

## Catalog Common Pages 2022-2023

### MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT

**2.3.2 Attendance AMENDED by Direct Chancellor Approval, September 14, 2022; 2.8.1 Eligibility for Accommodations & Required Disability Documentation, AMENDED by Direct Chancellor Approval, September 14, 2022; 2.11 Student-Athlete Name, Image, Likeness Activity, ADOPTED by Direct Chancellor Approval, September 14, 2022; 2.2.1 Admission Policy AMENDED through the Administrative Regulation Process, May 24, 2022, 2.2.2 Admission Information AMENDED through the Administrative Regulation Process, May 24, 2022; 2.2.6 Academic Advising and New Student Orientation AMENDED through the Administrative Regulation Process, May 24, 2022; 2.3.3 Grading AMENDED through the Administrative Regulation Process, May 24, 2022; 2.3.9 General Graduation Requirements AMENDED through the Administrative Regulation Process, May 24, 2022; 2.3.11 Academic Misconduct AMENDED through the Administrative Regulation Process, May 24, 2022; 2.5.1 Conduct Standards and Authority AMENDED through the Administrative Regulation Process, May 24, 2022; 2.5.2 Student Conduct Code AMENDED through the Administrative Regulation Process, May 24, 2022; Appendix S-5 Student Financial Assistance AMENDED through the Administrative Regulation Process, May 24, 2022**

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

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

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

#### 2.4.1 General Statement

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

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

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

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

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

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

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

**AMENDED by Direct Approval from the Chancellor, April 8, 2020**  
**AMENDED through the Administrative Regulations Approval Process, January 2, 2020**

### **AFFIRMATIVE ACTION STATEMENTS**

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

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

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

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

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

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

**EMPLOYEES**

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

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

**STUDENTS**

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

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

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

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

Title IX Coordinators

ADA/504 Managers

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

**Governing Values (Board Policy 4.1)**

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

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

*University Transfer Education*

*General Education*

*Developmental Education*

*Workforce Development*

*Student Development Services*

*Continuing Education*

*Community Education*

*Civic Responsibility*

*Global Engagement*

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

**Community**

We value all people—our students, our employees, their families, and the communities in which they live and work.

We value our global community of which we are an integral part.

### **Excellence**

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

### **Honesty and Integrity**

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

### **Inclusiveness**

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

### **Innovation**

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

### **Learning**

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

### **Responsibility**

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

### **Stewardship**

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

## **ADMISSION, REGISTRATION AND ENROLLMENT**

### **2.1 General Regulation**

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

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

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

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

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

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

The Maricopa County Community College District Vision, Mission and Values that are featured in the Common Pages are a part of approved Governing Board policy and are located in the policy section of the manual. As such, the

following statement related to Outcomes Assessment that appears in the Common Pages is presented here as a general statement.

## **2. Outcomes Assessment**

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

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

### **2.2.1 Admission Policy**

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

## **Admission Classifications**

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

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

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

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

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

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

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

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

The Western Undergraduate Exchange (WUE) program is a student exchange program coordinated by the Western Interstate Commission for Higher Education (WICHE) and administered by the Arizona Board of Regents. Through

WUE, students who reside in western states (Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming), Guam and the Commonwealth of the Northern Marianas Islands (CNIMI) and who meet the eligibility requirements, pay 150 percent of the regular resident tuition plus fees. Students must mark prominently on the Student Information Form that they seek admission as WUE students. Students may not apply as out-of-state students and expect to receive the WUE tuition rate after admitted. Once admitted as WUE students, students may not petition for in-state residency. Further information may be obtained from the Admissions and Records Office/Office of Student Enrollment Services.

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

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

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

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

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

Applicants who wish to enroll in an academic program at the college must present evidence of English language proficiency. If the Test of English as a Foreign Language (TOEFL) is used to satisfy this requirement, the applicant must attain a score of at least 500 (on the paper-based TOEFL) or 61 (on the internet-based TOEFL, known as the iBT). Some colleges may have a higher minimum score requirement for admission to specific academic programs. Students should contact their respective college for its English language proficiency requirements. If the International Language Testing System (IELTS) is used to satisfy this requirement, an IELTS overall Band Score of 5.5 or better is required, and a minimum IELTS individual Band Score of 5.0 on each module is recommended. The Dean or Director of the Admissions and Records Office/Office of Student Enrollment Services or designee of the college may accept other proof of English language proficiency for admission purposes; including, but not limited to, the ACCUPLACER, ASSET, COMPASS and CELSA TESTS.

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

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

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

### **C. Financial Support**



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

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

**D. Dependent Financial Guarantee**

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

**E. Health Insurance**

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

Footnotes:

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

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

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

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

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

**AMENDED through the Administrative Regulation Process, May 24, 2022**

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

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

## 2.2.2 Admission Information

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

### 1. Student Status

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

### 2. Student Identification Number

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

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

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

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

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

A. Implementation

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

B. Definitions

- i. "Armed forces of the United States" means the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the commissioned corps of the United States Public Health Services, the National Oceanographic and Atmospheric Administration, the National Guard, or any military reserve unit of any branch of the armed forces of the United States.
- ii. "Continuous attendance" means enrollment at one of Maricopa Community Colleges as a full-time or part-time student for a normal academic year since the beginning of the period for which continuous attendance is claimed. Students need not attend summer sessions or other such intersession beyond the normal academic year in order to maintain continuous attendance.
- iii. "Maricopa County resident" means an individual who lives in Maricopa County and has lived in the state of Arizona for at least one year prior (365 days) to the first day of the semester (as published in the approved MCCC Academic Calendar posted online at [ACADEMIC CALENDARS](#)) and who is a United States citizen or in a lawful status. In-state residency must be established prior to county residency for those moving from other states. Refer to Section C for guidelines.
- iv. "Domicile" means a person's true, fixed, and permanent home and place of habitation. It is the place where he or she intends to remain and to which he or she expects to return when he or she leaves without intending to establish a new domicile elsewhere. Visa status must confer the ability to establish domicile in the United States in order to be classified as an in-state student.
- v. "Emancipated person" means a person who is neither under a legal duty of service to his parent nor entitled to the support of such parent under the laws of this state.
- vi. "Full-time student" means one who registers for at least twelve (12) credit hours per semester.
- vii. "Lawful Presence" (See general Arizona Revised Statutes §§1-501 and 1-502), means MCCC, in administering any "federal public benefit" or "state or local benefit," must require each natural person who applies for the benefit to submit one of 12 specific types of documents to demonstrate lawful presence in the United States.
- viii. "Part-time student" means one who registers for fewer than twelve (12) credit hours per semester.
- ix. "Parent" means a person's father, or mother, or if one parent has custody, that parent, or if there is no surviving parent or the whereabouts of the parents are unknown, then a guardian of an unemancipated person if there are not circumstances indicating that such guardianship was created primarily for the purpose of conferring the status of an in-state student on such unemancipated person.

C. Criteria for Determining Residency

- i. In-State Student Status
  1. Except as otherwise provided in this article, no person having a domicile elsewhere than in this state is eligible for classification as an in-state student for tuition purposes. Applicants for in-state tuition status



and other public benefits must demonstrate lawful presence in the United States by presenting one of the documents listed in this regulation, under the section "Demonstrating Lawful Presence."

2. A person is not entitled to classification as an in-state student until the person is domiciled in this state for one year preceding the official starting day of the semester, except that a person whose domicile is in this state is entitled to classification as an in-state student if the person meets one of the following requirements:
  - a. The person's parent's domicile is in this state and the parent is allowed to claim the person as an exemption for state and federal tax purposes.
  - b. The person is an employee of an employer which transferred the person to this state for employment purposes or the person is the spouse of such an employee.
  - c. The person is an employee of a school District in this state and is under contract to teach on a full-time basis, or is employed as a full-time non-certified classroom aide, at a school within that school District. For purposes of this paragraph, the person is eligible for classification as an in-state student only for courses necessary to complete the requirements for certification by the state board of education to teach in a school District in this state. No member of the person's family is eligible for classification as an in-state student if the person is eligible for classification as an in-state student pursuant to this paragraph, unless the family member is otherwise eligible for classification as an in-state student pursuant to this section. Eligibility for in-state tuition is subject to verification of intent to domicile in this state. Determination of residency is made by the admissions and records office/office of enrollment services.
  - d. The person's spouse has established domicile in this state for at least one year and has demonstrated intent and financial independence and is entitled to claim the student as an exemption for state and federal tax purposes or the person's spouse was temporarily out of state for educational purposes, but maintained a domicile in this state. If the person is a non-citizen, the person must be in an eligible visa status pursuant to federal law to classify as an in-state student for tuition purposes.

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

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

of intent to be a resident of Arizona that, for the purposes of this section, includes at least one of the following:

1. Registration to vote in this state.
  2. An Arizona driver license.
  3. Arizona motor vehicle registration.
  4. Employment history in Arizona.
  5. Transfer of major banking services to Arizona.
  6. Change of permanent address on all pertinent records.
  7. Other materials of whatever kind or source relevant to domicile or residency status.
8. A student using Chapter 30, 33, or 35 benefits who does not otherwise qualify under item 7 above (paragraph G of PL 2091), or a veteran's dependent or spouse who is using transferred Post-9/11 GI Bill® (Chapter 33) benefits or the Marine Gunnery Sergeant John David Fry Scholarship, will be eligible for immediate classification as an in-state student if they provide the institution a current certificate of eligibility or ebenefits statement showing the student is eligible for Chapter 30, 33, or 35 Veteran Affairs (VA), education benefits and documentation showing the student is residing within the state. Students are required to submit the following:
1. Certificate of eligibility letter or ebenefits statement from the Veteran Affairs (VA) awarding Chapter 30, 33 or 35 benefits or the Fry Scholarship, or the Dept. of Defense document approving the transfer of CH. 33 benefits.
  2. Students must also provide at least one of the following to show presence within the state:
    - A. Registration to vote in this state.
    - B. An Arizona driver license.
    - C. Arizona motor vehicle registration.
    - D. Employment history in Arizona.
    - E. Transfer of major banking services in Arizona.
    - F. Change of permanent address on all pertinent records.
    - G. Other materials of whatever kind or source relevant to domicile or residency status.

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

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

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

1. An Arizona driver license

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

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

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

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

ii. Alien In-State Student Status

1. An alien is entitled to classification as an in-state refugee student if such person has been granted refugee status in accordance with all applicable laws of the United States and has met all other requirements for domicile.
2. In accordance with the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (P.L. 104-208; 110 Stat. 3009-546), a person who was not a citizen or legal resident of the United States or who is not lawfully present in the United States is not entitled to classification as an in-state student pursuant to ARS §15-1802 or entitled to classification as a county resident pursuant to ARS §15-1802.01. A student will be assessed out-of-state tuition until such time that documentation of lawful presence is received in the Office of Admissions and Records/Enrollment Services and (eligibility for) residency is confirmed. Documentation must be provided prior to the end of the term in which residency classification is being requested. Documentation received after the end of term will be used for residency determination in subsequent terms.
3. In establishing domicile, the alien must not hold a visa that prohibits establishing domicile in the United States and this state. After meeting other domicile requirements, students holding valid, unexpired visas in the following categories may be classified as in-state students (See Appendix S-1A).
4. A student must verify U.S. citizenship, permanent residency, or other lawful immigration status. Lawful immigration status means they have legal authority to be in the United States and also have the authority to go to school while in the United States.
5. Students who hold a current or expired visa and have applied for a change of status will retain their immigration status based on their prior visa status and not the status or visa for which they are applying.

Students will need to submit a copy of the actual card with the updated status demonstrating lawful presence. The timeline for establishing domicile begins with the issue date on the current visa that meets lawful presence.

6. Please note: two requirements must be met to qualify for instate tuition.
  1. A student must meet the domicile residency requirement of residing in the State of Arizona for one year preceding the official start of the semester.
  2. The student must be in lawful presence status for one (1) year.

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

All applicants for instate tuition (and other public benefits) must first show at least one of the following documents in accordance with ARS §1-502 to demonstrate that they are lawfully present in the United States. The MCCC Registrar may require a combination of the following documents:

- An Arizona Driver's license issued after 1996 or an Arizona non-operating identification license or an Arizona Instruction Permit
- A birth certificate or delayed birth certificate issued in any state, territory, or possession of the United States (A hospital record/certificate IS not acceptable. A certified abstract of birth with the official state seal and/or watermark is acceptable).
- A United States certificate of birth abroad.
- A United States Passport.
- A Foreign Passport with a United States Visa.
- An I-94 Form with a Photograph.
- An appropriately designated United States Citizenship and Immigration Services Employment Authorization (Work Permit) or Refugee Travel Document [as listed on the Employee Authorization Document Chart]. (Additional documents may be required with an employee authorization card.)
- A United States Permanent Resident Card
- A United States Certificate of Naturalization.
- A United States Certification of Citizenship.
- A Tribal Certificate of Indian Blood.
- A Tribal or Bureau of Indian Affairs Affidavit of Birth.

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

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

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

### IV. Presumptions Relating to Student Status

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

1. No emancipated person has established a domicile in this state while attending any educational institution in this state as a full-time student, as such status is defined by the community college district governing board or the Arizona Board of Regents, in the absence of a clear demonstration to the contrary.
2. Once established, a domicile is not lost by mere absence unaccompanied by intention to establish a new domicile.

3. A person who has been domiciled in this state immediately before becoming a member of the armed forces of the United States shall not lose in-state status by reason of such person's presence in any other state or country while a member of the armed forces of the United States.

V. Proof of Residency

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

1. In-State Residency

- a. An affidavit signed by the student must be filed with the person responsible for verifying residency.
- b. A combination of the following may be used in determining a student's domicile in Arizona:
  1. Arizona income tax return
  2. Arizona Voter registration
  3. Arizona Motor Vehicle registration
  4. Arizona Driver's license
  5. Employment history in Arizona
  6. Place of graduation from high school
  7. Source of financial support
  8. Dependency as indicated on federal income tax return
  9. Ownership of real property
  10. Notarized statement of landlord and/or employer
  11. Transfer of major banking services to Arizona
  12. Change of permanent address on all pertinent records
  13. Arizona Department of Children Services documents related to foster care placement
  14. Other relevant information

2. County Residency

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

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

- D. Concurrent Enrollment in Arizona Public Institutions of Higher Education (ARS §15-1807) (See [Appendix S-3](#))
- Under Arizona Revised Statutes §15-1807, it is unlawful for any non-resident student to register concurrently in two or more public institutions of higher education in this state including any university, college or community college for a combined student credit hour enrollment of more than six (6) credit hours without payment of non-resident tuition at one of such institutions. Any non-resident student desiring to enroll concurrently in two or more public institutions of higher education in this state including any university or community college for a combined total of more than six (6) credit hours who is not subject to non-resident tuition at any of such institutions shall pay the non-resident tuition at the institution of his choice in an amount equivalent to non-resident tuition at such institution for the combined total of credit hours for which the non-resident student is concurrently enrolled.

**AMENDED through the Administrative Regulation Process, May 24, 2022**

**AMENDED through the Administrative Regulation Process, June 24, 2021**

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

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

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

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

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

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

### 2.2.3 Other Admission Information

#### 1. Veterans

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

#### 2. Ability to Benefit

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

#### 3. Transcripts

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

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

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

#### 4. Educational Assessment

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

#### 5. High Pressure Recruitment Tactics

The Maricopa County Community College District prohibits its employees from engaging in high-pressure recruitment tactics or in providing to any person or entity engaged in student recruitment, admission activity, or in making decisions regarding the award of Title IV, HEA funds, any commissions, bonuses, or other incentive

payments based, in any part, directly or indirectly upon successfully securing enrollments or the awarding of financial aid.(34 CFR 668.14(A)(22)(I)).

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

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

## **2.2.4 Transfer Credit and Prior Learning Assessment Policy**

### **TRANSFER CREDIT**

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

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

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

### **CONDITIONS OF TRANSFER CREDIT:**

- Credits transferred from outside of MCCCDC graded on a plus/minus grading scale are converted based on the grading scale of the transferring institution. Only courses with a grade of "C" (2.0 on a 4.0 scale) or better are transferable. Course credit below 100 level, earned at an MCCCDC Institution prior to August 2020 or at a sending institution, cannot be used to calculate grade level.
- Developmental coursework below 100-level is accepted for the purpose of fulfilling course prerequisites. However, the credit does not apply toward a degree or certificate, and it does not transfer to another postsecondary institution. It does, however, get added to the Transfer Credit Report as part of the evaluation.
- Courses with different credit systems (quarter hours, units) are converted to semester hours of credit. The semester conversion of quarter credits is at a rate of .67 semester credit hours for each quarter hour.
- The age of credit may be considered in applying credit toward degrees and certificate programs.

### **REVERSE TRANSFER OF CREDIT**

In an effort to assist former Maricopa students who have transferred to a university, the Maricopa Community Colleges offer reverse transfer of credit with participating universities. Former Maricopa students may use this opportunity to fulfill previously incomplete coursework requirements. Interested students at participating universities must meet



university criteria to qualify for free transcript exchange when available. Participation in reverse transfer of credit does not guarantee coursework applicability or degree or certificate eligibility. Students participating in reverse transfer of credit must meet all curriculum and college requirements.

### **PRIOR LEARNING ASSESSMENT (PLA)**

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

1. plan to enroll, and
2. are admitted and matriculated within the college awarding the credit. Exceptions can be made for contractual agreements.

Students may be awarded no more than 45 credit hours through prior learning assessment, unless required by a specific program of study within the Maricopa Community Colleges. Exceptions include evaluated credit from post-secondary institutions and military credit as indicated on joint service transcripts. Credit awarded for prior learning does not count as hours in residence for graduation requirements. Exceptions to this institutional policy must have prior written approval of the Program Director, Department/Division Chair, or designee and documentation of rationale and approval included as part of the admission process and/or application to graduate. No more than 20 credit hours may be applied to the Arizona General Education Curriculum (AGEC). Please direct questions about Prior Learning Assessment at the Maricopa Community Colleges to the Admissions and Records/Enrollment Services Office.

### **PRIOR LEARNING ASSESSMENT FEE SCHEDULE**

No fees are assessed by the college for the following types of Prior Learning Assessment: Transfer credit from nationally recognized institutions, international coursework that has been officially evaluated by a foreign evaluator service (such as Educational Credential Evaluators), standardized college-level exams (such as CLEP, AP, IB, DSST, CIE), GED exams, Military Transcripts, ACE (American Council On Education) transcripts, credit received through organizations and companies that offer nationally recognized credit evaluated by ACE, NCCRS, etc. (STRAIGHTERLINE, NOCTI, STUDY.COM, etc.), industry recognized credentials, Skill Center and clock hour transcripts.	
Departmental Challenge Exam and Credit By Evaluation	\$40 administrative fee if awarded transfer credit

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

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

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

**Maricopa recognizes the following examinations:**

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

Fees for standardized exams are the responsibility of the student.

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

**ADVANCED PLACEMENT (AP) CREDIT**

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

**AMERICAN COLLEGE TESTING PROFICIENCY EXAMINATION PROGRAM**

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

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

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

**COLLEGE LEVEL EXAMINATION PROGRAM (CLEP)**

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

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

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

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

- To challenge a course a second time;

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

**ADDITIONALLY:**

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

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

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

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

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

**GED EXAMS**

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

**EDUCATIONAL EXPERIENCES IN THE ARMED SERVICES**

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

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

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

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

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

**CREDIT BY EVALUATION**

**COLLEGE CREDIT RECOMMENDATION SERVICE**

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

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

### **DEPARTMENTAL CREDIT BY EVALUATION**

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

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

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

### **PLA AND TRANSFER DISCLAIMER**

If pursuing a transfer degree (AA, ABUS, AS, AAEE, AAFA, or Articulated Academic Degree Program), transfer credit and PLA will be granted for the purpose of satisfying Maricopa graduation requirements. Because credits may not transfer to all colleges or universities, contact your transferring institution to determine their transfer credit and PLA requirements and policies.

**AMENDED through the Administrative Regulations Approval Process, June 24, 2021**

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

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

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

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

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

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

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

## **2.2.6 Academic Advising and New Student Orientation**

### **1. Academic Advising**

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

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

### **2. New Student Orientation**

Students who will be attending college for the first time, and intend to earn an Associate's degree or to transfer to a college/university to complete a Bachelor's degree, will be encouraged to attend New Student Orientation within the first two semesters at a MCCCCD college.

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

## 2.2.7 Student Assessment and Course Placement

### 1. Course Placement

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

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

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

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

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

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

- i. The student has earned an associate or higher degree from a regionally accredited college.
- ii. The student has earned college credits from a regionally accredited college in English, reading, and math with a grade of C or higher.
- iii. The student has currently valid District approved course placement scores on file.
- iv. The student who is exempt from the course placement process must still fulfill the minimum graduation requirements.

### 2. Determining Course Placement

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

A. Reading placement test scores that indicate "exempt from CRE101" do not expire.

B. Students will be permitted one re-test in English, reading, or by math level after at least a 24-hour waiting period. One additional re-test is permitted no sooner than three months from the oldest valid score date at any course placement testing site.

C. The Vice President of Student Affairs or designee may approve re-testing for students with special needs or circumstances. The re-test date will then serve as the date of record.

### 3. Implementation of Policy

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

A. All colleges shall accept the same approved course placement methods.

B. All colleges shall adhere to the same approved placement scores.

C. All colleges shall adhere to the approved limited time validity for each course placement method. for more information, go to: [PLACEMENT](#).

D. Reading Placement Scores that Indicated "Exempt from CRE101" Do Not Expire.

#### **4. Evaluation**

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

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

#### **2.2.8 Registration**

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

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

Class Registration Deadlines:

1. For classes with published start dates and meeting times, registration in the class must be completed before the first official class meeting date and time. Students may not register for a class once it has started. Self-Service registration for a class through [www.maricopa.edu/students](http://www.maricopa.edu/students) will end at 11:59 PM on the day before the class starts. Registration for a class on the date it starts must be done in person or on the phone, and must be completed before the class start time.
2. For classes without published meeting times (for example, online classes, special projects), registration in the class must be completed by 11:59 PM on the day before the class starts.
3. Exceptions
  - a. Exceptions to class registration deadlines require permission of appropriate instructor(s) and approval of the appropriate department/division chair or designee.
  - b. Exceptions are limited to
    - i. Courses requiring permission of instructor
    - ii. Courses requiring auditions or try-outs
    - iii. Courses for Special Populations or Cohorts
    - iv. Enrollment in an alternative section of a course taught by the same instructor
    - v. Enrollment in an alternative section of a course taught by a different instructor
    - vi. Course level changes
    - vii. Students dropped for non-payment during the 100% refund period may be reinstated if they attended since the first class meeting.
    - viii. Students dropped due to Human or system errors may be reinstated if they attended the first class meeting.
    - ix. Other exceptions may be granted after faculty consultation with the student.

#### **2.2.9 Tuition and Fees Policy**

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

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

Residency for tuition purposes is determined in accordance with state law (ARS §§15-1801 et seq.) and regulations of the Maricopa Community Colleges Governing Board. All of the Maricopa Community Colleges are subject to the above

statutes and regulations. Students who have questions about their residency should contact the Admissions and Records Office/Office of Student Enrollment Services for clarification.

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

1. Time of Payment\*

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

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

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

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

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

**Appendix S-4: Tuition & Fee Schedule**

A. Determine Student Residency Status

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

B. Use the Chart to Locate Tuition Charges

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

C. Add Any Additional Fees

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

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

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

F. Additional course fees may apply for specific courses. Check with the college's Admissions and Records Office/Office of Student Enrollment Services for a current listing of course fees.

G. Pay Your Fees

Payment of fees may be made by cash, check, money order, VISA, MasterCard, Discover or American Express. Payment Plan options are also available.

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

**Skill Center Tuition Rates**

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

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

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

Regular Rate	\$85.00 per credit hour
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### 3. Outstanding Debts

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

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

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

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

### 4. Discounted Fees and Waivers

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

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

## 2.2.10 Refund Policy

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

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

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

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

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

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

### 3. Canceled Classes

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

### 4. Refund Exceptions

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

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

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

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

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

Students who receive tuition assistance (TA) funds for a course or courses from the department of defense (DOD)

may have a refund processed and returned to the student's DOD branch of service in the following situations. Refer to individual colleges for withdrawal and refund processes.

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

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

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

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

### **2.2.11 Student Financial Assistance**

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

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

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

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

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

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

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

#### **Types of Aid**

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

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

### **Distribution of Aid**

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

### **Rights and Responsibilities**

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

### **Satisfactory Academic Progress**

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

### **Refunds and Repayments**

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

### **Verification of Information**

1. A Free Application for Federal Student Aid (FAFSA) or a change to that FAFSA may be selected for verification. If a student's FAFSA is selected for verification, the student will be notified via the Student Center in [www.maricopa.edu/students](http://www.maricopa.edu/students). In most cases, the student will be required to submit documentation as part of the verification process. The earlier the Financial Aid Office receives the required documentation, the earlier the student's eligibility for financial aid can be determined. The verification process must be completed no later than 120 days after the last date of enrollment or August 31, whichever comes first. In addition, the Financial Aid Office must receive a final and valid electronic SAR by the student's last day of enrollment or June 30 of the award year, whichever comes first. The verification process must be completed before the Financial Aid Office can award any federal aid.
2. If an award has already been made and a FAFSA is selected for verification, the student must provide required documentation within thirty days after it has been requested of the student or on June 30, whichever comes first. If documentation is not received within this deadline, the student's award may be adjusted or canceled.
3. The required forms and documents a student submits for verification will be compared to the information reported on the student's FAFSA. If the information provided does not match what is shown on the FAFSA, the Financial Aid Office will submit changes to the US Department of Education FAFSA processor. After all changes are made to the FAFSA data, the student's eligibility for financial aid will be reviewed. If there are any changes to the student's financial aid eligibility as a result of verification, the student will be notified by means of the Student Center in [www.maricopa.edu/students](http://www.maricopa.edu/students). If, following verification, the institution discovers evidence of student aid fraud (including identity theft), waste or abuse of US Department of Education funds, such evidence may be referred to the Office of Inspector General of the US Department of Education.

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

Award amount is determined, in part, on the level of enrollment. A reduction in course load after financial aid has been awarded may result in an adjusted financial aid award. Federal student aid recipients are advised to register at the same

time for all classes they intend to take during a semester to maximize award. Some federal aid may not be awarded for classes added at a later date. Contact the college Office of Student Financial Aid for more information.

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

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

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

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

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

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

- A. Summer: Enrollment in the summer semester includes all courses scheduled within the summer enrollment period with all coursework counted in the SAP evaluation.
- B. Non-Standard Session / Clock Hour: Sessions that do not follow the traditional start and end dates for the semester.
- C. Attempted Credit: Any credit for which a grade of A, B, C, D, F, I, IP, N, P, W, Y, or Z is received and courses not yet graded.
- D. CGPA [Cumulative Grade Point Average]: The MCCCCD grading policy is published in the administrative regulations at 2.3.3. The CGPA does not include credits accepted in transfer.
- E. Financial Aid Warning: status assigned to an eligible payment period for the next enrolled semester after failing SAP GPA (2.0) and/or Completion Pace ( $\frac{2}{3}$ ). Students not meeting maximum timeframe evaluation are not eligible for a warning period.
- F. Appeal: A process by which a student who is not meeting the institution's satisfactory academic progress standards is eligible to appeal the institution for reconsideration of the student's eligibility for Title IV, HEA program assistance based on extenuating circumstances.
- G. Extenuating Circumstance: A one-time (not on-going) circumstance that is beyond the reasonable control of the student. Examples of extenuating circumstances may include, but not limited to:
  - a. Documented medical condition or serious illness that prevented you from performing certain life tasks
  - b. Documented illness of a family member that required your presence for a significant amount of time
  - c. Death of immediate family member which impacted you significantly enough to affect participation in your courses
  - d. Involuntary call to active military duty
  - e. Documented involuntary change in employment conditions that prevented you from attending classes
  - f. Any other extraordinary/emergency circumstances, such as a natural disaster

- H. Financial Aid Probation: A status assigned by an institution to a student who fails to make satisfactory academic progress and who has appealed and has had eligibility for aid reinstated. A student in this status may not receive Title IV, HEA program funds for the subsequent payment period unless the student makes satisfactory academic progress or the institution determines that the student met the requirements specified by the institution in the academic plan for the student.
- I. Academic Plan – A plan developed through the SAP Appeal Process which will lead a student to qualify for further Title IV, HEA program funds and complete the program within 150% of published program length.
- J. Financial Aid Suspension – The status assigned upon failing to meet the minimum SAP standards or the terms of probationary status. Students in this status are not eligible to receive Title IV, HEA assistance.

2. Federal regulations (CFR 668.32(f) and 668.34) require institutions of higher education to evaluate Satisfactory Academic Progress (SAP) using qualitative (GPA) and quantitative (pace of progression) standards.

3. Qualitative and quantitative measures of SAP are required to ensure students receiving Federal Student Aid are progressing towards the completion of a degree or certificate within an eligible program.

4. Specific requirements for academic progress for Federal Student Aid recipients are applied differently than Scholastic Standards. Federal regulations state that SAP Standards must include a review of all periods of enrollment, regardless of whether or not aid was received. Standards are applicable for all enrolled payment periods, including all levels of enrollment (full-time or part-time enrollment). Students will be evaluated using the standards described below.

5. Failure to meet any of the minimum standards outlined below will result in a student's loss of HEA, Title IV Federal Student Aid.

### Evaluation Period

1. Standards of Satisfactory Academic Progress (SAP) will be evaluated at the end of each payment period. For credit hour programs, a payment period is a semester (Fall, Spring, and Summer). For clock hour programs, a payment period / evaluation will depend on the hours required in the program.
2. Standards of Satisfactory Academic Progress (SAP) are evaluated based on qualitative (GPA), quantitative (pace of progression), and maximum timeframe. Failure to meet any of these standards may result in the loss of eligibility for financial aid. Grades of F, I, N, W, Y, Z, and courses not yet graded are considered attempted, but not completed in evaluating SAP. Late grades will be recalculated and may change eligibility.

a. **Grade Point Average Qualitative Measurement:** Students must maintain a 2.0 cumulative Grade Point Average in order to meet SAP GPA requirements.

b. **Pace of Progression Quantitative Measurement:** Students must successfully complete 2/3 (66.67%) of all attempted course work. For clock hour programs, please refer to program attendance requirements.

c. **Maximum Time Frame Measurement:** Students must be able to complete their program within 150% of the published program length. Once students have attempted 150% of the published program length, they are no longer eligible for Federal Student Aid. For example, a 16 credit certificate program will allow up to 24 credit hours to complete the program. A 60 credit Associate's degree will allow up to 90 credit hours to complete the program.

3. Courses included in SAP evaluation:

- a. All attempted coursework, regardless of enrollment status
- b. Courses funded through a Consortium Agreement

- c. All attempted remedial credits, including English as a Second Language (ESL) courses.
- d. Repeated course work
- e. All transferred coursework
- f. Grades attempted, but not completed (F, I, N, W, Y, Z)

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

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

5. Course work not included in SAP evaluation:

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

### **Notification**

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

### **Financial Aid Warning**

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

### **SAP Appeal**

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

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

The outcome of the appeal will depend upon:

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

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

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



Failure to successfully complete all conditions during the probationary period (as defined in the academic plan) will result in loss of future financial aid eligibility.

### **Regaining Eligibility**

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

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

### **Treatment of Title IV Aid When a Student Withdraws** **Policy Summary Statement**

To provide guidance on the treatment of federal student aid (Title IV) funds when a student withdraws from a Maricopa College.

### **Definitions**

**Date Of Determination** – The date of determination is the date in which the school determines that a student ceased attendance or completely withdrew from school. This may be the date that the institution becomes aware that the student ceased attendance, or the date that the student begins the official withdrawal process at the school.

**Earned Aid Calculation** – A formula used to determine the amount of Title IV aid the student earned for the payment period. To calculate the amount of Title IV aid earned by the student multiply the percentage of Title IV aid earned by the student, by the total amount of Title IV aid disbursed (including that which could have been disbursed to the student or on behalf of the student), for the payment period as of the student's withdrawal date.

**Official Withdrawal** - The process by which a student begins the school's official withdrawal process or provides official notification to the school of his or her intent to withdraw. The student's approach to his or her withdrawal directly impacts the school's date of determination for which the student ceased attendance, and is used in the return of Title IV funds calculation.

To officially withdraw, the student will need to notify a designated office; this office for most mccc colleges is the Admissions and Records department. The designated office staff will assist the student to complete the withdrawal process. Schools will utilize a change in student status or comparable form to record a student's withdrawal, official or unofficial (see "unofficial withdrawal" definition). The School Registrar will determine the last date of attendance based on federal and institutional policy and the school's date of determination. The date of determination is either the date that the student began the prescribed withdrawal process, or the date that the student provided the school with an official notification of his or her intent to withdraw, whichever is later. If the student is present, the student will sign and date the change in status or comparable form. Designated office staff will also sign and date the form, and retain it in the student's file at the school.

**Order of Return of Title IV Funds** - A federally prescribed order for returning Title IV funds required as a result of a return of Title IV funds calculation. Unearned funds, returned by either the institution or the student, are credited to the programs from which the student received the aid from during the payment period, up to the net amount disbursed from each program. Funds will be returned based on the following order:

1. Unsubsidized Federal Direct Stafford Loans
2. Subsidized Federal Direct Stafford Loans

3. Federal Direct Plus Loans
4. Federal Pell Grants
5. Iraq and Afghanistan Service Grants
6. FSEOG
7. Teach Grants

Percentage of Title IV Aid Earned – definitions for term, and modular programs below, in accordance with ED regulations:

Title IV Credit Balance - A Title IV credit balance occurs whenever the amount of Title IV funds credited to a student's account for a payment period exceeds the allowable charges associated with the semester (payment period). All Title IV federal student aid credit balances are disbursed directly to the student and refunded to the method selected in the student center. Refunds are generally processed within 3 business days but no later than 14 days of when credit balance occurred.

### **Standard Term Programs**

Upon the withdrawal, the District Office Student Financial Services (DOSFS) will calculate the percentage and amount of awarded federal student aid funds that the student has earned in the payment period. In some cases and depending upon the withdrawal date and percentage of completion, the student may earn 100 percent of the fsa funds, the calculation will still be completed as required and the amount earned will be based on the percentage of the term or payment period that was completed in days up to and including the last date of attendance or eligible academic activity, with scheduled attendance locked at census / pell recalculation. To calculate the amount earned, DOFA will determine the percentage by dividing the number of calendar days completed in the term/payment period up to and including the last date of attendance by the total number of calendar days in the term/payment period. The number of days a student is scheduled to attend during a payment period is determined based on the start and end date of the scheduled term / payment period. All scheduled breaks during the term / payment period are excluded from the calculation.

### **Modules**

A program that is offered in modules is a program that consists of course(s) in the program that do not span the entire length of the payment period or period of enrollment. ***Regulatory change effective JULY 1, 2021: a program is offered in modules if the program uses a standard-term or non-standard term academic calendar, is not a subscription-based program, and a course or courses in the program do not span the entire length of the payment period or period of enrollment.*** The DOSFS will calculate the percentage and amount of awarded federal student aid that the student earned within the payment period. If the student has completed more than 49 percent of the payment period, *or* has completed all of the degree requirements from his/her program before completing the days/hours in the period that he/she was scheduled to complete, *or* if the student completes coursework equal to or greater than the coursework required for the institution's definition of a half-time student for the payment period, *or* the school receives written notification that the student will attend a module that begins in the same payment period or period of enrollment, the student is not considered to have withdrawn, and a Return of Title IV Funds (R2T4) is not required and will not be calculated.

When a student withdraws from the payment period before completing 49 percent of the payment period, the amount of federal student aid the student earned is determined based on a specific formula. The number of days a student is scheduled to attend during a payment period is determined based on the start and end date of the scheduled term / payment period, with scheduled attendance locked at census / Pell recalculation. Scheduled breaks are excluded from the calculation. The amount of assistance the student earned is determined on a rate-of-progression basis.

**POST-WITHDRAWAL DISBURSEMENT** - If, as of the date of the institution's determination that the student withdrew the amount of Title IV aid that the student earned is more than the amount of Title IV aid disbursed to the student or on behalf of the student, the difference between these amounts is considered earned aid, and must therefore be applied to outstanding charges on the student's account and/or directly disbursed to the student.

**RETURN OF TITLE IV FUNDS (R2T4)** - When a recipient of Title IV aid withdraws from an institution during a payment period or period of enrollment in which the recipient began attendance, the school must calculate the amount of earned and unearned Title IV aid and compare this to the amount of aid disbursed at the date of determination, to determine how to proceed.

If it is determined that the amount of Title IV aid disbursed exceeds the amount of Title IV aid earned, a return of Title IV funds is due, and both the school and the student may have a responsibility for returning the unearned portion of the funds. The school must return the unearned portion of Title IV aid for which the school is responsible for and notify the student of the unearned portion of Title IV aid that the student is responsible for and therefore must return.

If it is determined that the amount of earned Title IV aid exceeds the amount of Title IV aid disbursed, the student may be eligible for the amount of aid not yet disbursed, in the form of a post-withdrawal disbursement. A post-withdrawal disbursement must be made within 180 days of the date the institution determined that the student withdrew. The amount of a post-withdrawal disbursement is determined by following the requirements for calculating earned Title IV aid and has no relationship to incurred educational costs. All Title IV federal student aid credit balances are disbursed directly to the student and refunded to the method selected in the student center. Refunds are generally processed within 3 business days but no later than 14 days of when credit balance occurred.

## **TITLE IV LOANS**

For unearned funds calculated to be returned by the school:

It is policy, as part of the R2T4 process, to provide notification to the student indicating the loan type(s) and amount(s) calculated as needing to be returned and, thus, the date returned by the school. The school must return the lesser of the amount of Title IV funds not earned, or the amount of institutional charges that the student incurred for the payment period multiplied by the percent of funds not earned.

For unearned Title IV funds calculated to be returned by the student:

If there is a remaining balance of unearned Title IV aid which needs to be returned, after the school has returned its portion of unearned Title IV aid, the student (or the parent for Plus loan) is responsible for returning this amount. While the student must return or repay any unearned Title IV loan amount in accordance with the terms of the loan, the student must repay any unearned Title IV grant funds as an overpayment of the grant. The student's portion is calculated by subtracting the amount of unearned Title IV aid that the institution is required to return from the total amount of unearned Title IV aid required to be returned. If it is calculated that unearned loan(s) need to be returned by the student, the center will notify the lender or servicer of the student's last date of attendance; the student will not need to repay the loan(s) immediately, but will repay the loans based on the terms of the promissory note. The lender or servicer will notify the student or parent, per the terms of the promissory note.

## **TITLE IV GRANTS**

For unearned funds calculated to be returned by the school or student:

It is policy, as part of the R2T4 process, to provide notification to the student indicating the grant type(s) and amount(s) calculated as needing to be returned and, thus, the date returned by the school.

**RETURN OF UNEARNED AID** - If, as of the date of the institution's determination that the student withdrew the amount of Title IV aid that the student earned is less than the amount of Title IV aid disbursed to the student or on behalf of the student, the difference between these amounts is considered unearned aid, and must therefore be returned to the Title IV program in a specified order, by either the school, the student, or both.

**UNOFFICIAL WITHDRAWAL** (also known as an "administrative" withdrawal) - A student who did not begin the official withdrawal process or provide notification of his or her intent to withdraw; the date of the school's determination that the student withdrew would be the date that the school becomes aware that the student ceased attendance. See "official withdrawal" definition above.

A student who does not notify the school that s/he is withdrawing but ceases attending, is administratively withdrawn by the school within 14 days of non attendance; this is otherwise known as an unofficial withdrawal. A student is administratively withdrawn from school when the student violates the school's published attendance policy, which adheres to state licensing and accreditation requirements. Please see the school's catalog for its current attendance policy.

**WITHDRAWAL DATE** (also known as the "last date of attendance") - The date that the student begins the school's withdrawal process or the date that the student provides official notification of intent to withdraw, whichever comes earlier. If the student does not provide any official notification of intent to withdraw, the withdrawal date will be determined by the school, and depend upon the student's circumstances.

#### **FEDERAL TITLE IV REFUND POLICY**

If a recipient of Title IV grant or loan funds withdraws from a school after beginning attendance, the school must perform a Return of Title IV Funds (R2T4) calculation to determine the amount of Title IV federal student aid funds earned by the student. If the calculation determines that the amount of Title IV aid disbursed to the student is greater than the amount the student earned, the unearned Title IV funds must be returned to the program. If it is determined that the amount of Title IV aid disbursed to the student is less than the amount the student earned (and for which the student is otherwise eligible for), the student may be eligible for a post-withdrawal disbursement for the earned Title IV funds not yet disbursed to the student.

The R2T4 calculation is required if a student receiving Title IV federal student aid ceases attendance or completely withdraws from all courses without completing the semester (payment period).

The school must determine the amount of Title IV aid earned by the student, as of the withdrawal date. Once the earned portion is calculated, the unearned portion is calculated to determine if funds must be returned to the program or a post-withdrawal disbursement is necessary. Federal policy is followed to determine the amount of Title IV aid earned on a case by case basis. The R2T4 calculation is always required when a student fully withdrawals or ceases attendance prior to the scheduled end of the semester, the calculation may determine that the student earned 100% of Title IV funds and will not be required to return funds. A Return of Title IV Funds worksheet is calculated when a student ceases attendance in all courses within the scheduled semester (payment period), i.e. withdrawal.

#### **WITHDRAWAL PROCEDURE OVERVIEW:**

#### **POLICY DISCLAIMER**

This policy serves as a guideline for the refund of Title IV and tuition procedure with the understanding that it does not cover every possible scenario. As a result, complex areas may arise where certain refund procedures may need to be addressed on a case-by-case basis.

#### **PARTY(IES) RESPONSIBLE FOR POLICY TRAINING**

MCCCD District Office of Financial Aid Compliance and Operations / Office of General Council. District Director Of Financial Aid Operations and Compliance. The policy owner is responsible to determine the method, means and frequency of training on this policy.

#### **EXCEPTIONS**

Requests for an exception to this policy should be addressed to the policy owner as outlined in the procedure for requesting a policy exception.

#### **POLICY REVIEW/UPDATE AND AUDIT**

This policy will be reviewed annually. compliance with this policy is audited on a random basis by Internal Audit.

**AMENDED through the Administrative Regulation Process, May 24, 2022**

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

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

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

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

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

#### **2.2.13 UNIVERSITY TRANSFER**

##### **UNIVERSITY TRANSFER**

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

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

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

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

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

The Maricopa Community Colleges have transfer agreements with accredited U.S. universities and colleges as well as international institutions that have been approved by the Ministry of Education. These partnerships are formalized through District-Wide memorandums of understanding and articulation agreements, and are designed to help students maximize the applicability of transfer credit toward a bachelor's degree. To access a list of institutions with which Maricopa has established articulation agreements, visit: [Maricopa University Partner List](#)

## **TIME LIMIT FOR TRANSFER COURSEWORK**

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

## **SHARED UNIQUE NUMBERING (SUN) SYSTEM COURSE INFORMATION**

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

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

### **2.9 Veterans Services**

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

**Prior to enrolling, eligible service members receiving tuition assistance must speak with an Education Services Officer (ESO) or counselor within their military service branch/ organization.**

Veteran's benefits available:

- Chapter 30 - Montgomery GI Bill®
- Chapter 31 – Veteran Readiness and Employment (VR&E)
- Chapter 32 - VEAP Program
- Chapter 33 - Post 9/11 GI Bill® & Transfer of Eligibility to Dependents (TOE)
- Chapter 35 - Survivors and dependents of deceased/100% disabled veterans
- Chapter 1606 - Montgomery GI Bill®, Selected Reserve
- Chapter 1607 - REAP Reserve Educational Assistance Program

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

Covered individuals (as defined in 38 U.S.C. § 3679) utilizing Chapter 33 or Chapter 31 VA education benefits may attend or participate in a program of study during the period beginning on the date the individual provides the educational institution a Certificate of Eligibility (COE), a Statement of Benefits obtained from eBenefits, or a purchase order for Chapter 31, and ending on the earlier of the following dates:

1. The date upon which payment from the VA is made to the institution;
2. 90 days after the date the institution certified tuition and fees following the receipt of the Certificate of Eligibility.

No penalty, including the assessment of late fees, and/or the denial of access to classes or other institutional facilities will be imposed on the individual due to the delayed disbursement funding from VA under Chapter 31 or 33.

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

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

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

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

#### **Distance Learning:**

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

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

#### **Externship Programs:**

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



completion. The instructor submits the final grade for the experience. Maricopa's experiential learning process is in compliance with CFR 38 21.4265

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

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

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

**TECHNICAL CHANGE made to align with Administrative Regulation 2.9, April 11, 2022. Original Direct Chancellor Approval, April 17, 2018**

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

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

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

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

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

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

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

## **SCHOLASTIC STANDARDS**

### **2.3.1 Academic Load**

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

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

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

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

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

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

### **Schedule Changes**

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

### **2.3.2 Attendance**

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

### **1. Official Absences**

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

### **2. Religious Holidays**

Students shall have the right to observe major religious holidays without penalty or reprisal by any administrator, faculty member or employee of the Maricopa Community Colleges. Absences for such holidays shall not count against the number of absences allowed by an instructor or department, provided the student has utilized the Religious Accommodation Procedure outlined in ND-4 of the Administrative Regulations Appendices. The Procedure

and Religious Accommodation form may be found at [ND-4](#). As outlined in the ND-4 Religious Accommodation Procedure, to the extent possible, requests must be made at least two (2) weeks before the requested absence from class due to religious holiday or day of observance by providing the faculty member with the [Religious Accommodation Request Form](#). Once a religious accommodation is granted, the student must make arrangements with each instructor for make-up work.

### **3. Excused Military Absences**

A member of the National Guard of this state or any other state or of the United States Armed Forces Reserves who is a student at an institution of higher education in this state and who is ordered to either state or federal reserve component duty or a person who is the spouse of a member of the National Guard of this state or any other state or the United States Armed Forces Reserves, who is a student at an institution of higher education in this state and whose spouse is ordered to either state or federal reserve component duty, whether the member or spouse is attending class in person or online and whether the member is stationed in or outside of this state, may do any of the following:

- A. Withdraw from one or more courses for which tuition and fees have been paid. the tuition and fees must be credited to the student's account at the institution. Any refunds are subject to the requirements of the state or federal financial aid programs of origin. The student may not receive credit for the courses and may not receive a failing grade, an incomplete or another negative annotation on the student's record and the student's grade point average may not be altered or affected in any manner because of the student's withdrawal under this subsection.
- B. Depending on when the member is ordered to either state or federal reserve component duty and depending on the individual student's needs, receive a grade of incomplete and be allowed to complete the course if the course is being offered at the time to other students on release from reserve component duty under the institution's standard practice for completion of incompletes.
- C. In accordance with any academic unit or institution of higher education requirements or in compliance with accreditation or certification standards, when applicable, continue and complete the course for full credit. Class sessions the student misses due to state or federal reserve component duty must be counted as excused absences and may not be used in any way to adversely impact the student's grade or standing in the class. Any student who selects this option is not automatically excused from completing assignments due during the period the student or student's spouse is performing state or federal reserve component duty. A letter grade or a grade of pass may be awarded only if the faculty member teaching the course determines that the student has completed a sufficient amount of work and has demonstrated sufficient progress toward meeting course requirements to justify the grade.
- D. Withdraw and be readmitted with the same academic status and enrolled as a student at the institution, without penalty or redetermination of admission eligibility, within one year after the release of the student or student's spouse from state or federal reserve component duty.

1. A member of the National Guard of this state or any other state or of the United States Armed Forces Reserves who is a student at an institution of higher education in this state, who is ordered to either state or federal reserve component duty and as a result of that service or follow-up medical treatment for an injury incurred during that service, misses any test, examination, laboratory, presentation or class day on which a written or oral assignment is due or other event on which a course grade or evaluation is based may make up the test, examination, laboratory, presentation, class or event without prejudice to the final course grade or evaluation. The makeup activity must be scheduled after the student's return from reserve component duty and after a reasonable amount of time for the student to prepare for the test, examination, laboratory, presentation, class or event.
2. For class sessions a student described in subsection a of this section misses due to state or federal reserve component duty, the institution of higher education shall excuse the student's absences and not use these excused absences in any way to adversely impact the student's grade or standing in class.
3. If the faculty member teaching the course determines that the student has completed a sufficient amount of work and has demonstrated sufficient progress toward meeting course requirements to justify the grade without making up the test, examination, laboratory, presentation, class or event, a

grade may be awarded without the makeup activity and the missed test, examination, laboratory, presentation, class or event may not be used in any way to adversely impact the student's grade or standing in the class.

4. The protections in this section may be invoked as follows:

- a. If the state or federal reserve component duty is known in advance, the student must submit evidence documenting the state or federal reserve component duty to the faculty member teaching the course early in the semester or as soon as practicable before the missed class, assignment or examination.
- b. If the state or federal reserve component duty is not known in advance, the student is responsible for providing evidence of the state or federal reserve component duty to the faculty member teaching the course as soon as practicable after the missed class, assignment or examination.
- c. The student or an appropriate officer from the military organization in which the student or student's spouse will be serving must give written notice that the student or student's spouse is being or has been ordered to reserve component duty as prescribed in this section.
- d. On written request from the institution of higher education, the student shall provide written verification of service.

5. To readmit a person with the same academic status means that the institution admits the student to the same program to which the student was last admitted by the institution or, if that exact program is no longer offered, the program that is most similar to that program, unless the student requests or agrees to admission to a different program, per CFR 34 668.18 (a)(2)(iii)(A).

**AMENDED by Direct Chancellor Approval, September 14, 2022**

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

### 2.3.3 Grading

#### 1. Policy

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

#### Grade Key

Grade	Value	Grades Calculated In Gpa	Considered An Attempt	May Be Repeated
A	4.0 - Excellent	Yes	Yes	No
B	3.0 - Above Average	Yes	Yes	Yes
C	2.0 - Average	Yes	Yes	Yes
D	1.0 - Below Average	Yes	Yes	Yes
F	0.0 - Failing	Yes	Yes	Yes
I	Incomplete	No	No	N/A
IP	Course In Progress	No	No	N/A
N	Audit	No	No	N/A
W	Withdrawn, Passing	No	No	N/A
Y	Withdrawn, Failing	Yes	Yes	Yes
P*	Credit	No	Yes	Yes
Z	No Credit	No	Yes	Yes

\*A "P" is judged to be equivalent to a grade of "C" OR HIGHER.

Attempt definition: a student is enrolled in a class and receives a grade of A,B,C,D,F, Y, P, or Z.

Students who wish to attempt a course after the fourth time will need assistance from the Admissions & Records/Enrollment Services Office to enroll.

If a student has been awarded financial aid, veterans benefits, or other military tuition assistance programs, scholarships, or grants they should check with those offices about repeating classes.

The student is responsible for any tuition and fees associated with each attempt.

NOTE: Grading errors discovered after the sixty (60) day expiration date can be corrected if they have been researched by the Director of A&R/Enrollment Services and the Instructor of Record or the Department/Division Chair.

## **2. Incomplete Grade**

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

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

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

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

Students receiving federal financial assistance and/or benefits should follow up with the Office of Financial Aid and/or Veterans' Services regarding their policies for repeated courses. An official student transcript is a permanent academic record issued by the college registrar. It displays all courses taken for credit within the Maricopa Community Colleges District and includes all grades received. Unlike an unofficial transcript, it is signed and dated by the college registrar and displays the college seal of the Maricopa College issuing the official transcript.

Check individual courses and programs for exceptions.

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

- A. Some courses may be taken under a credit/no credit grading system. These courses carry grades of P (credit, equivalent to a grade of C or higher) or Z (no credit) and are not computed in the student's grade point average. Credits earned with a grade of P may be counted toward graduation with the exception of AGECE (Arizona General Education Curriculum).
- B. The prescribed time limits are for full-semester classes. Time limits for classes which meet fewer than sixteen (16) weeks are adjusted accordingly. See "Important Deadlines for Students".

- C. In courses with credit/no credit (P/Z) grading, the student may request standard grading (A, B, C, D, F), within fourteen (14) days including the date of the first class meeting. The instructor must immediately notify the Admissions and Records Office/Office of Student Enrollment Services.
- D. In courses with standard grading (A, B, C, D, F), the instructor determines if the credit/no credit option is available. If the option is available, the student must obtain the permission of the instructor. The instructor must notify the Admissions and Records Office/Office of Student Enrollment Services within fourteen (14) days including the day of the first class meeting.
- E. It is the student's responsibility to verify the transferability of credit/no credit courses. Some universities place a limitation on the number of credit/no credit courses that can be transferred.

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

## 5. Audit Courses

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

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

Class Length	Deadline for Students to Withdraw with Guaranteed Grade of W	Deadline for Students to Withdraw from a Course (Instructor Signature Required)	Deadline for Students to Request Complete Withdrawal	Deadline to Change Type of Grading (A-F to P/Z, or P/Z to A-F)	Deadline to Change From Audit Grade to Credit Grade	Deadline to Change from Credit Grade to Audit Grade
One Week or Less (1 to 7 days)	1 <sup>st</sup> Day of Class	1 <sup>st</sup> Day of Class or Prior to the Last Day of Class	1 <sup>st</sup> Day of Class or Prior to the Last Day of Class	1 <sup>st</sup> Day of Class	1 <sup>st</sup> Day of Class	1 <sup>st</sup> Day of Class
Two Weeks (8 to 14 days)	3 <sup>rd</sup> Calendar Day	6 <sup>th</sup> Calendar Day	6 <sup>th</sup> Calendar Day	1 <sup>st</sup> Day of Class	1 <sup>st</sup> Day of Class	3 <sup>rd</sup> Calendar Day
Three Weeks (15 to 21 days)	6 <sup>th</sup> Calendar Day	12 <sup>th</sup> Calendar Day	12 <sup>th</sup> Calendar Day	2 <sup>nd</sup> Calendar Day	1 <sup>st</sup> Day of Class	5 <sup>th</sup> Calendar Day
Four Weeks (22 to 28 days)	9 <sup>th</sup> Calendar Day	17 <sup>th</sup> Calendar Day	17 <sup>th</sup> Calendar Day	3 <sup>rd</sup> Calendar Day	2 <sup>nd</sup> Calendar Day	7 <sup>th</sup> Calendar Day
Five Weeks (29 to 35 days)	12 <sup>th</sup> Calendar Day	23 <sup>rd</sup> Calendar Day	23 <sup>rd</sup> Calendar Day	4 <sup>th</sup> Calendar Day	2 <sup>nd</sup> Calendar Day	9 <sup>th</sup> Calendar Day
Six Weeks (36 to 42 days)	14 <sup>th</sup> Calendar Day	29 <sup>th</sup> Calendar Day	29 <sup>th</sup> Calendar Day	5 <sup>th</sup> Calendar Day	3 <sup>rd</sup> Calendar Day	11 <sup>th</sup> Calendar Day
Seven Weeks (43 to 49 days)	17 <sup>th</sup> Calendar Day	35 <sup>th</sup> Calendar Day	35 <sup>th</sup> Calendar Day	5 <sup>th</sup> Calendar Day	3 <sup>rd</sup> Calendar Day	12 <sup>th</sup> Calendar Day
Eight Weeks (50 to 56 days)	20 <sup>th</sup> Calendar Day	41 <sup>st</sup> Calendar Day	41 <sup>st</sup> Calendar Day	6 <sup>th</sup> Calendar Day	3 <sup>rd</sup> Calendar Day	15 <sup>th</sup> Calendar Day
Nine Weeks (57 to 63 days)	23 <sup>rd</sup> Calendar Day	46 <sup>th</sup> Calendar Day	46 <sup>th</sup> Calendar Day	7 <sup>th</sup> Calendar Day	4 <sup>th</sup> Calendar Day	17 <sup>th</sup> Calendar Day
Ten Weeks (64 to 70 days)	26 <sup>th</sup> Calendar Day	52 <sup>nd</sup> Calendar Day	52 <sup>nd</sup> Calendar Day	8 <sup>th</sup> Calendar Day	4 <sup>th</sup> Calendar Day	19 <sup>th</sup> Calendar Day
Eleven Weeks (71 to 77 days)	29 <sup>th</sup> Calendar Day	58 <sup>th</sup> Calendar Day	58 <sup>th</sup> Calendar Day	9 <sup>th</sup> Calendar Day	5 <sup>th</sup> Calendar Day	21 <sup>st</sup> Calendar Day
Twelve Weeks (78 to 84 days)	32 <sup>nd</sup> Calendar Day	63 <sup>rd</sup> Calendar Day	63 <sup>rd</sup> Calendar Day	10 <sup>th</sup> Calendar Day	5 <sup>th</sup> Calendar Day	23 <sup>rd</sup> Calendar Day
Thirteen Weeks (85 to 91 days)	35 <sup>th</sup> Calendar Day	70 <sup>th</sup> Calendar Day	70 <sup>th</sup> Calendar Day	10 <sup>th</sup> Calendar Day	5 <sup>th</sup> Calendar Day	25 <sup>th</sup> Calendar Day
Fourteen Weeks (92 to 98 days)	38 <sup>th</sup> Calendar Day	76 <sup>th</sup> Calendar Day	76 <sup>th</sup> Calendar Day	11 <sup>th</sup> Calendar Day	6 <sup>th</sup> Calendar Day	27 <sup>th</sup> Calendar Day
Fifteen Weeks (99 to 105 days)	41 <sup>st</sup> Calendar Day	82 <sup>nd</sup> Calendar Day	82 <sup>nd</sup> Calendar Day	12 <sup>th</sup> Calendar Day	6 <sup>th</sup> Calendar Day	28 <sup>th</sup> Calendar Day
Sixteen Weeks or more (106 or more days)	End of the 7 <sup>th</sup> week	Two weeks before the last class period	Two weeks before the last class period	Within 14 days including the first class period	Within first week of class	Within first five weeks of class

**Deadlines are based on calendar day and begin with the first day of class.**

### 2.3.4 Academic Probation (Progress)

#### 1. Probation

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

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

#### 2. Continued Probation

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

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

### 2.3.5 Instructional Grievance Process

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

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

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

A student who feels that he/she has been treated unfairly or unjustly by a faculty member (full-time or part-time) with regard to an academic process such as grading, testing or assignments, shall discuss the issue first with the faculty member involved. This conference shall be requested by the student within fifteen (15) working days from the time the student knew or reasonably should have known about the unfair or unjust treatment. If the grade issue is the final grade, [Article 20.7.6](#) of the Faculty Agreement governs.

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

Steps for students to follow:

1. If, within ten (10) working days of the request for the conference with faculty member, the problem is not resolved or the faculty member has been unable to meet with the student, the student may continue the process by filing a written grievance with the Department/Division Chairperson and appropriate administrative officer at the college/center. This written grievance must be filed within ten working days following the previous deadline. The written grievance will be given to the faculty member five days before any official meetings are convened.
2. Upon receipt of a written grievance, the Department/Division Chair or appropriate college administrative officer will work with the parties in an attempt to resolve the conflict. The faculty may ask that the College Faculty Senate President be in attendance. Every attempt will be made to maintain confidentiality during this process. A faculty member will not be required to respond to a grievance which is not in writing and which, when appropriate, did not have specific documentation including dates, times, materials, etc. The written grievance will be made available to the faculty member.
3. If the grievance is not resolved at this level within ten working days, the student should forward to vice president of academic affairs or designee, a copy of the original written grievance with an explanation regarding action taken at



each prior level. The dean of instruction or appropriate college/ center administrative officer will meet with the student, faculty member, the College Faculty Senate President if requested by the faculty member, and Department/Division Chair and attempt to resolve the issues. This level will be the final step in any grievance process regarding grades.

4. If the grievance, other than those concerning grades, is not resolved by the vice president of academic affairs or designee, it may be forwarded in writing by the student to the college president for final resolution. The college president or designee will issue a final written determination in the grievance process.
5. Instructional grievances are resolved at the college level. The district office is not an avenue of appeal for the instructional grievance process.

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

**AMENDED technical change made to align with Article 20.7.6 of the Faculty Agreement, August 9, 2021**

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

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

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

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

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

### **2.3.6 Withdrawal**

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

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



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

### Student Withdrawal Procedures

#### 1. Withdrawal from Specific Courses

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

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

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

#### 2. Complete Withdrawal from College

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

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

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

#### 3. Withdrawal of Financial Aid Students

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

### Faculty Withdrawal Procedures

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

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

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

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

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

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

### 2.3.7 Academic Renewal

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

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

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

### 2.3.8 Honors Program

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

#### President's Honor List

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

### 2.3.9 General Graduation Requirements

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

#### Earning a Certificate or Degree

The Maricopa Community Colleges offers certificates and degrees in a variety of areas. Each certificate and degree has specified program requirements for graduation. See certificate and degree information for specific program requirements. It is the student's responsibility to be aware of these requirements.

Candidates for graduation must satisfy the following requirements:

- Complete the minimum number of credits required for the certificate or degree. For degrees, at least 15 credits must be completed at the awarding college. For certificates that are 15 or more credits, at least 6 credits must be completed at the awarding college. For certificates that are 14 or fewer credits, at least half of the credits must be completed at the awarding college. Exceptions to this institutional residency policy must have prior written approval of the program director, department/division chair, or designee and documentation of rationale and approval included as part of application to graduate.
- All new to Maricopa students who declare an Associate degree, an Associate in Applied Science degree, or intend transfer to a college/university to complete a Bachelor's degree, will be required to successfully complete a first-year experience course (FYE101 or FYE103) within the first two semesters at a MCCC college.

- Meet the general education, program requirements, and electives for the certificate or degree required. Requirements can be satisfied by MCCCDC coursework, prior learning assessment, and transfer credit. No more than 45 credit hours can be accepted and applied to a degree using transfer credit and/or prior learning assessment. Transfer credit and prior learning assessment does not count as hours in residence for graduation requirements. Exceptions to this institutional policy must have prior written approval of the program director, department/division chair, or designee and documentation of rationale and approval included as part of application to graduate.
- Earn a minimum cumulative grade point average (GPA) of 2.0 on a four-point grading scale in all letter-graded courses (100-level and above) (completed in residence and accepted in transfer) used to fulfill requirements at the college granting the degree or certificate. Some awards may specify additional GPA requirements.
- Remove all deficiencies (e.g. incomplete grades, missing transcripts, national test results, etc.) on the record to use those courses toward program completion.
- Fulfill any financial obligations with the college.
- File a Petition for Graduation with the Admissions & Records/Enrollment Services Office.
- The same degree or certificate can only be awarded once within the Maricopa Community College District.

AutoAward Policy: MCCCDC has an auto-award program that identifies some students who have completed a degree or certificate and never submitted a Petition for Graduation (e.g. [Reverse Transfer](#)). However, this program is limited and students should not depend on it for graduation. The Petition for Graduation should always be submitted when a student is intending to graduate.

### **Maricopa Nursing Program**

For the Maricopa Nursing program, the cumulative GPA for awarding purposes is calculated based on courses required for the degree or certificate taken at any Maricopa campus and includes pre-requisites, co-requisites, and nursing blocks. Students must apply for graduation from the college where they have successfully completed Block 4 of the Associate in Applied Science in Nursing.

### **Graduation with Honors**

All courses used to fulfill graduation and degree requirements, including courses from other institutions are used in the grade point average calculation (GPA) at graduation. Degree-seeking students who have distinguished themselves with GPAs 3.50 and higher are recognized with the following graduation honors:

- 3.50 to 3.69 graduation “with distinction”
- 3.70 to 3.89 graduation “with high distinction”
- 3.90 to 4.0 graduation “with highest distinction”

Certificate programs are not eligible for institutional honors.

**AMENDED through the Administrative Regulation Process, May 24, 2022**

**AMENDED through the Administrative Regulation Process, June 24, 2021**

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

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

### **2.2.5 Catalog Under Which a Student Graduates**

Students maintaining continuous enrollment at any public Arizona community college or university may graduate according to the requirements of the catalog in effect at the time of initial enrollment or according to the requirements of any single catalog in effect during subsequent terms of continuous enrollment. Students may maintain continuous enrollment whether attending a public community college and/or public university in the state of Arizona.

The rules for maintaining continuous enrollment are:

- A semester in which a student earns course credit will be counted toward continuous enrollment.
- Noncredit courses, audited courses, or courses from which the student withdraws do not count toward continuous enrollment.
- Failure to enroll in three consecutive regular (fall or spring) semesters breaks continuous enrollment; however, enrollment in the intervening summer terms may be used to maintain continuous enrollment status.
- If continuous enrollment is not maintained, the student must fulfill the requirements for graduation specified in the catalog in effect for the academic year in which they re-enroll or any subsequent catalog of their continuous enrollment.
- Students who initially enrolled or re-enrolled during a summer term must follow the annual catalog of the subsequent academic year or any subsequent catalog of their continuous enrollment.

#### AGE OF CREDIT

In areas of study in which the subject matter changes rapidly, material in courses taken long before graduation may become obsolete or irrelevant. Coursework that is more than ten years old is applicable to completion of certificate and degree requirements at the discretion of the designated individuals at the college. The college may accept such coursework, reject it, or request that the student revalidate its substance. The ten-year limit on coursework applies except when program accreditation agencies limit the life of coursework to less than eight years. Departments may also require students to satisfy current major requirements rather than major requirements in earlier catalogs, when completing earlier requirements is no longer possible or educationally sound.

\*Please note that the above language is guided by statewide practices.

**AMENDED through the Administrative Regulations Approval Process, June 24, 2021**

#### **2.3.13 Course Substitutions**

Course substitutions should only be made in a consistent and transparent manner, according to Administrative Regulation 2.2.4 (Transfer Credit and Prior Learning Assessment Policy), academic policies, and the following guidelines:

Students may seek to have course(s) requirements (including required courses, restricted electives, and prescribed general education requirements) in their declared associate in applied science or certificate program substituted.

Because a substituted course may not be accepted by a transfer institution or meet transfer degree requirements, no course substitutions are allowed in any of the required course areas of the associate in arts or associate in science degrees with emphasis, Associate In Business - Gr, Associate Of Business - Sr, Associate In Arts, Elementary Education, or the Associate In Arts, Fine Arts.

The course being used as a substitution must meet the content and/or spirit of the substituted course in the student's pathway plan (or for date status petitions by reason of disability). If the pathway course satisfies an Arizona General Education Curriculum (AGEC-A, B, or S) requirement, the course substitution must meet that same requirement. Considerations for substitutions should also include impact to satisfying transfer pathway, industry requirements. Substituted courses should provide the skills and knowledge specified by the pathway learning outcomes.

Course substitutions should not be processed for students who have earned fewer than 15 credits (at Maricopa or elsewhere).

To pursue a course substitution, students must obtain a course substitution petition from the Admissions and Records office or Academic Advisor. Substitutions must be approved by the Program Department Chair, Program Division Chair, Academic/Occupational Program Director, or designee and the appropriate Instructional Dean. The Department Chair, Division Chair, or Academic/Occupational Program Director will work with other departments as needed for courses outside of the discipline.

If the credits of a substituted course are fewer than the original requirement, the missing credit hours are not granted by a substitution. Students must complete the minimum credit hours required by the award.

Students are encouraged to seek substitutions prior to enrollment in an intended substitute course. Requests for course substitutions and supporting documentation should be submitted as soon as possible when transcripts are reviewed. For assistance, students should meet with an Academic Advisor specific to the declared transfer emphasis. Students seeking Title IV financial aid and veteran benefits for a course substitution must have the substitution approved and processed prior to registering for the substitute course.

See also, Administrative Regulation [3.5 Course Substitution for Students With Documented Disabilities](#).

**ADOPTED through the Administrative Regulations Approval Process, June 24, 2021**

#### **2.3.10 Transcripts for Transfer**

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

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

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

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

### **COLLEGE ENVIRONMENT**

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

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

### 5.1.8 Policy Prohibiting Harassment

#### A. Policy

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

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

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

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

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

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

#### B. Examples of Policy Violations

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

1. Engage in offensive conduct that is sufficiently severe or pervasive to create a work or academic environment that a reasonable person would consider intimidating, hostile, or abusive. Such conduct must be based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.
2. Engage in unwelcome verbal or physical conduct, including intimidation, ridicule, insult, or comments, when the behavior can reasonably be considered to adversely affect the work or academic environment, or an

employment decision based upon the employee's acceptance or rejection of such conduct. Such verbal or physical conduct must be based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information or on their protected activities under applicable non-discrimination laws and policies,

3. Engage in Sexual Harassment, which includes, but is not limited to:
  - A. Make unwelcome sexual advances to another employee (paid, unpaid, or contract), student or campus visitor;
  - B. Make unwelcome requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment or academic relationship;
  - C. Engage in verbal or physical conduct of a sexual nature with another employee, student or campus visitor, that may threaten or insinuate, either explicitly or implicitly, that the individual's submission to, or rejection of, the sexual advances will in any way:
    1. Influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or
    2. Influence his or her grades, participation in or access to academic programs, class standing or other educational opportunities;
  - D. Engage in verbal or physical conduct of a sexual nature that:
    1. Has the purpose or effect of substantially interfering with an employee's ability to do his or her job; or with a student's ability to learn or participate in a class; or
    2. Which creates an intimidating, hostile or offensive work or academic environment;
  - E. Commit any act of sexual assault or public sexual indecency against any employee or student whether on MCCCDC property or in connection with any MCCCDC-sponsored activity;
  - F. Continue to express sexual interest in another employee, student or campus visitor after being informed or on notice that the interest is unwelcome (reciprocal attraction is not considered sexual harassment);
4. Engage in other harassing conduct in the workplace or academic environment, whether physical or verbal, including, but not limited to, commentary about an individual's body (or body parts), degrading words to describe an individual, offensive comments, suggestive language or jokes, innuendoes, and suggestive objects, print or digital media. Misconduct may include exploitation, stalking, bullying. Such conduct must be based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.
5. Treat a complainant or witness of harassment in a manner that could dissuade a reasonable person from pursuing or participating in the complaint and investigation. Such treatment must be based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, pregnancy, veteran status or genetic information.
6. Engage in sexual misconduct, including but not limited to:
  - A. The use or display in the classroom, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification.
  - B. Explicit sexual comments by one or more employees about another employee or student, or circulating drawings or other images depicting an employee or student in a sexual manner.
  - C. Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that such conduct is unwelcome, or sexual gestures, noises, remarks, jokes, questions, or comments by a student about another person's sexuality or sexual experience.
  - D. Harassment based on sex, pregnancy, gender identity, gender expression, or sexual orientation that creates a hostile environment. A hostile environment exists when the conduct is sufficiently severe, or pervasive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from the District's education programs and/or activities, including employment. The existence of a hostile environment is to be judged both objectively (meaning a reasonable person would find the environment hostile) and subjectively (meaning the impacted individual felt the environment was hostile).



- E. Sexual Exploitation, which means taking non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited. Examples of behavior that could rise to the level of Sexual Exploitation include:
1. Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation;
  2. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
  3. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
  4. Going beyond the bounds of consent (such as attempting to kiss an employee or student without their consent)
  5. Engaging in non-consensual voyeurism;
  6. Knowingly transmitting an STI (sexually transmitted infection), such as HIV, to another without disclosing one's STI status;
  7. Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals;
  8. Possessing, distributing, viewing or forcing others to view obscenity.
7. All complaints of sexual harassment or sexual misconduct shall be referred promptly to the college Title IX Coordinator (or the District Title IX Coordinator, if the allegations concern a District Office employee), for initial review in determining the appropriate investigation channel.
8. Matters pertaining to sexual harassment/misconduct that do not meet the definition of sexual harassment as outlined in Administrative Regulation 5.1.16 or otherwise do not meet the definition of an educational program or activity and do not occur against a person within the United States will be referred by the Title IX Coordinator to the College or District's respective Human Resources Department for investigation and adjudication under this conduct policy.

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

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

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

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

Mandatory Reporters (as defined in Administrative Regulation 5.1.16) must report allegations of sexual harassment/assault (whether reported by the person who is the subject of the sexual harassment or a witness) to an Official with Authority or the Title IX Coordinator (as defined in Administrative Regulation 5.1.16). Failure to report to an Official with Authority or the Title IX Coordinator is a policy violation subject to discipline up to and including dismissal.

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

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

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

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

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

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



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

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

#### **5.1.11 Complaints**

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

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

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

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

##### **3. General**

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

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

#### **5.1.12 Confidentiality**

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

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

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

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

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

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

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

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

#### **5.1.15 Retaliation Prohibited**

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

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

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

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

#### **5.1.16 TITLE IX Sexual Harassment Policy**

##### **I. DEFINITIONS**

1. **Actual Knowledge** means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of alleged harassing, discriminatory, and/or retaliatory conduct. Actual knowledge compels the Maricopa County Community College District (MCCCD) to initiate action.
2. **Advisor** means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if a hearing is held. This individual may be an MCCCD employee, a member of the community, or attorney (hired and paid for by a party).
3. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.
4. **Formal Complaint** means a document filed with the Title IX Coordinator/signed by a Complainant or signed by the Title IX Coordinator alleging against sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that the MCCCD investigate the allegation.
5. **Confidential Resource** means an employee who is not a Mandatory Reporter or an Official with Authority (irrespective of Clery Act Campus Security Authority status). At MCCCD, there is only one confidential resource. This confidential resource is the Ombudsman, who is located in the MCCCD Office of Public Stewardship.
6. **Day(s)** means a business day when the MCCCD is in normal operation.
7. **Education program or activity** means locations, events, or circumstances where MCCCD exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the MCCCD.
8. **Final Determination of Responsibility** means a conclusion by preponderance of the evidence that the alleged conduct occurred, or did not occur, and whether it did, or did not, violate policy.

9. **Formal Grievance Process** means a method of formal resolution designated by MCCCCD to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.
10. **Grievance Process Pool** means any investigators, appeal officers, hearing administrators, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
11. **Hearing Decision-maker** means a person who has decision-making and sanctioning authority within the MCCCCD's Formal Title IX Grievance process.
12. **Investigator** means the person or persons charged by MCCCCD with gathering facts about an alleged violation of this policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
13. **Mandatory Reporter** means an employee of MCCCCD who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator. Mandatory reporters do not convey actual knowledge to the MCCCCD. Mandatory Reporter under this policy does not diminish the requirement under Arizona state law to report alleged or suspected child abuse, elder abuse, and/or abuse of individuals with disabilities to appropriate officials, though these responsibilities may overlap with those who have mandatory\ reporter responsibility in this policy.
14. **Official with Authority (OWA)** means an employee of the MCCCCD explicitly vested with the responsibility to implement corrective measures for harassment and/or retaliation on behalf of the MCCCCD. Notice to an OWA of an allegation of sexual harassment as defined in this policy conveys actual knowledge to the MCCCCD and triggers a responsibility to act.
15. **Parties** include the Complainant(s) and Respondent(s), collectively.
16. **Promptness** means the time period in which allegations are acted upon once MCCCCD has received notice or a formal complaint. Typically, complaints can take 60-90 business days to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but MCCCCD will avoid all undue delays within its control.
17. **Remedies** means post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to MCCCCD's educational program.
18. **Respondent** means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity. When the Respondent is a member of the MCCCCD community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the MCCCCD community.
19. **Resolution** means the result of an informal or formal grievance process.
20. **Sanction** means a consequence imposed by MCCCCD on a Respondent who is found to have violated this policy.
21. **Sexual Harassment** means the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence.
22. **Title IX Coordinator** is at least one official designated by MCCCCD to ensure compliance with Title IX and the MCCCCD's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
23. **Student** means any individual who is registered or enrolled for credit or non-credit bearing coursework, camps and other District-sponsored programs or activities, and who maintains an ongoing relationship with the MCCCCD, which means the student is on leave (medical, administrative, or other documented leave of absence), but is not registered or taking classes at the time of the complaint being filed.
24. **Title IX Team** refers to the Title IX Coordinator, any deputy coordinators, and any member(s) of the Grievance Process Pool.

## **II. RATIONALE FOR POLICY**

MCCCD is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment, discrimination on the basis of sex, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, MCCCD has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment, and for allegations of retaliation. MCCCD values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

## **III. TITLE IX COORDINATOR**

Each MCCCD college has a designated Title IX Coordinator who oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating MCCCD's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

The names and contact information for each college Title IX Coordinator can be found on the following page: <https://district.maricopa.edu/consumer-information/title-ix/title-ix-coordinators>. It is the responsibility of each of the MCCCD colleges' Vice Presidents of Student Affairs to ensure this list is up-to-date with correct information. The college Title IX Coordinators must act with independence and authority free from bias and conflicts of interest.

To raise any concern involving bias or conflict of interest by the college Title IX Coordinator, contact the Compliance Office in the Office of General Counsel by emailing [compliance@domail.maricopa.edu](mailto:compliance@domail.maricopa.edu). Concerns of bias or a potential conflict of interest by any other Title IX team member should be raised with the respective college Title IX Coordinator.

Reports of misconduct or discrimination committed by the college Title IX Coordinator should be reported to the college Human Resources Department. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the respective college Title IX Coordinator.

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

### **OFFICIALS WITH AUTHORITY**

MCCCD has determined that the following administrators are Officials with Authority to address and correct sexual harassment and/or retaliation. In addition to the Title IX team members listed in Section 1. Definitions, these Officials with Authority listed below may also accept notice or complaints on behalf of the MCCCD. Knowledge on the part of an Official with Authority conveys actual knowledge to the MCCCD.

1. College/District Title IX Coordinator
2. Chancellor
3. Provost
4. General Counsel and Associate General Counsels
5. Chief Human Resources Officer
6. Chief Executive Officer
7. College Presidents
8. College Vice Presidents (at all levels)
9. Associate Vice Chancellors
10. Law enforcement
11. Athletic Directors
12. Directors (in any administrative area of a college or the District)

### **MANDATORY REPORTERS**

The following classification of employees are mandatory reporters and are required to report actual or suspected discrimination or harassment to the respective college Title IX Coordinator or to the District Compliance Office for

District employees. A Complainant who expects formal action in response to their allegations, but does not wish to contact the Title IX Coordinator should report their allegations to any mandatory reporter who can connect them with resources to report crimes and/or policy violations. Mandatory reporters will, within twenty-four (24) hours, refer reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action. Mandatory reporters must promptly (within twenty-four (24) hours) share with the Title IX Coordinator all known details of a report made to them in the course of their employment. The persons occupying the following positions are mandatory reporters. Knowledge to a mandatory reporter does not convey actual knowledge to the MCCCCD.

1. Chancellor
2. Provost
3. General Counsel
4. Chief Human Resources Officer
5. Chief Workforce and Economic Development Officer
6. Chief Executive Officer
7. College Presidents
8. Associate Vice Chancellors
9. Director of Communications
10. Associate General Counsels
11. Supervisors/Managers/Directors (but not including division or department chairs)
12. College Vice Presidents, at all levels
13. Deans, at all levels
14. Athletic Directors/Coaches/Trainers
15. Law enforcement

#### **Anonymous Notice to Mandated Reporters**

A Complainant may request that the mandatory reporter provide notice to the Title IX Coordinator anonymously, without identification of the Complainant. A mandatory reporter cannot remain anonymous themselves. The MCCCCD will investigate matters in which anonymous notice has been given to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided. However, anonymous notice typically limits the MCCCCD's ability to investigate, respond, and provide remedies, depending on what information is shared. When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a mandatory reporter, but all other details of the alleged incident(s) must be shared with the Title IX Coordinator. Supportive measures may be offered to the Complainant as the result of such disclosures without formal MCCCCD action.

Failure of a mandatory reporter to report an incident of harassment or discrimination of which they become aware is a violation of MCCCCD policy and the mandatory reporter may be subject to disciplinary action, up to and including termination, for failure to comply.

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

A Complainant who wants to keep the details of an incident confidential may speak with:

- On-campus (Maricopa Community Colleges District Office) Office of Public Stewardship
- Off-campus (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

The Office of Public Stewardship will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client.

External Inquiries may also be made to:

Office for Civil Rights,

**Denver Office**

U.S. Department of Education

Cesar E. Chavez Memorial Building

1244 Speer Boulevard, Suite 310

Denver, CO 80204-3582

Telephone: (303) 844-5695

Facsimile: (303) 844-4303

Email: OCR.Denver@ed.gov

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

Notice or complaints of discrimination, harassment, and/or retaliation in violation of this policy may be made using any of the following options:

1) File a complaint with, or give verbal notice to, a college Title IX Coordinator or an Official with Authority. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed. Title IX Coordinators can be found on the following page: <https://district.maricopa.edu/consumer-information/title-ix/title-ix-coordinators>. It is the responsibility of each of the MCCCDC college's Vice President of Student Affairs to ensure this list is up to date with correct information.

2) Report online, using the reporting form posted at <https://district.maricopa.edu/consumer-information/reporting>. Anonymous reports are accepted, but can give rise to a need to investigate. The MCCCDC tries to provide supportive measures to all Complainants, which is impossible with an anonymous report when the name of the Complainant is not shared in the report. Since anonymous reporting carries no obligation to initiate a formal response and since the MCCCDC respects a Complainant's requests to dismiss complaints, unless there is a compelling threat to health and/or safety, the matter will be dismissed.

A formal complaint is a document filed and signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the MCCCDC investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the MCCCDC) that contains the Complainant's physical or digital signature, which can include the Complainant's name on the email, or otherwise indicates that the Complainant is the person filing the complaint.

The Title IX Coordinator will contact the Complainant regarding any notice that is submitted in a form that does not comply with these requirements to ensure that it is filed correctly.

## **VII. SUPPORTIVE MEASURES**

MCCCDC will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the MCCCDC's education program or activity, including measures designed to protect the safety of all parties, the MCCCDC's educational environment, and/or deter sexual harassment, discrimination on the basis of sex, and/or retaliation.

The Title IX Coordinator shall make supportive measures available to the parties upon receiving notice of allegations or a formal complaint. There is no statute of limitations for filing a Title IX Complaint. The Title IX Coordinator works with the Complainant to ensure their wishes are considered with respect to the planned and implemented supportive measures.

The MCCCCD will maintain the privacy of the supportive measures, provided that maintaining privacy does not impair the MCCCCD's ability to provide the supportive measures. MCCCCD will act to ensure as minimal an academic impact on the parties as possible. The MCCCCD will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

1. Referral to counseling, medical, and/or other healthcare services
2. Referral to the Employee Assistance Program
3. Referral to community-based service providers
4. In-house visa and immigration assistance
5. Student financial aid counseling
6. Education to the community or community subgroup(s)
7. Altering work arrangements for employees or student-employees
8. Safety planning
9. Providing campus safety escorts
10. Implementing contact limitations (no contact orders) between the parties
11. Academic support, extensions of deadlines, or other course/program-related adjustments
12. Trespass orders, when applicable
13. Timely warnings under the Clery Act
14. Class schedule modifications, withdrawals, or leaves of absence
15. Increased security and monitoring of certain areas of the campus
16. Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement and further discipline, as is necessary.

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

MCCCCD can act to remove a Respondent entirely or partially from its education program/activities or MCCCCD employment on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed by the Title IX Coordinator in conjunction with the college or District Behavioral Intervention Team (also known as BIT/BAT/TAT/CARE, etc.) using its standard objective violence risk assessment procedures.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion from the MCCCCD or termination from employment.

In all cases where an emergency removal is imposed:

1. The Respondent will be given written notice of the action. In the written notice will be the option to request to meet with the Title IX Coordinator as soon as reasonably possible, to show cause as to why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the underlying Title IX allegations, but rather an administrative process intended to determine solely whether the emergency removal is appropriate.
2. The Respondent has three (3) days after the receipt of the emergency removal to request a meeting with the Title IX Coordinator. If the Respondent does not make such a request within the three (3) day time period, objection to the emergency removal is deemed waived.
3. The Respondent may be accompanied by an Advisor of their choosing in the Show Cause administrative meeting with the Title IX Coordinator.
4. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation. Such summary will be included in the notification letter regarding the emergency removal.
5. The Title IX Coordinator will issue a Show Cause Meeting Determination letter to the Respondent within two (2) days of the meeting taking place.

6. There is no appeal process for emergency removal decisions.
7. A Complainant and their Advisor may be permitted to participate in this meeting, as it is equitable to do so.
8. MCCCCD will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns.

**For additional information regarding emergency removals, please see [Emergency Removals](#).**

## **IX. PRIVACY**

Every effort is made by the MCCCCD to preserve the privacy of a report under this policy.

**For additional information regarding privacy and confidentiality under this policy, please see [Privacy and Confidentiality](#).**

## **X. JURISDICTION**

This policy applies to all MCCCCD educational programs and activities, and to conduct that takes place on the campus or on property owned or controlled by the MCCCCD, at MCCCCD-sponsored events, or in buildings owned or controlled by MCCCCD's recognized student organizations. The Respondent must be a member of MCCCCD's community in order for its policies to apply. Nevertheless, even when the Respondent is not a member of the MCCCCD's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

This policy applies to the effects of off-campus misconduct that effectively deprive someone of access to MCCCCD's educational programs. The MCCCCD may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial MCCCCD interest.

Regardless of where the conduct occurred, the MCCCCD will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity.

A Title IX Coordinator may be able to provide guidance for a student or employee Complainant who experiences sexual harassment/discrimination in an externship, study abroad program, or other environment external to the MCCCCD under the MCCCCD's Student Conduct Code or employee conduct or nondiscrimination policies.

**For additional information regarding the MCCCCD jurisdiction over Title IX matters, please see [Jurisdiction](#).**

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

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the MCCCCD's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator (except in cases where mandatory dismissal is required), who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

The MCCCCD will apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of the notice of alleged misconduct or complaint of sexual harassment.

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

This policy is written and should be interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the MCCCCD's education programs and activities or use MCCCCD networks, technology, or equipment.

When harassing communications made on websites, social media, and other venues not controlled by the MCCCCD are reported to the MCCCCD pursuant to this policy the MCCCCD will attempt to address and mitigate the effects of such communications. Any online postings or other electronic communication by students and employees, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the MCCCCD's control (e.g., not on



MCCCD networks, websites, or between MCCCD email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption to the student's educational pursuit of MCCCD's educational programs and/or activities.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the MCCCD only when such speech is made in an employee's official or work-related capacity, including where the speaker holds themselves out as employees of an MCCCD college or District office. Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech will not be subjected to discipline.

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

MCCCD has adopted the following definition of Title IX Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment/discrimination, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid Pro Quo:
  - a. an employee of the MCCCD,
  - b. conditions the provision of an aid, benefit, or service of the MCCCD,
  - c. on an individual's participation in unwelcome sexual conduct; and/or
- 2) Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and
  - d. pervasive, and,
  - e. objectively offensive,
  - f. that it effectively denies a person equal access to the MCCCD's education program or activity.

Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
- 3) Sexual assault, defined as:
  - a) Sex Offenses, Forcible:
    - i) Any sexual act directed against another person,
    - ii) without the consent of the Complainant,
    - iii) including instances in which the Complainant is incapable of giving consent.
  - b) Forcible Rape:
    - i) Penetration,
    - ii) no matter how slight,
    - iii) of the vagina or anus with any body part or object, or
    - iv) oral penetration by a sex organ of another person,
    - v) without the consent of the Complainant.
  - c) Forcible Sodomy:
    - i) Oral or anal sexual intercourse with another person,
    - ii) forcibly,
    - iii) and/or against that person's will (non-consensually), or

- iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age (under the age of 18) or because of temporary or permanent mental or physical incapacity.
- d) Sexual Assault with an Object:
  - i) The use of an object or instrument to penetrate,
  - ii) however slightly,
  - iii) the genital or anal opening of the body of another person,
  - iv) forcibly,
  - v) and/or against that person's will (non-consensually),
  - vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e) Forcible Fondling:
  - i) The touching of the private body parts of another person (buttocks, groin, breasts),
  - ii) for the purpose of sexual gratification,
  - iii) forcibly,
  - iv) and/or against that person's will (non-consensually),
  - v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- f) Sex Offenses, Non-forcible:
  - i) Incest:
    - 1) Non-forcible sexual intercourse,
    - 2) between persons who are related to each other,
    - 3) within the degrees wherein marriage is prohibited by Arizona law.
  - ii) Statutory Rape:
    - 1) Non-forcible sexual intercourse,
    - 2) with a person who is under the Arizona statutory age of consent, which is the age of 18 years old.
- 4) Dating Violence, defined as:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a person,
  - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
    - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition
    - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - iii. Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, defined as:
  - a. violence,
  - b. on the basis of sex,
  - c. committed by a current or former spouse or intimate partner of the Complainant,
  - d. by a person with whom the Complainant shares a child in common, or
  - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
  - f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the state of Arizona or
  - g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the state of Arizona.

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

MCCCD reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

**Force, Coercion, Consent, and Incapacitation:**

As used in the offenses above, the following definitions apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive.

**Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity. No one under the age of consent in Arizona, specifically, 18 years old, can consent to sexual activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the MCCCCD to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

**Incapacitation:** Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

#### **XIV. RETALIATION**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The MCCCCD is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for the MCCCCD or any member of MCCCCD’s community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for Student Conduct Code violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX,

constitutes retaliation.

The following do not constitute retaliation under this policy:

1. The exercise of rights protected under the First Amendment.
2. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure. A determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

For additional information on prohibited retaliation, please see [Retaliation](#).

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

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the MCCCCD proceeds when the complainant does not wish to do so. The Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment. The Title IX Coordinator's decision to sign a formal complaint should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the MCCCCD to pursue formal action to protect the community.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. The Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the MCCCCD to honor that request, the MCCCCD will offer supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the MCCCCD, and to have the incidents investigated and properly resolved through these procedures.

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

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, MCCCCD must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

MCCCCD will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

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

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be referred to either the Student Conduct Code or employee conduct policies for appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an investigator or hearing Decision-maker will be subject to discipline under the appropriate student or employee policy as well as under this policy for providing false testimony.

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

The MCCCCD community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to MCCCCD officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the MCCCCD community that Complainants choose to report misconduct to MCCCCD officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process. To encourage reporting and participation in the process, MCCCCD maintains a policy of offering parties and witnesses amnesty from minor policy violations, such as underage consumption of alcohol or the use of illicit drugs related to the incident being reported.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. A decision not to offer amnesty to a Respondent should not be based on sex nor gender, but should take into account the rationale for amnesty. The incentive to report serious misconduct is rarely applicable to Respondents with respect to a Complainant.

MCCCCD maintains a policy of amnesty for students who offer help to others in need via bystander intervention. While policy violations cannot be overlooked, MCCCCD may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

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

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA based crimes, which include sexual assault, domestic violence, dating violence, and stalking (VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040); and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: presidents, vice-presidents, student affairs/student conduct staff, campus law enforcement/public safety, local police, coaches, athletic directors, student activities staff, human resources staff, Advisors to student organizations, and any other official with significant responsibility for student and campus activities.

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

### **1. Overview**

MCCCCD will act on any formal or informal notice/complaint of violation of the Title IX Sexual Harassment policy (“the Policy”) that is received by the Title IX Coordinator or any other Official with Authority by applying these procedures.

The procedures below apply **only** to qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined in Section XIII) involving MCCCCD students, staff, administrator, or faculty members.

Unionized/other categorized employees are subject to the terms of their agreements/employees’ rights to the extent those agreements do not conflict with this policy.

## 2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of this Policy, MCCCCD will initiate a prompt initial assessment to determine the next steps. The Title IX Coordinator will initiate at least one of three responses:

- 1) Offering supportive measures because the Complainant does not want to proceed formally;
- 2) Offering supportive measures and initiating an informal resolution; or
- 3) Offering supportive measures and initiating a Formal Grievance Process including an investigation and a hearing to determine whether or not the Policy has been violated.

## 3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator (or designee) will engage in an initial assessment, which is typically one (1) to five (5) business days in duration.

For more information related to the Initial Assessment, please see [The Investigative Process](#).

## 4. Emergency Removal

In the event an emergency removal is considered, the Title IX Coordinator will follow the procedures outlined in Section VIII of this policy.

## 5. Dismissal (Mandatory and Discretionary)

Mandatory Dismissal: The Title IX Coordinator **must** dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- 1) The conduct alleged in the formal complaint would not constitute sexual harassment as defined in the Policy hereinabove, even if proved; and/or
- 2) The conduct did not occur in an educational program or activity controlled by MCCCCD (including buildings or property controlled by recognized student organizations), and/or MCCCCD does not have control of the Respondent; and/or
- 3) The conduct did not occur against a person in the United States.

Any conduct alleged in the formal complaint that is dismissed under the first (1st) provision above will be referred by the Title IX Coordinator to the Student Code of Conduct administrator (for student Respondents) or the college or district Human Resources administrator (for employee/third party Respondents). Referrals shall take place within three (3) days of the date of the Dismissal Letter being mailed to the parties.

Discretionary Dismissal: The Title IX Coordinator **may** choose to dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

- 1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein. A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it; or
- 2) The Respondent is no longer enrolled in or employed by the MCCCCD; or
- 3) Specific circumstances prevent MCCCCD from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon any dismissal, MCCCCD will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

Both mandatory and discretionary dismissal decisions are appealable by any party under the procedures for appeal below.

## **6. Counterclaims**

MCCCD is obligated to ensure that the grievance process is not abused for retaliatory purposes. MCCCD permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims made with retaliatory intent will not be permitted and may constitute a violation of this policy.

Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator.

## **7. Right to an Advisor**

The parties may each have an Advisor of their choice. The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of the MCCCD community. The Advisor may be present with the Complainant or Respondent for all of their meetings and interviews within the resolution process, if they so choose.

The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available. "Available" means the party agrees to act as Advisor and has no conflict of interest in doing so. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict-of-interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker.

If the parties choose an Advisor from the pool available from the MCCCD, the Advisor will be trained by the MCCCD and be familiar with the MCCCD's resolution process. If the parties choose an Advisor from outside the pool of those identified by the MCCCD, the Advisor may not have been trained by the MCCCD and may not be familiar with MCCCD policies and procedures.

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing. If either party chooses not to have an Advisor present in the initial stages of the resolution process, this choice will be documented in the record of the case.

**For more information regarding the training received by an Advisor, please see [Advisors FAQ](#).**

### **a. Advisors in Hearings/MCCCD-Appointed Advisor**

Under U.S. Department of Education regulations applicable to Title IX, cross-examination is required during the hearing, but must be conducted by the parties' Advisors. The parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an Advisor for a hearing, MCCCD will appoint a trained Advisor for the limited purpose of conducting cross-examination.

A party may reject this appointment and choose their own Advisor, but they may not proceed with the hearing without an Advisor. If the party's Advisor will not conduct cross-examination, MCCCD will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself. Extensive questioning of the parties and witnesses may also be conducted by the Decision-maker during the hearing.

### **b. Pre-Interview Meetings**

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. In order for a pre-interview meeting to be held it must be requested by the Advisor. This



pre-meeting allows Advisors to clarify and understand their role and MCCCCD's policies and procedures. A pre-interview meeting is not mandatory.

#### **c. Advisor Violations of MCCCCD Policy**

All Advisors are subject to the same MCCCCD policies and procedures, whether they are attorneys or not. Advisors are expected to advise without disrupting proceedings. Advisors may not address MCCCCD officials in a meeting or interview unless invited to do so (e.g., asking procedural questions). The Advisor may not speak on behalf of their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigator(s) or other Decision-maker except during a hearing proceeding, during cross-examination.

The parties are expected to respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If an Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

#### **d. Sharing Information with the Advisor**

Parties may share documentation and evidentiary information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

MCCCCD also provides a consent form (FERPA authorization to release) that authorizes the MCCCCD to share such information directly with a party's Advisor. The parties must either complete and submit this form to the Title IX Coordinator or provide similar documentation demonstrating consent to a release of information to the Advisor before MCCCCD is able to share records with an Advisor.

The MCCCCD will not comply with any party's request that all communications be made through their attorney Advisor.

#### **e. Privacy of Records Shared with Advisor**

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by MCCCCD. MCCCCD may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the MCCCCD's privacy expectations.

#### **f. Expectations of an Advisor**

The MCCCCD expects an Advisor to adjust their schedule to allow them to attend MCCCCD meetings when planned. At the sole discretion of the Title IX Coordinator, scheduled meetings may be changed to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay. A Title IX Coordinator's decision as to whether to change meeting dates and times is final.

MCCCCD may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

#### **g. Expectations of the Parties with Respect to Advisors**

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) of the identity of their Advisor at least two (2) business days before the

date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a release for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

## **8. Resolution Processes**

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with MCCCCD policy. While there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose. MCCCCD encourages parties to discuss this topic with their Advisors before doing so.

## **9. Formal Grievance Process**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of students, employees, prospective students, and prospective employees. They are also listed in the Annual Title IX Report published by the Title IX Office.

**For more information regarding the Formal Grievance Pool—including selection, training, and responsibilities—please see [Formal Grievance Pool](#).**

## **10. Formal Grievance Process: Notice of Investigation and Allegations**

The Title IX Coordinator will provide written notice of allegations (the “NOA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOA is also copied to the Complainant, who is to be given advance notice of when the NOA will be delivered to the Respondent.

The NOA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that the MCCCCD presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about the MCCCCD’s policy on retaliation,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that the MCCCCD’s policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A suggested date and time for an initial meeting (proper time will be given to allow for the selection of an Advisor)
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and

- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and will be sent via electronic mail to the MCCCCD-issued email account and mailed via regular mail to the local or permanent address as indicated in official MCCCCD records. Notice is presumed to have been given upon emailing the NOA to the Respondent's MCCCCD-owned email address. The NOA will also be placed in regular mail, postage pre-paid.

### **11. Resolution Timeline**

The MCCCCD will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

### **12. Appointment of Investigators**

Once the decision to commence a formal investigation is made, the Title IX Coordinator shall appoint a team of two (2) investigators to investigate the allegations. Appointment of investigators typically occurs within two (2) business days of determining that an investigation should proceed.

### **13. Ensuring Impartiality**

Any individual materially involved in the administration of the resolution process may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent. The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. The Title IX Coordinator's decision allegations of bias or conflict of interest is final.

The Formal Grievance Process involves an objective evaluation of all relevant inculpatory and exculpatory evidence obtained. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

A Respondent is presumed not to be responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable preponderance of the evidence standard.

### **14. Delays in the Investigation Process and Interactions with Law Enforcement**

The MCCCCD may undertake a short delay in its investigation (several days) if the following circumstances require: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions, or such circumstances as determined by the Title IX Coordinator in their sole discretion.

The MCCCCD will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. The MCCCCD will promptly resume its investigation and resolution process as soon as feasible. During such a delay, MCCCCD will implement supportive measures, as deemed appropriate.

The MCCCCD's action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

### **15. The Investigation Process**

All investigations should be thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. Either party may submit a written statement to the Title IX Coordinator outlining their position on the allegations.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to

provide evidence and expert witnesses (at their own expense), and to fully review and respond to all evidence on the record.

For additional information regarding steps in the investigative process, please see [Investigative Process](#).

#### **16. Role and Participation of Witnesses in the Investigation**

Witnesses (as distinguished from the parties) who are employees or students of the MCCCCD are expected to cooperate with and participate in the MCCCCD's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of this policy and may warrant discipline.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. MCCCCD will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in addition to being interviewed.

#### **17. Recording of Interviews**

No audio or video recording of any kind is permitted during investigation meetings.

#### **18. Evidentiary Considerations in the Investigation**

The investigation does not consider:

- 1) incidents not directly related to the possible violation, unless they evidence a pattern;
- 2) the character of the parties; or
- 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

#### **19. Referral for Hearing**

The Title IX Coordinator will refer the matter for a hearing, once the final investigative report is shared with the parties.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation, when the final investigation report is made available to the Parties and the Decision-maker for review and comment, unless all parties, and the Decision-maker agrees to an expedited timeline. This agreement must be in writing.

The Title IX Coordinator will select a Decision-maker that is hired from a list of approved attorneys for any hearing held under the Title IX policy.

#### **20. Hearing Decision-maker Composition**

The MCCCCD will designate a single decision-maker. The single Decision-maker will also be the Chair of the hearing. The Decision-maker will not have had any previous involvement with the investigation. The Decision-maker is an out-sourced position. The Decision-maker will not be an MCCCCD employee. The Decision-maker will have had no previous involvement in the matter at hand.

#### **21. Evidentiary Considerations in the Hearing**

Any evidence that the Decision-maker determines is relevant and credible may be considered. The hearing does not consider:

- 1) incidents not directly related to the possible violation, unless they evidence a pattern;
- 2) the character of the parties; or

3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

The parties, if they so choose, may submit a written impact statement prior to the hearing for the consideration of the Decision-maker at the sanction stage of the process when a determination of responsibility is reached.

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence--whether it is more likely than not that the Respondent violated the policy as alleged.

## **22. Notice of Hearing**

No less than ten (10) business days prior to the hearing, the Title IX Coordinator will send notice of the hearing to the parties via email to the individual MCCCCD-issued email address. Once emailed, notice will be presumptively delivered.

The notice will contain:

1. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
2. The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities. Thoroughness and fairness are the primary FOCI of any Title IX hearing process. Hearings are generally scheduled for two (2) hours, but can be extended, as needed at the discretion of the Decision-maker, to ensure that both parties are able to present the information relevant to their position. (e.g., complicated fact pattern, numerous witnesses, etc.).
3. Any technology that will be used to facilitate the hearing.
4. A list of all those who will attend the hearing, along with an invitation to object to the Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
5. Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
6. A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence. For compelling reasons, the Decision-maker may reschedule the hearing.
7. Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and the MCCCCD will appoint one. Each party must have an Advisor present. There are no exceptions.
8. An invitation to each party to submit to the Decision-maker an impact statement. Pre-hearing that the Decision-maker will review during any sanction determination.
9. An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
10. Direction that the parties may not bring mobile phones/devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the MCCCCD and remain within the 60-90 business day goal for resolution.

In these cases, if the Respondent is a graduating student, a hold may be placed on graduation and/or official transcripts until the matter is fully resolved (including any appeal). A student facing charges under this policy is not in good standing to graduate.

### **23. Virtual Hearings**

All hearings will occur virtually by use of technology, specifically WebEx or Zoom technology. Each party will be located in a separate room from the Decision-maker, but will be able to see and hear each other. Witnesses will testify in the same room as the Decision-maker, but not the room where the parties and their Advisors sit. The Title IX Coordinator will arrange to use technology to allow remote testimony without compromising the fairness of the hearing.

### **24. Pre-Hearing Preparation**

The Decision-maker, or designee, after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing. During the ten (10) business day period prior to the hearing, the parties have the opportunity to review and comment on the final investigation report and available evidence.

The Decision-maker, or designee will also provide the parties a copy of the pre-hearing preparation checklist/document. A copy of the pre-hearing preparation checklist/document may be found on the MCCC'D's Title IX webpage:

<https://district.maricopa.edu/consumer-information/title-ix/>

### **25. Hearing Procedures**

At the hearing, the Decision-maker has the authority to hear and make determinations on all allegations of sexual harassment and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the discrimination, harassment, and/or retaliation, even though those collateral allegations may not specifically fall within the Title IX policy.

Participants at the hearing will include the Decision-maker, the hearing facilitator, the Investigator(s) who conducted the investigation, the parties, Advisors to the parties, any called witnesses, the Title IX Coordinator and anyone providing authorized accommodations or assistive services.

The Decision-maker will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Decision-maker will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the Decision-maker and the parties and will then be excused from attendance.

### **26. Joint Hearings**

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the parties may agree to hear the allegations jointly. All parties must agree to a joint hearing. If one party does not agree, the default will be to hold the hearings separately.

In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

### **27. Refusal to Submit to Cross-Examination and Inferences**

The Decision-maker may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker may consider all evidence it deems relevant.

If a party's Advisor of choice refuses to comply with MCCC'D's established rules of decorum for the hearing, MCCC'D may require the party to use a different Advisor. If a MCCC'D-provided Advisor refuses to comply with the rules of decorum, the Title IX Coordinator may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

## **28. Recording Hearings**

Hearings (but not deliberations) are recorded by MCCCCD for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker, the parties, their Advisors, and appropriate administrators of the MCCCCD will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given a copy or be allowed to make a copy of the recording.

## **29. Deliberation, Decision-making, and Standard of Proof**

The Decision-maker will deliberate alone to determine, by a preponderance of the evidence, whether the Respondent is responsible or not responsible for the policy violation(s) in question. The deliberation period is not to exceed five (5) days. The Decision-maker may consider the previously submitted party impact statements in determining appropriate sanction(s), when there is a finding of responsibility as to one or more of the allegations.

The Decision-maker will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker may--at their discretion--consider the statements, but they are not binding.

The Decision-maker will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence disregarded, credibility assessments, and any sanctions. This report typically should not exceed three (3) to five (5) pages in length and must be submitted electronically to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties in writing of the extension.

## **30. Notice of Outcome**

Using the deliberation statement, the Title IX Coordinator will prepare a Notice of Outcome, which shall include the final determination, rationale, and any applicable sanction(s). The Title IX Coordinator will then provide the Notice of Outcome to the parties and their Advisors within five (5) business days of receiving the Decision-maker's deliberation statement. The Notice of Outcome must be shared with the parties simultaneously.

Notification will be made in writing and will be mailed to the local or permanent address of the parties as indicated in official MCCCCD records, or emailed to the parties' MCCCCD-issued email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

**For more information about the Notice of Outcome Letter, please see [Notice of Outcome](#).**

## **31. Sanctions**

Factors considered when determining a sanction/responsive action may include, but are not limited to:

1. The nature, severity of, and circumstances surrounding the violation(s)
2. The Respondent's disciplinary history
3. Previous allegations or allegations involving similar conduct
4. The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
5. The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
6. The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
7. Any other information deemed relevant by the Decision-maker

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

### **a. Student Sanctions**

The following are the usual sanctions that may be imposed upon students or organizations singly or in combination:

1. *Warning*: A formal statement that the conduct was unacceptable and a warning that further violation of any MCCCCD policy, procedure, or directive will result in more severe sanctions/responsive actions.
2. *Required Counseling*: A mandate to meet with and engage in external counseling to better comprehend the misconduct and its effects.
3. *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
4. *Suspension*: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at MCCCCD.
5. *Expulsion*: Permanent termination of student status and revocation of rights to be on any MCCCCD campus for any reason or to attend MCCCCD-sponsored events.
6. *Withholding Diploma*: MCCCCD may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
7. *Revocation of Degree*: MCCCCD reserves the right to revoke a degree previously awarded from MCCCCD for fraud, misrepresentation, and/or other violation of MCCCCD policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
8. *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including MCCCCD registration) for a specified period of time.
9. *Other Actions*: In addition to or in place of the above sanctions, MCCCCD may assign any other sanctions as deemed appropriate.

### **b. Employee Sanctions**

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation include:

1. Warning – Verbal or Written
2. Performance Improvement/Management Process
3. Required Counseling
4. Required Training or Education
5. Probation
6. Loss of Annual Pay Increase
7. Loss of Oversight or Supervisory Responsibility
8. Demotion
9. Suspension with pay
10. Suspension without pay
11. Termination
12. Other Actions: In addition to or in place of the above sanctions, the MCCCCD may assign any other sanctions as deemed appropriate.

### **32. Withdrawal or Resignation While Charges Pending**

Students: If a student is a Respondent in a pending matter alleging a violation of the Title IX policy, the MCCCCD may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process, the process proceeds absent their participation to a reasonable resolution. Should a student Respondent permanently withdraw from the MCCCCD, the resolution process ends, as the MCCCCD no longer has disciplinary jurisdiction over the withdrawn student. A student who withdraws or leaves while the process is pending may not return to any MCCCCD college. Such exclusion applies to all campuses of



MCCCD. A hold will be placed on their ability to be readmitted. They may also be barred from MCCCD property and/or events.

However, MCCCD will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

During the resolution process, MCCCD may put a hold on a responding student's educational record that a disciplinary matter is pending.

Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as MCCCD no longer has disciplinary jurisdiction over the resigned employee. The employee who resigns with unresolved allegations pending is not eligible for rehire with any MCCCD or any campus of the MCCCD, and the records retained by the Title IX Coordinator will reflect that status. Human Resources should also be notified and make the appropriate notation on its list of people who are not permitted to be rehired.

However, MCCCD will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination.

All MCCCD responses to future inquiries regarding employment references for that individual will include that the former employee resigned during a pending disciplinary matter.

### **33. Appeals**

Any party may file a Request for Appeal by submitting such a request in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome Letter. Once the five (5) days have passed, the matter will be deemed closed.

The request for appeal will be forwarded to the Provost or Chief Academic Officer for the MCCCD, acting as the Appeal Chair, for consideration to determine if the request meets the grounds for appeal.

#### **a. Grounds for Appeal**

Appeals are limited to the following grounds:

- (A) Procedural irregularity that affected the outcome of the matter;
- (B) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- (C) An allegation that the Title IX Coordinator, Investigators, or Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

The Appeal Chair will deny any request for appeal that does not meet the grounds in this policy and will notify the parties and their Advisors in writing of the denial and the rationale. Denials based on lack of grounds shall be communicated to the requesting party within five (5) days of the request for appeal being received by the Appeal Chair.

If any of the grounds in the Request for Appeal meet the grounds in this policy, then the Appeal Chair will:

1. Notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the investigators and/or the original Decision-maker.
2. Provide the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker a copy of the appeal request with the approved grounds outlined.

3. Provide the other party(ies) and their Advisors, the Title IX Coordinator, and when appropriate, the investigators and/or the original Decision-maker five (5) days to submit a response to the portion of the appeal that was approved and involves them.
4. Collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and render a decision in no more than fifteen (15) days from the date the Request for Appeal was filed, barring exigent circumstances. All decisions apply the preponderance of the evidence.
5. Prepare a Notice of Appeal Outcome letter and send it to all parties simultaneously, which includes the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome letter will also outline specific instructions for remand or reconsideration of any sanction imposed by the Decision-maker, which MCCCCD is permitted to share according to state or federal law.

The Notice of Appeal Outcome letter will be mailed to the local or permanent address of the parties as indicated in official institutional records and emailed to the parties' MCCCCD-issued email or otherwise approved account. Notice is presumed to have been made once the letter is emailed.

#### **b. Sanctions Status During the Appeal**

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be continued or reinstated, subject to the supportive measures procedure in Section VII of this policy.

MCCCCD may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

#### **34. Long-Term Remedies/Other Actions**

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the harassment, and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

1. Referral to community services including counseling and health services
2. Referral to the Employee Assistance Program
3. Education to the individual and/or the community
4. Permanent alteration of work arrangements for employees
5. Provision of campus safety escorts
6. Climate surveys
7. Policy modification and/or training
8. Implementation of long-term contact limitations between the parties
9. Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by the MCCCCD to the Respondent to ensure that the Respondent did not experience effective denial of educational access.

The MCCCCD will maintain the privacy of any Party subject to any long-term remedies/actions/measures, provided doing so does not impair the MCCCCD's ability to provide these services.

#### **35. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions**

All parties are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker (including the Appeal Chair).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the MCCCCD.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

### **36. Recordkeeping**

MCCCCD will maintain for a period of seven (7) years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to the MCCCCD's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;
6. All materials used to train Title IX Coordinators, investigators, Decision-makers, and any person who facilitates an Informal Resolution process. MCCCCD will make these training materials publicly available on MCCCCD's website. (Note: If the MCCCCD does not maintain a website, MCCCCD must make these materials available upon request for inspection by members of the public.); and
7. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
  - a. The basis for all conclusions that the response was not deliberately indifferent;
  - b. Any measures designed to restore or preserve equal access to the MCCCCD's education program or activity; and
  - c. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The MCCCCD will also maintain any and all records in accordance with state and federal laws. The MCCCCD will follow the destruction of records policy as outlined by the state of Arizona.

### **37. Disabilities Accommodations in the Resolution Process**

MCCCCD is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the MCCCCD's resolution process. Anyone needing such accommodation should contact the Title IX Coordinator and request the accommodation. The Title IX Coordinator shall seek consultation from the college Disability Resource Services Manager (for students) or Human Resources (for employees).

### **38. Mandatory Training**

This policy requires that annual training for the Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will include:

1. the definition of sexual harassment under this policy,
2. the scope of the MCCCCD's education program or activity,
3. how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and
4. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Decision-makers will receive annual training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

Investigators will receive annual training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### **39. Revision of this Policy and Procedures**

This policy and procedures supersede any previous policy(ies) addressing Title IX sexual harassment and discrimination. The policy (administrative regulation) will be reviewed and updated as needed by the Title IX Coordinator, in consultation with any other stakeholders deemed necessary by the Title IX Coordinator and upon approval by the Chancellor. MCCCC reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. District legal may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This policy and procedures are effective August 14, 2020.

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL.

USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED THROUGH A LIMITED LICENSE TO MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT ALL OTHER RIGHTS.

**AMENDED by Direct Approval from the Chancellor, September 20, 2021**

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

**ADOPTED by Direct Approval from the Chancellor, August 3, 2020**

\*\*\*\*\* SECTION TO INCLUDE IN HANDBOOK\*\*\*\*\*

**AMENDED by Direct Approval from the Chancellor, April 1, 2015**

### **Discrimination Complaint Procedures for Students**

This procedure provides a means for resolving complaints by students who believe they have been adversely affected by illegal or prohibited discrimination by the Maricopa County Community College District (MCCCCD), a member college or center, or their students or employees.

Complaints may be brought under this procedure for discrimination based on race, color, religion, national origin, citizenship status (including document abuse), sex (including pregnancy and sexual harassment), sexual orientation, gender identity, age, veteran status, physical or mental disability, or genetic information. The entire college community should act promptly upon receipt of an allegation of conduct that might constitute discrimination. Any member of the college community should refer a person who might be a victim of such conduct to these procedures, as well as to the college officials responsible for conducting an investigation pursuant to these procedures.

Students who believe they are experiencing sexual harassment may submit a complaint under the Sexual Harassment Policy for Students 2.4.4. If a student has been a victim of sexual assault, a complaint may also be filed with College Public Safety (CPS).

All deadlines prescribed for Report, Informal Resolution and Formal Resolution processes may be extended by the Vice President of Student Affairs for good reason, such as (but not limited to) when classes are not in session or upon mutual agreement by the parties. Notwithstanding any deadline extension, college officials should take all necessary steps to ensure prompt and equitable resolution of any complaint of discrimination.

Information related to MCCC's Discrimination Complaint Procedure for Students is also available from the Office of General Counsel's Office of Public Stewardship at 480-731-8880.

### **Informal Resolution of Discrimination Complaints**

Before filing a formal complaint under this procedure, a student may attempt to resolve the problem through informal discussions with the person claimed to have engaged in discriminatory conduct and that person's supervisor or department head. The supervisor or department head will notify the Vice President of Student Affairs may designate an employee to provide such assistance. If a student alleges discrimination based upon physical or mental disability the Vice President of Student Affairs, who is designated at each college as the ADA/504 Coordinator or the Associate Vice Chancellor of Student Affairs who is designated as the District ADA/504 Coordinator, will assist directly in the informal resolution process. Each Vice President and the Associate Vice Chancellor has knowledge of the ADA/504 regulations applicable to students with disabilities. The Vice President of Student Affairs may modify or reject an informal resolution of a complaint of discriminatory conduct under this process if, in the judgment of the Vice President, the resolution that is proposed is not in the best interests of both the student and the institution. The Vice President shall take such action no later than fifteen (15) calendar days after receiving notice of the informal resolution.

Attempts to informally resolve alleged discrimination should occur within ninety (90) calendar days of the most recent alleged discriminatory act. The college official responsible for this informal resolution process should ensure that the process is concluded promptly. For complaints dealing with alleged discrimination beyond the 90-day timeframe, a student must submit a complaint under the formal resolution procedure of this policy.

If the complaint cannot be informally resolved to the satisfaction of the student, the student has the right to file a complaint and to proceed under formal resolution procedures.

### **Formal Resolution of Discrimination Complaints**

A student who contends that unlawful or MCCC-prohibited discrimination has occurred may file a formal complaint by contacting the Vice President of Student Affairs at each respective college or center. If a student alleges discrimination based upon physical or mental disability he or she may submit a formal complaint with the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs or designee. The Vice President of Student Affairs or District Associate Vice Chancellor of Student Affairs or designee will accept.

A complaint may be submitted by the student verbally or in writing. A student may also contact the Office of General Counsel to obtain the name and phone number of the college or center official designated to respond to discrimination complaints.

The complaint must identify the action, decision, conduct, or other basis that the student believes is unlawful or MCCC prohibited discrimination.

Upon receipt of a complaint, the Vice President of Student Affairs or the Associate Vice Chancellor will notify the college president or provost and the Office of General Counsel.

A copy of the complaint will be shared with the respondent within five (5) working days of receipt by the Vice President of Student Affairs. Respondent will be put on notice that retaliation against the complainant or potential witnesses will

not be tolerated and that an investigation will be conducted. If the student submits a written complaint, the Vice President or the District Associate Vice Chancellor need not share with the respondent the actual form submitted by the student, but may paraphrase the allegations sufficiently to allow the respondent to draft a response.

Respondent must provide a written response to allegations within fifteen (15) calendar days of his or her receipt of the complaint.

After accepting a complaint, the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs will designate a complaint investigator to conduct a fact-finding investigation, which will include, at a minimum, a review of written evidence (including the complaint and response), and interviews with appropriate employees and students. The interviews will include all witnesses identified by all parties. If the complaint alleges discrimination based upon mental or physical disability the investigator designated by the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs must have knowledge of ADA/504 regulations applicable to students with disabilities. 34 C.F.R. §104.4 et.seq.; 28 C.F.R. §35.130 et. seq. The Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs may serve as complaint investigator. The complaint investigator shall promptly complete the investigation and deliver to the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs the investigator's written findings and the results of the investigation, including summaries of all interviews and all documents received as part of the investigation. In no event shall this occur later than ninety (90) calendar days following receipt of the complaint. Within ten (10) working days following receipt of the results of the investigation from the complaint investigator, the Vice President of Student Affairs or the District Vice Chancellor of Student Affairs will submit to the President or Provost the investigator's written findings and the Vice President's recommendations as to the disposition of the complaint.

The president or provost will accept, reject, or modify the recommendations and will provide a written notification of his or her action to the student and respondent along with a copy of the investigator's written findings and the vice president's or District Associate Vice Chancellor's recommendations within fifteen (15) calendar days of receiving the written findings and recommendations from the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs.

When the investigation confirms the allegations, appropriate corrective action will be taken. Evidence which is collateral to the allegations of discrimination and/or sexual harassment and which was obtained during an investigation may be used in subsequent grievance or disciplinary procedures. Both complainant and respondent receive notice of the outcome. The institution will take appropriate steps to prevent further occurrences.

### **Interim Measures**

If a student alleges discrimination based upon physical or mental disability, the District may take interim measures to assist or protect the student during an investigation. Such measures may include academic adjustments, arranging for changes in class schedules, or other appropriate temporary measures.

### **MCCCD Administrative Review Process**

#### **Request for Reconsideration**

A student or respondent who is not satisfied with the decision of the president or provost has ten (10) working days to request, verbally or in writing, administrative review of the decision by his or her college president or provost. The request for administrative review must state reasons why the complainant or respondent believes the finding was improper. The president or provost will review the results of the investigation and written findings and respond to the request within ten (10) working days from receipt of the request. If the president or provost determines that the decision is not supported by the evidence, the case file will be reopened and assigned for further investigation. If the president or provost determines that the investigation was thorough and complete and that the decision is supported by the evidence, he or she will deny the request for administrative review. At this point, the student has exhausted the Internal Discrimination Complaint Procedure.

### **Complaint Process**

Faculty, staff and all other college officials should refer any student seeking to make a complaint of discrimination to the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs. Every student complaint of discrimination shall be investigated under the authority of the Vice President of Student Affairs or the District Associate Vice Chancellor of Student Affairs in accordance with these Procedures. The Vice President of Student Affairs and any complaint investigator who participates in a complaint resolution pursuant to these Procedures shall administer every resolution process in an impartial manner, and shall fully consider all facts discovered in the course of any investigation before a resolution is reached. Each party in any complaint resolution shall have full opportunity to present all information and documentation the party feels is germane to the complaint. At no time shall a student who has made an allegation of discrimination under these Procedures be asked or required in any way by a college official to engage in any direct confrontation with any person alleged to have committed an act of discrimination. The Vice President shall ensure that every effort is made to obtain information from each witness to every act of alleged discrimination or from any other person possessed of information that is relevant and material to the complaint resolution. The Vice President of Student Affairs shall ensure that all appropriate corrective action that is warranted as a result of any complaint resolution will be taken, and shall employ best efforts to ensure that the college prevents recurrence of discrimination in the future.

### **Maintenance of Documentation**

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

### **Right to Assistance**

A student or respondent may receive the assistance of an attorney or other person at any stage of a complaint filed under this Internal Discrimination Complaint Procedure. Such person may attend any investigative interview and advise the complainant or respondent but shall not otherwise participate in the interview. The complaint investigator shall direct communications directly to the complainant and respondent, and not through such individual's attorney or other person providing assistance.

### **Confidentiality of Proceedings**

Every effort will be made by the college and MCCCCD to protect the confidentiality of the parties during the processing of complaints under this procedure. Records will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with MCCCCD's legal obligation to investigate and resolve issues of discrimination.

### **Retaliation Prohibited**

Retaliation against a person who has filed a complaint or against any witness questioned during an investigation is strictly prohibited. Any retaliatory action by instructors, supervisors, managers, academic professionals, administrators, or other employees who have the authority to take adverse action against a complainant or witness is prohibited and may be grounds for disciplinary action.

### **False Statements Prohibited**

Any individual who knowingly provides false information pursuant to filing a discrimination charge or during the investigation of a discrimination charge will be subject to appropriate discipline.

### **External Filing of Discrimination Complaint**

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

Office for Civil Rights, Region VIII (OCR)  
Denver Office

U.S. Department of Education  
Federal Building  
1244 Speer Boulevard, Suite 310  
Denver, Colorado 80204-3582  
Phone: 303-844-5695  
Fax: 303-844-4303  
TDD: 303-844-3417  
E-mail: [OCR\\_Denver@ed.gov](mailto:OCR_Denver@ed.gov)

**AMENDED by Direct Approval from the Chancellor, April 1, 2015**

\*\*\*\*\*END SECTION\*\*\*\*\*

#### **2.4.6 Emissions Control Compliance**

Pursuant to ARS §15-1444 C. no vehicle shall be allowed to park in any college parking lot unless it complies with ARS §49-542 (the annual vehicle emissions inspection program). At the time of course registration, every out-of-county and out-of-state student will be required to sign an affidavit stating that the student's vehicle meets the requirements of ARS §49-542. Vehicles that are not in compliance are subject to being towed at the owner's expense.

#### **2.4.8 Petition Signature Solicitation**

1. This regulation shall govern access to college premises by representatives who wish to solicit signatures on petitions for the purpose of submission of a ballot proposition to voters, or nomination of a candidate for elective office, in a city-, county-, or state-wide election.
2. Each college president shall designate general hours of accessibility for solicitation and a location on college premises where all representatives on behalf of any candidate or ballot proposition may solicit signatures. The location shall be in a common area where the solicitation will not serve as an obstruction to student activities or otherwise disrupt the college environment.
3. All solicitation must take place in designated areas. Standard space may include one or two tables and chairs. Campus restrictions regarding amplification will apply. Representatives may not distribute or make available to students, employees, or college visitors any tangible item, except for informational literature about the proposed candidate or ballot initiative.
4. Representatives shall notify the designated official at each college or center for their intent to be present on college premises no fewer than three working days prior to soliciting signatures. Upon obtaining authorization, representatives shall be provided a written version of this regulation.

Specific procedures on how to implement the Petition Signature regulation can be found in [Appendix S-14](#).

#### **2.4.9 Use of College Grounds by Non-MCCCD-Affiliated Users**

In contrast to traditional public forums such as a public square, park, or right of way, Maricopa's campuses are dedicated by law to the purpose of formal education. They are, and have been since their creation, for the use and benefit of prospective and enrolled students, the Maricopa employees who serve them, and those who are invited to campus by members of the College community to attend or participate in sponsored events. The Maricopa County Community College District (MCCCD) has a long history of regulating the time, place, and manner in which expressive activities are conducted on campuses, for the purposes of avoiding disruption or interference with its educational activities, and protecting the rights of the members of the campus community and their invited guests to express themselves and access information. While members of the general community always have been welcome to share their ideas with the campus community, they are subject to reasonable, content-neutral regulation of the time, place and manner of the event and to the institution's mission-based priorities – including but not limited to the need to provide an environment conducive to teaching and learning.

#### **POLICY**



This administrative regulation governs use of the college grounds, defined as the open areas and walkways of the campus by non-MCCCD-affiliated users. Use of college facilities is governed by a separate administrative regulation. Parking lots are not available for events and activities other than those sponsored and authorized by the College president.

Camping is not permitted anywhere on the campuses. Camping is defined as the use of college grounds or facilities for living accommodations or housing purposes such as overnight sleeping or making preparations for overnight sleeping (including the laying down of bedding for the purpose of sleeping), the making of any fire for cooking, lighting or warmth, or the erection or use of tents, motor vehicles, or other structures for living or shelter. These activities constitute camping when it reasonably appears, in light of all the circumstances, the participants conducting these activities intend to use or are using the facilities or grounds for living accommodations or housing, regardless of the duration or other purpose of the use.

Lawful use of college grounds for events or expressive activities by individuals, groups, and organizations may be authorized by college officials when the events and activities are lawful and consistent with the non-profit, educational nature of the campus, authorized and conducted in accordance with MCCCD policies, administrative regulations and priorities, and compliant with reasonable restrictions as to time, place, and manner. The content of the expression will not be a factor in authorizing, locating, or scheduling decisions. However, events and activities will not be permitted to disrupt or obstruct the teaching, research, or administrative functioning of the College by means of physical obstacles and crowds, by the creation of sound or noise that would interfere with teaching, learning, and the conduct of College business, or by any other means. Each College president will designate a Responsible College Official with delegable authority to approve, locate, and schedule use of college grounds.

**Permit Application:** Any non-MCCCD-affiliated organization, group, or individual desiring to use campus grounds for an event or activity must submit a request form to the Responsible College Official in advance of the use date.

If the activities proposed in the application are limited to low-impact, non-commercial activities the request form shall be submitted at least two business days in advance of the expected use date. For purposes of this administrative regulation, “low-impact, non-commercial activities” are defined as: (1) activities that do not seek to sell or promote a product or service for direct or indirect financial gain; (2) activities that are limited to gatherings of five people or less at any given time; and (3) activities that do not involve machinery, temporary structures, tables, chairs, displays or electronic equipment, including amplifiers, or the distribution of food products.

For events that are not low-impact, non-commercial activities, the request form shall be submitted at least seven business days before the expected use. The additional advance time is required to allow the College to prepare for conditions that may affect the flow of foot traffic, involve signs and displays, create crowds, involve significant numbers of participants, or require the use of significant amounts of space and/or use of equipment and resources.

**Designated Areas:** Because each College has a limited amount of outdoor space, activities and events sponsored by non-MCCCD-affiliated users, including speech and literature distribution, shall be restricted to designated areas. For each College, the Responsible College Official shall establish specific designated areas for such activities. A written description of these areas shall be maintained at the office of Student Life and Leadership for each College. Consistent with the goal of providing a healthy, comfortable, and educationally productive environment, the Responsible College Official should attempt to locate the designated areas in prominent locations on campus where there is a likelihood of significant pedestrian traffic. The designated areas shall not be located in building stairways and entryways, parking lots, or congested areas. The Responsible College Official will make every effort to assign users to their requested space when a specific space is desired. However, in order to ensure the potential success of all scheduled events, the College reserves the right to assign an event or activity to the area the College deems most appropriate in light of the campus capacity, other activities scheduled, and the type of event or activity being planned.

**Use Fees and Proof of Insurance:** To offset the costs associated with the use of college grounds, non-MCCCD-affiliated users shall be required to pay a fee of \$50 per day or \$125 per week. In order to protect the health and safety of College

students, faculty and staff and to protect MCCCDC resources, non-MCCCDC-affiliated users shall also be required to provide proof of insurance that indicates at least \$1 million in general liability coverage and names the MCCCDC as an additional insured for the anticipated use date.

The fee and proof-of-insurance provisions of this Administrative Regulation shall not be applied to low-impact, non-commercial users. A user may request designation as a low-impact, non-commercial user from the applicable College's Responsible College Official. Any questions or comments about the criteria for approval or denial of such request shall be directed to the District Ombudsman.

**Permits:** The approved request form will describe the location of the authorized activity and any other restrictions specific to the event. Violation of the terms of the permit, District policy, administrative regulation or law shall be grounds for immediate revocation of the permit, and the individual violators and their organizations may be banned from the campus.

**Priorities and Criteria for Approval of Permits:** The content or subject of the proposed expressive activity or event will not affect approval of the application. Availability of space is not guaranteed. Reservations shall be approved on a space-available basis and will be addressed on a first come-first served basis, subject to the following priorities and criteria for the use and scheduling of space on campus grounds:

#### Scheduling Priorities (in order)

1. The use of facilities and grounds for the operations of the College. For example, there are times when the college is unusually crowded by members of the campus community, such as registration and orientation at the beginning of the semester. Other uses may reasonably be precluded during those times.
2. Activities and events sponsored by the College administration.
3. Activities and events sponsored by MCCCDC student organizations or employee groups.
4. Activities of non-MCCCDC-affiliated individuals and organizations.
5. Commercial advertising or activities.

#### Criteria

1. Capacity of college grounds to accommodate the number of participants at the scheduled time and proposed location.
2. Capacity of College Safety staff to provide security for all events and activities scheduled at the time.
3. Possible interference or conflict with College operations or other scheduled activities and events on the grounds.
4. General feasibility of hosting the event as proposed.

**Other Policies:** This administrative regulation will be applied in conjunction and coordination with all other MCCCDC policies and administrative regulations and College processes and procedures, including but not limited to regulations on facilities use, signage, sales of alcohol and/or food, and solicitation of donations.

Specific procedures on how to implement the Use of College Grounds regulation can be found in [Appendix S-15](#).

#### 2.4.10 Children on Campus

Children (younger than 18) may not attend any class unless they are officially registered for the class.

Children will not be allowed on campus unless participating in an authorized college program or under the supervision of an adult.

#### 2.4.11 Crime Awareness and Campus Security Act

Federal legislation requires the college to maintain data on the types and number of crimes on college property as well as policies dealing with campus security. To obtain additional information on this subject, contact the college Safety and Security Department.

#### 2.4.15 Campus Sex Crimes Prevention Act

Federal legislation requires that the MCCCCD establish notification procedures concerning the presence of registered sex offenders enrolled either as students or those working for the institution. The Registered Sex Offender Notification Procedure is outlined in Appendix item S-18.

**ADOPTED by Direct Approval from the Chancellor, March 6, 2019**

#### Appendix Item S-18: Maricopa County Community College District Registered Sex Offender Notification Procedure

The Campus Sex Crime Prevention Act (CSCPA), (section 1601 of Public Law 106-386), is a Federal Law enacted on October 28, 2000. In compliance with this law, the Maricopa County Community College District (MCCCCD) will work in collaboration with the Sheriff's Department to identify convicted registered sex offenders enrolled as students at one of MCCCCD's colleges or working at the District office or at any of the MCCCCD colleges (in paid or unpaid positions).

#### GENERAL INFORMATION

- I. In accordance with the CSCPA, the MCCCCD will provide on its Sex Offender Information Website, found [Sex Offender Information and Notification](#) website, a link to the Arizona Sex Offender Registry website and instructions on how to access it.
  - II. Arizona Revised Statutes require persons convicted of any of the following 21 different offenses to register as sex offenders: 1) unlawful imprisonment if the victim is under 18 years of age; 2) kidnapping if the victim is under 18 years of age; 3) sexual abuse if the victim is under 18 years of age; 4) sexual conduct with a minor; 5) sexual assault; 6) sexual assault of a spouse; 7) molestation of a child; 8) continuous sexual abuse of a child; 9) taking a child for the purpose of prostitution; 10) child prostitution; 11) commercial sexual exploitation of a minor; 12) sexual exploitation of a minor; 13) luring a minor for sexual exploitation; 14) aggravated luring a minor for sexual exploitation; 15) unlawful age misrepresentation for the purpose of committing a sexual offense 16) sex trafficking of a minor; 17) a second or subsequent violation of indecent exposure to a person under 15 years of age; 18) a second or subsequent violation of public sexual indecency to a minor under the age of 15; 19) a third or subsequent violation of indecent exposure; 20) a third or subsequent violation of public sexual indecency; and 21) violations relating to the failure to register as a sex offender. (See, [A.R.S. §13-3821](#)).
  - III. The Arizona Department of Public Safety classifies sex offenders according to levels. The levels consist of Level 1: Low risk to the community, Level 2: Intermediate risk to the community, and Level 3: High risk to the community.
  - IV. By law, Registered Sex Offenders (RSO) are required to contact the Maricopa County Sheriff's office or local police agency when they enroll in or are employed at a college—in either paid or unpaid status. ([A.R.S. § 13-3821](#)).
- a. Level Two and Level Three Offender's Obligation to Notify the College:

#### STUDENTS

- i. **Current Students** who are enrolled and receive their final classification or a change in classification as a Level 2 or Level 3 sex offender during their period of enrollment must notify the Campus Public Safety Officer within five (5) business days of the start of the semester. Campus Public Safety Officers for each college and for the district office can be found at the [MCCCCD Police](#) website. The Campus safety officer will schedule a meeting with the Dean of

Students (or designee) and the Registered Sex Offender student to take place within ten (10) days of the notification to Public Safety.

1. Failure to comply with this procedure may lead to discipline under the Student Code of Conduct as well as possible criminal penalty as outlined in Arizona state law.
- ii. **Potential Students** who have been designated as a Level 2 or Level 3 sex offender must notify the Campus Public Safety Officer to arrange a meeting when they intend to enroll at a College. Campus Public Safety Officers for each college and for the district office can be found at the [MCCCD Police](#) website. This meeting must take place at least ten (10) calendar days prior to the start of classes. The meeting shall include the RSO, the Dean of Students (or designee), and the Campus Public Safety Officer.)
  1. A person who is classified as a Level Two or Three sex offender has been admitted to MCCCD and who has failed to timely to register pursuant to these procedures may be subject to discipline under the Student Code of Conduct as well as possible criminal penalties as outlined in Arizona state law.

#### EMPLOYEES

- iii. **Current Employees** who receive their final classification or a change in classification as a Level 2 or Level 3 sex offender during their period of employment must immediately notify the Campus Public Safety Officer. The campus public safety officer will arrange meeting with the Human Resources Manager (or designee) at the individual campus and the Registered Sex Offender employee. Campus Public Safety Officers for each college and for the district office can be found at the [MCCCD Police](#) website. The meeting with the college human resources manager and the Campus Public Safety Officer must take place within ten (10) days of the original notification to Public Safety.
- iv. **Potential Employees** who have been classified as a Level 2 or Level 3 sex offender must notify the Campus Public Safety Officer to arrange a meeting when they are offered employment at the College. Campus Public Safety Officers for each college and for the district office can be found at the [MCCCD Police](#) website. This meeting must take place at least ten (10) calendar days prior to the start of employment. The meeting shall include the RSO, the college human resources manager and the Campus Public Safety Officer (or their designees).

#### V. COLLEGE OFFICIALS' MEETING WITH LEVEL 2 OR LEVEL 3 SEX OFFENDER

- a. After notification that a student or employee has been classified as a Level Two or Three Sex Offender, MCCCD Public Safety will collect information from the RSO student or employee, probation/parole officer, Sheriff's Office, and/or arresting agency regarding the type of crime, conditions for probation, and/or level of risk.
- b. For Students: MCCCD Public Safety will notify the Dean of Student Affairs (or designee) when a RSO has enrolled or expressed a desire to enroll at a MCCCD college. A representative from the Student Affairs office shall participate in the required meeting with the RSO.
  - i. An RSO identification must be placed in the Advocate online system. The identification should include a summary of the offense/court-ordered conditions in place upon release, information

from the parole/probation officer, and possible interventions needed at the college/District level.

- c. For Employees: MCCCCD Public Safety will notify District and college Human Resources (or designee) when an RSO has registered due to being offered employment with the MCCCCD or is a current employee who has been classified as a Level Two or Three Sex Offender. A representative from District and the identified college's Human Resources department shall participate in the required meeting with the RSO.
  - i. An RSO identification must be placed in the employee's personnel file. The identification should include a summary of the offense/court-ordered conditions in place upon release, information from the parole/probation officer, and possible interventions needed at the college/District level.
- d. At the meeting referred to above, the student or employee who is classified as a Level Two or Three sex offender will be advised of the following information:
  - i. The College's knowledge of his/her final classification.
  - ii. The College's obligation to provide public access to Level 2 & 3 sex offender information through its Department of Public Safety.
  - iii. Any restrictions that will be imposed on the sex offender—based on any Court restrictions, restraining orders, or orders of protection that may be in place—and the duration of such restrictions.
  - iv. If the offender is classified at Level 3, he/she is further informed of:
    - 1. The College's policy of posting notice at each college campus within two (2) days of receipt of the RSO's information, regardless of when the meeting occurs.
    - 2. The Level 3 RSO will receive a copy of the community notification the College intends to post.
    - 3. The functional areas of the College which will be provided with the public notification that will be posted.
  - v. At any time, the Department of Public Safety can communicate with the offender's parole/probation officer.

VI. FERPA: The CSCP further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning the presence of registered sex offenders.

VII. ANNUAL AND OFF-CYCLE REVIEWS: Public Safety and the Student Affairs Dean (or designee) or Human Resources representative, depending on the status of the RSO, shall meet on an annual basis to review the conditions of enrollment, employment, and campus engagement. Additional, off cycle, reviews should be conducted when an RSO student or employee transfers within MCCCCD or new information about criminal conduct has been received. District imposed conditions may be removed, added, or altered based on changes in enrollment location(s), legal case status, new criminal activity, and/or disciplinary standing. Both Public Safety and Dean of Students or Human Resources professionals, for students and employees, respectively, shall maintain documentation regarding all initial, annual, and off-cycle meetings and reviews.

- VIII. FAILURE TO NOTIFY CAMPUS ADMINISTRATION: Failure to notify campus administration, as outlined in this procedure, of one's status as a RSO may lead to discipline up to and including removal from classes and/or suspension from participation in academic or extra-curricular programs, termination from employment as well as possible criminal penalty as outlined in Arizona state law.
- IX. CAMPUS AND COMMUNITY NOTIFICATION OF RSO STATUS: Pursuant to Arizona law, the MCCCDC shall make campus notifications of RSO status, as follows:
- For level two and level three offenders, the MCCCDC Public Safety Office, in conjunction with the Public Safety office at each college will coordinate with the local law enforcement agency responsible for the individual community notifications to ensure the sex offender notification is provided to the individual campus community.
  - The [Sex Offender Information and Notification](#) website will host the notification of RSO's employed by or attending a MCCCDC college, including employment with the District office.
  - For Colleges with facilities off-site from the main campuses that receive a registered sex offender community notification flyer from a local law enforcement agency, building managers are advised to post the flyer the building's common area easily accessed by students, staff, and faculty for a at least thirty (30) days. Specific information and instructions related to the community notification will be contained in the flyer and such instructions should be followed.
  - Any criminal activity involving a registered sex offender should be reported to police.
- X. ADMINISTRATIVE OVERSIGHT:
- Students: A campus administrator has the right to, at her or his discretion, require currently enrolled RSOs to attend regular meetings. The meetings will serve as a way to monitor compliance with conditions for enrollment and assist with student success. The frequency, duration, attendees to the meeting, and location of the meetings will vary based upon the needs of the RSO.
  - Employees: A supervisor, in conjunction with a Human Resources representative, at her or his discretion, may require currently employed RSOs to attend regular meetings. The meetings will serve as a way to monitor compliance with conditions for employment and assist with student success. The frequency, duration, attendees to the meeting, and location of the meetings will vary based upon the needs of the RSO.

**ADOPTED by Direct Approval from the Chancellor, March 6, 2019**

#### **2.4.12 Workplace Violence Prevention**

##### **Purpose**

It is the policy of the Maricopa County Community College District to promote a safe environment for its employees, students, contractors, and visitors. MCCCDC is committed to working with its employees to maintain an environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

##### **Policy**

Violence, threats, harassment, intimidation, and other disruptive behavior in our facilities is prohibited and will not be tolerated. It is the responsibility of all employees, students, contractors, and visitors of MCCCDC to report any occurrence of such conduct to MCCCDC Public Safety. Every employee, student, contractor, and visitor on MCCCDC property should report threats or acts of physical violence and acts of harassment, intimidation, and other disruptive behavior of which he/she is aware. All reports will be taken seriously and will be investigated by public safety immediately in order to protect everyone from danger. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.

##### **Prohibited Behavior**

For example, and without limiting the generality of the foregoing statement, this policy prohibits:

- direct threats or physical intimidation

- implications or suggestions of violence
- stalking
- assault of any form
- physical restraint, confinement
- dangerous or threatening horseplay
- loud, disruptive, or angry behavior or language that is clearly not part of the typical work environment
- blatant or intentional disregard for the safety or well-being of others
- commission of a violent felony or misdemeanor on MCCCCD property
- abuse
- violation of a protective order or restraining order
- any other act that a reasonable person would perceive as constituting a threat of violence

This list is illustrative only and not exhaustive.

### **Future Violence**

Employees, students, and visitors who have reason to believe they, or others, may be victimized by a violent act or sometime in the future, at the workplace or as a direct result of their relationship with MCCCCD, shall inform a supervisor or manager as soon as possible. The supervisor or manager shall inform the Public Safety Department. Students, contractors, and visitors shall contact the Public Safety Department as soon as possible.

Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy to the Department Director, Human Resources, and Public Safety. Students shall supply a copy of the signed order to the Public Safety Department.

This policy applies to employees and students, as well as independent contractors and other non-employees doing business with the MCCCCD. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both. The Chancellor is hereby instructed to enact all administrative regulations necessary to implement this policy.

### **2.4.13 Student Right to Know**

Under the terms of the Student Right To Know Act, the college must maintain and report statistics on the number of students receiving athletically related student aid reported by race and sex, the graduation rate for athletes participating in specific sports reported by race and sex, the graduation rate for students in general, reported by race and sex and other similar statistics. To obtain copies of these reports, contact the Office of Admissions and Records.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

### **2.4.5 Copyright Act Compliance**

Students are expected to comply with the provisions of the Copyright Act of 1976 pertaining to photocopying of printed materials, copying of computer software and videotaping. In order to assist students in complying with the Copyright Law, appropriate notices shall be placed on or near all equipment capable of duplicating copyrighted materials.

### **3.2 Copyright Regulation**

1. It is the intent of the Governing Board of the Maricopa County Community College District to adhere to the provisions of the U.S. Copyright Law (Title 17, United States Code Section 101 et seq.). Though there continues to be controversy regarding interpretation of the Copyright Law, this policy represents a sincere effort by the Board to operate legally within the District.
2. The Governing Board directs the Chancellor or his designee(s) to develop and distribute to employees guidelines that (1) clearly discourage violation of the Copyright Law and (2) inform employees of their rights and responsibilities under the Copyright Law.



3. Each college president or provost and the Chancellor shall name an individual(s) at each district location who will assume the responsibilities of distributing copyright guidelines, act as a resource person regarding copyright matter and provide training programs on current copyright laws.
4. Employees are prohibited from copying materials not specifically allowed by the (1) copyright Law, (2) fair use guidelines, (3) Licenses or contractual agreements, or (4) other permission.
5. The Governing Board disapproves of unauthorized duplication in any form. Employees who willfully disregard this Board policy and/or the aforementioned copyright guidelines do so at their own risk and assume all liability for their actions.
6. In order to assist employees and students in complying with the Copyright Law, appropriate notices shall be placed on or near all equipment capable of duplicating copyrighted materials.

## **What Students Should Know About Copyright**

### **What is copyright?**

Copyright is a protection afforded under federal law for various types of creative works. A work is copyrightable if it is an original work of authorship fixed in a tangible medium of expression. Copyrightable works include literary, musical or dramatic works; motion pictures and other audiovisual works; choreographic works and pantomimes; sound recordings; and architectural works.

The owner of a copyright in a particular work has the exclusive right to copy, display, perform, distribute, and create a derivative version of the work. Generally, then, this means that you may not do things like duplicate, show or perform a copyrighted work unless it is expressly allowed under the Copyright Act or you have the prior permission of the copyright holder.

A copyright exists in a work at the time it becomes fixed in some tangible medium of expression. Neither registration of the copyright with the federal government nor a copyright notice on the work itself is required for copyright protection.

### **What is copyright infringement?**

Generally, copyright infringement occurs when you copy, display, perform, distribute or create a derivative version of a copyrightable work either without the permission of the copyright holder or when such activity is not otherwise allowed under an exception provided by federal copyright law. The penalties for infringement include significant damages-potentially in excess of \$100,000 for each work infringed as well as criminal penalties, which may include fines and even incarceration.

### **How does copyright law affect information I obtain off the Internet?**

Copyright law covers works in both traditional and new media, including digital media. Copyrightable materials are often available on the Internet without any indication of their copyrighted status. As a rule of thumb, you should assume that everything you find on the Internet is copyrighted, unless otherwise labeled. Even popular activities, such as file swapping or copying software or pictures from the Internet, may be copyright infringement and should be avoided.

The Digital Millennium Copyright Act, which Congress enacted in 2000, affords greater protection for copyright holders of digital works. Generally, then, even if a work appears solely in a digital form, it is likely subject to copyright law protections.

New technology has made many creative works widely available through the Internet. For example, the technology known as Peer to Peer (P2P) allows for the transmission of music, videos, movies, software, video games and other materials-most of which is subject to copyright protection.

Remember that a copyright exists in a work at the time it becomes fixed in some tangible medium of expression. That means that an image you have downloaded from the Internet, as well as a video or musical performance is almost certainly subject to copyright protection. When you download these works, transfer them to a disk or other medium, or send them to a friend, you are infringing on the rights of the copyright holder. Trafficking in such material without the



permission of the copyright holder, then, violates copyright law. This includes unauthorized music file sharing over the Internet.

According to a statement recently issued by representatives of the motion picture, recording and songwriting industries, uploading and downloading copyrighted works over the Internet is theft: "It is no different from walking into the campus bookstore and in a clandestine manner walking out with a textbook without paying for it."

### **Why is it important for a student to be aware of copyright law?**

Copyright infringement is expressly prohibited by the US Copyright Act. Anyone who infringes another's copyright in a creative work is subject to liability, and could be required to pay large sums in damages.

In addition, as the law clearly prohibits copyright infringement, using any college resources-such as photocopiers, desktop and laptop computers, printers, central computing facilities, local-area or college-wide networks, Internet access, or electronic mail-for the purpose of infringing a copyright in any work may be grounds for student discipline. According to Maricopa Community College District administrative regulation, "students are expected to comply with the provisions of the Copyright Act of 1976 pertaining to photocopying of printed materials, copying of computer software and videotaping."

Moreover, under the Maricopa Community Colleges Computing Resource Standards, a student is prohibited from the "use of software, graphics, photographs, or any other tangible form of expression that would violate or infringe any copyright or similar legally-recognized protection of intellectual property rights." The Standards also prohibit "transmitting, storing, or receiving data, or otherwise using computing resources in a manner that would constitute a violation of state or federal law . . . ."

A student who violates these policies, then, can be disciplined at any of the Maricopa Community Colleges. This discipline could include suspension or even expulsion.

### **Does copyright law allow me to download files from a college web site?**

Thanks to recent changes to copyright law, colleges and universities are allowed to transmit copyrighted images, recordings, and other materials over the Internet in connection with distance learning offerings. These changes allow for the performance of non-dramatic literary works or musical works, as well as the display of "reasonable and limited portions" of any work in an amount comparable to that typically displayed in a live classroom setting. Use of the works must, however, be "an integral part" of the distance-learning class session, and available solely to students enrolled in the class. In addition, the transmission of the copyrighted works must be under the direction or actual supervision of an instructor.

Even though the college does not hold the copyright to these works, or even have the express permission of the copyright holder, they may be delivered over the Internet to students in distance learning classes.

The fact that the law authorizes such use of copyrighted materials, though, does not allow a student in these classes to freely download, copy, or re-transmit the works. They are intended solely for use by the institution in connection with distance instruction; any other use would likely constitute a violation of copyright law.

## **3.4 Recording of Faculty Lectures**

1. MCCCDC acknowledges that faculty members are, by law, afforded copyright protection in their classroom lectures and, therefore, may limit the circumstances under which students may record (audio/visual) their classes.
2. Each faculty member shall inform their students in the course syllabus or other course introductory material of their policy with regard to recording of class lectures. Failure to do so will accord students the right to record lectures. A lecture is defined as anything upon which a student is tested or that is part of the curriculum or course content whether in person, virtual, or pre-recorded. A restriction on recording does not apply if the recording is allowed under another policy.

a. Students, regardless of whether they have permission or not from the faculty member to record class lectures, may not reproduce or otherwise share and/or distribute all or part of recorded class lectures and/or activities taking place during class time, without the written consent of the faculty member. (Reproducing includes, but is not limited to, posting any pre-recorded or real time recording of a class lecture—in whole or in part—to any social media platform (TikTok, Twitter, Facebook, Instagram, YouTube, etc.)).

b. Any violation of AR 3.4 (2)(a) may constitute "academic misconduct" prohibited by AR 2.3.11 Academic Misconduct.

3. Students with disabilities that render them unable to take adequate lecture notes are entitled to reasonable accommodation – subject to engagement in the interactive process and a determination of functional limitation as outlined in AR 2.8 Students with Disabilities – to remedy this inability. Approved accommodation may require a faculty member to modify their recording policy for the affected student.

In accordance with Subpart E of Section 504 of the Rehabilitation Act of 1973, a student with a qualifying disability which adversely affects the student's ability to take or read notes may be permitted to audio record class lectures as a reasonable academic accommodation.

In an effort to address faculty concerns for privacy and protection of copyright while still assuring the availability of recording classroom lectures as a reasonable accommodation for students, use of this accommodation is subject to the following conditions:

a. The faculty member must have received the Disability Resource Services (DRS) Faculty Notification Letter specifying the recording of classroom lectures as a granted reasonable accommodation.

b. Such recordings of class lectures are only for the student's personal use in study and preparation related to class.

c. The student must comply with a faculty request to stop recording during discussions, demonstrations, presentations, guest speakers, and situations of a sensitive nature. The faculty member should provide as much notice of these situations as possible in order for the student to coordinate with the faculty member and DRS to have notes taken on the substantive parts of the lecture.

d. The student may not share classroom lecture, or any other recordings made during class time with any other person or in any media or on a public or private platform without the written consent of the faculty member.

e. Information contained in the authorized audio recorded lectures, and any other recordings whether authorized or unauthorized, may be protected under federal copyright laws and may not be published or quoted without the written consent of the faculty and without giving proper identity and credit to speakers, this includes publication via any social media platform, emails, or text messages.

f. The student may not use the authorized recorded lectures, and any other recordings whether authorized or unauthorized, against the faculty member, other instructors, or students whose classroom comments are recorded as part of the class activity. This provision is subject to the protections under policy and the law.

g. The student will erase all recorded class lectures when they are no longer needed for academic work. Upon written request from the faculty member, the student will return all class recordings to the faculty member for erasure. Faculty members should provide DRS with a copy of the aforementioned written

request. Likewise, students are not permitted to post the lectures on any social media platform, website, or learning management system without the instructor's written consent except for communications to the instructor of record.

h. Students who wish to keep recordings beyond the end of the course for future review must obtain written permission from the faculty member.

i. Audio, or any other recordings outside of the aforementioned lectures (including fieldwork, internships, etc.) may be discussed on a case-by-case basis in collaboration with the faculty member, program of study, site manager, and DRS. In clinical/experiential learning placements, the recording of any discussions, lectures, or conversations are never permitted.

j. Students, regardless of whether they have permission or not from the faculty member to record class lectures or any other part of the classroom/class time experience, may not post all or part of recorded class lectures or any other recordings made during class time to any social media platform (TikTok, Twitter, Facebook, Instagram, YouTube, etc.), or otherwise reproduce, share and/or distribute to any other person or party.

k. Any violation of AR 3.4(3) may constitute "academic misconduct" prohibited under AR 2.3.11 Academic Misconduct.

**AMENDED through the Administrative Regulations approval process, April 20, 2021**

## **4.4 Technology Resource Standards**

### **Introduction**

The Maricopa County Community College District (MCCCD) provides its students, employees, Governing Board members and the public with access to information resources and technologies. MCCCD recognizes that the free exchange of opinions and ideas is essential to academic freedom, and the advancement of educational, research, service, operational, and management purposes, is furthered by making these resources accessible.

Arizona constitutional and statutory mandates require that MCCCD resources, including technology, be used only for the public's business, and not for private purposes. Those mandates apply to all MCCCD public officials—employees of every kind and the Governing Board. The aim of those laws is to safeguard the use of resources, including technology resources, acquired and maintained with public funds. Compliance with other laws—both federal and state—also dictates the need for standards for the use of MCCCD technology resources. In some cases, the Governing Board policies emphasize the importance of compliance with the law such as the requirement to adhere to copyright laws. Governing Board policies also establish MCCCD's own standards, such as the directive that all persons within the MCCCD community be treated in a manner that is humane, fair and dignified.

This administrative regulations established standards for the use of MCCCD technology resources. They should be seen as supplementing, and not in lieu of, Governing Board policy, applicable law and other applicable administrative regulations such as Administrative Regulation 4.3 "Electronic Communications."

### **General Responsibilities**

Technology resources (including, but not limited to, desktop and laptop systems, printers, central computing facilities, MCCCD-wide or college-wide networks, local-area networks, telephones, facsimile machines, scanners, access to the Internet, electronic mail and similar electronic devices and information) of the MCCCD are available to MCCCD Governing Board members, employees, students and, in a limited number of cases, MCCCD contractors and the public. Use of all those resources is subject to the standards set forth in this regulation (Standards).

The first screen that each MCCCCD computer exhibits on starting up advises users of these Standards and requires an acknowledgment before the user may proceed to the next screen. Additionally, all MCCCCD employees are responsible for annually acknowledging receipt of the Blue Book, which contains this regulation. So all users of MCCCCD technology resources are presumed to have read and understood the Standards. While the Standards govern use of technology resources MCCCCD-wide, an individual community college or center may establish guidelines for technology resource usage that supplement, but do not replace or waive, these Standards.

### **Use of Non-MCCCCD Technology**

Under Arizona's public records law, MCCCCD is required to transact business so that its records are accessible and retrievable. The policy underlying the law is that work done in the name of the public be transparent. Thus, any member of the public may request public records and, except in a few specific instances, are entitled to get copies of them.

Each individual employee or Governing Board member is responsible for ensuring that MCCCCD records that he or she initiates or receives are retained for the period of time required by and disposed of according to mandates established by Arizona State Library, Archives and Public Records—the state agency tasked with setting standards for record retention. Therefore, an employee's or Governing Board member's use of non-MCCCCD technology resources for communication of any type of MCCCCD business is heavily discouraged because those records are less capable of being managed according to MCCCCD's process for ensuring retention, retrieval and disclosure set forth in Administrative Regulation 4.15 "Retrieval, Disclosure and Retention of Records."

Additionally, an MCCCCD employee who receives a communication allegedly from another MCCCCD employee using a non-MCCCCD e-mail address is not required to respond substantively to that e-mail. The employee receiving the e-mail is entitled to verify that the sender is whom he or she says that he or she is. The employee receiving the e-mail may request that the sender provide the information or inquiry set forth in the e-mail via hard-copy form.

### **Acceptable Use**

Use of MCCCCD's technology resources, including websites created by MCCCCD employees and students, is limited to educational, research, service, operational and management purposes of the MCCCCD and its member institutions. Likewise, data, voice, images and links to external sites posted on or transmitted via MCCCCD's technology resources are limited to the same purposes.

Frequently, access to MCCCCD's technology resources can be obtained only through use of a password known exclusively to the MCCCCD employees, Governing Board members or students. It is those users' responsibility to keep a password confidential. While MCCCCD takes reasonable measures to ensure network security, it cannot be held accountable for unauthorized access to its technology resources by other persons, both within and outside the MCCCCD community. Moreover, it cannot guarantee employees, Governing Board members and students protection against reasonable failures. Finally, under certain limited circumstances defined in Administrative Regulation 4.15 "Retrieval, Disclosure and Retention of Records," certain MCCCCD employees are authorized to access information on an MCCCCD technology device.

It is not Maricopa's practice to monitor the content of electronic mail transmissions, files, images, links or other data stored on or transmitted through Maricopa's technology resources. The maintenance, operation and security of Maricopa's technology resources, however, require that network administrators and other authorized personnel have access to those resources and, on occasion, review the content of data and communications stored on or transmitted through those resources. Any other review may be performed exclusively by persons expressly authorized for such purpose and only for cause. To the extent possible in the electronic environment and in a public setting, a user's privacy will be honored. Nevertheless, that privacy is subject to Arizona's public records laws and other applicable state and federal laws, as well as policies of Maricopa's Governing Board all of which may supersede a user's interests in maintaining privacy in information contained in Maricopa's technology resources.

### **Incidental Computer and Technology Usage**

Limited incidental personal use of MCCCCD technology resources including through use of personal e-mail systems is permitted, except as described in item 16 under "Prohibited Conduct." MCCCCD employees are responsible for exercising

good judgment about personal use in accordance with this regulation, Colleges' consistent local guidelines and MCCCC ethical standards. Personal use refers to activities which only affect the individual and that are not related to an employee's outside business. MCCCC employees are required to conduct themselves in a manner which will not raise concern that they are or might be engaged in acts in violations of the public trust. Refer to the Guidelines for Incidental Computer Usage for the Maricopa Community Colleges ([Appendix AS-8](#)) and Guidelines for Incidental Telephone Usage for the Maricopa Community Colleges ([Appendix AS-9](#)).

### **Prohibited Conduct**

The following is prohibited conduct in the use of MCCCC's technology resources

1. Posting to the network, downloading or transporting any material that would constitute a violation of MCCCC contracts.
2. Unauthorized attempts to monitor another user's password protected data or electronic communication, or delete another user's password protected data, electronic communications or software, without that person's permission.
3. Installing or running on any system a program that is intended to or is likely to result in eventual damage to a file or computer system.
4. Performing acts that would unfairly monopolize technology resources to the exclusion of other users, including (but not limited to) unauthorized installation of server system software.
5. Hosting an unauthorized website that violates the .EDU domain request.
6. Use of technology resources for non-MCCCC commercial purposes, including to advertise personal services, whether or not for financial gain.
7. Use of software, graphics, photographs, or any other tangible form of expression that would violate or infringe any copyright or similar legally-recognized protection of intellectual property rights.
8. Activities that would constitute a violation of any policy of MCCCC's Governing Board, including, but not limited to, MCCCC's non-discrimination policy and its policy against sexual harassment.
9. Transmitting, storing, or receiving data, or otherwise using technology resources in a manner that would constitute a violation of state or federal law, or MCCCC policy or administrative regulation including, but not limited to, obscenity, defamation, threats, harassment, and theft.
10. Attempting to gain unauthorized access to a remote network or remote computer system.
11. Exploiting any technology resources by attempting to prevent or circumvent access, or using unauthorized data protection schemes.
12. Performing any act that would disrupt normal operations of computers, workstations, terminals, peripherals, or networks.
13. Using technology resources in such a way as to wrongfully hide the identity of the user or pose as another person.
14. Allowing any unauthorized access to MCCCC's technology and non-technology resources.
15. Making personal long distance or other toll calls, except where the charges for the calls are incurred directly by the caller or arrangements are otherwise made at the time of the call to directly bill the caller.
16. Intermittent use of technology resources that interferes with the performance of an employee's main responsibilities.
17. Use of technology resources to market or conduct other activities on behalf of a third-party regarding the "hosting" of an event that is prohibited under MCCCC's Use of College Facilities administrative regulation.
18. Conducting District or college-related business using any electronic mail account other than one hosted or provided by MCCCC, and approved by the Vice Chancellor of Information Technology Services, even when the e-mail account copies all outgoing and incoming messages to the MCCCC hosted account.
19. Deleting or altering a technology public record in violation of public records retention requirements, or in anticipation of receiving or after receipt of a public records request, subpoena or a complaint filed as part of an MCCCC grievance, investigation or review, or other lawful request for the record.
20. Deleting or altering a technology record on an MCCCC device in anticipation or after receipt of a public records request, subpoena or a complaint filed as part of an MCCCC grievance, investigation or review, or other lawful request for the records where the record may demonstrate a misuse of technology resources under this regulation.

## **Review and Approval of Alternate E-Mail Account Systems**

The prior review and approval by the Vice Chancellor of Information Technology is required for the implementation of alternate College electronic mail account systems. Requests will be evaluated based upon the following considerations:

1. The system must be compatible and interoperable with the MCCCDC e-mail system. All information within the e-mail system must meet the standards and authorize District Office access as specified in Administrative Regulation 4.15, "Retrieval, Disclosure and Retention of Records."
2. Any proposed changes to an MCCCDC's entity's e-mail system with e-discovery implications must be approved in advance during the planning stages as specified in Administrative Regulation 4.15, "Retrieval, Disclosure and Retention of Records."

## **Disclaimer**

The home page of an MCCCDC web site must display, or link to, the following disclaimer in a conspicuous manner:

*All information published online by MCCCDC is subject to change without notice. MCCCDC is not responsible for errors or damages of any kind resulting from access to its internet resources or use of the information contained therein. Every effort has been made to ensure the accuracy of information presented as factual; however errors may exist. Users are directed to countercheck facts when considering their use in other applications. MCCCDC is not responsible for the content or functionality of any technology resource not owned by the institution.*

*The statements, comments, or opinions expressed by users through use of Maricopa's technology resources are those of their respective authors, who are solely responsible for them, and do not necessarily represent the views of the Maricopa County Community College District.*

## **Information Accuracy and Marketing Standards**

In order to help ensure that the most accurate information sources are reflected on web pages, information should be cited, sourced or linked from the website of the official District or college custodian responsible for the particular subject. In addition, the design of web pages shall reflect established marketing standards with respect to the imaging and using of MCCCDC marks as outlined in the marketing standards handbook and Use of Marks administrative regulation.

## **Complaints and Violations**

Complaints or allegations of a violation of these standards will be processed through Maricopa's articulated grievance procedures or resolution of controversy.

Upon determination of a violation of these standards, MCCCDC may unilaterally delete any violative content and terminate the user's access to MCCCDC's technology resources. It is the user's responsibility to demonstrate and/or establish the relevance of content in the event that a content complaint is made official. Users retain the right to appeal actions through MCCCDC's grievance procedures or resolution of controversy.

## **2.6 Hazing Prevention Regulation**

The Maricopa County Community College District (MCCCDC) strives to exceed the changing expectations of our many communities for effective, innovative, student-centered, flexible and lifelong educational opportunities. Our employees are committed to respecting diversity, continuous quality improvement and the efficient use of resources. We are a learning organization guided by our shared values of: education, students, employees, excellence, diversity, honesty and integrity, freedom, fairness, responsibility and public trust.

Central to the vitality and dignity of our community of learners is an environment that produces broadly educated responsible citizens, who are prepared to serve and lead in a free society. Academic instruction, co-curricular activities and community involvement come together to meet this goal. All members of the MCCCDC community, through the best of their abilities, must be provided the opportunity to contribute in a safe, orderly, civil and positive learning environment. One factor that inhibits the achievement of the above stated purpose is the practice of hazing.

1. Hazing by any student, employee or other person affiliated with MCCCDC is prohibited.

2. "Hazing" is defined as any intentional, knowing or reckless act committed by a student or other person in any MCCCDC college or affiliated educational setting, whether individually or in concert with other persons, against another student, and in which both of the following apply:
  - A. The act was committed in connection with an initiation into, an affiliation with or the maintenance of membership in any club/organization that is affiliated with MCCCDC; and
  - B. The act contributes to a substantial risk of potential physical injury, mental harm or personal degradation, or causes physical injury, mental harm or personal degradation.
3. Any solicitation to engage in hazing is prohibited.
4. Aiding and abetting another person who is engaged in hazing is prohibited.
5. Victim consent is not a defense for violation of the Maricopa Community Colleges Hazing Prevention Regulation.
6. All students, faculty and staff must take reasonable measures within the scope of their individual authority to prevent violations of the MCCCDC Hazing Prevention Regulation.
7. Hazing activities and situations include, but are not limited to, the following:
  - A. Pre-pledging, illegal pledging or underground activities.
  - B. Acts of mental and physical abuse, including, but not limited to: paddling, slapping, kicking, pushing, yelling, biting, duck-walking, line-ups, tuck-ins, belittling, excessive exercise, beating or physical abuse of any kind, and the potentially forced consumption of any food or beverage that contributes to or causes physical injury, mental harm or personal degradation.
  - C. Sleep deprivation (activities that deprive prospective and/or current students and/or members of the opportunity of a minimum of six hours sufficient sleep each day).
  - D. Encouraging or forcing use of alcohol or drugs.
  - E. Any type of student club/organization scavenger hunt, quest, road trip or other activity that would physically or psychologically endanger prospective and/or current students and/or members or others.
  - F. Stroking or physically touching in an indecent or inappropriate manner. See Sexual Harassment Policy 5.1.8
  - G. Student club/organization activities that subject prospective and/or current students and/or members or others to public nuisance or spectacle.
  - H. Aiding or abetting theft, fraud, embezzlement of funds, destruction of public, personal or private property, or academic misconduct.
  - I. Being required to wear odd or look-alike apparel that contributes to or causes physical injury, mental harm or personal degradation.
  - J. Personal services that contribute to or cause physical injury, mental harm or personal degradation.
8. Alleged violations of this regulation by students or student organizations can be reported to the vice president of student affairs' office for investigation by any member of the college community. The vice president of student affairs' office will investigate the complaint in accordance with the student disciplinary code, all other college and MCCCDC policies, and local and state laws.

Alleged violations of the MCCCDC hazing prevention regulation or interference with an investigation under this regulation by students or student organizations are subject to sanctions under the student disciplinary code.

The student disciplinary code shall govern all proceedings involving such a complaint. Decisions arrived at as outcomes of the proceedings shall be final, pending the normal appeal process.

9. Alleged violations of the MCCCDC hazing prevention regulation by any faculty or staff member can be reported to the vice president of student affairs' office for investigation by any member of the college community. The vice president of student affairs' office will investigate the complaint in accordance with college and MCCCDC policies, and local and state laws.

Any MCCCDC faculty or staff member who knowingly permitted, authorized or condoned the alleged hazing activity is subject to disciplinary action in accordance with college and MCCCDC policies, and local and state laws.

10. If the vice president of student affairs' office receives a report or complaint of an alleged hazing activity involving physical injury, threats of physical injury, intimidation, harassment or property damage, or any other conduct that appears to violate Arizona state law, the college will report such conduct to the appropriate college safety office. The



said college safety office will investigate, respond to and report on the alleged hazing activity in accordance with all college, district, local, state and federal guidelines, policies and laws.

11. Should the proceedings outlined above substantiate an occurrence of hazing activity-where students or student organizations knowingly permitted, authorized or condoned the hazing activity-the college can recommend the following sanctions against student clubs/organizations:
  - A. **CENSURE:** Censure can include the required completion of a program designed with the intent of eliminating the hazing activity. The programs will be devised with the cooperation of all involved parties and monitored by the vice president of student affairs' office.
  - B. **PROBATION:** The student club(s)/organization(s) will be placed on probation for a specified period of time. Conditions of probation will be determined by the vice president of student affairs' office and outlined in writing to the student club(s)/organization(s). The probationary term will be monitored by the vice president of student affairs.
  - C. **SUSPENSION:** The student club(s)/organization(s) will be suspended. The terms of the suspension can be defined in the sanction, including criteria the student club(s)/organization(s) must meet within a specified time to be considered for admission or renewal of college recognition status.
  - D. **REVOCATION:** The student club(s)/organization(s) will have its status revoked, with the loss of all college associations, recognitions and privileges. The national or international office of an organization, if so affiliated, will be requested to revoke the charter of an organization.
12. The MCCCCD hazing prevention regulation is not intended to prohibit or sanction the following conduct:
  - A. Customary athletic events, contests or competitions that are sponsored by the college or MCCCCD.
  - B. Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate co-curricular experience or a legitimate military training program.
13. For the purposes of the MCCCCD hazing prevention regulation:

"Organization" is defined as an athletic team, association, order, society, corps, cooperative, club or other similar group that is affiliated with MCCCCD, whose membership consists primarily of students enrolled at MCCCCD and that may also be classroom-related or co-curricular in nature.

#### **2.4.7 Abuse-Free Environment**

See also the Auxiliary Services section for Tobacco-Free Environment and the Appendices/Student Section Medical Marijuana Act of the Administrative Regulations.

#### **1. Substance Abuse/Misuse Statement**

Drug abuse and misuse has become a national issue and is receiving national attention, particularly in the academic community. The insidious effects of the abuse of these agents are also felt by all walks of life and economic levels. Therefore, as an education providing institution, we are responsible to provide knowledge and guidelines about prevention, control, and treatment of the abuse/misuse of alcohol, illegal and legal drug uses and misuses. Annual Acknowledgements for students and employees are provided through the online messaging accounts.

Students who experiment with drugs, alcohol, and illegal substances or use them recreationally may develop a pattern of use that leads to abuse and addiction. Maricopa Community Colleges recognized drug and alcohol abuse as an illness and a major health problem as well as a potential safety and security issue.

Part of the educational mission of the Maricopa Community Colleges is to educate students about positive self-development, the benefits of a healthy lifestyle and the health risks associated with substance abuse. This mission closely aligns with the Drug-Free School and Communities Act of 1989, and other relevant substance abuse laws.

#### **2. Student Program to Prevent Illicit Use of Drugs and Abuse of Alcohol**

The Maricopa Community College District fully supports disciplinary action for misconduct and the enforcement of state laws governing the use of alcohol and the use, abuse, possession or distribution of controlled substances or illegal drugs.

##### **A. Introduction and Purpose**



The Federal Drug-Free Schools and Communities Act of 1989 (Public Law 101-226) requires federal contractors and grantees to certify that they will provide a drug-free school. As a recipient of federal grants, the District must adopt a program toward accomplishing this goal. While federal legislation has been the impetus for creation of the program, the administration and Governing Board recognize that substance abuse is a problem of national proportions that also affect students at the Maricopa Community Colleges.

The Maricopa Community Colleges are committed to maintaining learning environments that enhance the full benefits of a student's educational experience. The Maricopa County Community College District will make every effort to provide students with optimal conditions for learning that are free of the problems associated with the unauthorized use and abuse of alcohol and drugs.

**B. Standards of Conduct**

In the student handbooks of the Maricopa Community Colleges under codes of conduct, the following are examples of behavior that is prohibited by law and/or college rules and policies:

- i. Drinking or possession of alcoholic beverages on the college campus.
- ii. Misuse of narcotics or drugs.

**C. Sanctions for Violation of Standards of Conduct**

Disciplinary actions include, but are not limited to:

- i. Warning,
- ii. Loss of privileges,
- iii. Suspension, or
- iv. Expulsion.

**D. Legal Sanctions**

Local, state, and federal law prohibit the unlawful possession, use or distribution of illicit drugs and alcohol. Conviction for violating these laws can lead to imprisonment, fines, probation, and/or assigned community service. Persons convicted of a drug-and/or alcohol related offense will be ineligible to receive federally funded or subsidized grants, loans, scholarships, or employment.

Any employee is subject to disciplinary action, up to and including employment termination, for any of the following: reporting to work under the influence of alcohol and/or illegal drugs or narcotics; the use, sale, dispensing, or possession of alcohol and/or illegal drugs or narcotics on MCCCCD premises, while conducting MCCCCD business, or at any time which would interfere with the effective conduct of the employee's work for the MCCCCD; and use of illegal drugs.

### **3. MCCCCD Program Standards**

The Maricopa Community College District is committed to establishing a preventative substance abuse program at each college designed to affect positively the problems of irresponsible use of alcohol and the use and abuse of illegal substances. A main focus of the program will be on education of the campus community and assistance to individuals.

- A. Identify a key individual, at each college, to provide emergency services and/or to contact and work with outside agencies that provide drug and alcohol counseling, treatment or rehabilitation programs that may be available to students and employees.
- B. Support disciplinary action for misconduct and the enforcement of state laws governing the use of alcohol and the use, abuse, possession or distribution of controlled substances or illegal drugs.
- C. Establish a preventative substance abuse program at each college designed to affect positively the problems of irresponsible use of alcohol and the use and abuse of illegal substances.

### **4. Alcoholic Beverages—Usage Regulation (AR 4.13)**

This Administrative Regulation prohibits the use of District funds to purchase alcoholic beverages or services related to them except in small amounts to be used in cooking for the District's culinary programs. Additionally, it generally prohibits the presence of alcoholic beverages on premises owned by the District, or those leased or rented by the institution. It permits a few, narrow exceptions to that latter prohibition. The exceptions are not available to the

general population of District employees or officials. More importantly, they are established to ensure that the District's actions stay within the boundaries of state law and the District's insurance coverage. Therefore, strict compliance with this regulation is essential.

- A. **No Funds.** No funds under the jurisdiction of the governing board of the District may be used to purchase alcoholic beverages, except for the limited purposes of purchasing small amounts of them for use solely as ingredients in food preparation for classes and at the District's culinary institutes. Alcoholic beverages may not be stored on premises owned, leased, or rented by MCCCDC except as provided in Paragraph H.
- B. **No Service or Sale of Alcoholic Beverages.** The law of the state of Arizona strictly regulates the service, sale, distribution and consumption of alcoholic beverages. In light of that law, the District does not permit alcoholic beverages to be served, sold or distributed on or in the premises owned by the District or leased or rented by the Maricopa Community Colleges for District-approved educational, fund-raising or other community purposes, except as provided in Paragraphs C and G.
- C. **Service at District Events on District-owned Property.** The Chancellor has the sole authority to approve the service, but not the sale or other distribution, of wine or beer at District events on district-owned property that the Chancellor either sponsors or approves. The only District employees authorized to request the Chancellor's approval are the College Presidents and the Vice Chancellors. Additionally, the law strictly limits the service of wine or beer by the District on District-owned property, and those restrictions are specified in Paragraph E. Unless approved by the Chancellor in compliance with the law and this regulation, alcoholic beverages may not be served on District-owned property.
- D. **Event Form Required.** A College President or Vice Chancellor who wishes to obtain the Chancellor's approval for the service of wine or beer at a District-sponsored event on District-owned property shall forward a completed written request to the Chancellor no later than 30 days before the event. The request form is available at: [AS-6 Notice of Intent to Serve Beer and Wine Form](#). On signing the form, the Chancellor will provide a copy of it to the requestor and to the MCCCDC Risk Manager. For events that the Chancellor sponsors, he or she will complete the form, sign it and provide it to the MCCCDC Risk Manager no later than 10 business days before the event.
- E. **Service restrictions required by law.** An event approved under Paragraph D must, by law, comply with the all of the following restrictions:
  - i. The only alcoholic beverages that may be served and consumed are wine and beer. Wine consumption is limited to 6 oz. per person, and beer consumption is limited to 24 oz;
  - ii. The gathering must be by invitation only, and not open to the public;
  - iii. The gathering may not exceed 300;
  - iv. Invitees may not be charged any fee for either the event or the beer or wine; and
  - v. The consumption may only take place between noon and 10:00 p.m.

Additionally, beer and wine may only be served by a beverage service contractor whose liquor license with the state of Arizona is in good standing, except as provided in Paragraph F. The contractor must provide all of the beverages served and well as the servers or bartender. Before the event, the contractor must provide a certificate of insurance that meets the requirements of the District's Risk Manager and that adds the District as an additional insured. The contractor must also agree in writing to indemnify the District regarding the service of the beverages.

- F. **Culinary Institutes.** The Chancellor may sponsor or approve an event at one of the District's culinary institutes. Students may serve wine and beer at the event as part of their class requirements, subject to the limitations of Paragraph E. Any student serving those beverages must, by law, be 19 years or older.
- G. **Third-Party Event.** The Maricopa County Community College District Foundation and the Friends of Public Radio Arizona may, with the approval of the Chancellor, sponsor an event on District-owned property under this regulation. The City of Phoenix and the Friends of the Phoenix Public Library may also do so, with the approval of the Chancellor, at the joint library on the campus of South Mountain Community College. These third-party, non-district entities are solely responsible for determining the steps that they are required to take to comply with Arizona's alcoholic beverages laws. Additionally, they must comply with the following steps:
  - i. The entity obtains a liquor license, if required by law, from the Arizona Department of Liquor Licenses and control for each event and fully complies with the laws, rules and other requirements applicable to that license;

- ii. The entity completes the form available at [AS-7 Request to Serve Beer and Wine — Third Party Form](#). And provides it to the Chancellor for approval along with a copy of the liquor license no later than 30 days before the event, unless the Chancellor approves a shorter period of time in a particular case;
  - iii. The entity provides or currently has on file with the District a certificate of insurance demonstrating that it has liquor liability coverage and that adds the District as an additional insured;
  - iv. The entity agrees in writing to indemnify the District from any claims of any kind arising out of the event;
  - v. Beer and wine are the only alcoholic beverages served and only served through a beverage service contractor whose liquor license with the state of Arizona is in good standing;
  - vi. The contractor provides all of the beverages served and well as the servers or bartenders;
  - vii. Before the event, the contractor provides a certificate of insurance that meets the requirements of the District's Risk Manager and that adds the District as an additional insured; and
  - viii. The contractor agrees in writing to indemnify the District regarding the service of the beverages.
- H. **Receipt of beverages; storage.** It is not permissible to store wine or beer on premises owned, leased or rented by MCCCCD, except as provided in this paragraph. Alcoholic beverages purchased for use in cooking in District culinary courses must be stored in such a way that it is inaccessible to anyone except the Director or designee of the culinary program. For wine and beer to be used for receptions at the district's culinary institutes, as authorized by this administrative regulation, the following storage requirements apply:
- i. Wine and beer to be served may only be brought to MCCCCD property no sooner than four hours prior to the event, and remain there no longer than four hours after the event; and
  - ii. Once the wine and beer arrives on MCCCCD property, the Director the culinary program shall assign an MCCCCD employee to ensure that it is not stolen or that it is not opened until ready to be served.
- I. **Compliance with law.** In compliance with applicable law, any persons planning an event under this administrative regulation are required to familiarize themselves with the pertinent laws and other requirements established by the state of Arizona for the service of alcoholic beverages, particularly those in Arizona Revised Statutes Title 4 (Alcoholic Beverages) Chapters 1 (General Provisions), 2 (Regulations and Prohibitions) and 3 (Civil Liability of Licensees and Other Persons) as well as Arizona Administrative Code Title 19, Articles 1 (State Liquor Board) and 3 (Unlicensed Premises Definitions and Licensing Time-Frames).
- J. **Residential Housing.** Lawful occupants of residential housing under the jurisdiction of the Governing Board, if over the age of 21 years and not otherwise lawfully barred from such practice, may possess and consume alcoholic beverages in the privacy of their respective leased housing facility. Guests of such occupants over the age of 21 years shall have the same privilege. No alcohol is permitted in public areas (nor common areas of a dormitory) at any time.
- K. **Personal Responsibility.** The personal or individual purchase of alcoholic beverages by individuals attending District-approved functions held in places serving alcoholic beverages is a personal and individual responsibility. Administrative discretion shall be exercised in the approval of the location of such activities, as such decision pertains to the nature of the group involved.
- L. **Miscellaneous Usage Issues.** Any issues that are not specifically addressed within this regulation require the review and determination by the Chancellor or Executive Vice Chancellor and Provost on matters related to culinary programs, academic or student affairs.

## 5. Other Health Concerns

### General Guidelines Concerning AIDS

Neither a diagnosis of AIDS nor a positive HIV antibody test will be part of the initial admission decision for those applying to attend any of the Maricopa Community Colleges. The Maricopa Community Colleges will not require screening of students for antibody to HIV.

Students with AIDS or a positive HIV antibody test will not be restricted from access to student unions, theaters, cafeterias, snack bars, gymnasiums, swimming pools, recreational facilities, restrooms, or other common areas, as there is not current medical justification for doing so.

Where academically and logistically feasible, students who have medical conditions, including AIDS, may seek accommodation in order to remain enrolled. Medical documentation will be needed to support requests for

accommodation through the Office of Disabled Resources and Services or the Office of Vice President of Student Affairs.

The Maricopa Community Colleges acknowledge the importance of privacy considerations with regard to persons with AIDS. The number of people who are aware of the existence and/or identity of students who have AIDS or a positive HIV antibody test should be kept to a minimum. When a student confides in an faculty member, knowledge of the condition should be transmitted to the appropriate vice president or designee who will make the determination if the information should be further disseminated. It should be remembered that mere exposure to the person in a classroom does not constitute a need to know the diagnosis. It is, therefore, unnecessary to document in a student's file the fact that he or she has AIDS unless the information is to be used for accommodation reasons. Sharing confidential information without consent may create legal liability.

Students are encouraged to contact the Office of Disabled Resources and Services and/or the vice president of student affairs or designee for the types of services available in the district or community on matters regarding AIDS or the HIV virus.

#### **4.12 Smoke-Free/Tobacco-Free Environment**

The Maricopa County Community College District is dedicated to providing a healthy, comfortable, and educationally productive environment for students, employees, and visitors. In order to promote a healthy learning and work environment, the Chancellor has directed that the Maricopa County Community College District serve as a total smoke free and tobacco free environment, effective July 1, 2012. Smoking (including the use of "e-cigs") and all uses of tobacco shall be prohibited from all District owned and leased property and facilities, including but not limited to parking lots, rooftops, courtyards, plazas, entrance and exit ways, vehicles, sidewalks, common areas, grounds, athletic facilities, and libraries.

Support signage prohibiting the use of smoking instruments and tobacco shall be placed throughout all college and District locations.

Continued violations by an employee or student shall be handled through the respective conduct procedures established for employees and students.

#### **Appendix S-16: Statement on the Arizona Medical Marijuana Act (Proposition 203)**

In 2010, Arizona voters approved the Arizona Medical Marijuana Act (Propositions 203), a state law permitting individuals to possess and use limited quantities of marijuana for medical purposes. Because of its obligations under federal law, however, the Maricopa Community Colleges will continue to prohibit marijuana possession and use on campus for any purpose.

Under the Drug Free Workplace Act of 1988, and the Drug Free Schools and Communities Act of 1989, "...no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, unless it has adopted and has implemented a program to prevent the use of illicit drugs and abuse of alcohol by students and employees." Another federal law, the Controlled Substances Act, prohibits the possession, use, production, and distribution of marijuana for any and all uses, including medicinal use. This law is not affected by the passage of the Arizona Medical Marijuana Act. Because Maricopa Community Colleges could lose its eligibility for federal funds if it fails to prohibit marijuana, it is exempt from the requirements of the Arizona Medical Marijuana Act. Therefore, Maricopa Community Colleges will continue to enforce its current policies prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on its property or as part of any of its activities.

Employees and students who violate Maricopa Community Colleges policy prohibiting the use or possession of illegal drugs on campus will continue to be subject to disciplinary action, up to and including expulsion from school and termination of employment.

## 2.8 Students with Disabilities

### 2.8.1 Eligibility for Accommodations & Required Disability Documentation

This policy is intended to specify the disability documentation required that will qualify Maricopa County Community College District (MCCCD) students for reasonable and appropriate academic adjustments through each college's Disability Resources And Services (DRS) office.

Only accommodations granted by the respective college drs office and communicated to faculty through a Faculty Notification Letter (FNL) will be recognized by the District as approved accommodations for students with disabilities.

Faculty are not required to provide reasonable accommodations/academic adjustments to students with disabilities unless the student has registered with drs and engages in the interactive process.

#### I. General Eligibility Requirements

1. To receive services from the DRS, a student must be admitted and enrolled as an MCCCD student.
2. The student must provide the DRS office with documentation of a qualifying disability that verifies the nature and extent of the disability prior to receiving any accommodation or academic adjustment.
  - a. Any of the following submitted by an individual seeking admission to MCCCD is sufficient to establish that the individual is an individual with a disability:
    1. Documentation that the individual has had an individualized education program in accordance with Section 614(d) of the Individuals with Disabilities Education Act, including an individualized education program that is not current on the date of the determination that the individual has a disability. MCCCD may ask for additional documentation from an individual who had an individualized education program but who was subsequently evaluated and determined to be ineligible for services under the Individuals with Disabilities Education Act, including an individual determined to be ineligible during elementary school.
    2. Documentation describing services or accommodations provided to the individual pursuant to a Section 504 plan as defined in Section 15-731.
    3. A plan or record of service for the individual from a private school, a local education agency, a state educational agency or an institution of higher education provided in accordance with the Americans with Disabilities Act of 1990.
    4. A record or evaluation from a relevant licensed professional finding that the individual has a disability.
    5. A plan or record of disability from another institution of higher education.
    6. Documentation of a disability due to service in the uniformed services.
  - b. If a student does not have documentation, they are still required to follow the application and intake process, which includes meeting with a DRS representative and participating in the interactive process. Additional documentation may be required to establish the need for an academic adjustment/accommodation after a student has been identified as a student with disabilities (see Section IV1(f)).
  - c. Provisional accommodations may be granted to a student by DRS to assist students while they collect appropriate documentation to support their eligibility for accommodations/academic adjustments. such

provisional accommodations must not exceed thirty (30) days, unless such extensions are granted due to extenuating circumstances. In these cases, an additional thirty (30) days of provisional accommodations may be granted. Any extension request beyond the additional thirty (30) days must be reviewed by the District ADA/504 Coordinator. Such extension must be based on extenuating circumstances beyond the control of the requesting student, and is not guaranteed.

## II. Who Is Eligible For Services

1. To be eligible for DRS support services, a student must have a disability as defined by federal law (Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Americans with Disabilities Act Amendments Act of 2008 (ADAAA)).
2. An individual with a disability is a person who has a physical or mental impairment which substantially limits one or more major life activities. These persons are protected by Section 504 of the Rehabilitation Act and the Americans with Disabilities Act. Individuals with a record of such an impairment and individuals who are regarded as having such an impairment are also protected by these federal laws.
3. The definition of “disability” in Section 504 and the ada should be interpreted to allow for broad coverage.

## III. Definitions

1. **Academic Adjustment** means: a modification of a non-essential academic requirement, an examination, or an institutional rule that is necessary to provide access to the academic and educational environment. Academic adjustments may include changes in the length of time permitted for completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaption of the manner in which specific courses are conducted. academic adjustments may not substantially or materially alter the course modality, curriculum, competencies or degree requirements.
2. **Accommodation** means: An alteration of environment, curriculum format, or equipment that allows a student with a disability to gain access to content and/or complete assigned tasks. accommodations allow students with disabilities to pursue a regular course of study. Since accommodations do not alter what is being taught, instructors should be able to implement the same grading scale for students with disabilities as they do for students without disabilities.

Examples of accommodations include, but are not limited to, sign language interpreters for students who are hearing impaired, computer text-to-speech, computer-based systems for students with visual impairments or dyslexia; extended time for students with fine motor limitations, visual impairments, or learning disabilities, and large-print books and worksheets for students with visual impairments.

3. **Current Documentation** means: documentation of a diagnosed physical or mental impairment that is dated within 5-7 years. Adult norms must be used for all testing provided as documentation.
4. **Major Life Activities** include, but are not limited to: functions such as caring for one’s self, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. Major life activities also include major bodily functions such as functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive function.
5. **Mental Impairment** means: any mental or psychological disorder, including but not limited to, intellectual disabilities (intellectual developmental disorder), organic brain syndrome, emotional or mental illness, specific learning disabilities, post-traumatic stress disorder, depression and bipolar disorder. The phrase substantially limits must be interpreted without regard to the ameliorative effects of mitigating measures, other than ordinary

eyeglasses or contact lenses. Mitigating measures are things like medications, prosthetic devices, assistive devices, or learned behavioral or adaptive neurological modifications that an individual may use to eliminate or reduce the effects of an impairment. These measures cannot be considered when determining whether a person has a substantially limiting impairment. An impairment that is episodic or in remission is a disability if, when in an active phase, it would substantially limit a major life activity. For example, a student with bipolar disorder would be covered if, during manic or depressive episodes, the student is substantially limited in a major life activity (e.g., thinking, concentrating, neurological function, or brain function).

6. **Physical Impairment** means: a physiological disorder or condition, a cosmetic disfigurement, or an anatomical loss, that affects one or more of the following body systems: neurological; musculoskeletal; special sense organs (which would include speech organs that are not respiratory such as vocal cords, soft palate, tongue, etc.); respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine. Examples include, but are not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV (symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.

#### IV. Procedures

##### 1. General Procedures

- a. The DRS office alone is responsible for evaluating documentation and determining eligibility and reasonable academic adjustments/accommodations.
- b. Any instructor, academic staff member, or support staff (i.e., admissions of financial aid employees) who receives a request from a student for accommodations/academic adjustments due to a disability must refer the student to the college's DRS office.
- c. All requests for academic adjustments/accommodations shall be considered on an individual, case-by-case basis and all reasonable and appropriate requests for academic adjustments/accommodations from eligible students shall be considered by DRS. DRS may exercise its right to require additional documentation in support of a request for academic adjustment/accommodation.
- d. Academic adjustments/accommodations are determined by the DRS office through an interactive exchange (the interactive process) with the eligible student. The interactive exchange may continue during the course of the year and may involve faculty members' input regarding the terms and conditions of the course or program of study. Accommodations/academic adjustments in the classroom environment shall require participation of course faculty.
- e. MCCCDC is not required to provide "best" or "most desired" accommodations, but rather a reasonable accommodation sufficient to provide the eligible student equal access to the educational environment/activities.
- f. MCCCDC shall continue the interactive process to establish a reasonable accommodation for an individual pursuant to Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 until it finds an accommodation or accommodations that meet the needs of the individual and do not impose an undue burden on college/district.

##### 2. Material Alteration of class or certification requirement

- a. If a faculty member believes the DRS approved academic adjustment/accommodation would alter an essential academic course competencies, curriculum, or a licensing requirement, the instructor shall meet with the DRS office as part of the interactive process. Since the faculty member will have been part

of the discussion regarding requested accommodations/academic adjustments involving a course or course curriculum, issues of material alteration should have already been addressed . In the event such was not addressed, a conversation with DRS should take place within five (5) days of the faculty member's receipt of the faculty notification letter outlining the approved academic adjustment/accommodation. The parties will attempt to resolve the concern.

- b. If the faculty member's concerns are not resolved after the meeting with the DRS Manager, the faculty member and the DRS Manager will meet with the Chief Academic Officer, or designee, and the District ADA/504 Coordinator to resolve the concern. This meeting should take place within three (3) days of the meeting between the DRS Manager and the faculty member. The Chief Academic Officer's decision is final.
- c. Any change in the DRS office's initial recommendation resulting from the meeting with the Chief Academic Officer will be communicated to the student by the DRS office and the interactive process will continue in an effort to provide reasonable and appropriate academic adjustments/accommodations.

## **V. Rights And Responsibilities**

### **1. Students served by Disability Resources and Services have the right:**

- a. To an equal opportunity to access course information and materials
- b. To an equal opportunity to participate in and benefit from the college community
- c. To choose whether or not to disclose the nature of their disability to their professor(s). The information the student provides to DRS is protected by FERPA.
- d. To file a grievance if the student believes they have been discriminated against.

### **2. Students served by Disability Resources and Services responsibilities:**

- a. Self-identify to DRS as having a disability and provide accurate, recent, and timely documentation.
- b. Check MCCCDC email and/or DRS connect portal for updates and announcements.
- c. Request accommodations each semester in a timely manner and understand that a late request does not constitute retroactive adjustments.
- d. Notify DRS if classes are dropped or added.
- e. Ensure that instructors have received the Faculty Notification Letter once it has been issued through drs connect.
- f. Communicate directly with DRS regarding exam accommodations, such as taking exams in the testing center, and stay in communication about the time and place for such exams.
- g. Contact DRS in a timely manner if having any difficulty securing or arranging accommodations.
- h. Promptly return any borrowed or assigned equipment (as an accommodation) to DRS when it is no longer needed.



- i. If approved for note taking or audio recording services, understand that these services are for personal use only and may not be shared. In addition, the student must understand that you must be present in class to receive these services.
- j. Understand that requesting accommodations does not mean that the student's request will be approved.
- k. Meet the same standards—academic, technical, performance, and behavioral—expected of all Maricopa County Community College students.
- l. Accommodations may be granted on a provisional basis (30 days). This may be based on the need for additional documentation. In these cases, the student will need to update their documentation to receive accommodations beyond the 30 days. The student must understand that approval will be based on a review of the new documentation and there is no guarantee that the provisional (or any) accommodations will be approved.
- m. Understand that faculty are not required to provide any accommodation that fundamentally alters the nature of their course or lowers the academic standards.

## **VI. Grievance Procedure**

1. If a student is not satisfied with either the academic adjustments/ accommodations granted by the DRS office or the denial of academic adjustments/accommodations, the student may file a complaint under the [Discrimination Complaint Procedures for Students](#).
2. The determination generated from the Discrimination Complaint Procedure is final.

## **VII. General Disability Documentation Guidelines**

### **Physical Disabilities**

Maricopa County Community College District, Disability Resources and Services will accept current diagnoses of physical disabilities that are based on appropriate diagnostic evaluations administered by trained and qualified (i.e., certified and/or licensed) professionals (e.g., medical doctors, ophthalmologists, psychologists, neuropsychologists, audiologists).

### **Learning Disabilities**

Maricopa County Community College District, Disability Resources and Services will accept diagnoses of specific learning disabilities that are based on comprehensive, age-appropriate, psychoeducational evaluations that demonstrate current functional limitations of the disability.

The assessment must be administered by a trained and qualified (i.e., certified and/or licensed) professional (e.g., psychologist, school psychologist, neuropsychologist, educational diagnostician) who has had direct experience with adolescents and adults with learning disabilities, including all battery scores in addition to evaluative notes.

### **Attention Deficit Hyperactivity Disorder (ADHD)/Attention Deficit Disorder (ADD)**

Maricopa County Community College District, Disability Resources and Services will accept current diagnoses of ADHD that are based on age-appropriate, diagnostic evaluations, administered by trained and qualified (i.e., certified or licensed) professionals (e.g., psychiatrists, psychologists, or neuropsychologists). submitted documentation must demonstrate current functional limitations of the disability.

### **Psychiatric Disabilities**

Maricopa County Community College District, Disability Resources and Services will accept current diagnoses of psychiatric disabilities that are based on comprehensive and appropriate diagnostic evaluations completed by trained and qualified (i.e., licensed or certified) professionals (e.g., psychologists, psychiatrists, neuropsychologists, school psychologists).

Submitted documentation must demonstrate current functional limitations of the disability.

### **VIII. Additional Documentation Guidelines and Resources**

The Maricopa County Community College District, Disability Resources and Services can provide a “disability verification form” that can be completed by a trained and qualified professional, or the professional may choose to submit a letter. The letter must be on letterhead, with date and signature (including license number, if applicable), and must include the following:

1. a diagnostic statement identifying the disability (including the date of the diagnosis)
2. current severity/impact of the disability (mild/moderate/severe)
3. an assessment of major life activities that are impacted by the disability (e.g., learning, concentration, class attendance, social interactions, reading, walking, etc.) and
4. specific recommendations for accommodations. The DRS office alone is responsible for evaluating documentation and determining eligibility and reasonable academic adjustments/accommodations.

**AMENDED through Direct Approval by the Chancellor, September 14, 2022**

**AMENDED, November 15, 2021 (Office of Public Stewardship housekeeping update)**

**AMENDED by Administrative Regulation Process, June 24, 2021**

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

#### **2.8.2 Eligibility of Students Taking Reduced Course Loads**

Although any student may register for fewer than twelve credit hours, a student with a disability may request a reduced academic load as a reasonable and appropriate accommodation. A college Disability Resource Services (DRS) professional may certify that a student who is afforded a reduced academic load as an accommodation for a disability shall nevertheless be deemed a full-time student. Such certification shall be solely to enable the student to seek eligibility for health insurance benefits and to seek eligibility to comply with mandates of the National Junior College Athletic Association. The college DRS professional will certify that a student may be deemed a full-time student as provided under this regulation only on a semester-by-semester basis.

The appropriate college offices will receive documentation of the DRS professional’s certification from the professional or the student. An incoming student may apply for such certification upon acceptance to the college. Requests for certification must be made prior to the beginning of each semester. Every attempt will be made to accommodate these requests.

The following criteria also apply:

1. Students taking a reduced course load must register for at least 6 credit hours (based on DRS approval) during the regular fall and spring semesters. It is recommended that students register for at least three (3) credit hours during the summer to offset the impact of academic eligibility.
2. Students taking a reduced course load must maintain satisfactory academic progress standards as defined by the College catalog.

3. The reduced credit load may result in an adjusted financial aid package. There may be additional ramifications including, but not limited to, extra time to complete college, insurance coverage, Vocational Rehabilitation funding, etc.
4. Eligibility for Federal Stafford Loans may be reduced according to the total number of credit hours taken in the full academic year. A student, taking a reduced course load, must be at least half time in a semester (6 credits) in order to receive a Stafford Loan.
5. The amount of Federal Financial Aid (Title IV) awarded is based on the actual number of credit hours taken.
6. Requirements for continuation of funding through Vocational Rehabilitation may differ. The student must contact his/her VR counselor to determine how a reduced course load will impact their funding.
7. The National Junior College Athletic Association (NJCAA) has published standards in regard to the designation of Certified Disabled Student-Athlete in Article V Section J of the NJCAA bylaws. This procedure addresses the NJCAA criteria for reduced course loads.

#### Application Process

1. Applications for reduced course loads must be submitted to the Disability & Services professional with supporting documentation. Requests must be made prior to the beginning of each semester.
2. Supporting documentation must include a diagnostic evaluation from an appropriate professional. The documentation must meet the guidelines set forth by the Maricopa Community College District's Documentation Policy in order to evaluate the current impact of the disability in regards to the request. Students are required to complete an application form for this status every semester, but do not need to re-submit their documentation. Continuation of this status is not automatic. Each case will be re-evaluated at the end of the semester to determine if this accommodation is still appropriate.
3. Students requesting a reduced course load should consult with their academic advisor regarding the consequences of this status for making progress toward graduation requirements and eligibility for various academic distinctions and designations.
4. Students registered in occupational and/or academic programs that have specific block formats will not be considered for reduced course loads.
5. Students who are approved for a reduced course load will be required to sign the Reduced Course Load Approval Form (see [Appendix S-10](#)), which includes a statement acknowledging that he or she has reviewed the consequences that go with reduced load status and accepts them.
6. When a reduced course load status is granted by the Disability Resources & Services professional, a copy of the Reduced Course Load Approval Form will be sent to the appropriate individuals.

#### 2.3.11 Academic Misconduct

##### 1. Definitions

- A. Academic Misconduct - includes any conduct associated with the classroom, laboratory, or clinical learning process that is inconsistent with the published course competencies/objectives and/or academic standards for the course, program, department, or institution. Examples of academic misconduct include, but are not limited to: (a) cheating and plagiarism (including any assistance or collusion in such activities, or requests or offers to do so); (b) excessive absences; (c) use of abusive or profane language; and (d) disruptive behavior.
- B. Cheating is any form of dishonesty in an academic exercise. It includes, but is not limited to, (a) use of any unauthorized assistance in taking quizzes, tests, examinations, or any other form of assessment whether or not the items are graded; (b) dependence upon the aid of sources beyond those authorized by the faculty member in

writing papers, preparing reports, solving problems, or carrying out other assignments; (c) the acquisition, without permission, of tests or other academic material belonging to or administered by the college or a member of the college faculty or staff; and (d) fabrication of data, facts, or information.

- C. Plagiarism is a form of cheating in which a student falsely represents another person's work as his or her own – it includes, but is not limited to: (a) the use of paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment; (b) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; and (c) information gathered from the internet and not properly identified.

## **2. Academic Consequences**

Any student found by a faculty member to have committed academic misconduct may be subject to the following academic consequences, based on the faculty member's judgment of the student's academic performance

Warning - A notice in writing to the student that the student has violated the academic standards as defined in 1.A.

Grade Adjustment - Lowering of a grade on a test, assignment, or course.

Discretionary assignments - Additional academic assignments determined by the faculty member.

Course Failure - Failure of a student from a course where academic misconduct occurs.

## **3. Disciplinary Sanctions**

A faculty member may remove a student from one (1) class meeting for disciplinary reasons. For involuntary removal from more than one (1) class period, the faculty member should invoke the procedures outlined in AR 2.5.2.

If the misconduct is sufficiently serious to warrant course failure, and if either

(a) the failure results in a student being removed from an instructional program or

(b) the student refuses to accept responsibility for the misconduct and its academic consequences, the faculty member will, in addition to awarding the course grade, consult the department chair and the vice president of academic affairs as to whether institutional sanctions set forth below should be sought under AR 2.5. Regardless whether the student has accepted responsibility for academic consequences, in all cases of academic misconduct the faculty member may make recommendations for sanctions and may file a written complaint of misconduct. The vice president of academic affairs will serve as the Student Conduct Administrator in all academic misconduct cases, and will follow the procedure established in AR 2.5.2 to evaluate whether disciplinary sanctions are warranted. College probation, suspension, or expulsion will be imposed only by the vice president of academic affairs or designee, and only after the student has received the procedural rights provided in AR 2.5.2.

Disciplinary Probation - Disciplinary probation is for a designated period of time and includes the probability of more severe sanctions if the student commits additional acts of academic misconduct.

College Suspension - Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. (A suspension from one Maricopa Community College will apply to all other colleges/centers in the District.)

College Expulsion - Permanent separation of the student from the college. (Expulsion from one Maricopa Community College will apply to all colleges/centers in the District.)

## **4. Appeal of Sanctions for Academic Misconduct**

Students can appeal academic consequences by following the instructional grievance procedure (AR 2.3.5; [Appendix S-6](#)). Students may appeal disciplinary sanctions as provided in AR 2.5.2. If the student appeals through both processes, the instructional grievance process will be suspended until a final decision is reached in the student discipline procedure. In all cases in which financial aid has been adversely affected by academic consequences or disciplinary sanctions that are the subject of ongoing hearing or appeal proceedings, the student

may appeal the financial aid determination on the grounds that a final decision has not been made. In such an event, a final decision on financial aid will not be made until after the final decision on consequences and/or sanctions.

**AMENDED through the Administrative Regulation Process, May 24, 2022**

**Amended through Direct Approval from the Chancellor and Executive Vice Chancellor & Provost on August 7, 2013**

## **2.11 Student-Athlete Name, Image, Likeness Activity**

The purpose of this regulation is to define the institutional guidelines and limitations relating to Maricopa County Community College District (MCCCD) student-athletes who use their name, images, or likenesses (NIL) for monetary compensation.

### **Regulation**

1. **Scope and Definition** – For the purpose of this regulation, an “NIL activity” is any business activity in which a student-athlete is compensated in any way by a third party (not related to the Maricopa County Community College District) for the use of the student-athlete’s name, image, or likeness.
2. **Permissible NIL Activities** – Student-athletes may be compensated for participation in NIL activities so long as those activities are permissible under NJCAA and MCCCD/college policies and regulations, federal regulations, and comply with Arizona law.
3. **Student-Athlete Disclosure of NIL Activities** – Student-athletes must disclose the details of any NIL inquiry to their respective college’s Athletic Director prior to entering into any agreement. Once an NIL agreement is signed, a copy of the agreement must be given to the student-athlete’s Athletic Director for recordkeeping purposes. Any modifications to an existing agreement must be reported to the Athletics Director prior to the change being implemented and a copy of the signed, modified agreement must be delivered to the student athlete’s Athletic Director for recordkeeping purposes.
4. **No Impermissible Recruitment or Benefits through NIL Activities**– NIL activities may not be used by MCCCD or any of its representatives to recruit prospective student-athletes to MCCCD or for the purposes of compensating student-athletes for their athletic performance. Among other things, this means:
  - a. Compensation for NIL activities must be commensurate with the going rate for similar services in the relevant market.
  - b. Student-athlete staff members, including active outside consultants, may not assist student-athletes in the development, operation, or promotion of NIL activities.
  - c. Athletics staff members may not provide apparel or gear to student-athletes for purposes of NIL activities.
  - d. Student-athlete access to MCCCD resources and facilities for purposes of NIL activities is provided at the same level of availability and cost as to the public.
5. **Restrictions on Types of Businesses or Activities** – Student-athletes may not engage in NIL activities with people, institutions, businesses, or other entities in the following categories:
  - a. Alcohol and alcohol products;

- b. Casinos, gambling, and sports betting/wagering;
- c. Cannabis and marijuana in any form, along with associated products, dispensaries, or paraphernalia;
- d. Firearms and other weapons;
- e. Gentlemen's clubs, adult entertainment, and/or escort services;
- f. NJCAA banned substances;
- g. Political purposes or causes;
- h. Post-Secondary educational institutions or online educational organizations;
- i. Pharmaceuticals;
- j. Sexually explicit materials; and/or
- k. Tobacco products.

6. **NIL activities while participating as a student-athlete**— Student-athlete may not engage in NIL activities during required team activities or while representing MCCCDC in any capacity, including during travel related to MCCCDC athletics competition(s).

Student-athlete may not miss class to participate in NIL activities.

Student-athlete may not sell items provided by MCCCDC and/or the NJCAA until the student-athlete has exhausted all team eligibility. "Items," for purposes of this regulation includes jerseys, gear, apparel, equipment, or awards. After the student has exhausted their eligibility, the student-athlete may sell items that are not required to be returned to the college, the NJCAA, or the college's athletics department.

7. **Professional Service Providers**— Student-athletes may use professional service providers (e.g., marketing agents, brand managers) to assist with the management and procurement of NIL activities and to review NIL agreements. Such providers' engagement must be limited to NIL activities and may not be used to secure opportunities as professional athletes. Professional services providers must be duly licensed as per state law requirements.
8. **Use of Institutional Marks** — Student-athletes may not use MCCCDC and college-specific intellectual property in connection with NIL activities without permission. Permission to use such intellectual property may be requested via the individual use of Intellectual Property Request form (see [Appendix S-19](#)). Student-athletes must request the use of protected marks at least five (5) days before the activity is scheduled to occur. Student-athletes cannot resell institutional marks (such as apparel) or copyrighted material that belongs to the college, district, or NJCAA.
9. **Review** — The respective college Athletics Director will review NIL activities for conflict with this regulation and NJCAA regulation. Neither the Athletics Director, nor any other MCCCDC entity will perform a legal review of the student-athlete NIL agreement.
10. **International Student-Athletes** — International student-athletes are not eligible to receive compensation for NIL agreements in the United States due to their visa status and lack of work authorization. International student-athletes should consult with MCCCDC'S District Compliance office to discuss whether they are eligible to

receive NIL compensation from a United States company when the student-athlete is in their home country.

11. **Violations**– Violations of this regulation may result in a variety of penalties depending on the nature and type of regulation deviation. The most egregious deviations (i.e., proof that an NIL activity was used to compensate a student-athlete for performance or to induce a prospect to attend) may lead to termination of employment for staff members, booster dissociation, and student-athlete scholarship and athletic participation modification. Violations of NJCAA regulation will be reported to NJCAA and could result in additional NJCAA-mandated penalties. Penalties for student-athletes who violate this regulation will be commensurate with the nature and type of regulation deviation and will be addressed via the Student Code of Conduct.

12. The terms of this regulation may be modified at the discretion of the MCCCCD.

**ADOPTED by Direct Chancellor Approval, September 14, 2022**

## **DISCIPLINARY STANDARDS**

### **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 (MCCCCD) are vested in the MCCCCD Governing Board. The MCCCCD 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 MCCCCD 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 MCCCCD reserves the right to levy discipline rather than attempt mediation and guidance, based on the severity of the conduct.

**AMENDED through the Administrative Regulation Process, May 24, 2022**

**AMENDED by Direct Approval from the Chancellor, August 11, 2020**

### **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 (MCCCCD) 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 MCCCCD.
3. **"College official"** means any person employed by the college or MCCCCD, 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 member of the college community submitted the Complaint itself.
5. **"Day"** means business day when college is in session, and shall exclude weekends and college/MCCCD holidays.
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 operation.
7. **"District"** means the Maricopa County Community College District (MCCCD).
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.
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.
10. **"Organization"** means any number of persons who have complied with the formal requirements for college recognition.
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.
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.
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.
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.
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 above. Further, jurisdiction under this policy applies to any person who is currently admitted or in credit or non-credit college programs 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.

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 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.

## **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.
  - 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 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 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.
- 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, handbook, etc. or available electronically on the college's or District's 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).
- O. Participation in a demonstration, riot or activity that disrupts the normal operations of the college and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any college building or area.
- P. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or

supervised functions.

- Q. Conduct that is disorderly, lewd or indecent; breach of the peace; or aiding, abetting or procuring another person to breach the peace on college premises or at functions sponsored by or participated in by the college or members of the academic community. Disorderly conduct includes but is not limited to: any unauthorized use of electronic or other devices or to make an audio or video record of any person while on college or MCCCCD premises without their prior knowledge, or without their effective consent or when such a recording is likely to cause injury or distress. This includes, but is not limited to, secretly taking pictures of another person in a gym, locker room, or restroom.
- R. Engaging 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. (Free Expression policy AR 6.24).
- S. Attempted or actual theft or other abuse of technology facilities or resources, including but not limited to:
- i. Unauthorized entry into a file, to use, read or change the contents or for any other purpose
  - ii. Unauthorized transfer of a file
  - iii. Unauthorized use of another individual's identification and/or password
  - iv. Use of technology facilities or resources to interfere with the work of another student, faculty member or college official
  - v. Use of technology facilities or resources to send obscene or abusive messages
  - vi. Use of technology facilities or resources to interfere with normal operation of the college technology system or network
  - vii. Use of technology facilities or resources in violation of copyright laws (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.
- 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.
- X. Sexual misconduct, including but not limited to:
- i. The use or display in the classroom, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification.
  - ii. Explicit sexual comments by one (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 benefitting from the MCCC 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).

**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:
  - 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 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.

#### **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 definition of sexual harassment, as outlined in the Title IX Regulations (and MCCCDC 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 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 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 mccccd 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 Investigation**

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**

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. 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 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 re-consideration, 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.
  - 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).
  - 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 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.

**AMENDED through the Administrative Regulation Process, May 24, 2022**

**AMENDED by Direct Approval from the Chancellor, August 11, 2020**

### **2.5.3 Student Records**

#### **1. Definitions**

For the purposes of this policy, the Maricopa County Community College District has used the following definition of terms.

- A. "College" includes all colleges, educational centers, skill centers and District office.
- B. "Educational Records" are any record (in handwriting, print, tapes, film, or other media) maintained by the college or an agent of the college which is directly related to a student, except:
  - i. A personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute
  - ii. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment
  - iii. Records maintained by the colleges security unit, if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction and the security unit does not have access to education records maintained by the community college.
  - iv. Records made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional, if the records are used *only* for treatment of a student or made available only to those persons providing treatment.
  - v. Alumni records which contain information about a student after he or she is no longer an attendant of the community college and the records do not relate to the person as a student

#### **2. Records Request**

Official verification of educational records is issued by the Admissions and Records Office/Office of Student Enrollment Services.

#### **3. Fees**

If a copy(ies) of a portion or all of the records in a student's file is requested, the custodian of the records may charge a fee for copies made. However, the willingness or ability to pay the fee will not effectively prevent students from exercising their right to inspect and review (under supervision of a college employee) their records. A fee will not be charged to search for or to retrieve records. Standard fees for printing and duplication services will apply.

#### 4. Annual Notification ([SEE ALSO FERPA EXPLANATION](#))

Students will be notified of their rights annually by electronic mail in a FERPA Annual Notification. Students rights may also be provided via the following means: FERPA Annual Notification placement on the college website, publication in the college catalog and/or the student handbook:

Individuals requesting admission or enrollment at any of the Maricopa County Community Colleges are asked to provide certain contact information that is collected and used for the purpose of responding to the request. The information collected may include your name, address, telephone number or email address. Maricopa county community colleges and/or its agents, including attorneys and/or collection agencies, may use this information to contact you through various means, including phone calls, text messages, e-mail and postal mail. Communication may include, but is not limited to, information regarding account balances, programs and services that MCCCCD offers.

#### 5. Rights of Access to Educational Records

The Family Educational Rights and Privacy Act (FERPA) affords eligible students certain rights with respect to their education records. (FERPA defines an “eligible student” as a student who has reached 18 years of age or is attending a postsecondary institution at any age). These rights include:

##### ***A. The right to inspect and review the student's education records within 45 days after the day the college receives a request for access.***

1. Students should submit to the Admissions & Records Office/Enrollment Services written requests that identify the record(s) they wish to inspect. The form to do so may be found [HERE](#). The college official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the college official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.
2. There may be occasions when a record may not be copied, especially if doing so may compromise another student or faculty member's privacy. The college or district may deny access to the following records:
  - a. Parents' financial statements;
  - b. Letters of recommendation, if the student has waived his or her right of access;
  - c. Records filed before January 1, 1975; or
  - d. Records not included in the FERPA definition of educational records.
3. The Maricopa County Community College District and its associated colleges reserve the right to deny copies of records, including transcripts, in any of the following situations:
  - a. The student has an unpaid financial obligation to the college or District;
  - b. There is an unresolved disciplinary action against the student; or
  - c. The educational record requested is an exam or set of standardized test questions.

##### ***B. The right to request the amendment of the student's education records that the student believes is inaccurate, or misleading.***

1. Students may ask the college to amend a record that they believe is inaccurate or misleading. They should write the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.
2. A proper request to correct a student education record must:
  - a. Be written to the College Registrar;
  - b. Clearly identify the part of the record they want to be changed; and
  - c. Specify why the record is inaccurate or misleading.
3. Any written request which does not include the required information will not be considered. The requestor will be notified in writing that their request was not properly submitted and they will receive directions on how to resubmit it.
4. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing. The FERPA Appeal Process is also outlined in the student handbook and in

**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 MCCCC whom the college or District has determined to have legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities. This includes contractors, attorneys, auditors, collection agents, consultants, volunteers, or other parties to whom the college has outsourced institutional services or functions, provided that the conditions listed in §99.31(A)(1)(I)(B)(1) – (A)(1)(I)(B)(2) are met. (§99.31(A) (1))
2. To officials of another school where the student seeks to or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(A) (2))
3. To authorized representatives of the US Comptroller General, the US Attorney General, and the US Secretary of Education, or State and Local Educational Authorities, such as a state postsecondary authority that is responsible for supervising the college's state supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of federal-or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement, or compliance activity on their behalf (§§99.31(A) (3) AND 99.35)
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(A) (4))
5. To organizations conducting studies for, or on behalf of, the college, in order to: (A) Develop, Validate, or Administer Predictive Tests; (B) Administer student aid programs; or (C) Improve instruction (§99.31(A) (6))
6. To accrediting organizations to carry out their accrediting functions. (§99.31(A) (7))
7. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(A) (8))
8. To comply with a judicial order or lawfully issued subpoena. (§99.31(A) (9))
9. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(A) (10))
10. Information the college has designated as "Directory Information" under §99.37. (§99.31(A) (11))
11. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§99.31(A) (13))
12. To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the college's rules or policies with respect to the allegation made against him or her. (§99.31(A) (14))

13. To parents of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(A) (15))

Students who believe that 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](#)  
[HTTPS://DISTRICT.MARICOPA.EDU/CONSUMER-INFORMATION/FAMILY-EDUCATIONAL-RIGHTS-PRIVACY-ACT-FERPA](https://DISTRICT.MARICOPA.EDU/CONSUMER-INFORMATION/FAMILY-EDUCATIONAL-RIGHTS-PRIVACY-ACT-FERPA)

**F. *Student Directory Information***

1. A Maricopa County Community College may release directory information about any student who has not specifically requested the withholding of such information. Students who do not want directory information released may so indicate during the admissions process or notify the Admission & Records Office/Enrollment Services.

A. Students should consider very carefully the consequences of a decision to withhold directory information. A privacy block will call for the college or District to not release this directory information. Therefore, any future requests for such information from non-institutional persons or organizations will be refused.

2. Students may request their college to withhold the sharing of directory information by filing out a [Request To Withhold Directory Information](#) form and submitting that form to the college Admission & Records Office/Enrollment Services.

3. Directory information is considered public information. At any Maricopa County Community College, directory information is defined as a student's:

- A. Name
- B. Address
- C. Phone Number
- D. 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.

## **G. Disclosure to Parents**

In accordance with federal law, college officials may disclose educational records to parents of a student who have established the student's status as a dependent according to the Internal Revenue Code of 1986, section 152, without the written consent of the student.

### **RELEASE OF DIRECTORY (PUBLIC) INFORMATION**

At its discretion, the college or District may provide *Directory Information* in accordance with the provisions of FERPA. Types of information considered As *Directory Information* are listed below. additional information may be found at: [DISTRICT.MARICOPA.EDU](http://DISTRICT.MARICOPA.EDU) under Consumer Information.

### **BLOCKING THE RELEASE OF DIRECTORY (PUBLIC) INFORMATION**

By default, a college or District may release a student's directory information. Students may prohibit (or block) the public disclosure of directory information by completing a **PRIVACY BLOCK** form.

Students should consider *very carefully* the consequences of a decision to withhold directory information. A privacy block will call for the college or District to not release this *directory information*. Therefore, any future requests for such information from non-institutional persons or organizations will be refused.

Although the college or District will honor a student's request to withhold directory information, it cannot *assume responsibility* to contact the student for subsequent permission to release this information. Regardless of the effect upon the student, the college or District assumes no liability as a result of honoring a student's instructions to withhold such information.

### **ADDITIONAL INFORMATION:**

- If a student blocks directory information, it still may be inspected by those MCCCCD officials authorized by law to inspect education records without consent.
- If a student chooses to block directory information, it cannot be released to friends, family, prospective employers, the news media, advisors, student activities, and honors societies.
- Some reasons for considering a privacy block on directory information include harassment or the advice of a legal or medical professional.
- If a student wishes to keep public data private but release information so it can be published in commencement programs and honors lists, contact the office of Admissions & Records/Enrollment Services at the appropriate college(s).

If a student wishes to remove the privacy block, he or she must rescind the previous block. The college and District cannot assume responsibility to contact students for subsequent permission to release this information. It is the sole responsibility of the student to initiate the release of blocked information.

### **USING SOCIAL SECURITY NUMBERS**

Due to identity theft concerns and privacy issues, students will no longer be asked to provide a social security number as a personal identifier. Instead, students will be assigned a student id number upon enrollment that can be used to access education records, as needed.

**TECHNICAL CORRECTION made to remove duplicative and contradictory language (DOB), October 26, 2021  
AMENDED through the Administrative Regulations Approval Process, June 4, 2019**

[Appendix S-17: FERPA Appeal Process](#)

# FERPA APPEAL PROCESS

In instances where the college decides not to amend an education record as requested by the student, the college will notify the student of the decision and advise him/her of the right to an appeal hearing according to the following process:

- The student must have first presented the issue in writing to the college's Admissions/Enrollment Office or designee identifying the records that he/she wishes to have amended and provided any supporting documentation. Note: With the exception of clerical errors, requests that are expressly related to grade disputes are not subject to this process and must be vetted through the Instructional Grievance Process.
- If the request to change the record was deemed unsubstantiated by the college designee and the institution was able to demonstrate that the record was accurate, the student will be informed of the right to a formal appeal hearing.
- Students must request a formal hearing within 10 business days from the date they are informed of the right to an appeal hearing.
- The request for a formal hearing must be in writing and delivered to the [Dean of Admissions/Enrollment Services, Vice President of Student Affairs] or designee.
- The college official who receives the formal hearing request will either review the case personally or designate a hearing committee if the issue involves a matter not clearly established by current policy or administrative regulation.
- A written decision will be delivered to all parties summarizing the evidence and stating the reason(s) for the decision. If the decision is in favor of the student, the education record will be amended. If the decision is for the record to remain the same, the student may place a statement commenting on or disagreeing with the decision in the education record.

## STUDENT HANDBOOK

### 2.5.4 Student Employment

#### 1. District Student Employees

##### A. Introduction

Students may be employed by the college as student help. District regulations require that students be hired in essential jobs and that they be properly trained and supervised.

##### B. Philosophy and Workload for Student Employees

- i. It shall be the philosophy of Maricopa Community College District that a student may work to augment college and living expenses, however, the scholastic endeavor should be foremost. Sufficient time should be allotted for classroom attendance, homework, out-of-class study and participation in activities.
- ii. A workload of twenty (20) hours per week should be established as the maximum number of hours a student employee may work on campus. All student employees shall be enrolled in a minimum of three (3) semester credit hours. Any combination of day and evening hours would meet this requirement. Any student employee having special reasons to work over 20 hours per week or having dropped below three (3) credit hours should request his/her immediate supervisor to obtain approval from the College president or his/her designee.



- iii. During the summer sessions, students may be eligible for employment if they were enrolled for a minimum of three (3) semester credit hours at the end of the spring semester, or if they have been accepted for admission for the fall semester. Exceptions to the three (3) semester credit hours may be made by the president or his/her designee. Summer shall be designated as the time from the official end of the spring semester to the beginning of classes for the fall semester.

C. Student Employee Benefits

As student employees, there are no entitlements to employee benefits; i.e., vacation, retirement, sick leave, health and life, or disability insurance. Students will, however, be covered under Worker's Compensation Insurance.

D. Student Employment Records

Student employee records will be maintained at the Financial Aid office, the office of the fiscal agent or the Career/Placement Office and will be reviewed periodically by the Vice President of Students Affairs.

E. Student Compensation

The hourly rate of pay for student employees shall coincide with the policies of the District Salary Schedule.

F. Employee Contracts and Forms (See [Appendix FM-3](#))

Student Employee Grievance Procedure

G. Part-time student employees working for one of the Maricopa Community Colleges may wish to file a grievance relating to certain working conditions or violation of student employment regulation. Please refer to the Non-Instructional Complaint Resolution Process ([AR 2.3.12](#))

## 2. Student Security Guards

A. Introduction and Philosophy

Students may be employed by the college as student help. If student guards do not come from the ranks of Administration of Justice classes, they must undergo appropriate training to qualify them as student guards. This training program is outlined in the regulation.

B. Workload of Student Security Guards

- i. Student security guards shall be enrolled for a minimum of three (3) semester hours.
- ii. Student security guards shall be limited to 20 hours per week when the workweek starts at 7:00 a.m. on Monday and concludes at 11:00 p.m. on Friday. Additional hours may be worked if guards are assigned special duty at games or activities held on campus during the weekend, or if guards are assigned a shift on Saturday and Sunday, between 7:00 a.m. and 11:00 p.m.

C. Students not in Administration of Justice Program

- i. Use of student other than those in Administration of Justice Program:
  - 1. Selection of the student must be personally approved by the vice president of students affairs and chief of security.
  - 2. Selection of a student should not extend beyond one semester without the approval of the vice president of students affairs.
  - 3. Selected student must undergo a special training program directed by the chief of security and approved by the vice president of student affairs.
- ii. Recommended program for students other than those in Administration of Justice programs: Students employed by campus security who are not majors in the Administration of Justice program should be given at least twenty (20) hours of training with pay before being allowed to function independently as a campus security guard. This training should include, but not be limited to instruction in:
  - 1. Wearing of the uniform, general appearance, and demeanor
  - 2. The use of the various security report forms and how to properly complete them to provide requested information; General report writing methods
  - 3. Public relations methods used on the campus
  - 4. Crime prevention methods used on the campus; Patrol methods used in buildings and grounds.
  - 5. Basic techniques for interviewing students, faculty and visitors relative to the incidents
  - 6. Laws and regulations governing the actions of campus security personnel concerning rendering of assistance to students, faculty and visitors on the campus
  - 7. Basic first aid

D. Student Security Guards Employee Benefits



As student employees there are not entitlements to employee benefits; i.e., vacation retirement, sick leave, health and life, or disability insurance. Students will, however, be covered under Worker's Compensation Insurance.

E. Student Employment Records

The student security guard's employment records will be maintained at the office of the chief of security and reviewed periodically by the Vice President of Student Affairs.

### 2.5.5 Student Governance

Student governing bodies derive their authority from the Maricopa County Community College District Governing Board that exists in accordance with Arizona Revised Statutes. The administration of the District is vested in the Chancellor who delegates responsibility for each college to the College President who serves in a management and policy implementation capacity having the ultimate responsibility for all activities of the college. The President shall designate the administrator(s) (i.e., directors of student leadership) at each college who will be charged with the responsibility for working with the college student governing body(ies) in the development of college student activities and programs.

A representative form of student governance may exist at each college/center as well as district wide to provide an effective means of communication among students, faculty, staff and administration and to provide student input in college and District matters. Eligibility requirements are to be met and spelled out in detail in each student governance constitution. These constitutions shall establish the minimum requirements for the elective/appointive officers. All student government constitutions shall be submitted to the Governing Board General Counsel to ensure compliance with federal and state laws, the Maricopa Community Colleges Governing Board Policies and the Chancellor's Administrative Regulations. Since Rio Salado Community College is a countywide non-campus college, the president shall ensure that opportunities exist for student involvement.

College student constitutions should be reviewed annually by student governance. The appropriate vice president or designee of each college shall be responsible for submitting any changes to the president of the college for transmittal to the Governing Board General Counsel.

#### 1. Officers/Members

All reference in this document to positions will designate whether the position is an officer position or a member position.

Each student governance constitution shall define which of its elected positions (maximum of 5) within its structure shall be designated as officers. The persons filling those positions shall be referred to, in this document, as officers. Persons filling all other positions, elected or appointed, shall be referred to as members (excluding non-voting committee members).

All positions filled by election shall be considered as elected positions, even though the person filling the position may have been appointed to fill an unexpired term of another individual.

#### 2. Designation

Colleges with two (2) student governments shall designate the governments as "day" or "evening." Colleges with one (1) government shall be considered day students, for the purposes of this document.

#### 3. Eligibility for Office

All student governance constitutions shall prescribe that all persons elected or appointed as officers shall be enrolled in and maintain a minimum of six (6) credit hours for day student governments, three (3) credit hours for evening student governments. Officers shall have and maintain a minimum cumulative grade point average of 2.50 and be in good standing (not on probation) according to the written district policy. Convicted felons shall be ineligible for office (ARS § 13-904). The constitution may, however, set more rigid requirements, if so desired by college student governance.

#### 4. Tenure of Position

Tenure in any student governance position shall be determined by the respective student governance constitutions. In no case shall any student be allowed to serve in any combination of officer/member positions beyond a total of ten (10) semesters. Tenure in any combination of officer positions shall be limited to four (4) semesters.

**5. Removal from Office**

Provisions shall be made in all student governance constitutions for removal for cause of individuals from elected or appointed student governance positions.

**6. Remuneration Limitations**

- A. Student body officers may receive financial support and/or a letter grade in a leadership class during their terms of office as authorized in their respective student governance constitutions. Student body officers (maximum 5) may receive up to twenty (20) hours per week in financial support and/or up to six (6) credit hours in leadership classes per semester. Remuneration shall be for services rendered and not for merely holding the office.
- B. For qualifying students, Federal Work Study (FWS) funds may be used in accordance with Federal guidelines.
- C. The allowance for awarding honorariums or scholarships for executive student officers is a maximum of \$200.00.
- D. Compensation may be received for both honorariums/scholarships and college employment in the same semester.

**7. Amending Student Constitutions**

College student constitutions should be reviewed annually by student governance. The appropriate vice president or designee of each college shall be responsible for submitting any constitutional changes to the President of the college for transmittal to the Governing Board General Counsel.

**8. Student Governance Advisors**

College organization advisors will be provided for in each student governance constitutions. Such advisors shall be full-time or part-time employees of the Maricopa Community Colleges.

Recommendations for appointment of an advisor may be submitted to the appropriate vice president or college president. Recommendations for dismissal of an advisor with just cause may be submitted to the appropriate vice president or college president.

**9. Legal/Fiscal/Financial Matters**

Authority and responsibility beyond the scope specifically covered in student policies, or interpretation of such matters within laws, board policies, etc. shall rest with the offices of General Counsel and Chancellor, respectively.

**10. Final Authority**

In the event of a complete breakdown of the governance body, the college president will serve as the final authority.

**Student Clubs and Organizations**

In addition to student governing bodies, student clubs and organizations may be formed that fall under the operational direction of the Office of Student Life and Leadership and the administrative direction of the Vice President of Student Affairs at each college. Student clubs and organizations are generally interest-based in nature (such as for a particular program, discipline, or college activity) and are considered to be an important part of the total college experience. Each college shall outline the requirements necessary to establish the formation of an interest-based student club and organization (i.e., mission/purpose, size, structure, advisors). Club advisors shall be employees of the Maricopa County Community College District.

In most instances, student clubs and organizations shall be open to all students who are enrolled in credit courses at a Maricopa Community College. Pursuant to ARS §15-1863, religious or political student organizations may determine that the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes are part of the organization's religious or political mission and that only persons committed to that mission should conduct such activities. For religious and political organizations, state statute recognizes the role that viewpoint serves in the mission and purpose of the organization's operations. Thus, such groups may elect to select members based upon organizational doctrine. The MCCCCD may not deny recognition or any privilege or benefit to a religious or political student organization or group that exercises its rights pursuant to the statute.

Whereas ARS §15-1863 allows religious and political organizations to determine their internal affairs and the selection of their leaders and members, the MCCCCD non-discrimination policy is applicable to all other aspects of these student clubs and organizations.

**\*\*\*\*\*INSERT INTO PROGRAM SECTION OF THE CATALOG AS ALLIED HEALTH\*\*\*\*\***

### **Appendix S-13: The Maricopa Community Colleges Allied Health or Nursing Program**

#### **Allied Health or Nursing Assumption of Risk/Release of Liability**

Most of the allied health or nursing program pathways include a program of study in a clinical training environment that may contain exposures to risks inherent in patient-oriented educational experiences (such as but not limited to bodily injury or communicable and infectious diseases). Students enrolling in clinical educational courses will be asked to sign a statement assuming all risks inherent in their coursework.

#### **Use of Confidential Information**

Students enrolled in allied health or nursing program pathways will have learning experiences in a health care setting where they will have access to confidential information. Prior to beginning any clinical studies, the students will be asked to sign an agreement to adhere to the requirements of those clinical sites and applicable law, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

#### **MCCCCD Required Background Checks**

Students enrolled in an MCCCCD allied health or nursing program are required to complete and pass clinical learning experiences, working with children, elderly persons, and other vulnerable populations. MCCCCD's major clinical agency partners now mandate that any college students assigned to them for clinical experiences submit to a comprehensive background clearance prior to entering such learning experiences. Because the clinical experience portion of the programs is critical to completing a program of study, MCCCCD has instituted two specific background check requirements in order for a student to enroll in a program. First, the student must obtain, at his or her own cost, a Level I Fingerprint Clearance Card from the Arizona Department of Public Safety. Precluding offenses for a Level I card can be found in Arizona Revised Statute § 41-1758.07 (<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/41/01758-07.htm>). Additionally, students must also obtain a "pass" status on a MCCCCD supplemental background check from MCCCCD's authorized background check contractor. The student must also pay for this background check. The supplemental check will be based on the most stringent standards of MCCCCD's clinical experience partners.

The sole program for which the background check requirements are different is the Emergency Medical Technician program. For that program, students must have obtained a Level 1 Fingerprint Clearance Card from the Arizona Department of Public Safety. They are also required, at the time of their clinical assignments, to submit to, pay for and pass any additional background check requirements of the clinical agencies to which their EMT program places students.

Certain licensing boards may require a separate background check or clearance card upon application for licensure or certification.

The MCCCCD supplemental background check review may include searches of the following databases and information but MCCCCD reserves the right to change the search criteria and the program background check requirements at any time without notice:

1. *National Federal Health Care and Abuse Databases*
2. *Social Security Verification*
3. *Residency History*
4. *Arizona Statewide Criminal Records*
5. *Nationwide Criminal Databases*
6. *Nationwide Sexual Offender Registry*
7. *Homeland Security Search*

Examples of background information that will result in a “fail” status on the supplemental background check include:

1. *Social Security number does not belong to the applicant*
2. *Any inclusion on any registered sex offender database*
3. *Any inclusion on any of the Federal exclusion lists or Homeland Security watch lists*
4. *Any conviction of a felony no matter what age of the convictions*
5. *Any warrant any state*
6. *Any misdemeanor conviction for the following no matter how long ago:*
  - A. *Violent crimes*
  - B. *Sex crime of any kind including non consensual sexual crimes and sexual assault*
  - C. *Murder, attempted murder*
  - D. *Abduction*
  - E. *Assault*
  - F. *Robbery*
  - G. *Arson*
  - H. *Extortion*
  - I. *Burglary*
  - J. *Pandering*
  - K. *Any crime against minors, children, vulnerable adults including abuse, neglect, exploitation*
  - L. *Any abuse or neglect*
  - M. *Any fraud*
  - N. *Illegal drugs*
  - O. *Aggravated DUI*
7. *Any misdemeanor controlled substance conviction in last 7 years*
8. *Any other misdemeanor conviction within last 3 years*

EXCEPTIONS: Any misdemeanor traffic (DUI is not considered traffic).

The information that MCCCCD uses for the “pass/fail” background check is subject to change at any time without notice.

MCCCCD recommends that students carry proof of the background clearance at all times during any clinical agency learning experience.

### **Duty to Report Changes; Removal**

Students have an obligation to immediately report to the director of their program any change in the information that they supplied on forms submitted to initiate background checks relating to the allied health or nursing program. That includes information provided to the Arizona Department of Public Safety and MCCCCD’s supplemental background check vendor, as well as that related to the background check required by a clinical agency. Failure to do so will result in removal from the program. Additionally, any change in background check status that would affect the student’s clearance under either MCCCCD’s or a clinical agency’s standards will result in removal from a program.

### **Additional Clinical Agency Background Check**

Some clinical agencies require that students assigned to their sites submit to a criminal background check covering other offenses, as well as to a drug screening. Students are required to pay for the additional agency clinical background check. A clinical agency that requires this additional background check may refuse to place a student due to information the clinical agency obtains in its background check even though that student possess a valid Level I Fingerprint Clearance Card and has obtained a “pass” status on the MCCCCD supplemental background check.

Some conditions that have resulted in students being denied placement at clinical agencies include pending criminal charges, outstanding warrants, unfinished terms of a sentence (such as unpaid fines), pattern of repeated types of arrests/convictions, and failure to disclose all past arrests/convictions when asked to do so on any background check application.

### **Inability to Place**

MCCCD has no obligation to make repeated attempts to place a student when the reason for MCCCD's inability to place the student is due to background check issues. Since clinical agency assignments are mandatory requirements for completion of a program, a student's inability to complete required clinical experience due to his or her background check issues will result in removal from the program.

#### **Changes to Admission or Background Check Requirements**

MCCCD may change its program admission requirements or background check requirements without notice at any time.

#### **No Guarantee of Receipt of Licensure/Certificate**

Many of the nursing and allied health programs prepare graduates for application for State or National certificates or licenses. In some professions, such licensure and certification is required prior to employment or practice in the profession. Graduation from a nursing and allied health program does not guarantee the receipt of a license or certificate to practice in the field of study.

**AMENDED by Direct Approval from the Chancellor, June 1, 2017**

\*\*\*\*\*END OF ALLIED HEALTH SECTION\*\*\*\*\*

### **4.18 Consensual Relationships**

#### **1. General**

The existing Governing Board Policy on Hiring of Relatives prohibits employees from being involved in any employment or key decision that involves a relative. This would include work performance, job assignments, or pay related matters. In that such relationships can create a conflict with the interests of the Maricopa Community Colleges, and the increased potential for nepotism and favoritism, the same principles also apply in the case of consensual amorous, romantic and/or sexual relationships that occur between employees or between employees and students.

In the work and academic environment, such a relationship that might be appropriate in other circumstances is inappropriate if one of the individuals in the relationship has a professional responsibility toward, or is in a position of authority with respect to, the other, such as in the context of supervision, instruction, coaching, counseling or advisement. An element of power is present in such a context and it is incumbent upon those with authority not to abuse that power. In addition, consensual relationships may yield to third parties the appearance that unfair bias or favoritism towards the student or supervisee is taking place.

##### **A. Definitions**

- i. Consensual relationships are defined as romantic, amorous and/or sexual relationships between consenting employees or between employees and adult (18 years or older) college students currently enrolled at one of the community colleges.
- ii. An employee is any individual who is employed by the Maricopa County Community College District (MCCCD). An employee includes an individual who is subject to an established employee job group policy manual, whether regular, full-time board approved, at-will, part-time, and/or temporary. An employee also includes a contract worker (special services employment, request for personnel services) working or serving as an agent or designee on behalf of the MCCCD.
- iii. A student is considered to be any person currently enrolled in a credit or non-credit class at one of the colleges or centers within the Maricopa County Community College District.
- iv. A vendor is someone who sells or can sell products or services to the Maricopa County Community College District.
- v. A recent consensual relationship is considered to be one that has taken place within the past 24 months.

##### **B. Prohibited Conduct**

- i. An employee shall not maintain, engage in or be involved in a consensual relationship with another employee who is subject to that individual's supervision or with a student that is currently enrolled in the individual's class, or a student whom the individual otherwise instructs, coaches, counsels or advises, or with a vendor if the employee manages that contract or otherwise exerts influence over the contract.

- ii. The Governing Board recognizes that the personal life of its employees is not a concern of the institution, and therefore, this regulation does not seek to prohibit romantic relationships that exist between parties where the context of power-authority between employees or between employees and students is not present; and provided that the relationship does not affect the employee's effectiveness in fulfilling his or her professional obligation. For these instances, appropriate measures should still be taken in order to avoid conflicts of interest from occurring. For relationships that may exist prior to the time that either a student or employee is placed in a situation of instruction or supervision that is considered to be a conflict of interest, the employee(s) involved shall disclose and take immediate measures to avoid the conflict or appearance of conflict.

## **2. Procedures for Disclosure**

Employees should first avoid allowing an inappropriate consensual, amorous or sexual relationship to develop with a supervisee or student.

- A. Where the employee is already in or has had a recent consensual relationship with a supervisee, the following procedures shall be followed:
  - i. Immediate disclosure by the employee of the relationship to their supervisor and to the appropriate Vice President or Vice Chancellor in order to ensure that any conflicts of interest have been adequately addressed.
  - ii. The respective administrator responsible for the department or division shall place the subordinate under alternate supervision when a supervisor under his/her direction has or has had a recent consensual relationship with the employee.
  - iii. The supervisor shall recuse himself or herself from any discussions or involvement with decisions related to evaluations, promotion, hiring, determination of salary, or continuation of contract or employment.
  - iv. The respective Vice President or Vice Chancellor shall prepare and retain a report that specifies the appropriate alternate arrangements that have been made to eliminate the conflict of interest. The EEO/AA Office shall be provided a copy of the report along with the employees involved in the relationship.
- B. Where the employee is already in or has had a recent consensual relationship with a student prior to enrollment in his or her class, the following procedures shall be followed:
  - i. The faculty member shall counsel and advise the student not to enroll in his or her course.
  - ii. The Consensual Relationships Policy will be made available to students via the student handbook and other appropriate communications vehicles.
  - iii. If it is not possible for a student to enroll in another course, section, or course and section at another college due to a requirement for completion of a degree or certificate and no other academic option is available, disclosure of the relationship will be made to the appropriate Department Chair, Dean and Vice President of Academic Affairs or Vice President for Student Affairs as appropriate for review. The Vice President will refer the matter to the Vice Chancellor for Academic and Student Affairs for consideration. The Chancellor or his/her designee may allow a student to enroll in the class only upon a showing by the student that the enrollment is necessary to avoid an extreme hardship, and upon a showing by the college President or designee that the academic integrity of the student's enrollment in the class will nevertheless be maintained.
- 3. Persons who are married, or were married, are included within the definition of persons that have or who have had a consensual amorous relationship. Disclosure in this instance may be made via the Maricopa Disclosure process [The Annual Acknowledgement and Disclosures form may be found in the [Employee Learn Center](#). Employee credentials are needed to enter secure site].
- 4. An employee who fails to follow the requirements established in this policy and who does not withdraw from participation in activities or decisions that may reward or penalize a supervisee or student with whom the employee has or has had a recent consensual amorous relationship, will be considered in violation of policy and will be addressed in accordance with established processes in job group policy manuals.

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**LANGUAGE ADOPTED BY DIRECT CHANCELLOR APPROVAL**

### **2.8.3 Technology Accessibility**

The Maricopa Community College District is committed to ensuring equal access to information, programs, services and activities through its technologies, Web pages, and resources both in the academic and work environments. This regulation establishes that Electronic and Information Technology (EIT) that are used to conduct the business of the Maricopa Community Colleges shall adhere to established accessibility standards and guidelines.

**ADOPTED by Direct Approval from the Chancellor, April 1, 2015**