

SECTION 5 – NON-DISCRIMINATION POLICY

5.1 MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (Maricopa)

The Maricopa County Community College District is committed to continue to promote 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 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 Maricopa's programs and activities.

5.1.1 Maricopa EEO Policy

It is the policy of the Maricopa District (consisting of Chandler-Gilbert Community College, the District Office, Estrella Mountain Community College, GateWay Community College, Glendale 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:

- A. 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, against any applicant or employee on the basis of race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status.
- B. 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, gender, sexual orientation, national origin, age, disabled, or veteran status.
- C. 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.

5.1.2 Maricopa County Community College District (Maricopa)

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, as well as the web site: www.maricopa.edu/eoo/

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, against any applicant or employee because of race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status. 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, gender, sexual orientation, national origin, age, disabled, or veteran status.

5.1 MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (Maricopa) (Cont.)

5.1.4 EEO Clause

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

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.

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

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 ADA, Section 504, and Title IX, 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 COUNTY COMMUNITY COLLEGE DISTRICT (Maricopa) Policy Statements Declaration

EEO Clause

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

5.1 MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (Maricopa) (Cont.)

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, against any applicant or employee because of race, color, religion, gender, sexual orientation, national origin, age, disabled, or veteran status. Additionally, it is the policy of Maricopa County Community College District 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, gender, sexual orientation, national origin, age, disabled, or veteran status.

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, against any applicant or employee 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, gender, sexual orientation, national origin, age, disabled, or veteran status. 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, against any applicant or employee 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, gender, sexual orientation, national origin, age, disabled, or veteran status. 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.

5.1 MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (Maricopa) (Cont.)

5.1.8 Sexual Harassment Policy for Employees and Students

The policy of the Maricopa County Community College District (MCCCD) is to provide an educational, employment, and business environment free of unwelcome sexual advances, requests for sexual favors, and other verbal and/or physical conduct or communications constituting sexual harassment as defined and otherwise prohibited by state and federal law.

Sexual harassment by and between, employees; students; employees and students; and campus visitors and students or employees, is prohibited by this policy.

Violations of this policy may result in disciplinary action up to and including termination for employees; sanctions up to and including suspension or expulsion for students; and appropriate sanctions against campus visitors.

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

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:

- A. Make unwelcome sexual advances to another employee, student or campus visitor;
- B. Make unwelcome requests for sexual favors, whether or not accompanied by promises or threats with regard to the employment or academic relationship;
- C. Engage in verbal or physical conduct of a sexual nature with another employee, student or campus visitor, that may threaten or insinuate, either explicitly or implicitly, that the individual's submission to, or rejection of, the sexual advances will in any way:
 1. Influence any personnel decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of employment or career development; or
 2. Influence his or her grades, participation in or access to academic programs, class standing or other educational opportunities;
- D. Engage in verbal or physical conduct of a sexual nature that:
 1. Has the purpose or effect of substantially interfering with an employee's ability to do his or her job; or with a student's ability to learn or participate in a class; or
 2. Which creates an intimidating, hostile or offensive work or academic environment;
- E. Commit any act of sexual assault or public sexual indecency against any employee or student whether on MCCCD property or in connection with any MCCCD-sponsored activity;
- F. Continue to express sexual interest in another employee, student or campus visitor after being informed or on notice that the interest is unwelcome (reciprocal attraction is not considered sexual harassment);

5.1 MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (Maricopa) (Cont.)

- G. Engage in other sexually harassing conduct in the workplace or academic environment, whether physical or verbal, including, but not limited to, commentary about an individual's body (or body parts), sexually degrading words to describe an individual, sexually offensive comments, sexually suggestive language or jokes, innuendoes, and sexually suggestive objects, books, magazines, computer software, photographs, cartoons or pictures.

5.1.10 Additional Policy Violations

Supervisors, managers, administrators and faculty who disregard or fail to report allegations of sexual harassment (whether reported by the person who is the subject of the sexual harassment or a witness) are in violation of this policy.

5.1.11 Responsibility for Policy Enforcement

Every MCCCCD employee and student must avoid offensive or inappropriate sexual and/or sexually harassing behavior at work or in the academic environment.

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

5.1.12 Amorous Relationships

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

5.1.13 Complaints**A. Employees**

Employees who experience sexual harassment at work (by a supervisor, co-employee, student or visitor) are urged to report such conduct to the direct attention of their supervisor, their college president or to the Maricopa Community Colleges Equal Employment Opportunity/Affirmative Action Office (480-731-8885). If the complaint involves the employee's supervisor or someone in the direct line of supervision, or if the employee for any reason is uncomfortable in dealing with his or her immediate supervisor, the employee may go directly to the Maricopa Community Colleges EEO/AA Office.

B. Students

Students who experience sexual harassment in the academic environment (by a faculty member, administrator, campus visitor or other student) are urged to report such conduct to the vice president of student affairs or designee at each individual campus. A student may also contact the MCCCCD EEO/AA Office to obtain the name and phone number of the college official designated to respond to sexual harassment complaints.

C. General - Applicable to Both Employees and Students

Complaints will be investigated according to procedures established by the MCCCCD EEO/AA Office. Copies of these procedures may be obtained in the college president's office, Office of the Vice President of Student Affairs and the MCCCCD EEO/AA Office.

5.1 MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT (Maricopa) (Cont.)

The college/center/MCCCD will investigate all complaints as professionally and expeditiously as possible.

Where investigation confirms the allegations, appropriate responsive action will be taken by the college/center/MCCCD.

5.1.14 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 harassment.

5.1.15 Violations of Law

An employee or student may be accountable for sexual 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.

5.1.16 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.

5.1.17 Retaliation Prohibited

Retaliation against an employee or student for filing a sexual harassment complaint, or participating in the investigation of a complaint, is strictly prohibited. MCCCD will take appropriate disciplinary action, up to and including employment termination or academic dismissal if retaliation occurs.