Section 5: Non-Discrimination

Regulation Statement

The Maricopa County Community College District (MCCCD) is committed to promoting a learning and work environment that is non-discriminatory. This commitment is demonstrated through the value of inclusion, the implementation of policies and regulations that serve to prohibit discrimination and by practicing non-discriminatory actions in both our employment and academic activities.

This means that MCCCD Maricopa will not discriminate, nor tolerate discrimination, against any applicant, employee, or student in any of its policies, procedures, or practices.

This policy covers all selection and decision practices of the employment relationship, as well as admission to, access to, and treatment of students in MCCCD’s Maricopa’s programs and activities.

AMENDED through the Administrative Regulation Process, March 13, 2012
AMENDED by the Administrative Regulations approval process, September 29, 2011, Motion No. 9863
AMENDED by the Administrative Regulations approval process, September 27, 2010
AMENDED by the Administrative Regulations approval process, March 23, 2010, Motion No. 9669
AMENDED by the Administrative Regulations approval process, February 25, 2009
AMENDED by the Administrative Regulations approval process, August 18, 2008
AMENDED by the Administrative Regulations approval process, September 26, 2000
Founding Source:
Governing Board Minutes, November 23, 1993, Motion No. 8167

Reason for Regulation

The purpose of this regulation is to promote a learning and work environment that is non-discriminatory.

Regulation

5.1
Non-Discrimination

5.1.1
Maricopa County Community College District (Maricopa EEO Policy)

It is the policy of the MCCCD Maricopa District (consisting of Chandler-Gilbert Community College, the District Office, the District Office, Estrella Mountain Community College, GateWay Community College, Glendale Community College, Maricopa Corporate College, Maricopa Skill Center, Mesa Community College, Paradise Valley Community College, Phoenix College, Rio Salado Community College, Scottsdale Community College, South Mountain Community College, and Southwest Skill Center) to:
1. Recruit, hire, and promote in all job groups, and to ensure that all Human Resources (HR) employment selection and decision practices do not discriminate, nor tolerate discrimination in employment or education, against any applicant, employee, or student on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information.

2. All HR employment selection and decision practices pertaining to advertising, benefits, compensation, discipline (including probation, suspension, and/or involuntary termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training will continue to be administered without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information.

3. Hold each level of management responsible for ensuring that all employment policies, procedures, and activities are in full compliance with all applicable federal, state, and local EEO statutes, rules, and regulations.

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AMENDED by the Administrative Regulations approval process, September 29, 2011, Motion No. 9863
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AMENDED by the Administrative Regulations approval process, September 26, 2000

Founding Source:
Governing Board Minutes, November 23, 1993, Motion No. 8167

5.1.2
Maricopa EEO Policy

The Maricopa’s Equal Employment Opportunity (EEO) Policy Statement or EEO Clause appears in all major publications distributed to employees, students, and applicants. Copies of these documents are available at each of the colleges, at the District Employee Services Office, and at the EEO/Affirmative Action (AA) Office.

In accordance with all applicable federal, state, and local regulations, Maricopa will maintain and update its Affirmative Action Plans (AAPs) on an annual basis. Copies of the AAP will be distributed to the Governing Board and CEC members by December 31st of each year. They include the AAP for Minorities and Females, the AAP for Individuals with Disabilities, and the AAP for Other Eligible Veterans, Special Disabled Veterans, and Vietnam Era Veterans.

AMENDED through the Administrative Regulation Process, March 13, 2012
AMENDED by the Administrative Regulations approval process, September 29, 2011, Motion No. 9863
AMENDED by the Administrative Regulations approval process, September 27, 2010
AMENDED by the Administrative Regulations approval process, March 23, 2010, Motion No. 9669
AMENDED by the Administrative Regulations approval process, February 25, 2009
5.1.3 EEO Policy Statement

It is the policy of Maricopa to promote equal employment opportunities through a positive continuing program. This means that Maricopa will not discriminate, nor tolerate discrimination in employment or education, against any applicant, employee, or student because of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information. Additionally, it is the policy of Maricopa to provide an environment for each Maricopa job applicant and employee that is free from sexual harassment, as well as harassment and intimidation on account of an individual’s race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information.

In addition, lack of English language skills is not a barrier to admission into Career and Technical Education (CTE) programs or skill centers. Students who enroll will be supported in the development of these skills by classes in English as a Second Language and other resources. Translation services and bilingual instruction can also be provided: contact college designee for more information.

5.1.4 EEO Clause

The Maricopa County Community College District (MCCCD) is an EEO/AA Institution and does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information.
5.1.5
Use of the EEO Policy Statement or EEO Clause

As required by federal regulations, the EEO Policy Statement or EEO Clause MUST appear in all major publications distributed to employees, students, and applicants throughout Maricopa’s system. These publications include, but are not limited to, catalogs, handbooks, schedules, policy manuals, recruitment publications, advertisements (internal and external), and application forms (employee and student).

Additionally, the EEO Policy Statement or EEO Clause MUST be included in all purchase orders and contracts.

The approved statements and clauses for use in publications are posted as Appendix ND-3.

5.1.6
Policy Statements Declaration

The Policy Statements Declaration, which is an exhibit to this regulation, is a one-page document of Maricopa’s policies that is to be posted on bulletin boards throughout the entire District. It clearly defines Maricopa’s firm commitment to EEO/AA and to a workplace that is free from harassment.
5.1.7
Notice of Americans with Disabilities Act (ADA)/Section 504 of the Rehabilitation Act/Title IX Coordinator

Under the ADA and Section 504, Maricopa recognizes the obligation to provide overall program accessibility throughout its locations for qualified disabled individuals. Students and Employees can raise concerns or make complaints, without retaliation, about matters made unlawful under the ADA.

EMPLOYEES
The District Office and each College must post the address and telephone number for the individual responsible for coordinating services and/or activities relating to the Americans with Disabilities Act (42 U.S.C. Chapter 126), Section 504 of the Rehabilitation Act (29 U.S.C. §794(d)), and all other applicable law. The Notice will specify how Employees can request reasonable accommodations.

STUDENTS
The District Office and each Maricopa location must post the address and telephone number for the individual responsible for coordinating services and/or activities relating to the Americans with Disabilities Act (42 U.S.C. Chapter 126), Section 504 of the Rehabilitation Act (29 U.S.C. §794(d)), and Title IX of the Education Amendments of 1972 (20 U.S.C. §1681), using the format below:

- ADA/504/Title IX Coordinator
- Address
- Phone #
- Email address

Additionally, each college/center must publish the above information in student handbooks and catalogs.

Under the ADA and Section 504, Maricopa recognizes the obligation to provide overall program accessibility throughout its locations for disabled individuals. The designated ADA/504/Title IX Coordinator at each college/center will provide information as to the existence and location of services, activities, and facilities that are accessible to and usable by individuals with disabilities. Likewise, under Title IX, there is an obligation to provide services and program accessibility in a gender-neutral manner.

In accordance with all applicable federal, state, and local regulations, Maricopa will maintain and update its Affirmative Action Plans (AAPs) on an annual basis. Copies of the AAP will be distributed to the Governing Board and CEC members by December 31st of each year. They include the AAP for Minorities and Females, the AAP for Individuals with Disabilities, and the AAP for Other Eligible Veterans, Special Disabled Veterans, and Vietnam Era Veterans.
(Maricopa) Policy Statements Declaration

EEO Clause
The Maricopa County Community College District is an EEO/AA institution.

EEO Policy Statement
It is the policy of Maricopa County Community College District (consisting of the District Support Services Center, Chandler-Gilbert Community College, Estrella Mountain Community College, Glendale Community College, GateWay Community College, Maricopa Skill Center, Mesa Community College, Paradise Valley Community College, Phoenix College, Rio Salado Community College, Scottsdale Community College, and South Mountain Community College) to promote equal employment opportunities through a positive continuing program. This means that Maricopa will not discriminate, nor tolerate discrimination in employment or education, against any applicant, employee, or student because of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information. Additionally, it is the policy of Maricopa County Community College District to provide an environment for each Maricopa job applicant, employee, and student that is free from sexual harassment, as well as harassment and intimidation on account of an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information.

Affirmative Action Policy Statement for Individuals with Disabilities
In conformance with the provisions of Section 503 of the Rehabilitation Act of 1973, as amended, and the implementing regulations, 41 CFR 60-741.5 (a), as amended, Maricopa County Community College District will not discriminate, nor tolerate discrimination in employment or education, against any applicant, employee, or student because of physical or mental disability in regard to any position for which the known applicant or employee is qualified. Maricopa agrees to take affirmative action to employ, advance in employment, and otherwise treat known qualified individuals with disabilities without regard to their physical or mental disability in all human resources selection and decision practices, such as the following: advertising, benefits, compensation, discipline (including probation, suspension, and/or termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training. Maricopa will also continue to administer these practices without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information. Additionally, all applicants and employees are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Act.

Affirmative Action Policy Statement for Other Eligible Veterans, Special Disabled Veterans, and Vietnam Era Veterans
In conformance with the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Veterans Employment Opportunities Act of 1998, and the implementing regulations, 41 CFR 60-250 (k), Maricopa County Community College District will not discriminate, nor tolerate discrimination in employment or education, against any applicant, employee, or student because he or she is a special disabled veteran or Vietnam era veteran in regard to any position for which the known applicant or employee is qualified. Maricopa agrees to take affirmative action to employ, advance in employment, and otherwise treat known qualified special disabled veterans and Vietnam era veterans without discrimination based upon their disabled or veteran status in all human resources selection and decision practices, such as the following: advertising, benefits, compensation, discipline (including
probation, suspension, and/or termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training. Maricopa will continue to administer these practices without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information. Additionally, Maricopa agrees to post all suitable job openings at the local office of the State employment service where the job opening occurs. This includes full-time, temporary greater than 3 days' duration, and part-time employment. Finally, all applicants and employees are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under the Act.

**AMENDED through the Administrative Regulation Process, March 13, 2012**
**AMENDED by the Administrative Regulations approval process, September 29, 2011, Motion No. 9863**
**AMENDED by the Administrative Regulations approval process, September 27, 2010**
**AMENDED by the Administrative Regulations approval process, March 23, 2010, Motion No. 9669**
**AMENDED by the Administrative Regulations approval process, February 25, 2009**
**AMENDED by the Administrative Regulations approval process, August 18, 2008**
**AMENDED by the Administrative Regulations approval process, September 26, 2000**

**Founding Source:**
Governing Board Minutes, November 23, 1993, Motion No. 8167

### 5.1.8 Sexual Harassment Policy for Employees

The policy of the Maricopa County Community College District (MCCCD) is to provide an educational, employment, and business environment free of harassment that is based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information. Such prohibited harassment includes but is not limited to sexual violence, unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct or communications constituting sexual harassment as defined and otherwise prohibited by state and federal law. Sexual violence against employees is prohibited by Title VII of the Civil Rights Act of 1964.

Sexual violence against employees is prohibited by Title VII of the Civil Rights Act of 1964. Employee complaints of sexual harassment must be reported to the District Office of **Equity, Equal Employment and Opportunity**, and Engagement.

Sexual harassment based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information violates MCCCD Policy when the conduct is unwelcome, verbal, or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it alters working conditions and creates a hostile environment for employees. The unwelcome behavior may be based on power differentials, the creation of a hostile environment, or retaliation for sexual harassment complaints. Sexual harassment by and between, employees; employees and students; and campus visitors and employees, is prohibited by this policy.
Due process is afforded any employee accused of sexual harassment. On receipt of a complaint, an immediate preliminary investigation will be conducted to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, then a prompt, thorough, impartial investigation will be conducted by the authorized administrator, or designee. If the final decision is that sexual harassment occurred, the college will take immediate action to eliminate the hostile environment, prevent its recurrence, and address its effects. Remedies for the complainant will also be sought. Violations of this policy may result in disciplinary action up to and including termination for employees, sanctions up to and including suspension or expulsion for students, and appropriate sanctions against campus visitors. This policy applies to prohibited conduct that occurs both on and off campus and covers campus employees, and visitors.

This policy is subject to constitutionally protected speech rights and principles of academic freedom. Questions about this policy may be directed to the MCCCD EEO/Affirmative Action Office.

AMENDED by Direct Approval from the Chancellor, August 4, 2016
AMENDED by the Administrative Regulations approval process, March 13, 2012
AMENDED by the Administrative Regulations approval process, September 29, 2011, Motion No. 9863
AMENDED by the Administrative Regulations approval process, September 27, 2010
AMENDED by the Administrative Regulations approval process, March 23, 2010, Motion No. 9669
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AMENDED by the Administrative Regulations approval process, August 18, 2008
AMENDED by the Administrative Regulations approval process, September 26, 2000

Founding Source:
Governing Board Minutes, November 23, 1993, Motion No. 8167

5.1.9 Examples of Policy Violations

It shall be a violation of MCCCD's Sexual Harassment Policy for any employee, student or campus visitor to engage in unwelcome conduct that is based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information:

1. Engage in offensive conduct based on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information that becomes a condition of continued employment or the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive;
2. Engage in unwelcome conduct, verbal or physical, including intimidation, ridicule, insult, comments, or physical conduct, that is based on an individual's on race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information or on their protected activities under applicable anti-discrimination laws and policies, when the behavior can reasonably be considered to adversely affect the work environment, or an employment decision affecting the employee is based upon the employee’s acceptance or rejection of such conduct.
3. Engage in Sexual Harassment, which includes, but is not limited to:
1. **A.** Make unwelcome sexual advances to another employee, student or campus visitor;
2. **B.** Make unwelcome requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment or academic relationship;
3. **C.** Engage in verbal or physical conduct of a sexual nature with another employee, student or campus visitor, that may threaten or insinuate, either explicitly or implicitly, that the individual's submission to, or rejection of, the sexual advances will in any way:
   - **A. 1.** Influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or
   - **B. 2.** Influence his or her grades, participation in or access to academic programs, class standing or other educational opportunities;
4. **D.** Engage in verbal or physical conduct of a sexual nature that:
   - **A. 1.** Has the purpose or effect of substantially interfering with an employee's ability to do his or her job; or with a student's ability to learn or participate in a class; or
   - **B. 2.** Which creates an intimidating, hostile or offensive work or academic environment;
5. **E.** Commit any act of sexual assault or public sexual indecency against any employee or student whether on MCCCD property or in connection with any MCCCD-sponsored activity;
6. **F.** Continue to express sexual interest in another employee, student or campus visitor after being informed or on notice that the interest is unwelcome (reciprocal attraction is not considered sexual harassment);
4. **7.** Engage in other sexually harassing conduct based on an individual’s race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information in the workplace or academic environment, whether physical or verbal, including, but not limited to, commentary about an individual's body (or body parts), sexually degrading words to describe an individual, sexually offensive comments, sexually suggestive language or jokes, innuendoes, and sexually suggestive objects, books, magazines, computer software, photographs, cartoons or pictures. Other sexual misconduct may include sexual exploitation, stalking, and gender-based bullying based on an individual’s race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information.
5. **8.** Treat a complainant or witness of sexual harassment based on an individual’s race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information in a manner that could dissuade a reasonable person from pursuing or participating in the complaint and investigation.

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Founding Source:
Governing Board Minutes, November 23, 1993, Motion No. 8167
5.1.10
Additional Policy Violations

Supervisors, managers, administrators and faculty must comply with MCCCD policies and procedures and the laws dealing with discrimination. Supervisors, managers, administrators and faculty who violate those policies, procedures, or the law or who disregard or fail to report allegations of sexual harassment on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information (whether reported by the person who is the subject of the sexual harassment or a witness) are in violation of this policy and shall be subject to discipline up to and including dismissal.

It is a part of every employee’s job to participate fully and honestly in any workplace investigation, and MCCCD expects such participation of its employees. Failure on the part of an MCCCD employee to participate fully and honestly in any workplace investigation may be grounds for discipline under this policy. Any Employee who fails to cooperate with the investigation may be subject to disciplinary action, up to and including dismissal.

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Founding Source:
Governing Board Minutes, November 23, 1993, Motion No. 8167

5.1.11
Responsibility for Policy Enforcement

Employees and students must avoid offensive or inappropriate sexual and/or sexually harassing behavior based on an individual’s race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information at work, or in the academic environment (in and out of the classroom).

Employees and students are encouraged (but not required) to inform perceived offenders of this policy and that the commentary/conduct is offensive and unwelcome.

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AMENDED by the Administrative Regulations approval process, February 25, 2009
5.1.12 Complaints

1. Employees
Employees who experience sexual harassment at work (by a supervisor, co-employee, student or visitor) are urged to report such conduct to the direct attention of their supervisor, their college president or to the Maricopa Community Colleges Equal Employment Opportunity/Affirmative Action Office. If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go directly to the Maricopa Community Colleges EEO/AA Office.

2. Students
Students who experience sexual harassment or sexual assault in a school's education program and activities (by a faculty member, administrator, campus visitor or other student) are urged to report such conduct to the designated Title IX Coordinator, who of which there is the vice president of student affairs at one for each MCCCD college. A student may also contact the MCCCD EEO/AA Office to obtain the name and phone number of the college official designated to respond to sexual harassment complaints based on an individual's race, color, religion, sex, sexual orientation, gender identity, national origin, citizenship status (including document abuse), age, disability, veteran status or genetic information.

3. General - Applicable to Both Employees and Students
A. Complaints by employees will be investigated according to procedures established by the MCCCD EEO/AA Office. Copies of these procedures may be obtained in the college president's office, Office of the Vice President of Student Affairs on the District website and the MCCCD EEO/AA Office.
B. The college/center/MCCCD will investigate all complaints by students will be investigated according to the procedures established in the Student Code of Conduct. Copies of these procedures may be obtained on the District website and at the Student Life and Leadership Office at each college.
C. All complaints will be investigated in a prompt, thorough, and impartial manner.
D. Where investigation confirms the allegations, appropriate responsive action will be taken by the college/center/MCCCD.
5.1.13
Confidentiality

Records will be maintained in a confidential manner to the extent permitted by law and insofar as they do not interfere with MCCCD's legal obligation to investigate and resolve issues of sexual discrimination and harassment based on one's protected class status—as outlined in law and in MCCCD policy. The MCCCD cannot promise complete confidentiality.

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5.1.14
Violations of Law

An employee or student may be accountable for sexual discrimination, retaliation, and/or harassment under applicable local, state, and/or federal law, as well as under MCCCD policy. Disciplinary action by MCCCD may proceed while criminal proceedings are pending and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

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5.1.15
False Statements Prohibited

Any individual who knowingly provides false information pursuant to filing a discrimination charge or during the investigation of a discrimination charge, will be subject to appropriate disciplinary action, up to and including, employment termination or academic dismissal.
Retaliation Prohibited
Retaliation against an employee or student for filing a sexual engaging in protected activity is strictly prohibited. MCCCD strictly prohibits taking an adverse action that might deter a reasonable person from participating in activity protected by antidiscrimination laws. Protected activity consists of:

(a) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a nondiscrimination statute or which MCCCD policy prohibits; (b) filing a complaint about such practice; or (c) testifying, assisting, or participating in any manner in an investigation of a or other proceeding related to a discrimination complaint, is strictly prohibited.

Retaliatory actions are not limited to formal personnel actions such as termination, demotion, non-promotion, or non-selection. Retaliatory actions are broadly defined as harassing behavior, significant changes to job duties or working conditions, and even threats to take personnel actions based on engaging in protected activity. MCCCD will take appropriate disciplinary action, up to and including employment termination or academic dismissal if retaliation occurs.
-ND-3 Posting Standards for EEO Statement and Clause
-ND-4 Religious Accommodation Procedure and Request Form
-ND-5 Procedures for Requesting Reasonable Accommodation

**Responsible Parties/Contacts**

- **Senior Leader**
  - Chief Human Resource Officer
- **Regulation Owner**
  - Human Resources
- **Regulation Contact**
  - Human Resources

**Legal References (for OPS reference, not for posting)**

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<tr>
<th>Reference</th>
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<tbody>
<tr>
<td>TITLE VII OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VII)</td>
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<td>THE PREGNANCY DISCRIMINATION ACT</td>
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<td>THE EQUAL PAY ACT OF 1963 (EPA)</td>
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<td>THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967 (ADEA)</td>
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<td>TITLE I OF THE AMERICANS WITH DISABILITIES ACT OF 1990 (ADA)</td>
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<td>SECTIONS 102 AND 103 OF THE CIVIL RIGHTS ACT OF 1991</td>
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<td>THE GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008 (GINA)</td>
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<td>A.R.S. 41-1461 ET SEQ</td>
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**Adoption History**

AMENDED through direct approval from the Chancellor, May 20, 2014
AMENDED through the Administrative Regulation Process, March 13, 2012
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