

College Environment



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DISCRIMINATION COMPLAINT PROCEDURES FOR STUDENTS

Internal Complaint Procedure

A. Definition

This procedure provides a means for resolving complaints by students who believe they have been adversely affected by illegal or MCCCCD-prohibited discrimination by the college/center, MCCCCD, or their students or employees. Complaints may be brought under this procedure for discrimination based on race, color, religion, national origin, sex (including pregnancy discrimination and sexual harassment), sexual orientation, age, Vietnam-era veteran status, and physical or mental disability.

B. Informal Resolution of Discrimination Complaints

1. Before filing a formal complaint under this procedure, a student may attempt to resolve the problem through informal discussions with the person claimed to be responsible for the discriminatory action, that person's supervisor or department head. The student may choose to ask the Dean, Associate Dean or Director of Student Services to assist in the informal resolution process.
2. Attempts to informally resolve alleged discrimination should occur within ninety (90) calendar days of the alleged discriminatory act.
3. Once the complaint is informally resolved, a summary of the allegations and the final resolution shall be forwarded to the Office of General Counsel within five (5) working days.
4. For complaints dealing with alleged discrimination beyond the 90-day timeframe, a student must submit a written complaint under the formal resolution procedure of this policy.
5. If the complaint cannot be informally resolved to the satisfaction of the complainant, the complainant has the right to file a written complaint within 180 days of the alleged discriminatory act and to proceed under formal resolution procedures.

C. Formal Resolution of Discrimination Complaints

1. A student (part- or full-time) who contends that unlawful or MCCCCD-prohibited discrimination has occurred, may file a formal complaint by contacting the Dean, Associate Dean or Director of Student Services or his or her designee at each respective college. These officials will accept complaint filings within 180 calendar days of the occurrence of the alleged discriminatory event.

2. A complaint must be signed by the student and filed on the form prescribed by the Office of General Counsel. A student may also contact the Office of General Counsel to obtain the name and phone number of the campus official designated to respond to discrimination complaints.
3. The complaint must identify the action, decision, conduct, or other basis that constituted an alleged act or practice of unlawful or MCCCCD-prohibited discrimination. The complaint must also allege that the action, decision, or occurrence was taken or based on the complainant's race, color, religion, sex, sexual orientation, national origin, citizenship, age (over 40), disability, Vietnam-era veteran status, or any other unlawful discriminatory grounds.
4. Upon receipt of a complaint, the receiving official will notify the college president or provost and the Office of General Counsel. The Office of General Counsel will assign a case number to the complaint.
5. A copy of the complaint (or a summary of the allegations) will be shared with the respondent within five (5) working days of receipt by the receiving official (Dean of Students, etc.). Respondent will be put on notice that retaliation against the complainant or potential witnesses will not be tolerated and that an investigation will be conducted by the Dean, Associate Dean or Director of Student Services under the guidance of the Office of General Counsel.
6. Respondent must provide a written response to the complaint within fifteen (15) calendar days of his or her receipt of the complaint.
7. After accepting a complaint, the Dean, Associate Dean or Director of Student Services will conduct a fact-finding investigation which will include, at a minimum, a review of written evidence (including the complaint and response), and interviews with appropriate employees and students. Upon completion of the investigation, the Dean, Associate Dean or Director of Student Services will issue a written finding to the complainant, the respondent, and the appropriate College President or Provost, and the Office of General Counsel.
8. The Dean, Associate Dean or Director of Student Activities will submit its findings and recommendations to the president or provost within ninety (90) calendar days of receipt of the complaint.
9. The president or provost will accept, reject, or modify the recommendations and will provide a written notification of his or her action to the parties within fifteen (15) calendar days of receiving the findings from the Dean, Associate Dean, or Director of Student Services.

10. When the investigation confirms the allegations, appropriate corrective action will be taken. Appropriate corrective action is determined solely by MCCCCD, the college or center and, with the exception of academic suspension or dismissal, cannot be appealed.

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

12. Within ten (10) working days of the conclusion of the investigation, the college will forward the investigatory file to the Office of General Counsel.

D. MCCCCD Administrative Review Process: Request for Reconsideration

1. A complainant or respondent who is not satisfied with the decision of the president or provost has ten (10) working days to request, in writing, administrative review of the decision, by his or her college president or provost.

2. The request for administrative review must state specific reasons why the complainant or respondent believes the finding was improper.

3. The president or provost will review the finding and respond to the request within ten (10) working days from receipt of the request.

4. If the president or provost determines that the decision is not supported by the evidence, the case file will be reopened and assigned for further investigation.

5. If the president or provost determines that the investigation was thorough and complete, he or she will deny the request for administrative review. At this point, the complainant has exhausted the Internal Discrimination Complaint Procedure.

E. Maintenance of Documentation

Documentation resulting from each level in the Discrimination Complaint Procedure (including witness statements, investigative notes, etc.) will be forwarded to and maintained by the MCCCCD Office of General Counsel. Investigative records are not to be maintained with or considered as a part of a student record. Documentation regarding corrective action is considered part of the student's record.

F. Right to Representation

A complainant or respondent may be represented by another person at any stage of a complaint filed under this Discrimination Complaint Procedure.

G. Confidentiality of Proceedings

Every effort will be made by the college and MCCCCD to protect the confidentiality of the parties during the processing of complaints under this procedure. Records will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with MCCCCD's legal obligation to investigate and resolve issues of discrimination.

H. Retaliation Prohibited

Retaliation against a person who has filed a complaint or against any witness questioned during an investigation, is strictly prohibited. Any retaliatory action by instructors, supervisors, managers, academic professionals, administrators, or other employees who have the authority to take adverse action against a complainant or witness is prohibited and may be grounds for disciplinary action up to and including termination of employment.

I. False Statements Prohibited

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

External Filing of Discrimination Complaints

MCCCCD encourages individuals to use the MCCCCD Internal Complaint Procedure for resolution of discrimination concerns. Individuals also have the right to file civil rights complaints with appropriate external agencies, in addition to their internal complaint. No retaliation will be taken against a person for filing a complaint with an external agency. The following agency accepts discrimination charges filed by, or on behalf of, students:

Office for Civil Rights, Region VIII (OCR)
 Denver Office
 U.S. Department of Education
 Federal Building
 1244 Speer Boulevard, Suite 310
 Denver, Colorado 80204-3582
 Phone: 303-844-5695
 Fax: 303-844-4303
 E-mail: OCR_Denver@ed.gov

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's 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.

Amorous Relationships (AR 5.1.12)

An amorous relationship that might be appropriate in other circumstances may be inappropriate if one of the individuals in the relationship has a professional responsibility toward, or is in a position of authority with respect to, the other, such as in the context of instruction, counseling, advisement or supervision. An element of power is often present in such a context and it is incumbent upon those with authority not to abuse that power.

Complaints (AR 5.1.13)

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 EEO/AA Office. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with 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 dean of student services (or equivalent) 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 Dean of Student Services 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.

The Maricopa Community Colleges EEO/AA Office phone number is 480-731-8885.

Confidentiality (AR 5.1.14)

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 5.1.15)

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 5.1.16)

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 5.1.17)

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.

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.
4. 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.
5. 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.
6. 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.
7. 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 Office of Admissions and Records.