

# Student Rights and Responsibilities



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## Student Rights and Responsibilities

### COPYRIGHT ACT COMPLIANCE (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.

#### 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.

### COMPUTING RESOURCE STANDARDS (AR 4.4)

#### Introduction

The Maricopa Community Colleges provide its students and employees wide access to information resources and technologies. With the advent of new forms of technology, Maricopa Community Colleges have recognized that the free exchange of opinions and ideas essential to academic freedom is furthered by making technological resources more accessible.

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. That Maricopa makes its technology available for educational purposes requires users to observe Constitutional and other legal mandates whose aim is to safeguard equipment, networks, data and software that are acquired and maintained with public funds.

#### General Responsibilities

Computing 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 Community Colleges are available only to authorized users, and any use of those resources is subject to these Standards. All users of Maricopa's computing resources are presumed to have read and understood the Standards. While the Standards govern use of computing resources District-wide, an individual community college or center may establish guidelines for computing resource usage which supplement (but do not replace or waive) these Standards.

Use of Maricopa's computing resources, including websites created by employees, is limited to educational, research, service, operational, and management purposes of the Maricopa Community Colleges.

It is not Maricopa's practice to monitor the content of electronic mail transmissions, files, or other data maintained in its computing resources. The maintenance, operation and security of Maricopa's computing 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 maintained there. A review may be performed exclusively by persons expressly author-

ized 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 computing resources.

Frequently, access to Maricopa's computing 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 computing resources by other users, both within and outside the Maricopa Community Colleges. 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 computing 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 computing resources is prohibited from the unauthorized access to, or dissemination of, confidential records.

Maricopa personnel are discouraged from offering advice to Maricopa employees regarding personal, non-job-related use, maintenance or repair of any computer equipment or software that belongs to such employees. Maricopa can assume no responsibility for any result from such advice.

Violation of any provision of the Standards could result in immediate termination of a user's access to Maricopa's computing 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 computing 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 computing resources to the exclusion of other users, including (but not limited to) unauthorized installation of server system software.

5. Hosting a website through the use of Maricopa's computing resources without the use of "maricopa.edu" in its URL. If an institution owns additional domain names, those services should directly reroute visitors to a "maricopa.edu" domain and not host web pages directly.
6. Use of computing resources for non-Maricopa commercial purposes.
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 computing resources in a manner that would constitute a violation of state or federal law, 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 computing 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 computing resources in such a way as to wrongfully hide the identity of the user or pose as another person.

**Personal Website Standards**

Faculty, staff and students may use Maricopa's computing resources for development of personal websites as a learning tool. Use of Maricopa's resources for this purpose is a privilege, not a right. The development and maintenance of such a website is subject to the following Faculty, Staff and Student Personal Website Standards, as well as the General Standards for Use of Maricopa's Computing Resources:

1. The author of a website may not use the site to advertise personal services, whether or not for financial gain, nor for any commercial purpose.
2. A website may not be created in such a way as to allow any person unauthorized access to Maricopa's computing resources.

3. The author of a website is solely responsible for the contents of the site. The home page of a personal website must display, or link to, the following disclaimer in a conspicuous manner:  
"This site is authored and maintained by [name of author]. It is not an official website of the Maricopa Community Colleges, and Maricopa is not responsible for the contents of this site."
4. Maricopa does not endorse the contents of any personal website. It is solely the author's responsibility to ensure that the personal website comply with all relevant Standards, as well as state and federal law, and any relevant policy of Maricopa's Governing Board.
5. Upon discovery of a violation of any relevant Standard, Maricopa may unilaterally delete a personal website from its computing resources and terminate the author's access to those resources.
- 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:

### HAZING PREVENTION REGULATION (AR 2.6)

The Maricopa County Community College District (MCCCD) 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 MCCCD 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 dean of students' office for investigation by any member of the college community. The dean of students' office will investigate the complaint in accordance with the student dis-

ciplinary 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 dean of students office for investigation by any member of the college community. The dean of students' 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 dean of students' 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 Dean of Students' 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 dean of students office and outlined in writing to the student club(s)/organization(s). The probationary term will be monitored by the dean of students' 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:

1. Developing and implementing substance misuse/abuse prevention programs.
2. Providing educational training and prevention programs for the college and community it serves.
3. Providing timely and accurate information dissemination.
4. Establishing supportive counseling programs as needed.
5. Establishing a strong on-going evaluation of services.
6. Providing assistance to obtain treatment and rehabilitation of substance abuse/misuse.
7. Clarifying the college regulations for control of alcohol and drug use.
8. 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 0.10 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**

First conviction: Up to one year imprisonment and fined at least \$1,000 but not more than \$100,000, or both.

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.

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:

Mandatory at least five years in prison, not to exceed twenty years and fined up to \$250,000, or both, if:

- 1) First conviction and the amount of crack possessed exceeds five grams.
- 2) Second conviction and the amount of crack possessed exceeds three grams.

- 3) Third or subsequent crack conviction and the amount of crack possessed exceeds one gram.

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)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

Civil fine of up to \$10,000 (pending adoption of final regulations).

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.

Ineligible to receive or purchase a firearm.

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)**

- 1. No alcoholic beverage is allowed on or in the premises owned (by the State) and/or leased/rented by the Maricopa Community Colleges for District-approved educational purposes, except as provided herein.

2. No purchase of alcoholic beverages is allowed from any funds under the jurisdiction of the Governing Board of the District.
3. 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.
4. 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 Dean of Student Services.

The Maricopa Community Colleges acknowledge the importance of privacy considerations with regard to persons with AIDS. The number of people who are aware of the existence and/or identity of students who have AIDS or a positive HIV antibody test should be kept to a minimum. When a student confides in an instructor, knowledge of the condition should be transmitted to the appropriate Dean 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 Dean of Student Services for the types of services available in the district or community on matters regarding AIDS or the HIV virus.

## ACADEMIC MISCONDUCT (AR 2.3.11)

### A. Definitions

1. Academic Misconduct - includes misconduct associated with the classroom, laboratory or clinical learning process. Some examples of academic misconduct are cheating, plagiarism, and excessive absences.
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 instructor 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.

### B. Sanctions

Any student found by a faculty member to have committed academic misconduct is subject to the following sanctions:

1. Warning - A notice in writing to the student that the student has violated the academic code.
2. Grade Adjustment - Lowering of a test, assignment or academic misconduct has occurred but is confronted with facts that rebut that belief to the extent that reasonable doubt occurs, the disciplinary due process procedures should be invoked to determine guilt or innocence.

### C. Appeal of Sanctions for Academic Misconduct

Students can appeal sanctions imposed for academic misconduct by following the student grievance process.

## DISCIPLINARY STANDARDS

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

According to the laws of the State of Arizona, jurisdiction and control over the Maricopa Community Colleges are vested in the State Board of Directors for Community Colleges of Arizona and 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.

**B. Disciplinary Removal from Class**

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

**STUDENT DISCIPLINARY CODE (AR 2.5.2)**

**Purpose**

The purpose of this policy 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 document:

- A. "College" means Maricopa Community Colleges or a designated college or center. "College president" also refers to center provost.
- B. "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".
- C. "Faculty member" means any person hired by the college or District to conduct classroom instruction.
- D. "College official" means any person employed by the college or District, performing assigned administrative or professional responsibilities pursuant to this Student Code. The college president/provost shall designate the college official to be responsible for the administration of the Student Code.

E. "College community" means students, faculty members, college officials or any other persons employed by the college. A person's status in a particular situation shall be determined by the college president.

F. "College premises" means all land, buildings, facilities and other property in the possession of or owned, used or controlled by the college or District.

G. "Organization" means a group that has complied with the formal requirements for college recognition.

H. "Judicial body" means any person or persons authorized by the college president/provost to determine whether a student has violated this Student Code and to recommend imposition of sanctions.

I. "Judicial advisor" means a college official authorized on a case by case basis by the college president/provost to impose sanctions upon students found to have violated this Student Code. The college president/provost may authorize a judicial advisor to serve simultaneously as a judicial advisor and the sole member or one of the members of a judicial body. Nothing shall prevent the college president/provost from authorizing the same judicial advisor to impose sanctions in all cases.

J. "Appellate boards" means any person or persons authorized by the college president/provost to consider an appeal from a judicial body's determination that a student has violated this Student Code or from the sanctions imposed by the judicial advisor. Nothing shall prevent the college president/provost from acting as the appellate board.

K. The term "shall" is used in the imperative sense.

L. The term "may" is used in the permissive sense.

M. The term "policy" is defined as the written regulations of the college and/or District as found in, but not limited to, this Student Code and Governing Board policy.

**Article II: Judicial Authority**

A. The college president/provost shall determine the composition of judicial bodies and appellate boards and determine which judicial advisor, judicial body and appellate board shall be authorized to hear each case.

B. The judicial advisor 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 Code.

C. Decisions made by the judicial advisor shall be final, pending the normal appeal process.

**Article III: Prescribed Conduct****A. Jurisdiction of the College**

Generally college jurisdiction and discipline shall be limited to conduct which occurs on college/center premises and/or during college sponsored or supervised activities, or which adversely affects the college community and/or pursuit of its objectives.

**B. 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 official, college employee 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. Disruption or obstruction of teaching, research, administration, disciplinary proceedings or college activities, including its public service functions on or off campus, or other authorized non-college activities, when the act occurs on college premises.
 

An instructor may remove a student from a class meeting for disciplinary reasons. If an instructor removes a student for more than one class period, the instructor shall notify the appropriate dean in writing of the problem, action taken by the instructor, and the instructor'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 and/or conduct which threatens or endangers the health or safety of any person.
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 one's self 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 published Governing Board policy, college rules or regulations.
8. Violation of federal, state or local law on college/center premises or at college-sponsored or supervised activities.

9. Use, possession, or distribution of narcotic or other controlled substances except as expressly permitted bylaw.
10. Use, possession or distribution of alcoholic beverages or public intoxication.
11. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on college premises.
12. Participation in a college demonstration 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; intentional obstruction that unreasonably interferes with freedom of movement, or either pedestrian or vehicular, on campus.
13. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised activities.
14. Conduct which 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 activities sponsored by or participated in by the college.
15. Attempted or actual theft or other abuse of computer time, 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 user's identification and password
  - d) Use of computing facilities to interfere with the work of another student, faculty member or college official
  - e) Use of computing facilities to send obscene or abusive messages
  - f) Use of computing facilities to interfere with normal operation of the college computing system
  - g) Use of computing facilities for students' personal benefit
16. Abuse of the judicial system, including but not limited to:
  - a) Falsification, distortion or misrepresentation of information before a judicial body
  - b) Disruption or interference with judicial proceedings
  - c) Institution of a judicial proceeding knowingly without cause
  - d) Attempting to discourage an individual's proper participation in, or use of, the judicial system

- e) Attempting to influence the impartiality of the member of a judicial body prior to, and/or during the course of, the judicial proceeding
- f) Harassment, either verbal or physical, and/or intimidation of a member of a judicial body prior to, during and/or after a judicial proceeding
- g) Failure to comply with the sanctions imposed under this Student Code
- h) Influence or attempting to influence another person to commit an abuse of the judicial system

**C. Violation of Law and College Discipline**

1. When a student is charged only with an off-campus violation of federal, state or local laws but not with any other violation of this Student Code, disciplinary action may be taken and sanctions imposed for grave misconduct which demonstrates flagrant disregard for the college community. In such cases, no sanction may be imposed unless the student has been found guilty in a court of law or has declined to confess such charges, although not actually admitting guilt, e. g., "no contest" or "nolo contendere".
2. College disciplinary proceedings may be instituted against a student charged with violation of a law which is also a violation of this Student Code, for example, if both violations result from the same factual situation, without regard to the pendency to civil litigation in court or criminal arrest and prosecution. Proceedings under this Student Code may be carried out before, during, or after civil or criminal proceedings off campus.
3. 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 considerations for that individual because of his or her status as a student. If the alleged offense is also a subject of a proceeding before a judicial body under this Student Code, however, the college may advise off campus authorities of the existence of this Student 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 personnel capacities, remain free to interact with governmental representatives as they deem appropriate.

**Article IV: Judicial Policies**

**A. Charges and Hearings**

1. Any member of the college community may file charges against any student for his conduct under this Student Code. Charges shall be prepared in writing and directed to the judicial advisor responsible for administration of the college judicial system. Any charge should be submitted within thirty (30) days of the incident. The judicial advisor will rule on the timeliness of the charges.
2. The judicial advisor 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 judicial advisor. Such dispositions shall be final and there shall be no subsequent proceedings. If the charges cannot be disposed of by mutual consent, the judicial advisor may later serve in the same matter as the judicial body or a member thereof.
3. All charges shall be presented to the accused student in written form. A time shall be set for a hearing, not less than five (5) nor more than fifteen (15) working days after the student has been notified. Maximum time limits for scheduling of hearings may be extended at the discretion of the judicial advisor.
4. Hearings shall be conducted by judicial body according to the following guidelines:
  - a) Hearings normally shall be conducted in private.
  - b) Admission of any person to the closed hearing shall be at the discretion of the judicial body, and/or its judicial advisor.
  - c) In hearings involving more than one accused student, the chairperson of the judicial body, in his or her discretion, may permit the hearing concerning each student to be conducted separately.
  - d) The complainant and the accused shall have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney. Both the complainant and the accused are responsible for presenting their own cases and, therefore, advisors are not permitted to speak or participate directly in any hearing before a judicial body.
  - e) The complainant, the accused, and the judicial body shall have the privilege of presenting witnesses, subject to the right of cross-examination.
  - f) Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a judicial body at the discretion of the chairperson.
  - g) All procedural questions are subject to the final decision of the chairperson of the judicial body.

h) After the hearing, the judicial body (if consisting of multiple members) shall determine by majority vote whether the student violated the designated sections of this Student Code. The judicial body shall render written findings of fact and conclusions and forward these along with recommended sanctions as outlined in Article IV, Section B to the judicial advisor within three (3) working days of the conclusion of the hearing.

i) The judicial body's determination shall be made on the basis of whether it is more likely than not that the accused student violated this Student Code.

5. There shall be a single verbatim record, such as a tape recording, of all hearings before the judicial body. The record shall be the property of the college and/or District.

6. No student may be found to have violated this Student Code solely because student failed to appear before a judicial body. In all cases, the evidence and support of the charges shall be presented and considered.

#### B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:

a) Warning - a written notice to the student that the student is violating or has violated institutional regulations.

b) Probation - a written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating any institutional 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.

e) Discretionary Sanctions - work assignments, service to the college, or other related discretionary assignments. (Such assignments must have the prior approval of the judicial advisor).

f) 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. (College suspension applies at all of the Maricopa Community Colleges.)

g) College Expulsion - permanent separation of the student from the college. (College expulsion applies at all of the Maricopa Community Colleges)

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 confidential record. Upon graduation, the student's confidential record maybe expunged of disciplinary actions upon the student's application to the judicial advisor. 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.

4. The following sanctions may be imposed upon groups or organizations:

a) Those sanctions listed above in Section B 1. a through d.

b) Deactivation -loss of all privileges, including college recognition for a designated.

5. All sanction(s) shall be determined and imposed by the judicial advisor based upon the findings and conclusions of the judicial body. The judicial advisor will consider the recommendations for sanction(s) of the judicial body but will not be bound by its recommendations. The judicial advisor will forward the sanctions s/he determines to be appropriate along with the findings and conclusion to the accused student within two (2) working days after receipt of the judicial body's findings.

#### C. Interim Suspension

In certain circumstances, appropriate college/center officials may impose an interim suspension prior to the hearing before a judicial body.

1. Interim suspension may be imposed only:

a) To insure the safety and well-being of members of the college community or preservation of college property;

b) To insure the student's own physical or emotional safety and well-being; or

c) If the student poses a definite threat of disruption of or interference with the normal operations of the college.

2. During the interim suspension, the student shall be denied access to the college including classes and/or all other activities or privileges for which the student might otherwise be eligible, as the judicial advisor deems appropriate.

#### D. Appeals

1. A decision reached by the judicial body or a sanction imposed by the judicial advisor may be appealed by accused students or complainants to an appeal board within five (5) working days of receipt of the decision. Such appeals shall be in writing and shall be delivered to the judicial advisor or his/her designee.

2. An appeal shall be limited to the review of the verbatim record of the initial hearing and supporting documents for one or more of the following purposes:

- a) To determine whether the original hearing was conducted fairly and in accordance with this Student Code prescribed procedures
- b) To determine whether the decision reached regarding the accused student was conformed with the standard established in Article IV section A #4 i
- c) To determine whether the sanction(s) imposed was appropriate to the violation
- d) To consider new evidence

3. If an appeal is upheld by the appellate board, the matter shall be remanded to the original judicial body and judicial advisor for reopening of the hearing to allow consideration of the original determination and/or sanction(s).

In cases involving appeals by students accused of violating this Student Code, review of the sanction by the appellate board may not result in more severe sanction(s) for the accused student. Instead, following an appeal, the appropriate college official may, upon review of the case, reduce but not increase the sanctions imposed by the judicial advisor.

4. In cases involving appeals by persons other than students accused of violating this Student Code, the appropriate college official may, upon review of the case, reduce or increase the sanctions imposed by the judicial advisor or remand the case to the original judicial body and judicial advisor.

**Article V: Interpretation and Revision**

- A. Any question of interpretation regarding the Student Code shall be referred to person designated in Article I #13, or his/her designee, for final determination.
- B. The Student Code shall be reviewed every three (3) years under the direction of the Vice-Chancellor for Student Development and Community Affairs.

**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 - 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 Office of Admissions and Records.

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.