

NECC

Northern Essex Community College

STUDENT CODE of CONDUCT and STUDENT GRIEVANCE PROCEDURE



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Processes & Contacts For Resolving Complaints

This chart is provided to assist students, faculty, staff and others in identifying and accessing those systems available for resolving conflicts at the College. In most situations, both informal and formal systems are available to resolve conflicts. If in doubt about where to start, consult Nita Lamborghini (978-556-3818) or Marie McDonnell (978-556-3674).

Note: Depending on the nature of a complaint, several of these procedures may be applicable. However, please be advised that complainants must choose and may use only one procedure for resolution of each complaint. This is to avoid confusion about parties/facts/procedures, and to prevent duplication of resolution efforts.

1. Procedure (Location) Student Code Of Conduct (Student Code of Conduct & NECC Policies & Procedures; NECC Web Site)	Initial Contact/ Judicial Officers Nita Lamborghini D105 978-556-3818	Who v. Who Faculty/Staff v. Student, Student v. Student	Type of Complaint/ Violation Student Violation of Campus Conduct Code (Ex. Physical assault, property destruction, illegal alcohol/drug distribution, verbal threats, complete inattention in class.)
2. Procedure (Location) Student Grievance Procedure (Student Code of Conduct & NECC Policies & Procedures; NECC Web Site)	Initial Contact/ Student Grievance Officers Marie McDonnell SC111 978-556-3674	Who v. Who Student v. Faculty/Staff	Type of Complaint/ Violation Any grade dispute OR alleged abridgement of student rights in instructional/ classroom/academic environment (Ex. Student claims instructor repeatedly embarrasses him in class.)
3. Procedure (Location) Affirmative Action Grievance Procedure (Affirmative Action Office, B217/219)	Initial Contact Mary Chatigny Human Resources/Payroll Office B217/219 978-556-3925	Who v. Who Student/Staff/Faculty v. Student/Staff/Faculty	Type of Complaint/ Violation Discrimination or harassment-based complaint (based upon race, creed, religion, color, gender, sexual orientation, age, disability, veteran status, marital status, and/or natural origin) (Ex. Student claims another student is harassing him or her due to race.)
Note: Alternatively, the College may elect to investigate any Affirmative Action complaint via an administrative complaint system.			
4. Procedure Administrative Complaints Investigated and resolved on a case by case basis by the Executive Vice President, or her/his designee	Initial Contact Executive Vice President EMSS Office SC103A/ L-119 978-738-7497	Who v. Who Prospective Student/ Parent/ Student v. Faculty/ Staff/Office	Type of Complaint/ Violation Dissatisfaction with an office service or decision. (Ex. Student not satisfied with course of Admissions Process.)

NOTE: Claims of physical or sexual assault should be reported as follows:

- Student claims assault by College employee: Security, and/or Director of Human Resources
- Student or Employee claims assault by a student: Security and/or Executive Vice President
- Local Authorities

Student Code of Conduct

■ Why Do We Need a Student Code of Conduct?

In medieval times, students were forbidden to “shout, hiss, make noise, throw stones in class or deputize one’s servant to do so.” Happily, NECC has been free of such conduct. But in the large and varied community of an academic campus, within the context of a larger society, the fulfillment of the College’s mission requires certain orderly conditions.

Northern Essex Community College defines its “primary mission” as serving its region by being a “caring, accessible and comprehensive center of educational excellence which offers high quality, affordable adult and post-secondary education through the Associate Degree level and beyond...” (NECC Mission Statement). To fulfill that mission, NECC must be a place that supports academic freedom; free inquiry and free expression in the pursuit of truth, the passing on of knowledge, and the development of critical judgment.

NECC is a community of learners. All members of this community deserve an environment that fosters maximum academic and personal growth. For that reason, Northern Essex’s policy unequivocally addresses all forms of ethnic, religious, cultural or racial intolerance on the part of students, faculty, staff and visitors. All members of NECC’s academic community are responsible for creating and respecting conditions in the classroom and on campus that must encourage teaching and learning in an atmosphere of academic freedom.

Among the elements of a good learning environment are:

- safety
- respect
- orderliness and
- freedom from all forms of harassment or abuse

Honesty is essential in the pursuit of truth, including the honest acknowledgment of those whose wisdom and information we use. A good learning environment provides opportunities both to practice good citizenship in the larger society and to practice dissent. These are the practices and qualities that a Student Code of Conduct should encourage.

■ Student Responsibilities & Rights

Student Rights

As residents of Massachusetts or the United States, students have rights including, but not limited to:

- the right to exercise the rights of citizenship
- the right to freedom of association, inquiry and expression
- the right to privacy and confidentiality
- the right to security from unreasonable or unauthorized search or seizure
- the right to freedom from any form of discrimination based on race, ethnicity, religious beliefs, political views, age, sex, sexual orientation, or disability

As students at Northern Essex Community College, students have rights including, but not limited to:

- the right to expect a good learning environment on campus
- the right to expect prompt and appropriate action if the safety of that environment is violated by threats or violence
- the right to competent instruction in courses and to assistance in attempting to overcome educational, cultural, emotional and economic disadvantages which hinder the educational process
- the right to fair and equal treatment in instruction, evaluation and services by faculty, staff, students, and administrators
- the right to voting representation on campus governing and advisory bodies as provided in their bylaws
- the right to procedural due process in grievance and disciplinary hearings

Student Responsibilities

Students are responsible for:

- obeying all federal and state laws, and all civic and college regulations, and for insuring that any guests they bring on campus follow the codes of behavior required of students
- respecting the property of individuals, groups, and the college itself
- behaving, on campus and elsewhere while under the auspices of NECC, in ways that enable the college’s mission of teaching and learning to be fulfilled in an atmosphere of safety and encouragement for all
- maintaining high standards of academic honesty and integrity

■ Regulations Governing Student Conduct

Students are responsible for obeying all federal and state laws, and all civic and college regulations, and for insuring that any guests they bring on campus follow the codes of behavior required of students.

Explanation

Being a student or being on campus gives no one immunity from prosecution under federal or state law. Furthermore, any accused student who is deemed a safety threat will be *immediately suspended* until a hearing occurs.

Students are responsible for respecting individuals and groups, their property, and the property of the college itself.

Students are responsible for behaving, on campus and elsewhere while under the auspices of NECC, in ways that enable the college's mission of teaching and learning to be fulfilled in an atmosphere of safety and encouragement for all.

Explanation

Being here implies the desire to learn, to expand skills, to earn a degree or certificate, to join in student activities, to benefit from special events and to use all the resources of the campus. So that all resources and services may be available to the widest audience, NECC must assure that some students' conduct does not hamper access for others.

Students are responsible for maintaining high standards of academic honesty and integrity.

Explanation

Failures of academic honesty will usually fall in one of two categories:

Cheating

For example, copying or buying others' work; hiring or persuading others to do work under a false name; concealing notes or other helpful materials during a test.

Plagiarism

See "Academic Ethics and Plagiarism" on page 5.

Academic Ethics and Plagiarism

Plagiarism is a very serious violation of Academic Ethics and the NECC Code of Conduct. The college expects all students to maintain high standards of academic honesty and integrity.

Plagiarism is defined by the College to be the use of any other person's research, images, words or ideas as though they were your own, without giving appropriate credit to the original source. If you use another person's research, images, words or ideas you must give credit to the original source through proper citation (consult your instructor about this requirement), regardless of whether you use a direct quote, or incorporate an idea into your own work.

Instructors are required to provide students with a clearly written definition of plagiarism applicable in their discipline as part of the course syllabus that they provide during the first two weeks of each course.

Plagiarism may range in severity from unintentional omission of credit, to intentional, dishonest representation of borrowed work as one's own. In most cases, plagiarism will be dealt with by the faculty member in charge of the course, and students will be sanctioned according to the severity of the offense.

Students' academic offenses, as outlined in the *Regulations Governing Student Conduct*, are usually handled by faculty members and/or their academic supervisors, with the procedural protections mentioned in the *Regulations*.

Right of Grievance

Students have the right to file a grievance if they feel that the faculty's informal action taken in the alleged incident discriminated or abrogated their individual or student rights.

Summary

All NECC students are responsible for their own actions. Almost all NECC students are law-abiding citizens or residents and intellectually honest scholars, seeking to use the College's resources to their best individual advantage. The Regulations Governing Student Conduct seek to assure an atmosphere in which lively debate, many varieties of student activity, and a constant quest for knowledge and truth can take place within a context of full academic freedom and personal safety.

Disciplinary Offenses

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 for 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.

- ~ 11. Failure to identify oneself when on College property or at a College-sponsored or supervised event, upon request of a College official acting in the performance of his/her duties.
- ~ 12. Use, possession, or distribution of alcoholic beverages or public intoxication except as expressly permitted by law and/or College regulations.
- ~ 13. Use, possession, or distribution of illegal drugs or other controlled substances.
- ~ 14. 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.
- ~ 15. Defacement or destruction of College materials or College property. Attempted or actual theft, or unauthorized use of and/or damage to property of the College or property of a member of the College community or other personal or public property.
- ~ 16. Acting in a manner or participating in an event which disrupts the normal operations of the College and the learning environment and infringes on the rights of other members of the College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which interferes with freedom of movement, either pedestrian or vehicular, on campus.
- ~ 17. Harassment (verbal or physical) and or intimidation of a member of the College Community.
- ~ 18. Acts of dishonesty, including but not limited to the following:
 - ~ a. Cheating, including use of unauthorized books or notes, plagiarism, or other forms of academic dishonesty, as defined by College policy.
 - ~ b. Forgery, alteration, or misuse of any College document, record, or instrument of identification. Alteration of college records, documents, or identification instruments or the use of the same with the intent to defraud.
 - ~ c. Furnishing false information to any College official, faculty member or office.
 - ~ d. Disrupting or tampering with the election of any College recognized student organization.
- ~ 19. 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.
- ~ 20. Unauthorized possession, duplication, or use of keys to any College premises or unauthorized entry to or use of College premises.
- ~ 21. Unauthorized solicitation, including but not limited to sale of goods and services for personal profit.
- ~ 22. Violation of State or Federal Laws not otherwise enumerated herein.
- ~ 24. Violation of published College policies, rules, or regulations not otherwise enumerated herein.

Discipline in the Classroom

Disrupting or disturbing the classroom is a violation of the College's Student Code of Conduct. A faculty member has the right to remove a disruptive student from class, pending a review of the situation by the Vice President/Senior Student Affairs Officer or designee. Any faculty member may, at any time, refer a student to the Vice President/Senior Student Affairs Officer or designee, if the student is in violation of the Student Code of Conduct. The Vice President/Senior Student Affairs Officer or designee may impose disciplinary sanctions against the offending student consistent with the rules and regulations of the Student Code of Conduct. At the discretion of the Vice President/Senior Student Affairs Officer or designee, a student may be allowed to attend class during the disciplinary review process. In making this determination the Vice President/Senior Student Affairs Officer or designee will consider the severity of the disruptive behavior and may consult with the Chief Academic Officer.

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 the Director of Human Resources, the College's Affirmative Action Officer, at 978-556-3925.

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.

Possible Sanctions

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

- a. Verbal Warning
- b. Written Warning
- c. Restrictions/Loss of Privileges/Fines
- d. Probation
- e. Community/Educational Service
- f. Restitution
- g. Suspension
- h. 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 the student's violation the College reserves the right to impose any of the above-referenced sanctions at any time. The College also reserves the right to issue an interim suspension where a student's conduct: (a) poses a threat to him/herself or others; (b) poses a threat to or results in damage to College property; or (c) poses a threat to or results in disruption or interference with the normal operations of the College. During an interim suspension, a student is prohibited from entering the College's premises or participating in any College activities until further notice from the VP/SSAO or designee.

Possible Sanctions Defined

Admonition - Verbal Warning

An oral statement to the student that he or she has violated college rules.

Censure - Written Warning

A written reprimand to the student for violating college regulations, including the possibility of more severe disciplinary sanction in the event of conviction of the violation of any college regulation within a period of time stated in the letter of reprimand. A copy of the letter of reprimand will be placed in the student's disciplinary file.

Loss of Privileges

Denial of specified privileges for a specified period of time.

Fines

Monetary fines may be imposed for certain violations.

Restitution

Reimbursement for damage to or misappropriation of property, which may take the form of appropriate service, or repair, or other compensation for damages.

Disciplinary Probation

An official warning that the student's conduct is in violation of the College's policies or procedures and that further violation will result in suspension of the student. Probation may carry specific restrictions. At the end of the probationary period, the Judicial Advisor will review the student's conduct and decide whether or not to reinstate the student to full privileges of an NECC student.

Withdrawal

The opportunity for the student to withdraw from the college and have no entry on his or her official record other than "withdrawal."

Suspension

Termination of student status as set forth in the notice of suspension for a specific period of time. When circumstances warrant, the sanction of exclusion from the campus may also be imposed.

Expulsion

Dismissal from the college. Exclusion from the campus may also be imposed. Expulsion for disciplinary reasons will be recorded on the student's transcript.

■ Due Process for Students

All Northern Essex students possess the following Due Process rights:

- the right to be clearly informed of the problem or behavior in question;
- the right to have an opportunity to modify the condition or behavior; and
- the right to have a clear understanding of the consequences of not modifying the condition or behavior

At the same time, faculty members have a special responsibility and authority to insure a safe, productive learning environment for all their students. In cases of misconduct that endangers others or makes teaching or learning impossible, faculty members and/or other authorized college officials may immediately exclude students from a classroom or building. To take action against student misconduct that has been *temporarily handled* in this manner, or to initiate formal disciplinary proceedings against students for any non-academic misconduct, members of the college community must follow the Disciplinary Process as explained below.

■ Code of Conduct Disciplinary Process

The Disciplinary Process is initiated once a formal complaint is filed against a student by a member of the College community or by the Vice President/Senior Student Affairs Officer or designee. This policy is not intended to prevent members of the College Community from attempting to resolve matters mutually and informally. For example, if a student engages in disruptive conduct in the classroom, a faculty member may confront the student and resolve the matter without resorting to filing a complaint under the Code. Where, however, a matter cannot be resolved mutually and informally, the Code of Conduct Process shall be followed.

I. Disciplinary Process

- All complaints under the Code of Conduct shall be filed in writing with or by the Vice President/Senior Student Affairs Officer or designee.
- When the VP/SSAO or designee receives a complaint that a student has acted in a manner which may be in violation of the Code, the VP/SSAO or designee 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. Thereafter, the VP/SSAO or designee may conduct an investigation.
- If the Vice President/Senior Student Affairs Officer or designee determines that a violation exists, two procedural options are available. One, the violation may be resolved through an administrative disposition conducted by the VP/SSAO or designee. In this case, the student may accept the administrative remedy proposed by the VP/SSAO or designee and in doing so waives in writing his/her right to a disciplinary hearing or appeal. Alternatively, if the Accused Student does not accept the proposed administrative remedy, then the student may receive a hearing before a Judicial Board, to which a right of appeal exists.
- If the student chooses a hearing with the Judicial Board, the VP/SSAO or designee will schedule a hearing.
- The Judicial Board will hear the case and issue a written decision and/or sanction within fourteen (14) days of the hearing.
- The student may appeal the Judicial Board decision to the College's Appeals Officer. A right of appeal exists only if based on new evidence or information.

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. Charges and Hearing

- When an Accused Student is to appear before a Judicial Board, all charges shall be presented to the Accused Student in written form. A notice of charges shall be presented to the student no less than five (5) days prior to the hearing. A hearing shall be scheduled no later than thirty (30) days following the Accused Student's request for a hearing.
- Hearing rules are as follows:
 - Hearings normally shall be conducted in private.
 - Admission of any person to the hearing shall be at the discretion of the VP/SSAO or designee.
 - In hearings involving more than one Accused Student, the VP/SSAO or designee may permit at his/her discretion individual hearings for each Accused Student.
 - The Accused Party has the right to be assisted by any adviser he/she may choose, at his/her own expense. The adviser may be an attorney. An adviser is not permitted to speak or to participate directly in any hearing before a Judicial Board.
 - Pertinent records, exhibits, and written statements may be accepted as evidence for consideration by a Judicial Board at the Board's discretion.
 - All procedural questions are subject to the final decision of the VP/SSAO or designee.

- After the hearing, the Judicial Board shall determine by majority vote whether the student has violated each section of the Student Code which the student is charged with violating.
 - The Judicial Board's determination shall be based on whether it is more likely than not that the Accused Student violated the Student Code.
- c. There shall be a record created of all hearings before a Judicial Board. The record shall be the property of the College subject to state and federal student record laws.
- d. A hearing before a Judicial Board is an administrative hearing. The rules of evidence do not apply. Direct cross-examination is not permitted. All questions must be directed through the Board, as indicated below.

3. Conduct of Hearing

A hearing shall proceed as follows:

- The VP/SSAO or designee presents the complaint with supporting investigatory materials and/or witnesses.
- Accused Student presents statement, materials and/or witnesses in opposition to the complaint.
- Once the parties have presented their respective positions, the Judicial Board may question each party, their witnesses and review all documentary evidence presented.
- After the Board has questioned the parties and/or witnesses, each party will be given the opportunity to question the other. All questions must be directed through the Board. If the Board determines that the question is relevant to the matter, the other party will be asked to respond.
- Following the parties' questioning period, the Board will have another opportunity to question the parties.
- Following the hearing's conclusion, the Judicial Board shall deliberate and issue a written recommendation to the VP/SSAO or designee. The VP/SSAO or designee shall accept, reject, or modify the Board's recommendation and shall issue his/her decision to the Accused Student.

4. Appeal

An Appeal of the VP/SSAO's or designee's decision is permitted only to consider new evidence, which was not brought out in the original hearing because such evidence was not reasonably known to the Accused Student at that time, and which is sufficiently relevant such that it could alter the VP/SSAO's or designee's decision.

An Appeal must be filed in writing with the President within five (5) days of the Accused Student's receipt of the VP/SSAO's or designee's decision.

Upon considering an appeal, the President may:

- a. confirm the original decision and sanction; or
- b. modify the original decision and/or sanction.

The President's decision shall be final.

Student Grievance Procedure

Why do We Need a Student Grievance Procedure?

In an ideal world, everyone would be caring and cared for, all decisions would be fair and just, and all people would be in complete agreement as to what constitutes fairness and justice. Until we reach that ideal, however, we must live with imperfection while always pursuing fairness and justice.

For the vast majority of students, and most of the time, the system works at least reasonably well. Most students believe they have been treated fairly by the college and by any and all of the individuals representing the college. The Student Grievance Procedure is a mechanism by which a student may seek to remedy the rare situation where she/he feels she/he has been treated unfairly, and has not been able to obtain justice in any less formal manner.

The Student Grievance Procedure is a community college system-wide policy approved by the Northern Essex Community College Board of Trustees, April 19, 2001.

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

Complaint

The informal, unwritten stage of an allegation of mistreatment.

Grievance

A written complaint 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.

Grievant

The student or students filing the complaint or grievance. The Grievant must have been a registered student of the College at the time of the alleged mistreatment.

Responding Party

The person against whom a complaint or grievance is directed.

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.

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.

Day

As used in this policy, shall mean a calendar day.

Senior Officer

Senior level employee who reports to the President for the Responding Party's work area.

Instructional Period

The academic semester, summer session or intersession when a Grievant knows or should have known of a grievable act or inaction. The Instructional Period shall end on the last day of final exams.

Utilizing the Student Grievance Procedure

The Student Grievance Procedure may be used by a student to address complaints concerning the 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 Grievance Officer is Marie McDonnell, Director of the Learning Accommodations Center.

The Student Grievance Procedure may not be used for complaints alleging sexual harassment or discrimination. When a student believes that he/she has been discriminated against due to his/her race, creed, religion, color, sex, sexual orientation, 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 Associate Dean, Human Resources, or his designee.

If a complaint involves a grade dispute, a student shall process the complaint in accordance with the Student Grievance Procedure, even if the student alleges that a grade was improper because of discrimination.

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 resolution cannot be achieved, the Grievant may proceed with the Grievance Process.

A claim of physical or sexual assault shall not proceed under the Student Grievance Procedure. A student claiming physical or sexual assault by an employee of the College shall report the incident to the College's Security Department and/or the Director of Human Resources. A student claiming physical or sexual assault by another student or an employee claiming physical or sexual assault by a student shall report the incident to the College's Security Department and/or the Assistant Dean of College Life and Healthy Living.

Further, in matters involving physical assault, students and employees are strongly encouraged to report the incident to the local authorities.

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

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 student grievant initiates the informal phase of the grievance process. As students are strongly encouraged to address complaints as soon as possible so that the Responding Party may take corrective action, if necessary, an informal complaint shall be brought to the Responding Party's attention by the Grievant within thirty (30) calendar days from when the Grievant knew or should have known of the grievable act or inaction.

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.

In some cases, due to the nature of a Grievant's complaint, a Grievant may be unwilling to confront a Responding Party during the instructional period. Under such circumstances, in order for a Grievant to initiate the grievance procedure and preserve his/her rights under the procedure, the Grievant must submit his/her informal complaint to the Student Grievance Officer within thirty (30) calendar days from when the Grievant knew or should have known of the grievable act or inaction. Thereafter, the Grievant may request the Student Grievance Officer to notify the Responding Party of the informal complaint without identifying the Grievant, or the Grievant may request that the Responding Party not be notified until the conclusion of the instructional period. In either case, the student may file a formal complaint no later than thirty (30) calendar days following the end of the instructional period during which the Grievant knew or should have known of the grievable act or inaction.

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.

Level Two - Step 1

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 formal written 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 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.

Level Two - Step 2 (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 written 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.

Either party to a grievance may raise no new issues or allegations after Step Two.

Level Two - Step 3 (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 Grievant, the Responding Party, and 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.

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 separate appeals procedures for clinical programs 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 Vice President, Academic Affairs).

If at any level substantial evidence of error is produced, the grading process may be remanded to the instructor of record for reassessment. If the instructor of record is no longer available, the chief administrator of the appropriate instructional division or his/her designee shall instead reassess the grading process.

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 a Committee shall be voluntary, provided that a member who has a personal interest in the particular grievance shall be ineligible to serve on a Grievance Committee. All College employees serving on a Student Grievance Committee, and acting within the scope of their official duties on the Committee, shall be covered to the full extent provided under Massachusetts General Laws, Chapter 258, including, the indemnification provision contained in 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.

Guidelines for Committee Hearings

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 adviser at the hearing. The adviser, however, may not participate in the hearing or question witnesses. Either party may at anytime during a hearing consult in private with his/her adviser.
- 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 complaint 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 Grievant, the Responding Party, and the President or his/her designee.
- 14) When deciding upon a grievance, the Committee shall consider whether a finding against the Responding Party is fundamentally fair and reasonable under the circumstances and in accordance with applicable College rules and procedures.

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.

Reprisals

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.

Smoke-Free Environment Policy

Northern Essex Community College recognizes the medical evidence that indicates that smoking is a serious health hazard, and that this hazard includes those exposed to secondhand smoke. Where a primary responsibility of the College is to provide a safe and healthful working and learning environment, this responsibility has led to the following proposed policy:

Smoking is prohibited within the confines of all college grounds, buildings and property including college vehicles. (Smoking will only be allowed in private vehicles lawfully parked on campus lots that the smoker is authorized to be in).

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 Dean of Human Resources or the Director of Human Resources. Complaints concerning students should be brought to the attention of a campus security officer, who may refer the matter to the College's Student Disciplinary Officer, and any official actions taken will be in accordance with the Student Code of Conduct. It is anticipated that violators would first be admonished 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.

Procedures for Handling Student Code of Conduct Violations of the NECC Smoke-Free Environment Policy

1. Any student found to be smoking on campus (other than in a personal vehicle) will be courteously reminded by Campus Security of the College policy and will be asked to extinguish their cigarette and refrain from smoking on campus in the future. They will be given a policy brochure that explains the disciplinary consequences of further violations. Informal reminders, campus signs, and broadcast emails will continue throughout the month of September 2009 to create increased awareness of last year's passage of the NECC Smoke-Free Environment Policy.

2. Starting in October 2009, if a student is found to be smoking on campus an incident report will be filed by Security. The report will indicate the time and date of the offense and the full name and student ID number of the individual violating the policy.
3. A copy of the incident report will be forwarded to the College Discipline Officer.
4. Upon receiving an incident report from Security the process below will be followed:

First Violation: Written Warning

Upon receiving an incident report from Security the student will be sent a written warning indicating that further violations of the NECC Smoke-Free Environment Policy will result in more severe sanctions. The exact nature of those sanctions will be stipulated. A discipline file will be established for the student and a copy of the letter of warning placed in his/her file.

Second Violation: Automatic Fine of \$25.00

Upon receiving a second incident report from Security indicating the student violated the policy a second time he/she will be automatically fined \$25.00. The fee will be posted to the student's account. The student will be placed on registration "hold" and may not register for classes or graduate until the fee is paid. At this point the student will be given an option in writing to see the College Discipline Officer and sign a statement pledging to abide by the NECC Smoke-Free Environment Policy to avoid further disciplinary consequences. Once the pledge is signed the \$25.00 fee will be waived.

Third Violation: Automatic Fine of \$100.00

Upon receiving a third incident report from Security indicating the student violated the policy a third time he/she will be fined \$100.00. The fee will be posted to the student's account and the student will be notified again in writing. The student will be placed on registration "hold" and may not register for classes or graduate until the fee is paid.

Fourth Violation: Automatic Suspension

Upon receiving a fourth incident report from Security that a student violated the policy a fourth time, he/she will be automatically suspended and notified in writing.

Subject to Change Notice

This Handbook is published as a convenient source of information for students. All information contained herein, including policies and procedures, is subject to change without notice. Ask the appropriate office for the latest version of their information.



For additional
NECC information,
visit www.necc.mass.edu.



www.necc.mass.edu

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Haverhill, MA 01830
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LAWRENCE CAMPUS
45 Franklin Street
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978.738.7000

Individuals who are
deaf or hard of hear-
ing may contact any
NECC office via Mass-
Relay at 800-439-2370
(TTY) or through the
Video Relay Service
(VRS) of their choice.