFIDENTIAL RESOURCE. THIS CONFIDENTIAL RESOURCE IS THE OMBUDSMAN, WHO IS LOCATED IN THE MCCCD OFFICE OF PUBLIC STEWARDSHIP.
6. **DAY(S)** MEANS A BUSINESS DAY WHEN THE MCCCD IS IN NORMAL OPERATION.
7. **EDUCATION PROGRAM OR ACTIVITY** MEANS LOCATIONS, EVENTS, OR CIRCUMSTANCES WHERE MCCCD EXERCISES SUBSTANTIAL CONTROL OVER BOTH THE RESPONDENT AND THE CONTEXT IN WHICH THE SEXUAL HARASSMENT OR DISCRIMINATION OCCURS AND ALSO INCLUDES ANY BUILDING OWNED OR CONTROLLED BY A STUDENT ORGANIZATION THAT IS OFFICIALLY RECOGNIZED BY THE MCCCD.
8. **FINAL DETERMINATION OF RESPONSIBILITY** MEANS A CONCLUSION BY PREPONDERANCE OF THE EVIDENCE THAT THE ALLEGED CONDUCT OCCURRED, OR DID NOT OCCUR, AND WHETHER IT DID, OR DID NOT, VIOLATE POLICY.
9. **FORMAL GRIEVANCE PROCESS** MEANS A METHOD OF FORMAL RESOLUTION DESIGNATED BY MCCCD TO ADDRESS CONDUCT THAT FALLS WITHIN THE POLICIES INCLUDED BELOW, AND WHICH COMPLIES WITH THE REQUIREMENTS OF 34 CFR PART 106.45.
10. **GRIEVANCE PROCESS POOL** MEANS ANY INVESTIGATORS, APPEAL OFFICERS, HEARING ADMINISTRATORS, AND ADVISORS WHO MAY PERFORM ANY OR ALL OF THESE ROLES (THOUGH NOT AT THE SAME TIME OR WITH RESPECT TO THE SAME CASE).
11. **HEARING DECISION-MAKER** MEANS A PERSON WHO HAS DECISION-MAKING AND SANCTIONING AUTHORITY WITHIN THE MCCCD'S FORMAL TITLE IX GRIEVANCE PROCESS.
12. **INVESTIGATOR** MEANS THE PERSON OR PERSONS CHARGED BY MCCCD WITH GATHERING FACTS ABOUT AN ALLEGED VIOLATION OF THIS POLICY, ASSESSING RELEVANCE AND CREDIBILITY, SYNTHESIZING THE EVIDENCE, AND COMPILING THIS INFORMATION INTO AN INVESTIGATION REPORT AND FILE OF DIRECTLY RELATED EVIDENCE.
13. **MANDATORY REPORTER** MEANS AN EMPLOYEE OF MCCCD WHO IS OBLIGATED BY POLICY TO SHARE KNOWLEDGE, NOTICE, AND/OR REPORTS OF HARASSMENT, DISCRIMINATION, AND/OR RETALIATION WITH THE TITLE IX COORDINATOR. MANDATORY REPORTERS DO NOT CONVEY ACTUAL KNOWLEDGE TO THE MCCCD. MANDATORY REPORTER UNDER THIS POLICY DOES NOT DIMINISH THE REQUIREMENT UNDER ARIZONA STATE LAW TO REPORT ALLEGED OR SUSPECTED CHILD ABUSE, ELDER ABUSE, AND/OR ABUSE OF INDIVIDUALS WITH DISABILITIES TO APPROPRIATE OFFICIALS, THOUGH THESE RESPONSIBILITIES MAY OVERLAP WITH THOSE WHO HAVE MANDATORY REPORTER RESPONSIBILITY IN THIS POLICY.
14. **OFFICIAL WITH AUTHORITY (OWA)** MEANS AN EMPLOYEE OF THE MCCCD EXPLICITLY VESTED WITH THE RESPONSIBILITY TO IMPLEMENT CORRECTIVE MEASURES FOR HARASSMENT AND/OR RETALIATION ON BEHALF OF THE MCCCD. NOTICE TO AN OWA OF AN ALLEGATION OF SEXUAL HARASSMENT AS DEFINED IN THIS POLICY CONVEYS ACTUAL KNOWLEDGE TO THE MCCCD AND TRIGGERS A RESPONSIBILITY TO ACT.

15. **PARTIES** INCLUDE THE COMPLAINANT(S) AND RESPONDENT(S), COLLECTIVELY.
16. **PROMPTNESS** MEANS THE TIME PERIOD IN WHICH ALLEGATIONS ARE ACTED UPON ONCE MCCCC HAS RECEIVED NOTICE OR A FORMAL COMPLAINT. TYPICALLY, COMPLAINTS CAN TAKE 60-90 BUSINESS DAYS TO RESOLVE. THERE ARE ALWAYS EXCEPTIONS AND EXTENUATING CIRCUMSTANCES THAT CAN CAUSE A RESOLUTION TO TAKE LONGER, BUT MCCCC WILL AVOID ALL UNDUE DELAYS WITHIN ITS CONTROL.
17. **REMEDIES** MEANS POST-FINDING ACTIONS DIRECTED TO THE COMPLAINANT AND/OR THE COMMUNITY AS MECHANISMS TO ADDRESS SAFETY, PREVENT RECURRENCE, AND RESTORE ACCESS TO MCCCC'S EDUCATIONAL PROGRAM.
18. **RESPONDENT** MEANS AN INDIVIDUAL WHO HAS BEEN REPORTED TO BE THE PERPETRATOR OF CONDUCT THAT COULD CONSTITUTE HARASSMENT OR DISCRIMINATION BASED ON A PROTECTED CLASS; OR RETALIATION FOR ENGAGING IN A PROTECTED ACTIVITY. WHEN THE RESPONDENT IS A MEMBER OF THE MCCCC COMMUNITY, A GRIEVANCE PROCESS MAY BE AVAILABLE REGARDLESS OF THE STATUS OF THE COMPLAINANT, WHO MAY OR MAY NOT BE A MEMBER OF THE MCCCC COMMUNITY.
19. **RESOLUTION** MEANS THE RESULT OF AN INFORMAL OR FORMAL GRIEVANCE PROCESS.
20. **SANCTION** MEANS A CONSEQUENCE IMPOSED BY MCCCC ON A RESPONDENT WHO IS FOUND TO HAVE VIOLATED THIS POLICY.
21. **SEXUAL HARASSMENT** MEANS THE UMBRELLA CATEGORY INCLUDING THE OFFENSES OF SEXUAL HARASSMENT, SEXUAL ASSAULT, STALKING, AND DATING VIOLENCE AND DOMESTIC VIOLENCE.
22. **TITLE IX COORDINATOR** IS AT LEAST ONE OFFICIAL DESIGNATED BY MCCCC TO ENSURE COMPLIANCE WITH TITLE IX AND THE MCCCC'S TITLE IX PROGRAM. REFERENCES TO THE COORDINATOR THROUGHOUT THIS POLICY MAY ALSO ENCOMPASS A DESIGNEE OF THE COORDINATOR FOR SPECIFIC TASKS.
23. **STUDENT** MEANS ANY INDIVIDUAL WHO IS REGISTERED OR ENROLLED FOR CREDIT OR NON-CREDIT BEARING COURSEWORK, CAMPS AND OTHER DISTRICT-SPONSORED PROGRAMS OR ACTIVITIES, AND WHO MAINTAINS AN ONGOING RELATIONSHIP WITH THE MCCCC, WHICH MEANS THE STUDENT IS ON LEAVE (MEDICAL, ADMINISTRATIVE, OR OTHER DOCUMENTED LEAVE OF ABSENCE), BUT IS NOT REGISTERED OR TAKING CLASSES AT THE TIME OF THE COMPLAINT BEING FILED.
24. **TITLE IX TEAM** REFERS TO THE TITLE IX COORDINATOR, ANY DEPUTY COORDINATORS, AND ANY MEMBER(S) OF THE GRIEVANCE PROCESS POOL.

## II. RATIONALE FOR POLICY

MCCCC IS COMMITTED TO PROVIDING A WORKPLACE AND EDUCATIONAL ENVIRONMENT, AS WELL AS OTHER BENEFITS, PROGRAMS, AND ACTIVITIES, THAT ARE FREE FROM SEXUAL HARASSMENT, DISCRIMINATION ON THE BASIS OF SEX, AND RETALIATION. TO ENSURE COMPLIANCE WITH FEDERAL AND STATE CIVIL RIGHTS LAWS AND REGULATIONS, AND TO AFFIRM ITS COMMITMENT TO PROMOTING THE GOALS OF FAIRNESS AND EQUITY IN ALL ASPECTS OF THE EDUCATIONAL PROGRAM OR ACTIVITY, MCCCC HAS DEVELOPED INTERNAL POLICIES AND PROCEDURES THAT PROVIDE A PROMPT, FAIR, AND IMPARTIAL PROCESS FOR THOSE INVOLVED IN AN ALLEGATION OF SEXUAL HARASSMENT, AND FOR ALLEGATIONS OF RETALIATION. MCCCC VALUES AND UPHOLDS THE EQUAL DIGNITY OF ALL MEMBERS OF ITS COMMUNITY AND STRIVES TO BALANCE THE RIGHTS OF THE PARTIES IN THE GRIEVANCE PROCESS DURING WHAT IS OFTEN A DIFFICULT TIME FOR ALL THOSE INVOLVED.

## III. TITLE IX COORDINATOR

EACH MCCCC COLLEGE HAS A DESIGNATED TITLE IX COORDINATOR WHO OVERSEES IMPLEMENTATION OF THIS POLICY. THE TITLE IX COORDINATOR HAS THE PRIMARY RESPONSIBILITY FOR COORDINATING MCCCC'S EFFORTS RELATED TO THE INTAKE, INVESTIGATION, RESOLUTION, AND IMPLEMENTATION OF SUPPORTIVE MEASURES TO STOP, REMEDIATE, AND PREVENT DISCRIMINATION, HARASSMENT, AND RETALIATION PROHIBITED UNDER THIS POLICY.

THE NAMES AND CONTACT INFORMATION FOR EACH COLLEGE TITLE IX COORDINATOR CAN BE FOUND ON THE FOLLOWING PAGE: [HTTPS://DISTRICT.MARICOPA.EDU/CONSUMER-INFORMATION/TITLE-IX/TITLE-IX-COORDINATORS](https://district.maricopa.edu/consumer-information/title-ix/title-ix-coordinators). IT IS THE RESPONSIBILITY OF EACH OF THE MCCCC COLLEGES' VICE PRESIDENTS OF STUDENT AFFAIRS TO ENSURE THIS LIST IS UP-TO-DATE WITH CORRECT INFORMATION. THE COLLEGE TITLE IX COORDINATORS MUST ACT WITH INDEPENDENCE AND AUTHORITY FREE FROM BIAS AND CONFLICTS OF INTEREST.



TO RAISE ANY CONCERN INVOLVING BIAS OR CONFLICT OF INTEREST BY THE COLLEGE TITLE IX COORDINATOR, CONTACT THE COMPLIANCE OFFICE IN THE OFFICE OF GENERAL COUNSEL BY EMAILING COMPLIANCE@DOMAIL.MARICOPA.EDU. CONCERNS OF BIAS OR A POTENTIAL CONFLICT OF INTEREST BY ANY OTHER TITLE IX TEAM MEMBER SHOULD BE RAISED WITH THE RESPECTIVE COLLEGE TITLE IX COORDINATOR.

REPORTS OF MISCONDUCT OR DISCRIMINATION COMMITTED BY THE COLLEGE TITLE IX COORDINATOR SHOULD BE REPORTED TO THE COLLEGE HUMAN RESOURCES DEPARTMENT. REPORTS OF MISCONDUCT OR DISCRIMINATION COMMITTED BY ANY OTHER TITLE IX TEAM MEMBER SHOULD BE REPORTED TO THE RESPECTIVE COLLEGE TITLE IX COORDINATOR.

#### **IV. OFFICIALS WITH AUTHORITY AND MANDATORY REPORTERS**

##### **OFFICIALS WITH AUTHORITY**

MCCCD HAS DETERMINED THAT THE FOLLOWING ADMINISTRATORS ARE OFFICIALS WITH AUTHORITY TO ADDRESS AND CORRECT SEXUAL HARASSMENT AND/OR RETALIATION. IN ADDITION TO THE TITLE IX TEAM MEMBERS LISTED IN SECTION 1. DEFINITIONS, THESE OFFICIALS WITH AUTHORITY LISTED BELOW MAY ALSO ACCEPT NOTICE OR COMPLAINTS ON BEHALF OF THE MCCCD. KNOWLEDGE ON THE PART OF AN OFFICIAL WITH AUTHORITY CONVEYS ACTUAL KNOWLEDGE TO THE MCCCD.

1. COLLEGE/DISTRICT TITLE IX COORDINATOR
2. CHANCELLOR
3. PROVOST
4. GENERAL COUNSEL AND ASSOCIATE GENERAL COUNSELS
5. CHIEF HUMAN RESOURCES OFFICER
6. CHIEF EXECUTIVE OFFICER
7. COLLEGE PRESIDENTS
8. COLLEGE VICE PRESIDENTS (AT ALL LEVELS)
9. ASSOCIATE VICE CHANCELLORS
10. LAW ENFORCEMENT
11. ATHLETIC DIRECTORS
12. DIRECTORS (IN ANY ADMINISTRATIVE AREA OF A COLLEGE OR THE DISTRICT)

##### **MANDATORY REPORTERS**

THE FOLLOWING CLASSIFICATION OF EMPLOYEES ARE MANDATORY REPORTERS AND ARE REQUIRED TO REPORT ACTUAL OR SUSPECTED DISCRIMINATION OR HARASSMENT TO THE RESPECTIVE COLLEGE TITLE IX COORDINATOR OR TO THE DISTRICT COMPLIANCE OFFICE FOR DISTRICT EMPLOYEES. A COMPLAINANT WHO EXPECTS FORMAL ACTION IN RESPONSE TO THEIR ALLEGATIONS, BUT DOES NOT WISH TO CONTACT THE TITLE IX COORDINATOR SHOULD REPORT THEIR ALLEGATIONS TO ANY MANDATORY REPORTER WHO CAN CONNECT THEM WITH RESOURCES TO REPORT CRIMES AND/OR POLICY VIOLATIONS. MANDATORY REPORTERS WILL, WITHIN TWENTY-FOUR (24) HOURS, REFER REPORTS TO THE TITLE IX COORDINATOR (AND/OR POLICE, IF DESIRED BY THE COMPLAINANT), WHO WILL TAKE ACTION. MANDATORY REPORTERS MUST PROMPTLY (WITHIN TWENTY-FOUR (24) HOURS) SHARE WITH THE TITLE IX COORDINATOR ALL KNOWN DETAILS OF A REPORT MADE TO THEM IN THE COURSE OF THEIR EMPLOYMENT. THE PERSONS OCCUPYING THE FOLLOWING POSITIONS ARE MANDATORY REPORTERS. KNOWLEDGE TO A MANDATORY REPORTER DOES NOT CONVEY ACTUAL KNOWLEDGE TO THE MCCCD.

1. CHANCELLOR
2. PROVOST
3. GENERAL COUNSEL
4. CHIEF HUMAN RESOURCES OFFICER
5. CHIEF WORKFORCE AND ECONOMIC DEVELOPMENT OFFICER
6. CHIEF EXECUTIVE OFFICER
7. COLLEGE PRESIDENTS

8. ASSOCIATE VICE CHANCELLORS
9. DIRECTOR OF COMMUNICATIONS
10. ASSOCIATE GENERAL COUNSELS
11. SUPERVISORS/MANAGERS/DIRECTORS (BUT NOT INCLUDING DIVISION OR DEPARTMENT CHAIRS)
12. COLLEGE VICE PRESIDENTS, AT ALL LEVELS
13. DEANS, AT ALL LEVELS
14. ATHLETIC DIRECTORS/COACHES/TRAINERS
15. LAW ENFORCEMENT

#### **ANONYMOUS NOTICE TO MANDATED REPORTERS**

A COMPLAINANT MAY REQUEST THAT THE MANDATORY REPORTER PROVIDE NOTICE TO THE TITLE IX COORDINATOR ANONYMOUSLY, WITHOUT IDENTIFICATION OF THE COMPLAINANT. A MANDATORY REPORTER CANNOT REMAIN ANONYMOUS THEMSELVES. THE MCCCCD WILL INVESTIGATE MATTERS IN WHICH ANONYMOUS NOTICE HAS BEEN GIVEN TO THE EXTENT POSSIBLE, BOTH TO ASSESS THE UNDERLYING ALLEGATION(S) AND TO DETERMINE IF SUPPORTIVE MEASURES OR REMEDIES CAN BE PROVIDED. HOWEVER, ANONYMOUS NOTICE TYPICALLY LIMITS THE MCCCCD'S ABILITY TO INVESTIGATE, RESPOND, AND PROVIDE REMEDIES, DEPENDING ON WHAT INFORMATION IS SHARED. WHEN A COMPLAINANT HAS MADE A REQUEST FOR ANONYMITY, THE COMPLAINANT'S PERSONALLY IDENTIFIABLE INFORMATION MAY BE WITHHELD BY A MANDATORY REPORTER, BUT ALL OTHER DETAILS OF THE ALLEGED INCIDENT(S) MUST BE SHARED WITH THE TITLE IX COORDINATOR. SUPPORTIVE MEASURES MAY BE OFFERED TO THE COMPLAINANT AS THE RESULT OF SUCH DISCLOSURES WITHOUT FORMAL MCCCCD ACTION.

FAILURE OF A MANDATORY REPORTER TO REPORT AN INCIDENT OF HARASSMENT OR DISCRIMINATION OF WHICH THEY BECOME AWARE IS A VIOLATION OF MCCCCD POLICY AND THE MANDATORY REPORTER MAY BE SUBJECT TO DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION, FOR FAILURE TO COMPLY.

#### **V. CONFIDENTIAL RESOURCES AND FEDERAL RESOURCES**

A COMPLAINANT WHO WANTS TO KEEP THE DETAILS OF AN INCIDENT CONFIDENTIAL MAY SPEAK WITH:

- ON-CAMPUS (MARICOPA COMMUNITY COLLEGES DISTRICT OFFICE) OFFICE OF PUBLIC STEWARDSHIP
- OFF-CAMPUS (NON-EMPLOYEES):
  - LICENSED PROFESSIONAL COUNSELORS AND OTHER MEDICAL PROVIDERS
  - LOCAL RAPE CRISIS COUNSELORS
  - DOMESTIC VIOLENCE RESOURCES
  - LOCAL OR STATE ASSISTANCE AGENCIES
  - CLERGY/CHAPLAINS
  - ATTORNEYS

THE OFFICE OF PUBLIC STEWARDSHIP WILL TIMELY SUBMIT ANONYMOUS STATISTICAL INFORMATION FOR CLERY ACT PURPOSES UNLESS THEY BELIEVE IT WOULD BE HARMFUL TO THEIR CLIENT.

EXTERNAL INQUIRIES MAY ALSO BE MADE TO:

OFFICE FOR CIVIL RIGHTS,

#### **DENVER OFFICE**

U.S. DEPARTMENT OF EDUCATION  
 CESAR E. CHAVEZ MEMORIAL BUILDING  
 1244 SPEER BOULEVARD, SUITE 310  
 DENVER, CO 80204-3582  
 TELEPHONE: (303) 844-5695  
 FACSIMILE: (303) 844-4303  
 EMAIL: OCR.DENVER@ED.GOV

## **VI. NOTICE/COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION**

NOTICE OR COMPLAINTS OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION IN VIOLATION OF THIS POLICY MAY BE MADE USING ANY OF THE FOLLOWING OPTIONS:

1) FILE A COMPLAINT WITH, OR GIVE VERBAL NOTICE TO, A COLLEGE TITLE IX COORDINATOR OR AN OFFICIAL WITH AUTHORITY. SUCH A REPORT MAY BE MADE AT ANY TIME (INCLUDING DURING NON-BUSINESS HOURS) BY USING THE TELEPHONE NUMBER OR EMAIL ADDRESS, OR BY MAIL TO THE OFFICE ADDRESS, LISTED FOR THE TITLE IX COORDINATOR OR ANY OTHER OFFICIAL LISTED. TITLE IX COORDINATORS CAN BE FOUND ON THE FOLLOWING PAGE: [HTTPS://DISTRICT.MARICOPA.EDU/CONSUMER-INFORMATION/TITLE-IX/TITLE-IX-COORDINATORS](https://district.maricopa.edu/consumer-information/title-ix/title-ix-coordinators). IT IS THE RESPONSIBILITY OF EACH OF THE MCCCCD COLLEGE'S VICE PRESIDENT OF STUDENT AFFAIRS TO ENSURE THIS LIST IS UP TO DATE WITH CORRECT INFORMATION.

2) REPORT ONLINE, USING THE REPORTING FORM POSTED AT [HTTPS://DISTRICT.MARICOPA.EDU/CONSUMER-INFORMATION/REPORTING](https://district.maricopa.edu/consumer-information/reporting). ANONYMOUS REPORTS ARE ACCEPTED, BUT CAN GIVE RISE TO A NEED TO INVESTIGATE. THE MCCCCD TRIES TO PROVIDE SUPPORTIVE MEASURES TO ALL COMPLAINANTS, WHICH IS IMPOSSIBLE WITH AN ANONYMOUS REPORT WHEN THE NAME OF THE COMPLAINANT IS NOT SHARED IN THE REPORT. SINCE ANONYMOUS REPORTING CARRIES NO OBLIGATION TO INITIATE A FORMAL RESPONSE AND SINCE THE MCCCCD RESPECTS A COMPLAINANT'S REQUESTS TO DISMISS COMPLAINTS, UNLESS THERE IS A COMPELLING THREAT TO HEALTH AND/OR SAFETY, THE MATTER WILL BE DISMISSED.

A FORMAL COMPLAINT IS A DOCUMENT FILED AND SIGNED BY THE COMPLAINANT OR SIGNED BY THE TITLE IX COORDINATOR ALLEGING A POLICY VIOLATION BY A RESPONDENT AND REQUESTING THAT THE MCCCCD INVESTIGATE THE ALLEGATION(S). A COMPLAINT MAY BE FILED WITH THE TITLE IX COORDINATOR IN PERSON, BY MAIL, OR BY ELECTRONIC MAIL, BY USING THE CONTACT INFORMATION IN THE SECTION IMMEDIATELY ABOVE, OR AS DESCRIBED IN THIS SECTION. AS USED IN THIS PARAGRAPH, THE PHRASE "DOCUMENT FILED BY A COMPLAINANT" MEANS A DOCUMENT OR ELECTRONIC SUBMISSION (SUCH AS BY ELECTRONIC MAIL OR THROUGH AN ONLINE PORTAL PROVIDED FOR THIS PURPOSE BY THE MCCCCD) THAT CONTAINS THE COMPLAINANT'S PHYSICAL OR DIGITAL SIGNATURE, WHICH CAN INCLUDE THE COMPLAINANT'S NAME ON THE EMAIL, OR OTHERWISE INDICATES THAT THE COMPLAINANT IS THE PERSON FILING THE COMPLAINT.

THE TITLE IX COORDINATOR WILL CONTACT THE COMPLAINANT REGARDING ANY NOTICE THAT IS SUBMITTED IN A FORM THAT DOES NOT COMPLY WITH THESE REQUIREMENTS TO ENSURE THAT IT IS FILED CORRECTLY.

## **VII. SUPPORTIVE MEASURES**

MCCCCD WILL OFFER AND IMPLEMENT APPROPRIATE AND REASONABLE SUPPORTIVE MEASURES TO THE PARTIES UPON NOTICE OF ALLEGED HARASSMENT, DISCRIMINATION, AND/OR RETALIATION.

SUPPORTIVE MEASURES ARE NON-DISCIPLINARY, NON-PUNITIVE INDIVIDUALIZED SERVICES OFFERED AS APPROPRIATE, AS REASONABLY AVAILABLE, AND WITHOUT FEE OR CHARGE TO THE PARTIES TO RESTORE OR PRESERVE ACCESS TO THE MCCCCD'S EDUCATION PROGRAM OR ACTIVITY, INCLUDING MEASURES DESIGNED TO PROTECT THE SAFETY OF ALL PARTIES, THE MCCCCD'S EDUCATIONAL ENVIRONMENT, AND/OR DETER SEXUAL HARASSMENT, DISCRIMINATION ON THE BASIS OF SEX, AND/OR RETALIATION.

THE TITLE IX COORDINATOR SHALL MAKE SUPPORTIVE MEASURES AVAILABLE TO THE PARTIES UPON RECEIVING NOTICE OF ALLEGATIONS OR A FORMAL COMPLAINT. THERE IS NO STATUTE OF LIMITATIONS FOR FILING A TITLE IX COMPLAINT. THE TITLE IX COORDINATOR WORKS WITH THE COMPLAINANT TO ENSURE THEIR WISHES ARE CONSIDERED WITH RESPECT TO THE PLANNED AND IMPLEMENTED SUPPORTIVE MEASURES.

THE MCCCCD WILL MAINTAIN THE PRIVACY OF THE SUPPORTIVE MEASURES, PROVIDED THAT MAINTAINING PRIVACY DOES NOT IMPAIR THE MCCCCD'S ABILITY TO PROVIDE THE SUPPORTIVE MEASURES. MCCCCD WILL ACT TO ENSURE AS MINIMAL AN ACADEMIC IMPACT ON THE PARTIES AS POSSIBLE. THE MCCCCD WILL IMPLEMENT MEASURES IN A WAY THAT DOES NOT UNREASONABLY BURDEN THE OTHER PARTY.

THESE ACTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO:

1. REFERRAL TO COUNSELING, MEDICAL, AND/OR OTHER HEALTHCARE SERVICES
2. REFERRAL TO THE EMPLOYEE ASSISTANCE PROGRAM
3. REFERRAL TO COMMUNITY-BASED SERVICE PROVIDERS
4. IN-HOUSE VISA AND IMMIGRATION ASSISTANCE
5. STUDENT FINANCIAL AID COUNSELING
6. EDUCATION TO THE COMMUNITY OR COMMUNITY SUBGROUP(S)
7. ALTERING WORK ARRANGEMENTS FOR EMPLOYEES OR STUDENT-EMPLOYEES
8. SAFETY PLANNING
9. PROVIDING CAMPUS SAFETY ESCORTS
10. IMPLEMENTING CONTACT LIMITATIONS (NO CONTACT ORDERS) BETWEEN THE PARTIES
11. ACADEMIC SUPPORT, EXTENSIONS OF DEADLINES, OR OTHER COURSE/PROGRAM-RELATED ADJUSTMENTS
12. TRESPASS ORDERS, WHEN APPLICABLE
13. TIMELY WARNINGS UNDER THE CLERY ACT
14. CLASS SCHEDULE MODIFICATIONS, WITHDRAWALS, OR LEAVES OF ABSENCE
15. INCREASED SECURITY AND MONITORING OF CERTAIN AREAS OF THE CAMPUS
16. ANY OTHER ACTIONS DEEMED APPROPRIATE BY THE TITLE IX COORDINATOR

VIOLATIONS OF NO CONTACT ORDERS WILL BE REFERRED TO APPROPRIATE STUDENT OR EMPLOYEE CONDUCT PROCESSES FOR ENFORCEMENT AND FURTHER DISCIPLINE, AS IS NECESSARY.

#### **VIII. EMERGENCY REMOVAL**

MCCCD CAN ACT TO REMOVE A RESPONDENT ENTIRELY OR PARTIALLY FROM ITS EDUCATION PROGRAM/ACTIVITIES OR MCCCD EMPLOYMENT ON AN EMERGENCY BASIS WHEN AN INDIVIDUALIZED SAFETY AND RISK ANALYSIS HAS DETERMINED THAT AN IMMEDIATE THREAT TO THE PHYSICAL HEALTH OR SAFETY OF ANY STUDENT OR OTHER INDIVIDUAL JUSTIFIES REMOVAL. THIS RISK ANALYSIS IS PERFORMED BY THE TITLE IX COORDINATOR IN CONJUNCTION WITH THE COLLEGE OR DISTRICT BEHAVIORAL INTERVENTION TEAM (ALSO KNOWN AS BIT/BAT/TAT/CARE, ETC.) USING ITS STANDARD OBJECTIVE VIOLENCE RISK ASSESSMENT PROCEDURES.

THE TITLE IX COORDINATOR HAS SOLE DISCRETION UNDER THIS POLICY TO IMPLEMENT OR STAY AN EMERGENCY REMOVAL AND TO DETERMINE THE CONDITIONS AND DURATION. VIOLATION OF AN EMERGENCY REMOVAL UNDER THIS POLICY WILL BE GROUNDS FOR DISCIPLINE, WHICH MAY INCLUDE EXPULSION FROM THE MCCCD OR TERMINATION FROM EMPLOYMENT.

IN ALL CASES WHERE AN EMERGENCY REMOVAL IS IMPOSED:

1. THE RESPONDENT WILL BE GIVEN WRITTEN NOTICE OF THE ACTION. IN THE WRITTEN NOTICE WILL BE THE OPTION TO REQUEST TO MEET WITH THE TITLE IX COORDINATOR AS SOON AS REASONABLY POSSIBLE, TO SHOW CAUSE AS TO WHY THE ACTION/REMOVAL SHOULD NOT BE IMPLEMENTED OR SHOULD BE MODIFIED. THIS MEETING IS NOT A HEARING ON THE MERITS OF THE UNDERLYING TITLE IX ALLEGATIONS, BUT RATHER AN ADMINISTRATIVE PROCESS INTENDED TO DETERMINE SOLELY WHETHER THE EMERGENCY REMOVAL IS APPROPRIATE.
2. THE RESPONDENT HAS THREE (3) DAYS AFTER THE RECEIPT OF THE EMERGENCY REMOVAL TO REQUEST A MEETING WITH THE TITLE IX COORDINATOR. IF THE RESPONDENT DOES NOT MAKE SUCH A REQUEST WITHIN THE THREE (3) DAY TIME PERIOD, OBJECTION TO THE EMERGENCY REMOVAL IS DEEMED WAIVED.
3. THE RESPONDENT MAY BE ACCOMPANIED BY AN ADVISOR OF THEIR CHOOSING IN THE SHOW CAUSE ADMINISTRATIVE MEETING WITH THE TITLE IX COORDINATOR.
4. THE RESPONDENT WILL BE GIVEN ACCESS TO A WRITTEN SUMMARY OF THE BASIS FOR THE EMERGENCY REMOVAL PRIOR TO THE MEETING TO ALLOW FOR ADEQUATE PREPARATION. SUCH SUMMARY WILL BE INCLUDED IN THE NOTIFICATION LETTER REGARDING THE EMERGENCY REMOVAL.
5. THE TITLE IX COORDINATOR WILL ISSUE A SHOW CAUSE MEETING DETERMINATION LETTER TO THE RESPONDENT WITHIN TWO (2) DAYS OF THE MEETING TAKING PLACE.
6. THERE IS NO APPEAL PROCESS FOR EMERGENCY REMOVAL DECISIONS.
7. A COMPLAINANT AND THEIR ADVISOR MAY BE PERMITTED TO PARTICIPATE IN THIS MEETING, AS IT IS EQUITABLE

TO DO SO.

8. MCCCC WILL IMPLEMENT THE LEAST RESTRICTIVE EMERGENCY ACTIONS POSSIBLE IN LIGHT OF THE CIRCUMSTANCES AND SAFETY CONCERNS.

**FOR ADDITIONAL INFORMATION REGARDING EMERGENCY REMOVALS, PLEASE SEE [EMERGENCY REMOVALS](#).**

## **IX. PRIVACY**

EVERY EFFORT IS MADE BY THE MCCCC TO PRESERVE THE PRIVACY OF A REPORT UNDER THIS POLICY.

**FOR ADDITIONAL INFORMATION REGARDING PRIVACY AND CONFIDENTIALITY UNDER THIS POLICY, PLEASE SEE [PRIVACY AND CONFIDENTIALITY](#).**

## **X. JURISDICTION**

THIS POLICY APPLIES TO ALL MCCCC EDUCATIONAL PROGRAMS AND ACTIVITIES, AND TO CONDUCT THAT TAKES PLACE ON THE CAMPUS OR ON PROPERTY OWNED OR CONTROLLED BY THE MCCCC, AT MCCCC-SPONSORED EVENTS, OR IN BUILDINGS OWNED OR CONTROLLED BY MCCCC'S RECOGNIZED STUDENT ORGANIZATIONS. THE RESPONDENT MUST BE A MEMBER OF MCCCC'S COMMUNITY IN ORDER FOR ITS POLICIES TO APPLY. NEVERTHELESS, EVEN WHEN THE RESPONDENT IS NOT A MEMBER OF THE MCCCC'S COMMUNITY, SUPPORTIVE MEASURES, REMEDIES, AND RESOURCES MAY BE ACCESSIBLE TO THE COMPLAINANT BY CONTACTING THE TITLE IX COORDINATOR.

THIS POLICY APPLIES TO THE EFFECTS OF OFF-CAMPUS MISCONDUCT THAT EFFECTIVELY DEPRIVE SOMEONE OF ACCESS TO MCCCC'S EDUCATIONAL PROGRAMS. THE MCCCC MAY ALSO EXTEND JURISDICTION TO OFF-CAMPUS AND/OR TO ONLINE CONDUCT WHEN THE TITLE IX COORDINATOR DETERMINES THAT THE CONDUCT AFFECTS A SUBSTANTIAL MCCCC INTEREST.

REGARDLESS OF WHERE THE CONDUCT OCCURRED, THE MCCCC WILL ADDRESS NOTICE/COMPLAINTS TO DETERMINE WHETHER THE CONDUCT OCCURRED IN THE CONTEXT OF ITS EMPLOYMENT OR EDUCATIONAL PROGRAM OR ACTIVITY AND/OR HAS CONTINUING EFFECTS ON CAMPUS OR IN AN OFF-CAMPUS SPONSORED PROGRAM OR ACTIVITY.

A TITLE IX COORDINATOR MAY BE ABLE TO PROVIDE GUIDANCE FOR A STUDENT OR EMPLOYEE COMPLAINANT WHO EXPERIENCES SEXUAL HARASSMENT/DISCRIMINATION IN AN EXTERNSHIP, STUDY ABROAD PROGRAM, OR OTHER ENVIRONMENT EXTERNAL TO THE MCCCC UNDER THE MCCCC'S STUDENT CONDUCT CODE OR EMPLOYEE CONDUCT OR NONDISCRIMINATION POLICIES.

**FOR ADDITIONAL INFORMATION REGARDING THE MCCCC JURISDICTION OVER TITLE IX MATTERS, PLEASE SEE [JURISDICTION](#).**

## **XI. TIME LIMITS ON REPORTING**

THERE IS NO TIME LIMITATION ON PROVIDING NOTICE/COMPLAINTS TO THE TITLE IX COORDINATOR. HOWEVER, IF THE RESPONDENT IS NO LONGER SUBJECT TO THE MCCCC'S JURISDICTION AND/OR SIGNIFICANT TIME HAS PASSED, THE ABILITY TO INVESTIGATE, RESPOND, AND PROVIDE REMEDIES MAY BE MORE LIMITED OR IMPOSSIBLE.

ACTION ON NOTICE/COMPLAINTS SIGNIFICANTLY IMPACTED BY THE PASSAGE OF TIME (INCLUDING, BUT NOT LIMITED TO, THE RESCISSION OR REVISION OF POLICY) IS AT THE DISCRETION OF THE TITLE IX COORDINATOR (EXCEPT IN CASES WHERE MANDATORY DISMISSAL IS REQUIRED), WHO MAY DOCUMENT ALLEGATIONS FOR FUTURE REFERENCE, OFFER SUPPORTIVE MEASURES AND/OR REMEDIES, AND/OR ENGAGE IN INFORMAL OR FORMAL ACTION, AS APPROPRIATE.

THE MCCCC WILL APPLY THE POLICY IN PLACE AT THE TIME OF THE ALLEGED MISCONDUCT AND THE PROCEDURES IN PLACE AT THE TIME OF THE NOTICE OF ALLEGED MISCONDUCT OR COMPLAINT OF SEXUAL HARASSMENT.

## **XII. ONLINE HARASSMENT AND MISCONDUCT**

THIS POLICY IS WRITTEN AND SHOULD BE INTERPRETED BROADLY TO INCLUDE ONLINE AND CYBER MANIFESTATIONS OF ANY OF THE BEHAVIORS PROHIBITED BELOW, WHEN THOSE BEHAVIORS OCCUR IN OR HAVE AN EFFECT ON THE MCCCC'S EDUCATION PROGRAMS AND ACTIVITIES OR USE MCCCC NETWORKS, TECHNOLOGY, OR EQUIPMENT.

WHEN HARASSING COMMUNICATIONS MADE ON WEBSITES, SOCIAL MEDIA, AND OTHER VENUES NOT CONTROLLED BY THE MCCCCD ARE REPORTED TO THE MCCCCD PURSUANT TO THIS POLICY THE MCCCCD WILL ATTEMPT TO ADDRESS AND MITIGATE THE EFFECTS OF SUCH COMMUNICATIONS. ANY ONLINE POSTINGS OR OTHER ELECTRONIC COMMUNICATION BY STUDENTS AND EMPLOYEES, INCLUDING CYBER-BULLYING, CYBER-STALKING, CYBER-HARASSMENT, ETC., OCCURRING COMPLETELY OUTSIDE OF THE MCCCCD'S CONTROL (E.G., NOT ON MCCCCD NETWORKS, WEBSITES, OR BETWEEN MCCCCD EMAIL ACCOUNTS) WILL ONLY BE SUBJECT TO THIS POLICY WHEN SUCH ONLINE CONDUCT CAN BE SHOWN TO CAUSE A SUBSTANTIAL IN-PROGRAM DISRUPTION TO THE STUDENT'S EDUCATIONAL PURSUIT OF MCCCCD'S EDUCATIONAL PROGRAMS AND/OR ACTIVITIES.

OFF-CAMPUS HARASSING SPEECH BY EMPLOYEES, WHETHER ONLINE OR IN PERSON, MAY BE REGULATED BY THE MCCCCD ONLY WHEN SUCH SPEECH IS MADE IN AN EMPLOYEE'S OFFICIAL OR WORK-RELATED CAPACITY, INCLUDING WHERE THE SPEAKER HOLDS THEMSELVES OUT AS EMPLOYEES OF AN MCCCCD COLLEGE OR DISTRICT OFFICE. OTHERWISE, SUCH COMMUNICATIONS ARE CONSIDERED SPEECH PROTECTED BY THE FIRST AMENDMENT. SUPPORTIVE MEASURES FOR COMPLAINANTS WILL BE PROVIDED, BUT PROTECTED SPEECH WILL NOT BE SUBJECTED TO DISCIPLINE.

### **XIII. TITLE IX SEXUAL HARASSMENT**

MCCCCD HAS ADOPTED THE FOLLOWING DEFINITION OF TITLE IX SEXUAL HARASSMENT IN ORDER TO ADDRESS THE UNIQUE ENVIRONMENT OF AN ACADEMIC COMMUNITY, WHICH CONSISTS NOT ONLY OF EMPLOYER AND EMPLOYEES, BUT OF STUDENTS AS WELL.

ACTS OF SEXUAL HARASSMENT MAY BE COMMITTED BY ANY PERSON UPON ANY OTHER PERSON, REGARDLESS OF THE SEX, SEXUAL ORIENTATION, AND/OR GENDER IDENTITY OF THOSE INVOLVED.

SEXUAL HARASSMENT, AS AN UMBRELLA CATEGORY, INCLUDES THE OFFENSES OF SEXUAL HARASSMENT/DISCRIMINATION, SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING, AND IS DEFINED AS:

CONDUCT ON THE BASIS OF SEX THAT SATISFIES ONE OR MORE OF THE FOLLOWING:

- 1) QUID PRO QUO:
  - a. AN EMPLOYEE OF THE MCCCCD,
  - b. CONDITIONS THE PROVISION OF AN AID, BENEFIT, OR SERVICE OF THE MCCCCD,
  - c. ON AN INDIVIDUAL'S PARTICIPATION IN UNWELCOME SEXUAL CONDUCT; AND/OR
- 2) SEXUAL HARASSMENT:
  - a. UNWELCOME CONDUCT,
  - b. DETERMINED BY A REASONABLE PERSON,
  - c. TO BE SO SEVERE, AND
  - d. PERVASIVE, AND,
  - e. OBJECTIVELY OFFENSIVE,
  - f. THAT IT EFFECTIVELY DENIES A PERSON EQUAL ACCESS TO THE MCCCCD'S EDUCATION PROGRAM OR ACTIVITY. SEVERITY, PERVASIVENESS, AND OBJECTIVE OFFENSIVENESS ARE EVALUATED BASED ON THE TOTALITY OF THE CIRCUMSTANCES FROM THE PERSPECTIVE OF A REASONABLE PERSON IN THE SAME OR SIMILAR CIRCUMSTANCES ("IN THE SHOES OF THE COMPLAINANT"), INCLUDING THE CONTEXT IN WHICH THE ALLEGED INCIDENT OCCURRED AND ANY SIMILAR, PREVIOUS PATTERNS THAT MAY BE EVIDENCED.
- 3) SEXUAL ASSAULT, DEFINED AS:
  - a) SEX OFFENSES, FORCIBLE:
    - i) ANY SEXUAL ACT DIRECTED AGAINST ANOTHER PERSON,
    - ii) WITHOUT THE CONSENT OF THE COMPLAINANT,
    - iii) INCLUDING INSTANCES IN WHICH THE COMPLAINANT IS INCAPABLE OF GIVING CONSENT.
  - b) FORCIBLE RAPE:
    - i) PENETRATION,
    - ii) NO MATTER HOW SLIGHT,

- iii) OF THE VAGINA OR ANUS WITH ANY BODY PART OR OBJECT, OR
  - iv) ORAL PENETRATION BY A SEX ORGAN OF ANOTHER PERSON,
  - v) WITHOUT THE CONSENT OF THE COMPLAINANT.
- c) FORCIBLE SODOMY:
  - i) ORAL OR ANAL SEXUAL INTERCOURSE WITH ANOTHER PERSON,
  - ii) FORCIBLY,
  - iii) AND/OR AGAINST THAT PERSON'S WILL (NON-CONSENSUALLY), OR
  - iv) NOT FORCIBLY OR AGAINST THE PERSON'S WILL IN INSTANCES IN WHICH THE COMPLAINANT IS INCAPABLE OF GIVING CONSENT BECAUSE OF AGE (UNDER THE AGE OF 18) OR BECAUSE OF TEMPORARY OR PERMANENT MENTAL OR PHYSICAL INCAPACITY.
- d) SEXUAL ASSAULT WITH AN OBJECT:
  - i) THE USE OF AN OBJECT OR INSTRUMENT TO PENETRATE,
  - ii) HOWEVER SLIGHTLY,
  - iii) THE GENITAL OR ANAL OPENING OF THE BODY OF ANOTHER PERSON,
  - iv) FORCIBLY,
  - v) AND/OR AGAINST THAT PERSON'S WILL (NON-CONSENSUALLY),
  - vi) OR NOT FORCIBLY OR AGAINST THE PERSON'S WILL IN INSTANCES IN WHICH THE COMPLAINANT IS INCAPABLE OF GIVING CONSENT BECAUSE OF AGE OR BECAUSE OF TEMPORARY OR PERMANENT MENTAL OR PHYSICAL INCAPACITY.
- e) FORCIBLE FONDLING:
  - i) THE TOUCHING OF THE PRIVATE BODY PARTS OF ANOTHER PERSON (BUTTOCKS, GROIN, BREASTS),
  - ii) FOR THE PURPOSE OF SEXUAL GRATIFICATION,
  - iii) FORCIBLY,
  - iv) AND/OR AGAINST THAT PERSON'S WILL (NON-CONSENSUALLY),
  - v) OR NOT FORCIBLY OR AGAINST THE PERSON'S WILL IN INSTANCES IN WHICH THE COMPLAINANT IS INCAPABLE OF GIVING CONSENT BECAUSE OF AGE OR BECAUSE OF TEMPORARY OR PERMANENT MENTAL OR PHYSICAL INCAPACITY.
- f) SEX OFFENSES, NON-FORCIBLE:
  - i) INCEST:
    - 1) NON-FORCIBLE SEXUAL INTERCOURSE,
    - 2) BETWEEN PERSONS WHO ARE RELATED TO EACH OTHER,
    - 3) WITHIN THE DEGREES WHEREIN MARRIAGE IS PROHIBITED BY ARIZONA LAW.
  - ii) STATUTORY RAPE:
    - 1) NON-FORCIBLE SEXUAL INTERCOURSE,
    - 2) WITH A PERSON WHO IS UNDER THE ARIZONA STATUTORY AGE OF CONSENT, WHICH IS THE AGE OF 18 YEARS OLD.
- 4) DATING VIOLENCE, DEFINED AS:
  - a. VIOLENCE,
  - b. ON THE BASIS OF SEX,
  - c. COMMITTED BY A PERSON,
  - d. WHO IS IN OR HAS BEEN IN A SOCIAL RELATIONSHIP OF A ROMANTIC OR INTIMATE NATURE WITH THE COMPLAINANT.
    - i. THE EXISTENCE OF SUCH A RELATIONSHIP SHALL BE DETERMINED BASED ON THE COMPLAINANT'S STATEMENT AND WITH CONSIDERATION OF THE LENGTH OF THE RELATIONSHIP, THE TYPE OF RELATIONSHIP, AND THE FREQUENCY OF INTERACTION BETWEEN THE PERSONS INVOLVED IN THE RELATIONSHIP. FOR THE PURPOSES OF THIS DEFINITION
    - ii. DATING VIOLENCE INCLUDES, BUT IS NOT LIMITED TO, SEXUAL OR PHYSICAL ABUSE OR THE THREAT OF SUCH ABUSE.
    - iii. DATING VIOLENCE DOES NOT INCLUDE ACTS COVERED UNDER THE DEFINITION OF DOMESTIC VIOLENCE.
- 5) DOMESTIC VIOLENCE, DEFINED AS:



- a. VIOLENCE,
- b. ON THE BASIS OF SEX,
- c. COMMITTED BY A CURRENT OR FORMER SPOUSE OR INTIMATE PARTNER OF THE COMPLAINANT,
- d. BY A PERSON WITH WHOM THE COMPLAINANT SHARES A CHILD IN COMMON, OR
- e. BY A PERSON WHO IS COHABITATING WITH, OR HAS COHABITATED WITH, THE COMPLAINANT AS A SPOUSE OR INTIMATE PARTNER, OR
- f. BY A PERSON SIMILARLY SITUATED TO A SPOUSE OF THE COMPLAINANT UNDER THE DOMESTIC OR FAMILY VIOLENCE LAWS OF THE STATE OF ARIZONA OR
- g. BY ANY OTHER PERSON AGAINST AN ADULT OR YOUTH COMPLAINANT WHO IS PROTECTED FROM THAT PERSON'S ACTS UNDER THE DOMESTIC OR FAMILY VIOLENCE LAWS OF THE STATE OF ARIZONA.

TO CATEGORIZE AN INCIDENT AS DOMESTIC VIOLENCE, THE RELATIONSHIP BETWEEN THE RESPONDENT AND THE COMPLAINANT MUST BE MORE THAN JUST TWO PEOPLE LIVING TOGETHER AS ROOMMATES. THE PEOPLE COHABITATING MUST BE CURRENT OR FORMER SPOUSES OR HAVE AN INTIMATE RELATIONSHIP.

6) STALKING, DEFINED AS:

- a. ENGAGING IN A COURSE OF CONDUCT,
- b. ON THE BASIS OF SEX,
- c. DIRECTED AT A SPECIFIC PERSON, THAT WOULD CAUSE A REASONABLE PERSON TO FEAR FOR THE PERSON'S SAFETY, OR THE SAFETY OF OTHERS; OR SUFFER SUBSTANTIAL EMOTIONAL DISTRESS. FOR THE PURPOSES OF THIS DEFINITION—
  - (i) COURSE OF CONDUCT MEANS TWO OR MORE ACTS, INCLUDING, BUT NOT LIMITED TO, ACTS IN WHICH THE RESPONDENT DIRECTLY, INDIRECTLY, OR THROUGH THIRD PARTIES, BY ANY ACTION, METHOD, DEVICE, OR MEANS, FOLLOWS, MONITORS, OBSERVES, SURVEILS, THREATENS, OR COMMUNICATES TO OR ABOUT A PERSON, OR INTERFERES WITH A PERSON'S PROPERTY.
  - (ii) REASONABLE PERSON MEANS A REASONABLE PERSON UNDER SIMILAR CIRCUMSTANCES AND WITH SIMILAR IDENTITIES TO THE COMPLAINANT.
  - (iii) SUBSTANTIAL EMOTIONAL DISTRESS MEANS SIGNIFICANT MENTAL SUFFERING OR ANGUISH THAT MAY BUT DOES NOT NECESSARILY REQUIRE MEDICAL OR OTHER PROFESSIONAL TREATMENT OR COUNSELING.

MCCCD RESERVES THE RIGHT TO IMPOSE ANY LEVEL OF SANCTION, RANGING FROM A REPRIMAND UP TO AND INCLUDING SUSPENSION OR EXPULSION/TERMINATION, FOR ANY OFFENSE UNDER THIS POLICY.

**FORCE, COERCION, CONSENT, AND INCAPACITATION:**

AS USED IN THE OFFENSES ABOVE, THE FOLLOWING DEFINITIONS APPLY:

**FORCE:** FORCE IS THE USE OF PHYSICAL VIOLENCE AND/OR PHYSICAL IMPOSITION TO GAIN SEXUAL ACCESS. FORCE ALSO INCLUDES THREATS, INTIMIDATION (IMPLIED THREATS), AND COERCION THAT IS INTENDED TO OVERCOME RESISTANCE OR PRODUCE CONSENT.

SEXUAL ACTIVITY THAT IS FORCED IS, BY DEFINITION, NON-CONSENSUAL, BUT NON-CONSENSUAL SEXUAL ACTIVITY IS NOT NECESSARILY FORCED. SILENCE OR THE ABSENCE OF RESISTANCE ALONE IS NOT CONSENT. CONSENT IS NOT DEMONSTRATED BY THE ABSENCE OF RESISTANCE. WHILE RESISTANCE IS NOT REQUIRED OR NECESSARY, IT IS A CLEAR DEMONSTRATION OF NON-CONSENT.

**COERCION:** COERCION IS UNREASONABLE PRESSURE FOR SEXUAL ACTIVITY. COERCIVE CONDUCT DIFFERS FROM SEDUCTIVE CONDUCT BASED ON FACTORS SUCH AS THE TYPE AND/OR EXTENT OF THE PRESSURE USED TO OBTAIN CONSENT. WHEN SOMEONE MAKES CLEAR THAT THEY DO NOT WANT TO ENGAGE IN CERTAIN SEXUAL ACTIVITY, THAT

THEY WANT TO STOP, OR THAT THEY DO NOT WANT TO GO PAST A CERTAIN POINT OF SEXUAL INTERACTION, CONTINUED PRESSURE BEYOND THAT POINT MAY BE COERCIVE.

**CONSENT IS:**

- KNOWING, AND
- VOLUNTARY, AND
- CLEAR PERMISSION
- BY WORD OR ACTION
- TO ENGAGE IN SEXUAL ACTIVITY.

SINCE INDIVIDUALS MAY EXPERIENCE THE SAME INTERACTION IN DIFFERENT WAYS, IT IS THE RESPONSIBILITY OF EACH PARTY TO DETERMINE THAT THE OTHER HAS CONSENTED BEFORE ENGAGING IN THE ACTIVITY. NO ONE UNDER THE AGE OF CONSENT IN ARIZONA, SPECIFICALLY, 18 YEARS OLD, CAN CONSENT TO SEXUAL ACTIVITY.

IF CONSENT IS NOT CLEARLY PROVIDED PRIOR TO ENGAGING IN THE ACTIVITY, CONSENT MAY BE RATIFIED BY WORD OR ACTION AT SOME POINT DURING THE INTERACTION OR THEREAFTER, BUT CLEAR COMMUNICATION FROM THE OUTSET IS STRONGLY ENCOURAGED.

FOR CONSENT TO BE VALID, THERE MUST BE A CLEAR EXPRESSION IN WORDS OR ACTIONS THAT THE OTHER INDIVIDUAL CONSENTED TO THAT SPECIFIC SEXUAL CONDUCT. REASONABLE RECIPROCATION CAN BE IMPLIED. FOR EXAMPLE, IF SOMEONE KISSES YOU, YOU CAN KISS THEM BACK (IF YOU WANT TO) WITHOUT THE NEED TO EXPLICITLY OBTAIN *THEIR* CONSENT TO BEING KISSED BACK.

CONSENT CAN ALSO BE WITHDRAWN ONCE GIVEN, AS LONG AS THE WITHDRAWAL IS REASONABLY AND CLEARLY COMMUNICATED. IF CONSENT IS WITHDRAWN, THAT SEXUAL ACTIVITY SHOULD CEASE WITHIN A REASONABLE TIME.

CONSENT TO SOME SEXUAL CONTACT (SUCH AS KISSING OR FONDLING) CANNOT BE PRESUMED TO BE CONSENT FOR OTHER SEXUAL ACTIVITY (SUCH AS INTERCOURSE). A CURRENT OR PREVIOUS INTIMATE RELATIONSHIP IS NOT SUFFICIENT TO CONSTITUTE CONSENT.

PROOF OF CONSENT OR NON-CONSENT IS NOT A BURDEN PLACED ON EITHER PARTY INVOLVED IN AN INCIDENT. INSTEAD, THE BURDEN REMAINS ON THE MCCCDD TO DETERMINE WHETHER ITS POLICY HAS BEEN VIOLATED. THE EXISTENCE OF CONSENT IS BASED ON THE TOTALITY OF THE CIRCUMSTANCES EVALUATED FROM THE PERSPECTIVE OF A REASONABLE PERSON IN THE SAME OR SIMILAR CIRCUMSTANCES, INCLUDING THE CONTEXT IN WHICH THE ALLEGED INCIDENT OCCURRED AND ANY SIMILAR, PREVIOUS PATTERNS THAT MAY BE EVIDENCED.

**INCAPACITATION:** INCAPACITATION OCCURS WHEN SOMEONE CANNOT MAKE RATIONAL, REASONABLE DECISIONS BECAUSE THEY LACK THE CAPACITY TO GIVE KNOWING/INFORMED CONSENT (E.G., TO UNDERSTAND THE “WHO, WHAT, WHEN, WHERE, WHY, OR HOW” OF THEIR SEXUAL INTERACTION).

INCAPACITATION IS DETERMINED THROUGH CONSIDERATION OF ALL RELEVANT INDICATORS OF AN INDIVIDUAL’S STATE AND IS NOT SYNONYMOUS WITH INTOXICATION, IMPAIRMENT, BLACKOUT, AND/OR BEING DRUNK.

A PERSON CANNOT CONSENT IF THEY ARE UNABLE TO UNDERSTAND WHAT IS HAPPENING OR ARE DISORIENTED, HELPLESS, ASLEEP, OR UNCONSCIOUS, FOR ANY REASON, INCLUDING BY ALCOHOL OR OTHER DRUGS. AS STATED ABOVE, A RESPONDENT VIOLATES THIS POLICY IF THEY ENGAGE IN SEXUAL ACTIVITY WITH SOMEONE WHO IS INCAPABLE OF GIVING CONSENT.

IT IS A DEFENSE TO A SEXUAL ASSAULT POLICY VIOLATION THAT THE RESPONDENT NEITHER KNEW NOR SHOULD HAVE KNOWN THE COMPLAINANT TO BE PHYSICALLY OR MENTALLY INCAPACITATED. “SHOULD HAVE KNOWN” IS AN OBJECTIVE, REASONABLE PERSON STANDARD WHICH ASSUMES THAT A REASONABLE PERSON IS BOTH SOBER AND EXERCISING SOUND JUDGMENT.

THIS POLICY ALSO COVERS A PERSON WHOSE INCAPACITY RESULTS FROM A TEMPORARY OR PERMANENT PHYSICAL OR MENTAL HEALTH CONDITION, INVOLUNTARY PHYSICAL RESTRAINT, AND/OR THE CONSUMPTION OF INCAPACITATING DRUGS.

#### **XIV. RETALIATION**

PROTECTED ACTIVITY UNDER THIS POLICY INCLUDES REPORTING AN INCIDENT THAT MAY IMPLICATE THIS POLICY, PARTICIPATING IN THE GRIEVANCE PROCESS, SUPPORTING A COMPLAINANT OR RESPONDENT, ASSISTING IN PROVIDING INFORMATION RELEVANT TO AN INVESTIGATION, AND/OR ACTING IN GOOD FAITH TO OPPOSE CONDUCT THAT CONSTITUTES A VIOLATION OF THIS POLICY.

ACTS OF ALLEGED RETALIATION SHOULD BE REPORTED IMMEDIATELY TO THE TITLE IX COORDINATOR AND WILL BE PROMPTLY INVESTIGATED. THE MCCCCD IS PREPARED TO TAKE APPROPRIATE STEPS TO PROTECT INDIVIDUALS WHO FEAR THAT THEY MAY BE SUBJECTED TO RETALIATION.

IT IS PROHIBITED FOR THE MCCCCD OR ANY MEMBER OF MCCCCD'S COMMUNITY TO TAKE MATERIALLY ADVERSE ACTION BY INTIMIDATING, THREATENING, COERCING, HARASSING, OR DISCRIMINATING AGAINST ANY INDIVIDUAL FOR THE PURPOSE OF INTERFERING WITH ANY RIGHT OR PRIVILEGE SECURED BY LAW OR POLICY, OR BECAUSE THE INDIVIDUAL HAS MADE A REPORT OR COMPLAINT, TESTIFIED, ASSISTED, OR PARTICIPATED OR REFUSED TO PARTICIPATE IN ANY MANNER IN AN INVESTIGATION, PROCEEDING, OR HEARING UNDER THIS POLICY AND PROCEDURE.

CHARGES AGAINST AN INDIVIDUAL FOR STUDENT CONDUCT CODE VIOLATIONS THAT DO NOT INVOLVE SEX DISCRIMINATION OR SEXUAL HARASSMENT BUT ARISE OUT OF THE SAME FACTS OR CIRCUMSTANCES AS A REPORT OR COMPLAINT OF SEX DISCRIMINATION, OR A REPORT OR COMPLAINT OF SEXUAL HARASSMENT, FOR THE PURPOSE OF INTERFERING WITH ANY RIGHT OR PRIVILEGE SECURED BY TITLE IX, CONSTITUTES RETALIATION.

THE FOLLOWING DO NOT CONSTITUTE RETALIATION UNDER THIS POLICY:

1. THE EXERCISE OF RIGHTS PROTECTED UNDER THE FIRST AMENDMENT.
2. CHARGING AN INDIVIDUAL WITH A CODE OF CONDUCT VIOLATION FOR MAKING A MATERIALLY FALSE STATEMENT IN BAD FAITH IN THE COURSE OF A GRIEVANCE PROCEEDING UNDER THIS POLICY AND PROCEDURE. A DETERMINATION REGARDING RESPONSIBILITY, ALONE, IS NOT SUFFICIENT TO CONCLUDE THAT ANY PARTY HAS MADE A MATERIALLY FALSE STATEMENT IN BAD FAITH.

**FOR ADDITIONAL INFORMATION ON PROHIBITED RETALIATION, PLEASE SEE [RETALIATION](#).**

#### **XV. WHEN A COMPLAINANT DOES NOT WISH TO PROCEED**

IF A COMPLAINANT DOES NOT WISH FOR THEIR NAME TO BE SHARED, DOES NOT WISH FOR AN INVESTIGATION TO TAKE PLACE, OR DOES NOT WANT A FORMAL COMPLAINT TO BE PURSUED, THEY MAY MAKE SUCH A REQUEST TO THE TITLE IX COORDINATOR, WHO WILL EVALUATE THAT REQUEST IN LIGHT OF THE DUTY TO ENSURE THE SAFETY OF THE CAMPUS AND TO COMPLY WITH STATE OR FEDERAL LAW.

THE TITLE IX COORDINATOR HAS ULTIMATE DISCRETION OVER WHETHER THE MCCCCD PROCEEDS WHEN THE COMPLAINANT DOES NOT WISH TO DO SO. THE TITLE IX COORDINATOR MAY SIGN A FORMAL COMPLAINT TO INITIATE A GRIEVANCE PROCESS UPON COMPLETION OF AN APPROPRIATE VIOLENCE RISK ASSESSMENT. THE TITLE IX COORDINATOR'S DECISION TO SIGN A FORMAL COMPLAINT SHOULD BE BASED ON RESULTS OF THE VIOLENCE RISK ASSESSMENT THAT SHOW A COMPELLING RISK TO HEALTH AND/OR SAFETY THAT REQUIRES THE MCCCCD TO PURSUE FORMAL ACTION TO PROTECT THE COMMUNITY.

WHEN THE TITLE IX COORDINATOR EXECUTES THE WRITTEN COMPLAINT, THEY DO NOT BECOME THE COMPLAINANT. THE COMPLAINANT IS THE INDIVIDUAL WHO IS ALLEGED TO BE THE VICTIM OF CONDUCT THAT COULD CONSTITUTE A VIOLATION OF THIS POLICY. THE COMPLAINANT (OR THEIR ADVISOR) MAY HAVE AS MUCH OR AS LITTLE INVOLVEMENT IN THE PROCESS AS THEY WISH. THE COMPLAINANT RETAINS ALL RIGHTS OF A COMPLAINANT UNDER THIS POLICY IRRESPECTIVE OF THEIR LEVEL OF PARTICIPATION. TYPICALLY, WHEN THE COMPLAINANT CHOOSES NOT TO PARTICIPATE, THE ADVISOR MAY BE APPOINTED AS PROXY FOR THE COMPLAINANT THROUGHOUT THE PROCESS, ACTING TO ENSURE AND PROTECT THE RIGHTS OF THE COMPLAINANT.

IN CASES IN WHICH THE COMPLAINANT REQUESTS CONFIDENTIALITY/NO FORMAL ACTION AND THE CIRCUMSTANCES ALLOW THE MCCCCD TO HONOR THAT REQUEST, THE MCCCCD WILL OFFER SUPPORTIVE MEASURES, AND REMEDIES TO THE COMPLAINANT AND THE COMMUNITY, BUT WILL NOT OTHERWISE PURSUE FORMAL ACTION.

IF THE COMPLAINANT ELECTS TO TAKE NO ACTION, THEY CAN CHANGE THAT DECISION IF THEY DECIDE TO PURSUE A FORMAL COMPLAINT AT A LATER DATE. UPON MAKING A FORMAL COMPLAINT, A COMPLAINANT HAS THE RIGHT, AND CAN EXPECT, TO HAVE ALLEGATIONS TAKEN SERIOUSLY BY THE MCCCCD, AND TO HAVE THE INCIDENTS INVESTIGATED AND PROPERLY RESOLVED THROUGH THESE PROCEDURES.

#### **XVI. FEDERAL TIMELY WARNING OBLIGATIONS**

PARTIES REPORTING SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND/OR STALKING SHOULD BE AWARE THAT UNDER THE CLERY ACT, MCCCCD MUST ISSUE TIMELY WARNINGS FOR INCIDENTS REPORTED TO THEM THAT POSE A SERIOUS OR CONTINUING THREAT OF BODILY HARM OR DANGER TO MEMBERS OF THE CAMPUS COMMUNITY. MCCCCD WILL ENSURE THAT A COMPLAINANT'S NAME AND OTHER IDENTIFYING INFORMATION IS NOT DISCLOSED, WHILE STILL PROVIDING ENOUGH INFORMATION FOR COMMUNITY MEMBERS TO MAKE SAFETY DECISIONS IN LIGHT OF THE POTENTIAL DANGER.

#### **XVII. FALSE ALLEGATIONS AND EVIDENCE**

DELIBERATELY FALSE AND/OR MALICIOUS ACCUSATIONS UNDER THIS POLICY, AS OPPOSED TO ALLEGATIONS WHICH, EVEN IF ERRONEOUS, ARE MADE IN GOOD FAITH, ARE A SERIOUS OFFENSE AND WILL BE REFERRED TO EITHER THE STUDENT CONDUCT CODE OR EMPLOYEE CONDUCT POLICIES FOR APPROPRIATE DISCIPLINARY ACTION.

ADDITIONALLY, WITNESSES AND PARTIES KNOWINGLY PROVIDING FALSE EVIDENCE, TAMPERING WITH OR DESTROYING EVIDENCE AFTER BEING DIRECTED TO PRESERVE SUCH EVIDENCE, OR DELIBERATELY MISLEADING AN INVESTIGATOR OR HEARING DECISION-MAKER WILL BE SUBJECT TO DISCIPLINE UNDER THE APPROPRIATE STUDENT OR EMPLOYEE POLICY AS WELL AS UNDER THIS POLICY FOR PROVIDING FALSE TESTIMONY.

#### **XVIII. AMNESTY FOR COMPLAINANTS AND WITNESSES**

THE MCCCCD COMMUNITY ENCOURAGES THE REPORTING OF MISCONDUCT AND CRIMES BY COMPLAINANTS AND WITNESSES. SOMETIMES, COMPLAINANTS OR WITNESSES ARE HESITANT TO REPORT TO MCCCCD OFFICIALS OR PARTICIPATE IN GRIEVANCE PROCESSES BECAUSE THEY FEAR THAT THEY THEMSELVES MAY BE IN VIOLATION OF CERTAIN POLICIES, SUCH AS UNDERAGE DRINKING OR USE OF ILLICIT DRUGS AT THE TIME OF THE INCIDENT. RESPONDENTS MAY HESITATE TO BE FORTHCOMING DURING THE PROCESS FOR THE SAME REASONS.

IT IS IN THE BEST INTERESTS OF THE MCCCCD COMMUNITY THAT COMPLAINANTS CHOOSE TO REPORT MISCONDUCT TO MCCCCD OFFICIALS, THAT WITNESSES COME FORWARD TO SHARE WHAT THEY KNOW, AND THAT ALL PARTIES BE FORTHCOMING DURING THE PROCESS. TO ENCOURAGE REPORTING AND PARTICIPATION IN THE PROCESS, MCCCCD MAINTAINS A POLICY OF OFFERING PARTIES AND WITNESSES AMNESTY FROM MINOR POLICY VIOLATIONS, SUCH AS UNDERAGE CONSUMPTION OF ALCOHOL OR THE USE OF ILLICIT DRUGS RELATED TO THE INCIDENT BEING REPORTED.

AMNESTY DOES NOT APPLY TO MORE SERIOUS ALLEGATIONS SUCH AS PHYSICAL ABUSE OF ANOTHER OR ILLICIT DRUG DISTRIBUTION. A DECISION NOT TO OFFER AMNESTY TO A RESPONDENT SHOULD NOT BE BASED ON SEX NOR GENDER, BUT SHOULD TAKE INTO ACCOUNT THE RATIONALE FOR AMNESTY. THE INCENTIVE TO REPORT SERIOUS MISCONDUCT IS RARELY APPLICABLE TO RESPONDENTS WITH RESPECT TO A COMPLAINANT.

MCCCCD MAINTAINS A POLICY OF AMNESTY FOR STUDENTS WHO OFFER HELP TO OTHERS IN NEED VIA BYSTANDER INTERVENTION. WHILE POLICY VIOLATIONS CANNOT BE OVERLOOKED, MCCCCD MAY PROVIDE PURELY EDUCATIONAL OPTIONS WITH NO OFFICIAL DISCIPLINARY FINDING, RATHER THAN PUNITIVE SANCTIONS, TO THOSE WHO OFFER THEIR ASSISTANCE TO OTHERS IN NEED.

#### **XIX. FEDERAL STATISTICAL REPORTING OBLIGATIONS**

CERTAIN CAMPUS OFFICIALS – THOSE DEEMED CAMPUS SECURITY AUTHORITIES – HAVE A DUTY TO REPORT THE FOLLOWING FOR FEDERAL STATISTICAL REPORTING PURPOSES (CLERY ACT):

- a) ALL “PRIMARY CRIMES,” WHICH INCLUDE HOMICIDE, SEXUAL ASSAULT, ROBBERY, AGGRAVATED ASSAULT, BURGLARY, MOTOR VEHICLE THEFT, AND ARSON;
- b) HATE CRIMES, WHICH INCLUDE ANY BIAS MOTIVATED PRIMARY CRIME AS WELL AS ANY BIAS MOTIVATED LARCENY OR THEFT, SIMPLE ASSAULT, INTIMIDATION, OR DESTRUCTION/DAMAGE/VANDALISM OF PROPERTY;
- c) VAWA BASED CRIMES, WHICH INCLUDE SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING (VAWA IS THE VIOLENCE AGAINST WOMEN ACT, ENACTED IN 1994 CODIFIED IN PART AT 42 U.S.C. SECTIONS 13701 THROUGH 14040); AND
- d) ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION FOR WEAPONS-RELATED LAW VIOLATIONS, LIQUOR-RELATED LAW VIOLATIONS, AND DRUG ABUSE-RELATED LAW VIOLATIONS.

ALL PERSONALLY IDENTIFIABLE INFORMATION IS KEPT PRIVATE, BUT STATISTICAL INFORMATION MUST BE PASSED ALONG TO CAMPUS LAW ENFORCEMENT REGARDING THE TYPE OF INCIDENT AND ITS GENERAL LOCATION (ON OR OFF-CAMPUS OR IN THE SURROUNDING AREA, BUT NO ADDRESSES ARE GIVEN) FOR PUBLICATION IN THE ANNUAL SECURITY REPORT AND DAILY CAMPUS CRIME LOG.

CAMPUS SECURITY AUTHORITIES INCLUDE: PRESIDENTS, VICE-PRESIDENTS, STUDENT AFFAIRS/STUDENT CONDUCT STAFF, CAMPUS LAW ENFORCEMENT/PUBLIC SAFETY, LOCAL POLICE, COACHES, ATHLETIC DIRECTORS, STUDENT ACTIVITIES STAFF, HUMAN RESOURCES STAFF, ADVISORS TO STUDENT ORGANIZATIONS, AND ANY OTHER OFFICIAL WITH SIGNIFICANT RESPONSIBILITY FOR STUDENT AND CAMPUS ACTIVITIES.

## **XX. ALLEGED VIOLATIONS OF THE TITLE IX POLICY**

### **1. OVERVIEW**

MCCCD WILL ACT ON ANY FORMAL OR INFORMAL NOTICE/COMPLAINT OF VIOLATION OF THE TITLE IX SEXUAL HARASSMENT POLICY (“THE POLICY”) THAT IS RECEIVED BY THE TITLE IX COORDINATOR OR ANY OTHER OFFICIAL WITH AUTHORITY BY APPLYING THESE PROCEDURES.

THE PROCEDURES BELOW APPLY **ONLY** TO QUALIFYING ALLEGATIONS OF SEXUAL HARASSMENT (INCLUDING SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, AND STALKING, AS DEFINED IN SECTION XIII) INVOLVING MCCCD STUDENTS, STAFF, ADMINISTRATOR, OR FACULTY MEMBERS.

UNIONIZED/OTHER CATEGORIZED EMPLOYEES ARE SUBJECT TO THE TERMS OF THEIR AGREEMENTS/EMPLOYEES’ RIGHTS TO THE EXTENT THOSE AGREEMENTS DO NOT CONFLICT WITH THIS POLICY.

### **2. NOTICE/COMPLAINT**

UPON RECEIPT OF A COMPLAINT OR NOTICE TO THE TITLE IX COORDINATOR OF AN ALLEGED VIOLATION OF THIS POLICY, MCCCD WILL INITIATE A PROMPT INITIAL ASSESSMENT TO DETERMINE THE NEXT STEPS. THE TITLE IX COORDINATOR WILL INITIATE AT LEAST ONE OF THREE RESPONSES:

- 1) OFFERING SUPPORTIVE MEASURES BECAUSE THE COMPLAINANT DOES NOT WANT TO PROCEED FORMALLY;
- 2) OFFERING SUPPORTIVE MEASURES AND INITIATING AN INFORMAL RESOLUTION; OR
- 3) OFFERING SUPPORTIVE MEASURES AND INITIATING A FORMAL GRIEVANCE PROCESS INCLUDING AN INVESTIGATION AND A HEARING TO DETERMINE WHETHER OR NOT THE POLICY HAS BEEN VIOLATED.

### **3. INITIAL ASSESSMENT**

FOLLOWING RECEIPT OF NOTICE OR A COMPLAINT OF AN ALLEGED VIOLATION OF THIS POLICY, THE TITLE IX COORDINATOR (OR DESIGNEE) WILL ENGAGE IN AN INITIAL ASSESSMENT, WHICH IS TYPICALLY ONE (1) TO FIVE (5) BUSINESS DAYS IN DURATION.

**FOR MORE INFORMATION RELATED TO THE INITIAL ASSESSMENT, PLEASE SEE THE [INVESTIGATIVE PROCESS](#).**

### **4. EMERGENCY REMOVAL**

IN THE EVENT AN EMERGENCY REMOVAL IS CONSIDERED, THE TITLE IX COORDINATOR WILL FOLLOW THE PROCEDURES OUTLINED IN SECTION VIII OF THIS POLICY.

## 5. DISMISSAL (MANDATORY AND DISCRETIONARY)

MANDATORY DISMISSAL: THE TITLE IX COORDINATOR **MUST** DISMISS A FORMAL COMPLAINT OR ANY ALLEGATIONS THEREIN IF, AT ANY TIME DURING THE INVESTIGATION OR HEARING, IT IS DETERMINED THAT:

- 1) THE CONDUCT ALLEGED IN THE FORMAL COMPLAINT WOULD NOT CONSTITUTE SEXUAL HARASSMENT AS DEFINED IN THE POLICY HEREINABOVE, EVEN IF PROVED; AND/OR
- 2) THE CONDUCT DID NOT OCCUR IN AN EDUCATIONAL PROGRAM OR ACTIVITY CONTROLLED BY MCCCC (INCLUDING BUILDINGS OR PROPERTY CONTROLLED BY RECOGNIZED STUDENT ORGANIZATIONS), AND/OR MCCCC DOES NOT HAVE CONTROL OF THE RESPONDENT; AND/OR
- 3) THE CONDUCT DID NOT OCCUR AGAINST A PERSON IN THE UNITED STATES, ~~AND/OR~~
- 4) ~~AT THE TIME OF FILING A FORMAL COMPLAINT, A COMPLAINANT IS NOT PARTICIPATING IN OR ATTEMPTING TO PARTICIPATE IN THE EDUCATION PROGRAM OR ACTIVITY OF THE MCCCC.~~

ANY CONDUCT ALLEGED IN THE FORMAL COMPLAINT THAT IS DISMISSED UNDER THE FIRST (1ST) PROVISION ABOVE WILL BE REFERRED BY THE TITLE IX COORDINATOR TO THE STUDENT CODE OF CONDUCT ADMINISTRATOR (FOR STUDENT RESPONDENTS) OR THE COLLEGE OR DISTRICT HUMAN RESOURCES ADMINISTRATOR (FOR EMPLOYEE/THIRD PARTY RESPONDENTS). REFERRALS SHALL TAKE PLACE WITHIN THREE (3) DAYS OF THE DATE OF THE DISMISSAL LETTER BEING MAILED TO THE PARTIES.

DISCRETIONARY DISMISSAL: THE TITLE IX COORDINATOR **MAY** CHOOSE TO DISMISS A FORMAL COMPLAINT OR ANY ALLEGATIONS THEREIN IF, AT ANY TIME DURING THE INVESTIGATION OR HEARING:

- 1) A COMPLAINANT NOTIFIES THE TITLE IX COORDINATOR IN WRITING THAT THE COMPLAINANT WOULD LIKE TO WITHDRAW THE FORMAL COMPLAINT OR ANY ALLEGATIONS THEREIN. A COMPLAINANT WHO DECIDES TO WITHDRAW A COMPLAINT MAY LATER REQUEST TO REINSTATE IT OR REFILE IT; OR
- 2) THE RESPONDENT IS NO LONGER ENROLLED IN OR EMPLOYED BY THE MCCCC; OR
- 3) SPECIFIC CIRCUMSTANCES PREVENT MCCCC FROM GATHERING EVIDENCE SUFFICIENT TO REACH A DETERMINATION AS TO THE FORMAL COMPLAINT OR ALLEGATIONS THEREIN.

UPON ANY DISMISSAL, MCCCC WILL PROMPTLY SEND WRITTEN NOTICE OF THE DISMISSAL AND THE RATIONALE FOR DOING SO SIMULTANEOUSLY TO THE PARTIES.

BOTH MANDATORY AND DISCRETIONARY DISMISSAL DECISIONS ARE APPEALABLE BY ANY PARTY UNDER THE PROCEDURES FOR APPEAL BELOW.

## 6. COUNTERCLAIMS

MCCCC IS OBLIGATED TO ENSURE THAT THE GRIEVANCE PROCESS IS NOT ABUSED FOR RETALIATORY PURPOSES. MCCCC PERMITS THE FILING OF COUNTERCLAIMS BUT USES AN INITIAL ASSESSMENT, DESCRIBED ABOVE, TO ASSESS WHETHER THE ALLEGATIONS IN THE COUNTERCLAIM ARE MADE IN GOOD FAITH. COUNTERCLAIMS MADE WITH RETALIATORY INTENT WILL NOT BE PERMITTED AND MAY CONSTITUTE A VIOLATION OF THIS POLICY.

COUNTERCLAIMS DETERMINED TO HAVE BEEN REPORTED IN GOOD FAITH WILL BE PROCESSED USING THE GRIEVANCE PROCEDURES BELOW. INVESTIGATION OF SUCH CLAIMS MAY TAKE PLACE AFTER RESOLUTION OF THE UNDERLYING INITIAL ALLEGATION, IN WHICH CASE A DELAY MAY OCCUR.

COUNTERCLAIMS MAY ALSO BE RESOLVED THROUGH THE SAME INVESTIGATION AS THE UNDERLYING ALLEGATION, AT THE DISCRETION OF THE TITLE IX COORDINATOR.

## 7. RIGHT TO AN ADVISOR

THE PARTIES MAY EACH HAVE AN ADVISOR OF THEIR CHOICE. THE ADVISOR MAY BE A FRIEND, MENTOR, FAMILY

MEMBER, ATTORNEY, OR ANY OTHER INDIVIDUAL A PARTY CHOOSES TO ADVISE, SUPPORT, AND/OR CONSULT WITH THEM THROUGHOUT THE RESOLUTION PROCESS. THE PARTIES MAY CHOOSE ADVISORS FROM INSIDE OR OUTSIDE OF THE MCCCC COMMUNITY. THE ADVISOR MAY BE PRESENT WITH THE COMPLAINANT OR RESPONDENT FOR ALL OF THEIR MEETINGS AND INTERVIEWS WITHIN THE RESOLUTION PROCESS, IF THEY SO CHOOSE.

THE PARTIES MAY SELECT WHOEVER THEY WISH TO SERVE AS THEIR ADVISOR AS LONG AS THE ADVISOR IS ELIGIBLE AND AVAILABLE. "AVAILABLE" MEANS THE PARTY AGREES TO ACT AS ADVISOR AND HAS NO CONFLICT OF INTEREST IN DOING SO. ALSO, THE ADVISOR CANNOT HAVE INSTITUTIONALLY CONFLICTING ROLES, SUCH AS BEING A TITLE IX ADMINISTRATOR WHO HAS AN ACTIVE ROLE IN THE MATTER, OR A SUPERVISOR WHO MUST MONITOR AND IMPLEMENT SANCTIONS.

CHOOSING AN ADVISOR WHO IS ALSO A WITNESS IN THE PROCESS CREATES POTENTIAL FOR BIAS AND CONFLICT-OF-INTEREST. A PARTY WHO CHOOSES AN ADVISOR WHO IS ALSO A WITNESS CAN ANTICIPATE THAT ISSUES OF POTENTIAL BIAS WILL BE EXPLORED BY THE HEARING DECISION-MAKER.

IF THE PARTIES CHOOSE AN ADVISOR FROM THE POOL AVAILABLE FROM THE MCCCC, THE ADVISOR WILL BE TRAINED BY THE MCCCC AND BE FAMILIAR WITH THE MCCCC'S RESOLUTION PROCESS. IF THE PARTIES CHOOSE AN ADVISOR FROM OUTSIDE THE POOL OF THOSE IDENTIFIED BY THE MCCCC, THE ADVISOR MAY NOT HAVE BEEN TRAINED BY THE MCCCC AND MAY NOT BE FAMILIAR WITH MCCCC POLICIES AND PROCEDURES.

PARTIES ALSO HAVE THE RIGHT TO CHOOSE NOT TO HAVE AN ADVISOR IN THE INITIAL STAGES OF THE RESOLUTION PROCESS, PRIOR TO A HEARING. IF EITHER PARTY CHOOSES NOT TO HAVE AN ADVISOR PRESENT IN THE INITIAL STAGES OF THE RESOLUTION PROCESS, THIS CHOICE WILL BE DOCUMENTED IN THE RECORD OF THE CASE.

**FOR MORE INFORMATION REGARDING THE TRAINING RECEIVED BY AN ADVISOR, PLEASE SEE [ADVISORS FAQ](#).**

#### **A. ADVISORS IN HEARINGS/MCCCC-APPOINTED ADVISOR**

UNDER U.S. DEPARTMENT OF EDUCATION REGULATIONS APPLICABLE TO TITLE IX, CROSS-EXAMINATION IS REQUIRED DURING THE HEARING, BUT MUST BE CONDUCTED BY THE PARTIES' ADVISORS. THE PARTIES ARE NOT PERMITTED TO DIRECTLY CROSS-EXAMINE EACH OTHER OR ANY WITNESSES. IF A PARTY DOES NOT HAVE AN ADVISOR FOR A HEARING, MCCCC WILL APPOINT A TRAINED ADVISOR FOR THE LIMITED PURPOSE OF CONDUCTING CROSS-EXAMINATION.

A PARTY MAY REJECT THIS APPOINTMENT AND CHOOSE THEIR OWN ADVISOR, BUT THEY MAY NOT PROCEED WITH THE HEARING WITHOUT AN ADVISOR. IF THE PARTY'S ADVISOR WILL NOT CONDUCT CROSS-EXAMINATION, MCCCC WILL APPOINT AN ADVISOR WHO WILL DO SO THOROUGHLY, REGARDLESS OF THE PARTICIPATION OR NON-PARTICIPATION OF THE ADVISED PARTY IN THE HEARING ITSELF. EXTENSIVE QUESTIONING OF THE PARTIES AND WITNESSES MAY ALSO BE CONDUCTED BY THE DECISION-MAKER DURING THE HEARING.

#### **B. PRE-INTERVIEW MEETINGS**

ADVISORS MAY REQUEST TO MEET WITH THE ADMINISTRATIVE OFFICIALS CONDUCTING INTERVIEWS/MEETINGS IN ADVANCE OF THESE INTERVIEWS OR MEETINGS. IN ORDER FOR A PRE-INTERVIEW MEETING TO BE HELD IT MUST BE REQUESTED BY THE ADVISOR. THIS PRE-MEETING ALLOWS ADVISORS TO CLARIFY AND UNDERSTAND THEIR ROLE AND MCCCC'S POLICIES AND PROCEDURES. A PRE-INTERVIEW MEETING IS NOT MANDATORY.

#### **C. ADVISOR VIOLATIONS OF MCCCC POLICY**

ALL ADVISORS ARE SUBJECT TO THE SAME MCCCC POLICIES AND PROCEDURES, WHETHER THEY ARE ATTORNEYS OR NOT. ADVISORS ARE EXPECTED TO ADVISE WITHOUT DISRUPTING PROCEEDINGS. ADVISORS MAY NOT ADDRESS MCCCC OFFICIALS IN A MEETING OR INTERVIEW UNLESS INVITED TO DO SO (E.G., ASKING PROCEDURAL QUESTIONS). THE ADVISOR MAY NOT SPEAK ON BEHALF OF THEIR ADVISEE DURING ANY MEETING OR PROCEEDING AND MAY NOT SPEAK ON BEHALF OF THE ADVISEE TO THE INVESTIGATOR(S) OR OTHER DECISION-MAKER EXCEPT DURING A HEARING PROCEEDING, DURING CROSS-EXAMINATION.



THE PARTIES ARE EXPECTED TO RESPOND TO QUESTIONS ON THEIR OWN BEHALF THROUGHOUT THE INVESTIGATION PHASE OF THE RESOLUTION PROCESS. ALTHOUGH THE ADVISOR GENERALLY MAY NOT SPEAK ON BEHALF OF THEIR ADVISEE, THE ADVISOR MAY CONSULT WITH THEIR ADVISEE, EITHER PRIVATELY AS NEEDED, OR BY CONFERRING OR PASSING NOTES DURING ANY RESOLUTION PROCESS MEETING OR INTERVIEW. FOR LONGER OR MORE INVOLVED DISCUSSIONS, THE PARTIES AND THEIR ADVISORS SHOULD ASK FOR BREAKS TO ALLOW FOR PRIVATE CONSULTATION.

ANY ADVISOR WHO OVERSTEPS THEIR ROLE AS DEFINED BY THIS POLICY WILL BE WARNED ONLY ONCE. IF AN ADVISOR CONTINUES TO DISRUPT OR OTHERWISE FAILS TO RESPECT THE LIMITS OF THE ADVISOR ROLE, THE MEETING WILL BE ENDED, OR OTHER APPROPRIATE MEASURES IMPLEMENTED. SUBSEQUENTLY, THE TITLE IX COORDINATOR WILL DETERMINE HOW TO ADDRESS THE ADVISOR'S NON-COMPLIANCE AND FUTURE ROLE.

#### **D. SHARING INFORMATION WITH THE ADVISOR**

PARTIES MAY SHARE DOCUMENTATION AND EVIDENTIARY INFORMATION DIRECTLY WITH THEIR ADVISOR OR OTHER INDIVIDUALS IF THEY WISH. DOING SO MAY HELP THE PARTIES PARTICIPATE MORE MEANINGFULLY IN THE RESOLUTION PROCESS.

MCCCD ALSO PROVIDES A CONSENT FORM (FERPA AUTHORIZATION TO RELEASE) THAT AUTHORIZES THE MCCCD TO SHARE SUCH INFORMATION DIRECTLY WITH A PARTY'S ADVISOR. THE PARTIES MUST EITHER COMPLETE AND SUBMIT THIS FORM TO THE TITLE IX COORDINATOR OR PROVIDE SIMILAR DOCUMENTATION DEMONSTRATING CONSENT TO A RELEASE OF INFORMATION TO THE ADVISOR BEFORE MCCCD IS ABLE TO SHARE RECORDS WITH AN ADVISOR.

THE MCCCD WILL NOT COMPLY WITH ANY PARTY'S REQUEST THAT ALL COMMUNICATIONS BE MADE THROUGH THEIR ATTORNEY ADVISOR.

#### **E. PRIVACY OF RECORDS SHARED WITH ADVISOR**

ADVISORS ARE EXPECTED TO MAINTAIN THE PRIVACY OF THE RECORDS SHARED WITH THEM. THESE RECORDS MAY NOT BE SHARED WITH THIRD PARTIES, DISCLOSED PUBLICLY, OR USED FOR PURPOSES NOT EXPLICITLY AUTHORIZED BY MCCCD. MCCCD MAY SEEK TO RESTRICT THE ROLE OF ANY ADVISOR WHO DOES NOT RESPECT THE SENSITIVE NATURE OF THE PROCESS OR WHO FAILS TO ABIDE BY THE MCCCD'S PRIVACY EXPECTATIONS.

#### **F. EXPECTATIONS OF AN ADVISOR**

THE MCCCD EXPECTS AN ADVISOR TO ADJUST THEIR SCHEDULE TO ALLOW THEM TO ATTEND MCCCD MEETINGS WHEN PLANNED. AT THE SOLE DISCRETION OF THE TITLE IX COORDINATOR, SCHEDULED MEETINGS MAY BE CHANGED TO ACCOMMODATE AN ADVISOR'S INABILITY TO ATTEND, IF DOING SO DOES NOT CAUSE AN UNREASONABLE DELAY. A TITLE IX COORDINATOR'S DECISION AS TO WHETHER TO CHANGE MEETING DATES AND TIMES IS FINAL.

MCCCD MAY ALSO MAKE REASONABLE PROVISIONS TO ALLOW AN ADVISOR WHO CANNOT ATTEND IN PERSON TO ATTEND A MEETING BY TELEPHONE, VIDEO CONFERENCING, OR OTHER SIMILAR TECHNOLOGIES AS MAY BE CONVENIENT AND AVAILABLE.

#### **G. EXPECTATIONS OF THE PARTIES WITH RESPECT TO ADVISORS**

A PARTY MAY ELECT TO CHANGE ADVISORS DURING THE PROCESS AND IS NOT OBLIGATED TO USE THE SAME ADVISOR THROUGHOUT. THE PARTIES ARE EXPECTED TO INFORM THE INVESTIGATOR(S) OF THE IDENTITY OF THEIR ADVISOR AT LEAST TWO (2) BUSINESS DAYS BEFORE THE DATE OF THEIR FIRST MEETING WITH INVESTIGATORS (OR AS SOON AS POSSIBLE IF A MORE EXPEDITIOUS MEETING IS NECESSARY OR DESIRED).

THE PARTIES ARE EXPECTED TO PROVIDE TIMELY NOTICE TO THE TITLE IX COORDINATOR IF THEY CHANGE ADVISORS AT ANY TIME. IT IS ASSUMED THAT IF A PARTY CHANGES ADVISORS, CONSENT TO SHARE INFORMATION WITH THE PREVIOUS ADVISOR IS TERMINATED, AND A RELEASE FOR THE NEW ADVISOR MUST BE SECURED. PARTIES ARE EXPECTED TO INFORM THE TITLE IX COORDINATOR OF THE IDENTITY OF THEIR HEARING ADVISOR AT LEAST TWO (2) BUSINESS DAYS BEFORE THE HEARING.

## 8. RESOLUTION PROCESSES

RESOLUTION PROCEEDINGS ARE PRIVATE. ALL PERSONS PRESENT AT ANY TIME DURING THE RESOLUTION PROCESS ARE EXPECTED TO MAINTAIN THE PRIVACY OF THE PROCEEDINGS IN ACCORDANCE WITH MCCCCD POLICY. WHILE THERE IS AN EXPECTATION OF PRIVACY AROUND WHAT INVESTIGATORS SHARE WITH PARTIES DURING INTERVIEWS, THE PARTIES HAVE DISCRETION TO SHARE THEIR OWN KNOWLEDGE AND EVIDENCE WITH OTHERS IF THEY SO CHOOSE. MCCCCD ENCOURAGES PARTIES TO DISCUSS THIS TOPIC WITH THEIR ADVISORS BEFORE DOING SO.

## 9. FORMAL GRIEVANCE PROCESS

THE FORMAL GRIEVANCE PROCESS RELIES ON A POOL OF ADMINISTRATORS (“THE POOL”) TO CARRY OUT THE PROCESS. MEMBERS OF THE POOL ARE ANNOUNCED IN AN ANNUAL DISTRIBUTION OF THIS POLICY TO ALL STUDENTS, PARENTS/GUARDIANS OF STUDENTS, EMPLOYEES, PROSPECTIVE STUDENTS, AND PROSPECTIVE EMPLOYEES. THEY ARE ALSO LISTED IN THE ANNUAL TITLE IX REPORT PUBLISHED BY THE TITLE IX OFFICE.

**FOR MORE INFORMATION REGARDING THE FORMAL GRIEVANCE POOL—including SELECTION, TRAINING, AND RESPONSIBILITIES—PLEASE SEE [FORMAL GRIEVANCE POOL](#).**

## 10. FORMAL GRIEVANCE PROCESS: NOTICE OF INVESTIGATION AND ALLEGATIONS

THE TITLE IX COORDINATOR WILL PROVIDE WRITTEN NOTICE OF ALLEGATIONS (THE “NOA”) TO THE RESPONDENT UPON COMMENCEMENT OF THE FORMAL GRIEVANCE PROCESS. THIS FACILITATES THE RESPONDENT’S ABILITY TO PREPARE FOR THE INTERVIEW AND TO IDENTIFY AND CHOOSE AN ADVISOR TO ACCOMPANY THEM. THE NOA IS ALSO COPIED TO THE COMPLAINANT, WHO IS TO BE GIVEN ADVANCE NOTICE OF WHEN THE NOA WILL BE DELIVERED TO THE RESPONDENT.

THE NOA WILL INCLUDE:

- A MEANINGFUL SUMMARY OF ALL OF ALLEGATIONS,
- THE IDENTITY OF THE INVOLVED PARTIES (IF KNOWN),
- THE PRECISE MISCONDUCT BEING ALLEGED,
- THE DATE AND LOCATION OF THE ALLEGED INCIDENT(S) (IF KNOWN),
- THE SPECIFIC POLICIES IMPLICATED,
- A STATEMENT OF THE POTENTIAL SANCTIONS/RESPONSIVE ACTIONS THAT COULD RESULT,
- A STATEMENT THAT THE MCCCCD PRESUMES THE RESPONDENT IS NOT RESPONSIBLE FOR THE REPORTED MISCONDUCT UNLESS AND UNTIL THE EVIDENCE SUPPORTS A DIFFERENT DETERMINATION,
- A STATEMENT THAT DETERMINATIONS OF RESPONSIBILITY ARE MADE AT THE CONCLUSION OF THE PROCESS AND THAT THE PARTIES WILL BE GIVEN AN OPPORTUNITY TO INSPECT AND REVIEW ALL DIRECTLY RELATED AND/OR RELEVANT EVIDENCE OBTAINED DURING THE REVIEW AND COMMENT PERIOD,
- A STATEMENT ABOUT THE MCCCCD’S POLICY ON RETALIATION,
- INFORMATION ON THE NEED FOR EACH PARTY TO HAVE AN ADVISOR OF THEIR CHOOSING AND SUGGESTIONS FOR WAYS TO IDENTIFY AN ADVISOR,
- A STATEMENT INFORMING THE PARTIES THAT THE MCCCCD’S POLICY PROHIBITS KNOWINGLY MAKING FALSE STATEMENTS, INCLUDING KNOWINGLY SUBMITTING FALSE INFORMATION DURING THE RESOLUTION PROCESS,
- DETAIL ON HOW THE PARTY MAY REQUEST DISABILITY ACCOMMODATIONS DURING THE INTERVIEW PROCESS,
- A SUGGESTED DATE AND TIME FOR AN INITIAL MEETING (PROPER TIME WILL BE GIVEN TO ALLOW FOR THE SELECTION OF AN ADVISOR)
- THE NAME(S) OF THE INVESTIGATOR(S), ALONG WITH A PROCESS TO IDENTIFY, IN ADVANCE OF THE INTERVIEW PROCESS, TO THE TITLE IX COORDINATOR ANY CONFLICT OF INTEREST THAT THE INVESTIGATOR(S) MAY HAVE, AND
- AN INSTRUCTION TO PRESERVE ANY EVIDENCE THAT IS DIRECTLY RELATED TO THE ALLEGATIONS.

AMENDMENTS AND UPDATES TO THE NOA MAY BE MADE AS THE INVESTIGATION PROGRESSES AND MORE INFORMATION BECOMES AVAILABLE REGARDING THE ADDITION OR DISMISSAL OF VARIOUS CHARGES.

NOTICE WILL BE MADE IN WRITING AND WILL BE SENT VIA ELECTRONIC MAIL TO THE MCCCCD-ISSUED EMAIL ACCOUNT AND MAILED VIA REGULAR MAIL TO THE LOCAL OR PERMANENT ADDRESS AS INDICATED IN OFFICIAL MCCCCD RECORDS.

NOTICE IS PRESUMED TO HAVE BEEN GIVEN UPON EMAILING THE NOA TO THE RESPONDENT'S MCCCCD-OWNED EMAIL ADDRESS. THE NOA WILL ALSO BE PLACED IN REGULAR MAIL, POSTAGE PRE-PAID.

#### **11. RESOLUTION TIMELINE**

THE MCCCCD WILL MAKE A GOOD FAITH EFFORT TO COMPLETE THE RESOLUTION PROCESS WITHIN A SIXTY-TO-NINETY (60-90) BUSINESS DAY TIME PERIOD, INCLUDING APPEAL, WHICH CAN BE EXTENDED AS NECESSARY FOR APPROPRIATE CAUSE BY THE TITLE IX COORDINATOR, WHO WILL PROVIDE NOTICE AND RATIONALE FOR ANY EXTENSIONS OR DELAYS TO THE PARTIES AS APPROPRIATE, AS WELL AS AN ESTIMATE OF HOW MUCH ADDITIONAL TIME WILL BE NEEDED TO COMPLETE THE PROCESS.

#### **12. APPOINTMENT OF INVESTIGATORS**

ONCE THE DECISION TO COMMENCE A FORMAL INVESTIGATION IS MADE, THE TITLE IX COORDINATOR SHALL APPOINT A TEAM OF TWO (2) INVESTIGATORS TO INVESTIGATE THE ALLEGATIONS. APPOINTMENT OF INVESTIGATORS TYPICALLY OCCURS WITHIN TWO (2) BUSINESS DAYS OF DETERMINING THAT AN INVESTIGATION SHOULD PROCEED.

#### **13. ENSURING IMPARTIALITY**

ANY INDIVIDUAL MATERIALLY INVOLVED IN THE ADMINISTRATION OF THE RESOLUTION PROCESS MAY NEITHER HAVE NOR DEMONSTRATE A CONFLICT OF INTEREST OR BIAS FOR A PARTY GENERALLY, OR FOR A SPECIFIC COMPLAINANT OR RESPONDENT. THE TITLE IX COORDINATOR WILL VET THE ASSIGNED INVESTIGATOR(S) TO ENSURE IMPARTIALITY BY ENSURING THERE ARE NO ACTUAL OR APPARENT CONFLICTS OF INTEREST OR DISQUALIFYING BIASES. THE PARTIES MAY, AT ANY TIME DURING THE RESOLUTION PROCESS, RAISE A CONCERN REGARDING BIAS OR CONFLICT OF INTEREST, AND THE TITLE IX COORDINATOR WILL DETERMINE WHETHER THE CONCERN IS REASONABLE AND SUPPORTABLE. THE TITLE IX COORDINATOR'S DECISION ALLEGATIONS OF BIAS OR CONFLICT OF INTEREST IS FINAL.

THE FORMAL GRIEVANCE PROCESS INVOLVES AN OBJECTIVE EVALUATION OF ALL RELEVANT INCULPATORY AND EXCULPATORY EVIDENCE OBTAINED. CREDIBILITY DETERMINATIONS MAY NOT BE BASED SOLELY ON AN INDIVIDUAL'S STATUS OR PARTICIPATION AS A COMPLAINANT, RESPONDENT, OR WITNESS.

A RESPONDENT IS PRESUMED NOT TO BE RESPONSIBLE FOR THE REPORTED MISCONDUCT UNLESS AND UNTIL THE RESPONDENT IS DETERMINED TO BE RESPONSIBLE FOR A POLICY VIOLATION BY THE APPLICABLE PREPONDERANCE OF THE EVIDENCE STANDARD.

#### **14. DELAYS IN THE INVESTIGATION PROCESS AND INTERACTIONS WITH LAW ENFORCEMENT**

THE MCCCCD MAY UNDERTAKE A SHORT DELAY IN ITS INVESTIGATION (SEVERAL DAYS) IF THE FOLLOWING CIRCUMSTANCES REQUIRE: A REQUEST FROM LAW ENFORCEMENT TO TEMPORARILY DELAY THE INVESTIGATION, THE NEED FOR LANGUAGE ASSISTANCE, THE ABSENCE OF PARTIES AND/OR WITNESSES, AND/OR ACCOMMODATIONS FOR DISABILITIES OR HEALTH CONDITIONS, OR SUCH CIRCUMSTANCES AS DETERMINED BY THE TITLE IX COORDINATOR IN THEIR SOLE DISCRETION.

THE MCCCCD WILL COMMUNICATE IN WRITING THE ANTICIPATED DURATION OF THE DELAY AND REASON TO THE PARTIES AND PROVIDE THE PARTIES WITH STATUS UPDATES IF NECESSARY. THE MCCCCD WILL PROMPTLY RESUME ITS INVESTIGATION AND RESOLUTION PROCESS AS SOON AS FEASIBLE. DURING SUCH A DELAY, MCCCCD WILL IMPLEMENT SUPPORTIVE MEASURES, AS DEEMED APPROPRIATE.

THE MCCCCD'S ACTION(S) ARE NOT TYPICALLY ALTERED OR PRECLUDED ON THE GROUNDS THAT CIVIL OR CRIMINAL CHARGES INVOLVING THE UNDERLYING INCIDENT(S) HAVE BEEN FILED OR THAT CRIMINAL CHARGES HAVE BEEN DISMISSED OR REDUCED.

#### **15. THE INVESTIGATION PROCESS**

ALL INVESTIGATIONS SHOULD BE THOROUGH, RELIABLE, IMPARTIAL, PROMPT, AND FAIR. INVESTIGATIONS INVOLVE INTERVIEWS WITH ALL RELEVANT PARTIES AND WITNESSES; OBTAINING AVAILABLE, RELEVANT EVIDENCE; AND IDENTIFYING SOURCES OF EXPERT INFORMATION, AS NECESSARY. EITHER PARTY MAY SUBMIT A WRITTEN STATEMENT TO THE TITLE IX COORDINATOR OUTLINING THEIR POSITION ON THE ALLEGATIONS.

ALL PARTIES HAVE A FULL AND FAIR OPPORTUNITY, THROUGH THE INVESTIGATION PROCESS, TO SUGGEST WITNESSES AND QUESTIONS, TO PROVIDE EVIDENCE AND EXPERT WITNESSES (AT THEIR OWN EXPENSE), AND TO FULLY REVIEW AND RESPOND TO ALL EVIDENCE ON THE RECORD.

**FOR ADDITIONAL INFORMATION REGARDING STEPS IN THE INVESTIGATIVE PROCESS, PLEASE SEE [INVESTIGATIVE PROCESS](#).**

#### **16. ROLE AND PARTICIPATION OF WITNESSES IN THE INVESTIGATION**

WITNESSES (AS DISTINGUISHED FROM THE PARTIES) WHO ARE EMPLOYEES OR STUDENTS OF THE MCCCCD ARE EXPECTED TO COOPERATE WITH AND PARTICIPATE IN THE MCCCCD'S INVESTIGATION AND RESOLUTION PROCESS. FAILURE OF SUCH WITNESSES TO COOPERATE WITH AND/OR PARTICIPATE IN THE INVESTIGATION OR RESOLUTION PROCESS CONSTITUTES A VIOLATION OF THIS POLICY AND MAY WARRANT DISCIPLINE.

WHILE IN-PERSON INTERVIEWS FOR PARTIES AND ALL POTENTIAL WITNESSES ARE IDEAL, CIRCUMSTANCES (E.G., STUDY ABROAD, SUMMER BREAK) MAY REQUIRE INDIVIDUALS TO BE INTERVIEWED REMOTELY. SKYPE, ZOOM, FACETIME, WEBEX, OR SIMILAR TECHNOLOGIES MAY BE USED FOR INTERVIEWS IF THE INVESTIGATOR(S) DETERMINE THAT TIMELINESS OR EFFICIENCY DICTATE A NEED FOR REMOTE INTERVIEWING. MCCCCD WILL TAKE APPROPRIATE STEPS TO REASONABLY ENSURE THE SECURITY/PRIVACY OF REMOTE INTERVIEWS.

WITNESSES MAY ALSO PROVIDE WRITTEN STATEMENTS IN ADDITION TO BEING INTERVIEWED. IF A WITNESS SUBMITS A WRITTEN STATEMENT BUT DOES NOT INTEND TO BE AND IS NOT PRESENT FOR CROSS EXAMINATION AT A HEARING, THEIR WRITTEN STATEMENT MAY NOT BE USED AS EVIDENCE.

#### **17. RECORDING OF INTERVIEWS**

NO AUDIO OR VIDEO RECORDING OF ANY KIND IS PERMITTED DURING INVESTIGATION MEETINGS.

#### **18. EVIDENTIARY CONSIDERATIONS IN THE INVESTIGATION**

THE INVESTIGATION DOES NOT CONSIDER:

- 1) INCIDENTS NOT DIRECTLY RELATED TO THE POSSIBLE VIOLATION, UNLESS THEY EVIDENCE A PATTERN;
- 2) THE CHARACTER OF THE PARTIES; OR
- 3) QUESTIONS AND EVIDENCE ABOUT THE COMPLAINANT'S SEXUAL PREDISPOSITION OR PRIOR SEXUAL BEHAVIOR, UNLESS SUCH QUESTIONS AND EVIDENCE ABOUT THE COMPLAINANT'S PRIOR SEXUAL BEHAVIOR ARE OFFERED TO PROVE THAT SOMEONE OTHER THAN THE RESPONDENT COMMITTED THE CONDUCT ALLEGED BY THE COMPLAINANT, OR IF THE QUESTIONS AND EVIDENCE CONCERN SPECIFIC INCIDENTS OF THE COMPLAINANT'S PRIOR SEXUAL BEHAVIOR WITH RESPECT TO THE RESPONDENT AND ARE OFFERED TO PROVE CONSENT.

#### **19. REFERRAL FOR HEARING**

THE TITLE IX COORDINATOR WILL REFER THE MATTER FOR A HEARING, ONCE THE FINAL INVESTIGATIVE REPORT IS SHARED WITH THE PARTIES.

THE HEARING CANNOT BE LESS THAN TEN (10) BUSINESS DAYS FROM THE CONCLUSION OF THE INVESTIGATION, WHEN THE FINAL INVESTIGATION REPORT IS MADE AVAILABLE TO THE PARTIES AND THE DECISION-MAKER FOR REVIEW AND COMMENT, UNLESS ALL PARTIES, AND THE DECISION-MAKER AGREES TO AN EXPEDITED TIMELINE. THIS AGREEMENT MUST BE IN WRITING.

THE TITLE IX COORDINATOR WILL SELECT A DECISION-MAKER THAT IS HIRED FROM A LIST OF APPROVED ATTORNEYS FOR ANY HEARING HELD UNDER THE TITLE IX POLICY.

#### **20. HEARING DECISION-MAKER COMPOSITION**

THE MCCCCD WILL DESIGNATE A SINGLE DECISION-MAKER. THE SINGLE DECISION-MAKER WILL ALSO BE THE CHAIR OF THE HEARING. THE DECISION-MAKER WILL NOT HAVE HAD ANY PREVIOUS INVOLVEMENT WITH THE INVESTIGATION. THE DECISION-MAKER IS AN OUT-SOURCED POSITION. THE DECISION-MAKER WILL NOT BE AN MCCCCD EMPLOYEE. THE

DECISION-MAKER WILL HAVE HAD NO PREVIOUS INVOLVEMENT IN THE MATTER AT HAND.

## **21. EVIDENTIARY CONSIDERATIONS IN THE HEARING**

ANY EVIDENCE THAT THE DECISION-MAKER DETERMINES IS RELEVANT AND CREDIBLE MAY BE CONSIDERED. THE HEARING DOES NOT CONSIDER:

- 1) INCIDENTS NOT DIRECTLY RELATED TO THE POSSIBLE VIOLATION, UNLESS THEY EVIDENCE A PATTERN;
- 2) THE CHARACTER OF THE PARTIES; OR
- 3) QUESTIONS AND EVIDENCE ABOUT THE COMPLAINANT'S SEXUAL PREDISPOSITION OR PRIOR SEXUAL BEHAVIOR, UNLESS SUCH QUESTIONS AND EVIDENCE ABOUT THE COMPLAINANT'S PRIOR SEXUAL BEHAVIOR ARE OFFERED TO PROVE THAT SOMEONE OTHER THAN THE RESPONDENT COMMITTED THE CONDUCT ALLEGED BY THE COMPLAINANT, OR IF THE QUESTIONS AND EVIDENCE CONCERN SPECIFIC INCIDENTS OF THE COMPLAINANT'S PRIOR SEXUAL BEHAVIOR WITH RESPECT TO THE RESPONDENT AND ARE OFFERED TO PROVE CONSENT.

PREVIOUS DISCIPLINARY ACTION OF ANY KIND INVOLVING THE RESPONDENT MAY BE CONSIDERED IN DETERMINING AN APPROPRIATE SANCTION UPON A DETERMINATION OF RESPONSIBILITY. THIS INFORMATION IS ONLY CONSIDERED AT THE SANCTION STAGE OF THE PROCESS.

THE PARTIES, IF THEY SO CHOOSE, MAY SUBMIT A WRITTEN IMPACT STATEMENT PRIOR TO THE HEARING FOR THE CONSIDERATION OF THE DECISION-MAKER AT THE SANCTION STAGE OF THE PROCESS WHEN A DETERMINATION OF RESPONSIBILITY IS REACHED.

AFTER POST-HEARING DELIBERATION, THE DECISION-MAKER RENDERS A DETERMINATION BASED ON THE PREPONDERANCE OF THE EVIDENCE--WHETHER IT IS MORE LIKELY THAN NOT THAT THE RESPONDENT VIOLATED THE POLICY AS ALLEGED.

## **22. NOTICE OF HEARING**

NO LESS THAN TEN (10) BUSINESS DAYS PRIOR TO THE HEARING, THE TITLE IX COORDINATOR WILL SEND NOTICE OF THE HEARING TO THE PARTIES VIA EMAIL TO THE INDIVIDUAL MCCCC-ISSUED EMAIL ADDRESS. ONCE EMAILED, NOTICE WILL BE PRESUMPTIVELY DELIVERED.

THE NOTICE WILL CONTAIN:

1. A DESCRIPTION OF THE ALLEGED VIOLATION(S), A LIST OF ALL POLICIES ALLEGEDLY VIOLATED, A DESCRIPTION OF THE APPLICABLE PROCEDURES, AND A STATEMENT OF THE POTENTIAL SANCTIONS/RESPONSIVE ACTIONS THAT COULD RESULT.
2. THE TIME, DATE, AND LOCATION OF THE HEARING AND A REMINDER THAT ATTENDANCE IS MANDATORY, SUPERSEDING ALL OTHER CAMPUS ACTIVITIES. THOROUGHNESS AND FAIRNESS ARE THE PRIMARY FOCI OF ANY TITLE IX HEARING PROCESS. HEARINGS ARE GENERALLY SCHEDULED FOR TWO (2) HOURS, BUT CAN BE EXTENDED, AS NEEDED AT THE DISCRETION OF THE DECISION-MAKER, TO ENSURE THAT BOTH PARTIES ARE ABLE TO PRESENT THE INFORMATION RELEVANT TO THEIR POSITION. (E.G., COMPLICATED FACT PATTERN, NUMEROUS WITNESSES, ETC.).
3. ANY TECHNOLOGY THAT WILL BE USED TO FACILITATE THE HEARING.
4. A LIST OF ALL THOSE WHO WILL ATTEND THE HEARING, ALONG WITH AN INVITATION TO OBJECT TO THE DECISION-MAKER ON THE BASIS OF DEMONSTRATED BIAS. THIS MUST BE RAISED WITH THE TITLE IX COORDINATOR AT LEAST TWO (2) BUSINESS DAYS PRIOR TO THE HEARING.
5. INFORMATION ON HOW THE HEARING WILL BE RECORDED AND ON ACCESS TO THE RECORDING FOR THE PARTIES AFTER THE HEARING.
6. A STATEMENT THAT IF ANY PARTY OR WITNESS DOES NOT APPEAR AT THE SCHEDULED HEARING, THE HEARING MAY BE HELD IN THEIR ABSENCE, AND THE PARTY'S OR WITNESS'S TESTIMONY AND ANY STATEMENTS GIVEN PRIOR TO THE HEARING WILL NOT BE CONSIDERED BY THE DECISION-MAKER. FOR COMPELLING REASONS, THE DECISION-MAKER MAY RESCHEDULE THE HEARING.

7. NOTIFICATION THAT THE PARTIES MAY HAVE THE ASSISTANCE OF AN ADVISOR OF THEIR CHOOSING AT THE HEARING AND WILL BE REQUIRED TO HAVE ONE PRESENT FOR ANY QUESTIONS THEY MAY DESIRE TO ASK. THE PARTY MUST NOTIFY THE TITLE IX COORDINATOR IF THEY DO NOT HAVE AN ADVISOR, AND THE MCCCCD WILL APPOINT ONE. EACH PARTY MUST HAVE AN ADVISOR PRESENT. THERE ARE NO EXCEPTIONS.
8. AN INVITATION TO EACH PARTY TO SUBMIT TO THE DECISION-MAKER AN IMPACT STATEMENT. PRE-HEARING THAT THE DECISION-MAKER WILL REVIEW DURING ANY SANCTION DETERMINATION.
9. AN INVITATION TO CONTACT THE TITLE IX COORDINATOR TO ARRANGE ANY DISABILITY ACCOMMODATIONS, LANGUAGE ASSISTANCE, AND/OR INTERPRETATION SERVICES THAT MAY BE NEEDED AT THE HEARING, AT LEAST SEVEN (7) BUSINESS DAYS PRIOR TO THE HEARING.
10. DIRECTION THAT THE PARTIES MAY NOT BRING MOBILE PHONES/DEVICES INTO THE HEARING.

HEARINGS FOR POSSIBLE VIOLATIONS THAT OCCUR NEAR OR AFTER THE END OF AN ACADEMIC TERM (ASSUMING THE RESPONDENT IS STILL SUBJECT TO THIS POLICY) AND ARE UNABLE TO BE RESOLVED PRIOR TO THE END OF TERM WILL TYPICALLY BE HELD IMMEDIATELY AFTER THE END OF THE TERM OR DURING THE SUMMER, AS NEEDED, TO MEET THE RESOLUTION TIMELINE FOLLOWED BY THE MCCCCD AND REMAIN WITHIN THE 60-90 BUSINESS DAY GOAL FOR RESOLUTION.

IN THESE CASES, IF THE RESPONDENT IS A GRADUATING STUDENT, A HOLD MAY BE PLACED ON GRADUATION AND/OR OFFICIAL TRANSCRIPTS UNTIL THE MATTER IS FULLY RESOLVED (INCLUDING ANY APPEAL). A STUDENT FACING CHARGES UNDER THIS POLICY IS NOT IN GOOD STANDING TO GRADUATE.

### **23. VIRTUAL HEARINGS**

ALL HEARINGS WILL OCCUR VIRTUALLY BY USE OF TECHNOLOGY, SPECIFICALLY WEBEX OR ZOOM TECHNOLOGY. EACH PARTY WILL BE LOCATED IN A SEPARATE ROOM FROM THE DECISION-MAKER, BUT WILL BE ABLE TO SEE AND HEAR EACH OTHER. WITNESSES WILL TESTIFY IN THE SAME ROOM AS THE DECISION-MAKER, BUT NOT THE ROOM WHERE THE PARTIES AND THEIR ADVISORS SIT. THE TITLE IX COORDINATOR WILL ARRANGE TO USE TECHNOLOGY TO ALLOW REMOTE TESTIMONY WITHOUT COMPROMISING THE FAIRNESS OF THE HEARING.

### **24. PRE-HEARING PREPARATION**

THE DECISION-MAKER, OR DESIGNEE, AFTER ANY NECESSARY CONSULTATION WITH THE PARTIES, INVESTIGATOR(S) AND/OR TITLE IX COORDINATOR, WILL PROVIDE THE NAMES OF PERSONS WHO WILL BE PARTICIPATING IN THE HEARING, ALL PERTINENT DOCUMENTARY EVIDENCE, AND THE FINAL INVESTIGATION REPORT TO THE PARTIES AT LEAST TEN (10) BUSINESS DAYS PRIOR TO THE HEARING. DURING THE TEN (10) BUSINESS DAY PERIOD PRIOR TO THE HEARING, THE PARTIES HAVE THE OPPORTUNITY TO REVIEW AND COMMENT ON THE FINAL INVESTIGATION REPORT AND AVAILABLE EVIDENCE.

THE DECISION-MAKER, OR DESIGNEE WILL ALSO PROVIDE THE PARTIES A COPY OF THE PRE-HEARING PREPARATION CHECKLIST/DOCUMENT. A COPY OF THE PRE-HEARING PREPARATION CHECKLIST/DOCUMENT MAY BE FOUND ON THE MCCCCD'S TITLE IX WEBPAGE: [HTTPS://DISTRICT.MARICOPA.EDU/CONSUMER-INFORMATION/TITLE-IX/](https://district.maricopa.edu/consumer-information/title-ix/)

### **25. HEARING PROCEDURES**

AT THE HEARING, THE DECISION-MAKER HAS THE AUTHORITY TO HEAR AND MAKE DETERMINATIONS ON ALL ALLEGATIONS OF SEXUAL HARASSMENT AND/OR RETALIATION AND MAY ALSO HEAR AND MAKE DETERMINATIONS ON ANY ADDITIONAL ALLEGED POLICY VIOLATIONS THAT HAVE OCCURRED IN CONCERT WITH THE DISCRIMINATION, HARASSMENT, AND/OR RETALIATION, EVEN THOUGH THOSE COLLATERAL ALLEGATIONS MAY NOT SPECIFICALLY FALL WITHIN THE TITLE IX POLICY.

PARTICIPANTS AT THE HEARING WILL INCLUDE THE DECISION-MAKER, THE HEARING FACILITATOR, THE INVESTIGATOR(S) WHO CONDUCTED THE INVESTIGATION, THE PARTIES, ADVISORS TO THE PARTIES, ANY CALLED WITNESSES, THE TITLE IX COORDINATOR AND ANYONE PROVIDING AUTHORIZED ACCOMMODATIONS OR ASSISTIVE SERVICES.

THE DECISION-MAKER WILL ANSWER ALL QUESTIONS OF PROCEDURE. ANYONE APPEARING AT THE HEARING TO PROVIDE INFORMATION WILL RESPOND TO QUESTIONS ON THEIR OWN BEHALF.

THE DECISION-MAKER WILL ALLOW WITNESSES WHO HAVE RELEVANT INFORMATION TO APPEAR AT A PORTION OF THE HEARING IN ORDER TO RESPOND TO SPECIFIC QUESTIONS FROM THE DECISION-MAKER AND THE PARTIES AND WILL THEN BE EXCUSED FROM ATTENDANCE.

## **26. JOINT HEARINGS**

IN HEARINGS INVOLVING MORE THAN ONE RESPONDENT OR IN WHICH TWO (2) OR MORE COMPLAINANTS HAVE ACCUSED THE SAME INDIVIDUAL OF SUBSTANTIALLY SIMILAR CONDUCT, THE PARTIES MAY AGREE TO HEAR THE ALLEGATIONS JOINTLY. ALL PARTIES MUST AGREE TO A JOINT HEARING. IF ONE PARTY DOES NOT AGREE, THE DEFAULT WILL BE TO HOLD THE HEARINGS SEPARATELY.

IN JOINT HEARINGS, SEPARATE DETERMINATIONS OF RESPONSIBILITY WILL BE MADE FOR EACH RESPONDENT WITH RESPECT TO EACH ALLEGED POLICY VIOLATION.

## **27. REFUSAL TO SUBMIT TO CROSS-EXAMINATION AND INFERENCES**

THE DECISION-MAKER MAY NOT RELY ON ANY PRIOR STATEMENT MADE BY ANY PARTY OR WITNESS AT THE HEARING (INCLUDING THOSE CONTAINED IN THE INVESTIGATION REPORT) IN THE ULTIMATE DETERMINATION OF RESPONSIBILITY, IF THAT PARTY OR WITNESS CHOOSES NOT TO SUBMIT TO CROSS-EXAMINATION AT THE HEARING, BY EITHER FAILING TO ATTEND THE HEARING OR BY ATTENDING BUT REFUSING TO PARTICIPATE IN QUESTIONING. THE DECISION-MAKER MAY CONSIDER EVIDENCE PROVIDED THAT IS SOMETHING OTHER THAN A STATEMENT BY SUCH A PARTY OR WITNESS.

IF THE PARTY OR WITNESS ATTENDS THE HEARING AND ANSWERS SOME, BUT NOT ALL, CROSS-EXAMINATION QUESTIONS, THE DECISION-MAKER MAY RELY ONLY ON THOSE STATEMENTS RELATED TO THE CROSS-EXAMINATION QUESTIONS THAT THEY ANSWERED. THE DECISION-MAKER CANNOT RELY ON ANY PORTION OF A STATEMENT RELATED TO CROSS-EXAMINATION QUESTIONS THAT A PARTY OR WITNESS REFUSED TO ANSWER. EXCEPT THAT, A DECISION-MAKER CAN RELY ON STATEMENTS THAT ARE THE SUBJECT OF THE ALLEGATION ITSELF (E.G., THE CASE IS ABOUT VERBAL HARASSMENT OR A QUID PRO QUO OFFER), EVEN IF THE PARTY WHO ALLEGEDLY MADE THE STATEMENTS REFUSES TO ATTEND THE HEARING OR SUBMIT TO CROSS-EXAMINATION.

THE DECISION-MAKER MAY NOT DRAW ANY INFERENCE SOLELY FROM A PARTY'S OR WITNESS'S ABSENCE FROM THE HEARING OR REFUSAL TO ANSWER CROSS-EXAMINATION OR OTHER QUESTIONS.

IF CHARGES OF POLICY VIOLATIONS OTHER THAN SEXUAL HARASSMENT ARE CONSIDERED AT THE SAME HEARING, THE DECISION-MAKER MAY CONSIDER ALL EVIDENCE IT DEEMS RELEVANT, MAY RELY ON ANY RELEVANT STATEMENT AS LONG AS THE OPPORTUNITY FOR CROSS-EXAMINATION IS AFFORDED TO ALL PARTIES THROUGH THEIR ADVISORS, AND MAY DRAW REASONABLE INFERENCES FROM ANY DECISION BY ANY PARTY OR WITNESS NOT TO PARTICIPATE OR RESPOND TO QUESTIONS.

IF A PARTY'S ADVISOR OF CHOICE REFUSES TO COMPLY WITH MCCCCD'S ESTABLISHED RULES OF DECORUM FOR THE HEARING, MCCCCD MAY REQUIRE THE PARTY TO USE A DIFFERENT ADVISOR. IF A MCCCCD-PROVIDED ADVISOR REFUSES TO COMPLY WITH THE RULES OF DECORUM, THE TITLE IX COORDINATOR MAY PROVIDE THAT PARTY WITH A DIFFERENT ADVISOR TO CONDUCT CROSS-EXAMINATION ON BEHALF OF THAT PARTY.

## **28. RECORDING HEARINGS**

HEARINGS (BUT NOT DELIBERATIONS) ARE RECORDED BY MCCCCD FOR PURPOSES OF REVIEW IN THE EVENT OF AN APPEAL. THE PARTIES MAY NOT RECORD THE PROCEEDINGS AND NO OTHER UNAUTHORIZED RECORDINGS ARE PERMITTED.

THE DECISION-MAKER, THE PARTIES, THEIR ADVISORS, AND APPROPRIATE ADMINISTRATORS OF THE MCCCCD WILL BE PERMITTED TO LISTEN TO THE RECORDING IN A CONTROLLED ENVIRONMENT DETERMINED BY THE TITLE IX COORDINATOR. NO PERSON WILL BE GIVEN A COPY OR BE ALLOWED TO MAKE A COPY OF THE RECORDING.

## **29. DELIBERATION, DECISION-MAKING, AND STANDARD OF PROOF**

THE DECISION-MAKER WILL DELIBERATE ALONE TO DETERMINE, BY A PREPONDERANCE OF THE EVIDENCE, WHETHER THE RESPONDENT IS RESPONSIBLE OR NOT RESPONSIBLE FOR THE POLICY VIOLATION(S) IN QUESTION. THE



DELIBERATION PERIOD IS NOT TO EXCEED FIVE (5) DAYS. THE DECISION-MAKER MAY CONSIDER THE PREVIOUSLY SUBMITTED PARTY IMPACT STATEMENTS IN DETERMINING APPROPRIATE SANCTION(S), WHEN THERE IS A FINDING OF RESPONSIBILITY AS TO ONE OR MORE OF THE ALLEGATIONS.

THE DECISION-MAKER WILL ENSURE THAT EACH OF THE PARTIES HAS AN OPPORTUNITY TO REVIEW ANY IMPACT STATEMENT SUBMITTED BY THE OTHER PARTY(IES). THE DECISION-MAKER MAY--AT THEIR DISCRETION--CONSIDER THE STATEMENTS, BUT THEY ARE NOT BINDING.

THE DECISION-MAKER WILL THEN PREPARE A WRITTEN DELIBERATION STATEMENT AND DELIVER IT TO THE TITLE IX COORDINATOR, DETAILING THE DETERMINATION, RATIONALE, THE EVIDENCE USED IN SUPPORT OF ITS DETERMINATION, THE EVIDENCE DISREGARDED, CREDIBILITY ASSESSMENTS, AND ANY SANCTIONS. THIS REPORT TYPICALLY SHOULD NOT EXCEED THREE (3) TO FIVE (5) PAGES IN LENGTH AND MUST BE SUBMITTED ELECTRONICALLY TO THE TITLE IX COORDINATOR WITHIN TWO (2) BUSINESS DAYS OF THE END OF DELIBERATIONS, UNLESS THE TITLE IX COORDINATOR GRANTS AN EXTENSION. IF AN EXTENSION IS GRANTED, THE TITLE IX COORDINATOR WILL NOTIFY THE PARTIES IN WRITING OF THE EXTENSION.

### **30. NOTICE OF OUTCOME**

USING THE DELIBERATION STATEMENT, THE TITLE IX COORDINATOR WILL PREPARE A NOTICE OF OUTCOME, WHICH SHALL INCLUDE THE FINAL DETERMINATION, RATIONALE, AND ANY APPLICABLE SANCTION(S). THE TITLE IX COORDINATOR WILL THEN PROVIDE THE NOTICE OF OUTCOME TO THE PARTIES AND THEIR ADVISORS WITHIN FIVE (5) BUSINESS DAYS OF RECEIVING THE DECISION-MAKER'S DELIBERATION STATEMENT. THE NOTICE OF OUTCOME MUST BE SHARED WITH THE PARTIES SIMULTANEOUSLY.

NOTIFICATION WILL BE MADE IN WRITING AND WILL BE MAILED TO THE LOCAL OR PERMANENT ADDRESS OF THE PARTIES AS INDICATED IN OFFICIAL MCCCC RECORDS, OR EMAILED TO THE PARTIES' MCCCC-ISSUED EMAIL OR OTHERWISE APPROVED ACCOUNT. ONCE MAILED, EMAILED, AND/OR RECEIVED IN-PERSON, NOTICE WILL BE PRESUMPTIVELY DELIVERED.

**FOR MORE INFORMATION ABOUT THE NOTICE OF OUTCOME LETTER, PLEASE SEE [NOTICE OF OUTCOME](#).**

### **31. SANCTIONS**

FACTORS CONSIDERED WHEN DETERMINING A SANCTION/RESPONSIVE ACTION MAY INCLUDE, BUT ARE NOT LIMITED TO:

1. THE NATURE, SEVERITY OF, AND CIRCUMSTANCES SURROUNDING THE VIOLATION(S)
2. THE RESPONDENT'S DISCIPLINARY HISTORY
3. PREVIOUS ALLEGATIONS OR ALLEGATIONS INVOLVING SIMILAR CONDUCT
4. THE NEED FOR SANCTIONS/RESPONSIVE ACTIONS TO BRING AN END TO THE DISCRIMINATION, HARASSMENT, AND/OR RETALIATION
5. THE NEED FOR SANCTIONS/RESPONSIVE ACTIONS TO PREVENT THE FUTURE RECURRENCE OF DISCRIMINATION, HARASSMENT, AND/OR RETALIATION
6. THE NEED TO REMEDY THE EFFECTS OF THE DISCRIMINATION, HARASSMENT, AND/OR RETALIATION ON THE COMPLAINANT AND THE COMMUNITY
7. ANY OTHER INFORMATION DEEMED RELEVANT BY THE DECISION-MAKER

THE SANCTIONS WILL BE IMPLEMENTED AS SOON AS IS FEASIBLE, EITHER UPON THE OUTCOME OF ANY APPEAL OR THE EXPIRATION OF THE WINDOW TO APPEAL WITHOUT AN APPEAL BEING REQUESTED.

THE SANCTIONS DESCRIBED IN THIS POLICY ARE NOT EXCLUSIVE OF, AND MAY BE IN ADDITION TO, OTHER ACTIONS TAKEN OR SANCTIONS IMPOSED BY EXTERNAL AUTHORITIES.

#### **A. STUDENT SANCTIONS**

THE FOLLOWING ARE THE USUAL SANCTIONS THAT MAY BE IMPOSED UPON STUDENTS OR ORGANIZATIONS SINGLY OR IN COMBINATION:

1. **WARNING:** A FORMAL STATEMENT THAT THE CONDUCT WAS UNACCEPTABLE AND A WARNING THAT FURTHER VIOLATION OF ANY MCCCCD POLICY, PROCEDURE, OR DIRECTIVE WILL RESULT IN MORE SEVERE SANCTIONS/RESPONSIVE ACTIONS.
2. **REQUIRED COUNSELING:** A MANDATE TO MEET WITH AND ENGAGE IN EXTERNAL COUNSELING TO BETTER COMPREHEND THE MISCONDUCT AND ITS EFFECTS.
3. **PROBATION:** A WRITTEN REPRIMAND FOR VIOLATION OF INSTITUTIONAL POLICY, PROVIDING FOR MORE SEVERE DISCIPLINARY SANCTIONS IN THE EVENT THAT THE STUDENT IS FOUND IN VIOLATION OF ANY INSTITUTIONAL POLICY, PROCEDURE, OR DIRECTIVE WITHIN A SPECIFIED PERIOD OF TIME. TERMS OF THE PROBATION WILL BE ARTICULATED AND MAY INCLUDE DENIAL OF SPECIFIED SOCIAL PRIVILEGES, EXCLUSION FROM CO-CURRICULAR ACTIVITIES, EXCLUSION FROM DESIGNATED AREAS OF CAMPUS, NO-CONTACT ORDERS, AND/OR OTHER MEASURES DEEMED APPROPRIATE.
4. **SUSPENSION:** TERMINATION OF STUDENT STATUS FOR A DEFINITE PERIOD OF TIME NOT TO EXCEED TWO YEARS AND/OR UNTIL SPECIFIC CRITERIA ARE MET. STUDENTS WHO RETURN FROM SUSPENSION ARE AUTOMATICALLY PLACED ON PROBATION THROUGH THE REMAINDER OF THEIR TENURE AS A STUDENT AT MCCCCD.
5. **EXPULSION:** PERMANENT TERMINATION OF STUDENT STATUS AND REVOCATION OF RIGHTS TO BE ON ANY MCCCCD CAMPUS FOR ANY REASON OR TO ATTEND MCCCCD-SPONSORED EVENTS.
6. **WITHHOLDING DIPLOMA:** MCCCCD MAY WITHHOLD A STUDENT'S DIPLOMA FOR A SPECIFIED PERIOD OF TIME AND/OR DENY A STUDENT PARTICIPATION IN COMMENCEMENT ACTIVITIES IF THE STUDENT HAS AN ALLEGATION PENDING OR AS A SANCTION IF THE STUDENT IS FOUND RESPONSIBLE FOR AN ALLEGED VIOLATION.
7. **REVOCATION OF DEGREE:** MCCCCD RESERVES THE RIGHT TO REVOKE A DEGREE PREVIOUSLY AWARDED FROM MCCCCD FOR FRAUD, MISREPRESENTATION, AND/OR OTHER VIOLATION OF MCCCCD POLICIES, PROCEDURES, OR DIRECTIVES IN OBTAINING THE DEGREE, OR FOR OTHER SERIOUS VIOLATIONS COMMITTED BY A STUDENT PRIOR TO GRADUATION.
8. **ORGANIZATIONAL SANCTIONS:** DEACTIVATION, LOSS OF RECOGNITION, LOSS OF SOME OR ALL PRIVILEGES (INCLUDING MCCCCD REGISTRATION) FOR A SPECIFIED PERIOD OF TIME.
9. **OTHER ACTIONS:** IN ADDITION TO OR IN PLACE OF THE ABOVE SANCTIONS, MCCCCD MAY ASSIGN ANY OTHER SANCTIONS AS DEEMED APPROPRIATE.

## **B. EMPLOYEE SANCTIONS**

RESPONSIVE ACTIONS FOR AN EMPLOYEE WHO HAS ENGAGED IN HARASSMENT, DISCRIMINATION, AND/OR RETALIATION INCLUDE:

1. WARNING – VERBAL OR WRITTEN
2. PERFORMANCE IMPROVEMENT/MANAGEMENT PROCESS
3. REQUIRED COUNSELING
4. REQUIRED TRAINING OR EDUCATION
5. PROBATION
6. LOSS OF ANNUAL PAY INCREASE
7. LOSS OF OVERSIGHT OR SUPERVISORY RESPONSIBILITY
8. DEMOTION
9. SUSPENSION WITH PAY
10. SUSPENSION WITHOUT PAY
11. TERMINATION
12. OTHER ACTIONS: IN ADDITION TO OR IN PLACE OF THE ABOVE SANCTIONS, THE MCCCCD MAY ASSIGN ANY OTHER SANCTIONS AS DEEMED APPROPRIATE.

## **32. WITHDRAWAL OR RESIGNATION WHILE CHARGES PENDING**

**STUDENTS:** IF A STUDENT IS A RESPONDENT IN A PENDING MATTER ALLEGING A VIOLATION OF THE TITLE IX POLICY, THE MCCCCD MAY PLACE A HOLD ON A STUDENT'S ABILITY TO GRADUATE AND/OR TO RECEIVE AN OFFICIAL TRANSCRIPT/DIPLOMA.

SHOULD A STUDENT DECIDE TO NOT PARTICIPATE IN THE RESOLUTION PROCESS, THE PROCESS PROCEEDS ABSENT THEIR

PARTICIPATION TO A REASONABLE RESOLUTION. SHOULD A STUDENT RESPONDENT PERMANENTLY WITHDRAW FROM THE MCCCC, THE RESOLUTION PROCESS ENDS, AS THE MCCCC NO LONGER HAS DISCIPLINARY JURISDICTION OVER THE WITHDRAWN STUDENT. A STUDENT WHO WITHDRAWS OR LEAVES WHILE THE PROCESS IS PENDING MAY NOT RETURN TO ANY MCCCC COLLEGE. SUCH EXCLUSION APPLIES TO ALL CAMPUSES OF MCCCC. A HOLD WILL BE PLACED ON THEIR ABILITY TO BE READMITTED. THEY MAY ALSO BE BARRED FROM MCCCC PROPERTY AND/OR EVENTS.

HOWEVER, MCCCC WILL CONTINUE TO ADDRESS AND REMEDY ANY SYSTEMIC ISSUES, VARIABLES THAT MAY HAVE CONTRIBUTED TO THE ALLEGED VIOLATION(S), AND ANY ONGOING EFFECTS OF THE ALLEGED HARASSMENT, DISCRIMINATION, AND/OR RETALIATION.

DURING THE RESOLUTION PROCESS, MCCCC MAY PUT A HOLD ON A RESPONDING STUDENT'S EDUCATIONAL RECORD THAT A DISCIPLINARY MATTER IS PENDING.

EMPLOYEES: SHOULD AN EMPLOYEE RESPONDENT RESIGN WITH UNRESOLVED ALLEGATIONS PENDING, THE RESOLUTION PROCESS ENDS, AS MCCCC NO LONGER HAS DISCIPLINARY JURISDICTION OVER THE RESIGNED EMPLOYEE. THE EMPLOYEE WHO RESIGNS WITH UNRESOLVED ALLEGATIONS PENDING IS NOT ELIGIBLE FOR REHIRE WITH ANY MCCCC OR ANY CAMPUS OF THE MCCCC, AND THE RECORDS RETAINED BY THE TITLE IX COORDINATOR WILL REFLECT THAT STATUS. HUMAN RESOURCES SHOULD ALSO BE NOTIFIED AND MAKE THE APPROPRIATE NOTATION ON ITS LIST OF PEOPLE WHO ARE NOT PERMITTED TO BE REHIRED.

HOWEVER, MCCCC WILL CONTINUE TO ADDRESS AND REMEDY ANY SYSTEMIC ISSUES, VARIABLES THAT CONTRIBUTED TO THE ALLEGED VIOLATION(S), AND ANY ONGOING EFFECTS OF THE ALLEGED HARASSMENT OR DISCRIMINATION.

ALL MCCCC RESPONSES TO FUTURE INQUIRIES REGARDING EMPLOYMENT REFERENCES FOR THAT INDIVIDUAL WILL INCLUDE THAT THE FORMER EMPLOYEE RESIGNED DURING A PENDING DISCIPLINARY MATTER.

### **33. APPEALS**

ANY PARTY MAY FILE A REQUEST FOR APPEAL BY SUBMITTING SUCH A REQUEST IN WRITING TO THE TITLE IX COORDINATOR WITHIN FIVE (5) DAYS OF THE DELIVERY OF THE NOTICE OF OUTCOME LETTER. ONCE THE FIVE (5) DAYS HAVE PASSED, THE MATTER WILL BE DEEMED CLOSED.

THE REQUEST FOR APPEAL WILL BE FORWARDED TO THE PROVOST OR CHIEF ACADEMIC OFFICER FOR THE MCCCC, ACTING AS THE APPEAL CHAIR, FOR CONSIDERATION TO DETERMINE IF THE REQUEST MEETS THE GROUNDS FOR APPEAL.

#### **A. GROUNDS FOR APPEAL**

APPEALS ARE LIMITED TO THE FOLLOWING GROUNDS:

- (A) PROCEDURAL IRREGULARITY THAT AFFECTED THE OUTCOME OF THE MATTER;
- (B) NEW EVIDENCE THAT WAS NOT REASONABLY AVAILABLE AT THE TIME THE DETERMINATION REGARDING RESPONSIBILITY OR DISMISSAL WAS MADE, THAT COULD AFFECT THE OUTCOME OF THE MATTER; AND
- (C) AN ALLEGATION THAT THE TITLE IX COORDINATOR, INVESTIGATORS, OR DECISION-MAKER HAD A CONFLICT OF INTEREST OR BIAS FOR OR AGAINST COMPLAINANTS OR RESPONDENTS GENERALLY OR THE SPECIFIC COMPLAINANT OR RESPONDENT THAT AFFECTED THE OUTCOME OF THE MATTER.

THE APPEAL CHAIR WILL DENY ANY REQUEST FOR APPEAL THAT DOES NOT MEET THE GROUNDS IN THIS POLICY AND WILL NOTIFY THE PARTIES AND THEIR ADVISORS IN WRITING OF THE DENIAL AND THE RATIONALE. DENIALS BASED ON LACK OF GROUNDS SHALL BE COMMUNICATED TO THE REQUESTING PARTY WITHIN FIVE (5) DAYS OF THE REQUEST FOR APPEAL BEING RECEIVED BY THE APPEAL CHAIR.

IF ANY OF THE GROUNDS IN THE REQUEST FOR APPEAL MEET THE GROUNDS IN THIS POLICY, THEN THE APPEAL CHAIR WILL:

1. NOTIFY THE OTHER PARTY(IES) AND THEIR ADVISORS, THE TITLE IX COORDINATOR, AND, WHEN APPROPRIATE, THE INVESTIGATORS AND/OR THE ORIGINAL DECISION-MAKER.
2. PROVIDE THE OTHER PARTY(IES) AND THEIR ADVISORS, THE TITLE IX COORDINATOR, AND, WHEN APPROPRIATE, THE INVESTIGATORS AND/OR THE ORIGINAL DECISION-MAKER A COPY OF THE APPEAL REQUEST WITH THE APPROVED GROUNDS OUTLINED.
3. PROVIDE THE OTHER PARTY(IES) AND THEIR ADVISORS, THE TITLE IX COORDINATOR, AND WHEN APPROPRIATE, THE INVESTIGATORS AND/OR THE ORIGINAL DECISION-MAKER FIVE (5) DAYS TO SUBMIT A RESPONSE TO THE PORTION OF THE APPEAL THAT WAS APPROVED AND INVOLVES THEM.
4. COLLECT ANY ADDITIONAL INFORMATION NEEDED AND ALL DOCUMENTATION REGARDING THE APPROVED GROUNDS AND THE SUBSEQUENT RESPONSES AND RENDER A DECISION IN NO MORE THAN FIFTEEN (15) DAYS FROM THE DATE THE REQUEST FOR APPEAL WAS FILED, BARRING EXIGENT CIRCUMSTANCES. ALL DECISIONS APPLY THE PREPONDERANCE OF THE EVIDENCE.
5. PREPARE A NOTICE OF APPEAL OUTCOME LETTER AND SEND IT TO ALL PARTIES SIMULTANEOUSLY, WHICH INCLUDES THE DECISION ON EACH APPROVED GROUND AND RATIONALE FOR EACH DECISION. THE NOTICE OF APPEAL OUTCOME LETTER WILL ALSO OUTLINE SPECIFIC INSTRUCTIONS FOR REMAND OR RECONSIDERATION OF ANY SANCTION IMPOSED BY THE DECISION-MAKER, WHICH MCCCCD IS PERMITTED TO SHARE ACCORDING TO STATE OR FEDERAL LAW.

THE NOTICE OF APPEAL OUTCOME LETTER WILL BE MAILED TO THE LOCAL OR PERMANENT ADDRESS OF THE PARTIES AS INDICATED IN OFFICIAL INSTITUTIONAL RECORDS AND EMAILED TO THE PARTIES' MCCCCD-ISSUED EMAIL OR OTHERWISE APPROVED ACCOUNT. NOTICE IS PRESUMED TO HAVE BEEN MADE ONCE THE LETTER IS EMAILED.

## **B. SANCTIONS STATUS DURING THE APPEAL**

ANY SANCTIONS IMPOSED AS A RESULT OF THE HEARING ARE STAYED DURING THE APPEAL PROCESS. SUPPORTIVE MEASURES MAY BE CONTINUED OR REINSTATED, SUBJECT TO THE SUPPORTIVE MEASURES PROCEDURE IN SECTION VII OF THIS POLICY.

MCCCCD MAY STILL PLACE HOLDS ON OFFICIAL TRANSCRIPTS, DIPLOMAS, GRADUATIONS, AND COURSE REGISTRATION PENDING THE OUTCOME OF AN APPEAL WHEN THE ORIGINAL SANCTIONS INCLUDED SEPARATION.

## **34. LONG-TERM REMEDIES/OTHER ACTIONS**

FOLLOWING THE CONCLUSION OF THE RESOLUTION PROCESS, AND IN ADDITION TO ANY SANCTIONS IMPLEMENTED, THE TITLE IX COORDINATOR MAY IMPLEMENT ADDITIONAL LONG-TERM REMEDIES OR ACTIONS WITH RESPECT TO THE PARTIES AND/OR THE CAMPUS COMMUNITY THAT ARE INTENDED TO STOP THE HARASSMENT, AND/OR RETALIATION, REMEDY THE EFFECTS, AND PREVENT REOCCURRENCE.

THESE REMEDIES/ACTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO:

1. REFERRAL TO COMMUNITY SERVICES INCLUDING COUNSELING AND HEALTH SERVICES
2. REFERRAL TO THE EMPLOYEE ASSISTANCE PROGRAM
3. EDUCATION TO THE INDIVIDUAL AND/OR THE COMMUNITY
4. PERMANENT ALTERATION OF WORK ARRANGEMENTS FOR EMPLOYEES
5. PROVISION OF CAMPUS SAFETY ESCORTS
6. CLIMATE SURVEYS
7. POLICY MODIFICATION AND/OR TRAINING
8. IMPLEMENTATION OF LONG-TERM CONTACT LIMITATIONS BETWEEN THE PARTIES
9. IMPLEMENTATION OF ADJUSTMENTS TO ACADEMIC DEADLINES, COURSE SCHEDULES, ETC.

AT THE DISCRETION OF THE TITLE IX COORDINATOR, CERTAIN LONG-TERM SUPPORT OR MEASURES MAY ALSO BE PROVIDED TO THE PARTIES EVEN IF NO POLICY VIOLATION IS FOUND.

WHEN NO POLICY VIOLATION IS FOUND, THE TITLE IX COORDINATOR WILL ADDRESS ANY REMEDIES OWED BY THE MCCCC TO THE RESPONDENT TO ENSURE THAT THE RESPONDENT DID NOT EXPERIENCE EFFECTIVE DENIAL OF EDUCATIONAL ACCESS.

THE MCCCC WILL MAINTAIN THE PRIVACY OF ANY PARTY SUBJECT TO ANY LONG-TERM REMEDIES/ACTIONS/MEASURES, PROVIDED DOING SO DOES NOT IMPAIR THE MCCCC'S ABILITY TO PROVIDE THESE SERVICES.

### **35. FAILURE TO COMPLY WITH SANCTIONS AND/OR INTERIM AND LONG-TERM REMEDIES AND/OR RESPONSIVE ACTIONS**

ALL PARTIES ARE EXPECTED TO COMPLY WITH THE ASSIGNED SANCTIONS, RESPONSIVE ACTIONS, AND/OR CORRECTIVE ACTIONS WITHIN THE TIMEFRAME SPECIFIED BY THE FINAL DECISION-MAKER (INCLUDING THE APPEAL CHAIR).

FAILURE TO ABIDE BY THE SANCTION(S)/ACTION(S) IMPOSED BY THE DATE SPECIFIED, WHETHER BY REFUSAL, NEGLECT, OR ANY OTHER REASON, MAY RESULT IN ADDITIONAL SANCTION(S)/ACTION(S), INCLUDING SUSPENSION, EXPULSION, AND/OR TERMINATION FROM THE MCCCC.

A SUSPENSION WILL ONLY BE LIFTED WHEN COMPLIANCE IS ACHIEVED TO THE SATISFACTION OF THE TITLE IX COORDINATOR.

### **36. RECORDKEEPING**

MCCCC WILL MAINTAIN FOR A PERIOD OF SEVEN (7) YEARS RECORDS OF:

1. EACH SEXUAL HARASSMENT INVESTIGATION INCLUDING ANY DETERMINATION REGARDING RESPONSIBILITY AND ANY AUDIO OR AUDIOVISUAL RECORDING OR TRANSCRIPT REQUIRED UNDER FEDERAL REGULATION;
2. ANY DISCIPLINARY SANCTIONS IMPOSED ON THE RESPONDENT;
3. ANY REMEDIES PROVIDED TO THE COMPLAINANT DESIGNED TO RESTORE OR PRESERVE EQUAL ACCESS TO THE MCCCC'S EDUCATION PROGRAM OR ACTIVITY;
4. ANY APPEAL AND THE RESULT THEREFROM;
5. ANY INFORMAL RESOLUTION AND THE RESULT THEREFROM;
6. ALL MATERIALS USED TO TRAIN TITLE IX COORDINATORS, INVESTIGATORS, DECISION-MAKERS, AND ANY PERSON WHO FACILITATES AN INFORMAL RESOLUTION PROCESS. MCCCC WILL MAKE THESE TRAINING MATERIALS PUBLICLY AVAILABLE ON MCCCC'S WEBSITE. (NOTE: IF THE MCCCC DOES NOT MAINTAIN A WEBSITE, MCCCC MUST MAKE THESE MATERIALS AVAILABLE UPON REQUEST FOR INSPECTION BY MEMBERS OF THE PUBLIC.); AND
7. ANY ACTIONS, INCLUDING ANY SUPPORTIVE MEASURES, TAKEN IN RESPONSE TO A REPORT OR FORMAL COMPLAINT OF SEXUAL HARASSMENT, INCLUDING:
  - a. THE BASIS FOR ALL CONCLUSIONS THAT THE RESPONSE WAS NOT DELIBERATELY INDIFFERENT;
  - b. ANY MEASURES DESIGNED TO RESTORE OR PRESERVE EQUAL ACCESS TO THE MCCCC'S EDUCATION PROGRAM OR ACTIVITY; AND
  - c. IF NO SUPPORTIVE MEASURES WERE PROVIDED TO THE COMPLAINANT, DOCUMENT THE REASONS WHY SUCH A RESPONSE WAS NOT CLEARLY UNREASONABLE IN LIGHT OF THE KNOWN CIRCUMSTANCES.

THE MCCCC WILL ALSO MAINTAIN ANY AND ALL RECORDS IN ACCORDANCE WITH STATE AND FEDERAL LAWS. THE MCCCC WILL FOLLOW THE DESTRUCTION OF RECORDS POLICY AS OUTLINED BY THE STATE OF ARIZONA.

### **37. DISABILITIES ACCOMMODATIONS IN THE RESOLUTION PROCESS**

MCCCC IS COMMITTED TO PROVIDING REASONABLE ACCOMMODATIONS AND SUPPORT TO QUALIFIED STUDENTS, EMPLOYEES, OR OTHERS WITH DISABILITIES TO ENSURE EQUAL ACCESS TO THE MCCCC'S RESOLUTION PROCESS. ANYONE NEEDING SUCH ACCOMMODATION SHOULD CONTACT THE TITLE IX COORDINATOR AND REQUEST THE ACCOMMODATION. THE TITLE IX COORDINATOR SHALL SEEK CONSULTATION FROM THE COLLEGE DISABILITY RESOURCE SERVICES MANAGER (FOR STUDENTS) OR HUMAN RESOURCES (FOR EMPLOYEES).

### **38. MANDATORY TRAINING**

THIS POLICY REQUIRES THAT ANNUAL TRAINING FOR THE TITLE IX COORDINATORS, INVESTIGATORS, DECISION-MAKERS, AND ANY PERSON WHO FACILITATES AN INFORMAL RESOLUTION PROCESS WILL INCLUDE:

1. THE DEFINITION OF SEXUAL HARASSMENT UNDER THIS POLICY,
2. THE SCOPE OF THE MCCCDS EDUCATION PROGRAM OR ACTIVITY,
3. HOW TO CONDUCT AN INVESTIGATION AND GRIEVANCE PROCESS INCLUDING HEARINGS, APPEALS, AND INFORMAL RESOLUTION PROCESSES, AS APPLICABLE, AND
4. HOW TO SERVE IMPARTIALLY, INCLUDING BY AVOIDING PREJUDGMENT OF THE FACTS AT ISSUE, CONFLICTS OF INTEREST, AND BIAS.

DECISION-MAKERS WILL RECEIVE ANNUAL TRAINING ON ANY TECHNOLOGY TO BE USED AT A LIVE HEARING AND ON ISSUES OF RELEVANCE OF QUESTIONS AND EVIDENCE, INCLUDING WHEN QUESTIONS AND EVIDENCE ABOUT THE COMPLAINANT'S SEXUAL PREDISPOSITION OR PRIOR SEXUAL BEHAVIOR ARE NOT RELEVANT.

INVESTIGATORS WILL RECEIVE ANNUAL TRAINING ON ISSUES OF RELEVANCE TO CREATE AN INVESTIGATIVE REPORT THAT FAIRLY SUMMARIZES RELEVANT EVIDENCE.

ANY MATERIALS USED TO TRAIN TITLE IX COORDINATORS, INVESTIGATORS, DECISION-MAKERS, AND ANY PERSON WHO FACILITATES AN INFORMAL RESOLUTION PROCESS, MUST NOT RELY ON SEX STEREOTYPES AND MUST PROMOTE IMPARTIAL INVESTIGATIONS AND ADJUDICATIONS OF FORMAL COMPLAINTS OF SEXUAL HARASSMENT.

### **39. REVISION OF THIS POLICY AND PROCEDURES**

THIS POLICY AND PROCEDURES SUPERSEDE ANY PREVIOUS POLICY(IES) ADDRESSING TITLE IX SEXUAL HARASSMENT AND DISCRIMINATION. THE POLICY (ADMINISTRATIVE REGULATION) WILL BE REVIEWED AND UPDATED AS NEEDED BY THE TITLE IX COORDINATOR, IN CONSULTATION WITH ANY OTHER STAKEHOLDERS DEEMED NECESSARY BY THE TITLE IX COORDINATOR AND UPON APPROVAL BY THE CHANCELLOR. MCCCD RESERVES THE RIGHT TO MAKE CHANGES TO THIS DOCUMENT AS NECESSARY, AND ONCE THOSE CHANGES ARE POSTED ONLINE, THEY ARE IN EFFECT.

DURING THE RESOLUTION PROCESS, THE TITLE IX COORDINATOR MAY MAKE MINOR MODIFICATIONS TO PROCEDURES THAT DO NOT MATERIALLY JEOPARDIZE THE FAIRNESS OWED TO ANY PARTY, SUCH AS TO ACCOMMODATE SUMMER SCHEDULES. DISTRICT LEGAL MAY ALSO VARY PROCEDURES MATERIALLY WITH NOTICE (ON THE INSTITUTIONAL WEBSITE, WITH THE APPROPRIATE EFFECTIVE DATE IDENTIFIED) UPON DETERMINING THAT CHANGES TO LAW OR REGULATION REQUIRE POLICY OR PROCEDURAL ALTERATIONS NOT REFLECTED IN THIS POLICY AND PROCEDURES.

IF GOVERNMENT LAWS OR REGULATIONS CHANGE – OR COURT DECISIONS ALTER – THE REQUIREMENTS IN A WAY THAT IMPACTS THIS DOCUMENT, THIS DOCUMENT WILL BE CONSTRUED TO COMPLY WITH THE MOST RECENT GOVERNMENT REGULATIONS OR HOLDINGS.

THIS DOCUMENT DOES NOT CREATE LEGALLY ENFORCEABLE PROTECTIONS BEYOND THE PROTECTION OF THE BACKGROUND STATE AND FEDERAL LAWS WHICH FRAME SUCH POLICIES AND CODES, GENERALLY.

THIS POLICY AND PROCEDURES ARE EFFECTIVE AUGUST 14, 2020.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL.

USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE TO MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT ALL OTHER RIGHTS.

**AMENDED by Direct Approval from the Chancellor, September 16, 2020**

**ADOPTED by Direct Approval from the Chancellor, August 3, 2020**

### **Discrimination Complaint Procedures for Students**

This procedure provides a means for resolving complaints by students who believe they have been adversely affected by illegal or prohibited discrimination by the Maricopa County Community College District (MCCCD), a member college or center, or their students or employees.

Complaints may be brought under this procedure for discrimination based on race, color, religion, national origin, citizenship status (including document abuse), sex (including pregnancy and sexual harassment), sexual orientation, gender identity, age, veteran status, physical or mental disability, or genetic information. The entire college community should act promptly upon receipt of an allegation of conduct that might constitute discrimination. Any member of the college community should refer a person who might be a victim of such conduct to these procedures, as well as to the college officials responsible for conducting an investigation pursuant to these procedures.

Students who believe they are experiencing sexual harassment may submit a complaint under the Sexual Harassment Policy for Students 2.4.4. If a student has been a victim of sexual assault, a complaint may also be filed with College Public Safety (CPS).

All deadlines prescribed for Report, Informal Resolution and Formal Resolution processes may be extended by the Vice President of Student Affairs for good reason, such as (but not limited to) when classes are not in session or upon mutual agreement by the parties. Notwithstanding any deadline extension, college officials should take all necessary steps to ensure prompt and equitable resolution of any complaint of discrimination.

Information related to MCCCD's Discrimination Complaint Procedure for Students is also available from the Office of General Counsel's Office of Public Stewardship at 480-731-8880.

### **Informal Resolution of Discrimination Complaints**

Before filing a formal complaint under this procedure, a student may attempt to resolve the problem through informal discussions with the person claimed to have engaged in discriminatory conduct and that person's supervisor or department head. The supervisor or department head will notify the Vice President of Student Affairs may designate an employee to provide such assistance. If a student alleges discrimination based upon physical or mental disability the Vice President of Student Affairs, who is designated at each college as the ADA/504 Coordinator or the Associate Vice Chancellor of Student Affairs who is designated as the District ADA/504 Coordinator, will assist directly in the informal resolution process. Each Vice President and the Associate Vice Chancellor has knowledge of the ADA/504 regulations applicable to students with disabilities. The Vice President of Student Affairs may modify or reject an informal resolution of a complaint of discriminatory conduct under this process if, in the judgment of the Vice President, the resolution that is proposed is not in the best interests of both the student and the institution. The Vice President shall take such action no later than fifteen (15) calendar days after receiving notice of the informal resolution.

Attempts to informally resolve alleged discrimination should occur within ninety (90) calendar days of the most recent alleged discriminatory act. The college official responsible for this informal resolution process should ensure that the process is concluded promptly. For complaints dealing with alleged discrimination beyond the 90-day timeframe, a student must submit a complaint under the formal resolution procedure of this policy.

If the complaint cannot be informally resolved to the satisfaction of the student, the student has the right to file a complaint and to proceed under formal resolution procedures.

### **Formal Resolution of Discrimination Complaints**

A student who contends that unlawful or MCCCD-prohibited discrimination has occurred may file a formal complaint by contacting the Vice President of Student Affairs at each respective college or center. If a student alleges discrimination based upon physical or mental disability he or she may submit a formal complaint with the Vice President of Student



Affairs or the District Associate Vice Chancellor of Student Affairs or designee. The Vice President of Student Affairs or District Associate Vice Chancellor of Student Affairs or designee will accept.

A complaint may be submitted by the student verbally or in writing. A student may also contact the Office of General Counsel to obtain the name and phone number of the college or center official designated to respond to discrimination complaints.

The complaint must identify the action, decision, conduct, or other basis that the student believes is unlawful or MCCCCD prohibited discrimination.

Upon receipt of a complaint, the Vice President of Student Affairs or the Associate Vice Chancellor will notify the college president or provost and the Office of General Counsel.

A copy of the complaint will be shared with the respondent within five (5) working days of receipt by the Vice President of Student Affairs. Respondent will be put on notice that retaliation against the complainant or potential witnesses will not be tolerated and that an investigation will be conducted. If the student submits a written complaint, the Vice President or the District Associate Vice Chancellor need not share with the respondent the actual form submitted by the student, but may paraphrase the allegations sufficiently to allow the respondent to draft a response.

Respondent must provide a written response to allegations within fifteen (15) calendar days of his or her receipt of the complaint.

After accepting a complaint, the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs will designate a complaint investigator to conduct a fact-finding investigation, which will include, at a minimum, a review of written evidence (including the complaint and response), and interviews with appropriate employees and students. The interviews will include all witnesses identified by all parties. If the complaint alleges discrimination based upon mental or physical disability the investigator designated by the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs must have knowledge of ADA/504 regulations applicable to students with disabilities. 34 C.F.R. §104.4 et seq.; 28 C.F.R. §35.130 et. seq. The Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs may serve as complaint investigator. The complaint investigator shall promptly complete the investigation and deliver to the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs the investigator's written findings and the results of the investigation, including summaries of all interviews and all documents received as part of the investigation. In no event shall this occur later than ninety (90) calendar days following receipt of the complaint. Within ten (10) working days following receipt of the results of the investigation from the complaint investigator, the Vice President of Student Affairs or the District Vice Chancellor of Student Affairs will submit to the President or Provost the investigator's written findings and the Vice President's recommendations as to the disposition of the complaint.

The president or provost will accept, reject, or modify the recommendations and will provide a written notification of his or her action to the student and respondent along with a copy of the investigator's written findings and the vice president's or District Associate Vice Chancellor's recommendations within fifteen (15) calendar days of receiving the written findings and recommendations from the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs.

When the investigation confirms the allegations, appropriate corrective action will be taken. Evidence which is collateral to the allegations of discrimination and/or sexual harassment and which was obtained during an investigation may be used in subsequent grievance or disciplinary procedures. Both complainant and respondent receive notice of the outcome. The institution will take appropriate steps to prevent further occurrences.

### **Interim Measures**

If a student alleges discrimination based upon physical or mental disability, the District may take interim measures to assist or protect the student during an investigation. Such measures may include academic adjustments, arranging for changes in class schedules, or other appropriate temporary measures.

## **MCCCD Administrative Review Process**

### **Request for Reconsideration**

A student or respondent who is not satisfied with the decision of the president or provost has ten (10) working days to request, verbally or in writing, administrative review of the decision by his or her college president or provost. The request for administrative review must state reasons why the complainant or respondent believes the finding was improper. The president or provost will review the results of the investigation and written findings and respond to the request within ten (10) working days from receipt of the request. If the president or provost determines that the decision is not supported by the evidence, the case file will be reopened and assigned for further investigation. If the president or provost determines that the investigation was thorough and complete and that the decision is supported by the evidence, he or she will deny the request for administrative review. At this point, the student has exhausted the Internal Discrimination Complaint Procedure.

### **Complaint Process**

Faculty, staff and all other college officials should refer any student seeking to make a complaint of discrimination to the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs. Every student complaint of discrimination shall be investigated under the authority of the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs in accordance with these Procedures. The Vice President of Student Affairs and any complaint investigator who participates in a complaint resolution pursuant to these Procedures shall administer every resolution process in an impartial manner, and shall fully consider all facts discovered in the course of any investigation before a resolution is reached. Each party in any complaint resolution shall have full opportunity to present all information and documentation the party feels is germane to the complaint. At no time shall a student who has made an allegation of discrimination under these Procedures be asked or required in any way by a college official to engage in any direct confrontation with any person alleged to have committed an act of discrimination. The Vice President shall ensure that every effort is made to obtain information from each witness to every act of alleged discrimination or from any other person possessed of information that is relevant and material to the complaint resolution. The Vice President of Student Affairs shall ensure that all appropriate corrective action that is warranted as a result of any complaint resolution will be taken, and shall employ best efforts to ensure that the college prevents recurrence of discrimination in the future.

### **Maintenance of Documentation**

Documentation resulting from each level in the Formal Resolution Process (including witness statements, investigative notes, etc.) will be forwarded to and maintained by the Office of General Counsel. Investigative records are not to be maintained with or considered as a part of a student record. Documentation regarding corrective action is considered part of the student's record.

### **Right to Assistance**

A student or respondent may receive the assistance of an attorney or other person at any stage of a complaint filed under this Internal Discrimination Complaint Procedure. Such person may attend any investigative interview and advise the complainant or respondent but shall not otherwise participate in the interview. The complaint investigator shall direct communications directly to the complainant and respondent, and not through such individual's attorney or other person providing assistance.

### **Confidentiality of Proceedings**

Every effort will be made by the college and MCCCD to protect the confidentiality of the parties during the processing of complaints under this procedure. Records will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with MCCCD's legal obligation to investigate and resolve issues of discrimination.

### **Retaliation Prohibited**

Retaliation against a person who has filed a complaint or against any witness questioned during an investigation is strictly prohibited. Any retaliatory action by instructors, supervisors, managers, academic professionals, administrators, or other employees who have the authority to take adverse action against a complainant or witness is prohibited and may be grounds for disciplinary action.

### **False Statements Prohibited**

Any individual who knowingly provides false information pursuant to filing a discrimination charge or during the investigation of a discrimination charge will be subject to appropriate discipline.

### **External Filing of Discrimination Complaint**

MCCCD encourages students to use the MCCCD Discrimination Complaint Procedure for students to resolve discrimination concerns. Students also have the right to file civil rights complaints with appropriate external agencies. No retaliation will be taken against a person for filing a complaint with an external agency. The following agency accepts discrimination charges filed by, or on behalf of, students:

Office for Civil Rights, Region VIII (OCR)  
Denver Office  
U.S. Department of Education  
Federal Building  
1244 Speer Boulevard, Suite 310  
Denver, Colorado 80204-3582  
Phone: 303-844-5695  
Fax: 303-844-4303  
TDD: 303-844-3417  
E-mail: [OCR\\_Denver@ed.gov](mailto:OCR_Denver@ed.gov)

**AMENDED by Direct Approval from the Chancellor, April 1, 2015**

\*\*\*\*\*END SECTION\*\*\*\*\*

### **2.4.6 Emissions Control Compliance**

Pursuant to ARS §15-1444 C. no vehicle shall be allowed to park in any college parking lot unless it complies with ARS §49-542 (the annual vehicle emissions inspection program). At the time of course registration, every out-of-county and out-of-state student will be required to sign an affidavit stating that the student's vehicle meets the requirements of ARS §49-542. Vehicles that are not in compliance are subject to being towed at the owner's expense.

### **2.4.8 Petition Signature Solicitation**

1. This regulation shall govern access to college premises by representatives who wish to solicit signatures on petitions for the purpose of submission of a ballot proposition to voters, or nomination of a candidate for elective office, in a city-, county-, or state-wide election.
2. Each college president shall designate general hours of accessibility for solicitation and a location on college premises where all representatives on behalf of any candidate or ballot proposition may solicit signatures. The location shall be in a common area where the solicitation will not serve as an obstruction to student activities or otherwise disrupt the college environment.
3. All solicitation must take place in designated areas. Standard space may include one or two tables and chairs. Campus restrictions regarding amplification will apply. Representatives may not distribute or make available to students, employees, or college visitors any tangible item, except for informational literature about the proposed candidate or ballot initiative.
4. Representatives shall notify the designated official at each college or center for their intent to be present on college premises no fewer than three working days prior to soliciting signatures. Upon obtaining authorization, representatives shall be provided a written version of this regulation.

Specific procedures on how to implement the Petition Signature regulation can be found in [Appendix S-14](#).

#### 2.4.9 Use of College Grounds by Non-MCCCD-Affiliated Users

In contrast to traditional public forums such as a public square, park, or right of way, Maricopa's campuses are dedicated by law to the purpose of formal education. They are, and have been since their creation, for the use and benefit of prospective and enrolled students, the Maricopa employees who serve them, and those who are invited to campus by members of the College community to attend or participate in sponsored events. The Maricopa County Community College District (MCCCD) has a long history of regulating the time, place, and manner in which expressive activities are conducted on campuses, for the purposes of avoiding disruption or interference with its educational activities, and protecting the rights of the members of the campus community and their invited guests to express themselves and access information. While members of the general community always have been welcome to share their ideas with the campus community, they are subject to reasonable, content-neutral regulation of the time, place and manner of the event and to the institution's mission-based priorities – including but not limited to the need to provide an environment conducive to teaching and learning.

#### **POLICY**

This administrative regulation governs use of the college grounds, defined as the open areas and walkways of the campus by non-MCCCD-affiliated users. Use of college facilities is governed by a separate administrative regulation. Parking lots are not available for events and activities other than those sponsored and authorized by the College president.

Camping is not permitted anywhere on the campuses. Camping is defined as the use of college grounds or facilities for living accommodations or housing purposes such as overnight sleeping or making preparations for overnight sleeping (including the laying down of bedding for the purpose of sleeping), the making of any fire for cooking, lighting or warmth, or the erection or use of tents, motor vehicles, or other structures for living or shelter. These activities constitute camping when it reasonably appears, in light of all the circumstances, the participants conducting these activities intend to use or are using the facilities or grounds for living accommodations or housing, regardless of the duration or other purpose of the use.

Lawful use of college grounds for events or expressive activities by individuals, groups, and organizations may be authorized by college officials when the events and activities are lawful and consistent with the non-profit, educational nature of the campus, authorized and conducted in accordance with MCCCD policies, administrative regulations and priorities, and compliant with reasonable restrictions as to time, place, and manner. The content of the expression will not be a factor in authorizing, locating, or scheduling decisions. However, events and activities will not be permitted to disrupt or obstruct the teaching, research, or administrative functioning of the College by means of physical obstacles and crowds, by the creation of sound or noise that would interfere with teaching, learning, and the conduct of College business, or by any other means. Each College president will designate a Responsible College Official with delegable authority to approve, locate, and schedule use of college grounds.

**Permit Application:** Any non-MCCCD-affiliated organization, group, or individual desiring to use campus grounds for an event or activity must submit a request form to the Responsible College Official in advance of the use date.

If the activities proposed in the application are limited to low-impact, non-commercial activities the request form shall be submitted at least two business days in advance of the expected use date. For purposes of this administrative regulation, "low-impact, non-commercial activities" are defined as: (1) activities that do not seek to sell or promote a product or service for direct or indirect financial gain; (2) activities that are limited to gatherings of five people or less at any given time; and (3) activities that do not involve machinery, temporary structures, tables, chairs, displays or electronic equipment, including amplifiers, or the distribution of food products.

For events that are not low-impact, non-commercial activities, the request form shall be submitted at least seven business days before the expected use. The additional advance time is required to allow the College to prepare for conditions that may affect the flow of foot traffic, involve signs and displays, create crowds, involve significant numbers of participants, or require the use of significant amounts of space and/or use of equipment and resources.

**Designated Areas:** Because each College has a limited amount of outdoor space, activities and events sponsored by non-MCCCD-affiliated users, including speech and literature distribution, shall be restricted to designated areas. For each College, the Responsible College Official shall establish specific designated areas for such activities. A written description of these areas shall be maintained at the office of Student Life and Leadership for each College. Consistent with the goal of providing a healthy, comfortable, and educationally productive environment, the Responsible College Official should attempt to locate the designated areas in prominent locations on campus where there is a likelihood of significant pedestrian traffic. The designated areas shall not be located in building stairways and entryways, parking lots, or congested areas. The Responsible College Official will make every effort to assign users to their requested space when a specific space is desired. However, in order to ensure the potential success of all scheduled events, the College reserves the right to assign an event or activity to the area the College deems most appropriate in light of the campus capacity, other activities scheduled, and the type of event or activity being planned.

**Use Fees and Proof of Insurance:** To offset the costs associated with the use of college grounds, non-MCCCD-affiliated users shall be required to pay a fee of \$50 per day or \$125 per week. In order to protect the health and safety of College students, faculty and staff and to protect MCCCD resources, non-MCCCD-affiliated users shall also be required to provide proof of insurance that indicates at least \$1 million in general liability coverage and names the MCCCD as an additional insured for the anticipated use date.

The fee and proof-of-insurance provisions of this Administrative Regulation shall not be applied to low-impact, non-commercial users. A user may request designation as a low-impact, non-commercial user from the applicable College's Responsible College Official. Any questions or comments about the criteria for approval or denial of such request shall be directed to the District Ombudsman.

**Permits:** The approved request form will describe the location of the authorized activity and any other restrictions specific to the event. Violation of the terms of the permit, District policy, administrative regulation or law shall be grounds for immediate revocation of the permit, and the individual violators and their organizations may be banned from the campus.

**Priorities and Criteria for Approval of Permits:** The content or subject of the proposed expressive activity or event will not affect approval of the application. Availability of space is not guaranteed. Reservations shall be approved on a space-available basis and will be addressed on a first come-first served basis, subject to the following priorities and criteria for the use and scheduling of space on campus grounds:

#### Scheduling Priorities (in order)

1. The use of facilities and grounds for the operations of the College. For example, there are times when the college is unusually crowded by members of the campus community, such as registration and orientation at the beginning of the semester. Other uses may reasonably be precluded during those times.
2. Activities and events sponsored by the College administration.
3. Activities and events sponsored by MCCCD student organizations or employee groups.
4. Activities of non-MCCCD-affiliated individuals and organizations.
5. Commercial advertising or activities.

#### Criteria

1. Capacity of college grounds to accommodate the number of participants at the scheduled time and proposed location.
2. Capacity of College Safety staff to provide security for all events and activities scheduled at the time.
3. Possible interference or conflict with College operations or other scheduled activities and events on the grounds.
4. General feasibility of hosting the event as proposed.

**Other Policies:** This administrative regulation will be applied in conjunction and coordination with all other MCCCDC policies and administrative regulations and College processes and procedures, including but not limited to regulations on facilities use, signage, sales of alcohol and/or food, and solicitation of donations.

Specific procedures on how to implement the Use of College Grounds regulation can be found in [Appendix S-15](#).

#### **2.4.10 Children on Campus**

Children (younger than 18) may not attend any class unless they are officially registered for the class.

Children will not be allowed on campus unless participating in an authorized college program or under the supervision of an adult.

#### **2.4.11 Crime Awareness and Campus Security Act**

Federal legislation requires the college to maintain data on the types and number of crimes on college property as well as policies dealing with campus security. To obtain additional information on this subject, contact the college Safety and Security Department.

#### **2.4.15 Campus Sex Crimes Prevention Act**

Federal legislation requires that the MCCCDC establish notification procedures concerning the presence of registered sex offenders enrolled either as students or those working for the institution. The Registered Sex Offender Notification Procedure is outlined in Appendix item S-18.

**ADOPTED by Direct Approval from the Chancellor, March 6, 2019**

#### **Appendix Item S-18: Maricopa County Community College District Registered Sex Offender Notification Procedure**

The Campus Sex Crime Prevention Act (CSCPA), (section 1601 of Public Law 106-386), is a Federal Law enacted on October 28, 2000. In compliance with this law, the Maricopa County Community College District (MCCCDC) will work in collaboration with the Sheriff's Department to identify convicted registered sex offenders enrolled as students at one of MCCCDC's colleges or working at the District office or at any of the MCCCDC colleges (in paid or unpaid positions).

#### **GENERAL INFORMATION**

- I. In accordance with the CSCPA, the MCCCDC will provide on its Sex Offender Information Website, found [Sex Offender Information and Notification](#) website, a link to the Arizona Sex Offender Registry website and instructions on how to access it.
- II. Arizona Revised Statutes require persons convicted of any of the following 21 different offenses to register as sex offenders: 1) unlawful imprisonment if the victim is under 18 years of age; 2) kidnapping if the victim is under 18 years of age; 3) sexual abuse if the victim is under 18 years of age; 4) sexual conduct with a minor; 5) sexual assault; 6) sexual assault of a spouse; 7) molestation of a child; 8) continuous sexual abuse of a child; 9) taking a child for the purpose of prostitution; 10) child prostitution; 11) commercial sexual exploitation of a minor; 12) sexual exploitation of a minor; 13) luring a minor for sexual exploitation; 14) aggravated luring a minor for sexual exploitation; 15) unlawful age misrepresentation for the purpose of committing a sexual offense 16) sex trafficking of a minor; 17) a second or subsequent violation of indecent exposure to a person under 15 years of age; 18) a second or subsequent violation of public sexual indecency to a minor under the age of 15; 19) a third or subsequent violation of indecent exposure; 20) a third or subsequent violation of public sexual indecency; and 21) violations relating to the failure to register as a sex offender. (See, [A.R.S. §13-3821](#)).

- III. The Arizona Department of Public Safety classifies sex offenders according to levels. The levels consist of Level 1: Low risk to the community, Level 2: Intermediate risk to the community, and Level 3: High risk to the community.
- IV. By law, Registered Sex Offenders (RSO) are required to contact the Maricopa County Sheriff's office or local police agency when they enroll in or are employed at a college—in either paid or unpaid status. ([A.R.S. § 13-3821](#)).
- a. Level Two and Level Three Offender's Obligation to Notify the College:

#### STUDENTS

- i. **Current Students** who are enrolled and receive their final classification or a change in classification as a Level 2 or Level 3 sex offender during their period of enrollment must notify the Campus Public Safety Officer within five (5) business days of the start of the semester. Campus Public Safety Officers for each college and for the district office can be found at the [MCCCD Police](#) website. The Campus safety officer will schedule a meeting with the Dean of Students (or designee) and the Registered Sex Offender student to take place within ten (10) days of the notification to Public Safety.
  - 1. Failure to comply with this procedure may lead to discipline under the Student Code of Conduct as well as possible criminal penalty as outlined in Arizona state law.
- ii. **Potential Students** who have been designated as a Level 2 or Level 3 sex offender must notify the Campus Public Safety Officer to arrange a meeting when they intend to enroll at a College. Campus Public Safety Officers for each college and for the district office can be found at the [MCCCD Police](#) website. This meeting must take place at least ten (10) calendar days prior to the start of classes. The meeting shall include the RSO, the Dean of Students (or designee), and the Campus Public Safety Officer.)
  - 1. A person who is classified as a Level Two or Three sex offender has been admitted to MCCCD and who has failed to timely to register pursuant to these procedures may be subject to discipline under the Student Code of Conduct as well as possible criminal penalties as outlined in Arizona state law.

#### EMPLOYEES

- iii. **Current Employees** who receive their final classification or a change in classification as a Level 2 or Level 3 sex offender during their period of employment must immediately notify the Campus Public Safety Officer. The campus public safety officer will arrange meeting with the Human Resources Manager (or designee) at the individual campus and the Registered Sex Offender employee. Campus Public Safety Officers for each college and for the district office can be found at the [MCCCD Police](#) website. The meeting with the college human resources manager and the Campus Public Safety Officer must take place within ten (10) days of the original notification to Public Safety.
- iv. **Potential Employees** who have been classified as a Level 2 or Level 3 sex offender must notify the Campus Public Safety Officer to arrange a meeting when they are offered employment at the College. Campus Public Safety Officers for each college and for the district office can be found at the [MCCCD Police](#) website. This meeting must take place at least ten (10) calendar days prior to



the start of employment. The meeting shall include the RSO, the college human resources manager and the Campus Public Safety Officer (or their designees).

V. COLLEGE OFFICIALS' MEETING WITH LEVEL 2 OR LEVEL 3 SEX OFFENDER

- a. After notification that a student or employee has been classified as a Level Two or Three Sex Offender, MCCCDC Public Safety will collect information from the RSO student or employee, probation/parole officer, Sheriff's Office, and/or arresting agency regarding the type of crime, conditions for probation, and/or level of risk.
- b. For Students: MCCCDC Public Safety will notify the Dean of Student Affairs (or designee) when a RSO has enrolled or expressed a desire to enroll at a MCCCDC college. A representative from the Student Affairs office shall participate in the required meeting with the RSO.
  - i. An RSO identification must be placed in the Advocate online system. The identification should include a summary of the offense/court-ordered conditions in place upon release, information from the parole/probation officer, and possible interventions needed at the college/District level.
- c. For Employees: MCCCDC Public Safety will notify District and college Human Resources (or designee) when an RSO has registered due to being offered employment with the MCCCDC or is a current employee who has been classified as a Level Two or Three Sex Offender. A representative from District and the identified college's Human Resources department shall participate in the required meeting with the RSO.
  - i. An RSO identification must be placed in the employee's personnel file. The identification should include a summary of the offense/court-ordered conditions in place upon release, information from the parole/probation officer, and possible interventions needed at the college/District level.
- d. At the meeting referred to above, the student or employee who is classified as a Level Two or Three sex offender will be advised of the following information:
  - i. The College's knowledge of his/her final classification.
  - ii. The College's obligation to provide public access to Level 2 & 3 sex offender information through its Department of Public Safety.
  - iii. Any restrictions that will be imposed on the sex offender—based on any Court restrictions, restraining orders, or orders of protection that may be in place—and the duration of such restrictions.
  - iv. If the offender is classified at Level 3, he/she is further informed of:
    1. The College's policy of posting notice at each college campus within two (2) days of receipt of the RSO's information, regardless of when the meeting occurs.
    2. The Level 3 RSO will receive a copy of the community notification the College intends to post.
    3. The functional areas of the College which will be provided with the public notification that will be posted.
  - v. At any time, the Department of Public Safety can communicate with the offender's parole/probation officer.

- VI. FERPA: The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning the presence of registered sex offenders.
- VII. ANNUAL AND OFF-CYCLE REVIEWS: Public Safety and the Student Affairs Dean (or designee) or Human Resources representative, depending on the status of the RSO, shall meet on an annual basis to review the conditions of enrollment, employment, and campus engagement. Additional, off cycle, reviews should be conducted when an RSO student or employee transfers within MCCCCD or new information about criminal conduct has been received. District imposed conditions may be removed, added, or altered based on changes in enrollment location(s), legal case status, new criminal activity, and/or disciplinary standing. Both Public Safety and Dean of Students or Human Resources professionals, for students and employees, respectively, shall maintain documentation regarding all initial, annual, and off-cycle meetings and reviews.
- VIII. FAILURE TO NOTIFY CAMPUS ADMINISTRATION: Failure to notify campus administration, as outlined in this procedure, of one's status as a RSO may lead to discipline up to and including removal from classes and/or suspension from participation in academic or extra-curricular programs, termination from employment as well as possible criminal penalty as outlined in Arizona state law.
- IX. CAMPUS AND COMMUNITY NOTIFICATION OF RSO STATUS: Pursuant to Arizona law, the MCCCCD shall make campus notifications of RSO status, as follows:
- For level two and level three offenders, the MCCCCD Public Safety Office, in conjunction with the Public Safety office at each college will coordinate with the local law enforcement agency responsible for the individual community notifications to ensure the sex offender notification is provided to the individual campus community.
  - The [Sex Offender Information and Notification](#) website will host the notification of RSO's employed by or attending a MCCCCD college, including employment with the District office.
  - For Colleges with facilities off-site from the main campuses that receive a registered sex offender community notification flyer from a local law enforcement agency, building managers are advised to post the flyer the building's common area easily accessed by students, staff, and faculty for a at least thirty (30) days. Specific information and instructions related to the community notification will be contained in the flyer and such instructions should be followed.
  - Any criminal activity involving a registered sex offender should be reported to police.
- X. ADMINISTRATIVE OVERSIGHT:
- Students: A campus administrator has the right to, at her or his discretion, require currently enrolled RSOs to attend regular meetings. The meetings will serve as a way to monitor compliance with conditions for enrollment and assist with student success. The frequency, duration, attendees to the meeting, and location of the meetings will vary based upon the needs of the RSO.
  - Employees: A supervisor, in conjunction with a Human Resources representative, at her or his discretion, may require currently employed RSOs to attend regular meetings. The meetings will serve as a way to monitor compliance with conditions for employment and assist with student success. The frequency, duration, attendees to the meeting, and location of the meetings will vary based upon the needs of the RSO.

**ADOPTED by Direct Approval from the Chancellor, March 6, 2019**

## **2.4.12 Workplace Violence Prevention**

### **Purpose**

It is the policy of the Maricopa County Community College District to promote a safe environment for its employees, students, contractors, and visitors. MCCCDC is committed to working with its employees to maintain an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

### **Policy**

Violence, threats, harassment, intimidation, and other disruptive behavior in our facilities is prohibited and will not be tolerated. It is the responsibility of all employees, students, contractors, and visitors of MCCCDC to report any occurrence of such conduct to MCCCDC Public Safety. Every employee, student, contractor, and visitor on MCCCDC property should report threats or acts of physical violence and acts of harassment, intimidation, and other disruptive behavior of which he/she is aware. All reports will be taken seriously and will be investigated by public safety immediately in order to protect everyone from danger. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

### **Prohibited Behavior**

For example, and without limiting the generality of the foregoing statement, this policy prohibits:

- direct threats or physical intimidation
- implications or suggestions of violence
- stalking
- assault of any form
- physical restraint, confinement
- dangerous or threatening horseplay
- loud, disruptive, or angry behavior or language that is clearly not part of the typical work environment
- blatant or intentional disregard for the safety or well-being of others
- commission of a violent felony or misdemeanor on MCCCDC property
- abuse
- violation of a protective order or restraining order
- any other act that a reasonable person would perceive as constituting a threat of violence

This list is illustrative only and not exhaustive.

### **Future Violence**

Employees, students, and visitors who have reason to believe they, or others, may be victimized by a violent act or sometime in the future, at the workplace or as a direct result of their relationship with MCCCDC, shall inform a supervisor or manager as soon as possible. The supervisor or manager shall inform the Public Safety Department. Students, contractors, and visitors shall contact the Public Safety Department as soon as possible.

Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy to the Department Director, Human Resources, and Public Safety. Students shall supply a copy of the signed order to the Public Safety Department.

This policy applies to employees and students, as well as independent contractors and other non-employees doing business with the MCCCDC. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both. The Chancellor is hereby instructed to enact all administrative regulations necessary to implement this policy.

### **2.4.13 Student Right to Know**

Under the terms of the Student Right To Know Act, the college must maintain and report statistics on the number of students receiving athletically related student aid reported by race and sex, the graduation rate for athletes participating

in specific sports reported by race and sex, the graduation rate for students in general, reported by race and sex and other similar statistics. To obtain copies of these reports, contact the Office of Admissions and Records.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

### **2.4.5 Copyright Act Compliance**

Students are expected to comply with the provisions of the Copyright Act of 1976 pertaining to photocopying of printed materials, copying of computer software and videotaping. In order to assist students in complying with the Copyright Law, appropriate notices shall be placed on or near all equipment capable of duplicating copyrighted materials.

### **3.2 Copyright Regulation**

1. It is the intent of the Governing Board of the Maricopa County Community College District to adhere to the provisions of the U.S. Copyright Law (Title 17, United States Code Section 101 et seq.). Though there continues to be controversy regarding interpretation of the Copyright Law, this policy represents a sincere effort by the Board to operate legally within the District.
2. The Governing Board directs the Chancellor or his designee(s) to develop and distribute to employees guidelines that (1) clearly discourage violation of the Copyright Law and (2) inform employees of their rights and responsibilities under the Copyright Law.
3. Each college president or provost and the Chancellor shall name an individual(s) at each district location who will assume the responsibilities of distributing copyright guidelines, act as a resource person regarding copyright matter and provide training programs on current copyright laws.
4. Employees are prohibited from copying materials not specifically allowed by the (1) copyright Law, (2) fair use guidelines, (3) Licenses or contractual agreements, or (4) other permission.
5. The Governing Board disapproves of unauthorized duplication in any form. Employees who willfully disregard this Board policy and/or the aforementioned copyright guidelines do so at their own risk and assume all liability for their actions.
6. In order to assist employees and students in complying with the Copyright Law, appropriate notices shall be placed on or near all equipment capable of duplicating copyrighted materials.

### **What Students Should Know About Copyright**

#### **What is copyright?**

Copyright is a protection afforded under federal law for various types of creative works. A work is copyrightable if it is an original work of authorship fixed in a tangible medium of expression. Copyrightable works include literary, musical or dramatic works; motion pictures and other audiovisual works; choreographic works and pantomimes; sound recordings; and architectural works.

The owner of a copyright in a particular work has the exclusive right to copy, display, perform, distribute, and create a derivative version of the work. Generally, then, this means that you may not do things like duplicate, show or perform a copyrighted work unless it is expressly allowed under the Copyright Act or you have the prior permission of the copyright holder.

A copyright exists in a work at the time it becomes fixed in some tangible medium of expression. Neither registration of the copyright with the federal government nor a copyright notice on the work itself is required for copyright protection.

#### **What is copyright infringement?**

Generally, copyright infringement occurs when you copy, display, perform, distribute or create a derivative version of a copyrightable work either without the permission of the copyright holder or when such activity is not otherwise allowed under an exception provided by federal copyright law. The penalties for infringement include significant damages-potentially in excess of \$100,000 for each work infringed as well as criminal penalties, which may include fines and even incarceration.

#### **How does copyright law affect information I obtain off the Internet?**

Copyright law covers works in both traditional and new media, including digital media. Copyrightable materials are often available on the Internet without any indication of their copyrighted status. As a rule of thumb, you should assume that everything you find on the Internet is copyrighted, unless otherwise labeled. Even popular activities, such as file swapping or copying software or pictures from the Internet, may be copyright infringement and should be avoided.

The Digital Millennium Copyright Act, which Congress enacted in 2000, affords greater protection for copyright holders of digital works. Generally, then, even if a work appears solely in a digital form, it is likely subject to copyright law protections.

New technology has made many creative works widely available through the Internet. For example, the technology known as Peer to Peer (P2P) allows for the transmission of music, videos, movies, software, video games and other materials-most of which is subject to copyright protection.

Remember that a copyright exists in a work at the time it becomes fixed in some tangible medium of expression. That means that an image you have downloaded from the Internet, as well as a video or musical performance is almost certainly subject to copyright protection. When you download these works, transfer them to a disk or other medium, or send them to a friend, you are infringing on the rights of the copyright holder. Trafficking in such material without the permission of the copyright holder, then, violates copyright law. This includes unauthorized music file sharing over the Internet.

According to a statement recently issued by representatives of the motion picture, recording and songwriting industries, uploading and downloading copyrighted works over the Internet is theft: "It is no different from walking into the campus bookstore and in a clandestine manner walking out with a textbook without paying for it."

#### **Why is it important for a student to be aware of copyright law?**

Copyright infringement is expressly prohibited by the US Copyright Act. Anyone who infringes another's copyright in a creative work is subject to liability, and could be required to pay large sums in damages.

In addition, as the law clearly prohibits copyright infringement, using any college resources-such as photocopiers, desktop and laptop computers, printers, central computing facilities, local-area or college-wide networks, Internet access, or electronic mail-for the purpose of infringing a copyright in any work may be grounds for student discipline. According to Maricopa Community College District administrative regulation, "students are expected to comply with the provisions of the Copyright Act of 1976 pertaining to photocopying of printed materials, copying of computer software and videotaping."

Moreover, under the Maricopa Community Colleges Computing Resource Standards, a student is prohibited from the "use of software, graphics, photographs, or any other tangible form of expression that would violate or infringe any copyright or similar legally-recognized protection of intellectual property rights." The Standards also prohibit "transmitting, storing, or receiving data, or otherwise using computing resources in a manner that would constitute a violation of state or federal law . . . ."

A student who violates these policies, then, can be disciplined at any of the Maricopa Community Colleges. This discipline could include suspension or even expulsion.

#### **Does copyright law allow me to download files from a college web site?**

Thanks to recent changes to copyright law, colleges and universities are allowed to transmit copyrighted images, recordings, and other materials over the Internet in connection with distance learning offerings. These changes allow for the performance of non-dramatic literary works or musical works, as well as the display of "reasonable and limited portions" of any work in an amount comparable to that typically displayed in a live classroom setting. Use of the works must, however, be "an integral part" of the distance-learning class session, and available solely to students enrolled in the class. In addition, the transmission of the copyrighted works must be under the direction or actual supervision of an instructor.

Even though the college does not hold the copyright to these works, or even have the express permission of the copyright holder, they may be delivered over the Internet to students in distance learning classes.

The fact that the law authorizes such use of copyrighted materials, though, does not allow a student in these classes to freely download, copy, or re-transmit the works. They are intended solely for use by the institution in connection with distance instruction; any other use would likely constitute a violation of copyright law.

### 3.4 RECORDING ~~Taping~~ of Faculty Lectures

1. MCCCDC acknowledges that faculty members are, by law, afforded copyright protection in their classroom lectures and, therefore, may limit the circumstances under which students may ~~record tape~~ (audio/visual) their classes.
2. Each faculty member shall inform ~~his/her~~ their students ~~in the course syllabus or other course introductory material of within the first week of classes to his/her~~ their policy with regard to recording of class lectures ~~taping~~. Failure to do so will accord students the right to ~~record tape~~ lectures. A lecture is defined as anything upon which a student is tested or that is part of the curriculum or course content whether in person, virtual, or pre-recorded. A restriction on recording does not apply if the recording is allowed under another policy.
  - a. Students, regardless of whether they have permission or not from the faculty member to record class lectures, may not reproduce or otherwise share and/or distribute all or part of recorded class lectures and/or activities taking place during class time, without the written consent of the faculty member. (Reproducing includes, but is not limited to, posting any pre-recorded or real time recording of a class lecture—in whole or in part—to any social media platform (TikTok, Twitter, Facebook, Instagram, YouTube, etc.)).
  - b. Any violation of AR 3.4 (2)(a) may constitute "academic misconduct" prohibited by AR 2.3.11 Academic Misconduct.
3. Students with disabilities that render them unable to take adequate lecture notes are entitled to reasonable accommodation – ~~subject to engagement in the interactive process and a determination of functional limitation as outlined in AR 2.8 Students with Disabilities – to remedy this inability.~~ Approved ~~A~~accommodation may require a faculty member to ~~exempt~~ ~~modify a student from~~ ~~his/her~~ their ~~taping~~ recording policy for the affected student.

In accordance with Subpart E of Section 504 of the Rehabilitation Act of 1973, a student with a qualifying disability which adversely affects the student's ability to take or read notes may be permitted to audio record class lectures as a reasonable academic accommodation.

In an effort to address faculty concerns for privacy and protection of copyright while still assuring the availability of recording classroom lectures as a reasonable accommodation for students, use of this accommodation is subject to the following conditions:

- a. The faculty member must have received the Disability Resource Services (DRS) Faculty Notification Letter specifying the recording of classroom lectures as a granted reasonable accommodation.
- b. Such recordings of class lectures are only for the student's personal use in study and preparation related to class.
- c. The student must comply with a faculty request to stop recording during discussions, demonstrations, presentations, guest speakers, and situations of a sensitive nature. The faculty member should provide as much notice of these situations as possible in order for the student to coordinate with the faculty member and DRS to have notes taken on the substantive parts of the lecture.

- d. The student may not share classroom lecture, or any other recordings made during class time with any other person or in any media or on a public or private platform without the written consent of the faculty member.
- e. Information contained in the authorized audio recorded lectures, and any other recordings whether authorized or unauthorized, may be protected under federal copyright laws and may not be published or quoted without the written consent of the faculty and without giving proper identity and credit to speakers, this includes publication via any social media platform, emails, or text messages.
- f. The student may not use the authorized recorded lectures, and any other recordings whether authorized or unauthorized, against the faculty member, other instructors, or students whose classroom comments are recorded as part of the class activity. This provision is subject to the protections under policy and the law.
- g. The student will erase all recorded class lectures when they are no longer needed for academic work. Upon written request from the faculty member, the student will return all class recordings to the faculty member for erasure. Faculty members should provide DRS with a copy of the aforementioned written request. Likewise, students are not permitted to post the lectures on any social media platform, website, or learning management system without the instructor's written consent except for communications to the instructor of record.
- h. Students who wish to keep recordings beyond the end of the course for future review must obtain written permission from the faculty member.
- i. Audio, or any other recordings outside of the aforementioned lectures (including fieldwork, internships, etc.) may be discussed on a case-by-case basis in collaboration with the faculty member, program of study, site manager, and DRS. In clinical/experiential learning placements, the recording of any discussions, lectures, or conversations are never permitted.
- j. Students, regardless of whether they have permission or not from the faculty member to record class lectures or any other part of the classroom/class time experience, may not post all or part of recorded class lectures or any other recordings made during class time to any social media platform (TikTok, Twitter, Facebook, Instagram, YouTube, etc.), or otherwise reproduce, share and/or distribute to any other person or party.
- k. Any violation of AR 3.4(3) may constitute "academic misconduct" prohibited under AR 2.3.11 Academic Misconduct.

**AMENDED by Direct Approval from the Chancellor, April 20, 2021**

## **4.4 Technology Resource Standards**

### **Introduction**

The Maricopa County Community College District (MCCCD) provides its students, employees, Governing Board members and the public with access to information resources and technologies. MCCCD recognizes that the free exchange of opinions and ideas is essential to academic freedom, and the advancement of educational, research, service, operational, and management purposes, is furthered by making these resources accessible.



Arizona constitutional and statutory mandates require that MCCCDC resources, including technology, be used only for the public's business, and not for private purposes. Those mandates apply to all MCCCDC public officials—employees of every kind and the Governing Board. The aim of those laws is to safeguard the use of resources, including technology resources, acquired and maintained with public funds. Compliance with other laws—both federal and state—also dictates the need for standards for the use of MCCCDC technology resources. In some cases, the Governing Board policies emphasize the importance of compliance with the law such as the requirement to adhere to copyright laws. Governing Board policies also establish MCCCDC's own standards, such as the directive that all persons within the MCCCDC community be treated in a manner that is humane, fair and dignified.

This administrative regulations established standards for the use of MCCCDC technology resources. They should be seen as supplementing, and not in lieu of, Governing Board policy, applicable law and other applicable administrative regulations such as Administrative Regulation 4.3 "Electronic Communications."

### **General Responsibilities**

Technology resources (including, but not limited to, desktop and laptop systems, printers, central computing facilities, MCCCDC-wide or college-wide networks, local-area networks, telephones, facsimile machines, scanners, access to the Internet, electronic mail and similar electronic devices and information) of the MCCCDC are available to MCCCDC Governing Board members, employees, students and, in a limited number of cases, MCCCDC contractors and the public. Use of all those resources is subject to the standards set forth in this regulation (Standards).

The first screen that each MCCCDC computer exhibits on starting up advises users of these Standards and requires an acknowledgment before the user may proceed to the next screen. Additionally, all MCCCDC employees are responsible for annually acknowledging receipt of the Blue Book, which contains this regulation. So all users of MCCCDC technology resources are presumed to have read and understood the Standards. While the Standards govern use of technology resources MCCCDC-wide, an individual community college or center may establish guidelines for technology resource usage that supplement, but do not replace or waive, these Standards.

### **Use of Non-MCCCDC Technology**

Under Arizona's public records law, MCCCDC is required to transact business so that its records are accessible and retrievable. The policy underlying the law is that work done in the name of the public be transparent. Thus, any member of the public may request public records and, except in a few specific instances, are entitled to get copies of them.

Each individual employee or Governing Board member is responsible for ensuring that MCCCDC records that he or she initiates or receives are retained for the period of time required by and disposed of according to mandates established by Arizona State Library, Archives and Public Records—the state agency tasked with setting standards for record retention. Therefore, an employee's or Governing Board member's use of non-MCCCDC technology resources for communication of any type of MCCCDC business is heavily discouraged because those records are less capable of being managed according to MCCCDC's process for ensuring retention, retrieval and disclosure set forth in Administrative Regulation 4.15 "Retrieval, Disclosure and Retention of Records."

Additionally, an MCCCDC employee who receives a communication allegedly from another MCCCDC employee using a non-MCCCDC e-mail address is not required to respond substantively to that e-mail. The employee receiving the e-mail is entitled to verify that the sender is whom he or she says that he or she is. The employee receiving the e-mail may request that the sender provide the information or inquiry set forth in the e-mail via hard-copy form.

### **Acceptable Use**

Use of MCCCDC's technology resources, including websites created by MCCCDC employees and students, is limited to educational, research, service, operational and management purposes of the MCCCDC and its member institutions. Likewise, data, voice, images and links to external sites posted on or transmitted via MCCCDC's technology resources are limited to the same purposes.

Frequently, access to MCCC'D's technology resources can be obtained only through use of a password known exclusively to the MCCC'D employees, Governing Board members or students. It is those users' responsibility to keep a password confidential. While MCCC'D takes reasonable measures to ensure network security, it cannot be held accountable for unauthorized access to its technology resources by other persons, both within and outside the MCCC'D community. Moreover, it cannot guarantee employees, Governing Board members and students protection against reasonable failures. Finally, under certain limited circumstances defined in Administrative Regulation 4.15 "Retrieval, Disclosure and Retention of Records," certain MCCC'D employees are authorized to access information on an MCCC'D technology device.

It is not Maricopa's practice to monitor the content of electronic mail transmissions, files, images, links or other data stored on or transmitted through Maricopa's technology resources. The maintenance, operation and security of Maricopa's technology resources, however, require that network administrators and other authorized personnel have access to those resources and, on occasion, review the content of data and communications stored on or transmitted through those resources. Any other review may be performed exclusively by persons expressly authorized for such purpose and only for cause. To the extent possible in the electronic environment and in a public setting, a user's privacy will be honored. Nevertheless, that privacy is subject to Arizona's public records laws and other applicable state and federal laws, as well as policies of Maricopa's Governing Board all of which may supersede a user's interests in maintaining privacy in information contained in Maricopa's technology resources.

### **Incidental Computer and Technology Usage**

Limited incidental personal use of MCCC'D technology resources including through use of personal e-mail systems is permitted, except as described in item 16 under "Prohibited Conduct." MCCC'D employees are responsible for exercising good judgment about personal use in accordance with this regulation, Colleges' consistent local guidelines and MCCC'D ethical standards. Personal use refers to activities which only affect the individual and that are not related to an employee's outside business. MCCC'D employees are required to conduct themselves in a manner which will not raise concern that they are or might be engaged in acts in violations of the public trust. Refer to the Guidelines for Incidental Computer Usage for the Maricopa Community Colleges ([Appendix AS-8](#)) and Guidelines for Incidental Telephone Usage for the Maricopa Community Colleges ([Appendix AS-9](#)).

### **Prohibited Conduct**

The following is prohibited conduct in the use of MCCC'D's technology resources

1. Posting to the network, downloading or transporting any material that would constitute a violation of MCCC'D contracts.
2. Unauthorized attempts to monitor another user's password protected data or electronic communication, or delete another user's password protected data, electronic communications or software, without that person's permission.
3. Installing or running on any system a program that is intended to or is likely to result in eventual damage to a file or computer system.
4. Performing acts that would unfairly monopolize technology resources to the exclusion of other users, including (but not limited to) unauthorized installation of server system software.
5. Hosting an unauthorized website that violates the .EDU domain request.
6. Use of technology resources for non-MCCC'D commercial purposes, including to advertise personal services, whether or not for financial gain.
7. Use of software, graphics, photographs, or any other tangible form of expression that would violate or infringe any copyright or similar legally-recognized protection of intellectual property rights.
8. Activities that would constitute a violation of any policy of MCCC'D's Governing Board, including, but not limited to, MCCC'D's non-discrimination policy and its policy against sexual harassment.
9. Transmitting, storing, or receiving data, or otherwise using technology resources in a manner that would constitute a violation of state or federal law, or MCCC'D policy or administrative regulation including, but not limited to, obscenity, defamation, threats, harassment, and theft.
10. Attempting to gain unauthorized access to a remote network or remote computer system.
11. Exploiting any technology resources by attempting to prevent or circumvent access, or using unauthorized data protection schemes.

12. Performing any act that would disrupt normal operations of computers, workstations, terminals, peripherals, or networks.
13. Using technology resources in such a way as to wrongfully hide the identity of the user or pose as another person.
14. Allowing any unauthorized access to MCCCDC's technology and non-technology resources.
15. Making personal long distance or other toll calls, except where the charges for the calls are incurred directly by the caller or arrangements are otherwise made at the time of the call to directly bill the caller.
16. Intermittent use of technology resources that interferes with the performance of an employee's main responsibilities.
17. Use of technology resources to market or conduct other activities on behalf of a third-party regarding the "hosting" of an event that is prohibited under MCCCDC's Use of College Facilities administrative regulation.
18. Conducting District or college-related business using any electronic mail account other than one hosted or provided by MCCCDC, and approved by the Vice Chancellor of Information Technology Services, even when the e-mail account copies all outgoing and incoming messages to the MCCCDC hosted account.
19. Deleting or altering a technology public record in violation of public records retention requirements, or in anticipation of receiving or after receipt of a public records request, subpoena or a complaint filed as part of an MCCCDC grievance, investigation or review, or other lawful request for the record.
20. Deleting or altering a technology record on an MCCCDC device in anticipation or after receipt of a public records request, subpoena or a complaint filed as part of an MCCCDC grievance, investigation or review, or other lawful request for the records where the record may demonstrate a misuse of technology resources under this regulation.

#### **Review and Approval of Alternate E-Mail Account Systems**

The prior review and approval by the Vice Chancellor of Information Technology is required for the implementation of alternate College electronic mail account systems. Requests will be evaluated based upon the following considerations:

1. The system must be compatible and interoperable with the MCCCDC e-mail system. All information within the e-mail system must meet the standards and authorize District Office access as specified in Administrative Regulation 4.15, "Retrieval, Disclosure and Retention of Records."
2. Any proposed changes to an MCCCDC's entity's e-mail system with e-discovery implications must be approved in advance during the planning stages as specified in Administrative Regulation 4.15, "Retrieval, Disclosure and Retention of Records."

#### **Disclaimer**

The home page of an MCCCDC web site must display, or link to, the following disclaimer in a conspicuous manner:

*All information published online by MCCCDC is subject to change without notice. MCCCDC is not responsible for errors or damages of any kind resulting from access to its internet resources or use of the information contained therein. Every effort has been made to ensure the accuracy of information presented as factual; however errors may exist. Users are directed to countercheck facts when considering their use in other applications. MCCCDC is not responsible for the content or functionality of any technology resource not owned by the institution.*

*The statements, comments, or opinions expressed by users through use of Maricopa's technology resources are those of their respective authors, who are solely responsible for them, and do not necessarily represent the views of the Maricopa County Community College District.*

#### **Information Accuracy and Marketing Standards**

In order to help ensure that the most accurate information sources are reflected on web pages, information should be cited, sourced or linked from the website of the official District or college custodian responsible for the particular subject. In addition, the design of web pages shall reflect established marketing standards with respect to the imaging and using of MCCCDC marks as outlined in the marketing standards handbook and Use of Marks administrative regulation.

#### **Complaints and Violations**

Complaints or allegations of a violation of these standards will be processed through Maricopa's articulated grievance procedures or resolution of controversy.

Upon determination of a violation of these standards, MCCCCD may unilaterally delete any violative content and terminate the user's access to MCCCCD's technology resources. It is the user's responsibility to demonstrate and/or establish the relevance of content in the event that a content complaint is made official. Users retain the right to appeal actions through MCCCCD's grievance procedures or resolution of controversy.

## 2.6 Hazing Prevention Regulation

The Maricopa County Community College District (MCCCCD) strives to exceed the changing expectations of our many communities for effective, innovative, student-centered, flexible and lifelong educational opportunities. Our employees are committed to respecting diversity, continuous quality improvement and the efficient use of resources. We are a learning organization guided by our shared values of: education, students, employees, excellence, diversity, honesty and integrity, freedom, fairness, responsibility and public trust.

Central to the vitality and dignity of our community of learners is an environment that produces broadly educated responsible citizens, who are prepared to serve and lead in a free society. Academic instruction, co-curricular activities and community involvement come together to meet this goal. All members of the MCCCCD community, through the best of their abilities, must be provided the opportunity to contribute in a safe, orderly, civil and positive learning environment. One factor that inhibits the achievement of the above stated purpose is the practice of hazing.

1. Hazing by any student, employee or other person affiliated with MCCCCD is prohibited.
2. "Hazing" is defined as any intentional, knowing or reckless act committed by a student or other person in any MCCCCD college or affiliated educational setting, whether individually or in concert with other persons, against another student, and in which both of the following apply:
  - A. The act was committed in connection with an initiation into, an affiliation with or the maintenance of membership in any club/organization that is affiliated with MCCCCD; and
  - B. The act contributes to a substantial risk of potential physical injury, mental harm or personal degradation, or causes physical injury, mental harm or personal degradation.
3. Any solicitation to engage in hazing is prohibited.
4. Aiding and abetting another person who is engaged in hazing is prohibited.
5. Victim consent is not a defense for violation of the Maricopa Community Colleges Hazing Prevention Regulation.
6. All students, faculty and staff must take reasonable measures within the scope of their individual authority to prevent violations of the MCCCCD Hazing Prevention Regulation.
7. Hazing activities and situations include, but are not limited to, the following:
  - A. Pre-pledging, illegal pledging or underground activities.
  - B. Acts of mental and physical abuse, including, but not limited to: paddling, slapping, kicking, pushing, yelling, biting, duck-walking, line-ups, tuck-ins, belittling, excessive exercise, beating or physical abuse of any kind, and the potentially forced consumption of any food or beverage that contributes to or causes physical injury, mental harm or personal degradation.
  - C. Sleep deprivation (activities that deprive prospective and/or current students and/or members of the opportunity of a minimum of six hours sufficient sleep each day).
  - D. Encouraging or forcing use of alcohol or drugs.
  - E. Any type of student club/organization scavenger hunt, quest, road trip or other activity that would physically or psychologically endanger prospective and/or current students and/or members or others.
  - F. Stroking or physically touching in an indecent or inappropriate manner. See Sexual Harassment Policy 5.1.8
  - G. Student club/organization activities that subject prospective and/or current students and/or members or others to public nuisance or spectacle.
  - H. Aiding or abetting theft, fraud, embezzlement of funds, destruction of public, personal or private property, or academic misconduct.
  - I. Being required to wear odd or look-alike apparel that contributes to or causes physical injury, mental harm or personal degradation.
  - J. Personal services that contribute to or cause physical injury, mental harm or personal degradation.

8. Alleged violations of this regulation by students or student organizations can be reported to the vice president of student affairs' office for investigation by any member of the college community. The vice president of student affairs' office will investigate the complaint in accordance with the student disciplinary code, all other college and MCCCDC policies, and local and state laws.

Alleged violations of the MCCCDC hazing prevention regulation or interference with an investigation under this regulation by students or student organizations are subject to sanctions under the student disciplinary code.

The student disciplinary code shall govern all proceedings involving such a complaint. Decisions arrived at as outcomes of the proceedings shall be final, pending the normal appeal process.

9. Alleged violations of the MCCCDC hazing prevention regulation by any faculty or staff member can be reported to the vice president of student affairs' office for investigation by any member of the college community. The vice president of student affairs' office will investigate the complaint in accordance with college and MCCCDC policies, and local and state laws.

Any MCCCDC faculty or staff member who knowingly permitted, authorized or condoned the alleged hazing activity is subject to disciplinary action in accordance with college and MCCCDC policies, and local and state laws.

10. If the vice president of student affairs' office receives a report or complaint of an alleged hazing activity involving physical injury, threats of physical injury, intimidation, harassment or property damage, or any other conduct that appears to violate Arizona state law, the college will report such conduct to the appropriate college safety office. The said college safety office will investigate, respond to and report on the alleged hazing activity in accordance with all college, district, local, state and federal guidelines, policies and laws.
11. Should the proceedings outlined above substantiate an occurrence of hazing activity-where students or student organizations knowingly permitted, authorized or condoned the hazing activity-the college can recommend the following sanctions against student clubs/organizations:
  - A. CENSURE: Censure can include the required completion of a program designed with the intent of eliminating the hazing activity. The programs will be devised with the cooperation of all involved parties and monitored by the vice president of student affairs' office.
  - B. PROBATION: The student club(s)/organization(s) will be placed on probation for a specified period of time. Conditions of probation will be determined by the vice president of student affairs' office and outlined in writing to the student club(s)/organization(s). The probationary term will be monitored by the vice president of student affairs.
  - C. SUSPENSION: The student club(s)/organization(s) will be suspended. The terms of the suspension can be defined in the sanction, including criteria the student club(s)/organization(s) must meet within a specified time to be considered for admission or renewal of college recognition status.
  - D. REVOCATION: The student club(s)/organization(s) will have its status revoked, with the loss of all college associations, recognitions and privileges. The national or international office of an organization, if so affiliated, will be requested to revoke the charter of an organization.
12. The MCCCDC hazing prevention regulation is not intended to prohibit or sanction the following conduct:
  - A. Customary athletic events, contests or competitions that are sponsored by the college or MCCCDC.
  - B. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate co-curricular experience or a legitimate military training program.
13. For the purposes of the MCCCDC hazing prevention regulation:

"Organization" is defined as an athletic team, association, order, society, corps, cooperative, club or other similar group that is affiliated with MCCCDC, whose membership consists primarily of students enrolled at MCCCDC and that may also be classroom-related or co-curricular in nature.

#### **2.4.7 Abuse-Free Environment**

See also the Auxiliary Services section for Tobacco-Free Environment and the Appendices/Student Section Medical Marijuana Act of the Administrative Regulations.

#### **1. Substance Abuse/Misuse Statement**

Drug abuse and misuse has become a national issue and is receiving national attention, particularly in the academic community. The insidious effects of the abuse of these agents are also felt by all walks of life and economic levels. Therefore, as an education providing institution, we are responsible to provide knowledge and guidelines about prevention, control, and treatment of the abuse/misuse of alcohol, illegal and legal drug uses and misuses. Annual Acknowledgements for students and employees are provided through the online messaging accounts.

Students who experiment with drugs, alcohol, and illegal substances or use them recreationally may develop a pattern of use that leads to abuse and addiction. Maricopa Community Colleges recognized drug and alcohol abuse as an illness and a major health problem as well as a potential safety and security issue.

Part of the educational mission of the Maricopa Community Colleges is to educate students about positive self-development, the benefits of a healthy lifestyle and the health risks associated with substance abuse. This mission closely aligns with the Drug-Free School and Communities Act of 1989, and other relevant substance abuse laws.

## **2. Student Program to Prevent Illicit Use of Drugs and Abuse of Alcohol**

The Maricopa Community College District fully supports disciplinary action for misconduct and the enforcement of state laws governing the use of alcohol and the use, abuse, possession or distribution of controlled substances or illegal drugs.

### **A. Introduction and Purpose**

The Federal Drug-Free Schools and Communities Act of 1989 (Public Law 101-226) requires federal contractors and grantees to certify that they will provide a drug-free school. As a recipient of federal grants, the District must adopt a program toward accomplishing this goal. While federal legislation has been the impetus for creation of the program, the administration and Governing Board recognize that substance abuse is a problem of national proportions that also affect students at the Maricopa Community Colleges.

The Maricopa Community Colleges are committed to maintaining learning environments that enhance the full benefits of a student's educational experience. The Maricopa County Community College District will make every effort to provide students with optimal conditions for learning that are free of the problems associated with the unauthorized use and abuse of alcohol and drugs.

### **B. Standards of Conduct**

In the student handbooks of the Maricopa Community Colleges under codes of conduct, the following are examples of behavior that is prohibited by law and/or college rules and policies:

- i. Drinking or possession of alcoholic beverages on the college campus.
- ii. Misuse of narcotics or drugs.

### **C. Sanctions for Violation of Standards of Conduct**

Disciplinary actions include, but are not limited to:

- i. Warning,
- ii. Loss of privileges,
- iii. Suspension, or
- iv. Expulsion.

### **D. Legal Sanctions**

Local, state, and federal law prohibit the unlawful possession, use or distribution of illicit drugs and alcohol. Conviction for violating these laws can lead to imprisonment, fines, probation, and/or assigned community service. Persons convicted of a drug-and/or alcohol related offense will be ineligible to receive federally funded or subsidized grants, loans, scholarships, or employment.

Any employee is subject to disciplinary action, up to and including employment termination, for any of the following: reporting to work under the influence of alcohol and/or illegal drugs or narcotics; the use, sale, dispensing, or possession of alcohol and/or illegal drugs or narcotics on MCCCCD premises, while conducting

MCCCD business, or at any time which would interfere with the effective conduct of the employee's work for the MCCCD; and use of illegal drugs.

### 3. MCCCD Program Standards

The Maricopa Community College District is committed to establishing a preventative substance abuse program at each college designed to affect positively the problems of irresponsible use of alcohol and the use and abuse of illegal substances. A main focus of the program will be on education of the campus community and assistance to individuals.

- A. Identify a key individual, at each college, to provide emergency services and/or to contact and work with outside agencies that provide drug and alcohol counseling, treatment or rehabilitation programs that may be available to students and employees.
- B. Support disciplinary action for misconduct and the enforcement of state laws governing the use of alcohol and the use, abuse, possession or distribution of controlled substances or illegal drugs.
- C. Establish a preventative substance abuse program at each college designed to affect positively the problems of irresponsible use of alcohol and the use and abuse of illegal substances.

### 4. Alcoholic Beverages—Usage Regulation (AR 4.13)

This Administrative Regulation prohibits the use of District funds to purchase alcoholic beverages or services related to them except in small amounts to be used in cooking for the District's culinary programs. Additionally, it generally prohibits the presence of alcoholic beverages on premises owned by the District, or those leased or rented by the institution. It permits a few, narrow exceptions to that latter prohibition. The exceptions are not available to the general population of District employees or officials. More importantly, they are established to ensure that the District's actions stay within the boundaries of state law and the District's insurance coverage. Therefore, strict compliance with this regulation is essential.

- A. **No Funds.** No funds under the jurisdiction of the governing board of the District may be used to purchase alcoholic beverages, except for the limited purposes of purchasing small amounts of them for use solely as ingredients in food preparation for classes and at the District's culinary institutes. Alcoholic beverages may not be stored on premises owned, leased, or rented by MCCCD except as provided in Paragraph H.
- B. **No Service or Sale of Alcoholic Beverages.** The law of the state of Arizona strictly regulates the service, sale, distribution and consumption of alcoholic beverages. In light of that law, the District does not permit alcoholic beverages to be served, sold or distributed on or in the premises owned by the District or leased or rented by the Maricopa Community Colleges for District-approved educational, fund-raising or other community purposes, except as provided in Paragraphs C and G.
- C. **Service at District Events on District-owned Property.** The Chancellor has the sole authority to approve the service, but not the sale or other distribution, of wine or beer at District events on district-owned property that the Chancellor either sponsors or approves. The only District employees authorized to request the Chancellor's approval are the College Presidents and the Vice Chancellors. Additionally, the law strictly limits the service of wine or beer by the District on District-owned property, and those restrictions are specified in Paragraph E. Unless approved by the Chancellor in compliance with the law and this regulation, alcoholic beverages may not be served on District-owned property.
- D. **Event Form Required.** A College President or Vice Chancellor who wishes to obtain the Chancellor's approval for the service of wine or beer at a District-sponsored event on District-owned property shall forward a completed written request to the Chancellor no later than 30 days before the event. The request form is available at: [AS-6 Notice of Intent to Serve Beer and Wine Form](#). On signing the form, the Chancellor will provide a copy of it to the requestor and to the MCCCD Risk Manager. For events that the Chancellor sponsors, he or she will complete the form, sign it and provide it to the MCCCD Risk Manager no later than 10 business days before the event.
- E. **Service restrictions required by law.** An event approved under Paragraph D must, by law, comply with the all of the following restrictions:
  - i. The only alcoholic beverages that may be served and consumed are wine and beer. Wine consumption is limited to 6 oz. per person, and beer consumption is limited to 24 oz;
  - ii. The gathering must be by invitation only, and not open to the public;



- iii. The gathering may not exceed 300;
- iv. Invitees may not be charged any fee for either the event or the beer or wine; and
- v. The consumption may only take place between noon and 10:00 p.m.

Additionally, beer and wine may only be served by a beverage service contractor whose liquor license with the state of Arizona is in good standing, except as provided in Paragraph F. The contractor must provide all of the beverages served and well as the servers or bartender. Before the event, the contractor must provide a certificate of insurance that meets the requirements of the District's Risk Manager and that adds the District as an additional insured. The contractor must also agree in writing to indemnify the District regarding the service of the beverages.

- F. **Culinary Institutes.** The Chancellor may sponsor or approve an event at one of the District's culinary institutes. Students may serve wine and beer at the event as part of their class requirements, subject to the limitations of Paragraph E. Any student serving those beverages must, by law, be 19 years or older.
- G. **Third-Party Event.** The Maricopa County Community College District Foundation and the Friends of Public Radio Arizona may, with the approval of the Chancellor, sponsor an event on District-owned property under this regulation. The City of Phoenix and the Friends of the Phoenix Public Library may also do so, with the approval of the Chancellor, at the joint library on the campus of South Mountain Community College. These third-party, non-district entities are solely responsible for determining the steps that they are required to take to comply with Arizona's alcoholic beverages laws. Additionally, they must comply with the following steps:
  - i. The entity obtains a liquor license, if required by law, from the Arizona Department of Liquor Licenses and control for each event and fully complies with the laws, rules and other requirements applicable to that license;
  - ii. The entity completes the form available at [AS-7 Request to Serve Beer and Wine — Third Party Form](#) . And provides it to the Chancellor for approval along with a copy of the liquor license no later than 30 days before the event, unless the Chancellor approves a shorter period of time in a particular case;
  - iii. The entity provides or currently has on file with the District a certificate of insurance demonstrating that it has liquor liability coverage and that adds the District as an additional insured;
  - iv. The entity agrees in writing to indemnify the District from any claims of any kind arising out of the event;
  - v. Beer and wine are the only alcoholic beverages served and only served through a beverage service contractor whose liquor license with the state of Arizona is in good standing;
  - vi. The contractor provides all of the beverages served and well as the servers or bartenders;
  - vii. Before the event, the contractor provides a certificate of insurance that meets the requirements of the District's Risk Manager and that adds the District as an additional insured; and
  - viii. The contractor agrees in writing to indemnify the District regarding the service of the beverages.
- H. **Receipt of beverages; storage.** It is not permissible to store wine or beer on premises owned, leased or rented by MCCCCD, except as provided in this paragraph. Alcoholic beverages purchased for use in cooking in District culinary courses must be stored in such a way that it is inaccessible to anyone except the Director or designee of the culinary program. For wine and beer to be used for receptions at the district's culinary institutes, as authorized by this administrative regulation, the following storage requirements apply:
  - i. Wine and beer to be served may only be brought to MCCCCD property no sooner than four hours prior to the event, and remain there no longer than four hours after the event; and
  - ii. Once the wine and beer arrives on MCCCCD property, the Director the culinary program shall assign an MCCCCD employee to ensure that it is not stolen or that it is not opened until ready to be served.
- I. **Compliance with law.** In compliance with applicable law, any persons planning an event under this administrative regulation are required to familiarize themselves with the pertinent laws and other requirements established by the state of Arizona for the service of alcoholic beverages, particularly those in Arizona Revised Statutes Title 4 (Alcoholic Beverages) Chapters 1 (General Provisions), 2 (Regulations and Prohibitions) and 3 (Civil Liability of Licensees and Other Persons) as well as Arizona Administrative Code Title 19, Articles 1 (State Liquor Board) and 3 (Unlicensed Premises Definitions and Licensing Time-Frames).
- J. **Residential Housing.** Lawful occupants of residential housing under the jurisdiction of the Governing Board, if over the age of 21 years and not otherwise lawfully barred from such practice, may possess and consume alcoholic beverages in the privacy of their respective leased housing facility. Guests of such occupants over the

age of 21 years shall have the same privilege. No alcohol is permitted in public areas (nor common areas of a dormitory) at any time.

- K. **Personal Responsibility.** The personal or individual purchase of alcoholic beverages by individuals attending District-approved functions held in places serving alcoholic beverages is a personal and individual responsibility. Administrative discretion shall be exercised in the approval of the location of such activities, as such decision pertains to the nature of the group involved.
- L. **Miscellaneous Usage Issues.** Any issues that are not specifically addressed within this regulation require the review and determination by the Chancellor or Executive Vice Chancellor and Provost on matters related to culinary programs, academic or student affairs.

## 5. Other Health Concerns

### General Guidelines Concerning AIDS

Neither a diagnosis of AIDS nor a positive HIV antibody test will be part of the initial admission decision for those applying to attend any of the Maricopa Community Colleges. The Maricopa Community Colleges will not require screening of students for antibody to HIV.

Students with AIDS or a positive HIV antibody test will not be restricted from access to student unions, theaters, cafeterias, snack bars, gymnasiums, swimming pools, recreational facilities, restrooms, or other common areas, as there is not current medical justification for doing so.

Where academically and logistically feasible, students who have medical conditions, including AIDS, may seek accommodation in order to remain enrolled. Medical documentation will be needed to support requests for accommodation through the Office of Disabled Resources and Services or the Office of Vice President of Student Affairs.

The Maricopa Community Colleges acknowledge the importance of privacy considerations with regard to persons with AIDS. The number of people who are aware of the existence and/or identity of students who have AIDS or a positive HIV antibody test should be kept to a minimum. When a student confides in an faculty member, knowledge of the condition should be transmitted to the appropriate vice president or designee who will make the determination if the information should be further disseminated. It should be remembered that mere exposure to the person in a classroom does not constitute a need to know the diagnosis. It is, therefore, unnecessary to document in a student's file the fact that he or she has AIDS unless the information is to be used for accommodation reasons. Sharing confidential information without consent may create legal liability.

Students are encouraged to contact the Office of Disabled Resources and Services and/or the vice president of student affairs or designee for the types of services available in the district or community on matters regarding AIDS or the HIV virus.

## 4.12 Smoke-Free/Tobacco-Free Environment

The Maricopa County Community College District is dedicated to providing a healthy, comfortable, and educationally productive environment for students, employees, and visitors. In order to promote a healthy learning and work environment, the Chancellor has directed that the Maricopa County Community College District serve as a total smoke free and tobacco free environment, effective July 1, 2012. Smoking (including the use of "e-cigs") and all uses of tobacco shall be prohibited from all District owned and leased property and facilities, including but not limited to parking lots, rooftops, courtyards, plazas, entrance and exit ways, vehicles, sidewalks, common areas, grounds, athletic facilities, and libraries.

Support signage prohibiting the use of smoking instruments and tobacco shall be placed throughout all college and District locations.

Continued violations by an employee or student shall be handled through the respective conduct procedures established for employees and students.

## Appendix S-16: Statement on the Arizona Medical Marijuana Act (Proposition 203)

In 2010, Arizona voters approved the Arizona Medical Marijuana Act (Propositions 203), a state law permitting individuals to possess and use limited quantities of marijuana for medical purposes. Because of its obligations under federal law, however, the Maricopa Community Colleges will continue to prohibit marijuana possession and use on campus for any purpose.

Under the Drug Free Workplace Act of 1988, and the Drug Free Schools and Communities Act of 1989, "...no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, unless it has adopted and has implemented a program to prevent the use of illicit drugs and abuse of alcohol by students and employees." Another federal law, the Controlled Substances Act, prohibits the possession, use, production, and distribution of marijuana for any and all uses, including medicinal use. This law is not affected by the passage of the Arizona Medical Marijuana Act. Because Maricopa Community Colleges could lose its eligibility for federal funds if it fails to prohibit marijuana, it is exempt from the requirements of the Arizona Medical Marijuana Act. Therefore, Maricopa Community Colleges will continue to enforce its current policies prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on its property or as part of any of its activities.

Employees and students who violate Maricopa Community Colleges policy prohibiting the use or possession of illegal drugs on campus will continue to be subject to disciplinary action, up to and including expulsion from school and termination of employment.

## 2.8 Students with Disabilities

### 2.8.1 Eligibility for Accommodations & Required Disability Documentation

#### Purpose

To specify the disability documentation requirements that will qualify (i.e., support current and essential needs) Maricopa County Community College District students for reasonable and appropriate academic adjustments through each college's Disability Resources and Services (DRS) office or designated professional.

#### General Eligibility Requirements

DRS applicants must be admitted or enrolled as an MCCCCD student, and must provide the Disability Resources and Services (DRS) office with qualifying disability documentation, verifying the nature and extent of the disability prior to requesting or receiving any academic adjustment.

#### Who Is Eligible for Services?

To be eligible for DRS support services, a student must have a disability as it defined by federal law (section 504 of the 1973 Rehabilitation Act, the Americans with Disabilities Act OF 1990 (ADA), and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA)).

#### Definitions

- Disability: A disability is any physical or mental condition which causes substantial limitation to the ability to perform one or more major life activities.
- Academic adjustment: An academic adjustment is a modification of a non-essential academic requirement, an examination, or an institutional rule that is necessary to avoid discriminating on the basis of handicap against qualified students with disabilities. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

*\*\*Documentation can be transferred within MCCCCD for current consideration for eligibility.*

*\*\*Determination made by another institution or organization does **not** guarantee eligibility.*

## Special Considerations

Any employee who receives a request for academic adjustment must refer the student to the DRS Office. The DRS Office alone is responsible for evaluating documentation and determining eligibility and academic adjustments. All situations shall be considered on an individual, case-by-case basis, and all requests for academic adjustments from qualified students with a disability shall be considered by DRS. DRS may exercise its right to require additional documentation.

Academic adjustments are determined by the DRS Office through an interactive exchange with the eligible student. The DRS Office will give priority to the request of the student, but will also consider the instructor's perspective when it is offered. The interactive exchange may continue during the course of the year, and the DRS may make reasonable alterations in approved academic adjustments based on input from the student and the faculty member. Academic adjustment determined by the DRS Office are required except when the institution subsequently determines that an adjustment would alter an academic requirements that is essential to the instruction being pursued by the student, or to a directly related licensing requirement. MCCCDC is not required to provide "best" or "most desired" accommodations but rather a reasonable accommodation sufficient to meet accessibility needs.

In the event the instructor believes the modification determined by DRS would alter an academic requirement that is essential to the instruction being pursued by the student, or to a directly related licensing requirement, the instructor will first meet with the director of the DRS office within three working days of receipt of the determination and attempt to resolve the issue informally. If the faculty member's concern remains unresolved, within three days of the above meeting he or she may submit a written request to the college's chief academic officer (or a comparably qualified administrator designated by the college president) for his or her academic judgment on the question.

Any change in the DRS Office's initial recommendation resulting from the above meeting or the Chief Academic Officer's decision will be communicated to the student by the DRS Office. The interactive exchange with the student will continue in an effort to achieve a mutually satisfactory outcome.

If a student is not satisfied with the academic adjustment provided, he or she may file a complaint under the Discrimination Complaint Procedures for Students. In such cases, the Vice President for Student Affairs will assign an investigator whose qualifications and experience include curriculum development and educational accommodations for students with disabilities.

In all cases in which academic adjustments are in controversy, whether as a student discrimination complaint or a faculty member's appeal to the Chief Academic Officer, the ultimate decision will be informed by consultation with the duly appointed faculty representatives who serve in the development of the curriculum for the institution and the program. The committee will study the requested academic adjustment and alternatives, their feasibility, cost and effect on the academic program, and come to a rationally justifiable conclusion as to whether the available alternatives would result either in lowering academic standards or requiring substantial program alteration. This conclusion will be submitted in writing to the Chief Academic Officer, who will consult with the Vice Chancellor and the Office of General Counsel before making the final determination.

Nothing in this policy prohibits a faculty member from making minor, commonsense alterations in the manner in which a course is presented. A student who asks the instructor to change the color of chalk used because he is colorblind may be so accommodated without registering with DSO. However, the faculty member must report making such accommodations to DSO.

### **Documentation Guidelines**

Students requesting accommodations must provide documentation of their disability. Documentation consists of an evaluation prepared by a trained and qualified professional that identifies:

- ◊ current level of functioning
- ◊ current documentation
- ◊ all standardized testing must use adult-normed instruments
- ◊ age of the documentation may vary for some disabilities, provided the presence of a substantial limitation(s) is adequately established

- ◊ how the disability impacts the student's learning
- ◊ contain information supportive of the student's request for specific academic support, auxiliary aids, and accommodations

## **Specific Eligibility Requirements**

### **1. Physical Disabilities**

#### **A. Required Documentation**

The student must submit a written, current diagnostic report of any physical disabilities that are based on appropriate diagnostic evaluations administered by trained and qualified (i.e., certified and/or licensed) professionals (e.g., medical doctors, ophthalmologists, neuropsychologists, audiologists). Disability diagnosis categories include:

- i. Orthopedic Disability
- ii. Blind or Visual Impairment
- iii. Deaf or Hard-of-Hearing
- iv. Traumatic Brain Injury
- v. Other Health-Related/Systemic Disabilities

#### **B. Diagnostic Report**

The diagnostic report must include the following information:

- i. A clear disability diagnosis, history, and the date of diagnosis.
- ii. A description of any medical and/or behavioral symptoms associated with the disability.
- iii. Medications, dosage, frequency, and any adverse side effects attributable to use.
- iv. A clear statement specifying functional limitations.
- v. A recommendation for accommodation(s).

### **2. Specific Learning Disabilities**

#### **A. Required Documentation**

Submit a written diagnostic report of specific learning disabilities that is based on age appropriate, comprehensive, psycho educational evaluations using adult normed instruments.

The assessment or evaluation which leads to the diagnosis must be administered by a trained and qualified (i.e., certified and/or licensed) professional (e.g., psychologist, school psychologist, neuropsychologist, or educational diagnostician) who has had direct experience with adolescents and adults with learning disabilities.

An appropriate Psycho Educational Evaluation must include comprehensive measures in each of the following areas:

- i. Aptitude: evaluation must contain a complete intellectual assessment, with all sub-tests and standard scores reported.

Examples Of Measures (including but not limited to):

1. Wechsler Adult Intelligence Scale (WAIS-R)
2. Stanford Binet Intelligence Scale
3. Woodcock-Johnson Psycho-Educational Battery
4. Kaufman Adolescent And Adult Intelligence Test

- ii. Academic Achievement: evaluation must contain a comprehensive achievement battery with all sub-tests and standard scores reported. The test battery should include current levels of functioning in the relevant area(s).

Examples of Achievement (including but not limited to):

1. Wechsler Individual Achievement Tests (WIAT)
2. Woodcock-Johnson Psycho-Educational Battery
3. Stanford Test of Academic Skills (TASK)
4. Scholastic Abilities Test for Adults (SATA)

- iii. Information Processing: evaluation should assess specific information processing areas such as short- and long-term memory, sequential memory, auditory and visual perception/processing, processing speed, executive function, and motor ability.

Examples of Achievement (including but not limited to):

1. Wechsler Individual Achievement Tests (WIAT)
2. Woodcock-Johnson Psycho-Educational Battery
3. Stanford Test of Academic Skills (TASK)
4. Scholastic Abilities Test for Adults (SATA)

**B. Diagnostic Report**

The diagnostic report must include the following information:

- i. A diagnostic interview that addresses relevant historical information, past and current academic achievement, instructional foundation, past performance in areas of difficulty, age at initial diagnosis, and history of accommodations used in past educational settings and their effectiveness.
- ii. A list of all instruments used in the test battery.
- iii. Discussion of test behavior and specific test results.
- iv. A diagnostic summary or statement with the following information:
  1. DSM V Classification
  2. A clear and direct statement that a learning disability does or does not exist, including a rule-out of alternative explanations for the learning problems. Terms such as "appears," "suggests," or "probable" used in the diagnostic summary statement do not support a conclusive diagnosis.
  3. A clear statement specifying the substantial limitations to one or more major life activities.
  4. A psychometric summary of scores.
  5. A recommendation for accommodations, including rationale.

Diagnosis of specific learning disabilities that do not contain psycho-educational measures may not be sufficient for determining eligibility for academic accommodations. For example, school plans such as individualized education plans (IEP) or 504 plans may not be sufficient documentation. DRS reserves the right to request reassessment when questions regarding previous assessment or previous service provision arise.

**3. Attention Deficit Hyperactivity Disorder (ADHD) / Attention Deficit Disorder (ADD)**

**A. Required Documentation**

Submit a current diagnosis of attention deficit hyperactivity disorder (ADHD)/attention deficit disorder (ADD) that is based on appropriate diagnostic evaluations.

**B. Diagnostic Report**

Acceptable documentation must include:

- i. DSM V Classification
- ii. A summary or statement which includes the following information:
- iii. A clear summary or statement specifying evidence of behavior that significantly impairs functioning, including degree of severity.
- iv. A recommendation for accommodations, including rationale.

**4. Psychological/Psychiatric Disabilities**

**A. Required Documentation**

- i. Depression and/or bipolar disorder
- ii. Generalized anxiety disorders
- iii. Post traumatic stress disorder
- iv. Psychotic disorders
- v. Autism spectrum disorder.

**B. Diagnostic Report**

If the diagnostic report is not current, a letter from a qualified professional that provides an update of the diagnosis may be requested

The diagnostic report must include the following:

- i. DSM V Classification
- ii. A diagnostic summary or statement that includes the following:
  - 1. A clear summary or statement that a disability does or does not exist.
  - 2. A clear summary or statement specifying evidence of behavior that significantly impairs functioning including degree of severity.
  - 3. A discussion of medications and their possible impact on academic functioning.

## **5. Neurological Disorders**

### **A. Required Documentation**

Disorders of the central and peripheral nervous system, including but not limited to:

- i. Acquired Brain Injury/Traumatic Brain Injury
- ii. Epilepsy/Seizure Disorder
- iii. Stroke

### **B. Diagnostic Report**

Written statement of diagnosis:

- i. Current functional limitations
- ii. Information regarding current symptoms
- iii. Information regarding prescribed medication(s) and possible side effect and impact on student academic performance
- iv. Restrictions on activities imposed by the condition
- v. Where learning has been affected, a recent neuro-psychological evaluation is requested

## **6. Temporary Disabling Conditions**

### **A. Required Documentation**

- i. Temporary disabling conditions as a result of surgery, accident, or serious illness may require accommodations for a limited time. Acceptable documentation must include:
- ii. Written statement of diagnosis
- iii. List of current symptoms and degree of severity
- iv. Information regarding functional limitations and impact within an academic environment
- v. Medications and possible side effects
- vi. Duration of symptoms and estimated length of time services will be needed

**AMENDED by Direct Approval from the Chancellor, January 4, 2017**

### **2.8.2 Eligibility of Students Taking Reduced Course Loads**

Although any student may register for fewer than twelve credit hours, a student with a disability may request a reduced academic load as a reasonable and appropriate accommodation. A college Disability Resource Services (DRS) professional may certify that a student who is afforded a reduced academic load as an accommodation for a disability shall nevertheless be deemed a full-time student. Such certification shall be solely to enable the student to seek eligibility for health insurance benefits and to seek eligibility to comply with mandates of the National Junior College Athletic Association. The college DRS professional will certify that a student may be deemed a full-time student as provided under this regulation only on a semester-by-semester basis.

The appropriate college offices will receive documentation of the DRS professional's certification from the professional or the student. An incoming student may apply for such certification upon acceptance to the college. Requests for certification must be made prior to the beginning of each semester. Every attempt will be made to accommodate these requests.

The following criteria also apply:

- 1. Students taking a reduced course load must register for at least 6 credit hours (based on DRS approval) during the regular fall and spring semesters. It is recommended that students register for at least three (3) credit hours during the summer to offset the impact of academic eligibility.



2. Students taking a reduced course load must maintain satisfactory academic progress standards as defined by the College catalog.
3. The reduced credit load may result in an adjusted financial aid package. There may be additional ramifications including, but not limited to, extra time to complete college, insurance coverage, Vocational Rehabilitation funding, etc.
4. Eligibility for Federal Stafford Loans may be reduced according to the total number of credit hours taken in the full academic year. A student, taking a reduced course load, must be at least half time in a semester (6 credits) in order to receive a Stafford Loan.
5. The amount of Federal Financial Aid (Title IV) awarded is based on the actual number of credit hours taken.
6. Requirements for continuation of funding through Vocational Rehabilitation may differ. The student must contact his/her VR counselor to determine how a reduced course load will impact their funding.
7. The National Junior College Athletic Association (NJCAA) has published standards in regard to the designation of Certified Disabled Student-Athlete in Article V Section J of the NJCAA bylaws. This procedure addresses the NJCAA criteria for reduced course loads.

#### Application Process

1. Applications for reduced course loads must be submitted to the Disability & Services professional with supporting documentation. Requests must be made prior to the beginning of each semester.
2. Supporting documentation must include a diagnostic evaluation from an appropriate professional. The documentation must meet the guidelines set forth by the Maricopa Community College District's Documentation Policy in order to evaluate the current impact of the disability in regards to the request. Students are required to complete an application form for this status every semester, but do not need to re-submit their documentation. Continuation of this status is not automatic. Each case will be re-evaluated at the end of the semester to determine if this accommodation is still appropriate.
3. Students requesting a reduced course load should consult with their academic advisor regarding the consequences of this status for making progress toward graduation requirements and eligibility for various academic distinctions and designations.
4. Students registered in occupational and/or academic programs that have specific block formats will not be considered for reduced course loads.
5. Students who are approved for a reduced course load will be required to sign the Reduced Course Load Approval Form (see [Appendix S-10](#)), which includes a statement acknowledging that he or she has reviewed the consequences that go with reduced load status and accepts them.
6. When a reduced course load status is granted by the Disability Resources & Services professional, a copy of the Reduced Course Load Approval Form will be sent to the appropriate individuals.

#### 2.3.11 Academic Misconduct

##### 1. Definitions

- A. Academic Misconduct - includes any conduct associated with the classroom, laboratory, or clinical learning process that is inconsistent with the published course competencies/objectives and/or academic standards for the course, program, department, or institution. Examples of academic misconduct include, but are not limited to: (a) cheating and plagiarism (including any assistance or collusion in such activities, or requests or offers to do so); (b) excessive absences; (c) use of abusive or profane language; and (d) disruptive behavior.

- B. Cheating is any form of dishonesty in an academic exercise. It includes, but is not limited to, (a) use of any unauthorized assistance in taking quizzes, tests, examinations, or any other form of assessment whether or not the items are graded; (b) dependence upon the aid of sources beyond those authorized by the faculty member in writing papers, preparing reports, solving problems, or carrying out other assignments; (c) the acquisition, without permission, of tests or other academic material belonging to or administered by the college or a member of the college faculty or staff; and (d) fabrication of data, facts, or information.
- C. Plagiarism is a form of cheating in which a student falsely represents another person's work as his or her own – it includes, but is not limited to: (a) the use of paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment; (b) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; and (c) information gathered from the internet and not properly identified.

## **2. Academic Consequences**

Any student found by a faculty member to have committed academic misconduct may be subject to the following academic consequences, based on the faculty member's judgment of the student's academic performance

Warning - A notice in writing to the student that the student has violated the academic standards as defined in 1.A.

Grade Adjustment - Lowering of a grade on a test, assignment, or course.

Discretionary assignments - Additional academic assignments determined by the faculty member.

Course Failure - Failure of a student from a course where academic misconduct occurs.

## **3. Disciplinary Sanctions**

If the misconduct is sufficiently serious to warrant course failure, and if either (a) the failure results in a student being removed from an instructional program or (b) the student refuses to accept responsibility for the misconduct and its academic consequences, the faculty member will, in addition to awarding the course grade, consult the department chair and the vice president of academic affairs as to whether institutional sanctions set forth below should be sought under AR 2.5. Regardless whether the student has accepted responsibility for academic consequences, in all cases of academic misconduct the faculty member may make recommendations for sanctions and may file a written complaint of misconduct. The vice president of academic affairs will serve as the student conduct administrator in all academic misconduct cases, and will follow the procedure established in AR 2.5.2 to evaluate whether disciplinary sanctions are warranted. College probation, suspension, or expulsion will be imposed only by the vice president of academic affairs or designee, and only after the student has received the procedural rights provided in AR 2.5.2.

Disciplinary Probation - Disciplinary probation is for a designated period of time and includes the probability of more severe sanctions if the student commits additional acts of academic misconduct.

College Suspension - Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. (A suspension from one Maricopa Community College will apply to all other colleges/centers in the District.)

College Expulsion - Permanent separation of the student from the college. (Expulsion from one Maricopa Community College will apply to all colleges/centers in the District.)

## **4. Appeal of Sanctions for Academic Misconduct**

Students can appeal academic consequences by following the instructional grievance procedure (AR 2.3.5; [Appendix S-6](#)). Students may appeal disciplinary sanctions as provided in AR 2.5.2. If the student appeals through both processes, the instructional grievance process will be suspended until a final decision is reached in the student discipline procedure. In all cases in which financial aid has been adversely affected by academic consequences or disciplinary sanctions that are the subject of ongoing hearing or appeal proceedings, the student may appeal the financial aid determination on the grounds that a final decision has not been made. In such an event, a final decision on financial aid will not be made until after the final decision on consequences and/or sanctions.

## DISCIPLINARY STANDARDS

### 2.5.1 Disciplinary Standards

#### 1. Disciplinary Probation and Suspension

According to the laws of the State of Arizona, jurisdiction and control over the Maricopa County Community Colleges ~~DISTRICT (MCCCD)~~ are vested in the ~~MCCCD~~ Governing Board. The Governing Board and its agents-the Chancellor, administration and ~~faculty~~ ~~EMPLOYEES~~ are granted broad legal authority to regulate student life subject to basic standards of reasonableness.

In developing responsible student conduct, the ~~Maricopa Community Colleges~~ ~~MCCCD~~ prefers mediation, guidance, admonition and example. However, when these means fail to resolve problems of student conduct and responsibility, appropriate disciplinary procedures will be followed. ~~THE MCCCD RESERVES THE RIGHT TO LEVY DISCIPLINE RATHER THAN ATTEMPT MEDIATION AND GUIDANCE, BASED ON THE SEVERITY OF THE CONDUCT.~~

Misconduct for which students are subject to disciplinary action falls into the general areas of:

- A. Cheating on an examination, assessment tests, laboratory work, written work (plagiarism), falsifying, forging or altering college records
- B. Actions or verbal statements which threaten the personal safety of any faculty, staff, students, or others lawfully assembled on the campus, or any conduct which is harmful, obstructive, disruptive to, or interferes with the educational process or institutional functions
- C. Violation of Arizona statutes, and/or college regulations and policies
- D. Use of college computer resources such as the Internet in violation of [Technology Resource Standards \(AR 4.4\)](#) which may result in notification of law enforcement authorities.

#### 2. Disciplinary Removal from Class

A faculty member may remove a student from class meetings for disciplinary reasons. If an instructor removes a student for more than one (1) class ~~period~~ ~~MEETING~~, the faculty member shall notify the department/division chair and the appropriate vice president, or designee, in writing of the problem, action taken by the faculty member, and the faculty member's recommendation ~~MOVING FORWARD~~. If a resolution ~~of~~ ~~TO~~ the problem is not reached between the faculty member and the student, the student may be removed permanently pursuant to due process procedures.

AMENDED by Direct Approval from the Chancellor, August 11, 2020

### 2.5.2 Student Conduct Code

The purpose of this Code is to help ensure a healthy, comfortable and educationally productive environment for students, employees and visitors.

#### Article I: Definitions

The following are definitions of terms or phrases contained within this Code:

- 1. ~~"Accused student" means any student accused of violating this Student Conduct Code.~~
- 2. 1. "Appellate boards" means any person or persons authorized by the college president to consider an appeal from a Student Conduct Board's determination that a student has violated ~~this MCCCD's~~ Student Conduct Code or from the sanctions imposed by the Student Conduct Administrator. The college president, ~~OR DESIGNEE~~, may act as the appellate board.
- 3. 2. "College" means a Maricopa ~~COUNTY~~ Community College or ~~Center / Site~~.
- 4. 3. "College premises" means all land, buildings, facilities and other property in the possession of or owned, used or ~~SUBSTANTIALLY~~ controlled by the college or ~~District~~ ~~MCCCD~~.

- 5- 4. **"College official"** means any person employed by the college or ~~District~~ MCCCDC, performing assigned administrative or professional responsibilities pursuant to this Student Conduct Code. The college president shall designate the college or center official to be responsible for the administration of the Student Conduct Code.
- 6- 5. **"Complainant"** means any person who submits a charge alleging that a student violated this Student Conduct Code. When a student believes that ~~s/he has~~ **THEY HAVE** been a victim of another student's misconduct, the student who believes ~~s/he has~~ **THEY HAVE** been a victim will have the same rights under this Student Conduct Code as are provided to the complainant, even if another member of the college community submitted the charge itself.
- 7- 6. **"Day"** means **BUSINESS** calendar day ~~at a time~~ when college is in session, and shall exclude weekends and holidays.
- 8- 7. **"Disruptive behavior"** means conduct that materially and substantially interferes with or obstructs the teaching or learning process in the context of a classroom or educational setting / **FACILITY**.
- 9- 8. **"District"** means the Maricopa County Community College District (**MCCCDC**).
- 10- 9. **"Faculty member"** means any person hired by the college or District to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of faculty.
- 11- 10. **"May"** is used in the permissive sense.
- 12- 11. **"Member of the college community"** means any person who is a student, faculty member, college official or any other person employed by the college or center. A person's status in a particular situation shall be determined by the College President.
- 13- 12. **"Organization"** means any number of persons who have complied with the formal requirements for college recognition.
- 14- 13. **"Policy"** is defined as the written regulations of the college and/or District as found in, but not limited to, this Student Conduct Code and Governing Board policy.
- 15- 14. **"RESPONDENT" (ACCUSED) MEANS ANY STUDENT ACCUSED OF VIOLATING MCCCDC'S STUDENT CONDUCT CODE.**
15. **"Shall"** is used in the imperative sense.
16. ~~"Student" means any person taking courses at the college whether full-time or part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the college are considered "students".~~ **MEANS ANY INDIVIDUAL WHO IS REGISTERED OR ENROLLED FOR CREDIT OR NON-CREDIT BEARING COURSEWORK, FULL OR PART-TIME, CAMPS, AND OTHER DISTRICT-SPONSORED PROGRAMS OR ACTIVITIES, AND WHO MAINTAINS AN ONGOING RELATIONSHIP WITH THE MCCCDC, WHICH MEANS THE STUDENT IS ON AN APPROVED LEAVE (MEDICAL, ADMINISTRATIVE, OR OTHER DOCUMENTED LEAVE OF ABSENCE), BUT IS NOT REGISTERED OR TAKING CLASSES AT THE TIME OF THE COMPLAINT BEING FILED.**
17. **"Student Conduct Administrator"** means a college official authorized on a case-by-case basis by the college official responsible for administration of the Student Conduct Code to impose sanctions upon students found to have violated this Student Conduct Code. A Student Conduct Administrator may serve simultaneously as a Student Conduct Administrator and the sole member or one of the members of a Student Conduct Board. The college official responsible for administration of the Student Conduct Code may authorize the same Student Conduct Administrator to impose sanctions in all cases.
18. **"Student Conduct Board"** means any person or persons authorized by the college president to determine whether a student has violated this Student Conduct Code and to recommend sanctions that may be imposed when a violation has been committed. **A STUDENT CONDUCT BOARD MAY CONSTITUTE ONE PERSON, IF DESIGNATED AS SUCH.**
19. **"Threatening behavior"** means any written or oral statement, communication, conduct or gesture directed toward any member of the college community, which causes a reasonable apprehension of physical harm to self, others or property. It does not matter whether the person communicating the threat has the ability to carry it out, or whether the threat is made on a present, conditional or future basis.

## Article II: Judicial Authority

1. The college official responsible for administration of **THE** Student Conduct Code shall determine the composition of Student Conduct Board and determine which Student Conduct Administrator, Student Conduct Board, and appellate board shall be authorized to hear each case. **A STUDENT CONDUCT BOARD MAY CONSTITUTE ONE PERSON, IF DESIGNATED AS SUCH.**

2. The college official responsible for administration of the Student Conduct Code shall develop procedures for the administration of the judicial program and rules for the conduct of hearings that are consistent with provisions of this Student Conduct Code.
3. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the normal appeal process.
4. **MATTERS PERTAINING TO SEXUAL HARASSMENT/MISCONDUCT THAT DO NOT MEET THE DEFINITION OF SEXUAL HARASSMENT AS OUTLINED IN ADMINISTRATIVE REGULATION 5.1.16 OR OTHERWISE DO NOT MEET THE DEFINITION OF AN EDUCATIONAL PROGRAM OR ACTIVITY AND DO NOT OCCUR AGAINST A PERSON WITHIN THE UNITED STATES WILL BE REFERRED BY THE TITLE IX COORDINATOR TO THE COLLEGE'S RESPECTIVE STUDENT CONDUCT ADMINISTRATOR FOR INVESTIGATION AND ADJUDICATION UNDER THE STUDENT CONDUCT CODE.**

### **Article III: Prohibited Conduct**

#### **1. Jurisdiction of the College**

The Student Conduct Code shall apply to conduct that occurs on **ANY** college or District premises, or at **ANY** college- or District-sponsored activities that adversely affects the college community and/or the pursuit of its objectives.

~~Each student shall be responsible for his/her conduct from the time of admission through the actual awarding of a degree, certificate, or similar indicator of completion of a course of study, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded).~~ JURISDICTION UNDER THIS POLICY APPLIES TO STUDENTS WHO ARE REGISTERED OR ENROLLED FOR CREDIT OR NON-CREDIT BEARING COURSEWORK, FULL OR PART-TIME, CAMPS, AND OTHER DISTRICT-SPONSORED PROGRAMS OR ACTIVITIES, AND THOSE WHO MAINTAIN AN ONGOING RELATIONSHIP WITH THE MCCCDC, WHICH MEANS THE STUDENT IS ON AN APPROVED LEAVE (MEDICAL, ADMINISTRATIVE, OR OTHER DOCUMENTED LEAVE OF ABSENCE), BUT IS NOT REGISTERED OR TAKING CLASSES AT THE TIME OF THE COMPLAINT BEING FILED. The Student Conduct Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

#### **2. TITLE IX SEXUAL HARASSMENT.**

**MATTERS PERTAINING TO SEXUAL HARASSMENT/MISCONDUCT THAT DO NOT MEET THE DEFINITION OF SEXUAL HARASSMENT AS OUTLINED IN ADMINISTRATIVE REGULATION 5.1.16 OR OTHERWISE DO NOT MEET THE DEFINITION OF AN EDUCATIONAL PROGRAM OR ACTIVITY AND DO NOT OCCUR AGAINST A PERSON WITHIN THE UNITED STATES WILL BE REFERRED BY THE TITLE IX COORDINATOR TO THE COLLEGE'S RESPECTIVE STUDENT CONDUCT ADMINISTRATOR FOR INVESTIGATION AND ADJUDICATION UNDER THE STUDENT CONDUCT CODE.**

#### **2- 3. Temporary Removal of Student**

Disruptive behavior includes conduct that distracts or intimidates others in a manner that interferes with instructional activities, fails to adhere to a faculty member's appropriate classroom rules or instructions, or interferes with the normal operations of the college. Students who engage in disruptive behavior or threatening behavior may be directed by the faculty member to leave the classroom or by the college official responsible for administration of the Student Conduct Code to leave the college premises. If the student refuses to leave after being requested to do so, college ~~safety~~ **POLICE** may be summoned **TO PROVIDE ASSISTANCE**. For involuntary removal from more than one class period, the faculty member should invoke the procedures ~~prescribed OUTLINED in the Student Conduct Code~~ **2.5.1(2) ABOVE.**

#### **3. 4. Conduct - Rules and Regulations**

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

- A. Acts of dishonesty, including but not limited to the following:
  - i. **KNOWINGLY** furnishing false information to any college official or officer, **INCLUDING DURING AN OFFICIAL INVESTIGATION (I.E., TITLE IX, CONDUCT, OR CAMPUS POLICE INVESTIGATION).**
  - ii. Forgery, alteration or misuse of any college document, record or instrument of identification, **EVEN IF THERE IS NO RELIANCE ON THE FORGED OR ALTERED DOCUMENT IN THE POSTING OF GRADES OR OTHER ACADEMIC/FINANCIAL BENEFIT.**
  - iii. Tampering with the election of any college- recognized student organization.
- B. Obstruction of teaching, research, administration, disciplinary proceedings or other college activities, including its public service functions on campus, in clinical settings or other authorized non-college activities, when the

conduct occurs on college premises a faculty member may remove a student from a class meeting for disciplinary reasons. If a faculty member removes a student for more than one class period, ~~the faculty member shall notify the college official responsible for administration of the Student Conduct Code in writing of the problem, action taken by the faculty member, and the faculty member's recommendation. If a resolution of the problem is not reached, the student may be removed permanently pursuant to appropriate due process procedures.~~ THE FACULTY MEMBER SHALL FOLLOW THE PROCEDURES AS OUTLINED IN 2.5.1(2) ABOVE.

- C. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, conduct which threatens or endangers the health or safety of any person, and/or disruptive behavior ~~as defined in Article II.2. above.~~
- D. Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or other personal or public property.
- E. Failure to comply with direction of college officials or law enforcement officers in the performance of their duties and/or failure to **PROPERLY** identify oneself to these persons when requested to do so.
- F. Unauthorized possession, duplication or use of keys to any college premises, or unauthorized entry to or use of college premises.
- G. Violation of any college or District policy, rule or regulation published in hard copy **OR ONLINE**, such as a college catalog, handbook, etc. or available electronically on the college's or District's website.
- H. Violation of federal, state or local law.
- I. Use, possession, manufacturing or distribution of illegal or other controlled substances except as expressly permitted by law.
- J. Illegal use, possession, manufacturing or distribution of alcoholic beverages or public intoxication.
- K. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises, or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others, or property damage.
- L. Participation in a demonstration, riot or activity that disrupts the normal operations of the college and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any college building or area.
- M. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
- N. Conduct that is disorderly, lewd or indecent; breach of the peace; or aiding, abetting or procuring another person to breach the peace on college premises or at functions sponsored by or participated in by the college or members of the academic community. Disorderly conduct includes but is not limited to: any unauthorized use of electronic or other devices or to make an audio or video record of any person while on college or District premises without ~~his/her~~ **THEIR** prior knowledge, or without ~~his/her~~ **THEIR** effective consent or when such a recording is likely to cause injury or distress. This includes, but is not limited to, secretly taking pictures of another person in a gym, locker room, or restroom.
- O. Attempted or actual theft or other abuse of technology facilities or resources, including but not limited to:
  - i. Unauthorized entry into a file, to use, read or change the contents or for any other purpose
  - ii. Unauthorized transfer of a file
  - iii. Unauthorized use of another individual's identification and/or password
  - iv. Use of technology facilities or resources to interfere with the work of another student, faculty member or college official
  - v. Use of technology facilities or resources to send obscene or abusive messages
  - vi. Use of technology facilities or resources to interfere with normal operation of the college technology system or network
  - vii. Use of technology facilities or resources in violation of copyright laws
  - viii. Any violation of the District's technology resource standards
  - ix. Use of technology facilities or resources to illegally download files
- P. Abuse of the Student Conduct system, including but not limited to:
  - i. Falsification, distortion or misrepresentation of information before a Student Conduct Board.
  - ii. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
  - iii. Invoking a Student Conduct Code proceeding with malicious intent or under false pretenses
  - iv. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system



- v. Attempting to influence the impartiality of the member of a judicial body prior to, and/or during the course of, the Student Conduct Board proceeding
  - vi. Harassment, either verbal or physical, and/or intimidation of a member of a Student Conduct Board prior to, during and/or after a Student Conduct Board proceeding
  - vii. Failure to comply with the sanctions imposed under this Student Conduct Code
  - viii. Influence or attempting to influence another person to commit an abuse of the Student Conduct Code system
  - ix. Failure to obey the notice from a Student Conduct Board or college official to appear for a meeting or hearing as part of the Student Conduct system.
- Q. Engaging in irresponsible social **MEDIA** conduct. **ALL STUDENT CONDUCT POLICIES APPLY TO SOCIAL NETWORKING PLATFORMS.**
- R. Attempt to bribe a college or District employee.
- S. Stalking behavior, which occurs if a student intentionally or knowingly maintains visual or physical proximity toward another person on two or more occasions over a period of time and such conduct would cause a reasonable person to fear for ~~his or her~~ **THEIR** safety.
- T. **SEXUAL MISCONDUCT, INCLUDING BUT NOT LIMITED TO:**
- I. **THE USE OR DISPLAY IN THE CLASSROOM, INCLUDING ELECTRONIC, OF PORNOGRAPHIC OR SEXUALLY HARASSING MATERIALS SUCH AS POSTERS, PHOTOS, CARTOONS OR GRAFFITI WITHOUT PEDAGOGICAL JUSTIFICATION.**
  - II. **EXPLICIT SEXUAL COMMENTS BY ONE OR MORE STUDENTS ABOUT ANOTHER STUDENT, OR CIRCULATING DRAWINGS OR OTHER IMAGES DEPICTING A STUDENT IN A SEXUAL MANNER.**
  - III. **UNWELCOME SEXUAL ADVANCES, REPEATED PROPOSITIONS OR REQUESTS FOR A SEXUAL RELATIONSHIP TO AN INDIVIDUAL WHO HAS PREVIOUSLY INDICATED THAT SUCH CONDUCT IS UNWELCOME, OR SEXUAL GESTURES, NOISES, REMARKS, JOKES, QUESTIONS, OR COMMENTS BY A STUDENT ABOUT ANOTHER STUDENT'S SEXUALITY OR SEXUAL EXPERIENCE.**
  - IV. **HARASSMENT BASED ON SEX, PREGNANCY, GENDER IDENTITY, GENDER EXPRESSION, OR SEXUAL ORIENTATION THAT CREATES A HOSTILE ENVIRONMENT. A HOSTILE ENVIRONMENT EXISTS WHEN THE CONDUCT IS SUFFICIENTLY SEVERE, PERSISTENT, OR PERVASIVE THAT IT UNREASONABLY INTERFERES WITH, LIMITS, OR DEPRIVES AN INDIVIDUAL FROM PARTICIPATING IN OR BENEFITTING FROM THE DISTRICT'S EDUCATION PROGRAMS AND/OR ACTIVITIES. THE EXISTENCE OF A HOSTILE ENVIRONMENT IS TO BE JUDGED BOTH OBJECTIVELY (MEANING A REASONABLE PERSON WOULD FIND THE ENVIRONMENT HOSTILE) AND SUBJECTIVELY (MEANING THE IMPACTED INDIVIDUAL FELT THE ENVIRONMENT WAS HOSTILE).**
  - V. **SEXUAL EXPLOITATION**
    - A. **TAKING NON-CONSENSUAL OR ABUSIVE SEXUAL ADVANTAGE OF ANOTHER FOR ANYONE'S ADVANTAGE OR BENEFIT OTHER THAN THE PERSON BEING EXPLOITED. EXAMPLES OF BEHAVIOR THAT COULD RISE TO THE LEVEL OF SEXUAL EXPLOITATION INCLUDE:**
      - 1. **RECRUITING, HARBORING, TRANSPORTING, PROVIDING, OR OBTAINING ANOTHER PERSON FOR THE PURPOSE OF SEXUAL EXPLOITATION;**
      - 2. **NON-CONSENSUAL VISUAL (E.G., VIDEO, PHOTOGRAPH) OR AUDIO-RECORDING OF SEXUAL ACTIVITY;**
      - 3. **NON-CONSENSUAL DISTRIBUTION OF PHOTOS, OTHER IMAGES, OR INFORMATION OF AN INDIVIDUAL'S SEXUAL ACTIVITY, INTIMATE BODY PARTS, OR NAKEDNESS, WITH THE INTENT TO OR HAVING THE EFFECT OF EMBARRASSING AN INDIVIDUAL WHO IS THE SUBJECT OF SUCH IMAGES OR INFORMATION;**
      - 4. **GOING BEYOND THE BOUNDS OF CONSENT (SUCH AS LETTING YOUR FRIENDS HIDE IN THE CLOSET TO WATCH YOU HAVING CONSENSUAL SEX);**
      - 5. **ENGAGING IN NON-CONSENSUAL VOYEURISM;**
      - 6. **KNOWINGLY TRANSMITTING AN STI (SEXUALLY TRANSMITTED INFECTION), SUCH AS HIV, TO ANOTHER WITHOUT DISCLOSING ONE'S STI STATUS;**
      - 7. **EXPOSING ONE'S GENITALS IN NON-CONSENSUAL CIRCUMSTANCES, OR INDUCING ANOTHER TO EXPOSE THEIR GENITALS;**



## 8. POSSESSING, DISTRIBUTING, VIEWING OR FORCING OTHERS TO VIEW OBSCENITY.

### 4- 5. Violation of Law and College Discipline

- A. Disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to pending of civil or criminal litigation. ~~IF A CRIMINAL INVESTIGATION AND/OR PROSECUTION RESULTS FROM THE SAME FACTUAL SITUATION, P~~proceedings under this Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the college official responsible for administration of the Student Conduct Code. Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
- B. When a student is charged by federal, state or local authorities with a violation of law, the college will not request or agree to special consideration for that individual because of ~~his or her~~ THEIR status as a student. If the alleged offense is also being processed under this Student Conduct Code, however, the college may advise off campus authorities of the existence of this Student Conduct Code and of how such matters will be handled internally within the college community. The college will cooperate fully with the law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting within their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

### Article IV: Student Conduct Code Procedures

#### 1. Charges and Student Conduct Board Hearings

- A. Any member of the college community may file charges against a student for violations of this Student Conduct Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within thirty (30) days following the incident. ~~Misconduct charges of a sexual nature, including sexual harassment and sexual assault, should be sent to the Vice President of Student Affairs who is the designated Title IX Coordinator at each MCCCDC college. Title IX protects students from sexual misconduct and other forms of discrimination in connection with all academic, extracurricular, athletic, and other programs sponsored by the college at any college facility or other location. The Title IX Coordinator (or designee) will conduct an investigation that is prompt, thorough, and impartial according to the MCCCDC sexual harassment complaint process.~~
- B. ~~BOTH THE COMPLAINANT AND THE RESPONDENT (THE ACCUSED) SHALL HAVE THE RIGHT TO BE ASSISTED BY AN ADVISOR OF THEIR CHOOSING. A PARTY WHO ELECTS TO BE ASSISTED BY AN ADVISOR MUST NOTIFY THE STUDENT CONDUCT ADMINISTRATOR OF THE NAME AND CONTACT INFORMATION OF THE ADVISOR NOT LESS THAN TWO (2) DAYS BEFORE THE SCHEDULED HEARING. THE ADVISOR MUST BE A MEMBER OF THE COLLEGE COMMUNITY AND MAY NOT BE AN ATTORNEY. BOTH THE COMPLAINANT AND THE RESPONDENT (ACCUSED) ARE RESPONSIBLE FOR PRESENTING THEIR OWN INFORMATION. THEREFORE, ADVISORS ARE NOT PERMITTED TO SPEAK OR PARTICIPATE DIRECTLY IN ANY STUDENT CONDUCT BOARD HEARING BEFORE A STUDENT CONDUCT BOARD.~~
- C. ~~MISCONDUCT THAT WOULD FALL UNDER THE JURISDICTION OF 5.1.16, MEANING IT ALLEGES SEXUAL HARASSMENT, DISCRIMINATION, SEXUAL ASSAULT, DATING/DOMESTIC VIOLENCE, OR STALKING SHOULD BE FORWARDED TO THE TITLE IX COORDINATOR FOR A JURISDICTIONAL REVIEW. IN SUCH CASES WHERE THE CONDUCT ALLEGED DOES NOT MEET THE DEFINITION OF SEXUAL HARASSMENT, AS OUTLINED IN THE TITLE IX REGULATIONS (AND MCCCDC POLICY 5.1.16) OR IS OTHERWISE SUBJECT TO MANDATORY OR DISCRETIONARY DISMISSAL, THE ALLEGED CONDUCT WILL BE REFERRED BACK TO THE STUDENT CONDUCT CODE FOR INVESTIGATION AND ADJUDICATION.~~
- ~~B:~~ D. The Student Conduct Administrator ~~may~~ SHALL conduct a prompt, thorough, and impartial investigation to determine if the charges have merit ~~and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator will convene the student conduct board. If the student~~

~~admits violating institutional rules, but sanctions are not agreed to, the hearing shall be limited to determining the appropriate sanction(s).~~ AFTER THE INVESTIGATION, BUT PRIOR TO THE CONVENING OF A STUDENT CONDUCT BOARD HEARING, THE STUDENT CONDUCT ADMINISTRATOR WILL DETERMINE WHETHER THE PARTIES MUTUALLY AGREE TO DISPOSE OF THE MATTER IN A WAY THAT IS ACCEPTABLE TO THE STUDENT CONDUCT ADMINISTRATOR. IF THERE IS MUTUAL CONSENT TO RESOLVE THE MATTER, SUCH DISPOSITION SHALL BE FINAL AND THERE SHALL BE NO APPEAL AFFORDED EITHER PARTY. IF THE CHARGES CANNOT BE DISPOSED OF BY MUTUAL CONSENT, THE STUDENT CONDUCT ADMINISTRATOR WILL CONVENE THE STUDENT CONDUCT BOARD. IF THE STUDENT ADMITS VIOLATING INSTITUTIONAL RULES, BUT SANCTIONS ARE NOT AGREED TO, THE HEARING SHALL BE LIMITED TO DETERMINING THE APPROPRIATE SANCTION(S).

- ~~E.~~ E. All charges shall be presented to the accused student in written form. The Student Conduct Administrator will provide written notice of the time, date, and location of the student conduct hearing. The notice will describe the evidence of alleged misconduct, the code provisions violated, and the possible sanctions. The student conduct hearing notice, plus a copy of this code, shall be provided to the student accused of misconduct no less than five (5) workdays before the hearing date. The hearing will be held no more than fifteen (15) workdays after the student has been notified unless the Student Conduct Administrator extends the deadline for good cause in ~~his or her~~ THEIR sole discretion.
- ~~D.~~ F. Hearings shall be conducted by a Student Conduct Board according to the following guidelines, except as provided by Article IV 1. ~~G~~ I below:
- i. Student Conduct Board hearings normally shall be conducted in private.
  - ii. The ~~C~~complainant, ~~accused student~~ RESPONDENT (ACCUSED), and their ~~A~~advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board hearing at which information is received (excluding deliberations). Admission of any person (~~BEYOND THE PARTIES AND THEIR ADVISORS~~) to the hearing shall be at the discretion of the Student Conduct Board and/or its Student Conduct Administrator.
  - iii. In Student Conduct Board hearings involving more than one accused student, the Student Conduct Administrator, in ~~his or her~~ THEIR discretion, may permit the Student Conduct Board hearing concerning each student to be conducted either separately or jointly.
  - iv. ~~The complainant and the accused shall have the right to be assisted by any advisor they choose, at their own expense. A party who elects to be assisted by an advisor must notify the student conduct administrator of the name and contact information of the advisor not less than two (2) days before the scheduled hearing. The advisor must be a member of the college community and may not be an attorney. Both the complainant and the accused are responsible for presenting their own information and, therefore, advisors are not permitted to speak or participate directly in any Student Conduct Board hearing before a Student Conduct Board.~~
  - ~~v.~~ The ~~C~~complainant, ~~the accused student,~~ RESPONDENT (ACCUSED), and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The Student Conduct Administrator will try to arrange the attendance of possible witnesses who are members of the college community, if reasonably possible, and who are identified by the ~~C~~complainant and/or ~~THE RESPONDENT (accused) student~~ at least two (2) days prior to the Student Conduct Board hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the ~~RESPONDENT (accused) student~~ and/or ~~C~~complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the ~~chairperson~~ CHAIR, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the ~~chairperson~~ CHAIR of the Student Conduct Board.
  - ~~vi.~~ V. The Student Conduct Administrator will present the information ~~he or she~~ THEY received.
  - ~~vii.~~ VI. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Board at the discretion of the ~~chairperson~~ CHAIR.
  - ~~viii.~~ VII. All procedural questions are subject to the final decision of the ~~chairperson~~ CHAIR of the Student Conduct Board.
  - ~~ix.~~ VIII. After the portion of the Student Conduct Board hearing concludes in which all pertinent information has been received, the Student Conduct Board shall determine (by majority vote if the Student Conduct Board

consists of more than one person) whether the accused student violated the section of this Student Conduct Code which the student is charged with violating.

- ✖ IX. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated this Student Conduct Code (**PREPRONDERANCE OF THE EVIDENCE**).
- E G. There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board hearings before a Student Conduct Board (not including deliberations). The record shall be the property of the District.
- F H. No student may be found to have violated this Student Conduct Code **SIMPLY** because the student failed to appear before a Student Conduct Board. In all cases, the evidence and support of the charges shall be presented and considered.
- G I. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the **C**complainant, **RESPONDENT** (accused) **student**, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the college official responsible for administration of the Student Conduct Code.

## 2. Sanctions

- A. The following sanctions may be imposed upon any student found to have violated the Student Conduct Code:
  - i. Warning - a written notice to the student that the student is violating or has violated institutional rules or regulations.
  - ii. Probation - a written reprimand for violation of specified rules or regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional rules or regulation(s) during the probationary period.
  - iii. Loss of Privileges - denial of specified privileges for a designated period of time.
  - iv. Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - v. Discretionary Sanctions - work assignments, essays, service to the college, or other related discretionary assignments. (Such assignments must have the prior approval of the Student Conduct Administrator.)
  - vi. College Suspension - separation of the student from all the colleges in the District for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. **SUSPENSION FROM ONE COLLEGE MEANS A SUSPENSION FROM ALL COLLEGES IN THE DISTRICT.**
  - vii. College Expulsion - permanent separation of the student from all the colleges in the District.
- B. More than one of the sanctions listed above may be imposed for any single violation.
- C. ~~Other than college expulsion, disciplinary sanction shall not be made part of the student's academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions upon the student's application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than suspension or expulsion shall be expunged from the student's confidential record five (5) years after final disposition of the case.~~ **DISCIPLINARY SANCTIONS ARE PART OF A STUDENT'S EDUCATIONAL RECORD. CASES INVOLVING THE IMPOSITION OF SANCTIONS OTHER THAN SUSPENSION OR EXPULSION SHALL BE EXPUNGED FROM THE STUDENT'S CONFIDENTIAL RECORD SEVEN (7) YEARS AFTER FINAL DISPOSITION OF THE CASE.**

In situations involving both a **RESPONDENT STUDENT(s)** ~~accused student(s)~~ (or group or organization) and a student(s) **COMPLAINANT** ~~claiming to be the victim of another student's conduct~~, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the ~~accused student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the college community of each may be impacted.~~ **RESPONDENT (ACCUSED(S)) AND THE COMPLAINANT(S).**

- D. The following sanctions may be imposed upon groups or organizations:
  - i. Those sanctions listed above in Article IV 2. A. 1 through 4.
  - ii. Loss of selected rights and privileges for a specified period of time.
  - iii. Deactivation - loss of all privileges, including college recognition for a designated period of time.
- E. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by the Student Conduct

Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Administrator in determining and imposing sanctions. The Student Conduct Administrator is not limited to sanctions recommended by members of the Student Conduct Board. Following the Student Conduct Board hearing, the Student Conduct Board and the Student Conduct Administrator shall advise the accused student, group and/or organization (and a complaining student who believes ~~s/he~~ **THEY** ~~was~~ **WERE** the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

### **3. Emergency Suspension**

If a student's actions pose an immediate threat or danger to any member of the college community or the educational processes, a college official responsible for administering the Student Conduct Code may immediately suspend or alter the rights of a student pending **THE OUTCOME OF THE INVESTIGATION AND THE** a Student Conduct Board hearing. Scheduling the hearing shall not preclude resolution of the matter through mediation or any other dispute resolution process **AS LONG AS SUCH RESOLUTION OCCURS BEFORE THE STUDENT CONDUCT BOARD HEARING COMMENCES**. The decision will be based on whether the continued presence of the student on the college campus reasonably poses a threat to the physical or emotional condition and well-being of any individual, including the student, or for reasons relating to the safety and welfare of any college property, or any college function. When an emergency suspension is imposed, the ~~S~~student ~~C~~onduct ~~A~~administrator will seek to resolve the complaint at the earliest possible date. This suspension is not a sanction, but an effort to protect people and property and prevent disruption of college operations.

In imposing an emergency suspension, the college official responsible for administration of the Student Conduct Code may direct that the student immediately leave the college premises and may further direct the student not to return until contacted by that official. An accused student shall be in violation of this policy regardless of whether the person who is the object of the threat observes or receives it, as long as a reasonable person would interpret the communication, conduct or gesture as a serious expression of intent to harm.

### **4. Administrative Hold**

The Student Conduct Administrator may place a temporary administrative hold preventing an accused student's registration, ~~financial aid award~~, transcript release, or graduation if it is necessary to secure the student's cooperation in the investigation or compliance with a direction. This hold is not a sanction but a necessary step to resolve the complaint promptly.

### **5. Academic Consequences**

Violations of the student conduct code can have academic consequences if the violation also constitutes failure to meet standards of performance or professionalism set by the instructor or the program, or if it constitutes cheating, plagiarism, falsification of data, or other forms of academic dishonesty. The instructor may award a failing grade for the assignment or the course in such cases, and the program faculty may decide that the student is ineligible to continue in the program. Academic consequences are determined by the faculty and academic administration, and are not dependent on the decisions of the ~~S~~student ~~C~~onduct ~~B~~oard, the ~~A~~ppeals ~~B~~oard, or the ~~S~~student ~~C~~onduct ~~A~~administrator.

### **6. Appeals Regarding Student Code of Conduct**

- A. A decision reached by the Student Conduct Board judicial body or a sanction imposed by the Student Conduct Administrator may be appealed by accused students or complainants to an Appellate Board within five (5) days of receipt of the decision. Such appeals shall be in writing and shall be delivered to the Student Conduct Administrator.
- B. Except as required to explain on the basis of new information, an appeal shall be limited to the review of the verbatim record of the Student Conduct Board hearing and supporting documents for one or more of the following purposes:
  - i. To determine whether the Student Conduct Board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and present information that the Student Conduct Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations.

Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.

- ii. ~~To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Conduct Code occurred.~~
  - iii. ~~To determine whether the sanction(s) imposed was appropriate to the violation of the Student Conduct Code which the student was found to have committed.~~
  - iv. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board hearing.
- C. If an appeal is upheld by the ~~A~~ppellate ~~B~~oard, the matter shall be returned to the original Student Conduct Board and Student Conduct Administrator for reopening of the Student Conduct Board hearing to allow reconsideration of the original determination and/or sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all concerned.

## **Article V: Interpretation and Revision**

Any question of interpretation regarding the Student Conduct Code shall be referred to the college official responsible for administration of the Student Conduct Code for final determination.

**AMENDED through Direct Approval by the Chancellor, August 11, 2020**

### **2.5.3 Student Records**

#### **1. Definitions**

For the purposes of this policy, the Maricopa County Community College District has used the following definition of terms.

- A. "College" includes all colleges, educational centers, skill centers and District office.
- B. "Educational Records" are any record (in handwriting, print, tapes, film, or other media) maintained by the college or an agent of the college which is directly related to a student, except:
  - i. A personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute
  - ii. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment
  - iii. Records maintained by the colleges security unit, if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction and the security unit does not have access to education records maintained by the community college.
  - iv. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, if the records are used *only* for treatment of a student or made available only to those persons providing treatment.
  - v. Alumni records which contain information about a student after he or she is no longer an attendant of the community college and the records do not relate to the person as a student

#### **2. Records Request**

Official verification of educational records is issued by the Admissions and Records Office/Office of Student Enrollment Services.

#### **3. Fees**

If a copy(ies) of a portion or all of the records in a student's file is requested, the custodian of the records may charge a fee for copies made. However, the willingness or ability to pay the fee will not effectively prevent students from exercising their right to inspect and review (under supervision of a college employee) their records. A fee will not be charged to search for or to retrieve records. Standard fees for printing and duplication services will apply.

#### **4. Annual Notification ([SEE ALSO FERPA EXPLANATION](#))**



Students will be notified of their rights annually by electronic mail in a FERPA Annual Notification. Students rights may also be provided via the following means: FERPA Annual Notification placement on the college website, publication in the college catalog and/or the student handbook:

Individuals requesting admission or enrollment at any of the Maricopa County Community Colleges are asked to provide certain contact information that is collected and used for the purpose of responding to the request. The information collected may include your name, address, telephone number or email address. Maricopa county community colleges and/or its agents, including attorneys and/or collection agencies, may use this information to contact you through various means, including phone calls, text messages, e-mail and postal mail. Communication may include, but is not limited to, information regarding account balances, programs and services that MCCCCD offers.

## **5. Rights of Access to Educational Records**

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (FERPA defines an “eligible student” as a student who has reached 18 years of age or is attending a postsecondary institution at any age). These rights include:

### ***A. The right to inspect and review the student's education records within 45 days after the day the college receives a request for access.***

1. Students should submit to the Admissions & Records Office/Enrollment Services written requests that identify the record(s) they wish to inspect. The form to do so may be found [HERE](#). The college official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. There may be occasions when a record may not be copied, especially if doing so may compromise another student or faculty member's privacy. The college or district may deny access to the following records:
  - a. Parents' financial statements;
  - b. Letters of recommendation, if the student has waived his or her right of access;
  - c. Records filed before January 1, 1975; or
  - d. Records not included in the FERPA definition of educational records.
3. The Maricopa County Community College District and its associated colleges reserve the right to deny copies of records, including transcripts, in any of the following situations:
  - a. The student has an unpaid financial obligation to the college or District;
  - b. There is an unresolved disciplinary action against the student; or
  - c. The educational record requested is an exam or set of standardized test questions.

### ***B. The right to request the amendment of the student's education records that the student believes is inaccurate, or misleading.***

1. Students may ask the college to amend a record that they believe is inaccurate or misleading. They should write the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
2. A proper request to correct a student education record must:
  - a. Be written to the College Registrar;
  - b. Clearly identify the part of the record they want to be changed; and
  - c. Specify why the record is inaccurate or misleading.
3. Any written request which does not include the required information will not be considered. The requestor will be notified in writing that their request was not properly submitted and they will receive directions on how to resubmit it.
4. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing. The FERPA Appeal Process is also outlined in the student handbook and in [Appendix S-17](#) of the MCCCCD Administrative Regulations.

**C. *The right to provide written consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.***

1. With the exception of directory information and the various FERPA authorized disclosures without consent, the Maricopa County Community College District or its associated colleges must receive written consent from students before disclosing any personally identifiable information from educational records. The FERPA Release Of Information Consent MAY BE FOUND [HERE](#).

**CONDITIONS OF DISCLOSURE WITHOUT CONSENT**

FERPA permits the disclosure of personally identifiable information (PII) from students' education records, without consent of the student, if the disclosure meets certain conditions found in §99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, §99.32 of FERPA Regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures. A postsecondary institution may disclose PII from the education records without obtaining prior written consent of the student:

1. To other school officials, including instructions, administrators, supervisors, Governing Board members, academic or support staff, law enforcement and health staff, within the MCCCCD whom the college or District has determined to have legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities. This includes contractors, attorneys, auditors, collection agents, consultants, volunteers, or other parties to whom the college has outsourced institutional services or functions, provided that the conditions listed in §99.31(A)(1)(I)(B)(1) – (A)(1)(I)(B)(2) are met. (§99.31(A) (1))
2. To officials of another school where the student seeks to or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(A) (2))
3. To authorized representatives of the US Comptroller General, the US Attorney General, and the US Secretary of Education, or State and Local Educational Authorities, such as a state postsecondary authority that is responsible for supervising the college's state supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of federal-or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement, or compliance activity on their behalf (§§99.31(A) (3) AND 99.35)
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(A) (4))
5. To organizations conducting studies for, or on behalf of, the college, in order to: (A) Develop, Validate, or Administer Predictive Tests; (B) Administer student aid programs; or (C) Improve instruction (§99.31(A) (6))
6. To accrediting organizations to carry out their accrediting functions. (§99.31(A) (7))
7. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(A) (8))
8. To comply with a judicial order or lawfully issued subpoena. (§99.31(A) (9))
9. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(A) (10))
10. Information the college has designated as "Directory Information" under §99.37. (§99.31(A) (11))
11. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(A) (13))
12. To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the college's rules or policies with respect to the allegation made against him or her. (§99.31(A) (14))



13. To parents of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(A) (15))

Students who believe that MCCCDC or an agent of the college has disclosed information contrary to the provisions outlined in this section may submit a grievance via the non-instructional complaint resolution process. The process is posted at: [S-8 Non-Instructional Complaint Resolution](#)

**D. *The right to file a complaint with the US Department to Education concerning alleged failures by the college to comply with the requirements of FERPA.***

The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
US Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202-5920

- E. **2012 FERPA AMENDMENT:** As of January 3, 2012, the U.S. Department of Education's FERPA Regulations expand the circumstances under which your education records and Personally Identifiable Information (PII) contained in such records—including social security number, grades, or other private information—may be accessed without student consent. For more information on this amendment, please see: [FERPA](#)  
[HTTPS://DISTRICT.MARICOPA.EDU/CONSUMER-INFORMATION/FAMILY-EDUCATIONAL-RIGHTS-PRIVACY-ACT-FERPA](https://DISTRICT.MARICOPA.EDU/CONSUMER-INFORMATION/FAMILY-EDUCATIONAL-RIGHTS-PRIVACY-ACT-FERPA)

**F. Student Directory Information**

1. A Maricopa County Community College may release directory information about any student who has not specifically requested the withholding of such information. Students who do not want directory information released may so indicate during the admissions process or notify the Admission & Records Office/Enrollment Services.

A. Students should consider very carefully the consequences of a decision to withhold directory information. A privacy block will call for the college or District to not release this directory information. Therefore, any future requests for such information from non-institutional persons or organizations will be refused.

2. Students may request their college to withhold the sharing of directory information by filing out a [Request To Withhold Directory Information](#) form and submitting that form to the college Admission & Records Office/Enrollment Services.

3. Directory information is considered public information. At any Maricopa County Community College, directory information is defined as a student's:

- A. Name
- B. Address
- C. Phone Number
- D. MCCCDC Email Address
- E. Photograph/Electronic Image
- F. Place of Birth
- G. Major Field of Study
- H. Current Enrollment Status
- I. Participation in Officially Recognized Activities
- J. Dates of Attendance
- K. Degrees Awarded
- L. Awards and Academic Honors Received/Dean's List Selection
- M. Previous Institutions Attended
- N. Program and promotional materials on participants in various sports and similar public activities, including weight and height of athletic team members.

## **G. Disclosure to Parents**

In accordance with federal law, college officials may disclose educational records to parents of a student who have established the student's status as a dependent according to the Internal Revenue Code of 1986, section 152, without the written consent of the student.

### **RELEASE OF DIRECTORY (PUBLIC) INFORMATION**

At its discretion, the college or District may provide *Directory Information* in accordance with the provisions of FERPA. Types of information considered As *Directory Information* are listed below. additional information may be found at: [DISTRICT.MARICOPA.EDU](http://DISTRICT.MARICOPA.EDU) under Consumer Information.

### **DIRECTORY (PUBLIC) INFORMATION AT MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT AND ITS ASSOCIATED COLLEGES**

Name

Address

Phone Number

MCCCD Email Address

Photographs

Electronic Images

Date and Place of Birth

Major Fields of Study

Current Enrollment Status

Participation in Officially Recognized Activities

Dates of Attendance

Degrees

Awards and Academic Honors Received

Dean's List Selection

Previous Institutions Attended

Program and promotional materials on participants in various sports and similar public activities, including weights and heights of athletic team members

Directory Information is Considered Public Information.

### **PRIVACY OF DIRECTORY (PUBLIC) INFORMATION**

#### ***BLOCKING THE RELEASE OF DIRECTORY (PUBLIC) INFORMATION***

By default, a college or District may release a student's directory information. Students may prohibit (or block) the public disclosure of directory information by completing a **PRIVACY BLOCK** form.

Students should consider *very carefully* the consequences of a decision to withhold directory information. A privacy block will call for the college or District to not release this *directory information*. Therefore, any future requests for such information from non-institutional persons or organizations will be refused.

Although the college or District will honor a student's request to withhold directory information, it cannot *assume responsibility* to contact the student for subsequent permission to release this information. Regardless of the effect upon the student, the college or District assumes no liability as a result of honoring a student's instructions to withhold such information.

### **ADDITIONAL INFORMATION:**

- If a student blocks directory information, it still may be inspected by those MCCCCD officials authorized by law to inspect education records without consent.
- If a student chooses to block directory information, it cannot be released to friends, family, prospective employers, the news media, advisors, student activities, and honors societies.
- Some reasons for considering a privacy block on directory information include harassment or the advice of a legal or medical professional.
- If a student wishes to keep public data private but release information so it can be published in commencement programs and honors lists, contact the office of Admissions & Records/Enrollment Services at the appropriate college(s).

If a student wishes to remove the privacy block, he or she must rescind the previous block. The college and District cannot assume responsibility to contact students for subsequent permission to release this information. It is the sole responsibility of the student to initiate the release of blocked information.

### **USING SOCIAL SECURITY NUMBERS**

Due to identity theft concerns and privacy issues, students will no longer be asked to provide a social security number as a personal identifier. Instead, students will be assigned a student id number upon enrollment that can be used to access education records, as needed.

**AMENDED through the Administrative Regulations Approval Process, June 4, 2019**

### [Appendix S-17: FERPA Appeal Process](#)

## **FERPA APPEAL PROCESS**

In instances where the college decides not to amend an education record as requested by the student, the college will notify the student of the decision and advise him/her of the right to an appeal hearing according to the following process:

- The student must have first presented the issue in writing to the college's Admissions/Enrollment Office or designee identifying the records that he/she wishes to have amended and provided any supporting documentation. Note: With the exception of clerical errors, requests that are expressly related to grade disputes are not subject to this process and must be vetted through the Instructional Grievance Process.
- If the request to change the record was deemed unsubstantiated by the college designee and the institution was able to demonstrate that the record was accurate, the student will be informed of the right to a formal appeal hearing.
- Students must request a formal hearing within 10 business days from the date they are informed of the right to an appeal hearing.
- The request for a formal hearing must be in writing and delivered to the [Dean of Admissions/Enrollment Services, Vice President of Student Affairs] or designee.

- The college official who receives the formal hearing request will either review the case personally or designate a hearing committee if the issue involves a matter not clearly established by current policy or administrative regulation.
- A written decision will be delivered to all parties summarizing the evidence and stating the reason(s) for the decision. If the decision is in favor of the student, the education record will be amended. If the decision is for the record to remain the same, the student may place a statement commenting on or disagreeing with the decision in the education record.

## STUDENT HANDBOOK

### 2.5.4 Student Employment

#### 1. District Student Employees

##### A. Introduction

Students may be employed by the college as student help. District regulations require that students be hired in essential jobs and that they be properly trained and supervised.

##### B. Philosophy and Workload for Student Employees

- It shall be the philosophy of Maricopa Community College District that a student may work to augment college and living expenses, however, the scholastic endeavor should be foremost. Sufficient time should be allotted for classroom attendance, homework, out-of-class study and participation in activities.
- A workload of twenty (20) hours per week should be established as the maximum number of hours a student employee may work on campus. All student employees shall be enrolled in a minimum of three (3) semester credit hours. Any combination of day and evening hours would meet this requirement. Any student employee having special reasons to work over 20 hours per week or having dropped below three (3) credit hours should request his/her immediate supervisor to obtain approval from the College president or his/her designee.
- During the summer sessions, students may be eligible for employment if they were enrolled for a minimum of three (3) semester credit hours at the end of the spring semester, or if they have been accepted for admission for the fall semester. Exceptions to the three (3) semester credit hours may be made by the president or his/her designee. Summer shall be designated as the time from the official end of the spring semester to the beginning of classes for the fall semester.

##### C. Student Employee Benefits

As student employees, there are no entitlements to employee benefits; i.e., vacation, retirement, sick leave, health and life, or disability insurance. Students will, however, be covered under Worker's Compensation Insurance.

##### D. Student Employment Records

Student employee records will be maintained at the Financial Aid office, the office of the fiscal agent or the Career/Placement Office and will be reviewed periodically by the Vice President of Students Affairs.

##### E. Student Compensation

The hourly rate of pay for student employees shall coincide with the policies of the District Salary Schedule.

##### F. Employee Contracts and Forms (See [Appendix FM-3](#))

Student Employee Grievance Procedure

##### G. Part-time student employees working for one of the Maricopa Community Colleges may wish to file a grievance relating to certain working conditions or violation of student employment regulation. Please refer to the Non-Instructional Complaint Resolution Process ([AR 2.3.12](#))

#### 2. Student Security Guards

##### A. Introduction and Philosophy

Students may be employed by the college as student help. If student guards do not come from the ranks of Administration of Justice classes, they must undergo appropriate training to qualify them as student guards. This training program is outlined in the regulation.

**B. Workload of Student Security Guards**

- i. Student security guards shall be enrolled for a minimum of three (3) semester hours.
- ii. Student security guards shall be limited to 20 hours per week when the workweek starts at 7:00 a.m. on Monday and concludes at 11:00 p.m. on Friday. Additional hours may be worked if guards are assigned special duty at games or activities held on campus during the weekend, or if guards are assigned a shift on Saturday and Sunday, between 7:00 a.m. and 11:00 p.m.

**C. Students not in Administration of Justice Program**

- i. Use of student other than those in Administration of Justice Program:
  1. Selection of the student must be personally approved by the vice president of students affairs and chief of security.
  2. Selection of a student should not extend beyond one semester without the approval of the vice president of students affairs.
  3. Selected student must undergo a special training program directed by the chief of security and approved by the vice president of student affairs.
- ii. Recommended program for students other than those in Administration of Justice programs: Students employed by campus security who are not majors in the Administration of Justice program should be given at least twenty (20) hours of training with pay before being allowed to function independently as a campus security guard. This training should include, but not be limited to instruction in:
  1. Wearing of the uniform, general appearance, and demeanor
  2. The use of the various security report forms and how to properly complete them to provide requested information; General report writing methods
  3. Public relations methods used on the campus
  4. Crime prevention methods used on the campus; Patrol methods used in buildings and grounds.
  5. Basic techniques for interviewing students, faculty and visitors relative to the incidents
  6. Laws and regulations governing the actions of campus security personnel concerning rendering of assistance to students, faculty and visitors on the campus
  7. Basic first aid

**D. Student Security Guards Employee Benefits**

As student employees there are not entitlements to employee benefits; i.e., vacation retirement, sick leave, health and life, or disability insurance. Students will, however, be covered under Worker's Compensation Insurance.

**E. Student Employment Records**

The student security guard's employment records will be maintained at the office of the chief of security and reviewed periodically by the Vice President of Student Affairs.

## **2.5.5 Student Governance**

Student governing bodies derive their authority from the Maricopa County Community College District Governing Board that exists in accordance with Arizona Revised Statutes. The administration of the District is vested in the Chancellor who delegates responsibility for each college to the College President who serves in a management and policy implementation capacity having the ultimate responsibility for all activities of the college. The President shall designate the administrator(s) (i.e., directors of student leadership) at each college who will be charged with the responsibility for working with the college student governing body(ies) in the development of college student activities and programs.

A representative form of student governance may exist at each college/center as well as district wide to provide an effective means of communication among students, faculty, staff and administration and to provide student input in college and District matters. Eligibility requirements are to be met and spelled out in detail in each student governance constitution. These constitutions shall establish the minimum requirements for the elective/appointive officers. All student government constitutions shall be submitted to the Governing Board General Counsel to ensure compliance with federal and state laws, the Maricopa Community Colleges Governing Board Policies and the Chancellor's Administrative

Regulations. Since Rio Salado Community College is a countywide non-campus college, the president shall ensure that opportunities exist for student involvement.

College student constitutions should be reviewed annually by student governance. The appropriate vice president or designee of each college shall be responsible for submitting any changes to the president of the college for transmittal to the Governing Board General Counsel.

#### **1. Officers/Members**

All reference in this document to positions will designate whether the position is an officer position or a member position.

Each student governance constitution shall define which of its elected positions (maximum of 5) within its structure shall be designated as officers. The persons filling those positions shall be referred to, in this document, as officers. Persons filling all other positions, elected or appointed, shall be referred to as members (excluding non-voting committee members).

All positions filled by election shall be considered as elected positions, even though the person filling the position may have been appointed to fill an unexpired term of another individual.

#### **2. Designation**

Colleges with two (2) student governments shall designate the governments as "day" or "evening." Colleges with one (1) government shall be considered day students, for the purposes of this document.

#### **3. Eligibility for Office**

All student governance constitutions shall prescribe that all persons elected or appointed as officers shall be enrolled in and maintain a minimum of six (6) credit hours for day student governments, three (3) credit hours for evening student governments. Officers shall have and maintain a minimum cumulative grade point average of 2.50 and be in good standing (not on probation) according to the written district policy. Convicted felons shall be ineligible for office (ARS § 13-904). The constitution may, however, set more rigid requirements, if so desired by college student governance.

#### **4. Tenure of Position**

Tenure in any student governance position shall be determined by the respective student governance constitutions. In no case shall any student be allowed to serve in any combination of officer/member positions beyond a total of ten (10) semesters. Tenure in any combination of officer positions shall be limited to four (4) semesters.

#### **5. Removal from Office**

Provisions shall be made in all student governance constitutions for removal for cause of individuals from elected or appointed student governance positions.

#### **6. Remuneration Limitations**

- A. Student body officers may receive financial support and/or a letter grade in a leadership class during their terms of office as authorized in their respective student governance constitutions. Student body officers (maximum 5) may receive up to twenty (20) hours per week in financial support and/or up to six (6) credit hours in leadership classes per semester. Remuneration shall be for services rendered and not for merely holding the office.
- B. For qualifying students, Federal Work Study (FWS) funds may be used in accordance with Federal guidelines.
- C. The allowance for awarding honorariums or scholarships for executive student officers is a maximum of \$200.00.
- D. Compensation may be received for both honorariums/scholarships and college employment in the same semester.

#### **7. Amending Student Constitutions**

College student constitutions should be reviewed annually by student governance. The appropriate vice president or designee of each college shall be responsible for submitting any constitutional changes to the President of the college for transmittal to the Governing Board General Counsel.

#### **8. Student Governance Advisors**

College organization advisors will be provided for in each student governance constitutions. Such advisors shall be full-time or part-time employees of the Maricopa Community Colleges.

Recommendations for appointment of an advisor may be submitted to the appropriate vice president or college president. Recommendations for dismissal of an advisor with just cause may be submitted to the appropriate vice president or college president.

#### **9. Legal/Fiscal/Financial Matters**

Authority and responsibility beyond the scope specifically covered in student policies, or interpretation of such matters within laws, board policies, etc. shall rest with the offices of General Counsel and Chancellor, respectively.

#### **10. Final Authority**

In the event of a complete breakdown of the governance body, the college president will serve as the final authority.

#### **Student Clubs and Organizations**

In addition to student governing bodies, student clubs and organizations may be formed that fall under the operational direction of the Office of Student Life and Leadership and the administrative direction of the Vice President of Student Affairs at each college. Student clubs and organizations are generally interest-based in nature (such as for a particular program, discipline, or college activity) and are considered to be an important part of the total college experience. Each college shall outline the requirements necessary to establish the formation of an interest-based student club and organization (i.e., mission/purpose, size, structure, advisors). Club advisors shall be employees of the Maricopa County Community College District.

In most instances, student clubs and organizations shall be open to all students who are enrolled in credit courses at a Maricopa Community College. Pursuant to ARS §15-1863, religious or political student organizations may determine that the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes are part of the organization's religious or political mission and that only persons committed to that mission should conduct such activities. For religious and political organizations, state statute recognizes the role that viewpoint serves in the mission and purpose of the organization's operations. Thus, such groups may elect to select members based upon organizational doctrine. The MCCCCD may not deny recognition or any privilege or benefit to a religious or political student organization or group that exercises its rights pursuant to the statute.

Whereas ARS §15-1863 allows religious and political organizations to determine their internal affairs and the selection of their leaders and members, the MCCCCD non-discrimination policy is applicable to all other aspects of these student clubs and organizations.

**\*\*\*\*\*INSERT INTO PROGRAM SECTION OF THE CATALOG AS ALLIED HEALTH\*\*\*\*\***

#### **Appendix S-13: The Maricopa Community Colleges Allied Health or Nursing Program**

##### **Allied Health or Nursing Assumption of Risk/Release of Liability**

Most of the allied health or nursing program pathways include a program of study in a clinical training environment that may contain exposures to risks inherent in patient-oriented educational experiences (such as but not limited to bodily injury or communicable and infectious diseases). Students enrolling in clinical educational courses will be asked to sign a statement assuming all risks inherent in their coursework.

##### **Use of Confidential Information**

Students enrolled in allied health or nursing program pathways will have learning experiences in a health care setting where they will have access to confidential information. Prior to beginning any clinical studies, the students will be asked to sign an agreement to adhere to the requirements of those clinical sites and applicable law, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

##### **MCCCCD Required Background Checks**

Students enrolled in an MCCCCD allied health or nursing program are required to complete and pass clinical learning experiences, working with children, elderly persons, and other vulnerable populations. MCCCCD's major clinical agency partners now mandate that any college students assigned to them for clinical experiences submit to a comprehensive background clearance prior to entering such learning experiences. Because the clinical experience portion of the



programs is critical to completing a program of study, MCCCDC has instituted two specific background check requirements in order for a student to enroll in a program. First, the student must obtain, at his or her own cost, a Level I Fingerprint Clearance Card from the Arizona Department of Public Safety. Precluding offenses for a Level I card can be found in Arizona Revised Statute § 41-1758.07

(<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/01758-07.htm>). Additionally, students must also obtain a “pass” status on a MCCCDC supplemental background check from MCCCDC’s authorized background check contractor. The student must also pay for this background check. The supplemental check will be based on the most stringent standards of MCCCDC’s clinical experience partners.

The sole program for which the background check requirements are different is the Emergency Medical Technician program. For that program, students must have obtained a Level 1 Fingerprint Clearance Card from the Arizona Department of Public Safety. They are also required, at the time of their clinical assignments, to submit to, pay for and pass any additional background check requirements of the clinical agencies to which their EMT program places students.

Certain licensing boards may require a separate background check or clearance card upon application for licensure or certification.

The MCCCDC supplemental background check review may include searches of the following databases and information but MCCCDC reserves the right to change the search criteria and the program background check requirements at any time without notice:

1. *National Federal Health Care and Abuse Databases*
2. *Social Security Verification*
3. *Residency History*
4. *Arizona Statewide Criminal Records*
5. *Nationwide Criminal Databases*
6. *Nationwide Sexual Offender Registry*
7. *Homeland Security Search*

Examples of background information that will result in a “fail” status on the supplemental background check include:

1. *Social Security number does not belong to the applicant*
2. *Any inclusion on any registered sex offender database*
3. *Any inclusion on any of the Federal exclusion lists or Homeland Security watch lists*
4. *Any conviction of a felony no matter what age of the convictions*
5. *Any warrant any state*
6. *Any misdemeanor conviction for the following no matter how long ago:*
  - A. *Violent crimes*
  - B. *Sex crime of any kind including non consensual sexual crimes and sexual assault*
  - C. *Murder, attempted murder*
  - D. *Abduction*
  - E. *Assault*
  - F. *Robbery*
  - G. *Arson*
  - H. *Extortion*
  - I. *Burglary*
  - J. *Pandering*
  - K. *Any crime against minors, children, vulnerable adults including abuse, neglect, exploitation*
  - L. *Any abuse or neglect*
  - M. *Any fraud*
  - N. *Illegal drugs*
  - O. *Aggravated DUI*
7. *Any misdemeanor controlled substance conviction in last 7 years*
8. *Any other misdemeanor conviction within last 3 years*

EXCEPTIONS: Any misdemeanor traffic (DUI is not considered traffic).

The information that MCCCCD uses for the “pass/fail” background check is subject to change at any time without notice.

MCCCCD recommends that students carry proof of the background clearance at all times during any clinical agency learning experience.

### **Duty to Report Changes; Removal**

Students have an obligation to immediately report to the director of their program any change in the information that they supplied on forms submitted to initiate background checks relating to the allied health or nursing program. That includes information provided to the Arizona Department of Public Safety and MCCCCD’s supplemental background check vendor, as well as that related to the background check required by a clinical agency. Failure to do so will result in removal from the program. Additionally, any change in background check status that would affect the student’s clearance under either MCCCCD’s or a clinical agency’s standards will result in removal from a program.

### **Additional Clinical Agency Background Check**

Some clinical agencies require that students assigned to their sites submit to a criminal background check covering other offenses, as well as to a drug screening. Students are required to pay for the additional agency clinical background check. A clinical agency that requires this additional background check may refuse to place a student due to information the clinical agency obtains in its background check even though that student possess a valid Level I Fingerprint Clearance Card and has obtained a “pass” status on the MCCCCD supplemental background check.

Some conditions that have resulted in students being denied placement at clinical agencies include pending criminal charges, outstanding warrants, unfinished terms of a sentence (such as unpaid fines), pattern of repeated types of arrests/convictions, and failure to disclose all past arrests/convictions when asked to do so on any background check application.

### **Inability to Place**

MCCCCD has no obligation to make repeated attempts to place a student when the reason for MCCCCD’s inability to place the student is due to background check issues. Since clinical agency assignments are mandatory requirements for completion of a program, a student’s inability to complete required clinical experience due to his or her background check issues will result in removal from the program.

### **Changes to Admission or Background Check Requirements**

MCCCCD may change its program admission requirements or background check requirements without notice at any time.

### **No Guarantee of Receipt of Licensure/Certificate**

Many of the nursing and allied health programs prepare graduates for application for State or National certificates or licenses. In some professions, such licensure and certification is required prior to employment or practice in the profession. Graduation from a nursing and allied health program does not guarantee the receipt of a license or certificate to practice in the field of study.

**AMENDED by Direct Approval from the Chancellor, June 1, 2017**

\*\*\*\*\*END OF ALLIED HEALTH SECTION\*\*\*\*\*

## **4.18 Consensual Relationships**

### **1. General**

The existing Governing Board Policy on Hiring of Relatives prohibits employees from being involved in any employment or key decision that involves a relative. This would include work performance, job assignments, or pay related matters. In that such relationships can create a conflict with the interests of the Maricopa Community Colleges, and the increased potential for nepotism and favoritism, the same principles also apply in the case of consensual amorous, romantic and/or sexual relationships that occur between employees or between employees and students.

In the work and academic environment, such a relationship that might be appropriate in other circumstances is inappropriate if one of the individuals in the relationship has a professional responsibility toward, or is in a position of authority with respect to, the other, such as in the context of supervision, instruction, coaching, counseling or advisement. An element of power is present in such a context and it is incumbent upon those with authority not to abuse that power. In addition, consensual relationships may yield to third parties the appearance that unfair bias or favoritism towards the student or supervisee is taking place.

**A. Definitions**

- i. Consensual relationships are defined as romantic, amorous and/or sexual relationships between consenting employees or between employees and adult (18 years or older) college students currently enrolled at one of the community colleges.
- ii. An employee is any individual who is employed by the Maricopa County Community College District (MCCCD). An employee includes an individual who is subject to an established employee job group policy manual, whether regular, full-time board approved, at-will, part-time, and/or temporary. An employee also includes a contract worker (special services employment, request for personnel services) working or serving as an agent or designee on behalf of the MCCCD.
- iii. A student is considered to be any person currently enrolled in a credit or non-credit class at one of the colleges or centers within the Maricopa County Community College District.
- iv. A vendor is someone who sells or can sell products or services to the Maricopa County Community College District.
- v. A recent consensual relationship is considered to be one that has taken place within the past 24 months.

**B. Prohibited Conduct**

- i. An employee shall not maintain, engage in or be involved in a consensual relationship with another employee who is subject to that individual's supervision or with a student that is currently enrolled in the individual's class, or a student whom the individual otherwise instructs, coaches, counsels or advises, or with a vendor if the employee manages that contract or otherwise exerts influence over the contract.
- ii. The Governing Board recognizes that the personal life of its employees is not a concern of the institution, and therefore, this regulation does not seek to prohibit romantic relationships that exist between parties where the context of power-authority between employees or between employees and students is not present; and provided that the relationship does not affect the employee's effectiveness in fulfilling his or her professional obligation. For these instances, appropriate measures should still be taken in order to avoid conflicts of interest from occurring. For relationships that may exist prior to the time that either a student or employee is placed in a situation of instruction or supervision that is considered to be a conflict of interest, the employee(s) involved shall disclose and take immediate measures to avoid the conflict or appearance of conflict.

**2. Procedures for Disclosure**

Employees should first avoid allowing an inappropriate consensual, amorous or sexual relationship to develop with a supervisee or student.

**A. Where the employee is already in or has had a recent consensual relationship with a supervisee, the following procedures shall be followed:**

- i. Immediate disclosure by the employee of the relationship to their supervisor and to the appropriate Vice President or Vice Chancellor in order to ensure that any conflicts of interest have been adequately addressed.
- ii. The respective administrator responsible for the department or division shall place the subordinate under alternate supervision when a supervisor under his/her direction has or has had a recent consensual relationship with the employee.
- iii. The supervisor shall recuse himself or herself from any discussions or involvement with decisions related to evaluations, promotion, hiring, determination of salary, or continuation of contract or employment.
- iv. The respective Vice President or Vice Chancellor shall prepare and retain a report that specifies the appropriate alternate arrangements that have been made to eliminate the conflict of interest. The EEO/AA Office shall be provided a copy of the report along with the employees involved in the relationship.

- B. Where the employee is already in or has had a recent consensual relationship with a student prior to enrollment in his or her class, the following procedures shall be followed:
- The faculty member shall counsel and advise the student not to enroll in his or her course.
  - The Consensual Relationships Policy will be made available to students via the student handbook and other appropriate communications vehicles.
  - If it is not possible for a student to enroll in another course, section, or course and section at another college due to a requirement for completion of a degree or certificate and no other academic option is available, disclosure of the relationship will be made to the appropriate Department Chair, Dean and Vice President of Academic Affairs or Vice President for Student Affairs as appropriate for review. The Vice President will refer the matter to the Vice Chancellor for Academic and Student Affairs for consideration. The Chancellor or his/her designee may allow a student to enroll in the class only upon a showing by the student that the enrollment is necessary to avoid an extreme hardship, and upon a showing by the college President or designee that the academic integrity of the student's enrollment in the class will nevertheless be maintained.
3. Persons who are married, or were married, are included within the definition of persons that have or who have had a consensual amorous relationship. Disclosure in this instance may be made via the Maricopa Disclosure process [The Annual Acknowledgement and Disclosures form may be found in the [Employee Learn Center](#). Employee credentials are needed to enter secure site].
4. An employee who fails to follow the requirements established in this policy and who does not withdraw from participation in activities or decisions that may reward or penalize a supervisee or student with whom the employee has or has had a recent consensual amorous relationship, will be considered in violation of policy and will be addressed in accordance with established processes in job group policy manuals.

---

**LANGUAGE ADOPTED BY DIRECT CHANCELLOR APPROVAL**

### **2.8.3 Technology Accessibility**

The Maricopa Community College District is committed to ensuring equal access to information, programs, services and activities through its technologies, Web pages, and resources both in the academic and work environments. This regulation establishes that Electronic and Information Technology (EIT) that are used to conduct the business of the Maricopa Community Colleges shall adhere to established accessibility standards and guidelines.

**ADOPTED by Direct Approval from the Chancellor, April 1, 2015**