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| Complaint Management Investigation Steps | | | Description/Notes | Action Items |
| 1 | Who initiated the complaint?   * Student * Faculty/staff * Dean’s office * Vice President’s office * Public Safety * Anonymous * EARS report * Other | Type of complaint   * Instructional * Harassment * Academic Misconduct * Student Code of Conduct * Discrimination * Other |  | Dean’s office contacts the complaintant(s) within 48 hours of notification. |
| 2 | Key Stakeholders   * Student * Faculty * Staff * Community member * Public Safety * Other | |  | Complete the interview template for each key stakeholder |
| 3 | Department Involved   * Athletics * Academics * Disability Resources & Services * International Education * Veterans Services * Public Safety * Other | [What Policy/Regulation applies?](http://www.higheredcompliance.org/matrix/)   * [College Code of Conduct/students](https://chancellor.maricopa.edu/public-stewardship/governance/administrative-regulations/2-students/2.5-student-rights-and-responsibilities/2.5.2-student-conduct-code) * [Age Discrimination Act of 1975](http://www.dol.gov/oasam/regs/statutes/age_act.htm) * [ADA](http://www.ada.gov/pubs/ada.htm) [Section 504](http://www.dol.gov/oasam/regs/statutes/sec504.htm) * [Title IX](http://www.dol.gov/oasam/regs/statutes/titleix.htm) **\*\*** [Title VI](http://www.dol.gov/oasam/regs/statutes/titlevi.htm) * [FERPA](http://www.law.cornell.edu/uscode/text/20/1232g) [Clery Act](http://clerycenter.org/sites/default/files/Jeanne%20Clery%20Act%20Full%20Text.pdf) * [NJCAA](http://www.njcaa.org/landing/index) * [MCCCD Administrative Regulations](https://administration.maricopa.edu/management-administration-technology-mat/policy/general-information) * [Employee Policy Documents](https://hr.maricopa.edu/supervisor-tools/policies) |  |  |
| During meeting, the Dean’s office asks probing questions to understand the circumstances of the assault or infraction – whether student/faculty, student/student, student/staff. The dean takes copious notes while allowing the victim to describe, in as much detail as possible, the events on the date(s) of assault or infraction. The dean routinely reads back the notes and asks additional clarifying questions to ensure that the student’s side of the story is accurately depicted. Additionally, the dean requests an understanding of what outcome the victim would like to see and how the college can support them – and assures the complainant that the case will be resolved in a timely fashion.  Once the preliminary interview is conducted, the primary investigator reviews the preliminary findings with the designated/secondary investigator(s).  Follow up: The PI will share additional thoughts and questions for inquiry with the complainant and accused (where necessary).  Part of this step will also include the DI completing the timeline of events and alignment with applicable regulations.  Witness Interview: If there are witnesses, the dean requests permission to contact the other witnesses during the initial meeting. If permission is granted, the dean determines the necessity of the consultation with the witnesses. The only reason a witness would not be contacted would be if the details of the infraction are determined not to be Sexual Assault or Sexual Discrimination. However, the dean reserves the right to assess the need for additional witnesses based on the allegations of the victim(s).  VP/DI Debriefing: following any subsequent interviews, the principal investigator will debrief the vice president and the designated investigator | | | |
| Investigation Steps | | | Description | Action Items |
| 4 | * Communicate the process to all key players every 72 hours * Gather witnesses: key players must not talk to witnesses * Keep record of all requests and discussions * Establish a list of questions and share with key players | |  |  |
| \*\*Title IX Coordinator Involvement: If the accused is a faculty member or staff member, the dean brings the initial notes to the Title IX Coordinator within HR to discuss approaching the staff or faculty with the allegations. It becomes the responsibility of the HR department to work with the faculty member or staff person – and their direct supervisor, if necessary. This helps to assure both the victim and the accused have due process. Generally speaking, the HR representative reaches out to the accused or their supervisor within 48 hours and reports back to the dean as soon as they have met.   * Follow up with Victim: Once a conversation has occurred with the HR representative, the dean contacts the victim(s) to keep them abreast of the status. If it is determined that there is not enough evidence to support a case, the dean explains this to the victim and attempts to keep the victim safe and comfortable in the learning environment. * Accused (faculty/staff) Interview: If the accused is a faculty/staff member, the HR representative follows the employee group policy manuals to determine next steps, generally with the direct supervisor of the accused present. * Accused (student) Interview: If the accused is a student, the dean’s office interviews the accused, as well, and determines sanction(s) or possible remedies to the situation between the two parties. | | | |
| Conclusion/Findings | | | Description | Action Items |
| 5 | * Communicate findings and recommendations and share with key players * Provide recommendations only – not personnel actions * Identify procedural gaps | |  |  |
| Summary of findings: Following this meeting, the VP and DI will convene with the complainant to communicate summary of findings, hear complainant’s final thoughts and recommendations on process improvements where/if applicable.  The victim is not always told the outcome of the sanctions – whether with faculty, staff or fellow student. However, the victim is always assured via letter and meeting (over the phone or in person) that the investigation has concluded and that they will be safe from future interactions and safe in the learning environment.  Note: Although the complainant can share thoughts and concerns relative to the accused, please know any discussions regarding disciplinary or personnel actions to be considered will remain confidential and coordinated with the appropriate VP, department and/or program manager/chair.  Additionally, when/if disciplinary or personnel action is necessary decisions are weighted against prior precedent and factors deemed appropriate under the Code of Conduct and/or employee and District policy. | | | |

**Age Discrimination Act of 1975** [42 U.S.C. §§ 6101-6107](http://www.dol.gov/oasam/regs/statutes/age_act.htmhttp:/www.dol.gov/oasam/regs/statutes/age_act.htm) Prohibits discrimination based on age in educational or academic programs or activities that receive federal financial assistance.

**Americans with Disabilities Act** [42 U.S.C. §§ 12101-12213](http://www.ada.gov/pubs/ada.htm) Provides broad nondiscrimination protection in employment, public services, and public accommodations (including colleges and universities) for individuals with disabilities. Requires reasonable accommodations (e.g., a modification or adjustment to the status quo inherent in the program or activity) to allow a qualified person with a disability to participate fully in the educational or academic programs and activities of the university.

**Section 504 of The Rehabilitation Act of 1973** [29 U.S.C. § 701](http://www.dol.gov/oasam/regs/statutes/sec504.htm) Prohibits discrimination on the basis of disability at any federally-funded institution. This covers admissions, recruitment, educational and/or academic programs and services

**Campus Sex Crimes Prevention Act** (§ 1601 of the Victims of Trafficking and Violence Protection Act of 2000)   
[Public Law No. 106-386 (Title VI)](http://www.state.gov/documents/organization/10492.pdf) The Campus Sex Crimes Prevention Act requires sex offenders, who must register under state law, to provide notice of enrollment or employment at any institution of higher education (IHE) in that state where the offender resides, as well as notice of each change of enrollment or employment status at the IHE. In turn, this information will be made available by the state authorities to the local law enforcement agency that has jurisdiction where the IHE is located.

**Clery Act** [20 U.S.C. § 1092(f)](http://clerycenter.org/sites/default/files/Jeanne%20Clery%20Act%20Full%20Text.pdf) As an institution receiving federal financial aid, the University must keep information about crime on and near its respective campuses and provide an annual report (including crime statistics, security measures and policies, and where crimes should be reported) to all students, employees, and the Department of Education.

**FERPA** [20 U.S.C. § 1232g](http://www.law.cornell.edu/uscode/text/20/1232g) The University must provide students the right to inspect their education records and obtain written consent to release the records to anyone other than school officials, authorized government personnel, in connection with financial aid, in an emergency, or for other specifically-allowed purposes.

**MCCCD**

* [Residential Faculty Policy Manual](https://hr.maricopa.edu/supervisor-tools/policies)
* [Staff Policy Manual](https://hr.maricopa.edu/supervisor-tools/policies)

**NJCAA** [National Junior College Athletic Association](http://www.njcaa.org/landing/index) founded in 1938, is an association of community college and junior college athletic departments throughout the United States. It is divided into divisions and regions. The current NJCAA holds 24 separate regions.

**Title VI, Civil Rights Act of 1964** [42 U.S.C. § 2000d et seq.](http://www.justice.gov/crt/title-vi-civil-rights-act-1964-42-usc-2000d-et-seq) No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**Title IX of the Education Amendment of 1972** [20 U.S.C. §§ 1681-1688](http://www.dol.gov/oasam/regs/statutes/titleix.htm) Prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance including employment.

Interview Template/Complaint Log

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| Stakeholder Name: | | | | Interviewer: | |
| Date | Initial Response of Key Stakeholder | Evidence | Recommendations | Federal Regulation(s) | Notes |
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