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Annual Security Report Preparation

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act—known as the Clery Act—is named for Jeanne Clery, a 19-year-old Lehigh University student who was slain in her dorm room in 1986. The law was originally enacted in 1990 as the Crime Awareness and Campus Security Act, which amended the Higher Education Act of 1965 (HEA). The Clery Act requires all postsecondary educational institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information.

The report provides information to the campus community about crime reporting procedures, various policies, crime prevention programs, and campus crime statistics. In 2013, the Violence Against Women Reauthorization Act (VAWA) amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking; and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports.

On October 9, 2020, the Department of Education announced the rescission of the 2016 Clery Act Handbook for Campus Safety and Security Reporting and replaced it with a new [Appendix to the Federal Student Aid Handbook](#). However, the Maricopa Community Colleges District has decided to continue utilizing the 2016 Clery Act

Annual Security Report

The 2023 Annual Security Report is prepared to inform you of PC's campus crime statistics, security policies, fire statistics, and steps you can take to enhance your safety. It also includes policies, and programs regarding sexual assault, dating violence, domestic violence, stalking, and alcohol and drug prevention campaigns. This report includes information for the PC Main Campus, PC Downtown Campus, PC Healthcare Education Dental Campus and the Nursing Campus for the 2020, 2021 and 2022 calendar years.

Police jurisdiction on MCCCCD campuses

The MCCCCD Police Department is vested with the authority and responsibility to enforce all applicable local, state and federal laws, as well as MCCCCD policies. MCCCCD Police Officers have the authority and duty to conduct criminal investigations, arrest violators and suppress campus crime. MCCCCD Police are empowered by the State of Arizona to provide police and other quality safety services to the Maricopa Community College District.

MCCCCD Police officers are duly sworn peace officers under [A.R.S. § 13-3871](#), are authorized to carry firearms, and have the same authority as municipal police officers to use police powers of arrest in the state of Arizona. On-duty Police Officers travel outside routine patrol areas on official College business may take appropriate law enforcement actions as necessary in the absence of available Local, County or State officers up to and including investigation and final criminal disposition.

The MCCCCD Police Department also employs unarmed police assistants to assist with campus security. Police assistants are full and part-time department employees who serve as the “eyes and ears” of MCCCCD Police. They take reports for minor incidents, provide basic emergency services and assist police officers as needed.

The MCCCCD Police Department also contracts with an independent security firm, to oversee safety and security in the absence of Police/Public Safety Personnel. They typically provide security during the hours the campus is closed. Police Officers, Public Safety Assistants and Contract Security Staff, have distinct uniforms and photo ID's which allow them to be identified by members of the college and surrounding community.

Public Safety Assistants and Contract Security Staff have the authority to enforce College policies. The patrol jurisdiction of Public Safety Assistants and Contract Security Staff is limited to any buildings or properties owned or controlled by Phoenix College.

State and Local Law Enforcement Agencies

The PC Police Department works closely with the Phoenix Police Department. The PC Police Department does not have written Mutual Aid Agreements or Memorandums of

Understanding with the Phoenix Police Department, specifically pertaining to the investigation of criminal incidents.

Monitoring and Recording of Criminal Activity by Students at Noncampus locations of Recognized Student Organizations

PC does not have officially recognized student organizations that own or control housing facilities outside of the PC core campus. Therefore, local Police Departments are not used to monitor and record criminal activity since there aren't any noncampus locations of student organizations.

District Police Department PC Office Location

The MCCCDCD Police Department office at PC is located at the North East Corner of the Parking Garage, just south of the Hoy Stadium.

MCCCDCD Police Department Contact Information

- 
- x Chandler- Gilbert Williams: 7360 E. Tahoe Ave, Mesa, AZ 85212-(480) 988-8888
 - x Estrella Mountain: 3000 N Dysart Rd, Avondale, AZ 85392 – (623) 935-8915
 - x GateWay:108 N 40th St., Phoenix, AZ 85034 - (602) 286-8911
 - x Glendale: 6000 W Olive Ave, Glendale, AZ 85302 - (623) 845-3535
 - x Glendale North: 5727 W Happy Valley Rd, Phoenix, AZ 85310 - (623) 930-3000
 - x Mesa: 1833 W. Southern, Mesa, AZ 85202 – (480) 461-7046
 - x

Crime Logs

The MCCCDCD Police Department maintains a daily crime log documenting reported crimes in accordance with the Clery Act. Campus Crime Logs can be accessed electronically on the MCCCDCD Police website <https://police.maricopa.edu> or viewed in

incidents. Dispatchers enter calls with pertinent information from callers into a Computer Aided Dispatch system to be disseminated to officers who respond.

What to expect when calling 911

When calling to report a crime or incident, be ready to give information on the following questions:

student mentions during an in-class discussion; that a victim mentions during a speech, workshop, or any other form of a group presentation; or that the CSA otherwise learns about in an indirect manner.

When the District Contracted Security Company personnel are working at colleges, they are considered Campus Security Authorities by Federal Law and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. As such, any employee of the company who works at any location that is owned, leased or controlled by the District is required to immediately report any crime reported to them to the reporting structure of the Institution, which is the Maricopa County Community College District Police Department. The District Contracted Security Company must add this requirement to the Standard Operating Procedures that are read by the officers and supervisors who work on site on all district owned, leased, or controlled properties.

Members of the community are helpful when they immediately report crimes or emergencies to the MCCCDCD Police Department and/or Campus Security Authorities for purposes of including them in the annual statistical disclosure and assessing them for issuing a Timely Warning Notices, when deemed necessary.

Confidential or Anonymous Reporting

Professionally licensed counselors and pastoral counselors are exempt from Clery Act reporting requirements. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. Currently, MCCCDCD only employs academic counselors who are not exempt from Clery Act reporting requirements.

However, our counselors are encouraged to inform a person receiving counseling of the procedure for reporting crime on a voluntary, confidential basis for the purpose of including the crime in the annual disclosure of crime statistics. When making such a report, the individual is not required to disclose personally identifying information.

A victim's personally identifying information (e.g., name, home or other physical address, contact information, social security number, date of birth) will never be included in the Clery crime log, the Annual Security Report, or any other publicly available recordkeeping related to the Clery Act.

If you would like to report a crime, whether as a victim or witness, but do not wish to reveal your identity, you may contact the MCCCDCD Police at 480-784-0900 or use the Rave Guardian mobile application available through [Google Play](#) and [Apple App Store](#). Additional information is helpful to fully investigate and prosecute crime; however, MCCCDCD Police will respond to all reports of suspicious or criminal activity.

If you are the victim of a crime and do not want to pursue action within the College system or the criminal justice system, you may still want to consider making a confidential report. With your permission, a MCCCDCD PD officer can file a report on the details of the incident without revealing your identity (except to the [Title IX Regional Director](#) in the event of a reported sex offense or sexual harassment). The purpose of a

Rave Guardian App

The Rave Guardian app is an additional step MCCCDC takes to improve the safety and security of the campus community.

MCCCDC community members gain more mobile reporting power for reporting crimes and emergencies with the free Rave Guardian mobile app available through [Google Play](#) or [Apple App Store](#). Smartphone users who download the app can report tips to MCCCDC Police, make emergency calls, and perform other functions that help enhance their personal safety and security, including requesting Safety Escorts on campus. The app allows users to communicate anonymously with MCCCDC Police in real-time via audio and text messages.

Users can also create a network of guardians consisting of family, friends and others they trust to look after them. Friends and family also can virtually walk an app user home. The app's Safety Timer feature uses the phone's GPS to locate an app user's progress on a Web-based map. Users may deactivate the Safety Timer once they have reached their destination safely. Users have total control over who they invite to use this feature, and they also may disable access at any time. The feature is a one-time use, and cannot be used by a family member or friend to monitor a person's location at a later time.

Crime Awareness & Prevention

General Crime Prevention

Maricopa Community Colleges strives to maintain a safe and secure college environment for students, staff and visitors. Offices, laboratories and classrooms are secured when not in use and our officers who discover defective doors and locks, interior/exterior lighting problems, or other safety hazards, immediately report the situation to the appropriate college department for action. To further improve safety, the college encourages all campus community members to take an active role an activ

students. The orientations and talks are designed to educate members of the college community about the services provided and how to avoid becoming the victim of a crime at the college. During the 2022-2023 academic year, PC offered 9 crime prevention and security awareness programs. Topics such as personal safety, standard response protocol, emergency preparedness, active shooter are some examples of programs offered during the prior academic year. District Police also conducted 8 emergency drills in 2022 which consisted of lockdowns and fire drills.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others.

Bicycle Registration Program

The Maricopa County Community College District Police are asking for your help in combating bicycle thefts on campus. Please [register your bike with our department](#) and always lock your bicycle to a secure authorized bike rack whenever it is unattended. Please contact our department for more information.

Theft Prevention Tips

- x Never leave your bicycle unattended! Lock it up to an authorized/secure bike rack in a well-lit area with frequent pedestrian traffic.
- x Report suspicious activities! Report any suspicious activity near bike racks - if you see something, say something.
- x Register your bike! Register your bike with the district police to ensure we have the information needed

Title IX and Preventing Sexual Harassment

Sexual Harassment and Discrimination Policy



Sexual Harassment

The 2020 Title IX Regulations define sexual harassment broadly to include any of three types of misconduct that—on the basis of sex—jeopardize the equal access to Phoenix College, 2023 Annual Security Report

education and the educational programs/activities that Title IX is designed to protect. These three types of misconduct are:

1. Any instance of quid pro quo harassment by a school's employee;
2. Any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access;
3. Any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA). For definitions of sexual assault, dating/domestic violence, and stalking, please see the [Title IX Sexual Harassment Policy](#).

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICY AND CAMPUS CRIME STATISTICS ACT, AS AMENDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

Phoenix College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the College community. Toward that end, Phoenix College issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a College official.

Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault and Stalking

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- x Domestic Violence:
 - i. A Felony or misdemeanor crime of violence committed—
 - A) By a current or former spouse or intimate partner of the victim;
 - B) By a person with whom the victim shares a child in common;
 - C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or

- E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
 - ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- x Dating Violence : Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - ii. For the purposes of this definition—
 - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - B) Dating violence does not include acts covered under the definition of domestic violence.
 - iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- x Sexual Assault An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
 - o Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - o Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - o Incest is defined as sexual intercourse between persons who are related to each

- x Stalking:
 - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
 - A) Fear for the person’s safety or the safety of others; or
 - B) Suffer substantial emotional distress.
 - ii. For the purposes of this definition—
 - A) Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
 - B) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
 - iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- x Dating violence does not include acts covered under the definition of domestic violence.

- x Sexual Assault: The state of Arizona defines sexual assault as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
 - f* Rape – the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
 - f* Fondling – the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim,

- f* The victim is intentionally deceived as to the nature of the act.
- f* The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

In the Maricopa County Community Colleges District (MCCCD), consent can only be given by a person of legal age, cannot occur when a person is mentally or physically incapacitated (which includes intoxication), and requires that all parties understand the who, what, when, where, why, and how of the sexual interaction.

Consent is:

- x knowing
- x voluntary, and
- x clear permission
- x by word or action
- x to engage in sexual activity

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied.

For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab/Uber or Lyft money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended

or family member, not feeling well, having somewhere else that you need to be, etc.

16. Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- 17.

a complaint regarding an incident, he or she nevertheless should consider speaking with District Police or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

Sexual Assault Res ponse Team Centers

Family Advocacy Center

Sexual Assault and Violence Support Services

Those seeking support in the wake of a sexual assault, domestic violence, dating violence, stalking, or other forms of abuse can find help from a variety of community organizations.

- x Center Against Sexual Abuse (CASA) 602-254-6400
- x Empact: 24-Hour Crisis Intervention 480-784-1500
- x RAINN Sexual Assault Hotline (National) 800-656-4673
- x National Domestic Violence Hotline 800-799-7233

Involvement of Law Enforcement and Campus Authorities

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement

reasonable available, regardless of whether the victim chooses to report the crime to

7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

Dating Violence

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim’s rights and options
7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

Domestic Violence

1. Institution will assess immediate safety needs of complainant
2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department
3. Institution will provide written instructions on how to apply for Protective Order
4. Institution will provide written information to complainant on how to preserve evidence
5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate
6. Institution will provide the victim with a written explanation of the victim’s rights and options
7. Institution will provide a “No trespass” (PNG) directive to accused party if deemed appropriate

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;

- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution's provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action

Rights of Victims and the Institution's Responsibilities for Orders of Protection, "No Contact" Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution

MCCCD administration does not issue orders of protection or injunctions against harassment but may issue "no contact" orders through the Dean of Students Office. If a "no contact" order is deemed appropriate, it will be issued, and the involved parties will be contacted. The stipulations may include, but are not limited to, no contact via phone calls, e-mails, voicemails, text messages, letters, cards, gifts, social networking

Protection Orders

Protection Orders are civil court orders prohibiting a specific person from contacting you such as coming near your home, work site, school, or other locations as listed on the order. Protection orders are based on the relationship you have with the party you are seeking protection from and must be issued by a judge and served by a police officer, deputy sheriff or process server. The protection order will be effective for 12 months from the service date unless voided by the court.

Protection Orders can restrain a defendant from continuing acts of violence and

Once issued by the Justice Court, the order or injunction will be in effect when a private process server, a law enforcement officer, or a constable serves it to the defendant. It remains in effect for one year from the date it is served. If the defendant violates the order or injunction, contact local law enforcement immediately. If you are in physical danger, call 911. Victims are reminded to remain cautious and have a personal safety plan.

Emergency Orders of Protection for Domestic Violence or Dating Violence

If the court has closed for business, an Emergency Order of Protection can be granted by a judicial officer in writing, verbally, or telephonically to protect a person who is in imminent danger of domestic or dating violence. Emergency Orders of Protection are obtained through local law enforcement agencies. If you need an emergency order of protection and are in immediate danger, call 911.

The local law enforcement agency will dispatch an officer to review your situation. If appropriate, the officer will contact the court after hours to request the court grant an Emergency Order. If the order is granted, it will be a temporary valid until the close of the next day of court business following the day the Emergency Order was issued. You will need to go to court the very next business day, to complete and file a petition for a permanent order of protection.

Enforcement of Orders

Any person on MCCCCD property who has obtained an order of protection or injunction against harassment may contact their college or local police department for enforcement.

Justice Court Locations

If you need to determine which court serves your area, enter an address on the [Maricopa County Interactive Elections Map](#). This will give you a list of all the government bodies that serve your location.

All courts are open from 8:00am to 5:00pm Monday through Friday, excluding holidays.

Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, PC will provide written notification to students and employees about accommodations available to them, including academic, transportation, protective orders and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will

include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations.

any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The College will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. A Title IX Advisor accompanies a party to a Title IX case to meetings related to the resolution process, advises the party on that process, and conducts cross-examination for the party at the hearing, if one is held.

5. The accuser and the accused will be notified simultaneously, in writing, of the any initial, interim and final decision of any disciplinary proceeding; and
6. Where an appeal is permitted under the applicable policy, the accuser and the accused will be notified simultaneously in writing, of the procedures for the accused and the victim to appeal the result of the institutional disciplinary

Campus Sex Crimes Prevention Act

The Campus Sex Crimes Prevention Act mandates that convicted sex offenders who are required to register under state law must also disclose their association with institutions of higher education when applicable. Specifically affected are those registered sex offenders who attend as students, are employed by or employed at, or volunteer at institutions of higher education. The CSCPA amends the Family Educational Rights and Privacy Act of 1974 to clarify that nothing in FERPA can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

The Arizona Department of Public Safety has established the Arizona Sex Offender Info Center according to the requirements of [A.R.S. § 13-3827](#). Arizona DPS is responsible for maintaining the site and annually verifying the addresses of registered sex offenders in the State of Arizona. For more information, visit <https://www.azdps.gov/services/public/offender>.

MCCCD Police, will compare both the employee and student databases on an annual basis with the state sex offender database to ensure that students and employees are safe from unreported sex offenders. MCCCD Police, will notify the college community of a registered sex offender, as required by law. Notification also can be found on the MCCCD Police website at <https://district.maricopa.edu/consumer-information/sex-offender-information-notification>

Sexual Assault and Violence Support Services

Those seeking support in the wake of a sexual assault, domestic violence, dating violence, stalking, or other forms of abuse can find help from a variety of community organizations.

- x Center Against Sexual Abuse (CASA) 602-254-6400
- x Empact: 24-Hour Crisis Intervention 480-784-1500
- x RAINN Sexual Assault Hotline (National) 800-656-4673
- x National Domestic Violence Hotline 800-799-7233

Timely Warnings and Emergency Notifications

Timely Warnings

Timely warnings are initiated by crimes that have already occurred, but represent an ongoing or serious threat to the campus community. MCCCD may issue a timely warning for any Clery Act crime committed on its campuses and or Clery Geography, Phoenix College, 2023 Annual Security Report

- x Other Clery crimes as determined necessary by the Police Commander, or his or her designee in his or her absence.

When deciding whether to issue a Timely Warning, the primary considerations are (1) the nature of the crime and (2) whether there is a continuing danger that members of the campus community may become victims of a similar or related crime.

These warnings advise the community about violent crimes against persons, a series of crimes against property, or threats to persons or property in an effort to inform the

emergency or dangerous situation involving an immediate threat to the health and/or safety of students, employees or visitors. The only reason MCCCDCD Police will not immediately issue an emergency mass notification for a confirmed emergency presenting an identified risk to health and/or safety will be under a unique circumstance that would compromise efforts to:

- x Assist a victim or victims;
- x Contain the emergency;
- x Respond to the emergency;
- x Otherwise mitigate the emergency

The MCCCDCD Police Chief or designee in conjunction with other College administrators, local first responders, Public Health Officials and/or the National Weather Service, will confirm that a significant emergency or dangerous situation exists, determine the emergency notification content, identify the segments of the campus community to receive the notification, and initiate the notification system.

Phoenix College will, without delay and t 0 Tc 0 nix

Notification Procedures

In the event of a serious incident that poses an immediate threat to members of the campus community, MCCCDC has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication are:

- x Rave text messages
- x Mass email notifications
- x VOIP phone announcements
- x Alertus internal/external speakers (where available)
- x Emergency intercoms (where available)
- x Fire alarms
- x Digital Signage
- x Social media
- x District/College website

The notification system's purpose is to provide brief and immediate instructions to the campus community and to provide other resources where additional information can be obtained. If any of these systems fail or the College deems it appropriate, in person communication may be used to communicate an emergency.

All students, faculty and employees are enrolled in the emergency notification system. To opt-out for emergency text and voice messaging, students, faculty, and staff can do so through <https://police.maricopa.edu/emergency-preparedness/about-mems/mems-notifications>

Follow-up information will be distributed using some or all of the identified communication systems (except fire alarm).

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the Phoenix

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The EPP is based on the fact that MCCCDC and local governments (e.g., the City of Phoenix, Mesa, Glendale, Avondale, Chandler, Tempe and the Salt River Indian Community) will most likely respond to emergencies that occur on a MCCCDC campus. Operations are designed to protect lives, stabilize the incident, minimize property damage, protect the environment and provide for the continuation and restoration of essential services.

PC Drills and Exercises

District Police at PC conducted many trainings and drills during 2022. Here is a breakdown of those trainings and drills:

Weekly, District Police distributes summaries of Police Activity reports about incidents that occur on campus to the PC community. With those communications are flyers explaining what to do during an emergency and who to call for help.

PC has an Emergency Preparedness Committee that meets monthly to discuss and review emergency drills, training, and other emergency preparedness topics.

In February and April, District Police conducted a safety briefing at the Bulpitt auditorium which was held in person and on line for students and employees.

Lockdown drills were conducted by District Police at various locations around campus. District Police also participated in several fire drills with the Phoenix College Preparatory Academy (PCPA). Lastly, District Police conducted safety and emergency preparedness training to new student and employee orientations.

Evacuation Procedures

Limited Evacuation

District policy requires immediate evacuation when any fire alarm sounds within a building. All students, faculty, staff, and any other individuals within the building must immediately depart the building using available exit routes if safe. All building occupants will follow instructions issued by MCCCDCD Police personnel.

Conditions for temporary evacuation of a building or area also include, but are not

- x If possible, take the most important personal items with you (e.g. medications, keys, purse, and jacket).
- x Close doors behind you, but do not lock them.
- x Do not use elevators.
- x Evacuate the area by using the exits, follow directions, and go to the assigned outdoor evacuation area.
- x If you are unable to leave the building, or there is no ground floor access, notify District Police of your situation and tell them what type of assistance you require (e.g. wheelchair user, breathing difficulties, visual impairment).

Once the campus is evacuated, it will be secured and no one will be allowed to re-enter without proper authorization.

The campus will remain closed until the decision to reopen is made by emergency responders and College Administration. Campus re-opening will be broadcasted through email, text alert, web, local radio and television stations. For more information on what to do in an emergency, go to: <https://www.phoenixcollege.edu/college-police>

Special Assistance

Individuals with disabilities are encouraged to prepare for emergencies ahead of time by discussing their need with appropriate personnel. Employees should discuss questions or concerns about emergencies with their supervisor and/or the [EEO/ADA](#) office. Students should discuss questions or concerns about emergencies with the Disability Resources ([DRS](#)) office on campus:

Shelter-in-Place Procedures

If an incident occurs and the building(s) or areas around you become unstable or unsafe, or if the air outdoors becomes dangerous due to toxic or irritating substances, it may be safer to stay indoors. Leaving the area may expose you to that danger caused by high winds, limited visibility, and respiratory-related issues, to name a few. Thus, to “shelter-in-place” means to “make a shelter” using the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

Basic “Shelter-in-Place” Guidance

During an incident, if the building you are in is not damaged and still affords protection, stay inside. If possible, move to an interior room and away from glass or items that might become dangerous flying objects. Stay inside until you are told the area is safe by

designated staff or it is obvious the incident has passed and no longer affords protection from the incident. Take your belongings needed for personal care (purse, wallet, medications) as long as it does not slow your exit. Follow the evacuation protocols for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators, etc.). Do not remove personal items (e.g., pictures, computer, etc.) Once

4. Shut and lock all windows (tighter seal) and close exterior doors.
5. Turn off air conditioners, heaters, and fans.
6. Close ventilation system vents if able. University staff will turn off the ventilation as quickly as possible.
7. Turn on a radio or TV (if power is still available) and listen for more information about the incident.

Security and access to campus buildings and grounds

As a public community college district, most campus buildings and facilities are open to the public during the day and evening hours, when classes are in session and events are occurring. At other times, College buildings are generally locked and only faculty, staff, and authorized individuals are admitted. Consequently, regardless of the time of day or night, and no matter where you may be on campus, it is important for you to be alert and aware of your surroundings and exercise personal safety at all times. Do not leave doors propped open or unlocked after hours.

Electronic Card Access

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Weapons prohibited on campus

Arizona State law [A.R.S. § 13-2911](#) provides for the Maricopa County Community College District Governing Board to regulate deadly weapons, which includes firearms, on District campuses. The Maricopa County Community College District does not allow firearms or any deadly weapon on any of its campuses. Police officers do have exemptions from these laws. However, contact the District Police department to ascertain who may have authority to carry a firearm on campus.

follow. Call or report the hate crime incident to police the corresponding [District Police Department](#) at 480-784-0911.

Student Code of Conduct

are provided to the Complainant, even if another member of the college community submitted the complaint itself.

5. "Day" means business day when college is in session, and shall exclude weekends and college/MCCCD holidays.
6. "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/ facility, which includes educational or professional internships, clinical placements, or other experiential learning opportunities. Disruptive behavior also includes conduct that materially interferes with or obstructs college business operation.
7. "District " means the Maricopa County Community College District (MCCCD).
8. "Faculty member " means any person hired by the college or MCCCD to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of the faculty in credit / non-credit courses and clock hour courses and programs.
9. "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/site. A person's status in a particular situation shall be determined by the college President.
10. "Organization " means any number of persons who have complied with the formal requirements for college recognition.
11. "Policy " is defined as the written regulations of the college and/or MCCCD as found in, but not limited to, this Student Conduct Code and MCCCD Governing Board policy.
12. "Respondent" means any student accused of violating MCCCD's Student Conduct Code. Respondents enjoy the presumption of innocence until such time as the Respondent is adjudicated to have violated the Student Conduct Code.
13. "Student" means any individual who is currently admitted or registered in credit or non-credit college programs on a full or part time basis, or who participates in a college function (such as orientation, in anticipation of enrollment) or who was enrolled in the immediate previous term or is registered for a future term, including college employees so admitted, registered, or enrolled.
14. "Student Conduct Administrator" means a college official authorized 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.

15. "Threatening behavior" means any written or oral statement, communication, conduct or gesture directed toward any member of the college community, which causes a reasonable apprehension of physical harm to self, others, or property. It does not matter whether the person communicating the threat has the ability to carry it out, or whether the threat is made on a present, conditional, or future basis.

Article II: Judicial Authority

1. Decisions made by a Student Conduct Administrator shall be final, pending the normal appeal process.
2. Matters pertaining to sexual harassment must always be referred first to the college Title IX Coordinator for review under AR 5.1.16. Conduct that does not meet the definition of sexual harassment as outlined in AR 5.1.16, or otherwise do not meet the definition of an educational program or activity, do not occur against a person within the United States, or are otherwise dismissed either under the mandatory or discretionary dismissal provisions will be referred by the Title IX Coordinator back to the college's respective Student Conduct Administrator for investigation and adjudication under the Student Conduct Code.

Article III: Prohibited Conduct

1. Jurisdiction

The Student Conduct Code shall apply to conduct that occurs on any college or MCCCDCD premises, or at any center/site or MCCCDCD-sponsored event or activity that adversely affects the college community and/or the pursuit of its objectives.

- A. Jurisdiction may be applied against student behavior conducted online, via email, or other electronic medium provided that it meets the criteria listed above. Further, jurisdiction under this policy applies to any person who is currently admitted or in credit or non-credit college programs or who participates in a college function (such as orientation, in anticipation of enrollment) or who was enrolled in the immediate previous term or is registered for a future term, including college employees so admitted, registered, or enrolled.
- B. The Student Conduct Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

2. Title IX Sexual Harassment

Matters pertaining to sexual harassment/misconduct that do not meet the definition of sexual harassment as outlined in Administrative Regulation 5.1.16 or otherwise do not meet the definition of an educational program or activity and do not occur against a person within the United States will be referred by the Title IX Coordinator to the college's respective Student Conduct Administrator for investigation and adjudication under the Student Conduct Code.

3. Disruptive Behavior in Class (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. (Academic Misconduct AR 2.3.11). If the student refuses to leave after being requested to do so, district police may be summoned to provide assistance. For involuntary removal from more than one (1) class period, the faculty member should invoke the procedures outlined below. 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.

4. [REDACTED]

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

A. Acts of dishonesty, including but not limited to the following:

- i. Knowingly furnishing false information to any college official or officer (including filing a false report or complaint), including during an official investigation (i.e. Title IX, conduct, or campus police investigation).
- ii. Forgery, alteration or misuse of any college document, record or instrument of identification, even if there is no reliance on the forged or

animals individually trained to perform tasks for the benefit of an individual with a disability.

- G. Failure to comply with direction of college officials or law enforcement officers in the performance of their duties and/or failure to properly identify oneself to these persons when requested to do so.
- H. Unauthorized possession, duplication or use of keys to any college premises, or unauthorized entry to or use of college premises.
- I. Violation of any college or MCCCDCD policy, rule or regulation published in hard copy or online, such as a college catalog, handbook, etc. or available electronically on the college's or MCCCDCD's website.
- J. Violation of federal, state or local law.
- K. Use, possession, manufacturing or distribution of illegal or other controlled substances except as expressly permitted by law, unless such use is prohibited due to a program of study for fields that are deemed safety sensitive positions. (Abuse-Free Environment AR 2.4.7, S-16 statement on the Arizona Medical Marijuana Act Proposition 203).
- L. Illegal use, possession, manufacturing or distribution of alcoholic beverages or public intoxication.
- M. Smoking tobacco products, using e-cigarettes, or any other violation of the Smoke-Free/Tobacco-Free Environment policy (AR 4.12).
- N. 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 (Weapons policy AR 4.6).
- O. 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.
- P. Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.
- Q. 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

any unauthorized use of electronic or other devices or to make an audio or video record of any person while on college or MCCCDCD premises without their prior knowledge, or without their effective consent or when such a recording is

- ii. Invoking a Student Conduct Code proceeding with malicious intent or under false pretenses.
- iii. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct system.
- iv. 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.

- v. 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.

- vi. Failure to comply with the sanctions imposed under this Student Conduct Code.

- vii. Influence or attempting to influence another person to commit an abuse of the Student Conduct Code system.

- viii. 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.

- U. Engaging in irresponsible social media conduct. All Student Conduct policies apply to social networking platforms.

- V. Attempt to bribe a college or MCCCCD employee.

- W. Stalking behavior, which occurs if a student intentionally or knowingly maintains visual or physical proximity toward another person on (2) or more occasions over a period of time and such conduct would cause a reasonable person to fear for their safety.

- X. Sexual Misconduct, including but not limited to:
 - i. The use or display in the classroom, including electronic, of pornographic or sexually harassing materials such as posters, photos, cartoons or graffiti without pedagogical justification.
 - ii. Explicit sexual comments by one (1) or more students about another student, or circulating drawings or other images depicting a student in a sexual manner.
 - iii. Unwelcome sexual advances, repeated propositions or requests for a sexual relationship to an individual who has previously indicated that

such conduct is unwelcome, or sexual gestures, noises, remarks,

Article IV: Student Conduct Code Procedures

1. Allegations and Resolution Options

- A. Any member of the college community may file a complaint against a student for violations of this Student Conduct Code. A complaint may be in writing or verbally given to the Student Conduct Administrator. Once the complaint has been made, it shall be put in writing and a notice of allegation should be submitted to the Respondent. A Respondent must receive written notice of the allegations before a meeting is held with the Respondent regarding the conduct. The notice of allegations should outline the particulars of the

- i. Dismiss the case due to insufficient evidence, lack of jurisdiction, or the alleged behavior, even if proven true, would not violate the code.
- ii. Proceed with a full, thorough, and impartial investigation with formal disciplinary proceedings.
- iii. Initiate an informal resolution outside of formal disciplinary proceedings provided involved parties mutually agree and the Student Conduct Administrator determines this option is appropriate given the nature of the allegations. An informal resolution can also be an option when the Respondent accepts responsibility for the behavior.
- iv. If the informal resolution option is initiated, the determination with regard to responsibility and sanctions is final and cannot be appealed.

2. Informal Resolution Options

- A. Informal resolution options include, but are not limited to: administrative dispositions, mediation, facilitated dialogue, and restorative justice practices.
- B. Determinations regarding the type of informal resolution offered in a particular case will be made in consultation with the Student Conduct Administrators, other MCCC CD leadership, as necessary, and the students at issue. Staff outside of the Student Conduct Administrator's office may be involved in facilitating the agreed upon option.
- C. Informal resolutions can result in the same sanctions and institutional responses as are reserved for matters that have been addressed through a full investigation.
- D. The Student Conduct Administrator will make the determination with regard to responsibility.
- E. Should new facts come forward during the informal resolution process that significantly alter the nature of the allegations, the Student Conduct Administrator has the discretion to initiate a full investigation. If one of the involved parties decides that the informal resolution option is not appropriate, they may request a full investigation. This request must be submitted to the Student Conduct Administrator before the conclusion of the informal resolution process. If this action is taken, the Student Conduct Administrator will document the end of the informal resolution process and shall initiate a formal investigation.

F. Both the Complainant and the Respondent must sign an agreement to engage in the informal resolution process.

3. Interim Actions

A. If the Student Conduct Administrator is in receipt of information indicating that the Respondent poses a threat of harm or substantial disruption, the Student Conduct Administrator may take administrative action(s) to restrict, suspend, or alter the rights of a student for a temporary period. The interim action(s) will be communicated in writing to involved parties and will remain in place until a final decision on the pending allegations has been made or until the Student Conduct Administrator believes the reason(s) for issuing the interim action(s) no longer exists. These administrative actions are not designed to be punitive, and they are not issued as sanctions.

- B. Investigations will be conducted in a fair and impartial manner. Respondents are treated with a presumption of innocence until such time as it has been adjudicated that a violation of the Student Conduct Code has taken place.
- C. If during the investigation additional allegations are presented or if allegations outlined in the original notice of allegations have been retracted, the Respondent must receive an amended notice of allegations and shall be allowed to address the new allegations.

5. Investigation Process

- A. At the beginning of the investigation interview, the Student Conduct Administrator will review with the party being interviewed: The Student Conduct Code, the investigation process, how determinations are made, possible sanction(s), the prohibition against retaliation, and appeal options.
- B. Students are expected to comply with requests and directives issued by the Student Conduct Administrator performing duties connected to an investigation. Should a student choose to not participate in the conduct process, the Student Conduct Administrator will proceed with the investigation and make determinations without gaining input from the non-participating student.
- C. After the investigative interview, Respondents will be given up to five (5) days to reflect upon and respond to the allegations(s) in writing. The written response should be delivered to the Student Conduct Administrator within that time period. Likewise, Complainants and witnesses will be given up to five (5) days to reflect upon and respond to the information presented and outlined during the investigative interview. The Student Conduct Administrator does not need to provide interview notes or additional information to the student to facilitate this process.
- D. A student can have an advisor present in all conduct proceedings, but the

6. Determinations

- A. The Student Conduct Administrator will determine whether it is more likely than not that a student and/or student organization violated the Student Conduct Code.
- B. The Student Conduct Administrator will consider any mitigating or aggravating factors and determine the appropriate sanctions.
- C. Within five (5) business days of the determination, the Student Conduct Administrator will provide the parties a written decision. The written decision will indicate whether or not the charge(s) was substantiated and, if the charge(s)

9. Sanctions

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

- i. Warning - a written notice to the student that the student is violating or has violated institutional rules or regulations.
- ii. Disciplinary Probation - a written reprimand for violation of specified rules or regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional rules or regulation(s) during the probationary period.
- iii. Loss of Privileges - denial of specified privileges for a designated period of time which can include, but is not limited to, eligibility for some leadership roles, scholarships, membership in college-affiliated organizations, programs, and activities, and restricted access to college premises.
- iv. Restitution - compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- v. Discretionary Sanctions - work assignments, essays, service to the college, or community, apology letters, educational programs, or other related discretionary assignments. (Such assignments must have the prior approval of the Student Conduct Administrator and will have specific due dates.)
- vi. Behavioral Requirement - engagement with services or programs designed to address behaviors of concern through education and skill-building.
- vii. College Suspension - separation of the student from all the co.5(y)13.4(.bip (ii.)9(m

Employment Standards

The following constitutes grounds for disciplinary action, up to and including termination of any Maricopa County Community College District (MCCCD) employee as outlined by the respective [policy manuals](#):

1. Willful and intentional violation of any state or federal law, applicable ordinance, MCCCD Governing Board policy, or MCCCD administrative regulation that affects the employee's ability to perform their job.
2. Making a false statement of or failing to disclose a material fact in the course of seeking employment or reassignment of position at MCCCD.
3. Willful and intentional failure to perform job duties that have first been communicated to an employee and are within the employee's scope of employment.
4. Willful and intentional commitment of acts of fraud, theft, embezzlement,

11. Performing acts or executing job responsibilities in a reckless manner that pose a threat to the physical safety of the employee or another person.
12. Failure by the College President, Vice Chancellor, Chancellor or other senior level administrators to notify appropriate law enforcement authorities of any potential theft of District funds or assets.

Statement on Rehiring

Employees (Board approved and otherwise) who are terminated or non-renewed due to a determination that the employee has violated Maricopa Employment Standards as set forth above, or who resign in lieu of such termination or non-renewal by agreement or otherwise, are not eligible for rehire within the Maricopa County Community College District. Employees will be afforded notice of such a determination and an opportunity to be heard pursuant to the applicable employee policy or administrative regulation.

The Vice Chancellor for Human Resources or designee is responsible for reviewing documented violations of employment standards, establishing procedures for the review of recommended disciplinary action to be taken, and determining whether the recommended disciplinary action is consistent with the documented violations of the employment standards. The Vice Chancellor for Human Resources shall have final authority to recommend disciplinary action under this policy and shall document the rationale for all decisions. To the extent that the recommendation for disciplinary action by the Vice Chancellor for Human Resources or designee differs from the recommendation of the employee's College President or Vice Chancellor or other Chancellor's Executive Council Member, the Chancellor shall be consulted and shall make the final recommendation on disciplinary action. The Vice Chancellor for Human Resources shall make recommendations that involve the Chancellor.

Quarterly, a summary report shall be submitted to the Governing Board on disciplinary actions taken pursuant to this policy.

Whistleblower Protection

In response to a legislative directive, the Governing Board has adopted the following policy:

1. It is a prohibited personnel practice for an employee who has control over personnel actions to knowingly take an adverse personnel action against an employee in reprisal for disclosing to a public body, pursuant to [A.R.S. § 38-532](#), information that the employee reasonably believes evidences a violation of any law, mismanagement, a gross waste of monies or abuse of authority to a public body. Any District employee found to have committed a prohibited personnel practice is subject to dismissal and a civil penalty of up to five thousand dollars, except that upon a finding that an employee committed a prohibited personnel

practice against an employee who disclosed information that the employee

- than one business day after receipt of the complaint. If the complaint alleges wrongful action by the Chancellor, the Assistant to the Governing Board shall forward the complaint to the President of the Governing Board, or Secretary, if the President is not available, within one business day.
- B. In all instances, except those in which the complaint alleges wrongful actions by the Chancellor, the Chancellor or designee shall, within five business days after receipt of a complaint, establish a Whistleblower Hearing Committee (Committee) to hear the complaint.
 - C. In instances in which the complaint alleges wrongful actions by the Chancellor, the Governing Board shall, within five days after receipt of the complaint, name an independent, external Hearing Officer to hear the complaint.
 - D. The Committee shall be composed of three persons not associated with the incident or allegations. The make-up of the Committee shall be as follows: one College President from a college not related to the alleged violation to be named by the Chancellor; one District employee named by the complainant; one District employee named by the individual who is accused of committing a prohibited personnel practice.
 - E. The Committee or Hearing Officer shall make an initial determination of jurisdiction over the subject matter within 10 business days after receipt of the complaint by the Chancellor. The Committee or Hearing Officer shall decide, based upon the contents of the written complaint and any additional information the parties desire to submit, whether (1) the complainant did, in fact, disclose information to a public body concerning an alleged violation e, wd v

evidence, except the rule of privilege recognized by the court. Each side will have the opportunity to call witnesses, present evidence, and cross-examine the other party's witnesses. The hearing will be recorded and transcribed upon the request of either party. The requesting party will bear the cost of transcription.

- J. Within 15 days after the conclusion of the hearing, the Committee or Hearing Officer shall issue findings of fact and a recommended decision, including recommendations as to any appropriate discipline and the amount, if appropriate, of a civil penalty pursuant to A.R.S. § 38-532(C). The civil penalty may not exceed \$5,000.00, except that upon a finding that an employee committed a prohibited personnel practice against an employee who disclosed information that the employee reasonably believed evidenced a violation of any law, the employee who knowingly committed the prohibited personnel practice is subject to a civil penalty of up to ten thousand dollars, the employer shall dismiss the employee and the employee is barred from any future employment by the government entity.
 - K. The findings and recommendations shall be immediately forwarded to the Governing Board. The Governing Board may accept, reject or modify the findings and recommendations.
9. The District shall have [Ombudsperson Services](#) that are available to the external (non-employees) community and internal employee community to address complaints and concerns relative to the operations of the Maricopa County Community College District. These services may be staffed by District employees or may be contracted or both. The District shall also maintain a 24-hour reporting hotline (480-731-8084) for the submission of complaints and concerns (anonymous or otherwise). These services are not considered to be services of the "public body" as defined in section 2 of this policy; persons seeking whistleblower protection may avail the services of the public body as defined in section 1.
- A. Among the concerns or complaints that may be reviewed by the Ombudsperson are unsolicited, derogatory and anonymous complaints or concerns about employees. These shall not be reviewed separately by the Governing Board.
 - B. Quarterly, the Chancellor shall submit to the Governing Board and District Audit and Finance Committee summary information on the number of Ombuds and 24-Hour Hotline complaints in the District. Such a report shall protect the identity of Ombuds and 24-Hour Hotline reporters from disclosure. Quarterly, the Chancellor also shall submit to the Governing Board and District Audit and Finance Committee summary information on complaints and concerns submitted to the external and internal Ombudsperson Services. Identities shall be protected from disclosure.

MCCCD Policy on Substance Abuse

Drug Free Schools & Communities Act of 1989

District Policy

Maricopa Community Colleges supports the Drug Free Schools and Communities Act Amendments of 1989, Public Law 101-226, and complies with all federal, state, and local laws pertaining to controlled substances, including alcohol. The possession, use, sale or consumption of an alcoholic beverage in any premises owned and/or leased/rented by the District for approved educational purposes is prohibited.

The Maricopa Community Colleges District prohibits the unlawful possession, use, and sale of illegal drugs on campus. The District Police Department is responsible for the enforcement of state underage drinking laws and enforcement of Federal and State drug laws.

College Response to Alcohol and Drug Violations

Besides the sanctions imposed by federal and state courts concerning controlled substance violation(s), the college will respond administratively when the offense

adopted and has implemented a program to prevent the use of illicit drugs and abuse of alcohol by students and employees.” Another federal law, the Controlled Substances Act, prohibits the possession, use, production, and distribution of marijuana for any and all uses, including medicinal use. This law is not affected by the passage of the Arizona Medical Marijuana Act or the Smart and Safe Arizona Act. Because Maricopa Community Colleges could lose its eligibility for federal funds if it fails to prohibit marijuana, it is exempt from the requirements of the Arizona Medical Marijuana Act. Therefore, Maricopa Community Colleges will continue to enforce its current policies prohibiting the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on its property or as part of any of its activities. Employees and students who violate Maricopa Community Colleges policy prohibiting the use or possession of illegal drugs on campus will continue to be subject to disciplinary action, up to and including expulsion from school and termination of employment.

In compliance with the Drug Free Schools and Communities Act, Phoenix College publishes information regarding the College’s prevention programs related to drug and

Off-campus Student Organizations

District Police do not monitor the activities of off-campus student organizations.

Crime Statistics

The Clery Act requires MCCCDC to track and include four general categories of crime statistics:

Criminal Offenses

- x Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence.
- x Sexual Assault, including Rape, Fondling, Incest and Statutory Rape.
- x Robbery
- x Aggravated Assault
- x Burglary
- x Motor Vehicle Theft
- x Arson

VAWA Offenses

- x Domestic Violence
- x Dating Violence
- x Stalking
- x Sexual Assault (which is also a VAWA offense, but is included in the Criminal Offenses category for Clery Act reporting purposes).

Hate Crimes

Any of the offenses listed in the Criminal Offenses category and any of the following offenses if motivated by bias:

- x Larceny – Theft
- x Simple Assault
- x Intimidation
- x Destruction/Damage/Vandalism of Property

Arrests and Referrals for Disciplinary Action

Referrals for disciplinary action may result in a disciplinary sanction, administrative action, or educational intervention.

- x Weapons – Carrying, Possessing, Law Violations
- x Drug Abuse Violations
- x Liquor Law Violations

Crime Statistics Definitions

For purposes of crime statistics reporting, the following definitions apply:

Criminal Offenses

1. Criminal Homicide

- a. Murder/Non-negligent Manslaughter is the willful (non-negligent) killing of one human being by another.
- b. Manslaughter by Negligence is the killing of another person through gross negligence.

2. Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

- a. Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes rape of both males and females.
 - b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - d. Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.
3. Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

4. Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
5. Burglary is the unlawful entry of a structure to commit a felony or theft.
6. Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.
7. Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crimes

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Under the Clery Act, only the following eight categories of bias are reported:

1. Race. A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
2. Religion . A preformed negative attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
3. Sexual Orientation . A preformed negative attitude toward a group of persons based on their actual or perceived sexual orientation.
4. Gender . A preformed negative attitude toward a group of persons based on their actual or perceived gender.
5. Gender Identity . A preformed negative attitude toward a group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
6. Ethnicity . A preformed negative attitude toward a group of persons whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stress common ancestry.

7. National Origin . A preformed negative attitude toward a group of people based on their actual or perceived county of birth.
8. Disability . A preformed negative attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

In addition to the Criminal Offenses defined above, the following offenses are included in Clery Act statistics if they are Hate Crimes.

1. Larceny-Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.
2. Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
3. Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
4. Destruction/Damage/Vandalism of Property is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

VAWA Offenses

1. Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the reporting party's statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between

possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offense that are regulatory in nature.

2. Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the

Unfounded Crimes

Pursuant to the Violence Against Women Reauthorization Act regulations, an institution may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report. The recovery of stolen property, the low value of stolen property, refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

PC Main Campus Unfounded Crimes



PC Downtown Campus Unfounded Crimes



PC Center for Nursing Excellence Campus Unfounded Crimes



PC Center of Excellence for Healthcare



PC Main Campus Statistics (continued)

VAWA OFFENSES	OFFENSE	YEAR	GEOGRAPHIC LOCATION		
			ON- CAMPUS PROPERTY	NON- CAMPUS PROPERTY	PUBLIC PROPERTY
Domestic Violence		2020	0	0	0
		2021	0	0	0
		2022	0	0	0
Dating Violence		2020	0	0	0
		2021	0	0	0
		2022	0	0	0
Stalking		2020	0	0	0
		2021	0	0	0
		2022	0	0	0

ARRESTS AND DISCIPLINARY REFERRALS	OFFENSE	YEAR	GEOGRAPHIC LOCATION		
			ON-CAMPUS PROPERTY	NON- CAMPUS PROPERTY	PUBLIC PROPERTY
Weapon Law Arrests		2020	0	0	0
		2021	0	0	0
		2022	0	0	0
Weapon Law Referrals		2020	0	0	0
		2021	0	0	0
		2022	0	0	0
Drug Arrests		2020	0	0	0
		2021	0	0	0
		2022	1	0	0
Drug Referrals		2020	0	0	0
		2021	0	0	0

PC Downtown Campus Statistics (continued)

PC Center of Excellence for Healthcare Campus Statistics

			GEOGRAPHIC LOCATION
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ON- CAMPUS

OFFENSE

YEAR

CRIMINAL OFFENSES

PC Center of Excellence for Healthcare Campus Statistics (continued)

	OFFENSE	YEAR	GEOGRAPHIC LOCATION		
			ON- CAMPUS PROPERTY	NON- CAMPUS PROPERTY	PUBLIC PROPERTY
VAWA OFFENSES	Domestic Violence	2020	0	0	0