

appendices section VI

auxiliary services

as-3

Complaint Process

Supplement to the Technology Resources Administrative Regulation

Complaints alleging violation of the Technology Resource Standards shall be filed in writing, under signature of the complainant, with the Maricopa Community Colleges Office of Information Technology Services. The complaint shall state with particularity the content or activity believed to be in violation.

Within five working days of its receipt by the Office of Information Technology Services, a copy of the complaint in its entirety shall be sent to the user alleged to be responsible for the content or conduct at issue. The user shall have five working days from the date of receipt of the complaint to voluntarily remove or amend the content at issue or cease the conduct complained of.

If the user voluntarily removes or amends the content at issue or ceases the conduct complained of, no further review shall be undertaken.

1. Initial Assessment—Per Se Violations

Within five working days of receipt of the complaint, the Office of Information Technology Services, in consultation with the MCCC General Counsel's Office, will conduct an Initial Assessment and render an opinion as to whether the alleged use of technology resources constitutes a per se violation of any law, Maricopa policy or administrative regulation. Upon determination of such a violation, including a violation of any law, the General Counsel's Office will issue a written finding to the user, the College President, or the Vice Chancellor of Information Technology indicating with specificity the nature of the alleged violation and recommending the action to be taken. Pending further review pursuant to this regulation, the College President or the Vice Chancellor of Information Technology shall have the authority to remove any content found to be in violation or to prohibit access by the user to any MCCC resource being used to facilitate the conduct found to be in violation.

In the event the Office of Information Technology Services does not find the complained of conduct to be in violation of MCCC policy or the Technology Resource Administrative Regulation; or the Office of General Counsel does not find the conduct to be violation of law, the complaint will be forwarded for full review pursuant to this regulation for the purpose of determining if the conduct is an appropriate use of public resources.

Due to the dynamic and changing nature of technological resources, complaints that do not constitute a per se violation will be referred for full review pursuant to this regulation.

2. Full Review—Committee Composition; Default; Notification

Within five working days of the conclusion of the Initial Assessment, the Office of Information Technology Services shall provide written notice of the complaint, which has been forwarded for Full Review. The notice shall be provided to the user, with copies forwarded to the appropriate employee group president, appropriate instructional council chair (if applicable), appropriate college president or vice chancellor, and the chancellor. Appropriate designations as outlined in this section must be made and the Office of Information Technology Services advised of the same within 10 working days of the notice.

If the user who is the subject of the complaint is a residential faculty member, the Full Review committee shall consist of: The current faculty senate president at the college to which the faculty member is assigned; the chair of the instructional council for the faculty member's assigned discipline as listed with Human Resources; a designee of the college's president, a designee of the chancellor, and a designee of the user. All designees must be board-approved, permanent employees. The faculty senate president shall chair the committee. In the event that the chair of the instructional council is unwilling or unable to serve, the president of the college's faculty association shall select an alternate member. In the event that the user fails to make a designation, the college president shall be authorized to have the content removed or to prohibit access by the user to any MCCCDC resource being used to facilitate the violation.

If the user who is the subject of the complaint is an employee other than a residential faculty member, the Full Review committee shall consist of: The current president or recognized leader for employee policy negotiations of the user's employee policy group; a peer of the user from an MCCCDC site other than that of the user who shall be chosen by the current president of the user's employee policy group; a designee of the college's president or a vice chancellor, a designee of the chancellor, and a designee of the user. All designees must be board-approved, permanent employees. The employee group president/leader shall chair the committee. In the event that the user fails to make a designation, the user will be deemed to have conceded that a violation occurred and the college president or vice chancellor shall be authorized to have the content removed or to prohibit access by the user to any MCCCDC resource being used to facilitate the violation.

If the user who is the subject of the complaint is a student, and the complaint involves the use of resources related to a course, student club or organization, the Full Review would be conducted by the instructor and Vice President of Academic Affairs, or the club advisor and Vice President of Student Affairs, as appropriate.

3. Full Review—Process

Within ten working days of the committee's composition being forwarded to the Office of Information Technology Services, the committee chair, in consultation with the user named in the complaint and the other committee members, shall establish a time to meet and consider the complaint, and notify the Office of Information Technology Services of the same. The Office of Information Technology Services shall provide written notice to the user and committee members of the meeting time. The date shall be no more than 15 working days from the date the Office of Information Technology Services was notified of the committee composition.

At the time set for the committee to consider the complaint, the user shall be afforded the opportunity to provide written or oral testimony relevant to the defense of the content or conduct complained of.

The committee may meet subsequently for private deliberations if deemed necessary.

All meetings of the committee shall be conducted at the site of the user named in the complaint.

At the conclusion of its review and deliberations, the Evaluation Team shall determine by simple majority vote whether there is clear and convincing evidence that the content or conduct complained of is contrary to the reasonable exercise of academic freedom, or to the advancement of the educational, research, service, operational, or management purposes of Maricopa, and therefore a violation of the MCCCDC Technology Resource Administrative Regulation. The committee shall

make its determination no later than 20 working days from the date of its initial meeting to review and consider the complaint.

The committee chair shall communicate the committee's determination to the user, the Office of Information Technology Services, and the college president or vice chancellor. If the committee determines that no violation occurred the user shall not be required to remove the content or cease the conduct complained of. If the committee determined that a violation did occur the college president or vice chancellor shall be authorized to have the content removed or to prohibit access by the user to any MCCCDC resource being used to facilitate the violation.

The user may contest the action of the college president, vice chancellor or designee through established grievance or resolution of controversy procedures.

Decisions rendered under this process are considered final.

ADOPTED into Governance, August 2, 2005

Sample of Form



MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT
2411 West 14th Street, Tempe, AZ 85281-6942

TECHNOLOGY RESOURCE STANDARDS COMPLAINT FORM

Complaints alleging violation of the **Technology Resource Standards** Administrative Regulation shall be filed in writing, under signature of the complainant, with the Maricopa Community Colleges Office of Information Technology Services. Technology resources include, but are not limited to: desktop and laptop systems, printers, central computing facilities, district-wide or college-wide networks, access to the Internet, electronic mail or similar electronic information.

I. Description of alleged violation:

The complaint shall state with particularity the content or activity believed to be in violation.

II. Location of alleged violation:

- Location:**
- | | | | |
|---------------------------------|-------------------------------|-------------------------------|---------------------------------------|
| <input type="checkbox"/> CGCC | <input type="checkbox"/> GWCC | <input type="checkbox"/> PVCC | <input type="checkbox"/> SCC |
| <input type="checkbox"/> DO | <input type="checkbox"/> GCC | <input type="checkbox"/> PC | <input type="checkbox"/> Skill Center |
| <input type="checkbox"/> EMCC | <input type="checkbox"/> MCC | <input type="checkbox"/> RSC | <input type="checkbox"/> SMCC |
| <input type="checkbox"/> Other: | | | |

URL or Other Resource

III. Complainant Information:

Name: _____
Contact _____ **Date:** _____
Number: _____
Signature: _____

IV. Initial Assessment:

Within five (5) working days of its receipt by the Office of Information Technology Services, a copy of the complaint in its entirety shall be sent to the User alleged to be responsible for the content or conduct at issue. The Office of Information Technology Services, in consultation with MCCCDC's General Counsel will conduct an Initial Assessment as to whether the alleged use constitutes a *per se* violation.

A. Violation Determined:

Yes No

Date:

Explanation:

The User shall have five working days from the date of receipt of the complaint to voluntarily remove or amend the content at issue or cease the conduct complained of. If the User voluntarily removes or amends the content at issue or ceases the conduct complained of, no further review shall be undertaken.