2.4 college environment

2.4.1 General Statement

The Maricopa Community Colleges are dedicated to providing a healthy, comfortable and educationally productive environment for students, employees and visitors.

2.4.2 Nondiscrimination

See the EEO/AA Section of the Administrative Regulations.

2.4.3 Equal Opportunity Statement

See the EEO/AA Section of the Administrative Regulations.

2.4.4 Sexual Harassment Policy for Students

I. SEX DISCRIMINATION AND SEXUAL HARASSMENT

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance . . . .” 20 USC §1681 / 34 C.F.R. part 106

The policy of the Maricopa County Community College District (MCCCD) is to provide an educational, employment, and business environment free of sexual violence, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting Sexual Harassment as prohibited by state and federal law. Discrimination under this Policy is an unequal treatment of a student based on the student’s actual or perceived gender, sexual orientation, or pregnancy. This Policy prohibits Sexual Harassment and Discrimination in any college education program or activity, which means all academic, educational, extracurricular, athletic and other programs. 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.

A. SEXUAL HARASSMENT

Any unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a student of the ability to participate in or benefit from any MCCCD educational program or activity. The unwelcome behavior may be based on power differentials, the creation of a Hostile Environment, or retaliation for allegations of Sexual Harassment under this Policy. Sexual Harassment can occur regardless of the relationship, position or respective sex of the parties. Sexual Harassment includes Hostile Environment Harassment, Sexual Assault, Inducing Incapacitation for Sexual Purposes, Sexual Exploitation, Dating Violence, and Stalking. Same sex Sexual Harassment violates this Policy. Sexual Harassment by and between students; employees and students; and campus visitors and students is prohibited by this Policy. Depending on the particular circumstances, Sexual Harassment may include, but is not limited to, the following:

1. Physical assaults of a sexual nature, such as rape, sexual battery, molestation, or attempts to commit these assaults; and intentional physical conduct that is sexual in nature such as touching, pinching, patting, grabbing, poking, or brushing against another individual’s body in a sexual manner.
2. Offering or implying an education-related reward (such as a better grade, a letter of recommendation, favorable treatment in the classroom, assistance in obtaining employment, grants or fellowships, or admission to any educational program or activity) in exchange for sexual favors or submission to sexual conduct.

3. Threatening or taking a negative educational action (such as giving an unfair grade, withholding a letter of recommendation, or withholding assistance with any educational activity) or intentionally making the individual’s academic work more difficult because sexual conduct is rejected.

4. 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.

5. Explicit sexual comments by one or more students about another student, or circulating drawings or other images depicting a student in a sexual manner.

6. 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, jokes, questions, or comments by a student about another student’s sexuality or sexual experience. Such conduct between peers must be sufficiently severe, persistent, or pervasive that it creates an educational environment that is hostile or abusive. A single incident involving severe misconduct may rise to the level of Sexual Harassment.

B. HOSTILE ENVIRONMENT HARASSMENT

Harassment based on sex, pregnancy, gender identity, gender expression, or sexual orientation that is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to deny or limit a person’s ability to participate in or benefit from the college’s programs, services, opportunities, or activities.

A Hostile Environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, students, and campus visitors or contractors). Mere offensiveness is not enough to create a Hostile Environment. Although repeated incidents increase the likelihood that harassment has created a Hostile Environment, a serious incident, such as a sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a Hostile Environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. Also, the following factors will be considered:

a. the degree to which the conduct affected one or more students’ education;

b. the nature, scope, frequency, duration, and location of incident or incidents;

c. the identity, number, and relationships of persons involved;

d. the nature of higher education.

C. SEXUAL ASSAULT

An act involving forced or coerced sexual penetration or sexual contact.

D. INDUCING INCAPACITATION FOR SEXUAL PURPOSES

Using drugs, alcohol, or other means with the intent to affect, or having an actual effect on, the ability of an individual to consent or refuse to consent to sexual contact.
E. SEXUAL EXPLOITATION
Taking non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and such behavior does not otherwise constitute a form of Sexual Harassment under this Policy. Examples of behavior that could rise to the level of Sexual Exploitation include:
   a. Prostituting another person;
   b. Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
   c. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
   d. Going beyond the bounds of consent (such as letting your friends hide in the closet to watch you having consensual sex);
   e. Engaging in non-consensual voyeurism;
   f. Knowingly transmitting an STI (sexually transmitted infection), such as HIV, to another without disclosing one's STI status;
   g. Exposing one's genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
   h. Possessing, distributing, viewing or forcing others to view obscenity.

F. 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 and where the existence of such a relationship shall be determined based on a consideration of the following factors:
   A. the length of the relationship;
   B. the type of relationship;
   C. the frequency of interaction between the persons involved in the relationship.

G. STALKING
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

H. CONSENTING TO SEXUAL ACTIVITY
Consent is clear, knowing, and voluntary; it is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in sexual activity.

Consent to one form of sexual activity cannot imply consent to other forms of sexual activity. Previous relationships or consent cannot imply consent in future sexual acts. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion.

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When people make clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. In order to give effective consent, one must be age 18 or older.
If you have sexual activity with someone you know to be – or should know to be – mentally or physically incapacitated, you are in violation of this Policy. Incapacitation is a state where one cannot make a rational, reasonable decision because one lacks the ability to understand the who, what, where, why or how of that person’s sexual interaction.

II. DEFINITIONS

ALLEGED VICTIM
The person who is the victim of any alleged Sexual Harassment or Discrimination in violation of this Policy.

COMPLAINANT
A person who has experienced or witnessed, or otherwise knows of Sexual Harassment or Discrimination in violation of this Policy and files a Formal Complaint pursuant to this Policy.

RESPONDENT
The person who is alleged to have engaged in Sexual Harassment or Discrimination prohibited under this Policy.

TITLE IX COORDINATOR
The Vice President of Student Affairs serves as each respective college’s Title IX Coordinator. The Title IX Coordinator is the individual responsible for providing education and training about Discrimination and Sexual Harassment to the college community and for receiving and investigating allegations of Discrimination and Sexual Harassment in accordance with this Policy. The Title IX Coordinator is authorized to designate other appropriately trained individuals to investigate Discrimination and Sexual Harassment Complaints and reports as deemed appropriate. The contact information for the Title IX Coordinator at each college may be found at https://asa.maricopa.edu/departments/office-of-student-affairs/student-affairs-your-college

III. REPORTING DISCRIMINATION

A. Bystander
No student or employee should assume that an official of the college knows about a particular situation. The college encourages any student who feels he or she has been discriminated against or harassed in violation of this Policy to promptly report the incident to the Title IX Coordinator. Any student who knows of Discrimination or Sexual Harassment prohibited under this Policy that is experienced by another student should report that information to the Title IX Coordinator. Before a student reveals information, college employees will try to ensure that the student understands the employee’s obligations and, if the student wishes to maintain confidentiality, direct the student to confidential resources. A student may choose to make a full report or request confidentiality as he or she determines.

All members of the college community are expected to adhere to this Policy, to cooperate with the procedures for responding to complaints of Discrimination and Harassment, and to report conduct or behavior they believe to be in violation of this Policy to the Title IX Coordinator. A duty to report conduct or behavior that violates this Policy is imposed on all administrators, supervisors, faculty members, and persons in positions of authority. Such employees perform their duty to report by reporting the conduct or behavior to the Title IX Coordinator.

B. College Complaints and Reporting
Any person who has experienced, witnessed, or otherwise knows of Sexual Harassment or Discrimination prohibited under this Policy is to report such conduct to the college’s Title IX Coordinator. The Title IX Coordinator is trained to help you find the resources
you might need, to explain all reporting options, and to respond appropriately to conduct of concern. Such conduct is to be reported to the Title IX Coordinator as soon as possible after it occurs. The Title IX Coordinator tracks all reports of Sexual Harassment or Discrimination.

There are several avenues available for any person who experiences, witnesses, or otherwise knows of Sexual Harassment or Discrimination to report such conduct:

• Leave a private voice message for the Title IX Coordinator;
• Send a private email to the Title IX Coordinator;
• Mail a letter to the Title IX Coordinator’s office;
• Visit the Title IX Coordinator (although it is best to make an appointment first to ensure availability);
• File a Formal Complaint pursuant to this Policy;
• Report to another trusted college official (e.g., faculty member, coach, advisor) who will provide information as required under the Policy to the Title IX Coordinator.

If there is an allegation of conduct in violation of this Policy about the Title IX Coordinator or any staff member who is part of the Vice President of Student Affairs’ office, that allegation should be lodged with the President of the college. The President will appoint another trained individual to take the place of the Title IX Coordinator for purposes of the allegation.

C. RETALIATION PROHIBITED
Retaliation occurs when adverse action is taken against a student or employee because he or she has engaged in protected activity such as filing a complaint of Discrimination or Harassment. Retaliation may be found even when the underlying charge does not constitute Discrimination or Harassment in violation of this Policy, and all persons who participate in a Discrimination or Harassment proceeding, not only the complaining party, are protected against retaliation. A retaliatory adverse action is an action taken to deter a reasonable person from opposing a discriminatory or harassing practice, or from participating in a Discrimination or Harassment proceeding, or more generally, from pursuing that person’s rights.

D. CRIMINAL REPORTING
Please remember that if someone is in immediate danger or needs immediate medical attention, the first place to report is 911. You may also report to College Safety or local law enforcement. Some forms of Discrimination and Harassment may also be crimes. For example, sexual assault, stalking and rape are crimes. Criminal reports should be made to law enforcement, even if it is uncertain whether the particular conduct is a crime. Calling local law enforcement can help you: obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to provide assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; and answer questions about the criminal process.

E. CONFIDENTIALITY OF COMPLAINTS AND REPORTS
Parties in these processes, including the Alleged Victim, Respondent, Complainant and witnesses, have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this Policy. In addition, the integrity of the process depends on ensuring reasonable expectations of confidentiality. The Title IX Coordinator or investigator will keep confidential the Complaint, report, witness statements, and any other information provided by the Alleged Victim, Respondent, Complainant or witnesses, and will disclose this information only to the Alleged Victim, Complainant, Respondent, or witnesses as necessary to give fair notice of the allegations and to conduct the investigation; to law enforcement consistent with state and federal law;
to other college officials as necessary for coordinating interim measures or for health, welfare, and safety reasons; and to government agencies who review the college’s compliance with federal law. The written investigation report and any written decision will be disclosed only to the Alleged Victim, Complainant, Respondent, Title IX Coordinator, and discipline authority. In the case of employees, the discipline authority is the college administrator with the authority to impose sanctions in accordance with applicable employment policies. In the case of students, the discipline authority is the Vice President for Student Affairs and college officials as necessary to prepare for subsequent proceedings (e.g., college President and MCCCD legal counsel).

F. ANONYMOUS REPORTING

The Title IX Coordinator accepts anonymous reports of conduct alleged to violate this Policy and will follow up on such reports. The individual making the report is encouraged to provide as much detailed information as possible to allow the Title IX Coordinator or investigator to inquire into or investigate the report, and respond as appropriate. The Title IX Coordinator or investigator may be limited in the ability to follow up on an anonymous report unless sufficient information is furnished to enable the Title IX Coordinator or investigator to conduct a meaningful and fair inquiry or investigation.

IV. RIGHTS OF PARTIES

A. ALLEGED VICTIM: The Alleged Victim has the right to:

1. An inquiry and appropriate resolution of all credible allegations of Sexual Harassment, Discrimination, and sexual violence made in good faith to the Title IX Coordinator.
2. Be treated with respect by college officials.
3. Have the same opportunity as the Respondent to have others present (in support or advisory roles) during an investigation.
4. Report Sexual Harassment, Discrimination, and violence to both on-campus and off-campus authorities.
5. Be informed of the investigation findings and imposed sanctions at the same time as the Respondent.
6. Be informed of and afforded access to available counseling, mental health, physical health or student services for victims of Sexual Harassment, Discrimination, and violence.
7. Have notification of and options for, and available assistance in, changing academic and living situations after an alleged act of Sexual Harassment or Discrimination prohibited under this Policy, if so requested by the Alleged Victim and if such changes are reasonably available. No Formal Complaint, or investigation--campus or criminal--need occur before this option is available. Accommodations may include:
   - Change of on-campus student’s housing to a different on-campus location;
   - Assistance from college support staff in completing relocation;
   - Arranging to dissolve a housing contract and pro-rating a refund;
   - Exam, paper, or assignment rescheduling;
   - Taking an incomplete in a class;
   - Transferring class sections;
   - Temporary withdraw from institution;
   - Alternative course completion options.
8. Not have irrelevant prior sexual history admitted as evidence in an investigation.
9. Make a victim-impact statement available to the investigator and decision-maker.
10. Access to available protection against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior
that presents a danger to the welfare of the complaining student or others.

11. Have allegations of sexual misconduct that might be criminal in nature responded to quickly and with sensitivity by campus law enforcement.

12. Seek Reconsideration of the finding of the investigation and any sanction imposed.

13. Review all documentary evidence collected, used, and disseminated during the investigation and sanctioning process.

14. Petition that any member of the investigative process be removed on the basis of demonstrated bias.

15. Have an advocate or advisor present at all phases of the investigation.

16. Present relevant witnesses to the investigator and decision-maker, including expert witnesses.

17. Be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations.

18. Have MCCCD compel the presence of student, faculty, and staff witnesses.

19. Written notice of the investigation, findings and sanctions.

20. Challenge documentary evidence obtained during the investigation.

21. Be informed in advance of any public release of information regarding the investigation.

22. Give consent for the release of any personally identifiable information contained in the investigation.

B. IMMEDIATE ACTION AND INTERIM MEASURES

The college may take interim measures to assist or protect the parties during the inquiry or investigation process, as necessary and with the Alleged Victim’s consent. Such measures for an Alleged Victim may include arranging for changes in class schedules or living arrangements, issuing a no-contact order, obtaining counseling, and modifying test schedules or other class requirements temporarily.

C. RESPONDENT: The Respondent has the right to:

1. An inquiry and appropriate resolution of all credible allegations of Sexual Harassment, Discrimination, and sexual violence made in good faith to the Title IX Coordinator.

2. Be treated with respect by college officials.

3. Have the same opportunity as the Alleged Victim to have others present (in support or advisory roles) during an investigation.

4. Be informed of and have access to campus resources for medical, counseling, and advisory services.

5. Be fully informed of the nature, rules, and procedures of the investigation process, and to thorough and timely written notice of all alleged violations, including the full nature of the violation and possible sanctions.

6. Protections of due process required by local, state, or federal law.

7. Not have irrelevant prior sexual history admitted as evidence in an investigation.

8. Make an impact statement available to the investigator and decision-maker.

9. Seek Reconsideration of the finding of the investigation and any sanction imposed.

10. Review all documentary evidence collected, used, and disseminated during the investigation and sanctioning process.

11. Present relevant witnesses to the investigator and decision-maker, including expert witnesses.

12. Petition that any member of the investigative process be removed on the basis of demonstrated bias.

13. Have MCCCD compel the presence of student, faculty, and staff witnesses.

14. Challenge documentary evidence obtained during the investigation.
15. Have an advocate or advisor present at all phases of the investigation. An outcome based solely on evidence presented during the investigation. Such evidence should be credible, relevant, based in fact, and without prejudice.
16. Written notice of the investigation, findings, and sanctions.
17. Be informed in advance of any public release of information regarding the investigation.
18. Give consent for the release of any personally identifiable information contained in the investigation.

V. DUE PROCESS
Due process is afforded any employee, student, or visitor accused of Sexual Harassment or Discrimination prohibited under this Policy. On receipt of a Formal Complaint, or upon receipt of credible evidence that Sexual Harassment or Discrimination prohibited under this Policy has occurred, an immediate preliminary inquiry will be conducted to determine if there is reasonable cause to believe this Policy has been violated. A preliminary inquiry shall be concluded within ten working days following the determination that such reasonable cause exists; however, it may be re-opened in the event additional evidence of a violation of this Policy is later discovered. If, following a preliminary inquiry, such reasonable cause is found, a prompt, thorough, impartial investigation will be conducted by a qualified, authorized investigator. An investigation will be conducted using a preponderance of evidence standard. A preponderance of evidence standard means that an investigator will conclude that Sexual Harassment or Discrimination occurred only if the results of the investigation demonstrate it is more likely than not that such conduct took place. If the investigator’s final decision is that Sexual Harassment or Discrimination prohibited under this Policy occurred, the college will take immediate action to eliminate the Harassment or Discrimination, prevent its recurrence, and address its effects. Remedies for the victim of Sexual Harassment or Discrimination 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 impacts the educational environment, whether it occurs on or off campus, and covers students, employees, and visitors.

A. SEX DISCRIMINATION GRIEVANCE PROCEDURES FOR STUDENTS
The purpose of these procedures is to provide a prompt and equitable resolution for allegations of Discrimination as prohibited under this Policy. Persons believing that they have been subjected to or witnessed, or otherwise know of Discrimination or Harassment on any of these bases may file a Complaint with the college. These procedures address allegations of Discrimination or Sexual Harassment as prohibited under this Policy. The procedures also address allegations of retaliation against those who have opposed practices forbidden under the Policy, those who have made allegations of Discrimination or Harassment under the Policy, and those who have testified or otherwise participated in enforcement of the Policy.

B. MEDIATION
Alleged victims who believe they have been discriminated against or harassed may choose in certain circumstances to resolve their allegations through mediation. Mediation is an informal and confidential process where parties can participate in a search for fair and workable solutions. An Alleged Victim may choose to ask the Title IX Coordinator to assist in the mediation process. Allegations that are addressed through mediation are not required to be made in writing. The parties may agree upon a variety of resolutions such as modification of work assignment, training for a department, or an apology. Parties may agree to a resolution that is oral or embodied in a written agreement. With a written agreement, the parties may elect to file it with the Title IX Coordinator in the event enforcement becomes necessary. Once both parties reach a mediated agreement, it is final and cannot be the basis of a Request for Reconsideration.
The Title IX Coordinator or either party may at any time, prior to a final agreement, decide that attempts at mediation have failed. Upon such notice, the Title IX Coordinator may conduct a preliminary inquiry to determine whether this Policy has been violated. The mediation process may not be used if the alleged conduct constitutes criminal conduct.

C. FORMAL COMPLAINT PROCESS

A person who has experienced, witnessed, or otherwise knows of Sexual Harassment or Discrimination in violation of this Policy may file a Formal Complaint by contacting the Title IX Coordinator at each respective college or center. A Complainant may file a Formal Complaint either orally or in writing. The Title IX Coordinator will accept Formal Complaint filings within 300 calendar days of the most recent occurrence of the alleged discriminatory act.

The Complainant’s documentation in support of a Formal Complaint should clearly and concisely identify the action, decision, conduct, or other basis that constituted an alleged act or practice of Discrimination prohibited under this Policy. Upon receipt of a Formal Complaint, the Title IX Coordinator will notify the college President and the Office of General Counsel. The Office of General Counsel will assign a case number to the Formal Complaint.

A copy of the Formal Complaint will be shared with the Respondent within five (5) working days of receipt by the Title IX Coordinator. The Respondent will be put on notice that retaliation against the Complainant, Alleged Victim, or potential witnesses will not be tolerated and that an investigation will be conducted.

The Respondent must provide a written response to the Formal Complaint within fifteen (15) calendar days of his or her receipt of the Formal Complaint.

After either accepting a Formal Complaint or receiving credible evidence that Discrimination has occurred, and determining after a preliminary inquiry that there is reasonable cause to believe this Policy has been violated, the Title IX Coordinator will:

- Designate an investigator to conduct a fact-finding investigation, which will include, at a minimum, a review of written evidence (including the Complaint and response) and interviews with appropriate employees and students. The Title IX Coordinator may serve as investigator;
- Determine the identity and contact information of the Complainant;
- Identify the correct policies allegedly violated;
- Conduct a thorough, reliable, and impartial investigation;
- Complete the investigation promptly (within 60 calendar days, unless—owing to the complexity of the investigation or the severity and extent of the alleged conduct—more time is necessary to complete the investigation);
- Make findings based on the preponderance of evidence; and
- Present the findings to the Title IX Coordinator, who will deliver the findings, in writing, within ten (10) working days, to the President, with a recommendation as to the disposition of the matter.

The President shall accept, reject, or modify the recommendation, and provide a written notification of his or her action, along with the findings presented by the Title IX Coordinator, to the Complainant, Alleged Victim, and Respondent within fifteen (15) calendar days of receiving the findings and recommendation from the Title IX Coordinator.

Evidence which is collateral to the allegations of Discrimination or Sexual Harassment and which was obtained during an investigation may be used in subsequent grievance or disciplinary procedures.
D. MAINTENANCE OF DOCUMENTATION

Documentation resulting from each level in the Formal Complaint Process (including witness statements, investigative notes, etc.) will be forwarded to and maintained by the Office of General Counsel. Investigative records are not to be maintained with or considered as a part of a student record. Documentation regarding corrective action is considered part of the student’s record.

E. RIGHT TO ASSISTANCE

A Complainant, Alleged Victim or Respondent may receive the assistance of an attorney or other person at any stage of a Complaint filed under the Formal Complaint Process. Such person may attend any investigative interview and advise the Complainant, Alleged Victim or Respondent but shall not otherwise participate in the interview. The investigator shall direct communications directly to the Complainant, Alleged Victim and Respondent, and not through such individual’s attorney or other person providing assistance.

F. TIME FRAME AND GROUNDS FOR FILING A REQUEST FOR RECONSIDERATION

A Complainant, Alleged Victim or Respondent who is not satisfied with the decision of the President has ten (10) working days to request, in writing, reconsideration of the decision by the Maricopa Community College District’s Executive Vice Chancellor and Provost. There are four grounds upon which a Request for Reconsideration may be made: (1) the party has new information, unavailable at the time of the investigation; (2) the party has procedural concerns that may change or affect the outcome of the determination; (3) the party perceives that there was insufficient evidence to support the investigator’s findings; or (4) the party perceives any action taken by the President to be too severe. The Executive Vice Chancellor and Provost will review the findings of the investigation and recommendation of the Title IX Coordinator, and respond to the Request for Reconsideration within ten (10) working days from its receipt. The Title IX coordinator shall ensure that, prior to acting on any Request for Reconsideration, the Executive Vice Chancellor and Provost has been fully briefed regarding every component of this Policy. If the Executive Vice Chancellor and Provost determines that the investigation was not conducted in a fair manner, or that the determination is not consistent with the evidence, or that any disciplinary action is not commensurate with the allegations, the case file will be reopened and assigned for further investigation. If the Executive Vice Chancellor and Provost concludes that the investigation was conducted in a proper manner, that the determination is consistent with the evidence, and that any disciplinary action is commensurate with the allegations, he or she will—in writing—certify that the Executive Vice Chancellor and Provost has read and thoroughly considered all of the information collected in the investigation, certify that the investigation was conducted in a proper manner and the decision is consistent with the evidence, and deny the Request for Reconsideration. The written certifications and decision by the Executive Vice Chancellor and Provost shall be delivered to the Complainant, Alleged Victim, and Respondent promptly after they are issued. At this point, or if no Request for Reconsideration is made, the investigation into alleged Discrimination under this Policy is concluded.
G. EXTERNAL FILING OF DISCRIMINATION COMPLAINT

MCCCD encourages students to use the due process under this Policy to resolve Discrimination concerns. Students also have the right to file civil rights complaints with appropriate external agencies. No retaliation will be taken against a person for filing a complaint with an external agency. The following agency accepts discrimination charges filed by, or on behalf of, students:

Office for Civil Rights
U.S. Department of Education
Denver Office
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, Colorado 80204-3582
Phone: 303-844-5695
Fax: 303-844-4303
TDD: 303-844-3417
E-mail: OCR.Denver@ed.gov

ADOPTED by Direct Chancellor Approval: May 20, 2015