On May 6, 2020, the Department of Education released updated federal regulations. This annual notification reflects relevant changes to the definition of sexual harassment and the procedures to address such action.

Title IX states:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.” Title IX of the Educational Amendments of 1972 to the 1964 Civil Rights Act

Title IX prohibits sex discrimination in all programs and activities of a community college district such as the Maricopa County Community College District (MCCCD). MCCCD is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, MCCCD has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sexual harassment, and for allegations of retaliation. MCCCD values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

TITLE IX

Title IX of the Education Amendments of 1972, 20 U.S.C. XX 1681 et seq., is enforced by the U.S. Department of Education. This federal law prohibits discrimination on the basis of sex in education programs
and activities operated by recipients of federal financial assistance. Title IX applies to all participants of such programs, including students, faculty, staff, parents.

The core purpose of this policy is the prohibition of sexual harassment and discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is reported, the allegations are subject to resolution using MCCCD’s "Formal Grievance Process" as determined by the Title IX Coordinator. For a copy of the full policy, please visit https://district.maricopa.edu/consumer-information/title-ix

Policy Application

This policy applies to all MCCCD educational programs and activities, and to conduct that takes place on the campus or on property owned or controlled by the MCCCD, at MCCCD-sponsored events, or in buildings owned or controlled by MCCCD’s recognized student organizations. The Respondent must be a member of MCCCD’s community in order for its policies to apply and the conduct must be directed to a person in the United States. Further, the Complainant must be engaging in or attempting to engage in our educational programs or activities. Nevertheless, even when the Respondent is not a member of the MCCCD’s community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. Moreover, when allegations do not meet the policy application parameters, the allegations will be referred to the appropriate body for adjudication as a possible policy violation.

Title IX- Definition of 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 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).

The Department of Education’s Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Arizona regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.
Title IX Coordinator

Each MCCCD college has a designated Title IX Coordinator who oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating MCCCD’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy. Under the 2020 Title IX regulations, the Title IX Coordinator is also the primary point of contact for the grievance process. Questions related to the grievance process should be directed to the Title IX Coordinator.

The names and contact information for each college Title IX Coordinator can be found on the following page: https://district.maricopa.edu/consumer-information/title-ix/title-ix-coordinators.

Officials with Authority

MCCCD has determined that the following administrators are Officials with Authority to address and correct sexual harassment and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority may accept notice or complaints on behalf of the MCCCD. Knowledge on the part of an Official with Authority conveys actual knowledge to the District and requires action on the District’s part.

Officials of Authority include:
The Chancellor
Provost
General Counsel/Associate General Counsel
Chief Human Resources Officer
Chief Executive Officer
College Presidents
Vice Chancellors/Associate Vice Chancellors
Vice Presidents (at all levels)
Law enforcement
Athletic Directors
College/District Title IX Coordinator

Mandatory Reporters

The following classification of employees are mandatory reporters and are required to report actual or suspected discrimination or harassment to the respective college Title IX Coordinator or to the District Compliance Office for District employees. A complainant who expects formal action in response to their allegations, but does not wish to contact the Title IX Coordinator should report their allegations to any mandatory reporter who can connect them with resources to report crimes and/or policy violations. Knowledge of sexual harassment/discrimination to a Mandatory Reporter does not convey actual knowledge to the District.
Mandatory reporters will, within twenty-four (24) hours, refer reports to the Title IX Coordinator (and/or police, if desired by the complainant), who will act.

The persons occupying the following positions are mandatory reporters.
Chancellor
Provost
General Counsel/Associate General Counsel
Chief Human Resources Officer
Chief Workforce and Economic Development Officer
College Presidents
Associate Vice Chancellors
Director of Communications
Supervisors/Managers/Directors (but not including division or department chairs)
College Vice Presidents, at all levels
Deans, at all levels
Athletic Directors/Coaches/Trainers
Law enforcement
Additional information regarding Officials with Authority and Mandatory Reporters, please click Here or see: https://district.maricopa.edu/consumer-information/title-ix/reporting/officials-authority-mandatory-reporters.

Inquiries may be made externally to:
Office for Civil Rights,

Denver Office
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Facsimile: (303) 844-4303
Email: OCR.Denver@ed.gov

Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the MCCCD’s jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1) File a complaint with, or give verbal notice to, the Title IX Coordinator or Officials with Authority. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed. Title IX
Coordinators can be found on the following page: https://district.maricopa.edu/consumer-information/title-ix/title-ix-coordinators.

2) Report online, using the reporting form posted at https://district.maricopa.edu/consumer-information/reporting. Anonymous reports are accepted but can give rise to a need to investigate. The MCCCD tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the MCCCD respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the MCCCD to discuss and/or provide supportive measures.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the MCCCD investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. Click HERE for list of Title IX Coordinators or see: https://district.maricopa.edu/consumer-information/title-ix/title-ix-coordinators.

The phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the MCCCD) that contains the Complainant’s physical or digital signature, which can include the Complainant’s name on the email, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

**Supportive Measures**

The Title IX Coordinator will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the MCCCD’s education program or activity, including measures designed to protect the safety of all parties, the MCCCD’s educational environment, and/or deter sexual harassment, discrimination on the basis of sex, and/or retaliation.

**Formal Grievance Process Administrator Pool**

The Formal Grievance Process relies on a pool of administrators (“the Pool”) to carry out the process. Members of the Pool are as follows: Title IX Coordinator, MCCCD-trained Advisors, Investigators, Hearing Facilitators, and the Decision-maker. For more information regarding the Grievance Process, please click HERE or visit https://district.maricopa.edu/consumer-info/title-ix-preventing-sexual-harassment/investigative-process

**Privacy**
Every effort is made by the MCCCD to preserve the privacy of reports. MCCCD will not share the identity of an individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The MCCCD reserves the right to designate which MCCCD officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including, but not limited to, the Office for Student Affairs, college/District Compliance Office, Public Safety, and the Behavior Intervention Team. Information will be shared as necessary with Investigators, Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties’ rights and privacy.

The MCCCD may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.