

## students section II

### 2.5 students rights and responsibilities

#### 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 an instructor 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.

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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.

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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:

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- 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

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- 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

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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

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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

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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 seven (7) 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

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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

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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.

*Amended through Direct Approval by the Executive Vice Chancellor and Provost, January 31, 2017*

#### 2.5.3 Student Records

##### 1. Definitions

For the purposes of this policy, the Maricopa County Community College District has used the following definition of terms.

- A. "College" includes all colleges, educational centers, skill centers and District office.
- B. "Educational Records" are any record (in handwriting, print, tapes, film, or other media) maintained by the college or an agent of the college which is directly related to a student, except:
  - i. A personal record kept by a staff member, if it is kept in the personal possession of the individual who made the record, and information contained in the record has never been revealed or made available to any other person except the maker's temporary substitute
  - ii. An employment record of an individual whose employment is not contingent on the fact that he or she is a student, provided the record is used only in relation to the individual's employment
  - iii. Records maintained by the colleges security unit, if the record is maintained solely for law enforcement purposes, is revealed only to law enforcement agencies of the same jurisdiction and the security unit does not have access to education records maintained by the community college.
  - iv. 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