

## **COLLEGE ENVIRONMENT**

- SEXUAL HARRASSMENT POLICY
- PETITION SIGNATURE SOLICITATION
- SOLICITATION
- CHILDREN ON CAMPUS
- CRIME AWARENESS & CAMPUS SECURITY ACT
- WORKPLACE VIOLENCE PREVENTION
- STUDENT RIGHT TO KNOW

## **STUDENT RIGHTS & RESPONSIBILITIES**

- COPYRIGHT ACT COMPLIANCE
- TAPING OF FACULTY LECTURES
- TECHNOLOGY RESOURCE STANDARDS
- PROHIBITED CONDUCT
- DISCLAIMER
- COMPLAINTS & VIOLATIONS
- HAZING PREVENTION REGULATION
- ABUSE-FREE ENVIRONMENT
- DISABILITY RESOURCES & SERVICES
- ACADEMIC MISCONDUCT
- DISCIPLINARY STANDARDS
- STUDENT CONDUCT CODE
- STUDENT RECORDS
- CONSENSUAL RELATIONSHIPS

## **COLLEGE ENVIRONMENT**

### **SEXUAL HARASSMENT POLICY (AR 2.4.4 & 5.1.8-17)**

The policy of the Maricopa Community Colleges is to provide an educational, employment, and business environment free of 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.

Sexual harassment by and between employees, students, employees and students, and campus visitors and students or employees is prohibited by this policy.

Violations of this policy may result in disciplinary action up to and including termination of employees, sanctions up to and including suspension or expulsion of students, and appropriate sanctions against campus visitors.

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.

#### **Examples of Policy Violations (AR 5.1.9)**

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

- A. Make unwelcome sexual advances to another employee, student or campus visitor;
- B. Make unwelcome requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment or academic relationship;
- C. Engage in verbal or physical conduct of a sexual nature with another employee, student or campus visitor, that may threaten or insinuate, either explicitly or implicitly, that the individual's submission to, or rejection of, the sexual advances will in any way:
  1. Influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or
  2. Influence his or her grades, participation in or access to academic programs, class standing or other educational opportunities;
- D. Engage in verbal or physical conduct of a sexual nature that:
  1. Has the purpose or effect of substantially interfering with an employee's ability to do his or her job; or with a student's ability to learn or participate in a class; or
  2. Which creates an intimidating, hostile or offensive work or academic environment;
- E. Commit any act of sexual assault or public sexual indecency against any employee or student whether on Maricopa Community Colleges property or in connection with any Maricopa Community Colleges-sponsored activity;
- F. Continue to express sexual interest in another employee, student or campus visitor after being informed or on notice that the interest is unwelcome (reciprocal attraction is not considered sexual harassment);
- G. 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.

### **ADDITIONAL POLICY VIOLATIONS (AR 5.1.10)**

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.

### **RESPONSIBILITY FOR POLICY ENFORCEMENT (AR 5.1.11)**

- 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.

## **COMPLAINTS (AR 5.1.12)**

### **A. 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.

### **B. Students**

Students who experience sexual harassment in the academic environment (by a faculty member, administrator, campus visitor or other student) are urged to report such conduct to the vice president of student affairs or designee at each individual 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.

### **C. 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 as professionally and expeditiously as possible.
- Where investigation confirms the allegations, appropriate responsive action will be taken by the college/center/MCCCD.

## **CONFIDENTIALITY (AR 5.1.13)**

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.

## **VIOLATIONS OF LAW (AR 5.1.14)**

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.

## **FALSE STATEMENTS PROHIBITED (AR 5.1.15)**

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.

## **RETALIATION PROHIBITED (AR 5.1.16)**

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.

## **EMISSIONS CONTROL COMPLIANCE (AR 2.4.6)**

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.

## **PETITION SIGNATURE SOLICITATION (AR 2.4.8)**

- A. 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.
- B. 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.

- C. 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.
- D. 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.

## **SOLICITATION (AR 2.4.9)**

### **A. Definitions**

A "solicitor" is any non-Maricopa Community Colleges-affiliated entity that would, on the premises of any Maricopa Community College or Center, purport to sell or promote any product, service, or idea, but does not include such an entity that would enter the premises for the purposes of promoting, opposing, or soliciting petition signatures in connection with any political candidate or initiative, or referendum ballot.

A "special event" is a college-sponsored event conducted on college premises for the benefit of students that is based on a particular theme, and for which the college has deemed it essential to invite the participation of solicitors whose products, services or ideas are pertinent to the special event's theme.

### **B. Requirements**

1. A solicitor must notify the designated official at each college or center of their intent to solicit on college or center premises. A solicitor who would purport to sell any product or service is responsible for obtaining any necessary tax licenses and must submit to the designated official a certificate of commercial liability insurance and pay to the college or center, in consideration for the opportunity for solicitation, a fee in the amount of \$50 per day or \$125 per full week.
2. Campus restrictions regarding location, time, date, and use of amplification may apply. All requests for space shall be granted on a first-come, first-served basis only upon completion of the requirements contained in this regulation.
3. All solicitation must take place at tables in designated areas. Standard space will be one or two tables and chairs. Solicitors may be limited to no more than fifty (50) hours of solicitation activity per semester at each college or center.

By requesting the opportunity for solicitation on the premises of a college or center, a solicitor warrants that it may lawfully sell or promote its product, service or idea and that such activity does not violate any law, and does not violate any trademark, copyright, or similar proprietary interest. The activity of any solicitor may not violate any existing Maricopa contract.

The president of every college or center shall establish for such location restrictions governing the activities of solicitors. Such restrictions shall supplement, but shall not replace or waive, this regulation.

A college may waive the fee prescribed in this regulation for any solicitor's participation in a special event if the college determines that such participation will be of particular educational benefit to the interests of that college's students; the participation is sponsored by a club, organization, or academic division; and the participation is approved by the college's Student Life and Leadership department. A college may waive both the fee and the insurance certificate requirements prescribed in this regulation for a student purporting to sell or promote a product or service at a special event, provided that:

- a. Such product or service presents low risk of harm to a potential user;
  - b. The product or service is not food or food-related and;
  - c. The student is soliciting solely on his or her own behalf and not pursuant to any sales agreement, commission agreement, or similar affiliation or contractual relationship with another entity.
4. Any solicitor who violates this regulation may be deemed a trespasser on college or center premises, and therefore subject to appropriate prosecution within the discretion of the College Safety department and other responsible officials at the college or center. The Maricopa County Community College District, its colleges and centers, assume no responsibility - financial or otherwise - for the acts or omissions of any vendor whose presence on college premises pursuant to this regulation is approved by any college official.

## **CHILDREN ON CAMPUS (AR 2.4.10)**

- 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.

## **CRIME AWARENESS AND CAMPUS SECURITY ACT (AR 2.4.11)**

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.

## **WORKPLACE VIOLENCE PREVENTION (AR 2.4.12)**

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.

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.

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.

## **STUDENT RIGHT TO KNOW (AR 2.4.13)**

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**

### **COPYRIGHT ACT COMPLIANCE (AR 2.4.5)**

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.

### **COPYRIGHT REGULATION (AR 3.2)**

- 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.

To learn more about copyright, go to: <http://www.dist.maricopa.edu/legal/> and click on "Intellectual Property." While you're there, you should read the Maricopa Community Colleges' Copyright Guidelines. You should also review the complete text of the Computer Resource Standards which can be found under the "Information Technology" link. The Standards also appear in college catalogs and student handbooks.

### **TAPING OF FACULTY LECTURES (AR 3.4)**

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.

### **TECHNOLOGY RESOURCE STANDARDS (AR 4.4) 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.

### **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.

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. A 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.

Frequently, access to Maricopa's technology resources can be obtained only through use of a password known exclusively to the user. It is the user's responsibility to keep a password confidential. While Maricopa takes reasonable measures to ensure network security, it cannot be held accountable for unauthorized access to its technology resources by other users, both within and outside the Maricopa community. Moreover, it cannot guarantee users protection against loss due to system failure, fire, etc.

Much of the data contained in Maricopa records that are accessible through use of technology resources is confidential under state and federal law. That a user may have the technical capability to access confidential records does not necessarily mean that such access is authorized. A user of Maricopa's technology resources is prohibited from the unauthorized access to, or dissemination of, confidential records.

Violation of any provision of the Standards could result in immediate termination of a user's access to Maricopa's technology resources, as well as appropriate disciplinary action. A violation of the Standards should be reported immediately to the appropriate administrator.

## **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 MCCCCD 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.

## **DISCLAIMER**

The home page of a website 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.

## **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.

## **HAZING PREVENTION REGULATION (AR 2.6)**

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.

## **ABUSE-FREE ENVIRONMENT (AR 2.4.7)**

### **A. 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.

This policy statement has been constructed on the belief that higher education has a responsibility to face safety and health factors of substance abuse/misuse issues forthrightly and innovatively. We believe that the community college needs to adapt programs applicable to their community as well as to our individual student's needs. The policy statements should be comprehensive, understood by those expected to comply, realistic and enforceable, consistently applied, and cover foreseeable dangers.

Construction of this statement has been founded on concerns of individual safety, educational quality, and legal liability. It is recognized that each individual is responsible for his/her actions and must be afforded an opportunity to develop knowledge, skills and talent, and be willing to share community responsibilities. The Maricopa Community College District has an equal "duty to care" responsibility and a commitment to substance abuse/misuse education for all students and employees.

The Maricopa Community College District shall:

1. Visibly demonstrate a performance of the Maricopa Community College District "duty to care."
2. Comply with requirements for federal funds.
3. Describe what the college does about substance abuse/misuse (alcohol, drugs, anabolic steroids).
4. Inform/educate members of the academic community of adverse effects of these substances.
5. Inform/educate the academic community about the policies concerning substance misuse and abuse.
6. Discourage illegal drug abuse and legal substance misuse.
7. Provide individual and group counseling
8. Provide assistance and guidance to obtain treatment and rehabilitation of any identified problem. To achieve these objectives, the program must provide an environment capable of:
  - a. Developing and implementing substance misuse/abuse prevention programs.
  - b. Providing educational training and prevention programs for the college and community it serves.
  - c. Providing timely and accurate information dissemination.
  - d. Establishing supportive counseling programs as needed.
  - e. Establishing a strong on-going evaluation of services.
  - f. Providing assistance to obtain treatment and rehabilitation of substance abuse/misuse.
  - g. Clarifying the college regulations for control of alcohol and drug use.
  - h. Providing procedures that the college will follow to correct and stabilize emergency situations.

Each college will identify key people to provide emergency services and to contact and work with outside agencies.

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.

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.

### **B. Student Program to Prevent Illicit Use of Drugs and Abuse of Alcohol**

#### **1. 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. Based upon that concern, it is intended that this program on prevention of alcohol and drug abuse on college campuses will go beyond the strict dictates of the law and will serve as a comprehensive educational and resource tool.

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. Part of the educational mission of Maricopa Community Colleges, in conjunction with this program, is to educate students about positive self-development, the benefits of a healthy lifestyle and the health risks associated with substance abuse.

The purpose of this program is to:

- a. Ensure that the Maricopa Community Colleges working and learning environment for students and the public is safe, orderly and free of illegal activity.
- b. Comply with the Drug-Free School and Communities Act of 1989, and other relevant substance abuse laws.
- c. Provide students with access to appropriate treatment and rehabilitation assistance for problems associated with substance use or abuse.

## 2. 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:

- a. Drinking or possession of alcoholic beverages on the college campus.
- b. Misuse of narcotics or drugs.

## 3. Sanctions for Violation of Standards of Conduct

Disciplinary actions include, but are not limited to:

- a. Warning,
- b. Loss of privileges,
- c. Suspension, or
- d. Expulsion.

## 4. Legal Consequences of Alcohol and Other Drugs

### a. Laws Governing Alcohol

The State of Arizona sets twenty-one as the "legal drinking age." An underage person who buys, receives, possesses or consumes alcoholic beverages is guilty of a misdemeanor and may be subject to a fine and imprisonment for up to six months.

The Uniform Act Regulating Traffic on Highways prohibits driving while under the influence of intoxicating liquor or drugs (DWI). Drivers charged with DWI who refuse to be tested face suspension of their licenses or permits to drive for twelve months. A driver whose test results show a blood or breath alcohol concentration of 0.08 or more will have his/her license or permit to drive suspended or denied for not less than ninety consecutive days. The punishment for DWI ranges from not less than twenty-four consecutive hours in jail and a fine of not less than \$250 for a first offense to a minimum of six months in jail and revocation of the driver's license for three years upon a third offense.

### b. Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance

1. First conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.
2. After one prior drug conviction: At least fifteen days in prison, not to exceed two years and fined at least \$2,500 but not more than \$250,000, or both.
3. After two or more prior drug convictions: At least ninety days in prison, not to exceed three years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provisions for possession of crack cocaine:

1. Mandatory at least five years in prison, not to exceed twenty years and fined up to \$250,000, or both, if:
  - i. First conviction and the amount of crack possessed exceeds five grams.
  - ii. Second conviction and the amount of crack possessed exceeds three grams.
  - iii. Third or subsequent crack conviction and the amount of crack possessed exceeds one gram.
2. Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one year imprisonment. (See special sentencing provisions re: crack)
3. Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.
4. Civil fine of up to \$10,000 (pending adoption of final regulations).

5. Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.
6. Ineligible to receive or purchase a firearm.
7. Miscellaneous: Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.

Note: These are only Federal penalties and sanctions.

- c. State Penalties and Sanctions Title Thirteen, Chapter 34 of the Arizona Revised Statutes lists drug offenses and their penalties. Following is list of drugs that are frequently misused with a description of the potential penalties attached to a conviction.
  1. Marijuana: A first offense for possession or use of marijuana in an amount of less than one pound constitutes a class 6 felony and carries a possible prison term of one and one-half years and a fine of not less than seven hundred fifty dollars. The sale of marijuana in an amount of less than one pound carries a prison sentence of four years and a fine of at least seven hundred fifty dollars.
  2. LSD: Possession, use and sale of LSD are felonies carrying sentences from four to five years and fines of not less than one thousand dollars.
  3. Heroin and Cocaine: Possession, use and sale of heroin are felonies carrying sentences from four to seven years and a fine of not less than two thousand dollars.

### **C. Alcoholic Beverages - Usage Regulation (AR 4.13)**

This Administrative Regulation prohibits the use of District funds to purchase alcoholic beverages or services related to them except in small amounts to be used in cooking for the District's culinary programs. Additionally, it generally prohibits the presence of alcoholic beverages on premises owned by the District, or those leased or rented by the institution. It permits a few, narrow exceptions to that latter prohibition. The exceptions are not available to the general population of District employees or officials. More importantly, they are established to ensure that the District's actions stay within the boundaries of state law and the District's insurance coverage. Therefore, strict compliance with this regulation is essential.

#### **1. No Funds**

No funds under the jurisdiction of the governing board of the District may be used to purchase alcoholic beverages, except for the limited purposes of purchasing small amounts of them for use solely as ingredients in food preparation for classes and at the District's culinary institutes. Alcoholic beverages may not be stored on premises owned, leased, or rented by MCCCDC except as provided in Paragraph 8.

#### **2. 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.

#### **3. 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.

#### **4. 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 MCCCDC Risk Manager. For events that the Chancellor sponsors, he or she will complete the form, sign it and provide it to the MCCCDC Risk Manager no later than 10 business days before the event. The MCCCDC Risk Manager will forward copies of the forms to the Arizona Department of Liquor Licenses and Control.

#### **5. Service restrictions required by law**

An event approved under Paragraph D must, by law, comply with the all of the following restrictions:

- a. 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;

- b. The gathering must be by invitation only, and not open to the public;
- c. The gathering may not exceed 300;
- d. Invitees may not be charged any fee for either the event or the beer or wine; and
- e. 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.

6. 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.

7. 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:

- a. 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;
- b. 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;
- c. The entity provides a certificate of insurance demonstrating that it has liquor liability coverage and that it adds the District as an additional insured;
- d. The entity agrees in writing to indemnify the District from any claims of any kind arising out of the event;
- e. 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;
- f. The contractor provides all of the beverages served and well as the servers or bartenders;
- g. 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
- h. The contractor agrees in writing to indemnify the District regarding the service of the beverages.

8. Receipt of Beverages; Storage

It is not permissible to store wine or beer on premises owned, leased or rented by MCCCCD, except as provided in this paragraph. Alcoholic beverages purchased for use in cooking in District culinary courses must be stored in such a way that it is inaccessible to anyone except the Director or designee of the culinary program. For wine and beer to be used for receptions at the district's culinary institutes, as authorized by this administrative regulation, the following storage requirements apply:

- a. Wine and beer to be served may only be brought to MCCCCD property no sooner than four hours prior to the event, and remain there no longer than four hours after the event; and
- b. Once the wine and beer arrives on MCCCCD property, the Director the culinary program shall assign an MCCCCD employee to ensure that it is not stolen or that it is not opened until ready to be served.

9. 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).

10. 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.

## 11. 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.

### **D. 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.

## **DISABILITY RESOURCES & SERVICES - ELIGIBILITY FOR ACCOMMODATIONS & REQUIRED DISABILITY DOCUMENTATION (AR 2.8)**

**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 services office or designated professional. This regulation is implemented in accordance with the American's with Disabilities Act.

### **GENERAL ELIGIBILITY REQUIREMENTS**

Each applicant with a disability must meet MCCCCD admissions requirements, or be enrolled as an MCCCCD student, and must provide Disability Resource Services (DRS) with required documentation verifying the nature and extent of the disability prior to receiving any accommodation. The disability services office coordinator/program advisor is responsible for evaluating documentation and determining accommodation eligibility.

### **SPECIFIC ELIGIBILITY**

#### Physical Disabilities – 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:

1. Orthopedic Disability
2. Blind or Visual Impairment
3. Deaf or Hard-of-Hearing
4. Traumatic Brain Injury
5. Other Health-Related/Systemic Disabilities

The Written Diagnostic Report Must Include:

- a. A clear disability diagnosis, including a clinical history that establishes the date of diagnosis, last contact with the student, and any secondary conditions that might be present.
- b. The procedures used to diagnose the disability.
- c. A description of any medical and/or behavioral symptoms associated with the disability.
- d. A discussion of medications, dosage, frequency, and any adverse side effects attributable to their use that the student has experienced.
- e. A clear statement specifying functional manifestations (i.e., substantial limitations to one or more major life activities and degree of severity) due to the disability and/or medications for which the student may require accommodations.
- f. A recommendation for accommodation, including rationale. If the accommodation recommendations are specific to limitations in learning (e.g., reading, mathematics, written expression), an appropriate psycho-educational or neuropsychological evaluation must be administered to document ability/achievement discrepancies.

## **SPECIFIC LEARNING DISABILITIES -- REQUIRED DOCUMENTATION**

The student shall submit a written diagnostic report of specific learning disabilities that is based on current 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.

## **PSYCHO EDUCATIONAL EVALUATION**

An appropriate psycho educational evaluation must include comprehensive measures in each of the following areas:

1. Aptitude (the evaluation must contain a complete intellectual assessment, with all sub-tests and standard scores reported).
2. Academic achievement (the 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 areas, such as reading (decoding and comprehension), mathematics, and oral and written expression.
3. Information processing (the 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 Measures**

- a. Wechsler Adult Intelligence Scale-Revised (WAIS-R)
- b. Wechsler Adult Intelligence Scale-Third Edition
- c. Stanford Binet Intelligence Scale-Fourth Edition
- d. Woodcock-Johnson Psycho-Educational Battery-Revised: Tests Of Cognitive Ability
- e. Kaufman Adolescent And Adult Intelligence Test

### **Achievement**

- a. Wechsler Individual Achievement Tests (WIAT)
- b. Woodcock-Johnson Psycho-Educational Battery-Revised: Tests Of Achievement (W-Jr)
- c. Stanford Test of Academic Skills (TASK)
- d. Scholastic Abilities Test for Adults (SATA)

### **Information Processing**

- a. Subtests of the Wais-R Or Wais-Third Edition
- b. Subtests on The Woodcock-Johnson Psycho-Educational Battery-Revised: Tests Of Cognitive Ability

## **DIAGNOSTIC REPORT**

The diagnostic report must include the following information:

1. 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.
2. A list of all instruments used in the test battery.
3. Discussion of test behavior and specific test results.

4. A diagnostic summary statement with the following information:
  - a. 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.
  - b. A clear statement specifying the substantial limitations to one or more major life activities.
  - c. A psychometric summary of scores.
  - d. A recommendation for accommodations, including rationale.

Diagnosis of specific learning disabilities that do not contain psycho-educational measures may not be used for determining eligibility for academic accommodations. For example, school plans such as individualized education plans (IEPS) or 504 plans are not adequate documentation; however, they can be included with the required evaluation. Drs reserve the right to request reassessment when questions regarding previous assessment or previous service provision arise.

#### Attention Deficit Hyperactivity Disorder (ADHD) / Attention Deficit Disorder (ADD) -- Required Documentation

The student shall submit a current diagnosis of attention deficit hyperactivity disorder (ADHD)/attention deficit disorder (ADD) that is based on appropriate diagnostic evaluations administered by trained and qualified (i.e., certified or licensed) professionals (e.g., psychiatrists, psychologists, or neuropsychologists).

#### **The Diagnostic Report must include:**

1. A diagnostic interview addressing relevant historical information, past and current academic achievement, age at initial diagnosis, discussion of medication, and history and effectiveness of accommodations in past educational settings.
2. The procedures used to diagnose the disability (including a list of all instruments used in the assessment).
3. Discussion of the testing results and behavior, including the symptoms that meet the criteria diagnosis. If the student was evaluated while on medication, the effect this may have had on performance must be noted.
4. DSM-IV diagnosis (including all five axes)
5. A diagnostic summary statement that includes the following information:
  - a. A clear statement that ADHD/ADD does or does not exist, including a rule-out of alternative explanations for behaviors. Terms such as "appears," "suggests," or "has problems with" used in the diagnostic summary statement do not support a conclusive diagnosis.
  - b. A clear statement specifying the substantial limitations to one or more major life activities and the degree of severity. If the limitations are in learning (e.g., reading, mathematics, and written expression), an appropriate psycho-educational evaluation must be administered to document ability/achievement discrepancies.
  - c. A recommendation regarding medications or medical evaluation(s).
  - d. A recommendation for accommodations, including rationale.

### **PSYCHOLOGICAL DISABILITIES -- REQUIRED DOCUMENTATION**

If the diagnostic report is more than one year old, a letter from a qualified professional that provides an update of the diagnosis with a description of the individual's current level of functioning during the past year, and a rationale for the requested accommodations must be submitted.

#### **The Diagnostic Report must include the following:**

1. A clinical interview, relevant historical information, age at initial diagnosis, duration and severity of the disorder.
2. Discussion of medications review of past and current academic achievement, and history of disability accommodations and their effectiveness.
3. The procedures used to diagnose the disability (include a list of all instruments used in the assessment and test scores as applicable).
4. Discussion of the assessment results.
5. DSM-IV diagnosis (include all five axes).
6. A diagnostic summary statement that includes the following:
  - a) A clear statement that a disability does or does not exist. Terms such as "appears," "probable," and "suggests" used in the diagnostic summary statement do not support a conclusive diagnosis.
    - a. A clear statement specifying the substantial limitations to one or more major life activities. If the limitations are in learning (e.g., reading, mathematics, and written expression), an appropriate psycho-educational evaluation must be administered to document ability/achievement discrepancies.
    - b. A discussion of medications and their possible impact on academic functioning (e.g., concentration, attention, sedation)
    - c. A recommendation for essential accommodations relative to the diagnosed disability, including rationale.

- d. The duration for which these accommodations should be provided based on the current assessment.
- e. A recommendation regarding reevaluation to determine ongoing need for disability accommodations (e.g., one semester, one year, two years).

## **TEMPORARY IMPAIRMENTS**

Some disabilities are temporary and may require accommodations for a limited time. Each case is considered individually. The following documentation is required:

1. Written correspondence on letterhead from a qualified professional stating diagnosis, functional limitations necessitating the accommodation, and the estimated length of time services will be needed.
2. Services may be provided for ten (10) working days pending receipt of documentation. If documentation is not received by that time, services will be cancelled.

## **SPECIAL CONSIDERATIONS**

A requirement for documentation prescribed in this regulation may be considered at the discretion of each college's disability services office or designated professional if, in the professional opinion of the responsible college's disability services office or designated professional, such consideration is in the best interest of the student and will neither undermine the integrity of any college offering nor violate any mandate under state or federal law. All situations shall be considered on an individual, case-by-case basis. Reasonable accommodation is required for students with known disabilities. MCCCDC will make every attempt to provide "preferred" accommodations, however, "the most effective and reasonable" accommodation may be determined to meet sufficient accessibility needs.

## **ELIGIBILITY OF STUDENTS TAKING REDUCED COURSE LOADS (AR 2.8.2)**

Although any student may register for fewer than twelve credit hours, a student with a disability may request a reduced academic load as a reasonable and appropriate accommodation. A college Disability Resource Services (DRS) professional may certify that a student who is afforded a reduced academic load as an accommodation for a disability shall nevertheless be deemed a full-time student. Such certification shall be solely to enable the student to seek eligibility for health insurance benefits and to seek eligibility to comply with mandates of the National Junior College Athletic Association. The college DRS professional will certify that a student may be deemed a full-time student as provided under this regulation only on a semester-by-semester basis.

The appropriate college offices will receive documentation of the DRS professional's certification from the professional or the student. An incoming student may apply for such certification upon acceptance to the college. Requests for certification must be made prior to the beginning of each semester. Every attempt will be made to accommodate these requests.

The following criteria also apply:

1. Students taking a reduced course load must register for at least 6 credit hours (based on DRS approval) during the regular fall and spring semesters. It is recommended that students register for at least three (3) credit hours during the summer to offset the impact of Academic eligibility.
2. Students taking a reduced course load must maintain satisfactory academic progress standards as defined by the College catalog.
3. The reduced credit load may result in an adjusted financial aid package. There may be additional ramifications including, but not limited to, extra time to complete college, insurance coverage, Vocation Rehabilitation funding, etc.
4. Eligibility for Federal Stafford Loans will be reduced according to the total number of credit hours taken in the full academic year. A student, taking a reduced course load, must be at least half time in a semester (6 credits) in order to receive a Stafford Loan.
5. The amount of federal financial aid (Title V) awarded is based on the actual number of credit hours taken.
6. Requirements for continuation of funding through Vocational Rehabilitation may differ. The student must contact his/her VR counselor to determine how a reduced course load will impact their funding.
7. The National Junior College Athletic Association (NJCAA) has published standards in regard to the designation of Certified Disabled Student-Athlete in Article V Section J of the NJCAA bylaws. This procedure addresses the NJCAA criteria for reduced course loads.

#### Application Process:

1. Applications for reduced course loads must be submitted to the Disability & Services professional with supporting documentation. Requests must be made prior to the beginning of each semester.
2. Supporting documentation must include a diagnostic evaluation from an appropriate professional. The documentation must meet the guidelines set forth by the Maricopa Community College District's Documentation Policy in order to evaluate the current impact of the disability in regards to the request. Students are required to complete an application form for this status every semester, but do not need to resubmit their documentation. Continuation of this status is not automatic. Each case will be re-evaluated at the end of the semester to determine if this accommodation is still appropriate.
3. Students requesting a reduced course load should consult with their academic advisor regarding the consequences of this status for making progress toward graduation requirements and eligibility for various academic distinctions and designations.
4. Students registered in occupational and/or academic programs that have specific block formats will not be considered for reduced course loads.
5. Students who are approved for a reduced course load will be required to sign the Reduced Course Load Approval Form (see Appendix S-10), which includes a statement acknowledging that he or she has reviewed the consequences that go with reduced load status and accepts them.
6. When a reduced course load status is granted by the Disability Resources & Services professional, a copy of the Reduced Course Load Approval Form will be sent to the appropriate individuals.

## ACADEMIC MISCONDUCT (AR 2.3.11)

### A. Definitions

1. Academic Misconduct - includes misconduct associated with the classroom, laboratory or clinical learning process. Examples of academic misconduct include, but are not limited to, cheating, plagiarism, excessive absences, use of abusive or profane language, and disruptive and/or threatening behavior.
2. Cheating - includes, but is not limited to, (a) use of any unauthorized assistance in taking quizzes, tests, assessment tests or examinations; (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; or (c) the acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff.
3. Plagiarism - includes, but is not limited to, the use of paraphrase or direct quotation of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials. Information gathered from the Internet and not properly identified is also considered plagiarism.

### B. Sanctions

Any student found by a faculty member to have committed academic misconduct may be subject to the following sanctions: (Note: sanctions 1, 2, 3, and 4 may be imposed by a faculty member. The faculty member may recommend to the department chairperson and the vice president of academic affairs or designee that sanctions 5, 6, or 7 be imposed. College suspension or expulsion will be imposed only by the vice president of academic affairs or designee.)

1. Warning—A notice in writing to the student that the student has violated the academic code.
2. Grade Adjustment—Lowering of a score on a test or assignment.
3. Discretionary Sanctions—Additional academic assignments determined by the faculty member.
4. Course Failure—Failure of a student in the course where academic misconduct occurs.
5. 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.
6. 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.)
7. 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.)

### C. Appeal of Sanctions for Academic Misconduct

Students can appeal sanctions imposed for academic misconduct by following the instructional grievance process (AR 2.3.5).

## DISCIPLINARY STANDARDS

### A. **Disciplinary Probation and Suspension (AR 2.5.1)**

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:

1. Cheating on an examination, assessment tests, laboratory work, written work (plagiarism); falsifying, forging or altering college records.
2. 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.
3. Violation of Arizona statutes, and/or college regulations and policies.
4. 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.

### B. **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.

## STUDENT CONDUCT CODE (A.R. 2.5.2)

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:

- A. "Accused student" means any student accused of violating this Student Conduct Code.
- B. "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.
- C. "College" means a Maricopa Community College or center.
- D. "College premises" means all land, buildings, facilities and other property in the possession of or owned, used or controlled by the college or District.
- E. "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.
- F. "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.
- G. "Day" means calendar day at a time when college is in session, and shall exclude weekends and holidays.
- H. "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.
- I. "District" means the Maricopa County Community College District.
- J. "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.
- K. "May" is used in the permissive sense.

- L. "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.
- M. "Organization" means any number of persons who have complied with the formal requirements for college recognition.
- N. "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.
- O. "Shall" is used in the imperative sense.
- P. "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".
- Q. "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.
- R. "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.
- S. "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**

- A. 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.
- B. 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.
- C. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the normal appeal process.

## **ARTICLE III: PROHIBITED CONDUCT**

- A. 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.
- B. 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.
- C. Conduct - Rules and Regulations
 

Any student found to have committed the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

  - 1. Acts of dishonesty, including but not limited to the following:
    - a. Furnishing false information to any college official or office.
    - b. Forgery, alteration or misuse of any college document, record or instrument of identification.
    - c. Tampering with the election of any college- recognized student organization.

2. 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.
3. 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.
4. 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.
5. 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.
6. Unauthorized possession, duplication or use of keys to any college premises, or unauthorized entry to or use of college premises.
7. 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.
8. Violation of federal, state or local law.
9. Use, possession, manufacturing or distribution of illegal or other controlled substances except as expressly permitted by law.
10. Illegal use, possession, manufacturing or distribution of alcoholic beverages or public intoxication.
11. 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.
12. 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.
13. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
14. 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.
15. Attempted or actual theft or other abuse of technology facilities or resources, including but not limited to:
  - a. Unauthorized entry into a file, to use, read or change the contents or for any other purpose
  - b. Unauthorized transfer of a file
  - c. Unauthorized use of another individual's identification and/or password
  - d. Use of technology facilities or resources to interfere with the work of another student, faculty member or college official
  - e. Use of technology facilities or resources to send obscene or abusive messages
  - f. Use of technology facilities or resources to interfere with normal operation of the college technology system or network
  - g. Use of technology facilities or resources in violation of copyright laws
  - h. Any violation of the District's technology resource standards
  - i. Use of technology facilities or resources to illegally download files
16. Abuse of the Student Conduct system, including but not limited to:
  - a. Falsification, distortion or misrepresentation of information before a Student Conduct Board.
  - b. Disruption or interference with the orderly conduct of a Student Conduct Board proceeding.
  - c. Invoking a Student Conduct Code proceeding with malicious intent or under false pretenses
  - d. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system
  - e. 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

- f. 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
  - g. Failure to comply with the sanctions imposed under this Student Conduct Code
  - h. Influence or attempting to influence another person to commit an abuse of the Student Conduct Code system
  - i. 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.
- 17. Engaging in irresponsible social conduct.
  - 18. Attempt to bribe a college or District employee.
  - 19. 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.
- D. Violation of Law and College Discipline
- 1. 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.
  - 2. 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**

- A. Charges and Student Conduct Board Hearings
- 1. 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.
  - 2. The Student Conduct Administrator may conduct an 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 may later serve in the same matter as the Student Conduct Board or a member thereof. If the student admits violating institutional rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).
  - 3. All charges shall be presented to the accused student in written form. A time shall be set for a Student Conduct Board hearing, not less than five (5) nor more than fifteen (15) days after the student has been notified. Maximum time limits for scheduling of Student Conduct Board hearings may be extended at the discretion of the Student Conduct Administrator.
  - 4. Hearings shall be conducted by a Student Conduct Board according to the following guidelines, except as provided by Article IV A.7 below:
    - a. Student Conduct Board hearings normally shall be conducted in private.
    - b. 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.
    - c. 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.

- d. The complainant and the accused shall have the right to be assisted by any advisor they choose, at their own expense. 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.
  - e. The complainant, the accused student, and the Student Conduct Board may arrange for witnesses to present pertinent information to the Student Conduct Board. The college 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.
  - f. Pertinent records, exhibits, and written statements may be accepted as information for consideration by a Student Conduct Board at the discretion of the chairperson.
  - g. All procedural questions are subject to the final decision of the chairperson of the Student Conduct Board.
  - h. 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.
  - i. 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.
5. 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.
  6. 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.
  7. 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.

## B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Conduct Code:
  - a. Warning - a written notice to the student that the student is violating or has violated institutional rules or regulations.
  - b. 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.
  - c. Loss of Privileges - denial of specified privileges for a designated period of time.
  - d. Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - e. 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.)
  - f. 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.
  - g. College Expulsion - permanent separation of the student from all the colleges in the District.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. 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.

4. The following sanctions may be imposed upon groups or organizations:
  - a. Those sanctions listed above in Article IV B. 1. a through d.
  - b. Loss of selected rights and privileges for a specified period of time.
  - c. Deactivation - loss of all privileges, including college recognition for a designated period of time.
5. 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.

#### C. 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.

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.

#### D. Appeals

1. 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.
2. 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:
  - a. 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.
  - b. 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.
  - c. 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.
  - d. 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.
3. 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.

### STUDENT RECORDS (2.5.3)

#### A. Definitions

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

1. "College" includes all colleges, educational centers, skill centers and District office.
2. "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:
  - a. 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
  - b. 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
  - c. 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
  - d. 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

#### B. Annual Notification

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

##### **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:

1. 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.

2. 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.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the college or District in an administrative, supervisory, academic, or support staff position (including law enforcement unit and health staff); a person or company with whom the college or District has contracted (such as an attorney, auditor, or collection agent); a person serving on the Governing Board; or a person assisting another school official in performing his or her tasks.

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 responsibility.

Upon request, the college discloses education records without consent to officials of another school in which a student seeks or intends to enroll.

4. 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

### **C. 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.

### **D. Use of Educational Records for Advisement Purposes**

All colleges within the Maricopa Community Colleges have access to the computerized degree audit program. During the advisement process, each student may have his or her academic record reviewed for coursework taken at any of the District's colleges or centers.

The institution retains the right to exercise discretion in determining the release of directory information.

### **E. 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.

## **CONSENSUAL RELATIONSHIPS (AR 4.18)**

### **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 MCCCDC.

- 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/](http://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.