

Name of Change Proposal	2.5 Student Rights and Responsibilities -								
<p><u>Initiating Council:</u> Faculty Executive Council</p> <p><u>Submitting Council:</u> Faculty Executive Council</p> <p><u>Justification for Proposed Changes:</u></p> <p>Background Information: (Provide a brief overview of the issue and/or historical information important in considering the change.)</p> <p>The "student handbook" is referenced 3 times in 2.5 as an and/or in the first two and in 2.5.3.5.B.4 as a "and." In addition to the changes proposed here, "student handbook" is also used in 3.6 Distribution of the Syllabus. However, not all campuses (if any) still publish a student handbook and, and the information as to what one is changes with each campus.</p> <p>Supporting Documentation and Rationale for Change: (Provide any supporting documentation such as new legislation, legal/statutory or regulatory changes, data, or key findings that would support the need for the change.)</p> <p>Maricopa Community Colleges Handbooks- this is the District website linking to each college's "student handbook". A quick review shows that there are different definitions of student handbook across the district.</p> <p>Areas, Councils, or Committees Impacted: (List the constituency groups that may be impacted by the proposed change and that reviewed the proposal and provided feedback.)</p> <table border="1"><thead><tr><th>Council</th><th>Distribution List</th></tr></thead><tbody><tr><td>Accreditation Liaison Officers</td><td>dl-alo@memo.maricopa.edu</td></tr><tr><td>ASA District Directors</td><td>dl-asa-district-directors@domail.maricopa.edu</td></tr><tr><td>Center for Curriculum and Transfer Articulation</td><td>dl-dssc-ccta@domail.maricopa.edu</td></tr></tbody></table>		Council	Distribution List	Accreditation Liaison Officers	dl-alo@memo.maricopa.edu	ASA District Directors	dl-asa-district-directors@domail.maricopa.edu	Center for Curriculum and Transfer Articulation	dl-dssc-ccta@domail.maricopa.edu
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Curriculum & Schedulers Council	dl-currtechs@memo.maricopa.edu
Curriculum Development Facilitators	dl-cdfs@memo.maricopa.edu
Department/Division Chairs	Via Deans
Directors of Academic Advisement Council	dl-daac@memo.maricopa.edu
Directors of Admissions and Records Council	dl-dar@memo.maricopa.edu
District Curriculum Committee	dl-dcc@memo.maricopa.edu
Dual Enrollment Council	dl-dssc-dual-enrollment@domail.maricopa.edu
FEC	dl-facexec@memo.maricopa.edu
Financial Aid Managers Council	dl-fam-dir-all@memo.maricopa.edu

Financial or Budget Implications:

None.

District Information Technology/Academic and Student Systems Analysis:

(Working with appropriate DOITS/Academic and Student Systems team to outline any system implications that need to be addressed and the estimated timeline for necessary changes)

None.

Other Considerations:

It would be prudent to address the “student handbook” discrepancies across the district. There are several references to it, but there seems to be inconsistency with student access and college use.

Implementation Impacts:

Recommended Effective Term:
2025-2026

Dissemination/Communication:
(Identify the dissemination/communication needs related to the proposed change)

Disposition History:

Date	Status
9/27/24	FEC specific regulations up for review presented to FEC at a regular meeting. Volunteers gathered for each proposal.
10/24/24-11/24/24	FEC/faculty representatives worked with Common Pages Rep to edit language. Continued updates and communication with Common Pages Committee to keep stakeholders looped in.
11/26/24	Presented for final comments at the FEC meeting. Comments requested by 12/2 for preparation to send to other stakeholder groups

PROPOSED CHANGES:

2.5 Student Rights and Responsibilities

2.5 Student Rights and Responsibilities
2.5.1

Conduct Standards and Authority

Disciplinary Probation and Suspension Standards

According to the laws of the State of Arizona, jurisdiction and control over the Maricopa County Community College District (MCCCD) are vested in the MCCCD Governing Board. The MCCCD Governing Board and its agents-the Chancellor, administration, and employees are granted authority to regulate student behavior subject to basic standards of reasonableness.

In developing responsible student conduct, the

FINAL LANGUAGE APPROVED BY COMMITTEE:

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In developing responsible student conduct, the MCCCD prefers mediation, guidance, and admonition. However, when

MCCCD prefers mediation, guidance, and admonition. 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.

2.5.2

Student Conduct Code

The purpose of this Student Code of Conduct is to help ensure a productive and safe environment for students, employees, and visitors. This conduct code is not a stand-alone policy. This code is subject to the provisions outlined in AR 5.1.16, generally known as the Title IX policy, and AR 6.24, generally known as the Free Expression policy, and AR 5.1, generally known as the Non-Discrimination policy. There are other policies that may intersect with other administrative regulations.

Article I: Definitions

The following are definitions of terms or phrases contained within this Code:

1. **"College"** means a Maricopa County Community College District (MCCCD) College or center/site.
2. **"College premises"** means all land, buildings, facilities and other property in the possession of or owned, used, or substantially controlled by the college or MCCCD.
3. **"College official"** means any person employed by the college or MCCCD, performing assigned administrative or professional responsibilities pursuant to this Student Conduct Code. The college President shall designate the college/center official who is responsible for the administration of the Student Conduct Code.
4. **"Complainant"** means any person who submits a complaint alleging that a student violated this Student Conduct Code. When a student believes they have been a victim of another student's misconduct, the student who believes they have been a victim will have the same rights under this Student Conduct Code as are provided to the Complainant, even if another

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5. **"Day"** means business day when college is in session, and shall exclude weekends and college/MCCCD holidays.

<p>member of the college community submitted the complaint itself.</p> <p>5. "Day" means business day when college is in session, and shall exclude weekends and college/MCCCD holidays.</p> <p>6. "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, which includes educational or professional internships, clinical placements, or other experiential learning opportunities. Disruptive behavior also includes conduct that materially interferes with or obstructs college business operations.</p> <p>7. "District" means the Maricopa County Community College District (MCCCD).</p> <p>8. "Faculty member" means any person hired by the college or MCCCD to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of the faculty in credit / non-credit courses and clock hour courses and programs.</p> <p>9. "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/site. A person's status in a particular situation shall be determined by the college President.</p> <p>10. "Organization" means any number of persons who have complied with the formal requirements for college recognition.</p> <p>11. "Policy" is defined as the written regulations of the college and/or MCCCD as found in, but not limited to, this Student Conduct Code and MCCCD Governing Board policy.</p> <p>12. "Respondent" means any student accused of violating MCCCD's Student Conduct Code. Respondents enjoy the presumption of innocence until such time as the Respondent is adjudicated to have violated the Student Conduct Code.</p> <p>13. "Student" means any individual who is currently admitted or registered in credit or non-credit college programs on a full or part time basis, or who participates in a college function (such as orientation, in anticipation of enrollment) or who was enrolled in the immediate previous term or is registered for a future term, including college employees so admitted, registered, or enrolled.</p>	<p>6. "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, which includes educational or professional internships, clinical placements, or other experiential learning opportunities. Disruptive behavior also includes conduct that materially interferes with or obstructs college business operations.</p> <p>7. "District" means the Maricopa County Community College District (MCCCD).</p> <p>8. "Faculty member" means any person hired by the college or MCCCD to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of the faculty in credit / non-credit courses and clock hour courses and programs.</p> <p>9. "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/site. A person's status in a particular situation shall be determined by the college President.</p> <p>10. "Organization" means any number of persons who have complied with the formal requirements for college recognition.</p> <p>11. "Policy" is defined as the written regulations of the college and/or MCCCD as found in, but not limited to, this Student Conduct Code and MCCCD Governing Board policy.</p> <p>12. "Respondent" means any student accused of violating MCCCD's Student Conduct Code. Respondents enjoy the presumption of innocence until such time as the Respondent is adjudicated to have violated the Student Conduct Code.</p> <p>13. "Student" means any individual who is currently admitted or registered in credit or non-credit college programs on a full or part time basis, or who participates in a college function (such as orientation, in anticipation of enrollment) or who was enrolled in the immediate previous term or is registered for a future term, including college employees so admitted, registered, or enrolled.</p> <p>14. "Student Conduct Administrator" means a college official authorized 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.</p> <p>15. "Threatening behavior" means any written or oral statement, communication, conduct or gesture directed toward any member of the college</p>
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15. **"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. Decisions made by a Student Conduct Administrator shall be final, pending the normal appeal process.
2. Matters pertaining to sexual harassment must always be referred first to the college Title IX Coordinator for review under AR 5.1.16. Conduct that does not meet the definition of sexual harassment as outlined in AR 5.1.16, or otherwise do not meet the definition of an educational program or activity, do not occur against a person within the United States, or are otherwise dismissed either under the mandatory or discretionary dismissal provisions will be referred by the Title IX Coordinator back to the college's respective Student Conduct Administrator for investigation and adjudication under the Student Conduct Code.

Article III: Prohibited Conduct

1. **Jurisdiction**
The Student Conduct Code shall apply to conduct that occurs on any college or MCCCCD premises, or at any center/site or MCCCCD-sponsored event or activity that adversely affects the college community and/or the pursuit of its objectives.
 - A. Jurisdiction may be applied against student behavior conducted online, via email, or other electronic medium provided that it meets the criteria listed

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 - B. 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

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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.

3. Disruptive Behavior In Class (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. (Academic Misconduct AR 2.3.11). If the student refuses to leave after being requested to do so, college police may be summoned to provide assistance. For involuntary removal from more than one (1) class period, the faculty member should invoke the procedures outlined below.

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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 filing a false report or complaint), 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.

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- iii. Tampering with the election of any college- recognized student organization.
- iv. Financial aid fraud or corresponding behaviors that would allow a student to receive a monetary benefit for which they are not eligible.
- v. Misrepresentation of one's identity (see also Identity Theft Red Flag and Security Incident Reporting AR 6.11).
- vi. Misuse of the colleges copyrighted content and trademark (Copyright Act Compliance AR 2.4.5).
- vii. Knowingly filing a false report (Title IX, conduct, or campus police investigation) to a college official or campus police.

B. Obstruction or disruption 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.

C. Conduct that intentionally or recklessly causes physical harm or that otherwise

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B. Obstruction or disruption 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.

C. Conduct that intentionally or recklessly causes physical harm or that otherwise threatens or endangers the health or safety of any person.

- i. Physical abuse – hitting, pushing, use of a weapon, beating or other such activity resulting in or, intended to cause physical harm.
- ii. Making a threat(s) of violence (including verbal, written, or virtual communication) that does or could cause(s) a reasonable expectation of harm to the health or safety of a specific person.
- iii. Substantial or repeated acts and/or harassment directed at a person or group of people that would cause a reasonable person to feel fearful and/or find intimidating, hostile, or offensive, including but not limited to, bullying, stalking, and hazing (Hazing Prevention Regulation AR 2.6) as defined in Article I.
- iv. Any form of retaliation towards a Complainant or any participant in an investigation or conduct process.

D. Attempted or actual theft of, damage to, or unauthorized use of property of the college or property of a member of the college

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 - iv. Any form of retaliation towards a Complainant or any participant in an investigation or conduct process.
- D. Attempted or actual theft of, damage to, or unauthorized use of property of the college or property of a member of the college community or other personal or public property.
- E. Trespassing or unauthorized access to physical or virtual/cyber property or services of the college.
- F. Having an animal in a campus building, other than in accordance with MCCCCD policy (Domesticated Animals on Campus AR 3.9 and Guidelines for Service Animals on Campus) and ADA laws, such as permitted service animals individually trained to perform tasks for the benefit of an individual with a disability.
- G. 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.

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- G. 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.
- H. Unauthorized possession, duplication or use of keys to any college premises, or unauthorized entry to or use of college premises.
- I. Violation of any college or MCCCCD policy, rule or regulation published in hard copy or online, such as a college catalog, and/or handbook, etc. available electronically on the college's or mccccd's website.
- J. Violation of federal, state or local law.
- K. Use, possession, manufacturing or distribution of illegal or other controlled substances except as expressly permitted by law, unless such use is prohibited due to a program of study for fields that are deemed safety sensitive positions. (Abuse-Free Environment AR 2.4.7, S-16 statement on the Arizona Medical Marijuana Act Proposition 203).
- L. Illegal use, possession, manufacturing or distribution of alcoholic beverages or public intoxication.
- M. Smoking tobacco products, using e-cigarettes, or any other violation of the Smoke-Free/Tobacco-Free Environment policy (AR 4.12).
- N. 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 (Weapons policy AR 4.6).

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- 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 (Copyright Act Compliance AR 2.4.5)

- 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 (Copyright Act Compliance AR 2.4.5)
 - viii. Any violation of the MCCCCD's technology resource standards (Technology Resource Standards AR 4.4)
 - ix. Use of technology facilities or resources to illegally download files
 - x. Unauthorized use of intellectual property (Intellectual Property policy)
- T. Abuse of the Student Conduct system, including but not limited to:
- i. Falsification, distortion or misrepresentation of information before a Student Conduct Official.
 - ii. Invoking a Student Conduct Code proceeding with malicious intent or under false pretenses
 - iii. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system
 - iv. Attempting to influence the impartiality of the member of a judicial body prior to, and/or during the course of, the Student Conduct proceeding
 - v. Harassment, either verbal or physical, and/or intimidation of a Student Conduct Administrator prior to, during and/or after a Student Conduct proceeding
 - vi. Failure to comply with the sanctions imposed under this Student Conduct Code
 - vii. Influence or attempting to influence another person to commit an abuse of the Student Conduct Code system
 - viii. Failure to obey the notice from a Student Conduct or college official to appear for a meeting or hearing as part of the Student Conduct system.
- U. Engaging in irresponsible social media conduct. All Student Conduct policies apply to social networking platforms.
- V. Attempt to bribe a college or MCCCCD employee.

<ul style="list-style-type: none"> viii. Any violation of the MCCC'D's technology resource standards (Technology Resource Standards AR 4.4) ix. Use of technology facilities or resources to illegally download files x. Unauthorized use of intellectual property (Intellectual Property policy) <p>T. Abuse of the Student Conduct system, including but not limited to:</p> <ul style="list-style-type: none"> i. Falsification, distortion or misrepresentation of information before a Student Conduct Official. ii. Invoking a Student Conduct Code proceeding with malicious intent or under false pretenses iii. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system iv. Attempting to influence the impartiality of the member of a judicial body prior to, and/or during the course of, the Student Conduct proceeding v. Harassment, either verbal or physical, and/or intimidation of a Student Conduct Administrator prior to, during and/or after a Student Conduct proceeding vi. Failure to comply with the sanctions imposed under this Student Conduct Code vii. Influence or attempting to influence another person to commit an abuse of the Student Conduct Code system viii. Failure to obey the notice from a Student Conduct or college official to appear for a meeting or hearing as part of the Student Conduct system. <p>U. Engaging in irresponsible social media conduct. All Student Conduct policies apply to social networking platforms.</p> <p>V. Attempt to bribe a college or MCCC'D employee.</p>	<p>W. Stalking behavior, which occurs if a student intentionally or knowingly maintains visual or physical proximity toward another person on two (2) or more occasions over a period of time and such conduct would cause a reasonable person to fear for their safety.</p> <p>X. Sexual misconduct, including but not limited to:</p> <ul style="list-style-type: none"> 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 (1) 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 benefiting from the MCCC'D 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). <p>Y. Sexual Exploitation</p> <ul style="list-style-type: none"> i. 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:
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- a. Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation;
- 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 their genitals;
- h. Possessing, distributing, viewing or forcing others to view obscenity.

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 civil or criminal litigation. If a criminal investigation and/or prosecution results from the same factual situation, proceedings under this Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the

environment hostile) and subjectively (meaning the impacted individual felt the environment was hostile).

Y. Sexual Exploitation

- i. 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:
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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 their status as a student. If the alleged offense is also being processed under this Student Conduct Code, however, the college may advise external law enforcement and other 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.
- C. The Student Code of Conduct may apply to off-campus behavior that affects a substantial interest of the college. A substantial college interest means:
 - i. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of themselves or others; and/or
 - ii. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
 - iii. Any situation that is detrimental to the educational mission and/or interests of the college, unless it is protected by a student's constitutional right to free expression.

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Article IV: Student Conduct Code Procedures

1. Allegations and Resolution Options

- A. Any member of the college community may file a complaint against a student for violations of this Student Conduct Code. A complaint may be in writing or verbally given to the Student Conduct Administrator. Once the complaint has been made, it shall be put in writing and a notice of allegation should be submitted to the Respondent. A Respondent must receive written notice of the allegations before a meeting is held with the Respondent regarding the conduct. The notice of allegations should outline the particulars of the complaint, the presumption of innocence, an outline of the Respondent's due process rights, and the contact information for the Student Conduct Administrator.
- B. There is no statute of limitations for bringing a complaint under the Student Conduct Code, but it is advisable to bring a complaint as soon after the conduct being reported occurred.
- C. Both the Complainant and the Respondent 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 meeting with the party. Advisors may not be an attorney. Both the Complainant and the Respondent are responsible for presenting their own information during the course of the meeting. Advisors are not permitted to speak or participate directly in any Student Conduct meeting or proceeding and can be removed from proceedings by not abiding by these parameters.
- D. Misconduct that would fall under the jurisdiction of AR 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

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.

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 - i. Any situation where it appears that the student's conduct may present a danger or threat to the health or safety of themselves or others; and/or
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definition of sexual harassment, as outlined in the Title IX Regulations (and MCCCCD policy AR 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.

- E. After receiving information on alleged violations of the Student Conduct Code, the Student Conduct Administrator will review the information, gather facts, and make a determination on the appropriate next steps. Documentation regarding the aforementioned steps must be maintained. Next steps are:
 - i. Dismiss the case due to insufficient evidence, lack of jurisdiction, or the alleged behavior, even if proven true, would not violate the code.
 - ii. Proceed with a full, thorough, and impartial investigation with formal disciplinary proceedings.
 - iii. Initiate an informal resolution outside of formal disciplinary proceedings provided involved parties mutually agree and the Student Conduct Administrator determines this option is appropriate given the nature of the allegations. An informal resolution can also be an option when the Respondent accepts responsibility for the behavior.
 - iv. If the informal resolution option is initiated, the determination with regard to responsibility and sanctions is final and cannot be appealed.

2. Informal Resolution Options

- A. Informal resolution options include, but are not limited to: administrative dispositions, mediation, facilitated dialogue, and restorative justice practices.
- B. Determinations regarding the type of informal resolution offered in a particular case will be made in consultation with the Student Conduct Administrators, other MCCCCD leadership, as necessary, and the students at issue. Staff outside of the Student Conduct Administrator's

conduct. The notice of allegations should outline the particulars of the complaint, the presumption of innocence, an outline of the Respondent's due process rights, and the contact information for the Student Conduct Administrator.

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office may be involved in facilitating the agreed upon option.

- C. Informal resolutions can result in the same sanctions and institutional responses as are reserved for matters that have been addressed through a full investigation.
- D. The Student Conduct Administrator will make the determination with regard to responsibility.
- E. Should new facts come forward during the informal resolution process that significantly alter the nature of the allegations, the Student Conduct Administrator has the discretion to initiate a full investigation. If one of the involved parties decides that the informal resolution option is not appropriate, they may request a full investigation. This request must be submitted to the Student Conduct Administrator before the conclusion of the informal resolution process. If this action is taken, the Student Conduct Administrator will document the end of the informal resolution process and shall initiate a formal investigation.
- F. Both the Complainant and the Respondent must sign an agreement to engage in the informal resolution process.

3. Interim Actions

- A. If the Student Conduct Administrator is in receipt of information indicating that the Respondent poses a threat of harm or substantial disruption, the Student Conduct Administrator may take administrative action(s) to restrict, suspend, or alter the rights of a student for a temporary period. The interim action(s) will be communicated in writing to involved parties and will remain in place until a final decision on the pending allegations has been made or until the Student Conduct Administrator believes the reason(s) for issuing the interim action(s) no longer exists. These administrative actions are not designed to be punitive, and they are not issued as sanctions.
- B. A student who is restricted from campus or suspended due to interim action(s) may appeal the interim action(s) in writing to the Dean or Vice President of Student Affairs (VPSA) who is over the Student Conduct Administrator, and in the case that a VPSA is the Student Conduct Administrator, to the President of the

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college, no later than five (5) business days following the effective date of the interim action(s). This person will determine, within five (5) business days of receipt of the appeal, if the interim action(s) should remain in place, be modified, or lifted.

- C. Examples of interim actions include, but are not limited to, no contact directives, removal from a class or classes or specific MCCCDC locations, administrative removal from campus, administrative/enrollment holds, and temporary suspension.
- D. Factors considered before issuing interim actions include, but are not limited to, individual safety, community safety, and the need to maintain an academic and work environment free from disruption. If the interim action is temporary suspension or removal from campus, the Student Conduct Administrator will consult with the college's behavioral assessment team as part of the decision-making process.

4. Notice of Allegations and Investigations

- A. The notice of allegations letter sent to the Respondent will also be sent to the Complainant. The notice of allegation should specify that the investigation will be done to determine, under the preponderance of the evidence standard, if a violation of the policy has taken place. The notice of allegations should outline the particulars of the complaint, the presumption of innocence, an outline of the Respondent's due process rights, and the contact information for the Student Conduct Administrator.
- B. Investigations will be conducted in a fair and impartial manner. Respondents are treated with a presumption of innocence until such time as it has been adjudicated that a violation of the Student Conduct Code has taken place.
- C. If during the investigation additional allegations are presented or if allegations outlined in the original notice of allegations have been retracted, the Respondent must receive an amended notice of allegations and shall be allowed to address the new allegations.

5. Investigation Process

- C. Informal resolutions can result in the same sanctions and institutional responses as are reserved for matters that have been addressed through a full investigation.
- D. The Student Conduct Administrator will make the determination with regard to responsibility.
- E. Should new facts come forward during the informal resolution process that significantly alter the nature of the allegations, the Student Conduct Administrator has the discretion to initiate a full investigation. If one of the involved parties decides that the informal resolution option is not appropriate, they may request a full investigation. This request must be submitted to the Student Conduct Administrator before the conclusion of the informal resolution process. If this action is taken, the Student Conduct Administrator will document the end of the informal resolution process and shall initiate a formal investigation.
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- A. At the beginning of the investigation interview, the Student Conduct Administrator will review with the party being interviewed: the Student Conduct Code, the investigation process, how determinations are made, possible sanction(s), the prohibition against retaliation, and appeal options.
- B. Students are expected to comply with requests and directives issued by the Student Conduct Administrator performing duties connected to an investigation. Should a student choose to not participate in the conduct process, the Student Conduct Administrator will proceed with the investigation and make determinations without gaining input from the non-participating student.
- C. After the investigative interview, Respondents will be given up to five (5) days to reflect upon and respond to the allegations(s) in writing. The written response should be delivered to the Student Conduct Administrator within that time period. Likewise, Complainants and witnesses will be given up to five (5) days to reflect upon and respond to the information presented and outlined during the investigative interview. The Student Conduct Administrator does not need to provide interview notes or additional information to the student to facilitate this process.
- D. A student can have an advisor present in all conduct proceedings, but the advisor cannot speak on the student's behalf.
- E. Involved parties can identify witnesses who have information relevant to the investigation. These witnesses will be contacted by the Student Conduct Administrator who will assess the relevance of the witnesses and conduct interviews as appropriate.
- F. Complainants and Respondents will be notified in writing when an investigation has concluded and the investigative report has been completed, which will encompass all information except for a final determination.

6. Determinations

- A. The Student Conduct Administrator will determine whether it is more likely than not that a student and/or student organization violated the Student Conduct Code.

- B. A student who is restricted from campus or suspended due to interim action(s) may appeal the interim action(s) in writing to the Dean or Vice President of Student Affairs (VPSA) who is over the Student Conduct Administrator, and in the case that a VPSA is the Student Conduct Administrator, to the President of the college, no later than five (5) business days following the effective date of the interim action(s). This person will determine, within five (5) business days of receipt of the appeal, if the interim action(s) should remain in place, be modified, or lifted.
- C. Examples of interim actions include, but are not limited to, no contact directives, removal from a class or classes or specific MCCC locations, administrative removal from campus, administrative/enrollment holds, and temporary suspension.
- D. Factors considered before issuing interim actions include, but are not limited to, individual safety, community safety, and the need to maintain an academic and work environment free from disruption. If the interim action is temporary suspension or removal from campus, the Student Conduct Administrator will consult with the college's behavioral assessment team as part of the decision-making process.

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- A. The notice of allegations letter sent to the Respondent will also be sent to the Complainant. The notice of allegation should specify that the investigation will be done to determine, under the preponderance of the evidence standard, if a violation of the policy has taken place. The notice of allegations should outline the particulars of the complaint, the presumption of innocence, an outline of the Respondent's due process rights, and the contact information for the Student Conduct Administrator.

- B. The Student Conduct Administrator will consider any mitigating or aggravating factors and determine the appropriate sanctions.
- C. Within five (5) business days of the determination, the Student Conduct Administrator will provide the parties a written decision. The written decision will indicate whether or not the charge(s) was substantiated and, if the charge(s) was/were substantiated, will outline the remedial action(s) taken including sanctions if applicable, to be issued by the college. The determination letter will summarize the investigation and outline the determination made regarding the allegations outlined in the complaint, as well as state any issued sanction(s) based on a finding of responsibility.
- D. Respondent will be informed of the right to appeal the determination and will be given instructions on how to do so in the decision letter.

7. Appeals

- A. The Respondent must submit a written appeal request to the supervising Dean of Students or Vice President of Student Affairs (VPSA), or in the case that the Student Conduct Administrator is the VPSA, the President, no later than five (5) days from the date of the written determination.
- B. If no appeal is filed within the five (5) day window, the determination regarding responsibility for a violation under this policy and sanctions is final.
- C. Pending the filing of a timely appeal request, the decision by the Dean of Students or VPSA will delay the effective date of the disciplinary sanction.
- D. The grounds for an appeal are restricted to the following:
 - i. Procedural irregularity that affected the outcome of the matter, and
 - ii. New evidence that was not reasonably available at the time determinations regarding responsibility was made, or that could affect the outcome of the matter.
- E. The Dean of Students or VPSA will notify the involved parties of a decision regarding the

- B. Investigations will be conducted in a fair and impartial manner. Respondents are treated with a presumption of innocence until such time as it has been adjudicated that a violation of the Student Conduct Code has taken place.
- C. If during the investigation additional allegations are presented or if allegations outlined in the original notice of allegations have been retracted, the Respondent must receive an amended notice of allegations and shall be allowed to address the new allegations.

5. Investigation Process

- A. At the beginning of the investigation interview, the Student Conduct Administrator will review with the party being interviewed: the Student Conduct Code, the investigation process, how determinations are made, possible sanction(s), the prohibition against retaliation, and appeal options.
- B. Students are expected to comply with requests and directives issued by the Student Conduct Administrator performing duties connected to an investigation. Should a student choose to not participate in the conduct process, the Student Conduct Administrator will proceed with the investigation and make determinations without gaining input from the non-participating student.
- C. After the investigative interview, Respondents will be given up to five (5) days to reflect upon and respond to the allegations(s) in writing. The written response should be delivered to the Student Conduct Administrator within that time period. Likewise, Complainants and witnesses will be given up to five (5) days to reflect upon and respond to the information presented and outlined during the investigative interview. The Student Conduct Administrator does not need to provide interview notes or additional information to the student to facilitate this process.
- D. A student can have an advisor present in all conduct proceedings, but the

appeal within five (5) days of receiving the appeal request. Both parties to the original investigation will be notified of the appeal decision.

- i. If the appeal is denied, the decision by the Student Conduct Administrator shall be considered final and binding upon all concerned.
- ii. If the appeal is granted, the rationale for the decision will be outlined in the decision letter as will the next steps in the process.

- a. The appellate body has discretion upon granting an appeal to refer the matter back to the Student Conduct Administrator for reconsideration, or alter the sanction(s) only (including issuing more severe sanctions).

8. Matters Related to Infringement of the Right to Free Expression

- A. As outlined in Arizona Revised Statute 15-1866, any student who engages in individual conduct that materially and substantially infringes on the rights of other persons to engage in or listen to expressive activity is subject to discipline under this conduct code.
- B. In all disciplinary proceedings involving students, including proceedings involving expressive conduct, a student is entitled to a disciplinary hearing under published procedures that include, at a minimum, all of the following:
 - i. The right to receive advanced written notice of the allegations.
 - ii. The right to review the evidence in support of the allegations.
 - iii. The right to confront witnesses who testify against that student.
 - iv. The right to present a defense.
 - v. The right to call witnesses.
 - vi. A decision by an impartial person or panel.
 - vii. The right to appeal.

advisor cannot speak on the student's behalf.

- E. Involved parties can identify witnesses who have information relevant to the investigation. These witnesses will be contacted by the Student Conduct Administrator who will assess the relevance of the witnesses and conduct interviews as appropriate.
- F. Complainants and Respondents will be notified in writing when an investigation has concluded and the investigative report has been completed, which will encompass all information except for a final determination.

6. Determinations

- A. The Student Conduct Administrator will determine whether it is more likely than not that a student and/or student organization violated the Student Conduct Code.
- B. The Student Conduct Administrator will consider any mitigating or aggravating factors and determine the appropriate sanctions.
- C. Within five (5) business days of the determination, the Student Conduct Administrator will provide the parties a written decision. The written decision will indicate whether or not the charge(s) was substantiated and, if the charge(s) was/were substantiated, will outline the remedial action(s) taken including sanctions if applicable, to be issued by the college. The determination letter will summarize the investigation and outline the determination made regarding the allegations outlined in the complaint, as well as state any issued sanction(s) based on a finding of responsibility.
- D. Respondent will be informed of the right to appeal the determination and will be given instructions on how to do so in the decision letter.

7. Appeals

- A. The Respondent must submit a written appeal request to the supervising Dean of Students or Vice President of Student

- viii. If either a suspension of more than thirty (30) days or expulsion is a potential consequence of a disciplinary proceeding under this section, the right to active assistance of counsel.

9. 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. **Disciplinary 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 which can include, but is not limited to, eligibility for some leadership roles, scholarships, membership in college-affiliated organizations, programs, and activities, and restricted access to college premises.
 - 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 community, apology letters, educational programs, or other related discretionary assignments. (Such assignments must have the prior approval of the Student Conduct Administrator and will have specific due dates.)

Affairs (VPSA), or in the case that the Student Conduct Administrator is the VPSA, the President, no later than five (5) days from the date of the written determination.

- B. If no appeal is filed within the five (5) day window, the determination regarding responsibility for a violation under this policy and sanctions is final.
- C. Pending the filing of a timely appeal request, the decision by the Dean of Students or VPSA will delay the effective date of the disciplinary sanction.
- D. The grounds for an appeal are restricted to the following:

- i. Procedural irregularity that affected the outcome of the matter, and
- ii. New evidence that was not reasonably available at the time determinations regarding responsibility was made, or that could affect the outcome of the matter.

- E. The Dean of Students or VPSA will notify the involved parties of a decision regarding the appeal within five (5) days of receiving the appeal request. Both parties to the original investigation will be notified of the appeal decision.

- i. If the appeal is denied, the decision by the Student Conduct Administrator shall be considered final and binding upon all concerned.
- ii. If the appeal is granted, the rationale for the decision will be outlined in the decision letter as will the next steps in the process.

- a. The appellate body has discretion upon granting an appeal to refer the matter back to the Student Conduct Administrator for reconsideration, or alter

vi. **Behavioral Requirement** - engagement with services or programs designed to address behaviors of concern through education and skill-building.

vii. **College Suspension** - separation of the student from all the colleges in MCCCCD 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 MCCCCD.

viii. **College Expulsion** - permanent separation of the student from all the colleges in MCCCCD. Expulsion from one college means expulsion from all MCCCCD colleges.

ix. **Degree/Certificate Revocation** - permanent revocation of a student's degree and/or certificate.

x. **Other Sanctions** - additional or alternative sanctions may be created and designed as deemed appropriate to the offense with the approval of the Student Conduct Administrator.

B. More than one of the sanctions listed above may be imposed for any single violation.

C. Disciplinary sanctions are part of a student's educational record.

10. Miscellaneous

A. **Administrative Hold**

The Student Conduct Administrator may place a temporary administrative hold preventing a student's registration, transcript release, or graduation if it is necessary to secure the student's cooperation in the investigation or compliance with an administrative direction. This hold is not a sanction but a necessary step to resolve the complaint promptly.

B. **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

the sanction(s) only
(including issuing more
severe sanctions).

8. Matters Related to Infringement of the Right to Free Expression

- A. As outlined in Arizona Revised Statute 15-1866, any student who engages in individual conduct that materially and substantially infringes on the rights of other persons to engage in or listen to expressive activity is subject to discipline under this conduct code.
- B. In all disciplinary proceedings involving students, including proceedings involving expressive conduct, a student is entitled to a disciplinary hearing under published procedures that include, at a minimum, all of the following:
 - i. The right to receive advanced written notice of the allegations.
 - ii. The right to review the evidence in support of the allegations.
 - iii. The right to confront witnesses who testify against that student.
 - iv. The right to present a defense.
 - v. The right to call witnesses.
 - vi. A decision by an impartial person or panel.
 - vii. The right to appeal.
 - viii. If either a suspension of more than thirty (30) days or expulsion is a potential consequence of a disciplinary proceeding under this section, the right to active assistance of counsel.

9. 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. **Disciplinary Probation** - a written reprimand for violation of

cheating, plagiarism, falsification of data, or other forms of academic dishonesty. In such cases, 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 college officials charged with the administration of the Student Conduct Code.

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.

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

<p>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.</p> <p>iii. Loss of Privileges - denial of specified privileges for a designated period of time which can include, but is not limited to, eligibility for some leadership roles, scholarships, membership in college-affiliated organizations, programs, and activities, and restricted access to college premises.</p> <p>iv. Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.</p> <p>v. Discretionary Sanctions - work assignments, essays, service to the college, or community, apology letters, educational programs, or other related discretionary assignments. (Such assignments must have the prior approval of the Student Conduct Administrator and will have specific due dates.)</p> <p>vi. Behavioral Requirement - engagement with services or programs designed to address behaviors of concern through education and skill-building.</p> <p>vii. College Suspension - separation of the student from all the colleges in MCCCDC for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. Suspension from ONE college</p>	<p>student, provided the record is used only in relation to the individual's employment</p> <p>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.</p> <p>iv. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, if the records are used <i>only</i> for treatment of a student or made available only to those persons providing treatment.</p> <p>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</p> <p>2. Records Request</p> <p>Official verification of educational records is issued by the Admissions and Records Office/Office of Student Enrollment Services.</p> <p>3. Fees</p> <p>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.</p> <p>4. Annual Notification (SEE ALSO FERPA EXPLANATION)</p> <p>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 handbook, etc. available electronically on the college's or MCCCDC's website.</p> <p>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</p>
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- viii. means a suspension from ALL colleges in MCCCCD.
College Expulsion - permanent separation of the student from all the colleges in MCCCCD. Expulsion from one college means expulsion from all MCCCCD colleges.
- ix. **Degree/Certificate Revocation** - permanent revocation of a student's degree and/or certificate.
- x. **Other Sanctions** - additional or alternative sanctions may be created and designed as deemed appropriate to the offense with the approval of the Student Conduct Administrator.
- B. More than one of the sanctions listed above may be imposed for any single violation.
- C. Disciplinary sanctions are part of a student's educational record.

10. Miscellaneous

- A. **Administrative Hold**
 The Student Conduct Administrator may place a temporary administrative hold preventing a student's registration, transcript release, or graduation if it is necessary to secure the student's cooperation in the investigation or compliance with an administrative direction. This hold is not a sanction but a necessary step to resolve the complaint promptly.
- B. **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. In such cases, the instructor may award a failing grade for the assignment or the course

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 at each college they attend. 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:

- Parents' financial statements;
- Letters of recommendation, if the student has waived his or her right of access;
- Records filed before January 1, 1975; or
- 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

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 college officials charged with the administration of the Student Conduct Code.

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.

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

records, including transcripts, in any of the following situations:

a. There is an unresolved disciplinary action against the student; or

b. 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. 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 college catalog and/or handbook, etc. available electronically on the college's or MCCCDC's website and in Appendix S-17 of the MCCCDC 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.*

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~~ HANDBOOK, ETC. AVAILABLE ELECTRONICALLY ON THE COLLEGE'S OR MCCC'D'S WEBSITE.

Individuals requesting admission or enrollment at any of the Maricopa County Community Colleges are asked

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 MCCC'D 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,

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 at each college they attend. 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

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

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. There is an unresolved disciplinary action against the student; or

b. 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. 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 THE COLLEGE CATALOG AND/OR HANDBOOK, ETC. AVAILABLE ELECTRONICALLY**

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 MCCCCD 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](#)

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

ON THE COLLEGE'S OR MCCCCD'S WEBSITE and in Appendix S-17 [REMOVE LINK] 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

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 filling 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. MCCCCD 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.

§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))

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 under Consumer 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,

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

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.

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](#)

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 filling 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

<p>D. MCCCCD Email Address</p> <p>E. Photograph/Electronic Image</p> <p>F. Place of Birth</p> <p>G. Major Field of Study</p> <p>H. Current Enrollment Status</p> <p>I. Participation in Officially Recognized Activities</p> <p>J. Dates of Attendance</p> <p>K. Degrees Awarded</p> <p>L. Awards and Academic Honors Received/Dean’s List Selection</p> <p>M. Previous Institutions Attended</p> <p>N. Program and promotional materials on participants in various sports and similar public activities, including weight and height of athletic team members.</p> <p>G. Disclosure to Parents</p> <p>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.</p> <p>RELEASE OF DIRECTORY (PUBLIC) INFORMATION</p> <p>At its discretion, the college or District may provide <i>directory information</i> in accordance with the provisions of FERPA. Types of information considered as <i>directory information</i> are listed below. Additional information may be found at: DISTRICT.MARICOPA.EDU under Consumer Information.</p> <p>BLOCKING THE RELEASE OF DIRECTORY (PUBLIC) INFORMATION</p> <p>By default, a college or District may release a student's directory information. Students may prohibit (or block)</p>	
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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.