

# STUDENTS' RIGHTS, RESPONSIBILITIES, AND POLICIES

Included in this statement of student rights and responsibilities are policies relating to affirmative action, non-discrimination and diversity that are excerpted from the system wide policy governing community colleges that was implemented by the Massachusetts Department of Higher Education in 2004 and updated in March 2008. This policy in its entirety is available for review at the campus libraries. Copies of the policy are also available upon request and inquiries on the policies or related grievance procedures should be addressed to the College's Affirmative Action Officer, Ngoc-Thanh Giddarie, Director of Human Resource Development, Danvers Campus, 978-762-4000 extension 5470 or tgiddari@northshore.edu.

## **I. POLICY STATEMENT ON AFFIRMATIVE ACTION, NON-DISCRIMINATION, AND DIVERSITY**

The Department of Higher Education of the Commonwealth of Massachusetts is responsible under Chapter 15A of the General Laws of the Commonwealth of Massachusetts for the overall governance of the public higher education system, which includes the fifteen Community Colleges. The Department of Higher Education and the Boards of Trustees of the Community Colleges maintain and promote a policy of non-discrimination on the basis of race, creed, religion, color, gender, sexual orientation, age, disability, genetic information, maternity leave, and national origin.

Further, this policy incorporates by reference, and where applicable, the requirements of Federal Executive Orders 11246 and 11375 as amended; the Civil Rights Act of 1964 as amended; the Civil Rights Restoration Act of 1988; the Civil Rights Act of 1991; Title IX of the Higher Education Amendments of 1972 as amended; Sections 503 and 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; Section 402 of the Vietnam Era Veterans Readjustment Assistance Act of 1974; and pertinent laws; regulations and executive orders; directives of the Department of Higher Education, the Boards of Trustees of the Community Colleges and the Commonwealth of Massachusetts, and other applicable local, state and federal statutes.

The Community Colleges are committed to a policy of Affirmative Action, equal opportunity, equal education, non-discrimination, and diversity. They are committed to providing a learning, working and living environment for

their students, employees and other members of the College Community, which values the diverse backgrounds of all people. The Colleges are committed to assuring that the "College Experience" is one that challenges, empowers, supports, and prepares its students to live in, work in, and value our increasingly global and diverse world. The Colleges believe that the diversity of socioeconomic, racial, ethnic, religious, gender, sexual orientation, age and disability backgrounds of members of the College Community enriches the institutions and their various constituencies. The Colleges will not tolerate behavior based on bigotry, which has the effect of discriminating unlawfully against any member of their communities. The Community Colleges provide equal access to educational, co-curricular and employment opportunities at the Colleges for all applicants, students and employees in compliance with all applicable laws, regulations and policies. All benefits, privileges and opportunities offered by the Colleges are available to all students, employees and other persons having dealings with the institutions on a non-discriminatory basis. The Colleges are committed to taking a pro-active Affirmative Action posture with respect to their recruitment, selection and promotion of students and employees.

## **A. SEXUAL HARASSMENT**

### **1. Introduction**

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of sexual harassment. Sexual harassment of students or employees occurring in the classroom or the workplace is unlawful and will not be tolerated by the Community College. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by students or employees. Because the Community Colleges take allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that inappropriate conduct has occurred, we

will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

## 2. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment or academic decisions; or,
- (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's academic or work performance by creating an intimidating, hostile, humiliating or sexually offensive learning or working environment.

Under these definitions, direct or implied requests by a supervisor or instructor for sexual favors in exchange for actual or promised job or academic benefits constitute sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a hostile, offensive, intimidating, or humiliating workplace or academic environment to male or female workers or students may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct, which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances - whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

All employees and students should take special note that, as stated above, retaliation against an individual who

has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the Community Colleges.

## 3. Complaints of Sexual Harassment

If any student or employee believes that he or she has been subjected to sexual harassment, the student or employee has the right to file an Affirmative Action Grievance Form with the College. If you would like to file a grievance you may do so by contacting the College's Affirmative Action Officer, Ngoc-Thanh Giddarie, Director of Human Resources, at 978-762-4000 extension 5470. The Affirmative Action Officer is also available to discuss any concerns you may have and to provide information to you about our policy on sexual harassment and our complaint process. If the Affirmative Action Officer is the person against whom the grievance is filed, the President shall designate another College official to act as the Affirmative Action Officer.

## 4. Sexual Harassment Investigation

When we receive a grievance alleging sexual harassment, the matter is handled pursuant with this Policy's Grievance Procedure. The grievance procedure will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. If it is determined that a violation of this policy has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action. Such disciplinary action shall be consistent with the appropriate collective bargaining agreement, if applicable.

## 5. Disciplinary Action

If it is determined that a violation of this policy has occurred, the College will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment or expulsion from the College. Such disciplinary action shall be consistent with the appropriate collective bargaining agreement, if applicable.

## 6. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment, you may file a formal complaint with the governmental agencies set forth below. Filing a grievance under this Policy does not prohibit you from filing a complaint with these agencies: United States Equal Employment Opportunity Commission ("EEOC")  
One Congress Street • 10th Floor Boston, MA 02114 • (617) 565-3200  
Massachusetts Commission Against Discrimination ("MCAD")

Boston Office: One Ashburton Place • Rm. 601 • Boston, MA 02108 • (617) 727-3990  
Springfield Office: • 424 Dwight Street • Rm. 220 • Springfield, MA 01103 • (413) 739-2145  
The Office For Civil Rights, U.S. Department of Education (“OCR”)  
Department of Education • John W. McCormack Post Office and Courthouse • Room 222 • Boston, MA 02109 • (617) 223-9662 • Records Office

## **B. SUPPORT OF PLURALISM**

The Community Colleges have historically been a major contributing element to the emergence of our nation as one of the most technologically and economically advanced societies of the world. The important role that the Community Colleges can play is profoundly dependent upon the extent to which they may draw from the full collective of intellectual resources within each College’s community of scholars, students, and administrators. Any condition or force that impedes the fullest utilization of the human and intellectual resources available represents a force of destructive consequence for the development of our Commonwealth, and ultimately, our nation. Community College students, faculty, staff and visitors must be free from conduct that has the purpose or effect of interfering with an individual’s academic or professional performance and creating an intimidating, hostile or demeaning educational or employment environment. Therefore, the Community Colleges establish a policy of unequivocal condemnation of all forms of ethnic, religious, cultural, or racial intolerance within the fifteen College communities. This policy condemns all conditions and all actions or omissions, including all acts of verbal harassment or abuse, which deny or have the effect of denying to an individual his/her rights to equality, dignity and security in violation of his/her rights guaranteed under the law. The policy reaffirms the doctrine of civility, appreciation for pluralism and the pre-eminence of individual human dignity as preconditions to the achievement of an academic community that recognizes and utilizes the resources of all persons while recognizing and reaffirming the tenets of academic freedom. The Community Colleges recognize their obligation to protect the rights of free inquiry and expression, and nothing herein shall be construed or applied so as to abridge the exercise of rights under the Constitution of the United States and other federal and state laws.

The Community Colleges will vigorously strive to achieve diversity sufficiently reflective of our society. However, diversity alone will not suffice. There must be a unity and cohesion in the diversity that we seek to achieve, thereby creating an environment of pluralism. The Community Colleges bear a responsibility by edict and an obligation by social

morality to promote understanding and acceptance of ethnic, cultural, religious and racial diversity as we strive to create an atmosphere of dignity for all individuals and groups within our system of public higher education. The President or his/her designee will take reasonable measures to prevent and discourage harassment and will act positively to investigate alleged harassment and to affect a remedy or resolution when an allegation is determined to be valid.

## **C. NON-DISCRIMINATION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES**

The Community Colleges recognize the multitude of barriers that confront persons with disabilities in access to both employment and education. Consistent with state and federal statutes that affirm and protect the equal opportunity rights of persons with disabilities, the Community Colleges adopt a policy of non-discrimination and equal opportunity for otherwise qualified persons with disabilities. The Colleges will examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not disparately treat or impact otherwise qualified disabled persons. Where such disparity is found, it will be corrected as quickly and completely as is reasonable under existing circumstances. Accordingly, all College facilities may not be available and accessible at a particular time. The Colleges will adopt a policy of non-discrimination with respect to admissions, access to programs and facilities and services for all otherwise qualified disabled persons. In accordance with State and Federal law, the Colleges will provide necessary reasonable accommodations to otherwise qualified students with disabilities to assure equal access to programs, facilities and services. Any employee or student who believes he/she has been a victim of discrimination due to a disability may file a complaint pursuant to the Grievance Procedure contained herein. Further information may be obtained by contacting the Affirmative Action Officer or the Office for Disability Services. For further information on accommodations for students with disabilities, please consult the Guide to Disabilities Services, a supplement to the Student Handbook, which is available from Disability Services, as well as the College’s Policy and Procedures Relative to Students with Disabilities, below.

## **D. GENDER AND SEXUAL ORIENTATION DISCRIMINATION**

The Colleges are committed to providing a working, living and learning environment that utilizes the resources of all members of the College community and develops the talents of all of its students without regard to gender or sexual orientation. Any condition that interferes with the development of talents by causing discrimination based on gender or sexual orientation constitutes a destructive

force within the College community. The Colleges hereby prohibit all forms of discrimination on the basis of gender or sexual orientation. This prohibition bars all acts that have the effect of denying to any person equality of right, entitlement, benefit or opportunity by reason of such person's gender or sexual orientation. Harassment by personal vilification is prohibited whenever such harassment is based on a person's gender or sexual orientation. Examples of actions that may constitute discrimination on the basis of a person's gender or sexual orientation include, but are not limited to:

1. Differences in salaries (or other benefits) that are paid to one or more men and one or more women if the differences are not based on a bona fide occupational qualification.
2. Classifying a position or positions as being suitable only for persons of one gender or of one particular sexual orientation.
3. Developing position descriptions or qualifications that, without lawful justification, is so specific as to have a disparate exclusionary impact on one gender.
4. Using information on marital or parental status for employment decisions where the use of such information has an adverse impact on persons of one gender or sexual orientation.
5. Treating or causing others to treat persons of one gender or sexual orientation differently from persons of the other gender or another sexual orientation differently because of assumptions about or stereotypes of the intellectual ability, interests or aptitudes of persons of a particular gender or sexual orientation.
6. Harassing or abusing or encouraging others to harass or abuse a person or group of persons because of their gender or sexual orientation, whenever such harassment or abuse constitutes harassment by personal vilification.

Any employee or student who believes he/she has been a victim of gender or sexual orientation discrimination may file a complaint pursuant with the Grievance Procedure contained herein. Further information may be obtained by contacting the Affirmative Action Officer.

#### **E. CONSENSUAL RELATIONSHIPS**

A consensual relationship may constitute sexual harassment under this policy. When a professional power differential exists between members of the College and a romantic or sexual relationship develops, there is a potential for abuse of that power, even in relationships of apparent mutual consent. Consenting romantic and/or sexual relationships where a professional power

differential exists, such as that between faculty and student, librarian and student, administrator and student, classified staff member and student, or supervisor and employee, are considered unprofessional. Because such relationships have the potential to interfere with or impair required professional responsibilities and relationships, they are looked upon with disfavor and are strongly discouraged. An employee in such a relationship should remove himself or herself from decisions affecting the other person in the relationship. Decisions affecting the other person include grading, evaluating, supervising, or otherwise influencing that person's education, employment, or participation in any other College activity.

#### **F. ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)**

Massachusetts law prohibits discrimination in employment, housing and public accommodation against any person with a physical or mental impairment which substantially impairs one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Discrimination against a person who has Acquired Immune Deficiency Syndrome (AIDS), or who is perceived to have, or be at a risk of having AIDS, is a violation of both state and federal discrimination laws (please see Section III Non-Discrimination and Accommodation for Persons with Disabilities). For purposes of this Plan, the following practices are illegal:

- to refuse to hire or advance in employment, or otherwise discriminate against, a qualified person who has AIDS, is perceived to have AIDS, or is perceived to be a risk of having AIDS; or
- to make a pre-employment inquiry as to whether an applicant has AIDS or is at risk of having AIDS.

Any employee or student who believes he/she has been a victim of AIDS discrimination may file a complaint pursuant with the Grievance Procedure contained herein. Additionally, the MCAD will receive, investigate and resolve, by conciliation or adjudication, complaints of AIDS-related discrimination that are filed with the agency in accordance with its rules and procedures. Please refer to p. 37 of this policy for MCAD contact information.

#### **G. HAZING**

An Act Prohibiting the Practice of Hazing was enacted by the Senate and House of Representatives in General Court in 1985, and amended in 1987. The following three sections of Chapter 269 are relevant:

- Section 17. Whoever is a principal organizer or participant in the crime of hazing, as defined herein, shall be punished by a fine of not more than three thousand dollars or by imprisonment in a house of correction for

not more than one year, or both such fine and imprisonment. The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action. Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

Section 18. Whoever knows that another person is the victim of hazing as defined in section seventeen and is at the scene of such crime shall, to the extent that such person can do so without danger or peril to himself or others, report such crime to an appropriate law enforcement official as soon as reasonably practicable. Whoever fails to report such crime shall be punished by a fine of not more than one thousand dollars.

Section 19. Each institution of secondary education and each public and private institution of post-secondary education shall issue to every student group, student team or student organization which is part of such institution or is recognized by the institution or permitted by the institution to use its name or facilities or is known by the institution to exist as an unaffiliated student group, student team or student organization. Each such group, team, or organization shall distribute a copy of this section and sections seventeen and eighteen; provided, however, that an institution's compliance with this section's requirements that an institution issue copies of this section and sections seventeen and eighteen to unaffiliated student groups, teams or organizations shall not constitute evidence of the institution's recognition or endorsement of said unaffiliated student groups, teams or organizations. Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each group, team or

organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, that each of its members, plebes or applicants has received a copy of sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen. Each institution of secondary education and each public or private institution of post-secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen. Each institution of secondary education and each public or private institution of post-secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, certifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communicating the institution's policies to its students. The board of regents and, in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to the attorney general any such institution which fails to make such report. North Shore Community College strongly supports this Act and offenders will be subject to the disciplinary policy and sanctions.

#### **H. DRUG AND ALCOHOL POLICIES**

On December 12, 1989, Congress amended Title XII of the Higher Education Act of 1965. This amendment, known as the "Drug Free Schools and Communities Act of 1989", requires that every educational institution receiving federal funding certify its adoption and implementation of programs designed to prevent use of illegal drugs and abuse of alcohol by students and employees. The College in accordance with legal mandates and its philosophy of establishing and maintaining an environment of learning and a supportive environment in which to conduct the business and mission of the College, will enforce the following policies:

1. The unlawful manufacture, distribution, dispensing, possession or use of alcohol or of a controlled substance is prohibited on the campus of North Shore Community College or as part of any college-related activity.

Students or employees who violate these restrictions shall be subject to appropriate disciplinary action, up to and including dismissal, and such disciplinary action will be applied consistently according to the Disciplinary Procedure/Due Process outlined below. Violators shall also be subject to referral for criminal prosecution. Pursuant to BOHE policy, the College will notify the parents or legal guardians of students under 21 years of age each time they have been determined to be in violation of the campus alcohol policy.

2. North Shore Community College shall cooperate in the enforcement of federal and state laws concerning illegal drugs and alcoholic beverages. Massachusetts statutes pertaining to illegal drugs and alcohol include: Massachusetts General Laws, Chapter 94C (Controlled Substance Act)

Massachusetts General Laws, Chapter 272, Section 59 (Public Drinking)

Massachusetts General Laws, Chapter 90, Section 24 (Operating Under the Influence, Open Containers)

3. Employees (including student employees) working under federally funded grants are additionally subject to the Drug-Free Workplace Act of 1988. The Act creates the following obligations:

a. Employees convicted of any criminal drug statute violation occurring in the workplace must notify the Director of Human Resources of North Shore Community College no later than five (5) days after such conviction. Such notification must be in writing.

b. The College shall notify the appropriate federal agency within ten (10) days after receiving notice from the employee regarding such conviction. Such notification will be in writing.

c. The College, within thirty (30) days of receiving notice, with respect to any employee who is convicted, will:

i. Take appropriate disciplinary action against the employee, up to and including termination of employment.

and/or

ii. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health law enforcement or other appropriate agency.

4. The College will present campus-wide drug and alcohol education programs on an annual basis. This is in addition to other educational opportunities available in current or future academic offerings.

5. The following medical risks are associated with drug and alcohol use:

a. Overdose

An overdose can happen due to uncertain purity, strength or even type of drug one gets illegally. It can also happen due to increased tolerance, because one needs increased dosages to achieve the same effect. An overdose can cause psychosis, convulsions, coma or death. While the risks of drug overdose are more common and frequent, extreme quantities of alcohol can similarly result in psychosis, convulsions, coma or death.

b. Dependence

Continued use of drugs or alcohol can lead to a psychological and/or physical need for them.

c. Health

Long term drug and alcohol use can destroy a healthy body and mind. Generally, drug and alcohol abuse can lead to organic damage, mental illness, malnutrition, failure to get treatment for existing diseases or injuries, and even to death. Chronic drinking also has been associated with increased rates for heart disease, liver damage, ulcers and gastritis, and adrenal and pituitary gland damage. Injection of drugs presents special risks of getting AIDS, hepatitis and other infectious diseases. Drug and alcohol use can also affect the health of a child in the womb and result in birth defects, fetal alcohol syndrome, drug dependency or death. Because the quantity of alcohol likely to injure a developing fetus is unknown, the United States Surgeon General has specifically counseled women not to drink any alcohol during pregnancy.

d. Accidents

When drugs or alcohol affect an individual's perception and/or reaction time, accidents become more likely.

6. For any member of the College community who is experiencing substance abuse problems, the College stands ready to offer supportive services and referral for treatment, as appropriate and available.

Information concerning substance abuse and rehabilitation counseling programs and the applicability of employee and student insurance is available through the following College office(s): Student Support and Advising Center

Lynn LW121 (781) 593-6722 x2132  
Danvers DH101 (978) 762-4000 x4036  
Health Services  
Lynn LW129 (781) 593-6722 x2196  
Danvers DB108 (978) 762-4000 x5535  
Human Resources  
Danvers DB341 (978) 762-4000 x5422

7. Treatment covered by required student medical insurance: Massachusetts General Laws, Chapter 15A, & 7B (St. 1988, Chapter 23 & 22) and 117 Code of Massachusetts Regulations Section 3.04 require that students certify their participation in a qualifying student health insurance program, or in a health benefits program with comparable coverage. Students who do not possess adequate medical insurance must purchase the Massachusetts Regional Community Colleges' Student Accident and Sickness Insurance Plan. This plan provides the following benefits related to drug and alcohol abuse:

- Hospital Confinement Benefits. (These benefits are subject to change by contractual agreement. Students should consult with the Health Care Coordinator regarding current coverage.)
- Drug Abuse Benefit. When a covered person is confined in a legally operated and duly accredited public or private facility for the care and treatment of drug abuse, the Company will pay the same benefits provided for other illnesses, not to exceed 30 days for the treatment of drug abuse, subject to the policy aggregate maximum benefit of \$25,000.00.
- Non-Hospital Confinement Benefits: Mental illness, Alcohol and Drug Abuse Benefit the Company will pay for treatment by a fully licensed psychiatrist, psychologist, or independent clinical social worker, not to exceed \$50.00 per visit, for an aggregate benefit of \$500.00, during the policy period for treatment of a mental or nervous condition or disorder, or for alcoholism or drug abuse.

8. The College shall conduct a biennial review of these policies and programs and implement changes as necessary.

9. The College has authorized the Employee Student Assistance Program Advisory Committee to address issues affecting employee and student wellbeing. Members of the college community (student or employee) are encouraged to bring issues, concerns and/or suggestions regarding drug and alcohol abuse to the committee.

## **I. CHILDREN ON CAMPUS POLICY**

The administration at NSCC understands that in some circumstances it may be necessary to bring children on campus. The College does not generally prohibit you from bringing your children on campus as long as they are under your supervision at all times. If it is not possible for them to be under your direct supervision, an adult friend or adult guardian should be designated to ensure their supervision. Be aware, however, that College staff and faculty members responsible for specific college areas reserve the right to exclude infants and children from that area when, in their best judgment, it is in the interest of health, safety or the educational process. NSCC cannot be responsible for the care and supervision of unattended children. Campus police will be asked to locate and return to the custody of the parent any unattended children.  
Approved by NSCC Coordinating Council 5/23/02.

## **J. CRIMINAL OFFENDER RECORD INFORMATION (CORI)**

### *Sex Offender Registry Information*

In order for a student to be eligible to participate in an academic, community or clinical program that involves potential unsupervised contact with children, the disabled, or the elderly, the student may be required to undergo a Criminal Offender Record Information (CORI) check and/or a Sex Offender Registry Information (SORI) check. Students found to have certain criminal convictions or pending criminal actions will be presumed ineligible to participate in such activities. The College is authorized by the Commonwealth's Criminal History Systems Board, Pursuant to Massachusetts General Laws, Chapter 6, Sections 167-178B, to access CORI records. The College shall refer to regulations issued by the Commonwealth's Executive Office of Health and Human Services, 101 Code of Massachusetts Regulations 15.00-16.16, as guidance when assessing student CORI records. Sex Offender checks shall be performed pursuant to Massachusetts General Laws, Chapter 6, Sections 178C-178P. Furthermore, in accordance with federal law, the College is required to advise the campus community where information concerning registered sex offenders may be obtained. Information concerning Level 2 and Level 3 offenders is available to the general public by contacting the Commonwealth of Massachusetts' Sex Offender Registry Board, located at P.O. Box 4547, Salem, MA 01970-4547, (978) 740-6400, or the following Police Departments:

- Lynn Police Department - 300 Washington St, Lynn, MA 01901
- Danvers Police Department - 120 Ash Street, Danvers, MA 01923

· Beverly Police Department - 193 Cabot Street, Beverly, MA 01915

Level 3 offender information is also available on-line at [www.mass.gov/sorb](http://www.mass.gov/sorb). If you have any questions regarding access to sex offender information, please feel free to contact the College's Chief of Police, Douglas P. Puska at 978-762-4090.

Registering at the College without giving prior notification to the appropriate authorities under the SORI statute by anyone required to give such notification shall be cause for immediate dismissal, and the College will report such violations to the appropriate law enforcement agencies. (This concludes the section excerpted from the Department of Higher Education system-wide Affirmative Action Policy)

#### **K. BATHROOM AND LOCKER USE**

All students may utilize bathroom or locker room facilities on campus that are designated as gender-neutral. Students are permitted to use bathrooms or locker rooms on campus that are gender specific based on the gender designation contained in the student's College records.

#### **L. CHANGING BIOGRAPHICAL DATA**

In order to change one's legal name on College records, a student must present a certified copy of a court order indicating a legal name change has been granted. As for changing one's gender designation on College records, a student must provide a certified copy of a court order showing the change of gender, or other legal identification, such as a Massachusetts driver's license, reflecting the student's new gender. If a student presents evidence to the College that the student's name, gender or other biographical information has been legally changed, the College will recognize that change in its records and in the application of its policies.

#### **M. SERVICE ANIMAL POLICY**

North Shore Community College generally permits service animals assisting individuals with disabilities in all facilities maintained by the College. Therefore, an individual with a disability shall be permitted to be accompanied by his/her service animal in all areas of the College's facilities where members of the public are permitted. The College reserves the right to impose restrictions on the use of service animals on its property in order to maintain safety or to avoid disruption of College operations.

This policy applies only to facilities owned by the College or under its control. Please be advised that there may be restrictions imposed on the use of service animals in non-college facilities, such as hospitals, science laboratories or

other clinical or internship experience locations. Such restrictions are established by the individual facilities according to their own policies and procedures and the College has no control over such restrictions.

**"Service Animal" Defined:** The Americans with Disabilities Act's regulations define "service animal" as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. However, in certain instances, the use of other animals as a service animal may be permitted under other laws so please consult with Susan Graham, Director of Disability Services: 978-762-4000 extension 4373 or [sgraham@northshore.edu](mailto:sgraham@northshore.edu)

#### **Type of Work or Tasks a Service Animal May Provide:**

Work or tasks performed by a service animal must be directly related to its handler's disability. Examples of work or tasks performed by service animals include, but are not limited to:

- assisting individuals who are blind or have low vision with navigation and other tasks;
- alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- providing non-violent protection or rescue work;
- pulling a wheelchair;
- assisting an individual during a seizure;
- alerting individuals to the presence of allergens;
- retrieving items such as medicine or the telephone;
- providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
- helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

Services that do not qualify as work or tasks performed by a service animal include:

- crime deterrent effects; or
- the provision of emotional support, comfort, or companionship, often referred to as "therapy" or "companion" animals.

**Service Animal Documentation:** Consistent with state law, all dogs on campus shall:

- possess an animal license in compliance with Massachusetts law;
- be properly immunized and vaccinated; and,



- wear a current license and rabies vaccination tag.

It is recommended that a service animal wear some type of recognizable symbol identifying it as a service animal. However, there is no requirement for documentation to prove that the animal has had particular training or is a “certified” service animal.

**Registration of a Service Animal on Campus:** When practicable, a student or employee seeking to use a service animal is requested to notify the Office of Disability Services prior to bringing the animal on to College property. A service animal’s handler will be asked to complete a voluntary *Service Animal Registration Form* and an *Acknowledgement of Responsibility and Waiver of Liability Agreement*. These documents shall be maintained confidentially by the College. If the animal qualifies as a service animal, the handler will voluntarily agree to comply with this policy at all times while the animal is on College property. Members of the general public intending to visit the college with a service animal should notify the College’s Office of Disability Services in advance when practicable. Specific questions related to the use of service animals on College property can be directed to Susan Graham, Director of Disability Services, via email at [sgraham@northshore.edu](mailto:sgraham@northshore.edu) or by phone at 978-762-4000 extension 4373.

**Permissible Inquiries about a Service Animal:** It is permissible for the College to make the following inquiries in order to determine whether an animal qualifies as a service animal:

- is the animal required because of a disability? and
- what work or task is the animal trained to perform?

The College shall not inquire about the nature or extent of a person’s disability. Further, the College shall not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind, pulling a person’s wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

**Control of a Service Animal:** The College is not responsible for the care or supervision of a service animal. A service animal must be under the control of its handler at all times. A service animal shall have a leash or other tether, unless the handler is unable because of a disability to use a leash or other tether, or the use of such would

interfere with the service animal’s safe, effective performance of its work or tasks. Under those circumstances where a service animal is not tethered, the service animal must be otherwise under the handler’s control (e.g., voice control, signals, or other effective means).

**Health, Hygiene and Cleanliness:** Service animals must be clean. Daily grooming and occasional baths should be utilized to keep the animal’s odor to a minimum. Adequate flea prevention and control must be maintained. If a service animal’s odor is offensive to other individuals, the handler will be requested to bathe the service animal prior to returning to the College. A service animal’s handler must clean up after the animal. If due to a disability the handler is unable to do so, the handler shall make alternative arrangements to do so.

**Exclusion of a Service Animal from College Property:** The College may direct an individual with a disability to remove a service animal from the premises if the animal:

- is out of control and its handler does not take effective action to control it (including the animal poses a direct threat to others on campus and/or exhibits behavior that interferes with the educational process);
- is not housebroken, is ill, or presents a reoccurring offensive odor; and/or
- is not properly licensed and/or vaccinated.

If the College excludes a service animal from its premises, it shall still afford the individual with a disability the opportunity to participate in its programs or activity without having the service animal on the premises.

**Public Etiquette Rules:** Members of the public should avoid:

- petting a service animal as it may distract the animal from its work;
- feeding a service animal;
- deliberately startling a service animal;
- calling or attempting to attract the attention of a service animal; and
- attempting to separate a service animal from its handler.

**Grievances:** Any person who believes that his/her rights to use a service animal on College property have been violated may file a complaint under the College’s Affirmative Action Plan by contacting Ngoc-Thanh Giddarie, the College’s Affirmative Action Officer, via email at [tgiddari@northshore.edu](mailto:tgiddari@northshore.edu) or via phone at 978-762-4000 extension 5470.

## **N. ABSENCES FOR PREGNANCY OR CHILDBIRTH**

In accordance with Title IX of the Educational Amendments of 1972, absences due to pregnancy or related conditions, including recovery from childbirth, shall be excused for as long as the student's doctor deems the absences to be medically necessary. When the student returns to the College she shall be reinstated to the status she held when the leave began, which includes the opportunity to make up any missed work. The College may offer the student alternatives to making up missed work, such as retaking a semester, taking part in on-line instruction, or allowing the student additional time in a program to continue at the same pace and finish at a later date. For more information, please contact Ngoc-Thanh Giddarie, the College's Title IX Coordinator, via email at tgiddari@northshore.edu or via phone at 978-762-4000 extension 5470.

\* \* \* \* \*

## **II. STUDENT RIGHTS AND RESPONSIBILITIES**

North Shore Community College respects the dignity of each individual member of the College community, and recognizes certain rights and responsibilities as integral to achieving opportunities for intellectual, cultural, social, and personal growth and the health and safety of every student. These rights include, but are not limited to the opportunity to pursue higher education; freedom to exercise the rights of citizenship, association, inquiry, and expression; appropriate privacy and confidentiality; a safe academic environment; voting representation on all recommendations to the President of the College on matters of academic policy, student affairs, and curriculum; the right to fair and equal treatment, instruction, evaluation and services by faculty, staff and students; and to procedural due process (specified below) in grievance and disciplinary hearings.

Most important, students have the right to quality education. This includes but is not limited to the right to competent instruction in courses and programs; the right to assistance in overcoming educational, cultural, emotional and economic disadvantages which hinder the educational process; and the right to receive in writing from each faculty member during the first week of classes a brief written course description, course requirements, an attendance policy, and an explanation of the grading system to be utilized. As a corollary to the aforementioned rights, students are expected to assume the following responsibilities:

1. To be knowledgeable of and comply with the directives, regulations and laws as established by the Board of Higher Education, the College and the duly constituted Student Government Association.

2. To respect the rights of individuals and groups to independent action as long as those rights do not interfere with the parallel rights of others - minorities and majorities alike.
3. To be knowledgeable of and comply with the directives, regulations, and laws of duly constituted civil authorities.

### **A. FREE INQUIRY AND FREE EXPRESSION**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. Free inquiry and free expression are indispensable to the attainment of those goals. As members of the academic community, faculty members, staff and students are encouraged in a sustained and independent search for knowledge. Freedom to teach and freedom to learn are inseparable components of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus and in the larger community. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the academic community - students, faculty and staff. The College will respect and will defend the right of its members to lawful exercises of free speech and assembly in behalf of causes, whether popular or unpopular. These rights are properly exercised only when due regard for the rights of others is assured, and procedures are designed to ensure fairness and equal access regarding controversial issues and partisan, political, or other activities.

Actions denying the rights of others to move or speak freely, whether or not such interference is their motive lie outside Constitutional guarantees and the obligation of the College to defend them. Therefore, if in the judgment of the President or his designee, persons attempt to interfere with the freedom of movement or speech of members or guests of the College community, or the orderly operation of the College, the President of the College or his designee is authorized to:

- a) Advise such persons of the impropriety of their activity and request immediate desistance from such activity.
- b) If such persons fail to desist, call the appropriate authority to remove those so interfering.
- c) Suspend temporarily such members of the College community who have participated in such interference and persist in such activity.
- d) Grant as soon as reasonably possible appropriate due process to any person appealing such suspension.

Any person who involves himself/herself in the willful destruction of College or personal property will, in addition, be answerable to charges filed with the civil authority.

The Massachusetts Trespass Act also states in part that:

“Whoever willfully trespasses upon land or premises belonging to the Commonwealth, or to any authority established by the general court for purposes incidental to higher education, appurtenant to a public institution of higher education, . . . or whoever after notice from an officer of any said institution to leave said land, remains thereon, shall be punished by a fine of not more than \$50 or by imprisonment for not more than three months.”

## **B. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)**

FERPA affords students certain rights with respect to their educational records. A summary of these rights is outlined below:

1. The right to inspect and review the student's records within 45 days of the date NSCC received a request for access. Students should submit to the Records Office written requests that identify the record(s) they wish to inspect. The Director of Enrollment and Student Records will make arrangements for access and notify the student of the time and place where the records may be inspected.
2. The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students may ask NSCC to amend a record that they believe is inaccurate or misleading. The student must clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If NSCC decides not to amend the record as requested by the student, NSCC will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by NSCC in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom NSCC has contracted (such as an attorney,

auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

4. NSCC has designated certain types of information as “directory information.” This includes the student's name, address, degree information, and enrollment status. Students may request to restrict release of this information, and this data will not be released except as authorized by law. Requests to restrict “Directory Information” must be made in writing to the records office. A student must notify the College's Records Office in writing within two (2) weeks of the beginning of each semester if s/he does not wish to have any or some of his/her student information designated as “Directory Information.” The College assumes that failure of any student to do so indicates approval for release. Once requested, the student's record will be flagged confidential, and we will release no information to any requestor under any circumstances except as authorized by FERPA, such as a Court Order. The request will remain in place for one year. Notwithstanding the College's definition of directory information, the Department of Defense, (DOD) pursuant to the Omnibus Consolidated Appropriations Act of 1997, (The Solomon Amendment), identifies the following information as “student recruiting information:” student name, address, and telephone listing; and if known, student's age, level of education, and major. If the College receives a request for student recruiting from the DOD or one of its affiliated agencies, the College will release the student recruiting information requested. Because the information sought by the DOD may include information not designated as Directory Information under the College's policy, compliance with the DOD's request may result in the release of personally identifiable information. When student-recruiting information is released pursuant to the DOD request, notice of the request and the release of the information will be posted in a conspicuous location in the College's Records Office for a period equaling an academic year. If a student has exercised his or her right to request that no information (See #4) be designated as directory information, then no information will be released to any third party, including the DOD, health insurance companies, and prospective employers. Additionally, his/her name will

not be displayed in the commencement program or associated with other graduation events and/or publications.

5. The right to file a complaint with the U.S. Department of Education concerning alleged failures by NSCC to comply with the requirements of FERPA. The name and address of the office that administers FERPA are:

Family Policy Compliance Office  
U.S. Department of Education  
600 Independence Avenue, SW  
Washington, DC 20202-4605

Additional FERPA information is available in the NSCC catalog and at the Records Office.

### **C. ABSENCES DUE TO RELIGIOUS BELIEFS**

Any student who is unable to attend classes or participate in any examination or work requirement on a particular day due to religious beliefs shall be excused and shall be provided with an opportunity to make-up the missed work [provided that such make-up does not create an unreasonable burden upon the school (Chapter 375 of the G.L.)]. Education system-wide Affirmative Action Policy)

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### **III. CONDUCT**

The College's jurisdiction under this policy shall extend to student conduct occurring on College property, property under the management and/or control of the College, and/or off College property when such conduct adversely affects the College Community, poses a risk of harm or the threat of harm to the College Community and/or interferes with the College's pursuit of its objectives and mission. A student shall be subject to the disciplinary sanctions outlined in this policy. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus. (Note: Certain College departments, facilities, academic programs, student organizations, or clinical or other off campus assignment sites have behavioral guidelines and related policies and procedures that apply to students. For further information, contact the Academic Division Deans or the Dean of Students).

#### **A. JUDICIAL PROCESS - FLOW CHART**

For larger version of Judicial Process Flow Chart, please refer to page 56.

#### **B. DEFINITIONS**

*Accused Student* – The student who is alleged to have violated the College's Student Code of Conduct.

*Administrative Disposition* – A resolution of a complaint, which is mutually agreed upon by the CCO and the Accused Student. An administrative disposition shall result in an Accused Student waiving his/her right to a Judicial Board hearing or Appeal.

*Appeals Officer* – The College's Vice President for Student and Enrollment Services or designee.

*Code of Conduct Officer (CCO)* – The College Official charged with the responsibility of administering the College's Student Code of Conduct.

*College Property* – Includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College, including adjacent streets and sidewalks.

*Complaint* – An allegation of a violation of the Code of Conduct, which is filed with or by the CCO.

*Day* – As used in this policy, shall mean a calendar day. The number of days indicated at each level shall be considered as a maximum. All reasonable efforts shall be made to expedite the process, but the CCO may extend the time limits at his/her discretion with notice to both parties in writing.

*Judicial Board* – Members of the College community selected by the Code of Conduct Officer to conduct a hearing when it has been determined by the CCO that a violation of the Student Code of Conduct has occurred. Members of the Judicial Board shall act in a fair and impartial manner.

*Student* – Includes all persons taking courses at the College, both full-time and part-time, credit and non-credit. Persons who are not officially enrolled for a particular term but who have a continuing academic relationship with the College are considered "students."

#### **C. DISCIPLINARY OFFENSES**

A student shall be subject to disciplinary action under this policy for engaging in acts including, but not limited to:

1. Physical violence or the threat thereof and/or any conduct that threatens or endangers the health or safety of any person.
2. Creating or false reporting of bombs.
3. Extortion - The use, or the express or implicit threat of the use, of violence or other criminal means to cause harm to person, reputation, or property as a means to obtain property from someone else without his/her consent.
4. Unauthorized use of fire alarm or fire equipment.
5. Unauthorized or illegal gambling.
6. Hate Crimes as defined under state or federal law.
7. Hazing as defined under state or federal law.

8. Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises.

9. Conduct resulting in a violation of the College's Computer/Technology Acceptable Use and/or Email Policies.

10. Failure to comply with directions of College officials or law enforcement officers acting in performance of their duties, including failure to identify oneself when requested to do so.

11. Violation of College's drug and/or alcohol policies.

12. Breach of peace; including disorderly, lewd, or indecent conduct, or aiding, abetting, or procuring another person to breach the peace on College premises or at functions sponsored by, or participated in, by the College.

13. Defacement or destruction of College property.

14. Acting in a manner that interferes with or disrupts the normal and/or safe operation of the College.

15. Harassment (verbal or physical) and or intimidation of a member of the College Community.

16. Acts of dishonesty, including but not limited to the following:

- a. Forgery, alteration, or misuse of any College document, record, or instrument of identification;
- b. Furnishing false information to any College official, faculty member or office; or
- c. Disrupting or tampering with the election of any College recognized student organization.

17. Acts of academic dishonesty, including but not limited to the following:

- a. Use of any unauthorized assistance in taking quizzes, tests, or examinations;
- b. Dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or
- c. The acquisition, without permission, of tests or other academic material belonging to a member of the College faculty or staff.
- d. Plagiarism, which is defined as the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials. Taking credit for work done by another person or doing work for which another person will receive credit. Copying or purchasing other's work or arranging

for others to do work under a false name. (SEE PLAGIARISM POLICY)

18. Abuse of the Disciplinary process, including but not limited to:

- a. Falsification, distortion, or misrepresentation of information before a Judicial Board.
- b. Disruption or interference with the orderly conduct of a judicial proceeding.
- c. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- d. Attempting to influence the impartiality of a member of a Judicial Board prior to, and/or during the course of, the judicial proceeding.
- e. Harassment (verbal or physical) and/or intimidation of a member of a Judicial Board prior to, during, and/or after a judicial proceeding.
- f. Failure to comply with the sanction(s) imposed under the Student Code.
- g. Influencing or attempting to influence another person to commit an abuse of the judicial system.

19. Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.

20. Unauthorized solicitation, including but not limited to sale of goods and services for personal profit.

21. Unauthorized activity that constitutes forgery.

22. Violation of State or Federal Laws not otherwise enumerated herein.

23. Violation of published College policies, rules, or regulations not otherwise enumerated herein.

#### **D. DISCIPLINE IN THE CLASSROOM**

Disrupting or interfering in the educational process is prohibited under this policy. If a student engages in disruptive conduct in the classroom, a faculty member may address and informally resolve the matter without filing a complaint under the Code. A faculty member may exercise his/her right to immediately remove a disruptive student from a class meeting. In such cases the faculty member shall notify the CCO. If the removal of a student from the classroom is intended to be permanent, a complaint under this policy shall be filed with the CCO by the faculty member. The CCO can exercise his/her discretion to allow the accused student to attend class during the disciplinary process upon consultation with the faculty member and the Chief Academic Officer or his/her designee.

#### **E. OFF-CAMPUS BEHAVIOR**

If a student is charged only with an off-campus violation of federal, state, or local laws, the College reserves the right to take disciplinary action and impose sanctions against

the student. Proceedings under this Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

#### **F. INTERIM SUSPENSION**

The College reserves the right to issue an interim suspension when it reasonably concludes that a student poses a threat to: (a) him/herself or others; (b) College property or equipment; or (c) disrupts or interferes with the normal operations of the College. During an interim suspension, a student is prohibited from entering upon College's property or participating in any College activities.

#### **G. COMPLAINTS ALLEGING SEXUAL HARASSMENT OR DISCRIMINATION**

Claims of discrimination or sexual harassment shall be pursued under the College's Affirmative Action Plan. For more information, please contact Pamela Nolan, the College's Affirmative Action Officer, at 978.762.4000 extension 5470.

#### **H. CODE OF CONDUCT DISCIPLINARY PROCESS**

The Disciplinary Process is initiated once a complaint is filed against a student by a member of the College community or by the CCO. This policy is not intended to prevent members of the College Community from attempting to resolve matters informally. Failure to cooperate with the College's investigation of an alleged Code of Conduct violation will result in the student forfeiting his/her rights to a hearing or appeal and/or may result in disciplinary action.

##### **1. Disciplinary Process**

- a. All complaints under the Code of Conduct shall be filed with or by the CCO.
- b. When the CCO files or receives a complaint alleging that a student has acted in a manner which may be in violation of the Code, the CCO initiates the disciplinary process by meeting with the Accused Student, putting him/her on notice of the alleged violation and providing him/her an opportunity to respond to the allegations. The CCO may conduct a further investigation if necessary.
- c. If the CCO determines that a violation exists, three procedural options are available.
  - (1) Verbal or Written Warnings - For low-level offenses, the CCO may issue a verbal or written warning to the Accused Student. Warnings shall not be subject to a hearing before a Judicial Board or an appeal.
  - (2) Administrative Disposition - Under an Administrative Disposition, the Accused

Student and the CCO mutually agree upon a disciplinary remedy. By accepting the Administrative Disposition, the Accused Student waives his/her right to a hearing before the Judicial Board or an appeal.

(3) Judicial Board Hearing - When an Administrative Disposition cannot be reached, the CCO shall refer the alleged violation to the Judicial Board for a hearing. Please see Section 2 below for Judicial Board rules.

Failure to cooperate with the College's investigation of an alleged Code of Conduct violation, which includes appearing before a Judicial Board or College official if summoned to do so, will result in the student forfeiting his/her rights to a hearing or appeal and/or may result in disciplinary action.

##### **2. Judicial Board Hearing**

- a. A hearing with the Judicial Board shall be scheduled by the CCO not later than thirty (30) days following an Accused Student's request for a hearing.
- b. A written Statement of Charges shall be presented to the Accused Student not less than five (5) days prior to the hearing.
- c. A Judicial Board hearing is an administrative hearing. The rules of evidence do not apply.
- d. In a matter involving more than one Accused Student, the Judicial Board may permit at its discretion individual hearings for each Accused Student.
- e. The Accused Party has the right to be accompanied by any advisor of his/her own choosing and at his/her own expense. The advisor may be an attorney. An advisor's role is limited to advising the Accused Student directly. An advisor is not permitted to participate directly in the hearing.

##### **3. Conduct of Hearing**

- a. A hearing is normally conducted in private.
- b. There shall be a record created of all hearings. The record shall be the property of the College.
- c. All procedural questions are subject to the final decision of the Judicial Board.
- d. Admission of any person(s) to the hearing shall be at the discretion of the Judicial Board.
- e. A hearing shall proceed as follows:
  - The CCO presents the Statement of Charges on behalf of the College. The CCO may present documents, materials and/or witnesses in support of the Statement of Charges.

- Accused Student responds to the Statement of Charges. The student may present documents, materials and/or witnesses in response to the Statement of Charges.
- Following the parties' presentations, the Judicial Board may question each party, their witnesses and/or review all information presented. The Judicial Board has the discretion to request additional documents, materials or information from either party.
- While direct cross-examination by the parties is not permitted, each party will be given the opportunity to question the other by presenting questions through the Judicial Board. If the Board determines a question is relevant, the other party will be asked to respond.
- The Board shall have a final opportunity to question the parties.

f. After the hearing, the Judicial Board shall determine by majority vote whether the Statement of Charges has been proven.

g. In reaching its decision, the Judicial Board shall determine whether it is more likely than not that the Accused Student violated the Code of Conduct based on the information presented.

h. Within fifteen (15) days of the conclusion of a hearing, the Judicial Board shall issue a written decision outlining its findings and disciplinary action, if any, to the parties.

#### 4. Sanctions

A student found in violation of the College's Code of Conduct shall be subject to one or more of the following sanctions:

- a. Verbal or Written Warning
- b. Restrictions/Loss of Privileges
- c. Community/Educational Service
- d. Restitution
- e. Probation
- f. Suspension
- g. Expulsion

The intent of the College is to impose sanctions in a progressive manner, beginning with the least punitive sanction. However, depending on the nature and severity of a student's violation the College reserves the right to impose any of the above-referenced sanctions at any time.

#### 5. Appeal

- a. Within five (5) days of receiving the Judicial Board's decision, either the CCO or the Accused

Student may appeal the Judicial Board's decision to the College's Appeals Officer.

b. An appeal must be in writing and be based on a credible claim that: the hearing was not conducted in conformity with the Code of Conduct; the decision was not supported by a preponderance of the evidence presented; the sanction imposed was not appropriate in light of the Judicial Board's decision; or new evidence exists, which was not presented at hearing because it was not reasonably known to the Accused Student at that time, and which is sufficiently relevant such that it could alter the Judicial Board's decision.

c. The Appeals Officer shall issue a written decision within ten (10) days of receiving the appeal. The Appeals Officer may accept, reject or modify the Judicial Board's decision or sanction.

d. The Appeals Officer's decision shall be final.

\* \* \* \* \*

## IV. OTHER POLICIES SUBJECT TO THE CODE OF CONDUCT

### A. DANGEROUS WEAPONS

Possession of a weapon, article, implement, pepper spray, or chemical agent that may be used as a weapon is strictly prohibited on any of our College campuses, property, or College-sponsored event.

### B. COMPUTER USE POLICY

Violations of this policy may result in disciplinary action, up to and including dismissal, as well as civil liability and/or criminal prosecution. Unacceptable uses may also constitute a violation of the Electronic Communications Privacy Act of 1986, the Family Education Rights and Privacy Act, Massachusetts Wiretap and /or Privacy Laws, defamation, copyright and/or trademark infringement laws and state or federal sexual harassment or discrimination laws. Computers at North Shore Community College are made available to students, faculty, staff and when appropriate, to the community at large. Use is devoted exclusively to educational purposes, including scholarly and institutional communication, information gathering and computing instruction. It is understood that all users agree to abide by the following rules and regulations:

- 1. All computers are used only as permitted by the College in accordance with NSCC policies and procedures designed to further educational objectives.

Illegal or unethical use which violates those policies will not be tolerated. NSCC networks are public networks, and NSCC Information Systems reserves the right to monitor remotely, or in person, any/all College computers. Acceptable use of the College's computing and networking resources includes usage for academic, educational or professional purposes which are directly related to official College business and in support of the College's mission.

2. Illegal or unethical computer use will not be tolerated and is subject to legal/disciplinary action.

This includes but is not limited to:

- a. Any attempt to breach system security, propagate viruses, damage files or otherwise disrupt services.
- b. Unauthorized copying and sending of software.
- c. Disregard of copyright and proprietary restrictions.
- d. Misrepresentation or use of another's work.
- e. Utilizing material or communication which constitutes sexual harassment, obscenity, child pornography, or creates a hostile or intimidating environment.
- f. Intentionally hindering others' ability to utilize any networks accessed from NSCC.
- g. Unauthorized use of the name or logo(s) or graphical representation of NSCC without the express permission of College authorities.

3. Computer users must respect the privacy of others. No network user shall intentionally seek information on, obtain copies of, or modify files, data or passwords belonging to another person.

4. Computer users must keep their passwords confidential, use only their own accounts and identify themselves accurately when online.

5. Computer users may not use computing resources for commercial venture, personal profit, or political purposes.

6. To ensure fair access for all, computer users must respect NSCC limitations on computer use such as time limits, age appropriate limits, storage space or amount of resources consumed, game playing, MUDD's, and chain letters. A user is prohibited from wasting computer resources: placing a program in an endless loop, printing excessive amounts of paper, distributing chain letters, game playing, chat/rooms, etc.

7. Users of the College's Computer Network for e-mail purposes should have no expectation of privacy. The College reserves the right to access or interrupt email communications or transmissions for routine system maintenance, technical problems, criminal

investigations, or in response to, and in compliance with, a request made under the Commonwealth's Public Records Laws. Email and files related to course work are the sole occasions on which students may download files.

8. With North Shore's College Web Site, it is possible that personal and commercial web pages are linked to it. It is understood that the College is neither responsible, nor maintains control over any pages linked to its Web Site.

9. Unauthorized use of accounts and any other complaints should be reported to the Vice President of Student and Enrollment Services or designee (for student violations) or to the Vice President of Academic Affairs or designee.

10. NSCC network users agree to waive any claim and release North Shore Community College, its employees and agents, from any claim, demand, liability, cause of action, or suit for damages arising out of their use of NSCC network(s) including but not limited to: loss of data, equipment failure or consequences resulting from the preceding.

### **C. STUDENT ORGANIZATION WEB PAGE POLICY**

A student organization website must comply with the following policy at all times. If an organization violates this policy, the College reserves the right to take appropriate action including but not limited to removal or deletion of offending website, denial of organization access to College computing resources, and other group or individual disciplinary actions.

1. Official Business. Content will relate directly to the official business of the College and be consistent with the charter or constitution of the organization.

2. Maintenance. Content will be maintained so that it is timely, relevant, and accurate.

3. Copyright. Copyrighted materials will only be used with the written permission of the copyright owner. This includes text and images that belong to other Web sites.

4. Pictures of People. Pictures of people will not be used unless their written permission is obtained.

5. College Name. The use of the College's name will not be used in any way that suggests or implies the endorsement of other organizations, their products, or their services.

6. Accessibility. A reasonable effort will be made to comply with the Web Content Accessibility Guidelines set forth by the World Wide Web Consortium at [www.w3.org/WAI](http://www.w3.org/WAI). The College is committed to



- providing equal access to its online materials and to compliance with the Americans with Disabilities Act.
7. Contact Information. Each Web page will include the organization's email address and other relevant contact information. All correspondence to the organization will be replied to in a timely manner.
  8. Other College Policy. Content will comply with other applicable College policies and procedures including the Computer Use Policy and Student Rights & Responsibilities.
  9. Harassment etc. Content will not contain statements of a fraudulent, defamatory, harassing, abusive, obscene or threatening nature.
  10. Disclaimer. The home page will contain the following disclaimer: This is not an official website of the college with which the creator of this page may be enrolled or affiliated. The views and information expressed in these web pages are those of the individual creator and are not sponsored, endorsed, or approved by the College. The College does not assume any liability or responsibility for the content contained herein.
  11. Link to College. The home page will contain a link back to the North Shore Community College home page ([www.northshore.edu](http://www.northshore.edu)).

#### **D. PLAGIARISM POLICY**

Defined as the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgement. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials; taking credit for work done by another person; doing work for which another person will receive credit; copying or purchasing other's work or arranging for others to do work under a false name. The college considers plagiarism to be an act of academic dishonesty and can and will take disciplinary action against students who plagiarize the work of others. The

course instructor has the right to take action as appropriate up to and including failing the student. Additionally or alternatively, a faculty member may file a complaint against the student under the College's Code of Conduct alleging academic dishonesty. The complaint will be handled by the College's Code of Conduct Officer pursuant to the Code of Conduct. If a faculty member issues a failing grade, the student shall have the right to file a grievance under the Grade Appeal Process of the Student Grievance Procedure. A complete copy of the Student Grievance Procedure can be found online at: [www.northshore.edu/downloads/student\\_handbook.pdf](http://www.northshore.edu/downloads/student_handbook.pdf) (page 40).

#### **E. SMOKE-FREE CAMPUS POLICY**

Effective 1/1/12

Smoking is prohibited within the confines of all college grounds, buildings and property. Smoking will only be permitted in private vehicles lawfully parked on campus lots.

Effective implementation of the policy depends on the courtesy, respect and cooperation of all members of the campus community. Complaints concerning employees of the College should be brought to the attention of the employee's immediate supervisor, or in the alternative to the Vice President of Human Resource Development or the Director of Human Resource Development. Complaints concerning students should be brought to the attention of a campus police officer, who may refer the matter to the Dean of Students, and any official actions taken will be in accordance with the Student Code of Conduct. It is anticipated that violators would first be reminded and provided with educational literature. Disciplinary measures would be expected to be reserved for repeat infractions or infractions that interfere with the College's academic or workplace needs or responsibilities. Visitors who fail to comply with the policy may be prohibited from remaining on or returning to campus.

## **POLICY AND PROCEDURES RELATIVE TO STUDENTS WITH DISABILITIES**

### **Section I: Policy on Nondiscrimination**

North Shore Community College, as a public, open admission, comprehensive institution

- Affirms the principles of equal access and academic accommodations for students

with disabilities as stated in Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) 1990.

- Strives to maintain and extend its barrier-free environment

- Practices non-discrimination in its academic and non-academic components
- Seeks to ensure that a student's level of achievement will be measured in ways that assess learning and minimize the interference of disability-related factors.

## Section II: Definitions of Students with Disabilities and Academic Accommodations

To qualify as a student with a disability, the student must meet the following eligibility criteria outlined under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) 1990.

- Have a physical or mental impairment that substantially limits one or more major life functions
- **Or** Have a record of such impairment
- **Or** Are regarded as having such impairment
- **And** Are deemed to be otherwise qualified despite the disability

Accommodations are academic adjustments that do not compromise the academic standards of the student's course or program **and** are reasonable *in light of the public nature* of the community college setting.

Accommodations allow students with disabilities to receive

- Opportunities to participate in and meet the stated essential requirements of courses and programs for which they are otherwise qualified
- Evaluations that measure their levels of achievement of essential requirements and that are not negatively impacted by disability-related factors.

## Section III: Procedure for Establishing Eligibility for Accommodations

Students seeking support services and/or accommodations on the basis of a disability are required to verify eligibility in accordance with

Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act (ADA) 1990.

### Student's Responsibilities

- **FIRST**, a student must self-identify by following the published procedure to request services. In order to meet the student's educational and academic needs, Disability Services asks the student to complete and return the requested documents at least 4 to 6 weeks before the start of the semester that the student expects to receive services.
- **SECOND**, when Disability Services receives the request for services with the appropriate documentation, Disability Services will contact the student for an Intake Interview. The student will collaborate with the Disability Counselor to determine reasonable accommodations, adjustments, auxiliary aids, and services which will then be reviewed by the Disability Team.

### Documentation Requirements for Students with Specific Learning Disabilities:

Testing must be comprehensive, especially regarding specific learning disabilities. It is not acceptable to administer only one test for the purpose of diagnosis.

Minimally, testing must include (but is not limited to):

- a) **Aptitude:** "The Wechsler Intelligence Scale-Revised" ("WAIS-R") with subtest scores is the preferred instrument. "The Woodcock-Johnson Psycho-Educational Battery: Revised" or "The Stanford-Binet" is acceptable.
- b) **Achievement:** Current levels of functioning in reading, math, and written language are required. Acceptable instruments include
  - "The Woodcock-Johnson Psycho-Educational Battery: Revised"
  - "Tests of Achievement"
  - "The Stanford Test of Academic Skills (TASKS)"
  - "Scholastic Abilities Test for Adults"
  - Specific achievement tests
  - Note: "The Wide Range Achievement Test" is not a comprehensive measure of achievement and therefore is not suitable.

c) **Information Processing:** Specific areas of information processing (short/long term memory, auditory and visual perception/processing speed, sequential memory) must be assessed. Subtests from the "WAIS" and/or "Woodcock-Johnson Tests of Cognitive Ability" are acceptable.

\*The lists above do not exclude the results from other assessment instruments or restrict submission of other helpful material in areas of vocational interests and aptitudes. Testing must be current.

- In most cases, testing must have been administered within the last three years. Since the assessment will provide the basis for determining academic accommodations within a competitive college environment, it is in the student's best interest to provide recent and appropriate documentation.

- Test scores and data should be included. Professionals conducting assessments & diagnosing specific learning disabilities must be qualified.

- Trained, certified, and/or licensed psychologists, learning disabilities specialists, and educational therapists are typically involved in the process of assessment.

- Experience diagnosing an adult population is essential. Assessment instruments used must be reliable and valid for use with an adult population. Diagnostic reports must include the names and titles of the evaluators as well as the date(s) of testing.

Please visit [www.northshore.edu/disability](http://www.northshore.edu/disability) for more details about disability documentation.

**All documentation is confidential. Documentation should be submitted as published at least four weeks before the start of the semester that the student expects to receive disability services.**

#### **Section IV: Procedure for Implementing Accommodations for Students with Disabilities**

The entire NSCC community is responsible for implementing the spirit and requirements of

Section 504 of the Rehabilitation Act of 1973, as published in the May 4, 1977 Federal

Register, p.22684: and the Americans with Disabilities Act (ADA) 1990.

No qualified handicapped student shall, on the basis of handicap, be excluded

from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any...post-secondary education program or activity...[84.43(a)]

(An institution)...shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student...**Modifications may include changes in the length of time permitted for the completion of degree requirements, substitutions of specific courses required for the completion of degree requirements, and the adaptation of the manner in which specific courses are conducted.** [84.44(a)]

Disability Services is the central office responsible for coordinating services and academic accommodations. The Disability Services Team reviews the student's current and appropriate documentation and approves, defers, or denies the requested academic accommodation(s) with full attention to the student's disability needs, the course standards, and program integrity. With regard to **learning disabilities**, no accommodations will be recommended unless the documentation clearly states that a learning disability exists. Terminology such as "learning difference" or "learning problem" does not constitute a learning disability.

**The Disability Team**, is made up of the Director of Disability Services, and several Disability Counselors and professionals, they together recommend the nature of the accommodations

in instruction and testing that might be required for a student consistent with policies developed by the NSCC Academic Accommodations Policy Board (AAPB) and approved by the President.

The student provides instructors with his or her Faculty Notice of Academic Accommodations at the beginning of each semester or soon after formal approval so that the accommodations can be implemented in a timely manner. Accommodations approved by the Disability Team are communicated to instructors via letters from a Disability Counselor that students hand-deliver (or, in the case of an online course, via email from a Disability Counselor).

**Faculty members** are responsible for conducting classes and developing examinations and procedures for evaluating students' academic achievement as outlined in the "AGREEMENT between the Massachusetts Higher Education Coordinating Council for the Massachusetts Community Colleges and the Massachusetts Community College Council/Massachusetts Teachers Association." In accordance with this agreement, faculty must follow federal regulations which require that methods of evaluation measure the student's achievement in the course rather than reflecting the student's impaired sensory, physical, or speaking skills (except where such skills are the factors the test purports to measure). The right to academic freedom does not supersede the student's right to accommodations.

The **types of accommodations** vary and depend upon the type of disability and course content. A student may benefit from an oral exam in one area but not in another. The record of past success with accommodations is the best predictor. There may be an initial trial-and-error period as the faculty member, student,

and Disability Counselor work as a team to continuously improve the manner in which to evaluate the student's mastery of course material.

If an accommodation includes **extended time for testing**, the student should take the exam in CAS, the designated testing site. If this is not possible, the faculty member and student should find a suitable location to administer the exam in accordance with the necessary accommodations. If faculty office hours are inappropriate, faculty should notify Disability Services at least one week in advance, so alternate arrangements can be made.

## **Section V: Responsibilities for Ensuring Legal Compliance**

**President:** The President is the senior administrative officer who is responsible for campus policies and services affecting students with disabilities. With the advice of the NSCC AAPB, the President ensures that these policies are educationally sound and responsive to students with disabilities.

**Deans:** The administrative heads of the divisions are responsible for ensuring that the instructional staff of their units understand NSCC's full commitment to implementing federal law and College policy assuring nondiscrimination of students on the basis of disability. If an instructor requests a review of an approved accommodation or fails to provide an accommodation approved by Disability Services, the instructor's Division Dean, in consultation with the Vice President of Academic Affairs and the Campus 504 Coordinator, is responsible for ensuring that the accommodation is provided in a timely manner until the matter has been reviewed by the NSCC AAPB and a final decision reached by the President.

**Campus 504 Coordinator:** The Campus 504 Coordinator serves as a resource to NSCC faculty, administration, and staff in meeting their obligation to provide appropriate academic accommodations

to students with disabilities. The Campus 504 Coordinator provides advisement about the requirements of federal law and NSCC policy and works to resolve informally any disagreement about accommodations for students with disabilities. The Campus 504 Coordinator also serves as a member of the NSCC AAPB and has responsibility, in consultation with the College's legal advisor, to ensure that the policies and procedures comply with federal, state, and NSCC requirements. The Campus 504 Coordinator also serves as a resource to students who feel they are not receiving appropriate accommodations or that they are being treated in a discriminatory manner.

#### **NSCC Academic Accommodations Policy Board:**

The NSCC AAPB has three primary functions:

- 1) To advise the President about policies and procedures related to the provision of academic accommodations for students with disabilities
- 2) To develop methods to increase faculty understanding of disabilities and accommodations in an academic setting
- 3) To assist the President in resolving any disagreements that might arise concerning particular accommodations

#### **The NSCC AAPB is composed of the following college members:**

The board consists of several faculty members and a professional staff member, a Disability Services staff member, and the 504 Coordinator. The term of service is two years, except for the 504 Coordinator who is a permanent member of the board.

The Faculty Members who are knowledgeable in the area of learning and disabilities are appointed by the Vice President of Academic Affairs. The board will elect a chairperson from among its members. Any faculty board member who requests a review of an accommodation will not participate

in the Board's review of that accommodation but will be replaced by another faculty appointed by the Vice President of Academic Affairs.

The Disability Services member is also knowledgeable in the above areas and is appointed by the Vice President of Student and Enrollment Services. Any staff member who determined an accommodation for a particular student will not participate in the board's review of that accommodation but will be replaced by another Disability Services staff member appointed by the Vice President of Student and Enrollment Services.

The Campus 504 Coordinator has the responsibility to ensure that the policies and procedures developed comply with federal and state requirements.

### **Section VI: Procedure for Resolving Disagreements over Accommodations for Students with Disabilities**

If an instructor has questions about or disagrees with an accommodation that the Disability Team has determined is appropriate for a particular student with disabilities, the instructor should immediately contact the Disability Counselor who signed the Accommodation Notice. If the instructor still disagrees with the accommodation after consultation with the Disability Counselor, he or she may request a review of the accommodation by contacting the Campus 504 Coordinator within five days after receiving notification of the accommodation by the student or the Disability Counselor. This appeal to the Campus 504 Coordinator should include a written description of the proposed accommodation and his or her specific disagreement with the appropriateness of the accommodation.

If the instructor does not provide the accommodation, the Vice President of Academic Affairs and the Vice President of Student and Enrollment Services are jointly responsible for ensuring that the accommodation is provided in a timely manner and that appropriate administrative sanctions are pursued in accordance with established policy and procedures.

After consultation with the Vice President of Academic Affairs, the section 504 Coordinator will respond in writing to the instructor's appeal within five days of receiving it. This decision of the Section 504 Coordinator can be appealed to the AAPB which advises the President who makes the final decision.

appeal to NSCC's Campus 504 Coordinator who will assist the student through informal or formal steps as prescribed by the Affirmative Action Grievance Procedure available in the Human Resources Office.

### **Section VII: Procedure for Resolving Appeals by Students**

If a student has questions about or disagrees with the Disability Team's decision about accommodations, the student should immediately contact his or her Disability Counselor to discuss the matter. If, after this consultation, the student still disagrees with the Team's decision, he or she may

The above policy was adapted from the Academic Accommodations Policy Statement, University of California at Berkeley: Brinckerhoff, Loring C., Stan F. Shaw and Joan M. MacGuire. Promoting Postsecondary Education for Students with Learning Disabilities. Austin, Texas; PRO ED, Inc. 1993.

# STUDENTS' GRIEVANCE PROCEDURE

## Massachusetts Community Colleges

### POLICY GOAL: CONFLICT RESOLUTION

Before invoking the Student Grievance Procedure, a reasonable effort shall be made by those involved in a dispute to resolve it amicably. A dispute is most effectively handled and resolved by those closest to the problem, having the best understanding of the issues, and having the ability to formulate a mutually acceptable resolution. Therefore, it is in the best interest of the student, the potential subject of a Grievance, and the College to resolve disputes through open and cooperative dialogue. Only when such efforts are unsuccessful should the Student Grievance Procedure be invoked. Throughout all phases of the Student Grievance Procedure, all reasonable efforts shall be made to maintain confidentiality in accordance with applicable law.

### DEFINITIONS

- 1) **COMPLAINT**: the informal, unwritten stage of an allegation of mistreatment.
- 2) **DAY**: as used in this policy, shall mean a calendar day.
- 3) **GRIEVANCE**: a written grievance filed by a student with the person designated by the President as the Student Grievance Officer specifically alleging an abridgment of his or her rights as a student.
- 4) **GRIEVANT**: the student filing the Grievance. The Grievant must have been a registered student of the College at the time of the alleged mistreatment.
- 5) **INSTRUCTIONAL PERIOD**: the academic semester, summer session or intersession when a grievable act or omission occurs. The Instructional Period shall end on the last day of final exams.
- 6) **RESPONDING PARTY**: the person against whom a complaint or Grievance is directed.
- 7) **SENIOR OFFICER**: senior level employee who reports to the President for the Responding Party's work area.
- 8) **STUDENT GRIEVANCE OFFICER**: a College employee assigned responsibility for

administering the Student Grievance Procedure, including the maintenance of specified records. The Student Grievance Officer shall ordinarily be the Senior Student Affairs Officer. If this individual is the person against whom the Grievance is filed, the President shall designate another College official to act as the Student Grievance Officer.

- 9) **SUBSTANTIAL EVIDENCE OF ERROR OR INJUSTICE**: for purpose of Grade Appeals, substantial evidence of error or injustice is defined as:
  - a. The assignment of a course grade to a student on some basis other than performance in the course; or
  - b. The assignment of a course grade to a student by resorting to unreasonable standards different from those which were applied by the same instructor to other students in that course; or
  - c. The assignment of a course grade by a substantial, unreasonable and unannounced departure from the instructor's previously articulated standards.
- 10) **TIME**: the number of days indicated at each level shall be considered as a maximum. All reasonable efforts shall be made to expedite the process, but the President or his/her designee may extend the time limits in extenuating circumstances with notice to both parties in writing, or by mutual written agreement between the Grievant and the Responding Party.

### UTILIZING THE STUDENT GRIEVANCE PROCEDURE

The Student Grievance Procedure may be used by a student to address alleged abridgment of the student's rights, as stated in the College's Student Handbook and/or Policy Guide. The student Grievant or the Responding Party may consult with the Student Grievance Officer at any time. The College's Student Grievance Officer is Dr. Lloyd Holmes, Dean of Students (lholmes@northshore.edu or 781.477.2164).

The Student Grievance Procedure may not be used to address allegations of discrimination, including sexual harassment. When a student believes that he/she has been discriminated against due to his/her race, creed, religion, color, sex, sexual orientation, gender identity, age, disability, veteran status, genetic information or national origin, the College's Affirmative Action Grievance

Procedure is a mechanism for resolution. The College's Affirmative Action Grievance Procedure is contained in the College's Affirmative Action Plan. The College's Affirmative Action Officer is Ngoc-Thanh Giddarie, Director of Human Resources (tgiddari@northshore.edu or 978-762-4000 extension 5470).

If a Grievance involves a grade dispute, a student shall process the Grievance in accordance with the Student Grievance Procedure. However, if a grade dispute raises issues of discrimination or sexual harassment, the Grievance should be processed in accordance with the College's Affirmative Action Grievance Procedure and the Affirmative Action Officer shall conduct the process in collaboration with the Senior Academic Officer or designee.

Claims of physical or sexual assault shall not proceed under the Student Grievance Procedure. A claim of physical assault alleged against a student shall be reported to the Code of Conduct Officer. A claim of physical assault alleged against an employee shall be reported to the Human Resources Office. In both cases, law enforcement authorities shall also be notified. A claim of sexual assault shall be reported to the College's Affirmative Action Officer and/or Title IX Coordinator and law enforcement authorities and shall proceed under the College's Affirmative Action Plan. In matters involving physical or sexual assault, alleged victims are strongly encouraged to independently report the incident to the law enforcement authorities. The College's Campus Police/Security Department can assist with the reporting process.

At any Level of the Student Grievance Procedure, either party may request mediation by contacting the Student Grievance Officer. Mediation shall be mutually agreed upon, and not unreasonably refused by either party. The Student Grievance Officer shall select an impartial mediator who shall be mutually agreed upon and not unreasonably refused by either party, make the arrangements, determine the timetable for the mediation process, and inform the parties of the timetable in writing. Where practicable, a mediation session shall be conducted no later than thirty (30) days after requested and agreed to by the parties. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. If a mediated resolution cannot be achieved, the Grievant may proceed with the Grievance Process. The Grievant has the right to be accompanied by any advisor of his/her own choosing and at his/her own expense throughout the grievance process. The advisor may be an attorney. An advisor's role is limited to personally advising the Grievant only. An advisor is not permitted to participate directly in any aspect of the grievance process.

Except for under extenuating circumstances, as determined by the President or his/her designee, failure by a party to comply with the Student Grievance Procedure during the course of a Grievance may result in the waiving of the noncompliant party's rights under the Procedure.

## **GRADE APPEALS**

Complaints or Grievances filed in connection with assigned grades represent a special case within the Grievance procedure. Grading reflects careful and deliberate assessment of a student's performance by the instructing professional(s). As such decisions are necessarily judgmental the substance of those decisions may not be delegated to the Grievance process. Nevertheless, the College recognizes that in rare cases the process of grading may be subject to error or injustice.

Except as otherwise provided by a separate appeal procedure for a clinical program as approved by the President of the College, a student who alleges an error or injustice in the grading process may file a Grievance under the Student Grievance Procedure. A grade appeal Grievance shall proceed no further than Level Two, Step Two. For purposes of a grade appeal, the Senior Academic Officer of the College, or his/her designee, shall serve as the Student Grievance Officer throughout the grade appeal process.

If the faculty member who assigned the challenged grade is no longer employed by the College or is not available within the timelines specified (see "Time" definition), the student may initiate his/her Level One complaint with the chief administrator of the appropriate instructional division (who shall be identified by the Senior Academic Officer).

If at any level substantial evidence of error or injustice is produced, the grading process may be remanded to the instructor of record for reassessment. If after reassessment, the dispute remains unresolved, the matter shall be referred to the Senior Academic Officer, or his/her designee, for final review. If the instructor of record is no longer available, the Senior Academic Officer or his/her designee shall instead reassess the grading process.

## **LEVEL ONE - INFORMAL PROCEDURE**

This is the informal stage where most complaints are resolved. The Grievant and the Responding Party should consult with the Student Grievance Officer at this time.

A Grievant initiates the informal phase of the Grievance process. The Grievant shall first present his/her complaint orally and informally to the Responding Party. This shall be done in a reasonable period of time, not exceeding thirty (30) calendar days following the instructional period when a grievable act or omission occurs.

The Responding Party must respond to the Grievant's complaint within ten (10) days. Though this phase of the process is informal, the parties may present their positions in writing. If the matter is not resolved informally within ten (10) calendar days from the date a response to the complaint was due, the Grievant may proceed to Level Two.



## **LEVEL TWO - FORMAL PROCEDURE**

Prior to filing a written Grievance at Level Two, a Grievant must consult with the Student Grievance Officer. The Responding Party should also consult with the Student Grievance Officer at this phase of the process.

### **L2 - STEP ONE**

The Student Grievance Officer shall notify the parties in writing when a complaint is not resolved informally at Level One.

The Grievant may, within ten (10) calendar days after receipt of the Student Grievance Officer's written notice, file with the Student Grievance Officer a Grievance. The Grievance shall contain the following information: the name and title of the person(s) against whom the Grievance is directed, a statement of all known facts, documents and materials supporting the grievance, a list of individuals who have information pertinent to the grievance, and the relief sought by the Grievant. All supporting documents, if any, shall be attached to the grievance as part of the Grievance. The Grievance shall also state the date it is filed and that it is being filed at "Level Two, Step One."

The Grievance may be filed with the Student Grievance Officer by email, regular mail, certified mail, or in hand. Thereafter, the Student Grievance Officer shall deliver the Grievance, and all supporting documents, if any, to the Responding Party within five (5) calendar days. If the Responding Party is unavailable at the time the Grievance is filed, the Student Grievance Officer shall use reasonable means to deliver the Grievance within a reasonable period of time.

The Responding Party shall forward a written Level Two - Step One response to the Student Grievance Officer within ten (10) calendar days of his/her receipt of the Grievance. The Student Grievance Officer shall deliver the written response to the Grievant within five (5) calendar days of receipt.

### **L2 - STEP TWO** (Supervisor Level)

If the Grievance is not resolved to the satisfaction of the Grievant within ten (10) calendar days after his/her receipt of the Step One response, or if no written response is submitted, the Grievant may within ten (10) calendar days after the written response was received or due, request the Student Grievance Officer to forward the Grievance and response, if any, to the supervisor of the Responding Party, with a copy to the Senior Officer of the work area of the Responding Party.

The supervisor shall investigate the Grievance and confer with the Senior Officer. The supervisor shall forward his/her written decision to the Student Grievance Officer, within ten (10) calendar days after receipt of the Step Two Grievance. Thereafter, the Student Grievance Officer shall

deliver the decision to the Grievant and the Responding Party within five (5) calendar days.

At any time before the issuance of the Supervisor's Step Two decision, the Senior Officer may request that the parties meet to discuss the issue and attempt to resolve it. Grade appeals do not go beyond this Step (Level Two - Step Two) per the section on Grade Appeals.

No new issues or allegations may be raised by either party after Step Two.

### **L2 - STEP THREE** (Student Grievance Committee Level)

If the Grievance is not resolved to the satisfaction of the Grievant within the period allowed at Level Two - Step Two, the Grievant may request a hearing before a Student Grievance Committee. Such a request must be in writing and presented to the Student Grievance Officer within ten (10) calendar days from the issuance of the Supervisor's Level Two - Step Two decision.

Within ten (10) calendar days of the Student Grievance Officer's receipt of the Grievant's request for a hearing, the Student Grievance Officer shall arrange a hearing before a Student Grievance Committee. The Student Grievance Officer shall use reasonable efforts to schedule the hearing at a time mutually convenient to the parties. At least twenty-four (24) hours prior to the hearing, the Student Grievance Officer shall provide each member of the Committee and all parties to the Grievance with copies of the Grievance, responses to the Grievance, decisions issued, and all relevant supporting documentation and materials. The Committee's make-up and hearing rules are discussed later in this policy.

The Committee shall deliver its findings and recommendations to the Student Grievance Officer within ten (10) calendar days following the hearing. A copy of the Committee's findings and recommendations shall be delivered to the President or his/her designee, within five (5) calendar days of receipt.

Within ten (10) calendar days of the President's receipt of the Committee's findings and recommendations, the President or his/her designee, shall issue a written statement accepting, modifying or rejecting the Committee's recommendations.

The decision of the President, or his/her designee, shall be final and binding on all parties.

## **MEMBERSHIP OF THE STUDENT GRIEVANCE COMMITTEE**

The composition of the College's Student Grievance Committee shall consist of five members: one student, one unit professional, one faculty member, one non-unit professional and one unit classified employee. The President or his/her designee shall appoint each member

from among the recommendations submitted by the Student Grievance Officer.

Service on the Committee shall be voluntary, provided that a member who has a personal interest in a particular Grievance shall be ineligible to serve on the Grievance Committee. All College employees serving on the Student Grievance Committee, and acting within the scope of their official duties on the Committee, shall be protected from liability to the full extent provided under Massachusetts General Laws, Chapter 258, and eligible for indemnification as provided for pursuant to M.G.L. Chapter 258, Section 9.

All Student Grievance Committee members, as well as all others in attendance at a student Grievance proceeding, shall maintain the confidentiality of the proceedings. The Student Grievance Officer shall attend all Committee hearings but shall not vote.

### **STUDENT GRIEVANCE COMMITTEE HEARING & DECISION GUIDELINES**

The following guidelines provide the framework for conducting a Student Grievance Committee Hearing:

- 1) Prior to the hearing, the newly impaneled Committee shall meet to elect a Committee Chairperson. The Chairperson shall be selected by a simple majority vote.
- 2) The Chairperson on the Committee shall be responsible for conducting the hearing and drafting the decision of the Committee, but shall vote only in the event of a tie.
- 3) All hearings shall be closed and deliberations of the Committee shall be confidential and conducted in private.
- 4) The Grievant and the Responding Party shall be in attendance at the hearing. Each party may be accompanied by an advisor at the hearing. The advisor, however, may not participate in the hearing or question witnesses. Either party may at anytime during a hearing consult in private with his/her advisor.
- 5) Witnesses may be asked by the Committee to remain outside of the hearing room until they are called to testify.
- 6) The Grievant will address the Committee first. The Grievant will state the nature of his/her Grievance and may present relevant evidence and/or witnesses in support of the Grievance.

7) The Responding Party may respond to the Grievant's allegations and present relevant evidence and/or witnesses in opposition to the Grievance.

8) Once the parties have presented their respective positions, the Committee may question the parties and/or witnesses.

9) After the Committee has questioned the parties, each party will be given the opportunity to question the other party and their respective witnesses. All questions must be directed through the Committee. If the Committee determines that a question is relevant to the Grievance, the party or witness to whom it is addressed will be asked to respond.

10) Following the parties' questioning of each other, the Committee will have another opportunity to question the parties and witnesses.

11) Hearings before the Committee shall not be subject to the formal rules of evidence. In all cases, the hearing shall be conducted in a fair and impartial manner.

12) If a party to a Grievance fails to appear for a scheduled hearing, the Committee has the discretion to proceed with the hearing and issue its findings and recommendations in the party's absence.

13) The decision of the Committee shall be based on the relevant evidence presented at the hearing. The decision shall be in writing and include: a list of all documentary evidence and witnesses presented; a summary of the testimony offered by both parties and their respective witnesses; the findings of the Committee and its recommendations. Copies of the decision and recommendations of the Student Grievance Committee shall be forwarded by the Student Grievance Officer to the President or his/her designee for review and final disposition. The President or his/her designee shall accept, reject or modify the Committee's decision and/or recommendations and issue a final written decision.

14) All findings and decisions reached under this Procedure shall be based on a "preponderance of evidence" standard (i.e.; more likely than not). Any action taken hereunder shall be reasonable under the circumstances, in accordance with applicable College rules and procedures and be grounded in fundamental fairness.

### **WITHDRAWAL**

A student may withdraw his/her complaint or Grievance at any time. Withdrawal must be accomplished in writing or by oral agreement confirmed in writing.

### **RETALIATION**

No member of the College community shall retaliate or threaten to retaliate against, interfere with, restrain, or coerce any student in the exercise of his/her rights under the Student Grievance Procedure or his/her participation in any Grievance proceedings.

### **COLLATERAL RIGHTS OF PERSON GRIEVED BY STUDENT**

If the recommendations made at any level of the Grievance procedure result in sanctions against a college employee, the sanctions shall be regarded as administrative actions subject to all conditions of applicable collective bargaining agreements and College or Board of Higher Education personnel policies.

### **ALTERNATIVE FORUMS**

Filing a Grievance in accordance with the Student Grievance Procedure in no way abrogates a student's right to file a complaint with an appropriate state or federal agency or in another forum.

# NETIQUETTE GUIDELINES AT NSCC

Through the Internet, NSCC students are now able to communicate with people all over the world. While interacting with the Internet community, we ask you to keep in mind a few of the most important rules of Netiquette.

## **Rights and Responsibilities of Computer Users**

### **1. To Protect Your E-Mail Account From Access By Unauthorized Users**

Always log out when finishing an email session. Never "lend" your password to anyone. Change your password periodically. Memorize your password; never write it down where others might see it. If you suspect someone has broken into your account, change your password immediately, and report the incident to Information Systems.

### **2. Plagiarism**

Users may not access or copy any program or data from other users unless authorized to do so.

### **3. Harassment**

Students have the right not to be harassed in any way by others. Sending electronic mail that may be considered obscene or offensive by the recipient is a form of harassment. Other actions which may constitute harassment include: repeatedly sending mail to someone who has clearly stated that they do not want messages from you. Internet users should abide by the conventions of "netiquette." Access to the Internet is a privilege that can be revoked from those who abuse the privilege.

### **4. E-Mail Ethics and Netiquette**

"Netiquette" is a popular term referring to the appropriate and courteous behavior expected of all users of the Internet. Before participating in bulletin boards and list servers, familiarize yourself with the major rules of netiquette. There are many rules and conventions, but the most important to understand before you begin to interact with the rest of the world are the rules concerning harassment and obscenity. Inappropriate behavior on the Internet, including the sending of offensive or obscene electronic mail, may result in the offended parties from another site contacting the NSCC postmaster (a NSCC employee who manages the Internet mail system), who will then investigate the incident(s).

### **5. Confidentiality**

Be prudent: E-mail travels through the network unencrypted, therefore, it is not suited for sending confidential information.

### **6. Flaming**

Avoid "flaming": any message you send should be considered permanent and can be transmitted anywhere. Before sending off an angry response to some message, take a break.

### **7. Forwarding Copyrighted Material**

E-mail received from others is considered copyrighted and should not be re-mailed or posted elsewhere without the author's permission. As for magazine articles and books, it is acceptable to quote up to 200 words from the text when writing a review of the piece, but sending more than that without permission is impolite and illegal. Give credit where it's due: if you use someone else's idea, say so.