



College Environment

- Sexual Harrassment Policy
- Emissions Control Compliance
- Petition Signature Solicitation
- Use of College Grounds by Non-MCCCD Affiliated Users
- Children on Campus
- Crime Awareness & Campus Security Act
- Workplace Violence Prevention
- Student Right to Know

Student Rights & Responsibilities

- Copyright Act Compliance
- Copyright Regulation
- Taping of Faculty Lectures
- Technology Resource Standards
- Prohibited Conduct
- Hazing Prevention Regulation
- Abuse-Free Environment
- Smoke-Free/Tobacco-Free Environment
- Eligibility for Accommodations & Required Disability Documentation
- Academic Misconduct
- Disciplinary Standards
- Student Conduct Code
- Student Records
- FERPA Appeal Process
- Consensual Relationships



COLLEGE ENVIRONMENT

2.4.4 SEXUAL HARASSMENT POLICY FOR STUDENTS

1. Sex Discrimination and Sexual Harassment

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance...." 20 USC §1681 / 34 C.F.R. part 106

The policy of the Maricopa Community Colleges is to provide an educational, employment, and business environment free of sexual violence, unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct or communications constituting sexual harassment as defined and otherwise prohibited by local, state, and federal law. Discrimination under this policy is an unequal treatment of a student based on the student's actual or perceived gender, sexual orientation, or pregnancy. This policy prohibits sexual harassment and discrimination in any college education program or activity, which means all academic, educational, extracurricular, athletic and other programs. This policy is subject to constitutionally protected speech rights and principles of academic freedom. Questions about this policy may be directed to the Maricopa Community Colleges Equal Employment Opportunity/Affirmative Action (EEO/AA) Office.

A. Sexual Harassment

Any unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a student of the ability to participate in or benefit from any mccc educational program or activity. The unwelcome behavior may be based on power differentials, the creation of a hostile environment, or retaliation for allegations of sexual harassment under this Policy. Sexual harassment can occur regardless of the relationship, position or respective sex of the parties. Sexual harassment includes hostile environment harassment, sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, dating violence, and stalking. Same sex sexual harassment violates this Policy. Sexual harassment by and between students; employees and students; and campus visitors and students is prohibited by this Policy.

Depending on the particular circumstances, sexual harassment may include, but is not limited to, the following:

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

B. Hostile Environment Harassment

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

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



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

- A. The degree to which the conduct affected one or more students' education;
- B. The nature, scope, frequency, duration, and location of incident or incidents;
- C. The identity, number, and relationships of persons involved;
- D. The nature of higher education.

C. Sexual Assault

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

D. Inducing Incapacitation for Sexual Purposes

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

E. Sexual Exploitation

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

- A. Prostituting another person;
- B. Non-consensual visual (e.g., Video, photograph) or audio-recording of sexual activity;
- C. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- D. Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- E. Engaging in non-consensual voyeurism;
- F. Knowingly transmitting an STI (Sexually Transmitted Infection), such as HIV, to another without disclosing one's STI status;
- G. Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
- H. Possessing, distributing, viewing or forcing others to view obscenity.

F. Dating Violence

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

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

G. Stalking

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

H. Consenting to Sexual Activity

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

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

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



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

II. Definitions

Alleged victim

The person who is the victim of any alleged sexual harassment or discrimination in violation of this policy.

Complainant

A person who has experienced or witnessed, or otherwise knows of sexual harassment or discrimination in violation of this policy and files a formal complaint pursuant to this policy.

Respondent

The person who is alleged to have engaged in sexual harassment or discrimination prohibited under this policy.

Title IX Coordinator

The Vice President of Student Affairs serves as each respective college's Title IX Coordinator. The Title IX Coordinator is the individual responsible for providing education and training about discrimination and sexual harassment to the college community and for receiving and investigating allegations of discrimination and sexual harassment in accordance with this policy. The Title IX Coordinator is authorized to designate other appropriately trained individuals to investigate discrimination and sexual harassment complaints and reports as deemed appropriate. The contact information for the Title IX Coordinator at each college may be found at <https://asa.maricopa.edu/departments/office-of-student-affairs/student-affairs-your-college>

III. Reporting Discrimination

A. Bystander

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

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

B. College Complaints and Reporting

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

There are several avenues available for any person who experiences, witnesses, or otherwise knows of sexual harassment or discrimination to report such conduct:

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



If there is an allegation of conduct in violation of this policy about the Title IX Coordinator or any staff member who is part of the vice president of student affairs' office, that allegation should be lodged with the president of the college. The president will appoint another trained individual to take the place of the Title IX Coordinator for purposes of the allegation.

C. Retaliation Prohibited

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

D. Criminal Reporting

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

E. Confidentiality of Complaints and Reports

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

F. Anonymous Reporting

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

IV. Rights of Parties

- A. Alleged victim: the alleged victim has the right to:
 - 1. An inquiry and appropriate resolution of all credible allegations of sexual harassment, discrimination, and sexual violence made in good faith to the Title IX Coordinator.
 - 2. Be treated with respect by college officials.
 - 3. Have the same opportunity as the respondent to have others present (in support or advisory roles) during an investigation.
 - 4. Report sexual harassment, discrimination, and violence to both on-campus and off-campus authorities.
 - 5. Be informed of the investigation findings and imposed sanctions at the same time as the respondent.
 - 6. Be informed of and afforded access to available counseling, mental health, physical health or student services for victims of sexual harassment, discrimination, and violence.



7. Have notification of and options for, and available assistance in, changing academic and living situations after an alleged act of sexual harassment or discrimination prohibited under this policy, if so requested by the alleged victim and if such changes are reasonably available. No formal complaint, or investigation--campus or criminal--need occur before this option is available. Accommodations may include:
 - Change of on-campus student's housing to a different on-campus location;
 - Assistance from college support staff in completing relocation;
 - Arranging to dissolve a housing contract and pro-rating a refund;
 - Exam, paper, or assignment rescheduling;
 - Taking an incomplete in a class;
 - Transferring class sections;
 - Temporary withdraw from institution;
 - Alternative course completion options.
8. Not have irrelevant prior sexual history admitted as evidence in an investigation.
9. Make a victim-impact statement available to the investigator and decision-maker.
10. Access to available protection against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others.
11. Have allegations of sexual misconduct that might be criminal in nature responded to quickly and with sensitivity by campus law enforcement.
12. Seek reconsideration of the finding of the investigation and any sanction imposed.
13. Review all documentary evidence collected, used, and disseminated during the investigation and sanctioning process.
14. Petition that any member of the investigative process be removed on the basis of demonstrated bias.
15. Have an advocate or advisor present at all phases of the investigation.
16. Present relevant witnesses to the investigator and decision-maker, including expert witnesses.
17. Be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations.
18. Have mcccc compel the presence of student, faculty, and staff witnesses.
19. Written notice of the investigation, findings and sanctions.
20. Challenge documentary evidence obtained during the investigation.
21. Be informed in advance of any public release of information regarding the investigation.
22. Give consent for the release of any personally identifiable information contained in the investigation.

B. Immediate Action and Interim Measures

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

C. Respondent: The Respondent Has the Right To:

1. An inquiry and appropriate resolution of all credible allegations of sexual harassment, discrimination, and sexual violence made in good faith to the Title IX Coordinator.
2. Be treated with respect by college officials.
3. Have the same opportunity as the alleged victim to have others present (in support or advisory roles) during an investigation.
4. Be informed of and have access to campus resources for medical, counseling, and advisory services.
5. Be fully informed of the nature, rules, and procedures of the investigation process, and to thorough and timely written notice of all alleged violations, including the full nature of the violation and possible sanctions.
6. Protections of due process required by local, state, or federal law.
7. Not have irrelevant prior sexual history admitted as evidence in an investigation.
8. Make an impact statement available to the investigator and decision-maker.
9. Seek reconsideration of the finding of the investigation and any sanction imposed.
10. Review all documentary evidence collected, used, and disseminated during the investigation and sanctioning process.
11. Present relevant witnesses to the investigator and decision-maker, including expert witnesses.
12. Petition that any member of the investigative process be removed on the basis of demonstrated bias.
13. Have mcccc compel the presence of student, faculty, and staff witnesses.
14. Challenge documentary evidence obtained during the investigation.
15. Have an advocate or advisor present at all phases of the investigation.



16. An outcome based solely on evidence presented during the investigation. Such evidence should be credible, relevant, based in fact, and without prejudice.
17. Written notice of the investigation, findings, and sanctions.
18. Be informed in advance of any public release of information regarding the investigation.
19. Give consent for the release of any personally identifiable information contained in the investigation.

V. Due Process

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

A. Sex Discrimination Grievance Procedures for Students

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

B. Mediation

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

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

C. Formal Complaint Process

A person who has experienced, witnessed, or otherwise knows of sexual harassment or discrimination in violation of this policy may file a formal complaint by contacting the Title IX Coordinator at each respective college or center. A complainant may file a formal complaint either orally or in writing. The Title IX Coordinator will accept formal complaint filings within 300 calendar days of the most recent occurrence of the alleged discriminatory act.

The complainant's documentation in support of a formal complaint should clearly and concisely identify the action, decision, conduct, or other basis that constituted an alleged act or practice of discrimination prohibited under this policy. Upon receipt of a formal complaint, the Title IX Coordinator will notify the college president and the office of general counsel. The office of general counsel will assign a case number to the formal complaint.



A copy of the formal complaint will be shared with the respondent within five (5) working days of receipt by the Title IX Coordinator. The respondent will be put on notice that retaliation against the complainant, alleged victim, or potential witnesses will not be tolerated and that an investigation will be conducted.

The respondent must provide a written response to the formal complaint within fifteen (15) calendar days of his or her receipt of the formal complaint.

After either accepting a formal complaint or receiving credible evidence that discrimination has occurred, and determining after a preliminary inquiry that there is reasonable cause to believe this policy has been violated, the Title IX Coordinator will:

- Designate an investigator to conduct a fact-finding investigation, which will include, at a minimum, a review of written evidence (including the complaint and response) and interviews with appropriate employees and students. The Title IX Coordinator may serve as investigator;
- Determine the identity and contact information of the complainant;
- Identify the correct policies allegedly violated;
- Conduct a thorough, reliable, and impartial investigation;
- Complete the investigation promptly (within 60 calendar days, unless—owing to the complexity of the investigation or the severity and extent of the alleged conduct—more time is necessary to complete the investigation);
- Make findings based on the preponderance of evidence; and
- Present the findings to the Title IX Coordinator, who will deliver the findings, in writing, within ten (10) working days, to the president, with a recommendation as to the disposition of the matter.

The president shall accept, reject, or modify the recommendation, and provide a written notification of his or her action, along with the findings presented by the Title IX Coordinator, to the complainant, alleged victim, and respondent within fifteen (15) calendar days of receiving the findings and recommendation from the Title IX Coordinator.

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

D. Maintenance of Documentation

Documentation resulting from each level in the formal complaint process (including witness statements, investigative notes, etc.) will be forwarded to and maintained by the office of general counsel. Investigative records are not to be maintained with or considered as a part of a student record. Documentation regarding corrective action is considered part of the student's record.

E. Right to Assistance

A complainant, alleged victim or respondent may receive the assistance of an attorney or other person at any stage of a complaint filed under the formal complaint process. Such person may attend any investigative interview and advise the complainant, alleged victim or respondent but shall not otherwise participate in the interview. The investigator shall direct communications directly to the complainant, alleged victim and respondent, and not through such individual's attorney or other person providing assistance.

F. Time Frame and Grounds for Filing a Request for Reconsideration

A complainant, alleged victim or respondent who is not satisfied with the decision of the president has ten (10) working days to request, in writing, reconsideration of the decision by the Maricopa Community College District's executive vice chancellor and provost. There are four grounds upon which a request for reconsideration may be made: (1) the party has new information, unavailable at the time of the investigation; (2) the party has procedural concerns that may change or affect the outcome of the determination; (3) the party perceives that there was insufficient evidence to support the investigators findings; or (4) the party perceives any action taken by the president to be too severe. The executive vice chancellor and provost will review the findings of the investigation and recommendation of the Title IX Coordinator, and respond to the request for reconsideration within ten (10) working days from its receipt. The Title IX Coordinator shall ensure that, prior to acting on any request for reconsideration, the executive vice chancellor and provost has been fully briefed regarding every component of this policy. If the executive vice chancellor and provost determines that the investigation was not conducted in a fair manner, or that the determination is not consistent with the evidence, or that any disciplinary action is not commensurate with the allegations, the case file will be reopened and assigned for further investigation. If the executive vice chancellor and provost concludes that the investigation was conducted in a proper manner, that the determination is consistent with the evidence, and that any disciplinary action is commensurate with the allegations, he or she will—in writing—certify that the executive vice chancellor and provost has read and thoroughly considered all of the information collected in the investigation, certify that the



investigation was conducted in a proper manner and the decision is consistent with the evidence, and deny the request for reconsideration. The written certifications and decision by the executive vice chancellor and provost shall be delivered to the complainant, alleged victim, and respondent promptly after they are issued. At this point, or if no request for reconsideration is made, the investigation into alleged discrimination under this policy is concluded.

G. External Filing of Discrimination Complaint

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

Office for Civil Rights
U.S. Department of Education
Denver Office
Cesar e. Chavez memorial building
1244 Speer boulevard, suite 310
Denver, Colorado 80204-3582
Phone: 303-844-5695
Fax: 303-844-4303
TDD: 303-844-3417
E-mail: OCR.Denver@ed.Gov

5.1.9 EXAMPLES OF POLICY VIOLATIONS

It shall be a violation of Maricopa Community College' Sexual Harassment Policy for any employee, student or campus visitor to:

1. Make unwelcome sexual advances to another employee, student or campus visitor;
2. Make unwelcome requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment or academic relationship;
3. 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:
 - A. 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
 - B. Influence his or her grades, participation in or access to academic programs, class standing or other educational opportunities;
4. Engage in verbal or physical conduct of a sexual nature that:
 - A. 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
 - B. Which creates an intimidating, hostile or offensive work or academic environment;
5. Commit any act of sexual assault or public sexual indecency against any employee or student whether on Maricopa Community Colleges property or in connection with any Maricopa Community Colleges-sponsored activity;
6. 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);
7. Engage in other sexually 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), sexually degrading words to describe an individual, sexually offensive comments, sexually suggestive language or jokes, innuendoes, and sexually suggestive objects, books, magazines, computer software, photographs, cartoons or pictures. Other sexual misconduct may include sexual exploitation, stalking, and gender-based bullying.
8. Treat a complainant or witness of sexual harassment in a manner that could dissuade a reasonable person from pursuing or participating in the complaint and investigation.

5.1.10 ADDITIONAL POLICY VIOLATIONS

Supervisors, managers, administrators and faculty who disregard or fail to report allegations of sexual harassment (whether reported by the person who is the subject of the sexual harassment or a witness) are in violation of this policy.

5.1.11 RESPONSIBILITY FOR POLICY ENFORCEMENT

Every Maricopa Community Colleges employee and student must avoid offensive or inappropriate sexual and/or sexually



harassing behavior at work or in the academic environment.

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

5.1.12 COMPLAINTS

1. Employees

Employees who experience sexual 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 Community Colleges Equal Employment Opportunity/Affirmative Action Office (480-731-8885). 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 his or her immediate supervisor, the employee may go directly to the Maricopa Community Colleges 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, campus visitor or other student) are urged to report such conduct to the Title IX Coordinator, who is the vice president of student affairs at each campus. A student may also contact the Maricopa Community Colleges EEO/AA Office to obtain the name and phone number of the college official designated to respond to sexual harassment complaints.

3. General - Applicable to Both Employees and Students

- Complaints will be investigated according to procedures established by the Maricopa Community Colleges EEO/AA Office. Copies of these procedures may be obtained in the college president's office, Office of the Vice President of Student Affairs and the Maricopa Community Colleges EEO/AA Office.
- The college/center/MCCCD will investigate all complaints in a prompt, thorough, and impartial manner.
- Where investigation confirms the allegations, appropriate responsive action will be taken by the college/center/MCCCD.

5.1.13 CONFIDENTIALITY

Records will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with Maricopa Community Colleges' legal obligation to investigate and resolve issues of sexual harassment.

5.1.14 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 Community Colleges policy. Disciplinary action by Maricopa Community Colleges 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.

5.1.15 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.

5.1.16 RETALIATION PROHIBITED

Retaliation against an employee or student for filing a sexual harassment complaint, or participating in the investigation of a complaint, is strictly prohibited. Maricopa Community Colleges will take appropriate disciplinary action, up to and including employment termination or academic dismissal if retaliation occurs.

2.4.6 EMISSIONS CONTROL COMPLIANCE

Pursuant to A.R.S. §15-1444 C. no vehicle shall be allowed to park in any college parking lot unless it complies with A.R.S. §49-542 (the vehicle emissions inspection program). At the time of course registration, every out-of-county and out-of-state students will be required to sign an affidavit stating that the student's vehicle meets the requirements of A.R.S. §49-542. Vehicles which 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 of 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 campus grounds, defined as the open areas and walkways of the campus by non-MCCCD-affiliated users. Use of campus buildings 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 campus 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 Campus 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 Campus 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 Campus 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 Campus 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 Campus 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 campus grounds, non-MCCCD-affiliated users shall be required to pay a fee of \$50 per day or \$125 per week. In order to protect the health and safety of College students, faculty and staff and to protect MCCCD resources, non-MCCCD-affiliated users shall also be required to provide proof of insurance that indicates at least \$1 million in general liability coverage and names MCCCD as an additional insured for the anticipated use date.

The fee and proof-of-insurance provisions of this administrative regulation shall not be applied to low-impact, non-commercial users. A user may request designation as a low-impact, non-commercial user from the applicable College's Responsible Campus 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 approved request form, 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):

- A. The use of facilities and grounds for the operations of the College. For example, there are times when the campus 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.
- B. Activities and events sponsored by the College administration.
- C. Activities and events sponsored by MCCCD student organizations or employee groups.
- D. Activities of non-MCCCD-affiliated individuals and organizations.
- E. Commercial advertising or activities.

Criteria:

- Capacity of campus grounds to accommodate the number of participants at the scheduled time and proposed location.
- Capacity of Campus Safety staff to provide security for all events and activities scheduled at the time.
- Possible interference or conflict with College operations or other scheduled activities and events on the grounds.
- General feasibility of hosting the event as proposed.

Other Policies: This administrative regulation will be applied in conjunction and coordination with all other MCCCD 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 Campus 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.

2.4.12 WORKPLACE VIOLENCE PREVENTION

Purpose

It is the policy of the Maricopa Community Colleges to promote a safe environment for its employees, students, and visitors. The Maricopa Community Colleges are 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 will not be tolerated, and it is the responsibility of all members of the Maricopa Community Colleges to report any occurrence of such conduct. Every employee, student and visitor on Maricopa Community College District property is encouraged to report threats or acts of physical violence of which he/she is aware. All reports will be taken seriously and will be dealt with appropriately. 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 Maricopa Community Colleges. 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 Admissions and Records Office/Office of Student Enrollment Services.

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

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. 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 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.

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 U.S. 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 a faculty member.

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 TAPING OF FACULTY LECTURES

The Maricopa Community Colleges acknowledge that faculty members are, by law, afforded copyright protection in their classroom lectures and, therefore, may limit the circumstances under which students may tape (audio/visual) their classes.

Each faculty member shall inform his/her students within the first week of classes to his/her policy with regard to taping. Failure to do so will accord students the right to tape lectures.

Students with disabilities that render them unable to take adequate lecture notes are entitled to reasonable accommodation to remedy this inability. Accommodation may require a faculty member to exempt a student from his/her taping policy.



4.4 TECHNOLOGY RESOURCE STANDARDS INTRODUCTION

The Maricopa County Community Colleges District (MCCCD) provides its students and employees access to information resources and technologies. Maricopa 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 to its employees and students.

At Maricopa, technological resources are shared by its users; misuse of these resources by some users infringes upon the opportunities of all the rest. As Maricopa is a public institution of higher education, however, the proper use of those resources is all the more important., Maricopa requires users to observe Constitutional and other legal mandates whose aims is are to safeguard and appropriately utilize technology resources that are acquired and maintained with public funds.

GENERAL RESPONSIBILITIES

Technology resources (including, but not limited to, desktop and laptop systems, printers, central computing facilities, District-wide or college-wide networks, local-area networks, access to the Internet, electronic mail and similar electronic information) of the Maricopa County Community Colleges District are available only to authorized users, and any use of those resources is subject to these Standards. All users of Maricopa's technology resources are presumed to have read and understood the Standards. While the Standards govern use of technology resources District-wide, an individual community college or center may establish guidelines for technology resource usage that supplement, but do not replace or waive these Standards.

The first screen that each MCCCD 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 MCCCD employees are responsible for annually acknowledging receipt of the Blue Book, which contains this regulation. So all users of MCCCD technology resources are presumed to have read and understood the Standards. While the Standards govern use of technology resources MCCCD-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-MCCCD TECHNOLOGY

Under Arizona's public records law, MCCCD 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 MCCCD 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-MCCCD technology resources for communication of any type of MCCCD business is heavily discouraged because those records are less capable of being managed according to MCCCD's process for ensuring retention, retrieval and disclosure set forth in Administrative Regulation 4.15 "Retrieval, Disclosure and Retention of Records."

Additionally, an MCCCD employee who receives a communication allegedly from another MCCCD employee using a non-MCCCD 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 Maricopa's technology resources, including websites created by employees and students, is limited to educational, research, service, operational, and management purposes of the Maricopa County Community Colleges District and its member institutions. Likewise, images and links to external sites posted on or transmitted via Maricopa's technology resources are limited to the same purposes.

Frequently, access to MCCCD's technology resources can be obtained only through use of a password known exclusively to the MCCCD employees, Governing Board members or students. It is those users' responsibility to keep a password confidential. While MCCCD 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 MCCCD 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 MCCCD employees are authorized to access information on an MCCCD 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 MCCCDC technology resources including through use of personal e-mail systems is permitted, except as described in item 16 under "Prohibited Conduct." MCCCDC employees are responsible for exercising good judgment about personal use in accordance with this regulation, Colleges' consistent local guidelines and MCCCDC ethical standards. Personal use refers to activities which only affect the individual and that are not related to an employee's outside business. MCCCDC 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 Maricopa's technology resources:

1. Posting to the network, downloading or transporting any material that would constitute a violation of Maricopa County Community College District 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 a website that violates the .EDU domain request.
6. Use of technology resources for non-Maricopa 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 Maricopa's Governing Board, including, but not limited to, Maricopa'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 MCCCDC 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 system 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 Maricopa's technology resources.
15. Making personal long distance or other toll calls, except where the charges for the calls are incurred directly by the caller or arrangements are otherwise made at the time of the call to directly bill the caller.
16. Intermittent use of technology resources that interferes with the performance of an employee's main responsibilities.
17. Use of technology resources to market or conduct other activities on behalf of a third party regarding the "hosting" of an event that is prohibited under MCCCDC's Use of College Facilities administrative regulation.
18. Conducting District or college-related business using any electronic mail account other than one hosted or provided by MCCCDC, and approved by the Vice Chancellor of Information Technology Services, even when the email account copies all outgoing and incoming messages to the MCCCDC hosted account.
19. Deleting or altering a technology public record in violation of public records retention requirements, or in anticipation of receiving or after receipt of a public records request, subpoena or a complaint filed as part of an MCCCDC grievance, investigation or review, or other lawful request for the record.
20. Deleting or altering a technology record on an MCCCDC device in anticipation or after receipt of a public records request, subpoena or a complaint filed as part of an MCCCDC grievance, investigation or review, or other lawful request for the records where the record may demonstrate a misuse of technology resources under this regulation.

REVIEW AND APPROVAL OF ALTERNATE E-MAIL ACCOUNT SYSTEMS

The prior review and approval by the Vice Chancellor of Information Technology Services 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.
2. All information within the e-mail system must be e-discoverable, per law.
3. Any proposed changes to the college e-mail system with e-discovery implications must be submitted to District ITS for approval.
4. District ITS must always have full and complete access to ensure the ability to provide any information necessary for e-discovery, local or remote, in a timely and secure manner.

DISCLAIMER

The home page of a 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, Maricopa may unilaterally delete any violative content and terminate the user's access to Maricopa'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 through Maricopa'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 Maricopa Community Colleges' 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 the Maricopa Community Colleges 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 Maricopa Community Colleges; 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 Maricopa Community Colleges 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 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 Maricopa Community Colleges policies, and local and state laws. Alleged violations of the Maricopa Community Colleges 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 Maricopa Community Colleges 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 Maricopa Community Colleges policies, and local and state laws. Any Maricopa Community Colleges faculty or staff member who knowingly permitted, authorized or condoned the alleged hazing activity is subject to disciplinary action in accordance with college and Maricopa Community Colleges 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' office.
 - 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 Maricopa Community Colleges hazing prevention regulation is not intended to prohibit or sanction the following conduct:
 - A. Customary athletic events, contests or competitions that are sponsored by any of the Maricopa Community Colleges.
 - 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 Maricopa Community Colleges hazing prevention regulation: "Organization" is defined as an athletic team, association, order, society, corps, cooperative, club or other similar group that is affiliated with Maricopa Community Colleges, whose membership consists primarily of students enrolled at Maricopa Community Colleges and that may also be classroom-related or co-curricular in nature.

2.4.7 ABUSE-FREE ENVIRONMENT

See also the Auxiliary Services Section (4.12) Smoke-Free/Tobacco-Free Environment and the Appendices/Student Section (S-16) 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 acknowledgments 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 recent adoption by Congress of the Drug-Free Schools and Communities Act amendments 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 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 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 mcccdd premises, while conducting mcccdd business, or at any time which would interfere with the effective conduct of the employee's work for the mcccdd; and use of illegal drugs.

3. MCCCDD 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. Use of Alcoholic Beverages - (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 MCCCDD except as provided in Paragraph 8.
- 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 3 and 4.
- 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 5. 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: <http://www.maricopa.edu/publicstewardship/governance/adminregs/appendices/AS-6.doc> On signing the form, the Chancellor will provide a copy of it to the requestor and to the MCCCDD Risk Manager. For events that the Chancellor sponsors, he or she will complete the form, sign it and provide it to the MCCCDD Risk Manager no later than 10 business days before the event. The MCCCDD Risk Manager will forward copies of the forms to the Arizona Department of Liquor Licenses and Control.
- 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 6. 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 5. 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 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 <http://www.maricopa.edu/publicstewardship/governance/adminregs/appendices/AS-7.doc> and provides it to the Chancellor for approval along with a copy of the liquor license no later than 60 days before the event;
 - iii. The entity provides a certificate of insurance demonstrating that it has liquor liability coverage and that it 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 MCCCDC, 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 MCCCDC 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 MCCCDC property, the Director the culinary program shall assign an MCCCDC 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 a 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 and 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.

2.8.1 DISABILITY RESOURCES & SERVICES - ELIGIBILITY FOR ACCOMMODATIONS & REQUIRED DISABILITY DOCUMENTATION

PURPOSE

To specify the disability documentation requirements that will qualify (i.e., support current and essential needs) Maricopa County Community College District students for reasonable and appropriate accommodations through each college's Disability Resources and Services (DRS) office or designated professional.



GENERAL ELIGIBILITY REQUIREMENTS

DRS applicants must be admitted or enrolled as an MCCCDC student, and must provide the Disability Resource Services (DRS) office with qualifying disability documentation, verifying the nature and extent of the disability prior to receiving any accommodation.

WHO IS ELIGIBLE FOR SERVICES?

To be eligible for DRS Support Services, a student must have a disability as it is defined by federal law (section 504 of the 1973 Rehabilitation Act, the Americans With Disabilities act of 1990 (ADA), and the Americans With Disabilities Act Amendments Act of 2008 (ADAAA)).

Definitions

- **Disability:** A disability is any physical or mental condition which causes substantial limitation to the ability to perform one or more major life activities.
- **Reasonable accommodation:** Reasonable accommodation is the provision of an auxiliary aid or modification to the course or program which will allow access to the job duties, the educational process, program and degree, or activity. The ADA requires an institution of higher education to provide reasonable accommodations to a qualified individual with a disability provided that accommodation does not:
 - fundamentally alter the basic nature or essential elements of a course, program, or activity
 - pose a health or safety risk to others; The student may choose to assume risk to self
 - substantially adversely affect the manner in which the course is taught
 - create an undue financial or administrative burden on the institution

**Documentation can be transferred within MCCCDC for current consideration for eligibility.

**Determination made by another institution or organization does not guarantee eligibility.

Special Considerations

Any employee who receives a request for academic adjustment must refer the student to the drs office. The drs office alone is responsible for evaluating documentation and determining eligibility and academic adjustments. All situations shall be considered on an individual, case-by-case basis, and all requests for academic adjustments from qualified students with a disability shall be considered by drs. Drs may exercise its right to require additional documentation.

Academic adjustments are determined by the drs office through an interactive exchange with the eligible student. The drs office will give priority to the request of the student, but will also consider the instructor's perspective when it is offered. The interactive exchange may continue during the course of the year, and the drs may make reasonable alterations in approved academic adjustments based on input from the student and the faculty member. Academic adjustments determined by the drs office are required for students except when the institution subsequently determines that an adjustment would alter an academic requirement that is essential to the instruction being pursued by the student, or to a directly related licensing requirement. MCCCDC is not required to provide "best" or "most desired" accommodations but rather a reasonable accommodation sufficient to meet accessibility needs.

In the event the instructor believes the modification determined by drs would alter an academic requirement that is essential to the instruction being pursued by the student, or to a directly related licensing requirement, the instructor will first meet with the director of the drs office within three working days of receipt of the determination and attempt to resolve the issue informally. If the faculty member's concern remains unresolved, within three days of the above meeting he or she may submit a written request to the college's chief academic officer (or a comparably qualified administrator designated by the college president) for his or her academic judgment on the question.

Any change in the drs office's initial recommendation resulting from the above meeting or the chief academic officer's decision will be communicated to the student by the drs office. The interactive exchange with the student will continue in an effort to achieve a mutually satisfactory outcome.

If a student is not satisfied with the academic adjustment provided, he or she may file a complaint under the discrimination complaint procedures for students. In such cases, the vice president for student affairs will assign an investigator whose qualifications and experience include curriculum development and educational accommodations for students with disabilities.

In all cases in which academic adjustments are in controversy, whether as a student discrimination complaint or a faculty member's appeal to the chief academic officer, the ultimate decision will be informed by consultation with the duly appointed faculty representatives who serve in the development of the curriculum for the institution and the program. The committee will study the requested academic adjustment and alternatives, their feasibility, cost and effect on the academic program, and come to a rationally justifiable conclusion as to whether the available alternatives would result either in lowering academic standards or requiring substantial program alteration. This conclusion will be submitted in writing to the chief academic officer, who will consult with the vice chancellor and the office of general counsel before making the final determination.



Nothing in this policy prohibits a faculty member from making minor, commonsense alterations in the manner in which a course is presented. A student who asks the instructor to change the color of chalk used because he is colorblind may be so accommodated without registering with dso. However, the faculty member must report making such accommodations to DSO.

Documentation Guidelines

Students requesting accommodations must provide documentation of their disability. Documentation consists of an evaluation prepared by a trained and qualified professional that identifies:

- current level of functioning
 - current documentation
 - all standardized testing must use adult-normed instruments
 - age of the documentation may vary for some disabilities, provided the presence of a substantial limitation(s) is adequately established
- how the disability impacts the student's learning
- contain information supportive of the student's request for specific academic support, auxiliary aids, and accommodations

Specific Eligibility Requirements

1. Physical Disabilities

A. Required Documentation

The student must submit a written, current diagnostic report of any physical disabilities that are based on appropriate diagnostic evaluations administered by trained and qualified (i.e., certified and/or licensed) professionals (e.g., medical doctors, ophthalmologists, neuropsychologists, audiologists). Disability diagnosis categories include:

- i. Orthopedic Disability
- ii. Blind or Visual Impairment
- iii. Deaf or Hard-of-Hearing
- iv. Traumatic Brain Injury
- v. Other Health-Related/Systemic Disabilities

B. Diagnostic Report

The diagnostic report must include the following information:

- i. A clear disability diagnosis, history, and the date of diagnosis.
- ii. A description of any medical and/or behavioral symptoms associated with the disability.
- iii. Medications, dosage, frequency, and any adverse side effects attributable to use.
- iv. A clear statement specifying functional limitations.
- v. A recommendation for accommodation(s).

2. Specific Learning Disabilities

A. Required Documentation

Submit a written diagnostic report of specific learning disabilities that is based on age appropriate, comprehensive, psycho educational evaluations using adult normed instruments.

The assessment or evaluation which leads to the diagnosis must be administered by a trained and qualified (i.e., certified and/or licensed) professional (e.g., psychologist, school psychologist, neuropsychologist, or educational diagnostician) who has had direct experience with adolescents and adults with learning disabilities.

An appropriate Psycho Educational Evaluation must include comprehensive measures in each of the following areas:

- i. Aptitude: evaluation must contain a complete intellectual assessment, with all sub-tests and standard scores reported.

Specific Eligibility Requirements Continued...

Examples Of Measures (including but not limited to):

1. Wechsler Adult Intelligence Scale (WAIS-R)
2. Stanford Binet Intelligence Scale
3. Woodcock-Johnson Psycho-Educational Battery
4. Kaufman Adolescent And Adult Intelligence Test
- ii. Academic Achievement: evaluation must contain a comprehensive achievement battery with all sub-tests and standard scores reported. The test battery should include current levels of functioning in the relevant area(s).

Examples of Achievement (including but not limited to):

1. Wechsler Individual Achievement Tests (WIAT)
2. Woodcock-Johnson Psycho-Educational Battery
3. Stanford Test of Academic Skills (TASK)
4. Scholastic Abilities Test for Adults (SATA)



- iii. Information Processing: evaluation should assess specific information processing areas such as short- and long-term memory, sequential memory, auditory and visual perception/processing, processing speed, executive function, and motor ability.

Examples of Achievement (including but not limited to):

1. Wechsler Individual Achievement Tests (WIAT)
2. Woodcock-Johnson Psycho-Educational Battery
3. Stanford Test of Academic Skills (TASK)
4. Scholastic Abilities Test for Adults (SATA)

B. Diagnostic Report

The diagnostic report must include the following information:

- i. A diagnostic interview that addresses relevant historical information, past and current academic achievement, instructional foundation, past performance in areas of difficulty, age at initial diagnosis, and history of accommodations used in past educational settings and their effectiveness.
- ii. A list of all instruments used in the test battery.
- iii. Discussion of test behavior and specific test results.
- iv. A diagnostic summary or statement with the following information:
 1. DSM-IV, including all five axes.
 2. A clear and direct statement that a learning disability does or does not exist, including a rule-out of alternative explanations for the learning problems. Terms such as "appears," "suggests," or "probable" used in the diagnostic summary statement do not support a conclusive diagnosis.
 3. A clear statement specifying the substantial limitations to one or more major life activities.
 4. A psychometric summary of scores.
 5. A recommendation for accommodations, including rationale.

Diagnosis of specific learning disabilities that do not contain psycho-educational measures may not be sufficient for determining eligibility for academic accommodations. For example, school plans such as individualized education plans (IEP) or 504 plans may not be sufficient documentation. DRS reserves the right to request reassessment when questions regarding previous assessment or previous service provision arise.

3. Attention Deficit Hyperactivity Disorder (ADHD) / Attention Deficit Disorder (ADD)

A. Required Documentation

Submit a current diagnosis of attention deficit hyperactivity disorder (ADHD)/attention deficit disorder (ADD) that is based on appropriate diagnostic evaluations.

B. Diagnostic Report

Acceptable documentation must include:

- i. DSM-IV diagnosis, including all five axes
- ii. A summary or statement which includes the following information:
- iii. A clear summary or statement specifying evidence of behavior that significantly impairs functioning, including degree of severity.
- iv. A recommendation for accommodations, including rationale.

4. Psychological/Psychiatric Disabilities

A. Required Documentation

- i. Depression and/or bipolar disorder
- ii. Generalized anxiety disorders
- iii. Post traumatic stress disorder

Specific Eligibility Requirements Continued...

- iv. Psychotic disorders
- v. Autism spectrum disorder.

B. Diagnostic Report

If the diagnostic report is not current, a letter from a qualified professional that provides an update of the diagnosis may be requested

The diagnostic report must include the following:

- i. DSM-IV diagnosis, including all five axes
- ii. A diagnostic summary or statement that includes the following:
 1. A clear summary or statement that a disability does or does not exist.
 2. A clear summary or statement specifying evidence of behavior that significantly impairs functioning including degree of severity.
 3. A discussion of medications and their possible impact on academic functioning.



5. Neurological Disorders
 - A. Required Documentation

Disorders of the central and peripheral nervous system, including but not limited to:

 - i. Acquired Brain Injury/Traumatic Brain Injury
 - ii. Epilepsy/Seizure Disorder
 - iii. Stroke
 - B. Diagnostic Report

Written statement of diagnosis:

 - i. Current functional limitations
 - ii. Information regarding current symptoms
 - iii. Information regarding prescribed medication(s) and possible side effect and impact on student academic performance
 - iv. Restrictions on activities imposed by the condition
 - v. Where learning has been affected, a recent neuro-psychological evaluation is requested
6. Temporary Disabling Conditions
 - A. Required Documentation
 - i. Temporary disabling conditions as a result of surgery, accident, or serious illness may require accommodations for a limited time. Acceptable documentation must include:
 - ii. Written statement of diagnosis
 - iii. List of current symptoms and degree of severity
 - iv. Information regarding functional limitations and impact within an academic environment
 - v. Medications and possible side effects
 - vi. Duration of symptoms and estimated length of time services will be needed

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:

- 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.
- Students taking a reduced course load must maintain satisfactory academic progress standards as defined by the College catalog.
- 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.
- 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.
- The amount of Federal Financial Aid (Title IV) awarded is based on the actual number of credit hours taken.
- 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.
- 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

- i. 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.
- ii. 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.

- iii. 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.
- iv. Students registered in occupational and/or academic programs that have specific block formats will not be considered for reduced course loads.
- v. 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.
- vi. When a reduced course load status is granted by the Disability Resources & Services professional, a copy of the Reduced Course Load Approval Form will be sent to the appropriate individuals.

2.3.11 ACADEMIC MISCONDUCT

1. Definitions

A. Academic Misconduct - includes any conduct associated with the classroom, laboratory, or clinical learning process that is inconsistent with the published course competencies/objectives and/or academic standards for the course, program, department, or institution. Examples of academic misconduct include, but are not limited to: (a) cheating and plagiarism (including any assistance or collusion in such activities, or requests or offers to do so); (b) excessive absences; (c) use of abusive or profane language; and (d) disruptive behavior.

B. Cheating is any form of dishonesty in an academic exercise. It includes, but is not limited to, (a) use of any unauthorized assistance in taking quizzes, tests, examinations, or any other form of assessment whether or not the items are graded; (b) dependence upon the aid of sources beyond those authorized by the faculty member in writing papers, preparing reports, solving problems, or carrying out other assignments; (c) the acquisition, without permission, of tests or other academic material belonging to or administered by the college or a member of the college faculty or staff; and (d) fabrication of data, facts, or information.

C. Plagiarism is a form of cheating in which a student falsely represents another person's work as his or her own – it includes, but is not limited to: (a) the use of paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment; (b) unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; and (c) information gathered from the internet and not properly identified.

2. Academic Consequences

Any student found by a faculty member to have committed academic misconduct may be subject to the following academic consequences, based on the faculty member's judgment of the student's academic performance

Warning - A notice in writing to the student that the student has violated the academic standards as defined in 1.A.

Grade Adjustment - Lowering of a grade on a test, assignment, or course.

Discretionary assignments - Additional academic assignments determined by the faculty member.

Course Failure - Failure of a student from a course where academic misconduct occurs.

3. Disciplinary Sanctions

If the misconduct is sufficiently serious to warrant course failure, and if either (a) the failure results in a student being removed from an instructional program or (b) the student refuses to accept responsibility for the misconduct and its academic consequences, the faculty member will, in addition to awarding the course grade, consult the department chair and the vice president of academic affairs as to whether institutional sanctions set forth below should be sought under AR 2.5. Regardless whether the student has accepted responsibility for academic consequences, in all cases of academic misconduct the faculty member may make recommendations for sanctions and may file a written complaint of misconduct. The vice president of academic affairs will serve as the student conduct administrator in all academic misconduct cases, and will follow the procedure established in AR 2.5.2 to evaluate whether disciplinary sanctions are warranted. College probation, suspension, or expulsion will be imposed only by the vice president of academic affairs or designee, and only after the student has received the procedural rights provided in AR 2.5.2.

Disciplinary Probation - Disciplinary probation is for a designated period of time and includes the probability of more severe sanctions if the student commits additional acts of academic misconduct.

College Suspension - Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. (A suspension from one Maricopa Community College will apply to all other colleges/centers in the District.)

College Expulsion - Permanent separation of the student from the college. (Expulsion from one Maricopa Community College will apply to all colleges/centers in the District.)



4. Appeal of Sanctions for Academic Misconduct

Students can appeal academic consequences by following the instructional grievance procedure (AR 2.3.5; Appendix S-6). Students can appeal. 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 direct approval from the Chancellor and Executive Vice Chancellor & Provost on August 7, 2013

2.5.1 DISCIPLINARY STANDARDS

1. Disciplinary Probation and Suspension

According to the laws of the State of Arizona, jurisdiction and control over the Maricopa Community Colleges are vested in the District Governing Board. The Governing Board and its agents--the chancellor, administration and faculty--are granted broad legal authority to regulate student life subject to basic standards of reasonableness.

In developing responsible student conduct, the Maricopa Community Colleges prefer mediation, guidance, admonition and example. However, when these means fail to resolve problems of student conduct and responsibility, appropriate disciplinary procedures will be followed.

Misconduct for which students are subject to disciplinary action falls into the general areas of:

- A. Cheating on an examination, assessment tests, laboratory work, written work (plagiarism); falsifying, forging or altering college records.
- B. Actions or verbal statements which threaten the personal safety of any faculty, staff, students, or others lawfully assembled on the campus, or any conduct which is harmful, obstructive, disruptive to, or interferes with the educational process or institutional functions.
- C. Violation of Arizona statutes, and/or college regulations and policies.
- D. Use of college computer resources such as the Internet in violation of Technology Resource Standards (AR 4.4) which may result in notification of law enforcement authorities.

2. Disciplinary Removal from Class

A faculty member may remove a student from class meetings for disciplinary reasons. If a faculty member removes a student for more than one class period, the faculty member shall notify the department/division chair and the appropriate vice president or designee in writing of the problem, action taken by the faculty member, and the faculty member's recommendation. If a resolution of the problem is not reached between the faculty member and the student, the student may be removed permanently pursuant to due process procedures.

2.5.2 STUDENT CONDUCT CODE

The purpose of this Code is to help ensure a healthy, comfortable and educationally productive environment for students, employees and visitors.

ARTICLE I: DEFINITIONS

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

1. "Accused student" means any student accused of violating this Student Conduct Code.
2. "Appellate boards" means any person or persons authorized by the college president to consider an appeal from a Student Conduct Board's determination that a student has violated this Student Conduct Code or from the sanctions imposed by the Student Conduct Administrator. The college president may act as the appellate board.
3. "College" means a Maricopa Community College or center.
4. "College premises" means all land, buildings, facilities and other property in the possession of or owned, used or controlled by the college or District.
5. "College official" means any person employed by the college or District, performing assigned administrative or professional responsibilities pursuant to this Student Conduct Code. The college president shall designate the college or center official to be responsible for the administration of the Student Conduct Code.
6. "Complainant" means any person who submits a charge alleging that a student violated this Student Conduct Code. When a student believes that s/he has been a victim of another student's misconduct, the student who believes s/he has been



a victim will have the same rights under this Student Conduct Code as are provided to the complainant, even if another member of the college community submitted the charge itself.

7. "Day" means calendar day at a time when college is in session, and shall exclude weekends and holidays.
8. "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.
9. "District" means the Maricopa County Community College District.
10. "Faculty member" means any person hired by the college or District to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of faculty.
11. "May" is used in the permissive sense.
12. "Member of the college community" means any person who is a student, faculty member, college official or any other person employed by the college or center. A person's status in a particular situation shall be determined by the college president.
13. "Organization" means any number of persons who have complied with the formal requirements for college recognition.
14. "Policy" is defined as the written regulations of the college and/or District as found in, but not limited to, this Student Conduct Code and Governing Board policy.
15. "Shall" is used in the imperative sense.
16. "Student" means any person taking courses at the college whether full-time or part-time. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the college are considered "students".
17. "Student Conduct Administrator" means a college official authorized on a case by case basis by the college official responsible for administration of the Student Conduct Code to impose sanctions upon students found to have violated this Student Conduct Code. A Student Conduct Administrator may serve simultaneously as a Student Conduct Administrator and the sole member or one of the members of a Student Conduct Board. The college official responsible for administration of the Student Conduct Code may authorize the same Student Conduct Administrator to impose sanctions in all cases.
18. "Student Conduct Board" means any person or persons authorized by the college president to determine whether a student has violated this Student Conduct Code and to recommend sanctions that may be imposed when a violation has been committed.
19. "Threatening behavior" means any written or oral statement, communication, conduct or gesture directed toward any member of the college community, which causes a reasonable apprehension of physical harm to self, others or property. It does not matter whether the person communicating the threat has the ability to carry it out, or whether the threat is made on a present, conditional or future basis.

ARTICLE II: JUDICIAL AUTHORITY

1. The college official responsible for administration of the Student Conduct Code shall determine the composition of Student Conduct Board and determine which Student Conduct Administrator, Student Conduct Board, and appellate board shall be authorized to hear each case.
2. The college official responsible for administration of the Student Conduct Code shall develop procedures for the administration of the judicial program and rules for the conduct of hearings that are consistent with provisions of this Student Conduct Code.
3. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the normal appeal process.

ARTICLE III: PROHIBITED CONDUCT

1. Jurisdiction of the College

The Student Conduct Code shall apply to conduct that occurs on college or District premises, or at college- or District-sponsored activities that adversely affects the college community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of admission through the actual awarding of a degree, certificate, or similar indicator of completion of a course of study, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded). 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. Temporary Removal of Student

Disruptive behavior includes conduct that distracts or intimidates others in a manner that interferes with instructional activities, fails to adhere to a faculty member's appropriate classroom rules or instructions, or interferes with the normal operations of the college. Students who engage in disruptive behavior or threatening behavior may be directed by the faculty member to leave the classroom or by the college official responsible for administration of the Student Conduct Code to leave the college premises. If the student refuses to leave after being requested to do so, college safety may be summoned. For involuntary removal from more than one class period, the faculty member should invoke the procedures prescribed in the Student Conduct Code.



3. 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. Furnishing false information to any college official or office.
 - ii. Forgery, alteration or misuse of any college document, record or instrument of identification.
 - iii. Tampering with the election of any college- recognized student organization.
- B. Obstruction of teaching, research, administration, disciplinary proceedings or other college activities, including its public service functions on campus, in clinical settings or other authorized non-college activities, when the conduct occurs on college premises a faculty member may remove a student from a class meeting for disciplinary reasons. If a faculty member removes a student for more than one class period, the faculty member shall notify the college official responsible for administration of the Student Conduct Code in writing of the problem, action taken by the faculty member, and the faculty member's recommendation. If a resolution of the problem is not reached, the student may be removed permanently pursuant to appropriate due process procedures.
- C. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, conduct which threatens or endangers the health or safety of any person, and/or disruptive behavior as defined in Article II.B. above.
- D. Attempted or actual theft of and/or damage to property of the college or property of a member of the college community or other personal or public property.
- E. Failure to comply with direction of college officials or law enforcement officers in the performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- F. Unauthorized possession, duplication or use of keys to any college premises, or unauthorized entry to or use of college premises.
- G. Violation of any college or District policy, rule or regulation published in hard copy such as a college catalog, handbook, etc. or available electronically on the college's or District's website.
- H. Violation of federal, state or local law.
- I. Use, possession, manufacturing or distribution of illegal or other controlled substances except as expressly permitted by law.
- J. Illegal use, possession, manufacturing or distribution of alcoholic beverages or public intoxication.
- K. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises, or use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others, or property damage.
- L. Participation in a demonstration, riot or activity that disrupts the normal operations of the college and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any college building or area.
- M. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
- N. Conduct that is disorderly, lewd or indecent; breach of the peace; or aiding, abetting or procuring another person to breach the peace on college premises or at functions sponsored by or participated in by the college or members of the academic community. Disorderly conduct includes but is not limited to: any unauthorized use of electronic or other devices or to make an audio or video record of any person while on college or District premises without his/her prior knowledge, or without his/her effective consent or when such a recording is likely to cause injury or distress. This includes, but is not limited to, secretly taking pictures of another person in a gym, locker room, or restroom.
- O. Attempted or actual theft or other abuse of technology facilities or resources, including but not limited to:
 - i. Unauthorized entry into a file, to use, read or change the contents or for any other purpose
 - ii. Unauthorized transfer of a file
 - iii. Unauthorized use of another individual's identification and/or password
 - iv. Use of technology facilities or resources to interfere with the work of another student, faculty member or college official
 - v. Use of technology facilities or resources to send obscene or abusive messages
 - vi. Use of technology facilities or resources to interfere with normal operation of the college technology system or network
 - vii. Use of technology facilities or resources in violation of copyright laws
 - viii. Any violation of the District's technology resource standards
 - ix. Use of technology facilities or resources to illegally download files



- P. Abuse of the Student Conduct system, including but not limited to:
 - i. Falsification, distortion or misrepresentation of information before a Student Conduct Board.
 - ii. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
 - iii. Invoking a Student Conduct Code proceeding with malicious intent or under false pretenses
 - iv. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system
 - v. Attempting to influence the impartiality of the member of a judicial body prior to, and/or during the course of, the Student Conduct Board proceeding
 - vi. Harassment, either verbal or physical, and/or intimidation of a member of a Student Conduct Board prior to, during and/or after a Student Conduct Board proceeding
 - vii. Failure to comply with the sanctions imposed under this Student Conduct Code
 - viii. Influence or attempting to influence another person to commit an abuse of the Student Conduct Code system
 - ix. Failure to obey the notice from a Student Conduct Board or college official to appear for a meeting or hearing as part of the Student Conduct system.
- Q. Engaging in irresponsible social conduct.
- R. Attempt to bribe a college or District employee.
- S. Stalking behavior, which occurs if a student intentionally or knowingly maintains visual or physical proximity toward another person on two or more occasions over a period of time and such conduct would cause a reasonable person to fear for his or her safety.

4. Violation of Law and College Discipline

- A. Disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Conduct Code (that is, if both possible violations result from the same factual situation) without regard to pending of civil or criminal litigation. Proceedings under this Student Conduct Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the college official responsible for administration of the Student Conduct Code. Determinations made or sanctions imposed under this Student Conduct Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
- B. When a student is charged by federal, state or local authorities with a violation of law, the college will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under this Student Conduct Code, however, the college may advise off campus authorities of the existence of this Student Conduct Code and of how such matters will be handled internally within the college community. The college will cooperate fully with the law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and faculty members, acting within their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES

- 1. Charges and Student Conduct Board Hearings
 - A. Any member of the college community may file charges against a student for violations of this Student Conduct Code. A charge shall be prepared in writing and directed to the Student Conduct Administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within thirty (30) days following the incident. Misconduct charges of a sexual nature, including sexual harassment and sexual assault, should be sent to the vice president of student affairs who is the designated Title IX Coordinator at each MCCCDC college. Title IX protects students from sexual misconduct and other forms of discrimination in connection with all academic, extracurricular, athletic, and other programs sponsored by the college at any college facility or other location. The Title IX Coordinator (or designee) will conduct an investigation that is prompt, thorough, and impartial according to the MCCCDC sexual harassment complaint process.
 - B. The Student Conduct Administrator may conduct a prompt, thorough, and impartial investigation to determine if the charges have merit and/or if they can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings. If the charges are not admitted and/or cannot be disposed of by mutual consent, the Student Conduct Administrator will convene the student conduct board. If the student admits violating institutional rules, but sanctions are not agreed to, the hearing shall be limited to determining the appropriate sanction(s).
 - C. All charges shall be presented to the accused student in written form. The student conduct administrator will provide written notice of the time, date, and location of the student conduct hearing. The notice will describe the evidence of



alleged misconduct, the code provisions violated, and the possible sanctions. The student conduct hearing notice, plus a copy of this code, shall be provided to the student accused of misconduct no less than five (5) workdays before the hearing date. The hearing will be held no more than fifteen (15) workdays after the student has been notified unless the student conduct administrator extends the deadline for good cause in his or her sole discretion.

- D. Hearings shall be conducted by a Student Conduct Board according to the following guidelines, except as provided by Article IV A.7 below:
- i. Student Conduct Board hearings normally shall be conducted in private.
 - ii. The complainant, accused student and their advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board hearing at which information is received (excluding deliberations). Admission of any person to the hearing shall be at the discretion of the Student Conduct Board and/or its Student Conduct Administrator.
 - iii. In Student Conduct Board hearings involving more than one accused student, the Student Conduct Administrator, in his or her discretion, may permit the Student Conduct Board hearing concerning each student to be conducted either separately or jointly.
 - iv. The complainant and the accused shall have the right to be assisted by any advisor they choose, at their own expense. A party who elects to be assisted by an advisor must notify the student conduct administrator of the name and contact information of the advisor not less than two (2) days before the scheduled hearing. The advisor must be a member of the college community and may not be an attorney. Both the complainant and the accused are responsible for presenting their own information and, therefore, advisors are not permitted to speak or participate directly in any Student Conduct Board hearing before a Student Conduct Board.
 - v. The complainant, the accused student, and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The student conduct administrator will try to arrange the attendance of possible witnesses who are members of the college community, if reasonably possible, and who are identified by the complainant and/or accused student at least two days prior to the Student Conduct Board hearing. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved in the discretion of the chairperson of the Student Conduct Board.
 - vi. The student conduct administrator will present the information he or she received.
 - vii. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.
 - viii. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.
 - ix. After the portion of the Student Conduct Board hearing concludes in which all pertinent information has been received, the Student Conduct Board shall determine (by majority vote if the Student Conduct Board consists of more than one person) whether the accused student violated the section of this Student Conduct Code which the student is charged with violating.
 - x. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the accused student violated this Student Conduct Code.
- E. There shall be a single verbatim record, such as a tape recording, of all Student Conduct Board hearings before a Student Conduct Board (not including deliberations). The record shall be the property of the District.
- F. No student may be found to have violated this Student Conduct Code because the student failed to appear before a Student Conduct Board. In all cases, the evidence and support of the charges shall be presented and considered.
- G. The Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the college official responsible for administration of the Student Conduct Code.
2. Sanctions
- A. The following sanctions may be imposed upon any student found to have violated the Student Conduct Code:
- i. Warning - a written notice to the student that the student is violating or has violated institutional rules or regulations.
 - ii. Probation - a written reprimand for violation of specified rules or regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional rules or regulation(s) during the probationary period.
 - iii. Loss of Privileges - denial of specified privileges for a designated period of time.
 - iv. Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.



- v. Discretionary Sanctions - work assignments, essays, service to the college, or other related discretionary assignments. (Such assignments must have the prior approval of the Student Conduct Administrator.)
 - vi. College Suspension - separation of the student from all the colleges in the District for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - vii. College Expulsion - permanent separation of the student from all the colleges in the District.
- B. More than one of the sanctions listed above may be imposed for any single violation.
- C. Other than college expulsion, disciplinary sanction shall not be made part of the student's academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions upon the student's application to the Student Conduct Administrator. Cases involving the imposition of sanctions other than suspension or expulsion shall be expunged from the student's confidential record five (5) years after final disposition of the case. In situations involving both an accused student(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the accused student(s) and the student(s) claiming to be the victim because the educational career and chances of success in the college community of each may be impacted.
- D. The following sanctions may be imposed upon groups or organizations:
- i. Those sanctions listed above in Article IV B. 1. a through d.
 - ii. Loss of selected rights and privileges for a specified period of time.
 - iii. Deactivation - loss of all privileges, including college recognition for a designated period of time.
- E. In each case in which a Student Conduct Board determines that a student and/or group or organization has violated the Student Conduct Code, the sanction(s) shall be determined and imposed by the Student Conduct Administrator. In cases in which persons other than, or in addition to, the Student Conduct Administrator have been authorized to serve as the Student Conduct Board, the recommendation of the Student Conduct Board shall be considered by the Student Conduct Administrator in determining and imposing sanctions. The Student Conduct Administrator is not limited to sanctions recommended by members of the Student Conduct Board. Following the Student Conduct Board hearing, the Student Conduct Board and the Student Conduct Administrator shall advise the accused student, group and/or organization (and a complaining student who believes s/he was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.
3. Emergency Suspension
- If a student's actions pose an immediate threat or danger to any member of the college community or the educational processes, a college official responsible for administering the Student Conduct Code may immediately suspend or alter the rights of a student pending a Student Conduct Board hearing. Scheduling the hearing shall not preclude resolution of the matter through mediation or any other dispute resolution process. The decision will be based on whether the continued presence of the student on the college campus reasonably poses a threat to the physical or emotional condition and well-being of any individual, including the student, or for reasons relating to the safety and welfare of any college property, or any college function. When an emergency suspension is imposed, the student conduct administrator will seek to resolve the complaint at the earliest possible date. This suspension is not a sanction but an effort to protect people and property and prevent disruption of college operations.
- In imposing an emergency suspension, the college official responsible for administration of the Student Conduct Code may direct that the student immediately leave the college premises and may further direct the student not to return until contacted by that official. An accused student shall be in violation of this policy regardless of whether the person who is the object of the threat observes or receives it, as long as a reasonable person would interpret the communication, conduct or gesture as a serious expression of intent to harm.
4. Administrative Hold
- The student conduct administrator may place a temporary administrative hold preventing an accused student's registration, financial aid award, transcript release, or graduation if it is necessary to secure the student's cooperation in the investigation or compliance with a direction. This hold is not a sanction but a necessary step to resolve the complaint promptly.
5. Academic Consequences
- Violations of the student conduct code can have academic consequences if the violation also constitutes failure to meet standards of performance or professionalism set by the instructor or the program, or if it constitutes cheating, plagiarism, falsification of data, or other forms of academic dishonesty. The instructor may award a failing grade for the assignment or the course in such cases, and the program faculty may decide that the student is ineligible to continue in the program. Academic consequences are determined by the faculty and academic administration, and are not dependent on the decisions of the student conduct board, the appeals board, or the student conduct administrator.
6. Appeals Regarding Student Code of Conduct
- A. A decision reached by the Student Conduct Board judicial body or a sanction imposed by the Student Conduct Administrator may be appealed by accused students or complainants to an Appellate Board within five (5) days of



- receipt of the decision. Such appeals shall be in writing and shall be delivered to the Student Conduct Administrator.
- B. Except as required to explain on the basis of new information, an appeal shall be limited to the review of the verbatim record of the Student Conduct Board hearing and supporting documents for one or more of the following purposes:
 - i. To determine whether the Student Conduct Board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and present information that the Student Conduct Code was violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - ii. To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Conduct Code occurred.
 - iii. To determine whether the sanction(s) imposed was appropriate to the violation of the Student Conduct Code which the student was found to have committed.
 - iv. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board hearing.
 - C. If an appeal is upheld by the appellate board, the matter shall be returned to the original Student Conduct Board and Student Conduct Administrator for reopening of the Student Conduct Board hearing to allow reconsideration of the original determination and/or sanction(s). If an appeal is not upheld, the matter shall be considered final and binding upon all concerned.

ARTICLE V: INTERPRETATION AND REVISION

Any question of interpretation regarding the Student Conduct Code shall be referred to the college official responsible for administration of the Student Conduct Code for final determination.

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" means 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 s/he 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. 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 FERP explanation)

Students will be notified of their further rights annually by publication in the college catalog and/or the student handbook.

Individuals requesting admission or enrollment at any of the Maricopa 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 we offer.



Rights of Access to Educational Records

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. These rights are:

- A. The right to inspect and review the student's education records within 45 days of the day the college receives a request for access.

Students should submit to the college admissions and records department written requests that identify the record(s) they wish to inspect. 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.

- B. The right to request the amendment of the student's education records that the student believes to be inaccurate or misleading.

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.

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.

- 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.

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 MCCCDC whom the college or district has determined to have legitimate educational interests. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities. This includes contractors, attorneys, auditors, collection agents, consultants, volunteers, or other parties to whom the college has outsourced institutional services or functions, provided that the conditions listed in §99.31(A)(1)(I)(B)(1) – (A)(1)(I)(B)(2) are met. (§99.31(A) (1))
2. To officials of another school where the student seeks to or intends to enroll, or where the student is already enrolled if the disclosure is for purposes related to the student's enrollment or transfer, subject to the requirements of §99.34. (§99.31(A) (2))
3. To authorized representatives of the US Comptroller General, the US Attorney General, and the US Secretary of Education, or State and Local Educational Authorities, such as a state postsecondary authority that is responsible for supervising the college's state supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of federal- or state-supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement, or compliance activity on their behalf (§99.31(A) (3) AND 99.35)
4. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§99.31(A) (4))
5. To organizations conducting studies for, or on behalf of, the college, in order to: (A) Develop, Validate, or Administer Predictive Tests; (B) Administer student aid programs; or (C) Improve instruction (§99.31(A) (6))
6. To accrediting organizations to carry out their accrediting functions. (§99.31(A) (7))
7. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§99.31(A) (8))
8. To comply with a judicial order or lawfully issued subpoena. (§99.31(A) (9))
9. To appropriate officials in connection with a health or safety emergency, subject to §99.36. (§99.31(A) (10))
10. Information the college has designated as "Directory Information" under §99.37. (§99.31(A) (11))
11. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of §99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged



crime or offense, regardless of the finding. (§99.31(A) (13))

12. To the general public, the final results of a disciplinary proceeding, subject to the requirements of §99.39, if the school determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the college's rules or policies with respect to the allegation made against him or her.(§99.31(A) (14))

13. To parents of a student regarding the student's violation of any federal, state, or local law, or of any rule or policy of the school, governing the use or possession of alcohol or a controlled substance if the school determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(A) (15))

Students who believe that MCCCDC or an agent of the college has disclosed information contrary to the provisions outlined in this section may submit a grievance via the non-instructional complaint resolution process. The process is posted at: www.maricopa.edu/publicstewardship/governance/adminregs/appendices/S-8.php

- D. The right to file a complaint with the US Department of 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 Ave., S.W.
Washington, DC 20202-4605

5. Student Directory

A Maricopa 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 Admissions and Records OFFICE/OFFICE OF STUDENT ENROLLMENT SERVICES.

At any Maricopa community college, directory information is defined as a student's name, address, telephone number, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees and awards received, dates of attendance, part-time or full-time status, most recent previous educational agency or institution attended by the student, college within the Maricopa Community Colleges where the student has been enrolled, photograph of student, and electronic mail address.

6. Disclosure to Parents

In accordance with federal law, college officials may disclose educational records to parents of minors or 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.

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.

4.18 CONSENSUAL RELATIONSHIPS

A. General

The existing Governing Board Policy on Hiring of Relatives prohibits employees from involvement in any employment or key decision that involves a relative. This would include work performance, job assignments, or pay related matters. In that 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 contexts of supervision, purchasing or contract decisions, instruction, coaching, counseling, advisement or security personnel. 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 present or suggest to third parties the appearance that unfair bias or favoritism towards the student, supervisee or vendor is taking place.

1. Definitions

- a. Consensual relationships are defined as romantic, amorous and/or sexual relationships between consenting employee, between employees and vendors, or between employees and adult (18 years or older) college students currently enrolled at one of the community colleges.
- b. 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 manual. An employee also includes at-will, part-time, temporary or a contract worker (special services employment, request for personnel services) working or serving as an agent or designee on behalf of the MCCCD.
- c. 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.
- d. A vendor is someone who sells or can sell products or services to the Maricopa County Community College District.
- e. A recent consensual relationship is considered to be one that has taken place within the past 24 months.

2. Prohibited Conduct

- a. 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 or prospective vendor if the employee manages that contract or otherwise exerts influence over the contract.
- b. 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.

B. Procedures for Disclosure

Employees should first avoid allowing an inappropriate consensual, amorous or sexual relationship to develop with a supervisee or student.

1. Where the employee is already in or has had a recent consensual relationship with a supervisee, the following procedures shall be followed:
 - a. 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.
 - b. 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.
 - c. 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.
 - d. 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 Vice Chancellor of Human Resources shall be provided a copy of the report along with the employees involved in the relationship.



2. 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:
 - a. The faculty member shall counsel and advise the student not to enroll in his or her course.
 - b. The Consensual Relationships Policy will be made available to students via the student handbook and other appropriate communications vehicles.
 - c. 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.
- C. 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 at www.maricopa.edu/disclosure/
- D. 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.