

2024 Annual Security Report



CAMPUS SAFETY

The College maintains a well-trained Campus Police Department and has taken a number of measures to minimize the incidence of crime on campus and to provide a safe, comfortable environment for its students and staff.



**NORTH SHORE
COMMUNITY COLLEGE**

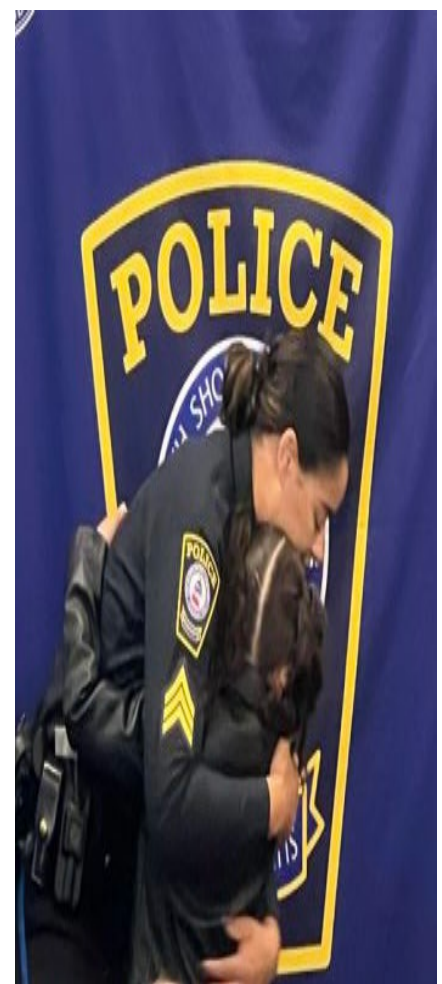


WELLNESS CENTER

North Shore Community College has Wellness Counselors available to support students while enrolled at the college

SECURITY

North Shore Community College has a full-service law enforcement and public safety agency that is available 24/7 365 days a year.





A Message from the Chief

North Shore Community College Police highest priority is the safety of our students, faculty, staff and visitors while they spend time on our campus. I am extremely proud of the partnerships we have established to advance the collective safety and security of our campus; but we must never slow our efforts. This requires all our cooperation and a willingness to communicate with each other. Please, when you see something of concern, say something. The North Shore Community College Police Department has staff on 24-hours a day and can be reached at 781-593-7032 or in an emergency at 781-477- 2100.

I encourage you to read the information contained in this, our Annual Security Report. I especially want to bring your attention to our policies and procedures for reporting crimes and other emergencies on campus, along with the numerous safety programs designed to prevent injuries or other dangerous incidents. If you have any suggestions on how to improve campus safety or security, please email me at dcook@northshore.edu.

Together, we can continue to ensure the well-being of our entire campus.

Sincerely,

David J. Cook

Chief of Police



PREPARATION OF THIS REPORT

This North Shore Community College (NSCC) Annual Safety and Security Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”), the Higher Education Opportunity Act of 2008 and Violence Against Women Act (VAWA).

This report includes statistics for the previous three calendar years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by North Shore Community College; and on public property within, or immediately adjacent to and accessible from college property. The report also includes institutional and campus security policies concerning alcohol and drug use, crime prevention, the reporting of crimes and other matters.

This report is prepared in cooperation with the North Shore Community College Police; local law enforcement agencies; Title IX Coordinator, Affirmative Action and Compliance Officer; Director of Community Standards/Code of Conduct Administrator (“CCA”); and Campus Security Authorities (CSAs) on campus. These entities provide updated information on their educational efforts and programs or other information as necessary in order to comply with the Clery Act. Campus crime, arrest and referral statistics include those reported to the North Shore Community Police Department, designated Campus Security Authorities as defined under the Clery Act and local law enforcement agencies.



This report outlines policies, practice and resources related to campus security, crime reporting, alcohol and drug use, victim assistance programs, student discipline, community safety alerts, crime prevention, & access to campus facilities



COMMUNITY ENGAGEMENT SERVICE ORGANIZATIONAL MODEL

North Shore Community College Police (NSCC PD) have developed a proactive-based philosophy of policing that strives to strengthen relationships and engage community partners in developing strategies to reduce crime. This Community Engagement Service Organizational Model creates connections between the community and NSCC PD that help to build emotional association and inspire positive behaviors. They recognize that community members are not merely the recipients of police services, they are essential partners in maintaining public safety. By embracing approaches that recognize the voices and roles of community members, they can prioritize effective community engagement. Through community police engagement they continue to work with the community members to identify problems and co-produce tangible solutions.

Questions or Comments

Our goal every year is to ensure the highest levels of safety and security for our campus, and we are always seeking ways to improve on the services and programs we offer. After you read the Annual Security Report, we would welcome any feedback or comments. Questions or comments about this report may be addressed to Chief of Police, David Cook by email at dcook@northshore.edu or by calling his office at (781) 477-2126.



It's our pleasure to be of assistance to you!

HOW TO RECEIVE A COPY OF THIS REPORT

Each year, notification of the Annual Security Report being available is sent to all enrolled students, faculty, and staff. The notification provides information on to how to access the Annual Security Report on line. Copies of the report may also be obtained at the North Shore Community College Police Department at either the Lynn or Danvers campus. The policies in the report apply to both campuses, unless otherwise stated in a particular section of the report. The crime statistics in this report are presented in separate crime statistics charts for each campus, as required by law.

CAMPUS LOCATIONS

North Shore Community College, with campuses located in Danvers and Lynn shares many of the same interests and problems as the larger community, including the concern about crime. The College maintains a well-trained Campus Police Department and has taken a number of measures to minimize the incidence of crime on campus and to provide a safe, comfortable environment for its students and staff.

This report covers the North Shore Community College Campus locations which are listed below

- The Danvers Campus which is located at 1 Ferncroft Rd Danvers MA
- The Lynn Campus which is located at 300 Broad Street Lynn MA
- Beverly Air- port in Danvers MA located at- 175 Old Burley Street/West Side Hangar 10, Danvers, MA 01923.
 - North Shore Community College utilizes one classroom at this Non-Campus location
- Essex North Shore Agricultural and Technical School located at 565 Maple Street, Danvers MA 01937 (Non-Campus Site)
 - North Shore Community College uses the Essex North Shore Agricultural and Technical School Cosmetology classrooms and laboratories on Tuesday, Wednesday, and Thursday evenings 3pm-10pm, when classes are in session
- Frederick Douglass Collegiate Academy which is located on our campus at 300 Broad St Lynn, MA 01901

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CAMPUS LAW ENFORCEMENT AUTHORITY

The North Shore Community College Police Department is a full-service department consisting of a number of trained professionals who have full authority to make arrests and to enforce the laws of the Commonwealth of Massachusetts under MGL C. 22 s. 63 on all properties owned and used by North Shore Community College.

The Campus Police Department is composed of the Chief, Deputy Chief, Lieutenant, three Sergeants, two Corporals, eleven Police Officers, two Institutional Security Officer IV, and ten Institutional Security Officer III's . Our police officers are sworn as Special State Police Officers in the State of Massachusetts and have the same professional training and standards as municipal police officers. A combination of Police Officers and Institutional Security Officers work between the hours of 6:30 AM until 10:30 PM seven days a week including holidays. During the hours of 10:30 PM to 6:30 AM which is when the campus is typically unpopulated, Institutional Security Officers provide security coverage at the campus, seven days a week to include holidays.

The NSCC Police receive training from the Municipal Police Training Committee, the Massachusetts State Police Academy, and through annual in-service training. Some of the categories of annual in-service training covered during 2023 consisted of the following:

- Legal Updates
- Frontline Digital Evidence
- Trauma Informed Policing
- Officer Response to Interpersonal Violence
- Duty to Intervene
- Hate Crimes
- 212 Degrees: Preventing Officer Crises
- Department Choice Training Sixteen (16) hours
- And some attended the Bridge Academy

The NSCC Police also annually conduct a review of College protocols and safety procedures.

WORKING RELATIONSHIP WITH LOCAL LAW ENFORCEMENT

North Shore Community College Police Department maintains a close working relationship with the police and fire departments of the cities and towns of Danvers and Lynn, as well as the Massachusetts State Police. The Department utilizes the resources of these departments to assist with serious crime investigations, and critical situations which may endanger the campus. NSCC police officers communicate regularly with town police officers and share information regarding incidents which occur on or near any of the campuses.

The College also uses Institutional security personnel for overnight coverage, and to supplement NSCC police officers during the day and evening shifts.

MEMORANDUMS OF UNDERSTANDING

In 2023, NSCC and Danvers PD entered into a Memo of Understanding, in compliance with Massachusetts law, specifically M.G.L. 377, 2020 Act Relative to Sexual Violence on Higher Education Campuses. The purpose of the MOU is to facilitate opportunities for communication between the College and DPD and to establish the respective roles and responsibilities of both the College and DPD regarding the prevention of and response to sexual misconduct; to share information, in accordance with applicable federal and state confidentiality laws, and the consent of the victim, regarding sexual misconduct incidents involving students or other campus community members of the College. The college is working with the Lynn Police Department in an effort to put a similar MOU into place with their department.

ENCOURAGEMENT OF ACCURATE AND PROMPT CRIME REPORTING

Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to the NSCC Police Department in a timely manner. All crime victims and witnesses are also strongly encouraged to immediately report the crime to on duty NSCC Police Officers. Prompt reporting will assure timely action, timely warning notices on-campus and accurate crime statistics. The sworn staff and personnel of the NSCC Police Department are dedicated to ensuring that the campus is a safe environment for all members of the campus community. Our department strives toward this goal through problem-solving partnerships with faculty, staff, and students, as well as state and local government bodies, and our community neighbors. To report a crime or safety related issue go to our Danvers Campus the NSCC Police located in room 124 -C of the Math and Science building, or at the Lynn Campus the NSCC Police is located in the McGee building room LE-137. NSCC Police Officers may also be reached by calling 781-477-2100 or 781-593-7032.

HOW TO REPORT CRIMINAL OFFENSES

The College, in fostering a culture of respect, expects that faculty, staff, students, and visitors report all crimes and violations of College policy promptly. To report a crime or emergency, members of the community should call NSCC Police. Professionally trained officers and/or security personnel are available for response 24 hours a day, 7 days a week, 365 days a year. In addition to our publicly posted main numbers (Emergency - 781-477-2100, Routine Business 781-593-7032) if you are a witness to, or are involved in, an on-campus emergency, you can dial 6222 from any office or classroom phone to get campus police assistance. In an effort to make emergency information readily available to students, faculty, staff and the general public, Campus Police Officers facilitate presentations to students and faculty throughout the year that provides this, and other important public safety information. The NSCC Police has also posted their emergency contact information in the classrooms and common areas on each campus, and on the NSCC Police page on the North Shore Community College website, and have a quick dial feature on all inter-office and classroom phones.

MISSING STUDENT NOTIFICATIONS

North Shore Community College does not maintain any on-campus student housing facilities, so we are not required to conduct missing student notifications, although if a person feels that an NSCC student is missing, report the concern to NSCC Police directly, who will conduct an immediate investigation. If a student is reported missing and is under the age of eighteen and not an emancipated minor, their parent or guardian will be notified and law enforcement will be notified within 24 hours if it is determined that the student is missing.

VOLUNTARY CONFIDENTIAL REPORTING

It is the policy of the NSCC Police Department that all crimes be reported to the campus police. Anyone who is the victim or witness to a crime on campus is encouraged to promptly report the incident to the college police. Crimes involving certain offenses shall be reported/referred to the College's Title IX Coordinator, Affirmative Action and Compliance Officer and shall be addressed pursuant to the College's Policy on Affirmative Action, Equal Opportunity, and Diversity ("PAA"). Due to the sensitive nature of crimes involving sexual violence, victims may choose to confidentially report such crimes. While all Clery Act reportable crimes are accounted for in the annual crime statistics, no personal identifying information of a victim or accused will appear in the Annual Security Report. NSCC police reports may be released as a public record under state law, and therefore, the NSCC Police Department cannot hold reports of crime in confidence indefinitely. All reported criminal incidents will be investigated. When appropriate, violations of the law or the Student Code of Conduct will be referred to the College's Code of Conduct Administrator for review.

COUNSELORS AND CONFIDENTIAL CRIME REPORTING

As a result of the negotiated rulemaking process which followed the signing into law of the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be campus security authorities. Campus “Pastoral Counselors” and campus “Professional Counselors” when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of procedure, the professional Counselors at North Shore are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis in order to maintain personal and public safety and for inclusion into the crime statistics.

ANONYMOUS REPORTING

If you’re aware of a crime that has been or will be committed, but you do not want to be identified, use the following form to alert the North Shore Community College Campus Police. <https://www.northshore.edu/safety/police/anonymous-reporting.html>.

We will keep your tips strictly confidential, and if you choose to remain anonymous, we have no means to find out who you are. This form will be anonymously e-mailed to our Investigations Division and shall be treated confidentially. They will evaluate the information and will decide whether the information is actionable.

Other ways to report a crime:

- In compliance with Title IX of the Education Rights Act of the Educational Amendments of 1972, individual members also have the right to report experiencing discrimination or harassment anonymously to the institution via NSCC's online reporting form.
- If you're a victim of a crime or you're reporting a crime in progress please contact us at 781-477-2100 or extension 6222.

Please note that the Campus Police ability to investigate certain crimes and activities may be limited if we do not have an identified victim or witness. Crimes that fall within one of the defined clery type crimes will be documented in our annual disclosure and will also be included and noted as reported anonymously. Information received anonymously is helpful as it allows us to keep accurate records of the number and type of incidents involving members of the College Community, determine where there is a pattern of crime with regard to a particular location, method, or assailant and alert the campus community to potential danger.

THE AVAILABILITY OF A PUBLIC CRIME LOG

A public crime log documenting any criminal act or alleged criminal act that was reported to NSCC Police & Security is prepared by the NSCC Police daily, and can be viewed by visiting the NSCC Police Department Offices at either the Danvers or Lynn Campuses.

CAMPUS ACCESS & HOURS OF OPERATION

Most campus buildings and facilities are accessible to members of the campus community, guests, and visitors during normal business hours. The college operational hours are 7:00 AM to 10:00 PM Monday through Friday; 7:00 AM to 4:00 PM on Saturdays, closed on Sundays, closed on Holiday. Facilities are maintained, and their security monitored, in the interest of students, faculty and staff. Facilities such as the Bookstore, library and dining cafes are also open to the public, except during rare occasions when college access was restricted. All academic and administrative buildings are routinely patrolled and are locked at designated times. Most facilities are kept locked during non-business hours, and their access is restricted to individuals who obtain proper authorization. Access to academic and administrative facilities on campus during normal business hours are generally limited to students, employees, and invited visitors for the purpose of study, work, teaching, and to conduct other College business. Individuals found on campus without a legitimate purpose or who disrupt College operations or who commit a crime on College property may be issued a trespass warning and directed to leave campus; failure to comply with a warning may result in arrest.

CRIMINAL ACTIVITY OFF CAMPUS

North Shore Community College does not operate off-campus housing or off-campus student organization facilities. When a North Shore student is involved in an off-campus incident, NSCC Police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. Local and State Police officers routinely communicate with campus officers on any serious incidents occurring on-campus or off- campus in the immediate neighborhoods surrounding North Shore.

In addition to charges filed by state or federal law enforcement agencies, North Shore reserves the right to take disciplinary action against a student for off-campus conduct; when such conduct adversely affects the College community, poses a threat of harm to the College community or otherwise interferes with the College's pursuit of its objectives or mission. Depending on the circumstances, proceedings under the Student Code of Conduct may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus. Judicial sanctions may include discipline, up to and including interim suspension, suspension or expulsion from the College. These policies are published annually in the Student Handbook, which is updated every year and posted on the North Shore Community College website.

CRIME PREVENTION PROGRAMS FOR STUDENTS AND EMPLOYEES

During student orientation sessions, students are informed of services offered by the North Shore Community College Police. Crime statistics are available for students, faculty and staff throughout the year through the NSCC Police Department at each campus police office and on the North Shore Community College website.

A common theme for all awareness and crime prevention programming is to encourage students and employees to be aware of their shared responsibility for their own security and for the security of others.

The Annual Security Report is available on our website at <https://www.northshore.edu/> for potential applicants and students to review. Additionally, HR provides and reviews safety procedures during new hire orientation with all new employees.

The NSCC Police Department believes that through crime prevention and safety awareness education, community members are better prepared to prevent crime and to respond if crime does occur. There are many ways the NSCC PD embraces the principles of crime prevention. They include, but are not limited to:

- The College encourages students and employees to be aware of their responsibility for their own safety/security and the security of others.
- Officers invite all students, faculty and staff to make recommendations of programs or initiatives that could enhance campus safety.
- As part of their regular patrol duties, NSCC police and security officers inspect the lighting and other safety conditions of the campus facilities. If a problem is found, officers will send a work order to the Facilities Department. They also offer suggestions utilizing the process of CPTED crime prevention environmental design.
- NSCC police officers work closely with various other departments to ensure the community receives crime prevention related training.
- An overview of campus safety policies and procedures, student rights and responsibilities, and personal safety at new student orientation.
- North Shore Community College policies prohibit the unlawful possession, use, or distribution of alcohol and controlled/illegal drugs as defined by federal law (including medical and/or recreational marijuana), by any member of the North Shore Community. All community members are expected to fully comply with the College's policies, and with state and federal laws. Any disciplinary action imposed by the College for violations of its drug or alcohol policies may be in addition to any penalty imposed by an off-campus authority. Both students and employees are subject to prosecution under applicable state and federal laws. NSCC Police Officers are generally responsible for the enforcement of alcohol and controlled/illegal drug laws on campus. Violations of the College's drug and alcohol policies may also be referred to the College's Student Code of Conduct Officer or Office of Human Resources.
- The College uses a collaborative approach, to educate community members about the consequences of alcohol and other drug use.
- NSCC Police provide escorts to students, faculty and staff who may feel uncomfortable walking alone on campus.
- The College utilizes an emergency notification system, which enables College officials to send students, faculty and staff voicemails, emails, and text messages with timely information within minutes.
- The Office of Information Technology has placed televisions in common areas in our buildings, which may also be used to broadcast emergency messages.
- NSCC police officers encourage the college community to carry their NSCC ID cards on their person as a means to identify visitors and/or strangers on campus.
- NSCC police officers may patrol the campuses by cruiser, foot as a visible, efficient method of patrolling.
- NSCC police officers have the ability to review closed circuit televisions in public areas on the Danvers and Lynn campuses.
- NSCC police officers work with on campus event organizers to ensure proper security of large scale or controversial events, and those involving dignitaries.
- The NSCC Police Department has posted emergency phone numbers prominently throughout each campus in all classrooms, offices, and hallways on all as well as on all of the evacuation maps
- The College has a system whereby emergency announcements can be broadcast via overhead projectors in classrooms on campus.

- NSCC Police Officers have routinely appeared and made presentations at college-wide events to inform the College community about resources available to them.
- The College conducts Campus Security Authority (CSA) training annually.
- The College has contracted with KnowBe4 a national on-line training service to provide education and programming on topics such as, Title IX, Sexual Harassment Prevention, and Discrimination Awareness for the College community.
- NSCC Police often presents at the College's Professional Development Day on pertinent issues related to campus safety.
- The Office of Wellness and Accessibility Services sends email, hosts interactive workshops and informational displays across the campus.
- CAST also hosts interactive workshops at both campuses.
- Fire Alarm Systems are located campus wide and monitored by NSCC Police and dispatcher personnel. Drills are conducted on a regular basis to familiarize community members with proper fire alarm evacuation procedures.
- Parking Lot Security is maintained with well-lit parking lots and frequent patrol.
- Patrol Officers periodically conduct a security check of the area where students are working or studying.
- Facilities Surveys are done regularly to identify safety and security issues on the campus.
- A comprehensive fire alarm survey including a test of existing sprinkler systems is conducted yearly by an outside vendor.

MAINTENANCE AND SECURITY OF CAMPUS FACILITIES

The NSCC PD practice Crime Prevention Through Environmental Design (CPTED) approach to safety by making suggestions on how to change the physical environment in and around schools to both promote safety and reduce opportunities for crime. In addition, the NSCC Police Department regularly patrols the campus and reports malfunctioning life safety conditions to the Facilities Department for correction. Facilities and landscaping are maintained in a manner designed to minimize the potential for hazardous conditions Campus lighting meets or exceeds the industry standard for pedestrian walkways, and parking lots all of which are routinely patrolled by the NSCC Police. Also, when observed the members of the college community report equipment problems to the NSCC Police Department or Facilities Department. Safety concerns for lighting, locks, obstacles blocking clear sight lines can be reported by contacting Facilities 978-762-4040. Report any hazards or on-the-job injuries immediately to NSCC Police at 781-593-7032, and/or the Director of Human Resources at 978-739-5470.

EMERGENCY MEDICAL RESOURCES

NSCC Police Officers are trained and certified as First Responders, including CPR and AED training. Automatic External Defibrillators (AED's) are available to NSCC Police Officers and security staff. During a medical emergency, it is standard procedure to transport sick or injured persons to local hospitals by ambulance services, if such transport is deemed necessary. NSCC Police will respond to campus emergencies as needed as a function of their job duties.

ONE MIND CAMPAIGN (Mental Health Assistance & Response)

The North Shore Community College Chief of Police took a pledge to enhance his department's response to calls involving individuals with mental health conditions and intellectual/developmental disabilities. The pledge is part of an initiative called the One Mind Campaign started by the International Association of Chiefs of Police (IACP), a 30,000-member professional association for law enforcement that provides training, technical assistance, and recruitment services.

To join the campaign, law enforcement agencies must pledge to implement four promising practices over a 12-36-month time frame. These practices include:

- Establish a clearly defined and sustainable partnership with one or more community health organizations
- Develop and implement a model policy addressing law enforcement response to individuals with mental health conditions
- Train and certify 100 percent of sworn officers (and selected non-sworn staff, such as dispatchers) in mental health by:
 - Providing Crisis Response Training (CIT), Crisis Response and Intervention Training (CRIT), or equivalent crisis response training to a minimum of 20 percent of sworn officers (and selected non-sworn staff); and
 - Providing Mental Health First Aid training (or equivalent) to the remaining 80 percent of officers (and selected non-sworn staff). Mental Health First Aid is a skills-based training course that teaches participants about mental health and substance-use issues.

The department was awarded a state grant through D.H.E. titled "Student Behavioral Health Grant" to get all of their Police Officers, Institutional Security Officers, and Dispatchers certified in Mental Health First Aid, and to certify 20 percent of our officers in CIT.

Deputy Chief Kevin Marshall of the North Shore Community College Police Department worked together with various different agencies from the North Shore to organize this training event

The Officers who attend C.I.T. receive 40 hours of specialized instruction from behavioral health experts from their community, previously trained C.I.T. officers and actual consumers and family members. This intensive advanced-officer training is designed to help officers gain an understanding about mental health disorders, substance use disorders and developmental disorders, developing a basic foundation from which officers build their skills.

C.I.T. is more than just a training, it will assist officers in becoming more effective during a crisis event in their community when they, as first responders, encounter individuals who are experiencing behavioral health crises due to mental illness and/or co-occurring substance use disorders. C.I.T. will also provide officers with the necessary information to re-direct individuals away from the criminal justice system and into emergency behavioral health facilities.

C.I.T. is a community-based partnership which includes behavioral health and human service providers, consumers and their families, law enforcement, and volunteers working towards common goals. Goals include providing safer interventions for officers and community members while showing concern for citizen's well-being. C.I.T. relies on a crisis system that is vibrant, easily accessible and responsive to the needs of law enforcement.

Upon completion of this program officers will be better prepared to

- Understand signs and symptoms of mental illnesses and co-occurring disorders
- Recognize when those signs and symptoms represent a crisis situation
- Safely de-escalate individuals experiencing behavioral health crises
- Utilize community resources and diversion strategies that are available to provide emergency
- Assistance

NORTH SHORE COMMUNITY COLLEGE WELLNESS COUNSELORS

North Shore Community College also has Wellness Counselors available to support students on each campus that address a wide variety issues including, but not limited to:

- Adjustment to college or another new situation
- Crisis management
- Grief/loss
- Anxiety, depression, anger
- Stress management
- Chemical dependency
- Academic concerns
- Difficulties in relationships with significant other, friends, or family members
- Eating disorders
- Sexuality
- Self esteem
- Domestic violence
- Additional outside services contact information is also shared with our students
- Community Emergency Service Providers (ESP)
- For Mental Health Emergencies

Mental Health concerns among college students have been on the rise for the past few decades. In 2019, 87% of College students reported feeling overwhelmed, 85% felt mentally exhausted, 66% felt overwhelming anxiety, and 56% felt things were hopeless (Geary, Chris. The Growing Mental Health Crisis in Community Colleges. May 3, 2022, Blog). The Pandemic added additional stressors leading to a national student mental health crisis.

North Shore Community College students have not been immune to this crisis. Studies on mental health of community college students have shown that financial insecurity, first generation status, minority students, and single parents experienced major stressors that affected their mental health adversely. To address this student need, this year NSCC has appointed an Executive Director of Wellness and Accessibility Services and funded two Wellness Counselors for each campus to support student needs. NSCC has also partnered with TELUS Health to provide confidential, 24/7 mental health and wellness services to students via telehealth. Support will be available in: English, Mandarin & Cantonese (simplified Chinese chat), Spanish and French.

NSCC's app from TELUS Health connects students with credentialed, Masters-level counselors to help them successfully address cultural, physical, and mental health challenges as they pursue their college education. Students can speak with a counselor in their own native language and cultural context no matter where they are.

Students can download the free app from the Google Play or Apple Store, or visit their website at <https://mysp.app/ca/signup>.

Visit our Student Wellness and Community Standards website to access the resources to support student mental health, wellness and for information on who to contact in case of a student emergency.

CARE AND ACTION FOR STUDENTS TEAM (CAST)

North Shore Community College also has a Care and Action for Students Team. The Care and Action for Students Team (CAST) at NSCC is composed of representatives from several areas across the College, who bring their collective expertise to assess and respond to concerning student situations. These situations can vary both in type and level of urgency. The following are some of the typical situations considered by CAST:

- Mental and emotional health situations
- Behavioral/social situations
- "Red flag" situations (student who is presenting unusual emotional displays, like crying; student who is noticeably angry or disgruntled; students who are not following typical self-care practices; or students whose behavior is mildly interfering with College operations typically are not classified as a Code of Conduct violation)

Some of the following situations might not be handled by the CARE team, but by other entities at the College:

- Students who have suicidal ideation and seek out crisis counseling at the College on their own
- Immediate threats to the College community, which are handled by campus police
- Title IX situations and certain Code of Conduct violations are handled by the Director of Community Standards and Title IX Coordinator.

MISSION OF THE CARE AND ACTION FOR STUDENTS TEAM

The Mission of CAST is to consider each student case from multiple lenses, assess the level of potential risk to the student and/or others, and then triage appropriately by connecting students to appropriate resources within and/or outside the College, when, and as, necessary. Assessing and triaging also considers threat levels to the Community and appropriate response and follow-up, including working with Campus Police on possible threats. The team provides consultation to faculty and staff regarding behaviors and situations presented by students. In certain cases, the team also provides information and feedback on Title IX, Affirmative Action, and Conduct situations, when consulted by the Title IX Coordinator and/or Director of Community Standards.

ALCOHOL AND OTHER DRUG POLICIES

Alcohol Laws of Massachusetts

All policies and regulations regarding the consumption and/or sale of alcoholic beverages on the North Shore Community College campus shall be in strict conformity to the appropriate Massachusetts General laws. The following is a summarization of the current law of Massachusetts pertaining to alcoholic beverages taken from Massachusetts General Law, Chapter 138, section 34, 34A, 34B, 34C.

- To lawfully purchase any alcoholic beverages in Massachusetts a person must be of legal drinking age (21)
- Any purchase or arrangement with another person to purchase or procure alcoholic beverages by a person who is less than 21 is punishable by a fine of \$300.00
- Any person under 21 who transports or carries on his person an alcoholic beverage is committing a crime punishable by a fine of \$50.00 and may be arrested without a warrant
- Any licensee, patron of licensed establishment or any person who procures an alcoholic beverage for a person under the age of 21 is committing a crime punishable by a fine of \$2000.00 or a maximum of one-year imprisonment, or both.

- Only a Massachusetts driver's license, an official Registry of Motor Vehicles drinking age ID card, or a military ID card will be acceptable as proof of age
- Whoever falsely makes, steals, alters, forges or counterfeits or procures or assists another in these acts regarding a learner's permit, a license to operate a motor vehicle or an identification card shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than five years in the state prison or in a house of correction for not more than two years
- No person or group may sell alcoholic beverages directly or indirectly through an admission charge or similar fee, without an appropriate license granted by the Commonwealth
- No person shall appear in a state of intoxication in a public place, or disturb the peace in any place while intoxicated
- No person shall operate a motor vehicle while under the influence of alcoholic beverages Alcohol Policy and Drug Policy

North Shore Community College is committed to maintain a drug-free workplace in accordance with the requirement of the U.S. Drug-Free Workplace Act of 1988, Appendix C to 45 CFR Part 620, Subpart F –

Certification regarding Drug-Free Workplace Requirements and the 1989 Drug-Free Schools and Communities Act as amended in Title XII of the Higher Education Act of 1965.

NSCC shall cooperate in the enforcement of federal and state laws concerning illegal drugs and alcoholic beverages. Massachusetts's statutes pertaining to illegal drugs and alcohol include:

- Mass. General Laws, Chapter 94C (Controlled Substances Act)
- Mass. General Laws, Chapter 272, Section 59 (Public Drinking)
- Mass. General Laws, Chapter 90, Section 24 (Operating Under the Influence, Open Containers)

Third offense underage possession or consumption of any alcoholic beverage following progressive discipline for the first two offenses will result in automatic suspension.

Prescribed penalties under Chapter 94 range from mandatory probation for a first conviction of possession of more than one ounce of marijuana or a Class E substance to a period of imprisonment of up to two years and a fine of \$2,000 for each subsequent conviction related to sale or distribution. Prescribed penalties under Chapter 90, Section 24 range from a fine of \$100 to imprisonment for not more than two years and a fine of \$1000. Federal judicial guidelines also exist which suggest penalties for violation of federal criminal statutes related to drugs and alcohol.

No Student Activities funds shall be used to purchase alcoholic beverages. NSCC's policy additionally prohibits alcoholic beverages at any College event (on or off campus) that is intended for students or student participation. A "College event" is one that utilizes College facilities or College funds, or is represented as being a College function. All purchase orders for student events will positively exclude payments for alcoholic beverages. Faculty and professional staff who serve as advisors or chaperones to such events should understand that they will be expected to monitor the implementation of the Drug and Alcohol Policy. 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.

A copy of the College's Drug Free Schools and Communities Act policy may be accessed at:
<https://northshore.smartcatalogiq.com/en/current/college-catalog/institutional-policies/>

SUBSTANCE ABUSE EDUCATION AND PROGRAMMING

The Drug Free Workplace Act of 1988 & Drug Free Schools and Communities Act Amendment of 1991 mandates that the College have a drug & alcohol abuse prevention program. To comply with this federal mandate North Shore Community College drug & alcohol abuse prevention program, provides education awareness about drug and alcohol use and abuse. Information is disseminated throughout the academic year through special programs to students and at New Employee Orientation for new employees.

For employees who are experiencing substance abuse problems, NSCC offers supportive services. Employees may seek assistance from the Employee Assistance Program at AllOneHealth, they can receive further information by visiting the website at www.allonehealth.com or employees can call 800-451-1834 for 24/7 toll-free support.

Students may seek assistance from the Wellness Counselors or the Director of Community Standards, who will then refer them to appropriate resources in the community.

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 Community College Student Accident and Sickness Insurance Plan. Students may find more information about drug and alcohol abuse counseling as covered under this plan here:

POLICY ADDRESSING FIREARMS AND OTHER WEAPONS ON CAMPUS

The possession of weapons of any kind, including replicas, is strictly prohibited on campus. This includes, but is not limited to: firearms, all chemical sprays, knives, and martial arts weapons (for example, nunchaku). The College will impose disciplinary sanctions on students and employees who violate College regulations and standards of conduct regarding weapons. Violations of weapons laws are reported under federal and state law. Carrying an illegal weapon is a felony punishable by up to five years in state prison. Students or employees who violate public law are subject to criminal prosecution and college sanctions. A conviction for unlawfully carrying a firearm without a license in Massachusetts mandates a one-year jail sentence. Even if one has a valid firearm license, carrying a firearm on a college campus in Massachusetts is a crime (with the exception of full-time police officers).

AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY

Overall Policy Statement

The Community Colleges have carefully developed and outlined the major elements of an effective Affirmative Action, Equal Opportunity & Diversity Policy with the understanding that a successful policy requires more than the knowledge of laws, regulations and current government requirements. It demands leadership, vision, and commitment to fully comprehend what challenges Community Colleges face in preparing students for the twenty-first century. The Colleges, both collectively and individually, commit themselves to not only the valuing of human dignity, but to the appreciation of the necessity of providing all members of the College Community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work.

The Community Colleges wish to take a role of leadership in providing an environment where equity and diversity are truly valued beyond verbal commitments and mere tolerance. This leadership role requires that we all share responsibility for making constructive campus-wide changes in response to the principles set forth in this Policy. By turning our collective energies into making Affirmative Action an integral part of campus life, we continue to fulfill our mission in developing the talents and potential of all members of our College Communities and our society.

A copy of the full Policy on Affirmative Action, Equal Opportunity, & Diversity can be found at <https://www.northshore.edu/equal-opportunity/files/policy-affirmative-action-equal-opportunity-diversity-2024.pdf>

SEX-BASED HARASSMENT POLICY

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of all forms of sex-based discrimination or harassment. Sex-based 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 sex-based harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sex-based 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 Sex-based Harassment seriously, we will respond promptly to complaints of Sex-based Harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements, and local and federal laws.

The College does not discriminate on the basis of sex in any education program or activity that it operates, and it is required by Title IX of the education amendments act of 1972 and 34 C.F.R Part 106, §106.8 (b) not to discriminate in such a manner.

COMPLAINTS OF TITLE IX SEX-BASED HARASSMENT

All Formal Complaints of Title IX Sexual Harassment shall proceed under this Policy on Affirmative Action, Equal Opportunity, and Diversity's Complaint Process. To file a complaint a person may do so by:

- Contacting the College's Title IX Coordinator, or designee.

- Filling out the Online Reporting Form
- Emailing TitleIX@Northshore.edu
- Report to A report of an allegation of sex-based harassment may also be presented to other “Responsible Employees” or Officials with Authority at the College. These persons are also available to discuss any concerns a person may have and to provide information about the Policy.

For more information utilize the following link: <https://www.northshore.edu/equal-opportunity.html>

RECOMMENDED PROCEDURES FOR A VICTIM OF SEXUAL VIOLENCE

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are advised as follows:

Protect Yourself and Get Medical Attention – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the violence. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.

Preserve Evidence - It is important to preserve all physical evidence following an act of sexual violence. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or a clean paper bag.

Health and Support Services - Various health and support services are available on and off campus for students and employees who have experienced sexual violence. For information about such services, including counseling, please contact the Affirmative Action and/or Title IX Coordinator.

Rape Crisis Center Contact Information

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information may be subject to change, current contact information on rape crisis centers in Massachusetts can be found at the Commonwealth’s Executive Office of Health and Human Services’ Website under “Consumer” information at <http://www.mass.gov/eohhs/>.

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 617-492-7273 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

YWCA Northeastern Massachusetts, (877) 509-9922, TTY: (978) 686-8840

HAWC, Salem, MA, Office: 978-744-8552 Hotline: 1-800-547-1649

Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY

YWCA North Shore Rape Crisis Center, Lynn, (800) 509-9922 Hotline

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905

Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Stanley Street Women's Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY Women's place Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

These Rape Crisis Centers offer FREE services to survivors of sexual violence, including:

- 24/7 hotline counseling, information, and referral;

- Will go with survivors to hospitals and/or police stations 24/7;
- Will go with a survivor to court;
- Provide one-to-one counseling and support group counseling; and
- Provide primary prevention education; professional training; outreach.

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 complaint under this Policy does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

United States Equal Employment Opportunity Commission ("EEOC")
 One Congress Street
 10th Floor Boston, MA 02114 (617) 565-3200.

The Office For Civil Rights ("OCR")
 U.S. Department of Education John W. McCormack Post
 Office and Courthouse, Room 222 Boston,
 MA 02109
 (617) 223-9662

Massachusetts Commission Against Discrimination ("MCAD") Boston Office: Worcester Office: One Ashburton Place Worcester City Hall Rm. 601 484 Main St., Rm. 320
 Boston, MA 02108 Worcester, MA 01608
 (617) 994-6000 (508) 799-8010

Springfield Office: New Bedford Office:
 436 Dwight St., Rm. 220 800 Purchase St., Rm. 501 Springfield, MA
 01103 New Bedford, MA 02740 (413) 739-2145 (508) 990-2390

MANDATORY REPORTING UNDER STATE LAW

Children (a person under the age of 18) may be students at the College, or may be engaged in activities sponsored by the College or by third-parties utilizing College facilities. In such instances, where an employee has reasonable cause to believe that a child is suffering physical or emotional injury, resulting from among other causes, sexual abuse, including Sex-Based Harassment, the employee and the College may be obligated to comply with the mandatory reporting requirements established at M.G.L. Chapter 119, Section 51A-E. In such cases, the employee is directed to immediately report the matter to the College's Affirmative Action and/or Title IX Coordinator, who, in consultation with other officials, shall contact the Commonwealth's Department of Children and Families and/or law enforcement. An employee may also contact local law enforcement authorities or the Department of Children and Families directly in cases of suspected abuse or neglect. State law also maintains mandatory reporting requirements for certain occupations where abuse or neglect is suspected of adults age 60 or older or children and adults with disabilities. For more information on these reporting requirements please contact the College's Affirmative Action Officer or Title IX Coordinator. Any member of the College community who has a question about their responsibilities under this Policy should contact the Affirmative Action Officer or Title IX Coordinator.

COMPLAINT PROCEDURE - General Information for all Complaints and Respondents

Application of Policy

The complaint procedure listed below is intended to provide a mechanism to investigate and where possible resolve complaints of alleged violations of this Policy against employees and students. The procedure is intended to ensure that the College will conduct an impartial, fair, effective, and efficient investigation of all allegations of violations of this Policy without fear of retaliation. The complaint procedure is available to any employee or student, or applicant for employment or admission, or a person other than a student or employee, who believes they have been subjected to Prohibited Conduct as defined under this Policy. A complaint filed in another forum does not preclude an individual from filing a complaint under this Policy. Further, a complaint filed in another forum, including a criminal or civil complaint, shall not delay an investigation of a complaint filed under this Policy.

Confidentiality of Process

The complaint procedure will be conducted as confidentially as reasonably possible to protect the privacy rights of all individuals involved. The College may share information concerning the complaint with parties, advisors, witnesses and/or others during any phase of the procedure on a need-to-know basis and shall share information with union representatives as provided for in M.G.L. c.150E. All individuals with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss the matter with anyone other than an advisor, if applicable.

Complainant Requests No Action and/or Confidentiality

Where a Complainant requests that no action be taken by the College or requests that their identity not be revealed, the College shall take reasonable steps to investigate and respond to the complaint, but shall inform the Complainant that such a request may hamper its ability to fully investigate an alleged violation of this Policy and/or to take appropriate remedial steps, including disciplinary action. Where an allegation of Prohibited Conduct involves the potential of an ongoing threat to the health, safety or security of members of the College community or a potential adverse employment action, the Affirmative Action Officer, or in the case of an allegation of Sex-Based Harassment, the Title IX Coordinator, shall inform the Complainant that it cannot ensure confidentiality and disclosure of their name may likely be required.

Off Campus Behavior

The College will investigate alleged Prohibited Conduct under this Policy which occurs in the College's education program or activity off-campus when such conduct adversely affects the College Community, poses a threat to the College Community; interferes with the College's pursuit of its educational objectives and mission, and/or if a student or employee is charged with a violation of state or federal law.

Conduct that occurs under the College's education program or activity includes but is not limited to locations, events, or circumstances over which the College has substantial control and for which such conduct is subject to the College's disciplinary authority. This also includes conduct that takes place via school-operated electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of the College, including AI technologies; and conduct that occurs during training programs sponsored by the College at another location. If Sex-Based Harassment is alleged to have occurred outside the College's education program or activity in the United States, but has created a hostile environment that impacts the College's programs, activities or community in the United States, that conduct will be subject to investigation.

Supportive Measures

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from Prohibited Conduct, including offering supportive measures to a Complainant before the final outcome of an investigation, irrespective of whether complaint processes are initiated. Supportive measures will be offered to a Respondent, as appropriate, if complaint processes have been initiated or an informal resolution process has been offered.

Supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, provide support during the College's complaint process or during the informal resolution process, or deter all forms of Prohibited Conduct. The College shall take these steps promptly once it has notice of an allegation of Prohibited Conduct.

Examples of supportive measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Increased security and monitoring of certain areas of the campus;
- Restrictions on contact applied to one or more parties;

- Changes in class, extracurricular, or any other activity, regardless of whether there is or is not a comparable alternative;
- Leaves of absence;
- Training and education programs related to Sex-Based Harassment; and Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs expressed by each party; the severity or pervasiveness of the allegations; any continuing effects on each party; whether the parties share the same classes, schedules, transportation, or job location; and whether other judicial measures have been taken to protect the victim (e.g., civil or criminal protection orders).

The College provides an opportunity to either party to seek modification or reversal of any decision to provide, deny, modify, or terminate supportive measures applicable to them. Challenges to supportive measures could include, but are not limited to: challenges concerning whether a supportive measure is reasonably burdensome, whether a supportive measure is reasonably available, whether the supportive measure is being imposed for punitive or disciplinary reasons, whether the supportive measure is being imposed without fee or charge, and whether a supportive measure is effective in meeting the purposes for which it is intended. Such challenges must be made, in writing, to an Impartial Employee within ten (10) days and include: (1) the supportive measure being challenged; (2) the reason for the challenge; and (3) the action sought by the party (e.g., to provide, deny, modify, or terminate the supportive measure).

A party may seek modification or termination of a supportive measure applicable to them if circumstances change materially. Whether or not circumstances have changed materially is a fact based consideration depending on the particular context of the Complainant and Respondent. In general, when taking supportive measures, the College shall minimize the burden on each party. The College must maintain as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures or restore or preserve a party's access to the education program or activity.

Interim Action and Emergency Removal

The College reserves the right to suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the College; or (d) is charged with a violation of state or federal law. In such cases, the College shall provide the employee or student notice of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

In the case of a Sex-Based Harassment claim, the College must base its decision to institute interim action (i.e., emergency removal) on the following factors: (1) it undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sex-Based Harassment justifies removal, and (3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. A Respondent subject to emergency removal from the Title IX Coordinator may appeal the decision per the Appeal procedure below in Step 3 of the Complaint Process.

The College shall make reasonable efforts to minimize disruption in the professional or educational experience of all affected parties. The College, Complainant, and Respondent will take reasonable efforts to preserve all relevant materials to a complaint, including communications (e.g. email and voice) and documents.

SEXUAL VIOLENCE PROGRAMING

The college has contracted with KnowBe4, a national on-line training service to provide training for the college community, including sexual violence training.

The NSCC Police Department strongly advocates that a victim of sexual violence reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim.
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, use the toilet, or change clothing prior to a medical/legal exam).
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

The Massachusetts Department of Public Health specially trains, certifies and supports registered nurses and physicians to provide quality care and forensic evidence collection to sexual assault survivors. Victims/survivors of sexual assault are encouraged to go their local hospital as soon as possible, before showering. For optimal evidence collection, exams should be performed within 72 hours of the assault.

Contact Information:

North Shore Community College Campus Police (781) 593-7032

Danvers Police (987) 774-1212

Lynn Police (781) 595-2000

For further Information and support contact the Metro Boston Area Rape Crisis Center Hotline: (800) 841-8371 • Office: (617) 492-8306 •

TTY: (617) 492-6434

SEX OFFENDER REGISTRATION

The federal Campus Sex Crimes Prevention Act requires colleges and universities to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. The Act also requires registered sex offenders to notify appropriate state officials of each institution of higher education in that state at which the offender is employed, carries on a vocation, or is a student.

How to Inquire:

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, 987-740-6400, or www.state.ma.us/sorb and by contacting the following Police Departments:

Lynn Police Department - 300 Washington St, Lynn, MA 01902 Danvers Police Department - 120 Ash Street, Danvers, MA 01923

The college information notification, and dissemination guidelines can be found by utilizing the following link -

https://www.northshore.edu/safety/police/files/sori_policy.pdf

If you have any questions regarding access to sex offender information, please feel free to contact the College's Chief of Police, David Cook at 978-762-4000 extension 2126.

PENALTIES FOR IMPROPER USE OF SEX OFFENDER REGISTRY INFORMATION

Information contained in the Sex Offender Registry shall not be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who improperly uses Sex Offender Registry information shall be punished by a fine of not more than \$5,000 or by imprisonment in a jail or house of correction for not more than 1 year, or by both such fine and imprisonment

POLICY ADDRESSING DISCLOSURES TO ALLEGED VICTIMS OF CRIMES OF VIOLENCE OR NON- FORCIBLE SEX OFFENSES

The College will, upon written request, disclose to the alleged victim of any crime of violence or a non- forcible sex offense, the report on the results of any disciplinary proceeding conducted by the College against a student who is the alleged perpetrator of such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this disclosure. Disclosure of this information shall not violate the Family Educational Rights and Privacy Act pursuant to 34 CFR § 99.31(a)(14).

ISSUING TIMELY WARNINGS

The College shall alert the campus community to certain crimes in a manner that is timely and will aid in the prevention of similar crimes. As the purpose of a warning regarding a criminal incident(s) is to enable people to protect themselves, a warning will be issued as soon as pertinent information is available. If it has been confirmed that a situation arises either on campus or in surrounding locations and the situation represents an ongoing or continuing threat to safety of students and employees, a Timely Warning will be issued.

The decision to issue a Timely Warning is dependent on the facts surrounding an incident, including the nature of the incident/crime, the continuing threat to the campus community, and the possible risk of compromising law enforcement efforts. Therefore, all incidents that may constitute a continuing threat to the campus community must be reported to the NSCC PD. The processes North Shore Community College will use to confirm an ongoing or continuing threat is as follows:

- The College President or a designee will develop timely warning notices for the College Community to notify members of the community about serious crimes against people that occur on campus, where it is determined that the incident may pose an ongoing threat to members of the North Shore Community College community.
- These warnings will be distributed if the incident is reported either to North Shore Community College Campus Police directly or to North Shore Community College Campus Police indirectly through a campus security authority or the State, Transit or Municipal Police.

The department issues/posts Crime Alerts for incidents of

- Criminal homicide
- Aggravated assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case by case basis to determine if the individual is believed to be an on-going threat to the larger North Shore Community College community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Crime Alert, but will be assessed on a case by case basis)
- Sexual assault (considered on a case by case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount information known by the North Shore Community College Campus Police Department)
- Major incidents of arson
- Other crimes as determined necessary by the Chief of Police, or his or her designee in his or her absence

A timely warning notice will typically include the following, unless issuing any of this information would risk compromising law enforcement efforts:

- Date and time or timeframe of the incident
- A brief description of the incident
- Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips).
- Suspect description(s) when deemed appropriate and if there is sufficient detail (see below)
- Police/Public Safety agency contact information
- Other information as deemed appropriate by the President or their designee, and/or the Chief of Campus or their designee
- The description of subjects in a case will only be included in the alert if there is a sufficient amount of detail to describe the individual. If the only known descriptors are sex and race, that will not be included in the alert.
- President or a designee shall draft a notice containing the proposed Crime Alert, determine the segment of the community to receive the alert, and forward it to the Executive Director of External and Public Relations (PRO). The PRO will review and revise the notice as needed, and then transmit the notice containing the Crime Alert to the College Community as any or all of the following modalities:
 - E-Mail
 - Voice call/mail
 - Facebook
 - Twitter
 - Emergency Messaging System
 - Web Announcement
 - Campus Link – Digital Signage
 - Paper posting
 - Updates to the College community about any particular case resulting in a crime alert also may be distributed to all or some of the previously mentioned modalities.
 - When a Crime Alert is posted in campus buildings, it shall be printed on orange paper and be posted in the lobby/entrance area of the affected building(s) for seven (7) days.

A list of the buildings where crime Alerts may be posted is maintained by the North Shore Community College Campus Police Department the department does not issue Crime Alerts for the above listed crimes if:

- The department apprehends the subject(s) and the threat of imminent danger for members of the College community has been mitigated by the apprehension.
- If a report was not filed with the Campus Police or the Campus Police was not notified of the crime in a manner that would allow the department to post a “timely” warning for the community. A general guideline will include a report that is filed more than five days after the date of the alleged incident may not allow Campus Police to post a “timely” warning to the community. This type of situation will be evaluated on a case by case basis.
- The department also maintains a daily crime log which is normally updated each business day and contains all crimes reported to Campus Police.

IMMEDIATE THREAT EMERGENCY NOTIFICATION – POLICY & PROCEDURE

Departments involved in fulfilling the obligations of this Standard Operating Procedure include: The North Shore Community College Campus Police Department, the Assistant Vice President of Facilities Operations and Services, Information Systems Personnel, the Executive Director of External and Public Relations.

There is a separate procedure governing timely warning notices that are sent to the North Shore Community College Community to notify members of the community about serious crimes against people that occur on campus, when it is determined by North Shore Community College Campus Police administrators that the incident may pose an ongoing threat to members of the North Shore Community College community.

If a serious crime, a natural disaster or a man-made emergency occurs that pose an immediate threat to the health and safety of the North Shore Community College community or a segment of the North Shore Community College community, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. If the institution implements the procedures regarding notification of the North Shore Community College community for an immediate threat, the institution is not obligated to implement the timely warning notice procedures. The types of incidents that may cause an immediate threat to the North Shore Community College community could include but are not limited to emergencies such as: an active shooter on campus, hostage/barricade situation, a riot, suspicious package with confirmation of a device, a tornado, a fire/explosion, suspicious death, structural damage to a North Shore Community College owned or controlled facility, biological threat (anthrax, etc.), significant flooding, a gas leak, hazardous materials spill, etc.

All members of the North Shore Community College Community are notified on an annual basis that they are required to notify the North Shore Community College Campus Police Department of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or on-going threat to the health and safety of students and/or employees on campus. North Shore Community College Campus Police Department has a responsibility to respond to such incidents to determine if the situation does in fact pose an immediate threat to the community.

The North Shore Community College Campus Police Supervisor/Officer-in-Charge on duty is responsible for immediately notifying the appropriate North Shore Community College Campus Police administrator of any situation that poses an immediate threat to the community. The North Shore Community College Campus Police administrator who has been notified is responsible for immediately notifying the following individuals who are responsible for developing the content of the message to the community and sending the message using some or all of the below listed methods: The Chief of Campus Police, Lieutenant of Campus Police, Assistant Vice President of Facilities Operations and Services, Information Systems Personnel, the Executive Director of External and Public Relations about the incident.

Should the Assistant Vice President of Facilities Operations and Services, President's Office, Executive Staff, Information Systems Personnel, and the Executive Director of External and Public Relations receive information from other sources about a situation on campus that may cause an immediate threat to the North Shore Community College community, they are responsible for contacting the North Shore Community College Campus Police Department to confirm whether or not North Shore Community College Campus Police are aware of and have responded to the incident.

The Assistant Vice President of Facilities Operations and Services, the Chief of Campus Police, Lieutenant of Campus Police, and/or the Executive Director of Public and External Relations will determine the content of the message and will use some or all of the systems described below to communicate the threat to the North Shore Community College Community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population.

As per the requirements of the law, Assistant Vice President of Facilities Operations and Services, the Chief of Campus Police, Lieutenant of Campus Police, and/or the Executive Director of External and Public Relations will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the judgment of the first responders (including, but not limited to: Campus, Local, State and Federal Law Enforcement, Fire and Emergency Medical Services), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The various systems that institution has in place for communicating information quickly to the North Shore Community College community include:

Emergency Messaging System (Subscription required) which provides brief emergency messages utilizing email, text messaging and telephone voice messaging

- Activation of the Emergency Notification System (part of the fire alarm system) in building so equipped
- Messages on the homepage of the College's website and electronic social media.
- The Executive Director of External and Public Relations will post updates during a critical incident on the North Shore Community College Campus website and electronic social media.
- Some or all of these methods of communication may be activated in the event of an immediate threat to the North Shore Community College Campus community.

EMERGENCY NOTIFICATION SYSTEMS AND PROCEDURES

EVACUATION MAPS - The campus community is strongly encouraged to familiarize themselves with the evacuation plans before an emergency occurs. Evacuation maps are posted prominently in building lobbies, classroom, offices, and hallways.

EMERGENCY NOTIFICATION SYSTEM - The emergency notification system is combined with the fire alarm. It will be activated when a potentially dangerous situation may be taking place on or near one of our Campuses. A warning will be broadcast throughout the campus utilizing the fire alarm / public address system which is signified by an amber flashing light in all campus buildings. Each warning provides a brief message that contains general information of the nature of the event that is unfolding. These messages are not intended to provide extensive information on how you should respond to a potential emergency. Messages are intended to serve as a "heads up" an event is or may be taking place.

EMERGENCY MESSAGING SYSTEM

The emergency messaging system (RAVE ALERT), a service that allows College officials to reach all students, faculty and staff with time-sensitive information during unforeseen events or emergencies. The system uses voice, e-mail, and text messaging to broadcast pertinent information and, when appropriate, provide directions to those in the affected area(s).

For each individual, the emergency messaging system can deliver one voice message to the phone numbers, e-mail address, and text message number you have provided us.

Any and all contact information you provide, such as home telephone numbers, cellular numbers, and e-mail addresses, may be used to notify you of an emergency or crisis that may affect you and/or the College community. Examples of emergency or crisis situations include the following:

- Terrorist attacks
- On-campus crime and assaults
- Natural disasters
- Fires
- Serious facilities issues
- Extraordinary weather conditions

To sign up:

1. Login to your MyNorthshore account.
2. Click on the Emergency Notification Icon under frequently used.
3. Log in again with your MyNorthshore/campus email login information
4. Complete the form that pops up, to include your cell phone number in order to receive text alerts.
5. Click SAVE at the bottom of the form.

ALERTUS

This system allows us to communicate the Emergency Messages that we are sending out over our Emergency Messaging System (RAVE) over our VoIP phones, computers, digital signage, and other network-connected technology to deliver instant emergency communications throughout your entire facility.

CAMPUS SECURITY AUTHORITIES

If an employee has significant responsibility for student and campus activities, they are a Campus Security Authority. CSA designation will be assigned upon hiring and online training is provided to all staff members that have been identified as CSA's

North Shore Community College performs an annual review of CSAs and requests crime statistics from any individual who the College determines is a CSA for North Shore Community College. Crime statistics obtained from CSAs are combined with the campus police statistics in the Annual Security Report.

EMERGENCY DRILLS, TESTING AND EVACUATION PROCEDURE

At least one test of Emergency Response/Evacuation Procedures is conducted annually. Tests include a drill or exercise with follow-through activities and assessment. The location and type of test may vary. Additional drills (testing of a single procedural operation) may also be conducted. Drills may include the testing of the emergency communications system, fire alarm, etc. Tests and drills may be conducted live or may consist of tabletop exercises. Feedback is requested via email to assist in evaluating our emergency plans and capabilities.

LOCKDOWN DRILLS

Lockdown drills once every semester at each of the campuses. The repeated actions of these drills help encourage muscle memory for everyone involved. Lockdown drills are a way to prepare students and staff to respond properly in an emergency. These exercises do so by teaching and practicing actions to stay safe and quiet in classrooms or other parts of the school.

KnowBe4 TRAINING SOLUTIONS

The college also offers a number of online trainings through KnowBe4. KnowBe4 purpose-built technology and online training management system helps elevate employees' individual preparedness, improve compliance, and increase personnel morale. Information regarding evacuation procedures, personal safety tips, and college emergency response procedures are available by following this link to the Campus Safety website: <http://www.northshore.edu/safety/>

CLERY REPORTABLE OFFENSE DEFINITIONS

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned -- including joy riding).

Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence: The killing of another person through gross negligence.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and/or causing the victim fear.

Sex Offenses-Forcible: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Rape-** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of temporary or permanent mental incapacity.
- **Sex Offenses-Non-Forcible:** Unlawful, non-forcible sexual intercourse
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Weapon Law Violations: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

Drug Law Violations: Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned (Drunkenness and driving under the influence are not included in this definition.).

Domestic violence: A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Dating violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Hate Crimes: A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

Stalking: means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others’ safety, or to suffer substantial emotional distress.

CLERY DEFINED GEOGRAPHIC LOCATION DEFINITIONS

On-Campus Property: On-Campus property encompasses any building or property that is owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes.

Residential Facilities: The College does not maintain any residential facilities.

Public Property: Public property encompasses all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent and accessible from the campus.

Non-campus Property: Non-campus property is defined as any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Specific Information about Classifying Crime Statistics: The number of victims involved in a particular incident is indicated for the following crime classifications: murder/non-negligent manslaughter, negligent manslaughter, forcible and non-forcible sex offenses, and aggravated

assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart.

The number of incidents involving a particular offense is indicated for the following crime categories (includes one offense per distinct operation): robbery, burglary, larceny, and arson. For example, if five students are walking across campus together and they are robbed, this would count as one robbery in the crime statistics chart.

In cases of motor vehicle theft, each vehicle stolen is counted. In cases involving liquor law, drug law, and illegal weapons violations, each person who was arrested is indicated in the arrest statistics. If an arrest includes offenses for multiple liquor or drug law violations, it is only counted as a drug law violation as that is the more egregious offense.

The statistics captured under the "Referred for Disciplinary Action" section for liquor law, drug law, and illegal weapons violations indicate the number of people who are referred to the College's judicial system.

Hate crime statistics are separated by their category of prejudice. Statistics for hate crimes are counted in each specific Clery Act reportable crime category and therefore, are part of the overall statistics reported for each year. In addition to reporting hate crimes for the general Clery Act definitions, hate crimes must be disclosed for larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. The law requires that this statistic be reported as a hate crime even though there is no requirement to report the crime in any other area of the compliance document.

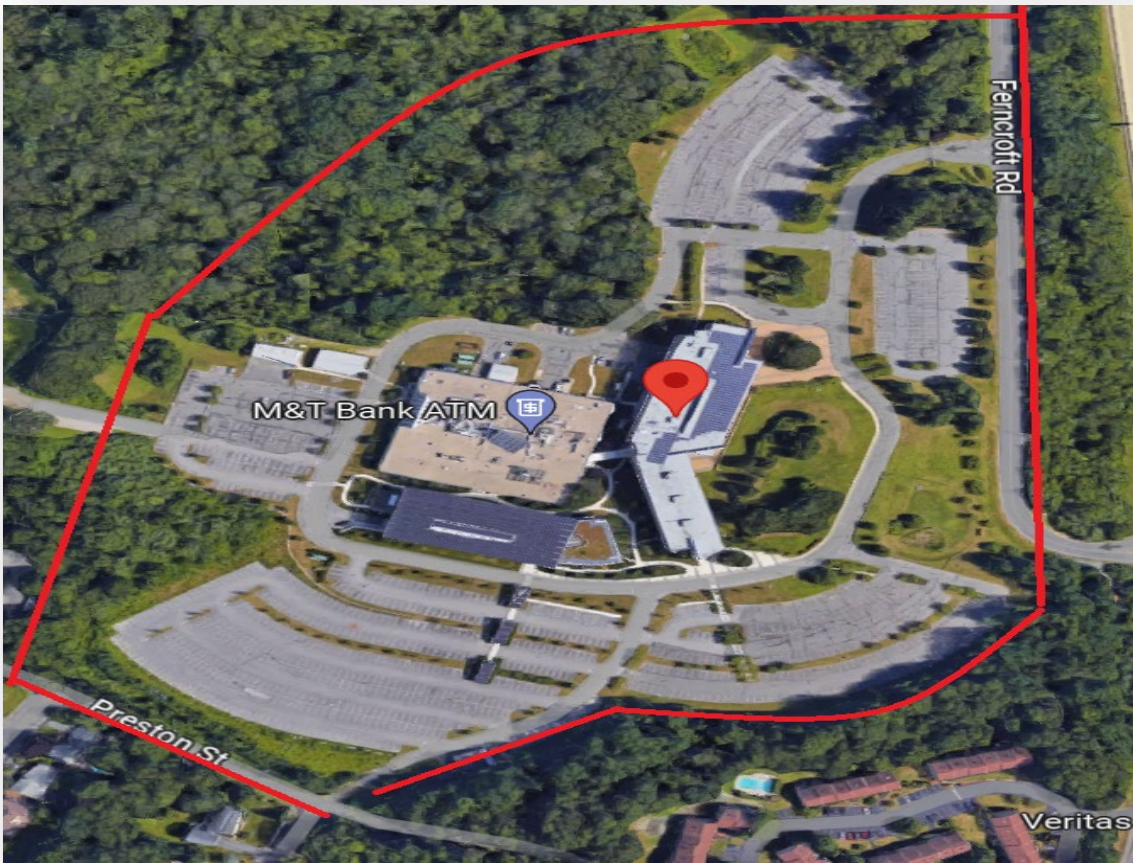
Campus Security Authorities Defined

The following are defined by the Jeanne Clery Act as Campus Security Authorities:

- **Campus Police Department** – The campus law enforcement/public safety agency responsible for the safety and security of all members of the college community.
- **Individuals with Campus Security Responsibility** - Any individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property. Examples of this category are: parking enforcement staff, event security staff and bicycle patrol staff.
- **Individuals Designated by the Campus** - Any individual or organization specified in an institution's statement of campus security policy as one to which students and employees should report criminal offenses. Examples are
- **Officials with Significant Responsibility for Student and Campus Activities** - An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a campus security authority when acting in those capacities. Examples of this category are: Deans of Students, Student Housing Officials, Students Discipline Officials, Students Judicial Affairs Officials, Officials who oversee a student center, and Officials who oversee student extracurricular activities, Director of Athletics, Team Coaches and Faculty Advisors to student groups

CLERY GEOGRAPHY

CLERY GEOGRAPHY FOR THE DANVERS CAMPUS

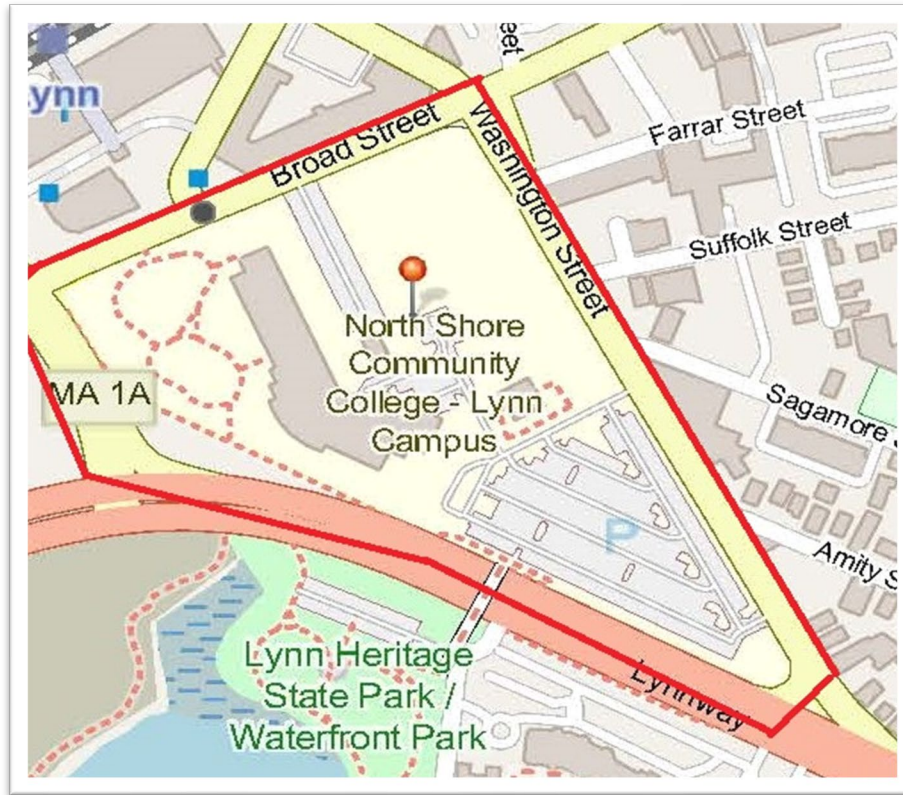


North Shore Community College Danvers 1 Ferencroft Rd, Danvers, Massachusetts

Nestled off Route 95 South, NSCC's Danvers Campus features the Commonwealth's first state-owned Zero Net Energy building and highlights NSCC's strong commitment to sustainability and conservation. The Health Professions and Student Services Building is a green building prototype that meets LEED Gold certification requirements, generates energy onsite, uses clean renewable resources such as sunlight and rainfall, and reclaims water through a rooftop garden. The Bertolon Health Care Center of Excellence provides students enrolled in NSCC's health professions programs with the state-of-the-art training and experience needed to be successful in today's health care careers, including enhanced health care simulation that allow students to apply theory and skills to real-life situations and advanced technology for electronic medical records software training.

***Everything within the red outline is the campus reporting geography**

CLERY GEOGRAPHY FOR THE LYNN CAMPUS



North Shore Community College Lynn Campus

300 Broad Street, Lynn Massachusetts

Located at the gateway to the Arts and Cultural District, NSCC's Lynn Campus includes smart classrooms, lab space, and vibrant Student Success Center. Our Lynn campus also has a greenhouse, equipped with aquaponics, rain catchment, composting and solar energy systems, will offer students hands-on experiential learning. NSCC has partnered with the Essex County Community Foundation Food Project to operate the greenhouse resulting in a town-gown relationship with nutritional benefits!

Clery geography is within the red outline

Non- Campus Locations

**Beverly Flight Center
191 Old Burley St,
Danvers, MA 01923**

The Aviation Science Professional Pilot program at NSCC provides students with the professional training necessary to become fixed-wing commercial pilots. All flight instruction is required to be conducted by an appropriately rated FAA-certified flight instructors at the NSCC-approved flight training facility, which is the Beverly Flight Center

* The Beverly Flight Center property is located some distance from the main campus, and through a written agreement, is utilized for aviation classes by the institution during very specific time frames. As a result, the only reportable clery crimes, would be those which occurred during the specific times when institution had access to the building, parking lots, etc. These are then included with the Danvers Campus statistics.

**Essex North Shore Agricultural and Technical School
565 Maple Street,
Danvers MA 01937**

North Shore Community College uses the Essex North Shore Agricultural and Technical School Cosmetology classrooms and laboratories on Tuesday, Wednesday, and Thursday evenings 3pm-10pm, when classes are in session

**Salem State University
352 Lafayette Street
Salem, MA 01970**

NSCC currently has 20 students who reside at SSU. These students fall in one of the following categories:

- 1) A DHE program for students experiencing homelessness.
- 2) Students who voluntarily live on campus at SSU as a student housing option. To qualify to live at SSU they must be a full-time student at NSCC.

Housing Contract

NSCC students are required to sign a housing contract with SSU which covers housing fees and other amenities such as dining plans (including a 24/7 dining program) and on-campus parking.

*Because their housing contract is with SSU, and not NSCC, SSU reports the clery reportable crimes which may affect these NSCC students.

For more information utilize the following link:

<https://www.northshore.edu/about/initiatives/housing/index.html>

LYNN CAMPUS CLERY CRIME STATISTICS

NORTH SHORE COMMUNITY COLLEGE

LYNN CAMPUS

CRIME STATISTICS: CLERY DATA

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f). ***The College is a non-residential institution.**

OFFENSES	2021			2022			2023		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	1	0
Arson	0	0	0	0	0	0	0	0	0
VAWA OFFENSES									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	1	0	0
ARRESTS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	3	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0
REFERRALS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0
HATE CRIMES									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0

Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0

Hate Crime Key: (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (Gi) Gender Identity

DANVERS CAMPUS CLERY CRIME STATISTICS

NORTH SHORE COMMUNITY COLLEGE

DANVERS CAMPUS

CRIME STATISTICS: CLERY

DATA The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f). ***The College is a non-residential institution.**

OFFENSES	2021			2022			2023		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	1
<i>Incest</i>	0	0	0	0	0	0	0	0	0
<i>Statutory Rape</i>	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	2
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
VAWA OFFENSES									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	1	0	0
ARRESTS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0
Drug Law Violation	0	0	0	0	0	0	0	0	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0
REFERRALS									
Weapon Law Violation	0	0	0	0	0	0	0	0	0

Drug Law Violation	0	0	0	0	0	0	0	0	0	0	0
Alcohol Law Violation	0	0	0	0	0	0	0	0	0	0	0
HATE CRIMES											
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0	0	0
<i>Fondling</i>	0	0	0	0	0	0	0	0	0	0	0
<i>Incest</i>	0	0	0	0	0	0	0	0	0	0	0
<i>Statutory</i>	0	0	0	0	0	0	0	0	0	0	0
<i>Rape</i>	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0
Hate Crime Key: (D) Disability (E) Ethnicity (Ra) Race (Re) Religion (S) Sexual Orientation (G) Gender (N) National Origin (Gi) Gender Identity											

*If you require further information regarding crimes on campus you can also review the FBI's Uniform Crime Report (UCR). Which can be found at <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-9/table-9-state-cuts/massachusetts.xls>



The Commonwealth of Massachusetts
Board of Higher Education
Massachusetts Community Colleges

**POLICY ON AFFIRMATIVE ACTION,
EQUAL OPPORTUNITY & DIVERSITY**

- Berkshire Community College
- Bristol Community College
- Bunker Hill Community College
- Cape Cod Community College
- Greenfield Community College
- Holyoke Community College
- Massachusetts Bay Community College
- Massasoit Community College
- Middlesex Community College
- Mount Wachusett Community College
- North Shore Community College
- Northern Essex Community College
- Quinsigamond Community College
- Roxbury Community College
- Springfield Technical Community College

Effective Date: August 1, 2024

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**CERTIFICATE OF APPROVAL
BOARD OF HIGHER EDUCATION
FOR MASSACHUSETTS COMMUNITY COLLEGES
POLICY ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY**

The Commonwealth of Massachusetts' Community Colleges' Policy on Affirmative Action, Equal Opportunity & Diversity has been approved for implementation by the Board of Higher Education, effective August 1, 2024.

This Policy shall replace the previous Policy, which was approved by the Board of Higher Education and implemented on August 14, 2020, as amended in August 2021. This Policy shall remain in full force and effect until a successor Policy is approved and implemented. The Community Colleges will continually review this Policy and the Complaint Procedure to ensure compliance with the requirements of federal and state laws and regulations.

Noe Ortega
Commissioner
Department of Higher Education

A. OVERALL POLICY STATEMENT

The Community Colleges have carefully developed and outlined the major elements of an effective Affirmative Action, Equal Opportunity & Diversity Policy with the understanding that a successful policy requires more than the knowledge of laws, regulations and current government requirements. It demands leadership, vision, and commitment to fully comprehend what challenges Community Colleges face in preparing students for the twenty-first century. The Colleges, both collectively and individually, commit themselves to not only the valuing of human dignity, but to the appreciation of the necessity of providing all members of the College Community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work.

The Community Colleges wish to take a role of leadership in providing an environment where equity and diversity are truly valued beyond verbal commitments and mere tolerance. This leadership role requires that we all share responsibility for making constructive campus-wide changes in response to the principles set forth in this Policy. By turning our collective energies into making affirmative action an integral part of campus life, we continue to fulfill our mission in developing the talents and potential of all members of our College Communities and our society.

B. POLICY STATEMENT ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY

The Board 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 Board 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, gender identity, sexual orientation, age, disability, genetic information, parental leave, pregnancy, parenting status, military service, national origin, and natural and protective hairstyles (“protected class(s)/classification(s).” Further, this policy prohibits retaliation and incorporates by reference, and where applicable, the requirements of Titles VI and VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1968; Titles I and II of the Civil Rights Act of 1991; Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106; Equal Pay Act of 1963; Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974, Uniformed Services Employment and Reemployment Rights Act (USERRA); Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967, as amended; Family and Medical Leave Act of 1993; The Providing Urgent Maternal Protections (PUMP) for Nursing Mothers Act; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; the Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. Sec. 2000ff; the reauthorized Violence Against Women Act, Pub. Law No. 113-4 (2013); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; the Higher Education Act of 1965; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; An Act Relative to Gender Identity, Mass. Acts of 2011, ch. 199; An Act Relative to Transgender Anti-Discrimination, Mass. Acts of 2016, ch. 134; An Act Expanding Protections for Reproductive and Gender Affirming Care, Mass. Acts of 2022, ch. 127; An Act Relative to Sexual Violence on Higher Education Campus, Mass. Acts of 2020 ch. 337, (also known as the 2021 Campus Sexual Assault Law); An Act Prohibiting Discrimination Based on Natural and Protective Hairstyles (Massachusetts CROWN Act), Massachusetts Acts of 2022, c. 117; directives of the BHE, the Boards of Trustees of the Community Colleges, and the Commonwealth of Massachusetts; and other applicable local, state and federal constitutions, statutes, regulations and executive orders, including those establishing other protected classes.

Non-discrimination requires the elimination of all existing discriminatory conditions, whether purposeful or inadvertent. The Community Colleges are continuing to systematically examine all policies and procedures to be sure that they do not, if implemented as stated, operate to the detriment of any person on the basis of a protected classification. The Colleges shall require that the practices of those responsible in matters of employment and education, including all supervisors and faculty, are non-discriminatory. Should the College discover discrimination in treatment or effect in any employment, educational or service decision, action, inaction or practice within the College, all appropriate corrective and/or disciplinary actions shall be taken under the direction of the President of the College subject to any applicable collective bargaining agreement or other policy or procedure of the College.

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 – whether in person or in the virtual/online setting - 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 socio-economic, 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 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.

The purpose of the affirmative action component of this Policy is to establish a set of programmatic objectives, which shall provide for the recruitment, access and advancement of qualified persons from within the protected classes/classifications recognized under this Policy with respect to employment and enrollment opportunities. The intent of this Policy is to responsibly recognize, and to whatever extent possible, resolve the effects of past societal discrimination and the impact which that discrimination has had, not only on victims of such discrimination, but on the total academic, educational and social system as well. It is not intended and should not be used to discriminate against any applicant, employee, or student because of a protected classification.

In response to that recognition, the Colleges, through their Boards of Trustees and Presidents, fully endorse the plan of action set forth in this Policy and shall oversee and monitor its implementation through the Affirmative Action Officer and other assigned personnel.

The following specific policies are established:

- Equal opportunity and affirmative action shall apply to all segments of the College; full and part-time employment; day and continuing education; the curriculum and offerings of the College.
- Equal opportunity and affirmative action shall be applied to the recruitment process for employment and/or access to education.
- Students will have access to the College, programs of study, activities, and other resources intended to serve them, according to the policies of the individual Colleges.

- Equal employment opportunity and affirmative action will be realized in all personnel employment, including recruitment, application for employment, hiring, benefits, compensation, training, promotion, and termination.
- All policies, procedures, privileges, and conditions of the College will follow and incorporate applicable equal opportunity and affirmative action rules and regulations.

The above-stated policies are intended to be applied broadly with the goal of promoting equal opportunity and diversity in Community Colleges. The Community Colleges pledge to apply all policies consistently, fairly, and vigorously. Attempts to subvert or abuse these policies will not be tolerated. Appropriate disciplinary action will be taken in the case of an infraction. Such disciplinary action shall be consistent with the appropriate collective bargaining agreement, if applicable.

All policies are made in compliance with laws and regulations and executive orders promulgated by the federal and state governments and other appropriate agencies and authorities, where applicable.

C. DEFINITIONS

ADA/504 COORDINATOR: A College employee assigned the responsibility for maintaining the College's compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Alleged violations of the ADA or Section 504 shall be subject to the Affirmative Action Policy's Complaint Procedure as administered by the Affirmative Action Officer. The ADA/504 Coordinator is Nikki Pelonia and can be contacted at npelonia@northshore.edu.

ADVISOR: A single person chosen by a Complaining or Responding Party, who may but is not required to be an attorney (for union employees this may be a union representative), who may be present in any meeting or proceeding prescribed by this Policy, and who may inspect and review evidence. The advisor's role is strictly limited to providing direct assistance to the party that they advise for the purposes of the complaint process. An advisor is not to impede, disrupt or hinder the procedures listed within this Policy and/or other institutional policies through intimidation or creating an environment that unreasonably interferes with anyone's ability to participate in the complaint process. Any person serving as an Advisor who is conducting themselves in such a manner is subject to removal from their role.

AFFIRMATIVE ACTION OFFICER ("AAO"): A College employee assigned the responsibility of administering the College's Affirmative Action Policy or their designee. The Affirmative Action Officer may also serve as the College's Title IX Coordinator and/or the ADA/504 Coordinator. If the Affirmative Action Officer is the person against whom the complaint is filed, the President shall designate another College official to act as the Affirmative Action Officer for purposes of administering the Affirmative Action Policy. The Affirmative Action Officer is Nick Royal and can be contacted at nroyal@northshore.edu.

COMPLAINANT or COMPLAINING PARTY: The individual(s) filing the complaint, whether it is a current or former student(s) or employee(s), or current or former applicant for admission or employment, or a person other than a student or employee, who is alleged to have been subjected to conduct that could constitute a violation of the Affirmative Action Policy if they were participating or attempting to participate in the College's education program or activity.

COMPLAINT: A written or verbal complaint alleging a violation of the Affirmative Action Policy.

COMPLAINT PROCESS: The process used to address all Complaints alleging a violation of the Affirmative Action Policy. This may also be referred to as "grievance procedure."

CONSENT: "Consent" must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

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

DECISION-MAKER: An individual who is not the same person as the Affirmative Action Officer, Title IX Coordinator or their designee, chosen by the President to reach a determination regarding responsibility by applying the standard of evidence the College has designated in the College's complaint procedures for use in all Complaints.

EQUAL OPPORTUNITY: A College's effort to ensure that all personnel and academic decisions, programs and policies are formulated and conducted in a manner which will ensure equal access for all people and prevent discrimination. As part of this effort, a College will ensure that employment and academic decisions, programs and policies will be based solely on the individual eligibility, merit or fitness of applicants, employees and students without regard to race, color, creed, religion, national origin, age, disability, sex, marital status, military service, gender identity, genetic information, sexual orientation, natural and protective hairstyles, or political or union affiliation.

EMPLOYEE:

(A) CONFIDENTIAL EMPLOYEE: Confidential employee means

1. An employee of the College whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
 - a) Confidential Employees include:
 - i. licensed mental health counselors;
 - ii. licensed health care personnel;
 - iii. Confidential Resource Providers; and
 - iv. other employees as designated by the College.
 - b) A list of Confidential Employees shall be posted at the College.
2. An employee of the College whom the College has designated as confidential under this part for the purpose of providing services to persons related to Sex-Based Harassment. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about Sex-Based Harassment in connection with providing those services; or
3. An employee of the College who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about Sex-Based Harassment – but the employee's confidential status is only with respect to information received while conducting the study.

(B) IMPARTIAL EMPLOYEE OR IMPARTIAL MEDIATOR: An employee who has not participated in the complaint at issue, and has no conflict of interest or bias regarding the matter

being addressed. The employee must have training or experience in mediating matters subject to this complaint process.

(C) **NONCONFIDENTIAL EMPLOYEES WITH AUTHORITY:** Allegations involving Sex-Based Harassment shall be reported by all “Nonconfidential Employees with Authority” to the Title IX Coordinator or official designee as soon as the employee becomes aware of it. A Nonconfidential Employee with Authority includes any College employee: who has the authority to take action to redress these offenses; who has been given the duty of reporting to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Nonconfidential Employees with Authority shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors. Nonconfidential Employees may not maintain the anonymity of the reporting party when they receive a complaint and are required to share this information with the Title IX Coordinator.

(D) **NONCONFIDENTIAL EMPLOYEES WITHOUT AUTHORITY:** A Nonconfidential Employee without Authority includes all other College employees who are not otherwise considered a “Confidential Employee” or a “Nonconfidential Employee with Authority” as defined in this Policy, including but not limited to, faculty, adjunct instructors and staff. “Nonconfidential Employees without Authority” shall either (1) provide the contact information of the Title IX Coordinator and information on how to make a complaint of Sex-Based Harassment or (2) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex-Based Harassment. Nonconfidential Employees may not maintain the anonymity of the reporting party and are required to share this information with the Title IX Coordinator.

INFORMAL RESOLUTION: A mutual and voluntary agreement between the parties to resolve the allegations through either mediation or an administrative remedy, that is reached at any time prior to determining whether the alleged conduct occurred.

IMPERMISSIBLE EVIDENCE:

- (i) Evidence that is protected under a privilege as recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- (ii) A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional in connection with the provision of treatment to the party or witness, unless the College obtains that party’s or witness’s written consent for use in the College’s complaint processes; and
- (iii) Evidence that relates to the Complainant’s sexual interests or prior sexual conduct, unless evidence about the Complainant’s prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant’s prior sexual conduct with the Respondent that is offered to prove consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and

Respondent does not by itself demonstrate or imply the Complainant's consent to the alleged Sex-Based Harassment or preclude that Sex-Based Harassment occurred.

PREPONDERANCE OF EVIDENCE: The evidentiary standard used in resolving all complaints filed under this Policy's Complaint Process. The standard is met if the proposition is more likely to be true than not true (i.e.; more probable than not). Effectively, the standard is satisfied if there is greater than a 50 percent chance that the proposition is true.

PROHIBITED CONDUCT: The following conduct is prohibited under this Policy:

1. **Discrimination:** An intentional or unintentional act which adversely affects employment and/or educational opportunities because of a person's perceived or actual membership in a protected class or association with a member(s) of a protected class. Discrimination may be classified as either disparate impact (practices that are facially neutral in their treatment of different groups but that in fact fall more harshly on one group than another and cannot be justified by business necessity) or disparate treatment (treatment of an individual that is less favorable than treatment of others based on discriminatory reasons). A single act of discrimination or discriminatory harassment may be based on more than one protected class status. For example, discrimination based on anti-Semitism may relate to religion, national origin, or both; discrimination against a pregnant woman may relate to sex, marital status, or both; or discrimination against a transgender individual may relate to gender identity, sex or sexual orientation.
2. **Discriminatory Harassment:** Discriminatory harassment. A form of discrimination including verbal and/or physical conduct based on legally protected characteristics and/or perceived or actual membership in a protected class that:
 - a. has the purpose or effect of creating an objectively intimidating, hostile or offensive work or educational environment;
 - b. has the purpose or effect of unreasonably interfering with an individual's work or learning performance; or
 - c. otherwise unreasonably adversely affects an individual's employment or educational opportunities.

For purposes of this Policy, conduct constitutes hostile environment harassment when it:

- a. is targeted against an individual(s) on the basis of their membership in a protected class;
- b. is not welcomed by the individual(s); and
- c. is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.

The determination of whether an environment is "hostile" is based on the totality of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating.

3. **Retaliation**: Intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College’s education program or activity, for the purpose of interfering with any right or privilege under this Policy. Retaliation includes taking adverse employment or educational action against a person who files claims, complaints or charges under this Policy, or under applicable local, state or federal statute, who is suspected of having filed such claims, complaints or charges, who has assisted or participated in an investigation or resolution of such claims, complaints or charges, or who has protested practices alleged to be violative of the non-discrimination policy of the College, the BHE, or local, state or federal regulation or statute. Retaliation, even in the absence of provable discrimination in the original complaint or charge, constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint or charge. Whether a particular action is adverse in any given case would require a fact-specific analysis of how the action would affect a reasonable person in the Complainant’s position.

4. **Sex-Based Harassment**

“Sex-Based Harassment” means any discrimination based on sex (male, female, intersex), including but not limited to, sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity,¹ *quid pro quo* harassment, hostile environment harassment, or one of four specific sex offenses referenced in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) as amended by the Violence Against Women Act of 2013, or any offenses referenced in the Massachusetts Campus Sexual Violence Law of 2021.

(1) *Quid pro quo harassment.* An employee, agent, or other person authorized by the College to provide an aid, benefit, or service under the College’s education program or activity explicitly or implicitly conditioning the provision of such an aid, benefit, or service on a person’s participation in unwelcome sexual conduct.

(2) *Hostile environment harassment.* Unwelcome sexual-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is sufficiently severe or pervasive that it limits or denies a person’s ability to participate or benefit from the College’s education program or activity (i.e. creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i. The degree to which the conduct affected the Complainant’s ability to access the College’s education program or activity;
- ii. The type, frequency, and duration of the conduct;
- iii. The parties’ ages, roles within the College’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

¹The College will not carry out different treatment or separation on the basis of sex by subjecting a person to more than *de minimis* harm except where permitted in limited circumstances. Adopting a policy or engaging in a practice that prevents a person from participating in an education program or activity consistent with the person’s gender identity subjects a person to more than *de minimis* harm on the basis of sex and is a *per se* violation of this Policy.

- iv. The location of the conduct and the context in which the conduct occurred;
- v. Other Sex-Based Harassment in the College's education program or activity; or

(3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system by the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

- A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship;
 - ii. The type of relationship; and
 - iii. The frequency of interaction between the persons involved in the relationship

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- A. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the College, or a person similarly situated to a spouse of the victim;
- B. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- C. Shares a child in common with the victim; or
- D. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- A. Fear for the person's safety or the safety of others; or
- B. Suffer substantial emotional distress.

PROTECTED CLASS(S)/CLASSIFICATION(S): Characteristics or groups of persons protected from discrimination by law and under this Policy, including:

- a. **Age** - Persons 40 years of age or older.
- b. **Color** - Variations in skin tone among persons of the same race.

- c. **Disability** - A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment.
- d. **Ethnicity** - See National Origin.
- e. **Gender Identity** - An individual's sense of their gender as male, female, a blend of both, or neither, which may or may not be different from their sex assigned at birth. Gender identity is a term that covers a multitude of identities including, but not limited to, gender nonconforming individuals, nonbinary individuals, and transgender individuals, and includes any person whose gender identity or gender presentation falls outside of or is perceived to be outside stereotypical gender norms.
- f. **Genetic Information** - Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.
- g. **LGBTQIA+**: Refers to people who are lesbian, gay, bisexual, transgender, queer, questioning, asexual, intersex, nonbinary, or describe their sex characteristics, sexual orientation, or gender identity in another similar way.
- h. **National Origin** - A "national origin group" or "ethnic group" is a group sharing a common language, culture, ancestry, and/or other similar social characteristics.
- i. **Natural and Protective Hairstyles** – all hairstyles covered under the Massachusetts CROWN Act, including but not limited to, braids, locks, twists, Bantu knots, hair coverings and other formations.
- j. **Parental Status:** The status of a person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of physical or mental disability, is:
 - 1) Biological parent;
 - 2) An adoptive parent;
 - 3) A foster parent;
 - 4) A stepparent
 - 5) A legal custodian or guardian;
 - 6) *In loco parentis* with respect to such person; or
 - 7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.
- k. **Persons of Color** - Members of the following racial classifications: Black, American Indian/Native Alaskan, Asian/Pacific Islander, and Hispanic/Latino.
- l. **Pregnancy or Related Condition:** Pregnancy, childbirth, termination of pregnancy, or lactation; or medical conditions related to pregnancy, childbirth, termination of pregnancy,

or lactation; or recovery from pregnancy, termination of pregnancy, lactation or related medical conditions.

m. Race - Discrimination laws do not contain a definition of “race,” but are interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features, and on the basis of stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. All individuals, including persons of more than one race and the following racial classifications, are protected from discrimination:

- **Black:** All persons having origins in any of the Black racial groups of Africa.
- **White (not of Hispanic origin):** Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
- **Hispanic/Latino:** All persons of Mexican, Puerto Rican, Cuban, Central, Latin or South American or other Spanish culture or origin, regardless of race.
- **Cape Verdean:** All persons having origins in the Cape Verde Islands.
- **Asian or Pacific Islander:** All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands, including, for example, the areas of China, India, Japan, Korea, the Philippine Islands and Samoa.
- **American Indian or Alaskan Native:** All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

n. Religion - “Religion” and “creed” have the same or equivalent meaning: all religious and spiritual observances, practices, and sincerely held beliefs.

o. Sex Characteristics: Sex characteristics is intended to refer to physiological sex-based characteristics. Discrimination based on a person’s physiological sex characteristics may include discrimination based on a person’s anatomy hormones, and chromosomes associated with male or female bodies. Discrimination on the basis of sex characteristics includes discrimination based on intersex traits.

p. Sexual Orientation - Actual or perceived heterosexuality, homosexuality, bisexuality, pansexuality, or asexuality either by orientation or by practice, including but not limited to LGBTQIA+ people as defined in this policy.

q. Sex Stereotypes: Fixed or generalized expectations regarding a person’s aptitudes, behavior, self-presentation, or other attributes based on sex.

- r. **Veteran** - Any person who is a member of, applies to perform, or has an obligation to perform, service in a uniformed military service of the United States, including the National Guard.

If at any time subsequent to the implementation of this Policy, additional protected classifications are established, individuals in those classifications shall be protected against discrimination under this Policy.

RESPONDENT OR RESPONDING PARTY: The person against whom a complaint is directed, including an individual who has been reported to be the perpetrator of conduct that could constitute Sex-Based Harassment. Only a person in their individual capacity can be a Respondent in a complaint process. The Respondent is presumed not responsible.

SUPPORTIVE MEASURES: Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
2. Provide support during the College's complaint processes or during an informal resolution process or mediation.

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 their designee may extend the time limits in extenuating circumstances with notice to the parties in writing, or by mutual written agreement between the parties.

TITLE IX COORDINATOR: A College employee, or their designee, assigned the responsibility for maintaining the College's compliance with Title IX, the Massachusetts Campus Sexual Violence Law of 2021, and the related policies of the College. The Title IX Coordinator is responsible for administering this Policy, the Sex-Based Harassment Policy, and its Sex-Based Harassment Complaint Process. The Title IX Coordinator may also serve as the College's Affirmative Action Officer. If these positions are held by different individuals, the AAO and the Title IX Coordinator may collaborate on the enforcement of any aspect of this Policy. The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX Coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest. There may also be a Deputy Title IX Coordinator designated to assist the Title IX Coordinator in the performance of their duties. The College's Title IX Coordinator is Nick Royal who can be contacted at nroyal@northshore.edu.

D. SPECIFIC POLICIES

I. SUPPORT OF AND COMMITMENT TO DIVERSITY

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 their rights to equality, dignity and security in violation of their 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 as stated in applicable collective bargaining agreements. 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 their 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.

II. POLICY AGAINST PROHIBITED CONDUCT

a. Introduction

The mission of the Community Colleges is to educate, train and prepare our students to live and work in our increasingly global and diverse workforce. It is our commitment to take all possible steps to provide an inclusive and diverse learning, living, and work environment that values diversity and cultural tolerance and looks with disfavor on intolerance and bigotry. Any condition or force that impedes the fullest utilization of the human and intellectual resources available represents a force of destructive consequences for the development of our Commonwealth and ultimately, our nation.

b. Definitions

Prohibited Conduct includes: Discrimination, Discriminatory Harassment, Sex-Based Harassment and Retaliation. These terms and all Protected Class(s)/Classification(s) are defined under the “Definitions” section of this Policy.

c. Policy Prohibitions

The Policy prohibits all conditions and all actions or omissions, which deny or have the effect of denying to any person their rights to equity and security on the basis of their membership in or association with a member(s) of any protected class. This policy reaffirms the values of civility, appreciation for racial/ethnic/cultural/religious pluralism and pre-eminence of individual human dignity as preconditions to the achievement of an academic community, which recognizes and utilizes the resources of all people.

In order to promote an atmosphere in which diversity is valued and the worth of individuals is recognized, the Colleges will distribute policy statements and conduct educational programs to combat all Prohibited Conduct.

The prohibition on Prohibited Conduct contained in this Policy shall apply to and be enforced against all members of the College community, including, but not limited to, faculty, librarians, administrators, staff, students, vendors, contractors and all others having dealings with the institution.

d. Conduct That is Not Prohibited

The Community Colleges are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this Policy shall be construed to penalize a member of the College community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Accordingly, any form of speech or conduct that is protected by the principles of academic freedom or the First Amendment to the United States Constitution is not subject to this policy.

e. Complaint Procedures

The Community Colleges have established a specific internal procedure to help resolve claims and complaints of violations of this Policy on their campuses (see Section L “Complaint Procedures)). Any current or former student(s) or employee(s), or current or former applicant for admission or employment, or a person other than a student or employee if they were participating or attempting to participate in the College’s education program or activity, who believes that they have been subjected to Prohibited Conduct may initiate a complaint as outlined herein. Prohibited Conduct that occurs under a recipient’s education program or activity includes, but is not limited to, conduct that occurs in a building owned or controlled by a student organization that is officially recognized by the College, and conduct that is subject to the College’s disciplinary authority. Further advice or information may be obtained by contacting the Affirmative Action Officer or Title IX Coordinator.

f. Duty to Cooperate

Every faculty member, librarian, administrator, staff member, employee, agent, or other person authorized by the College to provide aid, benefit, or service under the College’s education or activity has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to this Policy’s Complaint Procedure, subject to the provisions of any relevant collective bargaining agreements. In addition, every individual participating or attempting to participate in the College’s education program or activity has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to this Policy’s Complaint Procedure.

This duty includes, among other things, speaking with the Affirmative Action Officer, Title IX Coordinator or other authorized personnel or investigator and voluntarily providing all information and documentation which relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in disciplinary action up to and including termination.

g. Duty to Report

- **General Responsibility to Report Prohibited Conduct**

No member of the College community who receives a complaint of Prohibited Conduct can ignore it; they should give to the person making the complaint as much assistance in bringing it to the attention of the Affirmative Action Officer or Title IX Coordinator as is reasonably appropriate given their position at the College and relationship with the person making the complaint.

- **Reporting of Sex-Based Harassment by Nonconfidential Employees**

Allegations involving Sex-Based Harassment shall be reported by all “Nonconfidential Employees with Authority” to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Nonconfidential Employee with Authority includes any College employee: who has the authority to take action to redress Sex-Based Harassment; who has been given the duty of reporting Sex-Based Harassment to the Title IX Coordinator or other appropriate school designee;

or whom a student could reasonably believe has this authority or duty. Nonconfidential Employees with Authority shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors.

“Nonconfidential Employees without Authority”, which consists of all other College employees, including but not limited to, faculty, adjunct instructors and staff, shall either (1) notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex-Based Harassment or (2) provide the contact information of the Title IX Coordinator and information on how to make a complaint of Sex-Based Harassment.

Nonconfidential Employees may not maintain the anonymity of the reporting party and are required to share this information with the Title IX Coordinator.

- **Failure to Report by Nonconfidential Employees**

Incidents of Failure to Report by Nonconfidential Employees will be investigated by the Title IX Coordinator as a violation of this Policy. A Nonconfidential Employee found responsible for failing to notify the Title IX Coordinator of conduct that reasonably may constitute Sex-Based Harassment or failing to provide an individual with the contact information of the Title IX Coordinator and information on how to make a complaint of Sex-Based Harassment, may be subject to discipline. Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, and/or expulsion from the College.

- **Mandatory Reporting of Abuse Under State Law**

Children (a person under the age of 18) may be students at the College, or may be engaged in activities sponsored by the College or by third-parties utilizing College facilities. In such instances, where an employee has reasonable cause to believe that a child is suffering physical or emotional injury, resulting from among other causes, sexual abuse, including Sex-Based Harassment, the employee and the College may be obligated to comply with the mandatory reporting requirements established at M.G.L. Chapter 119, Section 51A-E. In such cases, the employee is directed to immediately report the matter to the College’s Affirmative Action and/or Title IX Coordinator, who, in consultation with other officials, shall contact the Commonwealth’s Department of Children and Families and/or law enforcement. An employee may also contact local law enforcement authorities or the Department of Children and Families directly in cases of suspected abuse or neglect. State law also maintains mandatory reporting requirements for certain occupations where abuse or neglect is suspected of adults age 60 or older or children and adults with disabilities. For more information on these reporting requirements please contact the College’s Affirmative Action Officer or Title IX Coordinator.

Any member of the College community who has a question about their responsibilities under this Policy should contact the Affirmative Action Officer or Title IX Coordinator.

III. SEX-BASED HARASSMENT POLICY

a. Introduction

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of all forms of Sex-Based Harassment. Sex-Based Harassment of students or employees occurring in or limiting access to an education program, activity, or workplace will not be tolerated by the College. Further, any retaliation against an individual who has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part, including in an informal resolution process, in complaint processes, or in any other actions taken by a College will not be tolerated. To achieve our goal of providing a campus and workplace free from Sex-Based 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 Sex-Based Harassment seriously, we will respond promptly to complaints of Sex-Based Harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements.

The Community Colleges do not discriminate on the basis of sex and prohibit Sex-Based Harassment in any education program, activity, or workplace that it operates, as required by Title IX, including in admission and employment.

The College will provide a notice of nondiscrimination to students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the College.

Inquiries about Title IX may be referred to the College's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both.

The College's Title IX Coordinator is

Nick Royal

He, him, his

Title IX Coordinator, Affirmative Action and Compliance Officer
Human Resources, Payroll, and Compliance

nroyal@northshore.edu

978-762-4000 ext. 4137

The College's nondiscrimination policy and complaint processes can be located at <https://www.northshore.edu/equal-opportunity/> and can be found in the Human Resources, Payroll, and Compliance office on the Danvers and Lynn campuses.

To report information about conduct that may constitute Sex-Based Harassment or make a complaint of Sex-Based Harassment under Title IX, please refer to

- North Shore Community College's students and employees may report via the Online Reporting Form at [this link](#).
- Members of the public, applicants, or individuals who would like to submit a report anonymously may report via the Online Reporting Form at [this link](#).
- Email the Title IX coordinator directly or at titleix@northshore.edu.

b. Definition of Sex-Based Harassment

Sex-Based Harassment, as defined under the “Definitions” section of this Policy, means any discrimination based on sex, including but not limited to, sexual harassment and harassment based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, or gender identity, *quid pro quo* harassment, hostile environment harassment, or one of four specific sex offenses referenced in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) as amended by the Violence Against Women Act of 2013, or any offenses referenced in the Massachusetts Campus Sexual Violence Law of 2021.

All employees and students should take special note that, as stated above, retaliation against an individual who has made a complaint about Sex-Based Harassment, or retaliation against individuals who have cooperated with an investigation of Sex-Based Harassment will not be tolerated by the Community Colleges.

c. Confidential Reporting Resources

Persons who have experienced prohibited forms of Sex-Based Harassment under this Affirmative Action Policy may share information confidentially with Confidential Employees who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

- the individual has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee is responsible for providing non-identifiable information for purposes of the Clery Act.

Please bear in mind, however, that if one requests certain supportive measures from the College (e.g., extension for academic work, or changing classes or work locations), other College officials may be contacted only for the purpose of providing the requested measures. In such cases, one’s privacy will be maintained to the extent that respecting confidentiality will not impair the College’s ability to provide the requested measures. One may also confidentially report any form of Sex-Based Harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the College.

Confidential resources include those who provide privileged and confidential support, such as physicians and clergy, regardless of whether they are employed by the College.

d. Complaints of Sex-Based Harassment

All Complaints of Sex-Based Harassment shall proceed under this Policy’s Complaint Process. To make a complaint a person may do so by contacting the College’s Title IX Coordinator. The individuals who have a right to make a complaint of Sex-Based Harassment include a

Complainant; a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant, and the Title IX Coordinator.

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator may determine whether to initiate a complaint of Sex-Based Harassment. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- (1) The Complainant's request not to proceed with initiation of a complaint;
- (2) The Complainant's reasonable safety concerns regarding initiation of a complaint;
- (3) The risk that additional acts of Sex-Based Harassment would occur if a complaint is not initiated;
- (4) The severity of the alleged Sex-Based Harassment, including whether a violation, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the Sex-Based Harassment and prevent its recurrence;
- (5) The age and relationship of the parties, including whether the Respondent is an employee of the College;
- (6) The scope of the alleged Sex-Based Harassment, including information suggesting a pattern, ongoing Sex-Based Harassment, or Sex-Based Harassment alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a Title IX Coordinator in determining whether Sex-Based Harassment occurred; and
- (8) Whether the College could end the alleged Sex-Based Harassment and prevent its recurrence without initiating a complaint.

e. Sex-Based Harassment Investigation

A Complaint of Sex-Based Harassment will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will be conducted in accordance with this Policy's Complaint Process and may include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed Sex-Based Harassment will also be interviewed.

The investigation process for complaints of Sex Based Harassment enables the Title IX Coordinator to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of Sex-Based Harassment. The Title IX Coordinator may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible, however, the Title IX Coordinator must not draw an inference about whether Sex-Based Harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Once the investigation is complete, the College will, to the extent appropriate, inform the parties of the results of that investigation.

If it is determined that a violation of this Policy has occurred, the College will act promptly to eliminate the offending conduct, and where it is appropriate also impose disciplinary sanctions.

f. Disciplinary Action

Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, or expulsion from the College.

g. Consensual Relationships

• Faculty/Administrator/Staff Member Relationships with Students

A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a College program or activity.

• Relationships Between Supervisors, Subordinates or Co-Workers

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of Sex-Based Harassment or retaliation. Therefore, such workplace relationships are strongly discouraged.

h. Identification

Personally identifiable information about parties of Sex-Based Harassment will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the Complainant or as public safety requires. The College does not publish the names or other identifiable information of parties of Sex-Based Harassment in the campus police department's Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act (FERPA), an individual may request that no directory information maintained by the College be released absent their prior, written consent.

i. Supportive Measures

Title IX requires the College to offer and coordinate, as appropriate, as reasonably available, non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities. Supportive measures protect individuals from any Sex-Based Harassment or other Prohibited Conduct, including offering supportive measures during the investigation or informal resolution process, irrespective of whether the Complainant ever chooses to file a Complaint. Such measures must not unreasonably burden either party, must not be for punitive or disciplinary reasons, and must be without fee or charge to either party. The College shall take these steps promptly once it has notice of an allegation of Sex-Based Harassment. Examples of interim protective measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Increased security and monitoring of certain areas of the campus;
- Restrictions on contact applied to one or more parties;
- Changes in class, work housing, or extracurricular, or any other activity, regardless of whether there is or is not a comparable alternative;
- Leaves of absence;
- Training and education programs related to Sex-Based Harassment; and
- Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs expressed by either party; the severity or pervasiveness of the allegations; any continuing effects on either party; whether the parties share the same classes, dining schedule, transportation, or job location; and whether other judicial measures have been taken to protect either/both parties (*e.g.*, civil protection orders).

In general, when taking supportive measures, the College shall minimize the burden on either party. The College must maintain as confidential any supportive measures provided to either party, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

j. Amnesty

Students may be hesitant to report Sex-Based Harassment out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policy and/or the Student Code of Conduct. While the College does not condone such behavior, it places a priority on addressing allegations of Sex-Based Harassment. Accordingly, the College may elect not to pursue discipline

against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of Sex-Based Harassment.

k. Protections for Complainant Regarding Sexual Assault

A person subjected to Sexual Assault shall:

- Be provided with a copy of the College's *Sex-Based Harassment – Complainant's Rights and Information Advisory*, which shall include information concerning counseling, health, and mental health services, victim advocacy and support, law enforcement assistance, and other services available on and off campus;
- Have the right to pursue, or not pursue, assistance from campus administration officials or campus law enforcement;
- Not be discouraged by College officials from reporting an incident to both on-campus and off-campus authorities;
- Be provided assistance in contacting local law enforcement if requested and have the full and prompt assistance and cooperation of campus personnel should a civil and/or criminal complaint be pursued;
- Be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;
- Receive the same level of support at any proceeding before College officials as is permitted to the accused party, including the presence of an advisor during any disciplinary proceeding and the right to be notified in a timely manner of the outcome of such proceedings and any appeal right available;
- Receive full and prompt cooperation from College personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;
- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;
- Be permitted to attend classes, work and participate in College activities free from unwanted contact or proximity to the Respondent insofar as the College is permitted and able;
- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and

- Be informed of any no-contact or no-trespass orders issued to the Respondent by the College and the College’s commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

l. Recommended Procedures for a Victim of Sexual Assault

For a person subjected to an act of sexual assault, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual assault are advised as follows:

- **Protect Yourself and Get Medical Attention** – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the sexual assault. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.
- **Preserve Evidence** - It is important to preserve all physical evidence following an act of sexual assault. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or a clean paper bag.
- **Health and Support Services** - Various health and support services are available on and off campus for students and employees who have experienced sexual assault. For information about such services, including counseling, please contact the Title IX Coordinator.

m. Rape Crisis Center Contact Information²

Rape Crisis Centers offer FREE services to survivors of sexual assault, including:

- 24/7 hotline counseling, information, and referral;
- Will go with survivors to hospitals and/or police stations 24/7;
- Will go with a survivor to court;
- Provide one-to-one counseling and support group counseling; and
- Provide primary prevention education; professional training; outreach.

² Contact information for Massachusetts Rape Crisis Centers *may be subject to change*. Current contact information can be found at the Commonwealth’s Executive Office of Health and Human Services’ Website under “Consumer” information at <http://www.mass.gov/eohhs/> or <https://www.mass.gov/info-details/rape-crisis-centers>.

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 888-887-7130 TTY
Rape Crisis Center of Central Mass., Milford, 800-511-5070 Hotline, 508-478-4205 TTY

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 1-800-841-8371 Hotline, 617-492-8306 TTY

Northeastern Massachusetts

YWCA Northeastern Massachusetts, (877) 509-9922, TTY: (978) 686-8840
HAWC, Salem, MA, Office: 978-744-8552 Hotline: 1-800-547-1649
Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY
YWCA North Shore Rape Crisis Center, Lynn, (800) 509-9922 Hotline

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-7095 TTY
Independence House, Hyannis, 800-439-6507 Hotline, 508-771-6782 TTY
Women Support Services, Vineyard Haven, 508-696-7233 Hotline, 774-549-9659 TTY
Greater New Bedford Women Center, New Bedford, 508-996-6636 Hotline, 508-996-1177 TTY
New Hope, Attleboro, 800-323-4673 Hotline, 508-323-4673 TTY
Womansplace Crisis Center, Brockton, 508-588-8255 Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 866-401-2425 Hotline, 413-499-2425 TTY
Everywoman Center, Amherst, 413-545-0800 Hotline, 413-577-0940 TTY
NELCWIT, Greenfield, 413-772-0806 Hotline, 413-772-0815 TTY
YWCA, Springfield, 800-796-8711, 413-733-7100 TTY

n. State and Federal Remedies

Filing a complaint under this Policy does not prohibit you from filing a formal complaint with the governmental agencies set forth below.

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:	Worcester Office:	Springfield Office:
One Ashburton Place	Worcester City Hall	436 Dwight St., Rm. 220
Rm. 601	18 Chestnut St., Rm. 520	Springfield, MA 01103
Boston, MA 02108	Worcester, MA 01608	(413) 739-2145
(617) 994-6000	(508) 453-9630	

United States Equal Employment Opportunity Commission ("EEOC")

15 New Sudbury Street
Room 475, MA 0203-0506
1-800-669-4000

United States Department of Education Office For Civil Rights (“OCR”)
5 Post Office Square, 8th Floor
Boston, MA 02109
(617) 289-0111

IV. NON-DISCRIMINATION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES

It is illegal to discriminate against an otherwise qualified individual with a disability. 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. Any employee or student who believes they have been a victim of discrimination due to a disability may file a complaint pursuant to the Complaint Procedures found at Section L of this Policy.

a. In Employment

The Community Colleges will take constructive measures to ensure equal opportunity in all areas of employment including recruitment, selection, upgrading, opportunities for training and development, rate of compensation, benefits and all other terms and conditions of employment. Further, the Colleges will periodically examine all existing employment policies, practices and facilities to ensure that they do not pose a disparate impact for otherwise qualified persons with disabilities. 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.

b. In Education

The Colleges will periodically examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not pose a disparate impact for otherwise qualified disabled students. 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.

c. Reasonable Accommodations

A “reasonable accommodation” under state and federal law is defined as “modifications or adjustments to an application process, job, work environment, the way in which work is customarily performed, or a course of study that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities.”

Reasonable accommodations in employment may include, but are not limited to:

- Making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- Job restructuring;
- Modification of work schedules;
- Providing additional unpaid leave;
- Acquiring or modifying equipment or devices; and
- Providing qualified readers or interpreters.

The Community Colleges are not required to lower performance standards to make an accommodation and are not obligated to provide personal use items, such as eyeglasses or hearing aids.

Reasonable accommodations in education may include, but are not limited to:

- In-class aids, such as note takers;
- Extended time for examination;
- Quiet rooms or alternate locations for testing;
- Alternatively formatted testing; alternatively formatted textbooks and other course materials; and/or
- Access to assistive technology.

Possible course reductions or substitutions on the basis of a disability will be carefully evaluated. Students with disabilities must meet the essential requirements of all academic degree programs.

d. Interactive Process

State and federal laws define the “interactive process” as an ongoing communication between employer and employee or college and student, in an effort to provide reasonable accommodation for an individual with a known disability. Both parties must engage in the interactive process and communicate directly with each other in order to formulate an effective accommodation plan. Neither party can delay nor interfere with the process.

e. Undue Hardship and Fundamental Alteration

The Community Colleges are required to make reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of a College’s business or result in a fundamental alteration of a job or academic course or program. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a College’s size, financial resources, and the nature and structure of its operation. Fundamental alteration is a change that is so significant that it alters the essential nature a job or an academic course or program.

f. Process for Requesting a Reasonable Accommodation

An employee or job applicant seeking a reasonable accommodation for a disability may contact the College's Office for Human Resources. A student or student applicant seeking a reasonable accommodation for a disability may contact the College's Office that provides disability and accessibility services. All requests for reasonable accommodation are evaluated on a case-by-case basis. Individuals seeking reasonable accommodations should be prepared to submit current medical documentation for review in the accommodation process. The College reserves the right to review approved reasonable accommodations on a periodic basis and request updated medical documentation at that time.

V. ACCOMMODATIONS FOR PARENTAL STATUS, PREGNANCY AND PREGNANCY-RELATED CONDITIONS

In accordance with the requirements of state and federal law, the College prohibits discrimination against students, employees, and applicants based on parental status, pregnancy, childbirth, termination of pregnancy, lactation, related medical conditions, or recovery. Furthermore, the College provides reasonable accommodations for parental status, pregnancy and pregnancy-related conditions, including modifications for students, reasonable break time for employees for lactation, and one or more clean, private lactation spaces, that is not a bathroom, for both students and employees. The Title IX Coordinator coordinates specific actions to ensure equal access to employment, education programs, and activities.

a. Parental Status

The adoption or implementation of any policy, practice, or procedure concerning the current, potential, or past parental, family, or marital status of a student or applicant that treats persons differently on the basis of sex is a violation of this Policy.

b. Student Accommodations for Pregnancy or Pregnancy-Related Conditions

Once the Title IX Coordinator is notified of the student's pregnancy or pregnancy-related condition, the College will:

- Inform the student of the College's obligations to students who are pregnant or experiencing a pregnancy-related condition.
- Provide the student with reasonable accommodations as needed to ensure equal access to the College's education program or activity.
- Allow the student a voluntary leave of absence for, at minimum, the medically necessary time period and reinstatement upon return, including reinstatement to the status held by the student when the leave began.
- Ensure the student's access to a clean, private space for lactation that is not a bathroom.

Reasonable modification may include, but are not limited to, the following:

- Breaks during class to express breast milk, breastfeed, or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom;
- Intermittent absences to attend medical appointments;
- Changes in schedule or course sequence;
- Extensions of time for coursework and rescheduling of tests and examinations;
- Allowing a student to sit or stand, or carry or keep water nearby;
- Counseling;
- Changes in physical space or supplies (for example, access to a larger desk or a footrest);
- Elevator access;
- Or other changes to policies, practices, or procedures.

The College does not require supporting documentation from a student, unless doing so is necessary and reasonable as determined by the Title IX Coordinator.

c. Employee Accommodations for Pregnancy or Pregnancy-Related Conditions

Upon the request from the employee or prospective employee, the College will engage in a timely, good faith, and interactive process to determine an effective, reasonable accommodation to enable the employee to perform the essential functions of the position.

Through the interactive process, the College will provide necessary, reasonable accommodations that will allow an employee to perform the essential functions of the job while pregnant or experiencing pregnancy-related conditions unless doing so would impose an undue hardship on the College. The College recognizes that it cannot make an employee accept a particular accommodation if another reasonable accommodation would allow the employee to perform the essential functions of the job, or require an employee to take a leave if another reasonable accommodation may be provided without undue hardship.

Reasonable accommodations may include, but are not limited to, the following:

- Reasonable break time for lactation;
- Access to a clean and private lactation space;
- More frequent or longer paid or unpaid breaks;
- Time off to attend to a pregnancy-related condition or recover from childbirth with or without pay;
- Acquisition or modification of equipment or seating;
- Temporary transfer to a less strenuous or hazardous position;
- Job restructuring;
- Assistance with manual labor; and/or
- Modified work schedule.

The Title IX Coordinator may require documentation regarding the need for an accommodation from a healthcare professional that explains what accommodation(s) the employee needs, but it cannot require documentation for the following accommodations: (1) more frequent restroom, food, or water breaks; (2) seating; (3) limits on lifting more than 20 pounds; and (4) a clean, private space for lactation.

VI. CONTRACTING AND PURCHASING

When selecting contractors, suppliers, and vendors of goods and services, including goods and services secured in connection with construction projects, the Colleges will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of a protected classification.

The College shall use reasonable efforts to attract and encourage bid proposals from a diverse pool of qualified contractors, subcontractors, vendors and suppliers. The College is strongly encouraged to identify businesses primarily operated by individuals within the protected classifications with the help of the Commonwealth's Supplier Diversity Office.

When transacting business with contractors, vendors and suppliers, the Community Colleges shall include in all contracts the following statement:

Non-Discrimination in Employment: The Contractor shall not discriminate in the hiring of any applicant for employment nor shall any qualified employee be demoted, discharged or otherwise subject to discrimination in the tenure, position, promotional opportunities, wages, benefits or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, sexual orientation, gender identity, religion, genetic information, parental leave, military service, marital status, handicap, disability, or for exercising any rights afforded by law. The Contractor commits to purchasing supplies and services from certified minority or women-owned businesses, small businesses or businesses owned by socially or economically disadvantaged persons or persons with disabilities. The Contractor agrees to comply with applicable federal and state laws, rules and regulations prohibiting discrimination in employment and unfair labor practices, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, Massachusetts General Laws, Chapter 151B and all administrative and executive orders, where applicable.

The Colleges reserve the right to disqualify any contractor, person or entity seeking to provide services to a Community College that fails to adhere to the prohibitions against discrimination in employment that are contained in this section.

E. IMPLEMENTATION OF AFFIRMATIVE ACTION POLICY

The implementation of an effective affirmative action policy is ultimately the responsibility of the President of each Community College. The President will direct the Affirmative Action Officer to coordinate the overall development, administration and monitoring of all affirmative action programs, policies, procedures and regulations. The Affirmative Action Officer will report directly to the President, or their designee, and will bear responsibility for the preparation and execution of all affirmative action policies and programs.

Consistent with all collective bargaining and non-unit employee agreements, each supervisor will seek to ensure that affirmative action and equal opportunity are integrally tied to all aspects of any recruitment, hiring, training or advancement related decisions to which they are a party. They will be aware of goals and will consult with the Affirmative Action Officer prior to and in the course of such actions.

F. AFFIRMATIVE ACTION OFFICER AND TITLE IX COORDINATOR

See “Definition” Section of this Policy for Affirmative Action Officer and Title IX Coordinator contact information.

a. Affirmative Action Officer

The Affirmative Action Officer (“AAO”) shall have the task of infusing affirmative action into all aspects of the College. They shall be responsible for the development, administration and evaluation of affirmative action policies, procedures, programs and goals; serve as monitor of local, state and federal laws and regulations relating to affirmative action and equal opportunity and compliance thereof; and administer to all segments of the College - students and employees.

The AAO will analyze the College’s work force composition. The AAO may also analyze specific work areas or divisions within the College to determine if under-utilization of any protected group exists. The development of goals and timetables to correct any identified under-utilization shall be the responsibility of the AAO with input from the appropriate administrative officers. Although the basic responsibility for implementation of the affirmative action/equal opportunity program necessarily rests with the administrative officers of the College, the Affirmative Action Officer is responsible for providing advice and assistance.

The AAO shall be an ex-officio member of the Affirmative Action Committee and shall facilitate this Policy’s Complaint Procedures.

b. Title IX Coordinator

The College shall employ a Title IX Coordinator. The Title IX Coordinator may also serve as the College’s AAO. The College’s Title IX Coordinator has primary responsibility for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX, the Massachusetts Campus Sexual Violence Law of 2021, and the related policies of the College, which prohibit all Sex-Based Harassment in all College operations, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX or the Massachusetts Campus Sexual Violence Law. The Title IX Coordinator shall be adequately trained to perform their duties, including understanding the legal aspects of Title IX and the Massachusetts Campus Sexual Violence Law, conducting investigations of all Sex-Based Harassment, administering an investigative process that protects the safety of victims and promotes accountability and providing campus-wide training to members of the College community.

The Title IX Coordinator does not have an obligation to respond to any conduct or speech other than that which reasonably may constitute Sex-Based Harassment.

Members of the College community should contact the Title IX Coordinator in order to:

- Seek information or training about students’ and employees’ rights and courses of action available to resolve complaints that involve Sex-Based Harassment;
- File a complaint or make a report of a Sex-Based Harassment;

- Notify the College of an incident that may raise potential concerns related to Sex-Based Harassment;
- Provide information about available resources; and
- Periodically evaluate and review the College's policies and procedures related to Sex-Based Harassment.

The Title IX Coordinator's functions and responsibilities include:

- Monitor the College's education program or activity for barriers to reporting information about conduct that reasonably may constitute Sex-Based Harassment and take steps reasonably calculated to address such barriers;
- Coordinate efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX, the MA Campus Sexual Violence Law, and related College policies;
- Provide leadership, direction and supervision for all activities and personnel related to the role, including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate Sex-Based Harassment in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the College;
- Provide ongoing training, consultation, and technical assistance for all students including: students' rights under Title IX, the MA Campus Sexual Violence Law, and related College policies, identifying behaviors that constitute Sex-Based Harassment; how to report Sex-Based Harassment; reporting options; understanding the College's Complaint Procedure and Complaint Processes; the potential consequences for violating College policies; the role of alcohol and/or drug use; amnesty; consent; the importance of seeking prompt medical attention; prohibition against retaliation; and Bystander Intervention training;
- Provide ongoing training, consultation, and technical assistance for all employees in areas including: how to identify and report Sex-Based Harassment; the College's responsibilities to address Sex-Based Harassment; recognizing warning signals; understanding their reporting obligations; information regarding confidential reporting options; information regarding confidential reporting options; and students' rights and remedies; and available student services.
- Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual assault and other forms of Sex-Based Harassment;
- Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the College community of rights,

responsibilities and resources pursuant to Title IX, the MA Campus Sexual Violence Law, and related College policies, both within and external to the College;

- Oversee prompt, effective, and equitable intake, investigation, processing, and timely resolution of all Sex-Based Harassment matters made known to any employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;
- Offer and coordinate supportive measures as appropriate for both the Complainant and Respondent;
- Notify the Complainant or, if the Complainant is unknown, the individual who reported the conduct and the Respondent of the complaint processes and the informal resolution process if available and appropriate;
- Provide appropriate notice of an investigation; determine the extent of an investigation; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, notice of investigation, notice of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping;
- Provide guidance and assistance to alleged victims of Prohibited Conduct, including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;
- Coordinate the College's notice to all applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions, of the name or title, office address, electronic mail address, and telephone number of their designation as the Title IX Coordinator;
- Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and
- Serve as principal contact for government inquiries pursuant to Title IX, the Massachusetts Campus Sexual Violence Law, and related College policies.

G. DISSEMINATION OF POLICY

The Affirmative Action Policy will be widely distributed and discussed within the College Community. A copy of the Policy will be distributed to every major work area at each College and a copy will be maintained in the Library and the Affirmative Action Office. Copies of the Policy will be made available upon request to any student, employee, applicant for student status or for employment or member of the community. The Policy is available on the College's website and from the College's Affirmative Action Officer upon request. Colleges may implement procedures requiring employees to annually confirm their receipt of this Policy.

In accordance with state and federal requirements, the following notice will be included in all vacancy postings and other appropriate college publications, contracts, solicitations for bids, purchase orders, websites, and leases:

North Shore Community College is an affirmative action/equal opportunity employer and does not discriminate on the basis of race, color, national origin, ethnicity, sex, disability, religion, age, veteran status, genetic information, pregnancy or related conditions, gender identity, sex characteristics, sex stereotypes or sexual orientation in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and college policies. The College prohibits Sex-Based Harassment. Inquiries or complaints concerning discrimination, harassment, or retaliation shall be referred to the College's Title IX Coordinator, Affirmative Action and Compliance Officer Nick Royal, at nroyal@northshore.edu, the Massachusetts Commission Against Discrimination, the Equal Employment Opportunities Commission or the United States Department of Education's Office for Civil Rights.

H. PLAN OF ACTION

a. Program Purpose and Intent

The Community Colleges are committed to a policy of equal opportunity and affirmative action. The purpose of this Policy is to establish programmatic objectives that will provide for the access and advancement of qualified minorities, women, and persons with disabilities with respect to both employment and education. The intent of this Policy is to acknowledge and responsibly alleviate the effects of societal discrimination and its impact on the protected group.

b. Scope

Affirmative action and equal opportunity shall be viewed as an integral part of the mission and purpose of each Community College. The Affirmative Action Policy by its very nature shall affect and apply to all aspects of recruitment, employment and education.

The opportunity for education for students in the protected classifications will be an imperative. Affirmative action programs should support not only student admissions to the College but also its programs.

In employment, affirmative action will affect recruitment, terms and conditions of employment, administrative procedures and relevant policies and practices of the College.

c. Workforce and Utilization Analysis

A procedure for implementation of the Policy will be undertaken and it will include opportunities for maximum communication between the responsible parties, i.e., supervisors, the Affirmative Action Officer and the President. A workforce and utilization analysis shall be conducted annually.

d. Under-Utilization

Under-utilization exists when the number of individuals in protected classifications in an occupational category is fewer than would reasonably be expected based upon the availability of qualified persons for employment within a specific geographic area. When under-utilization is identified for appropriate organizational units and occupational categories, goals and timetables are established as a means of increasing the employment of qualified individuals in protected classifications at the earliest possible time. This section shall be applied in a manner consistent with the appropriate collective bargaining agreement, if applicable.

e. Goals

Hiring goals are targets for increasing the employment of qualified individuals in protected classifications in appropriate organizational units and/or occupational categories of the College workforce. Hiring goals are not rigid quotas. They are reasonable estimates of what is attainable and are established separately for individuals in protected classifications.

Program goals include special efforts to remove barriers, to improve awareness or sensitivity, to address problem areas identified within the College Affirmative Action Policy, to bring about conditions that will promote the hiring goals, or to address changes taking place within the institution. General timetables are to be established for the implementation of the goals. The time period shall normally be between two (2) and five (5) years.

f. Identification of Problem Areas and Remedial Approaches

At the request of the Commissioner, the President shall submit a report to the Commissioner as referenced in Auditing and Reporting and shall include an analysis of under-utilized areas and possible solutions and may cover such issues as curricular concerns, employment and student recruitment, hiring, retention of employees, resignations, and College activity and program availability. The report will also consider and give an analysis of the established goals and timetables.

g. Programmatic & Collaborative Efforts

The Community Colleges have, as a group, committed themselves to a policy of affirmative action/equal opportunity and non-discrimination throughout this Policy. The Colleges realize, however, that the development and implementation of specific programmatic efforts, both individually and collaboratively, will be essential to the establishment of an action oriented program. Rather than rendering affirmative action policies that merely represent a compilation of policies, procedures and prohibited practices solely designed to avoid discrimination, these action-oriented elements ensure that this Policy becomes a pro-active, aggressive tool as opposed to a passive document.

In an effort to fully establish joint collaborative programs that will enhance the implementation of the Community Colleges' Affirmative Action Policy, the Affirmative Action Officers of the fifteen institutions are encouraged to work collaboratively on the following initiatives.

- **Recruitment Directory**

A directory of recruitment resources may be developed for each major category of positions (i.e., academic discipline, administrative area, field of focus) listing the various known sources for contact. This directory will list individuals, departments, institutions, organizations, professional associations and their various caucuses that are known to be good sources of candidates from protected classifications. In addition, the directory will also contain a listing of major publications such as newspapers, journals or other periodicals that print job advertisements and have substantial circulation among individuals in protected classifications and other underrepresented persons or groups. Trade or professional journals for each academic discipline and professional area will also be included.

- **Program of Professional Enrichment for Personnel of Affirmative Action Offices**

The Affirmative Action Officers will meet regularly and jointly participate in workshops, seminars and other kinds of enrichment opportunities that will assist them in the performance of their duties. Insofar as possible, reliance will be placed on the expertise of persons within the public higher education system, local, state and federal agencies, and professional organizations and associations in order to keep costs to a minimum.

- **Educational Seminars**

The Affirmative Action Officers, collectively or individually, may develop seminars to strengthen the understanding and sensitivity of all employees, and in particular senior administrators and supervising managers, to the importance of their respective roles in fostering a workplace free of discrimination, harassment and retaliation. All members of the College community shall be encouraged to attend such programs.

h. Individual Campus Efforts

Specific programmatic efforts determined by the individual Colleges may take any of several forms: projects, programs, defined strategies, structured activities or other tactical steps that contribute to fulfillment of the Colleges' affirmative action and equal opportunity goals and objectives. Each College may develop specific programs to assist in identifying and overcoming deficiencies, increasing representation of qualified individuals in protected classifications within the work force and the student body and providing increased opportunities for under-represented groups, both in the area of employment and in the area of the student learning environment. Cross-cultural programming, sensitization of all members of the College communities to the rights and needs of all persons, including individuals in protected classifications will play a major part. The involvement of all segments of the College community in both the planning and the implementation of such programming will be an essential factor in its success.

I. HIRING GUIDELINES

Proper hiring guidelines are crucial to the success of attracting and hiring a qualified, diverse workforce. The Human Resources Office shall work in consultation with the Affirmative Action Officer in developing proper hiring guidelines. The hiring process is generally initiated with the development of a recruitment plan, which shall be reviewed by the Affirmative Action Officer before commencing with advertisement. The plan will be reviewed in light of the College's affirmative action goals and will include the use of applicable mailing lists of contacts and resume file, if any, developed and maintained for affirmative action recruiting. Goals will be reviewed at the time of recruitment.

When practicable, the time permitted between the initial public announcement of an available position and the deadline for submission of applications must allow for adequate selective notification of qualified individuals in protected classifications.

For vacancies for positions that are half-time or greater, the Affirmative Action Officer will consult with the hiring manager to determine an appropriate recruitment time frame which will allow sufficient time to recruit under-utilized persons while simultaneously meeting the organization's need to fill the position as soon as possible.

Deans and Vice Presidents are encouraged to plan ahead and schedule all searches so as to allow sufficient time to conduct effective affirmative action searches.

If the recruitment process fails to yield sufficient numbers of qualified candidates from a designated protected group, consideration may be given to reposting the position. This section shall be applied in a manner consistent with the appropriate collective bargaining agreement, if applicable.

The Affirmative Action Officer shall have access to all applications for the purpose of reviewing and certifying the process and the outcome and for the purpose of collecting data to conduct applicant flow studies, etc. Additionally, the Affirmative Action Officer may make recommendations for interviewing affirmative action candidates.

The hiring process will generally include an interview with a search committee, which may include the position's direct supervisor and/or other appropriate persons who have responsibility in the work area. The Affirmative Action Officer will review a committee's recommendation for appointment and sign it to verify compliance with affirmative action procedures. If the Affirmative Action Officer finds that the recruitment and/or selection process does not satisfy affirmative action requirements, they should submit their reservations to the President.

In regard to hiring/promotions, the College will comply with all applicable collective bargaining provisions when making such decisions.

J. COLLEGE AFFIRMATIVE ACTION COMMITTEE

An Affirmative Action Committee shall be established consisting of at least seven (7) members representative of faculty, administrators, non-teaching professionals, classified staff and students. The Committee shall include protected classification representation. The members shall be appointed by the President. The Affirmative Action Officer shall be an ex-officio member of the Committee.

The Committee shall act as a policy advisory body to the President in all matters concerning affirmative action, equal opportunity, and diversity. Specific responsibilities of the Committee may include, but are not limited to, the following:

- a. Advise and assist the President and the Affirmative Action Officer in developing, implementing and evaluating the College's Affirmative Action Program;
- b. Recommend changes in the programs or policies;
- c. Represent the concerns of all employment areas of the College as these concerns relate to equal opportunity;
- d. Be informed about the rules and procedures of the College as well as federal and state laws and regulations governing affirmative action and equal opportunity;
- e. Meet as necessary, but not fewer than two (2) times a year; and
- f. Help sensitize and educate the College community regarding the affirmative action issues facing higher education and the larger society and to help broaden understanding of diversity in our society as well as to encourage behaviors appropriate to a pluralistic society.

K. AUDITING AND REPORTING

The Affirmative Action Officer shall be primarily responsible for monitoring compliance and auditing the implementation of the Policy on Affirmative Action, Equal Opportunity and Diversity. The Affirmative Action Officer shall furnish the President with progress reports and shall inform the President of practices or policies that may not be in compliance with the Policy.

The Affirmative Action Officer will annually review the progress being made toward achievement of the College's affirmative action goals. The review shall include strategies and timetables for achieving its affirmative action goals, availability figures, institutional performance or other circumstances that affect the implementation of this Policy's goals. In addition, they will assure that annual compliance reports required by the Board of Higher Education and other state and federal agencies are completed.

To ensure compliance with this Policy, the Affirmative Action Officer will review and evaluate the applicable policies, programs and activities related to job requirements, performance criteria, personnel benefit plans, students support services, facilities and programmatic access, vendor contract submission and services, media advertising and public relations materials, including all College publications. Recruitment and hiring procedures will be monitored using the methods described in this Policy. All monitoring and analyses will be conducted as necessary to identify problem areas and provide recommendations to remedy them.

The Affirmative Action Officer shall conduct periodic audits of the utilization analysis and goals. The purpose of the audit will be to assess progress toward established goals and to apprise other persons responsible for recruitment of the findings. Continuous monitoring is important to the success of the Policy. The findings, while utilized throughout the year, will be reported formally in the annual report. Problem areas and successes will be reported. Additionally, compliance reports requested by other agencies should be included as an internal audit mechanism.

L. COMPLAINT PROCEDURES

I. General Information For All Complaints

a. Application of Policy

The complaint procedure listed below is intended to provide a mechanism to investigate and where possible resolve complaints of alleged violations of this Policy against employees and students. The procedure is intended to ensure that the College will conduct an impartial, fair, effective, and efficient investigation of all allegations of violations of this Policy without fear of retaliation. The complaint procedure is available to any employee or student, or applicant for employment or admission, or a person other than a student or employee, who believes they have been subjected to Prohibited Conduct as defined under this Policy. A complaint filed in another forum does not preclude an individual from filing a complaint under this Policy. Further, a complaint filed in another forum, including a criminal or civil complaint, shall not delay an investigation of a complaint filed under this Policy.

b. Confidentiality of Process

The complaint procedure will be conducted as confidentially as reasonably possible to protect the privacy rights of all individuals involved. The College may share information concerning the complaint with parties, advisors, witnesses and/or others during any phase of the procedure on a need-to-know basis and shall share information with union representatives as provided for in M.G.L. c.150E. All individuals with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss the matter with anyone other than an advisor, if applicable.

c. Complainant Requests No Action and/or Confidentiality

Where a Complainant requests that no action be taken by the College or requests that their identity not be revealed, the College shall take reasonable steps to investigate and respond to the complaint, but shall inform the Complainant that such a request may hamper its ability to fully investigate an alleged violation of this Policy and/or to take appropriate remedial steps, including disciplinary action. Where an allegation of Prohibited Conduct involves the potential of an ongoing threat to the health, safety or security of members of the College community or a potential adverse employment action, the Affirmative Action Officer, or in the case of an allegation of Sex-Based Harassment, the Title IX Coordinator, shall inform the Complainant that it cannot ensure confidentiality and disclosure of their name may likely be required.

d. Off Campus Behavior

The College will investigate alleged Prohibited Conduct under this Policy which occurs in the College's education program or activity off-campus when such conduct adversely affects the College Community, poses a threat to the College Community; interferes with the College's pursuit of its educational objectives and mission, and/or if a student or employee is charged with a violation of state or federal law.

Conduct that occurs under the College's education program or activity includes but is not limited to locations, events, or circumstances over which the College has substantial control and for which such conduct is subject to the College's disciplinary authority. This also includes conduct that takes place via school-operated electronic devices, computer and internet networks and digital platforms operated by, or used in the operations of the College, including AI technologies; and conduct that occurs during training programs sponsored by the College at another location.

If Sex-Based Harassment is alleged to have occurred outside the College's education program or activity in the United States, but has created a hostile environment that impacts the College's programs, activities or community in the United States, that conduct will be subject to investigation.

e. Supportive Measures

This Policy requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from Prohibited Conduct, including offering supportive measures to a Complainant before the final outcome of an investigation, irrespective of whether complaint processes are initiated. Supportive measures will be offered to a Respondent, as appropriate, if complaint processes have been initiated or an informal resolution process has been offered.

Supportive measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, provide support during the College's complaint process or during the informal resolution process, or deter all forms of Prohibited Conduct. The College shall take these steps promptly once it has notice of an allegation of Prohibited Conduct.

Examples of supportive measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Increased security and monitoring of certain areas of the campus;
- Restrictions on contact applied to one or more parties;
- Changes in class, extracurricular, or any other activity, regardless of whether there is or is not a comparable alternative;
- Leaves of absence;
- Training and education programs related to Sex-Based Harassment; and
- Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs expressed by each party; the severity or pervasiveness of the allegations; any continuing effects on each party; whether the parties share the same classes, schedules, transportation, or job location; and whether other judicial measures have been taken to protect the victim (*e.g.*, civil or criminal protection orders).

The College provides an opportunity to either party to seek modification or reversal of any decision to provide, deny, modify, or terminate supportive measures applicable to them. Challenges to supportive measures could include, but are not limited to: challenges concerning whether a supportive measure is reasonably burdensome, whether a supportive measure is reasonably available, whether the supportive measure is being imposed for punitive or disciplinary reasons, whether the supportive measure is being imposed without fee or charge, and whether the supportive measure is effective in meeting the purposes for which it is intended. Such challenges must be made, in writing, to an Impartial Employee within ten (10) days and include: (1) the supportive measure being challenged; (2) the reason for the challenge; and (3) the action sought by the party (*e.g.*, to provide, deny, modify, or terminate the supportive measure).

A party may seek modification or termination of a supportive measure applicable to them if circumstances change materially. Whether or not circumstances have changed materially is a fact-based consideration depending on the particular context of the Complainant and Respondent. In general, when taking supportive measures, the College shall minimize the burden on each party. The College must maintain as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures or restore or preserve a party's access to the education program or activity.

f. Interim Action and Emergency Removal

The College reserves the right to suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the College; or (d) is charged with a violation of state or federal law. In such cases, the College shall provide the employee or student notice of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

In the case of a Sex-Based Harassment claim, the College must base its decision to institute interim action (*i.e.*, emergency removal) on the following factors: (1) it undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sex-Based Harassment justifies removal, and (3) provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal. A Respondent subject to emergency removal from the Title

IX Coordinator may appeal the decision per the Appeal procedure below in Step 3 of the Complaint Process.

The College shall make reasonable efforts to minimize disruption in the professional or educational experience of all affected parties. The College, Complainant, and Respondent will take reasonable efforts to preserve all relevant materials to a complaint, including communications (e.g. email and voice) and documents.

g. Joint Investigation

In some circumstances a Responding Party's conduct may constitute a potential violation of this Policy and/or other conduct policies applicable to employees or students. In such cases, in order to avoid duplicative investigatory efforts, a joint investigation under this Policy may be conducted by the AAO or, in the case of an alleged Sex-Based Harassment, the Title IX Coordinator, and the administrator charged with enforcing conduct policies. For example, if the Responding Party is a student, the Affirmative Action Officer (or Title IX Coordinator if Sex-Based Harassment is alleged) and Student Code of Conduct Administrator may jointly investigate the complaint. Based on the findings of their joint investigation, the student may be subject to disciplinary action for violations of this Policy and/or the Student Code of Conduct. Where the Responding Party is an employee, a joint investigation may be conducted by the Affirmative Action Officer (or Title IX Coordinator if Sex-Based Harassment is alleged), Human Resources and the employee's supervisor. Based on the findings of their joint investigation, the employee may be subject to disciplinary action for violations of this Policy and/or for inappropriate and unprofessional conduct.

h. Collateral Rights of Employees

Any disciplinary action taken against an employee shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

i. Anonymous Report

Any individual may file an anonymous report concerning any Prohibited Conduct referenced under this Policy. An individual may report the incident without disclosing their name, identifying the Respondent or requesting any action. An anonymous report may be filed with the Affirmative Action Officer or, in the case of an allegation of Sex-Based Harassment, the Title IX Coordinator. Non-Confidential Employees may not maintain the anonymity of the reporting party when they receive a complaint and are required to share this information with the Title IX Coordinator. Depending on the level of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report appropriately and effectively may be limited (e.g. offering supportive measures to a Complainant of Sex-Based Harassment).

j. Amnesty

Students may be hesitant to report Sex-Based Harassment out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policies. While the College does

not condone such behavior, it places a priority on addressing allegations of Sex-Based Harassment. Accordingly, the College may elect not to pursue discipline against a student who, in good faith, reports, witnesses or possesses personal knowledge of an incident of Sex-Based Harassment.

k. Knowingly Making a False Complaint

Knowingly making a false complaint under this Policy is a serious offense. If an investigation reveals that Complainant knowingly made a false complaint, the College shall take appropriate actions and issue sanctions pursuant to other applicable College policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of Prohibited Conduct.

l. Dismissal of Complaints

By simultaneous written notice to the parties, the Affirmative Action Officer or Title IX Coordinator *may* dismiss any Complaint with regard to that conduct, if:

- Complainant withdraws the Complaint or any or all of the allegations in writing;
- Respondent is no longer enrolled or employed by the College;
- The College is unable to identify the Responding Party after taking reasonable steps to do so; or
- The conduct alleged would not constitute Prohibited Conduct as defined, even if proven.

After dismissal, the Affirmative Action Officer/Title IX Coordinator will offer appropriate supportive measures to Complainant and to Respondent, if Respondent was notified of the allegations prior to dismissal.

This decision to dismiss the complaint may be appealed consistent with the appeal procedure in Step 3 below.

m. Informal Resolution Procedures

At any time prior to determining whether the alleged conduct occurred, the College may offer to Complainant and Respondent an informal resolution process. Such an offer will be made to both parties in writing and will include an outline of each party's rights and responsibilities in the informal resolution process. The College has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute Sex-Based Harassment, when a complaint of Sex-Based Harassment is made, or when the alleged conduct would present a future risk of harm to others and may decline to offer informal resolution despite one or more of the parties' wishes.

The College must obtain the parties' voluntary consent to the informal resolution process and does not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment, continued enrollment, employment, continued employment or exercise of any other

right. Before the initiation of the informal resolution process, the College must provide to the parties notice that explains: (1) the allegations; (2) the requirements of the informal resolution process; (3) that, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the College's complaint processes; (4) that the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming complaint processes arising from the same allegations; (5) the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and (6) what information the College will maintain and whether and how the College could disclose such information for use in complaint processes if complaint processes are initiated or resumed.

An informal resolution is achieved through open or closed dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. During the informal resolution process, Respondent may accept responsibility or accountability for the alleged behavior or harm caused. Potential terms in an informal resolution agreement may include but are not limited to:

- Restrictions on contact; and
- Restrictions on the Respondent's participation in one or more of the College's programs or activities or attendance at specific events, including restrictions the College could have imposed as remedies or disciplinary sanctions had the College determined at the conclusion of the complaint processes that the alleged conduct occurred.

If the parties accept the informal resolution, its terms shall be reduced to writing, signed by both parties, and the Affirmative Action Officer or Title IX Coordinator shall retain the document, with copies to the parties; thereafter, the matter shall be considered resolved between the parties. In the case where Respondent is an employee, prior to execution of a resolution, they will be notified that a copy of the informal resolution may be placed in their personnel file. The parties may request from the College that an informal resolution not be placed in Respondent's personnel file; however, the College retains the sole discretion to approve or to deny this request. In cases where such request is denied, each party reserves their right to withdraw from the informal resolution process and resume the complaint process. All other documents related to the informal resolution of a Complaint shall be kept separate from the personnel file. Further, at no time shall a Responding Party question or confront a Complainant, or engage a third party to do so, as such conduct may constitute retaliation, which is strictly prohibited under this Policy.

II. Complaint Process

The following rules apply throughout all phases of the complaint process: (1) all parties to a complaint may have an advisor; (2) the role of an advisor is limited to providing discrete advice and counsel to the party; (3) the filing of a complaint under this Policy shall not preclude a Complainant from pursuing a complaint in a separate legal forum; (4) a grade dispute based on alleged Prohibited Conduct shall proceed under this Policy and not the Grade Appeal Process contained in the Student Grievance process; and (5) all findings reached under this Complaint Procedure must be based on a "preponderance of evidence" (i.e.; more likely than not) standard.

At any point during the complaint process, either party may request mediation by contacting the Affirmative Action Officer or Title IX Officer. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. If mutually agreed upon by the parties, mediation shall be conducted as follows:

a. Prohibited Conduct (Excluding Sex-Based Harassment)

The Affirmative Action Officer has the authority to seek to resolve the complaint through mediation (i.e. an administrative remedy), and may serve as the mediator. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under the Complaint Procedure shall be tolled pending the outcome of mediation.

b. Sex-Based Harassment

The informal resolution process (i.e. mediation) will not be facilitated by the Title IX Coordinator or decision maker in the College's complaint processes, but by an impartial mediator. The impartial mediator shall inform the parties in writing of the mediation process and schedule. The impartial mediator must have training or experience in mediating matters subject to this complaint process. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under the Complaint Procedure shall be tolled pending the outcome of mediation.

If mediation is successful in resolving the complaint, the mediator shall reduce to writing the terms of the mediated resolution, which shall be signed by the parties. If mediation does not result in a resolution, all mediation discussions shall remain confidential and may not be used or introduced in this process or any other forum.

Step 1 – Investigation

When a Complainant believes that they have been subjected to Prohibited Conduct, the Complainant may make a complaint with the Affirmative Action Officer or Title IX Coordinator.

a. Prohibited Conduct: The complaint shall contain a statement of all known facts pertaining to the alleged violation and shall be filed preferably on the Discrimination Complaint Form (see Appendix A). Verbal complaints shall be reduced to writing by the Affirmative Action Officer or Title IX Coordinator, and reviewed and signed by the Complainant within ten (10) days. If a student is involved, the Affirmative Action Officer or Title IX Coordinator shall notify the Vice President of Student Affairs or Dean of Student Services. If an employee is involved, the Affirmative Action Officer or Title IX Coordinator shall notify Human Resources.

b. Evidence: The Affirmative Action Officer or Title IX Coordinator will request that Complainant provide any and all evidence in their possession, custody or control that support the allegations raised in their complaint.

There may be circumstances where a complaint is dismissed prior to a Respondent being notified as outlined in Section L(I)(l) of this Policy.

The Affirmative Action Officer or Title IX Coordinator will notify the Responding Party in writing within fourteen (14) days of their determination that the complaint is to be investigated rather than dismissed and provide the Responding Party with a copy thereof (see Appendix B). The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Responding Party shall have ten (10) days from receipt of notice to submit to the Affirmative Action Officer or Title IX Coordinator a written response to the complaint.

Where practicable, within thirty (30) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Affirmative Action Officer or Title IX Coordinator shall conduct an investigation, review all evidence gathered through the investigation and determine what evidence is impermissible regardless of relevance, and provide each party with a written description of the evidence that is relevant to the allegations of Prohibited Conduct and not otherwise impermissible.

After determinations are made on the evidence to date, the Affirmative Action Officer or Title IX Coordinator will schedule recorded meetings with the parties and witnesses (if applicable). The parties are permitted one advisor of their choice, who may but is not required to be, an attorney (for union employees this may be a union representative), who may be present in any meeting or proceeding prescribed by this Policy, and who may inspect and review evidence. The advisor's role is strictly limited to providing direct assistance to the party that they advise for the purposes of the complaint processes.

The Affirmative Action Officer or Title IX Coordinator will:

- a. Provide to a party and their advisor, whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time to prepare to participate;
- b. Allow each party to propose questions for the Affirmative Action Officer or Title IX Coordinator to ask during individual meetings with the other party and witness(es); and
- c. Provide an audio or video recording or transcript of the individual meetings with the other party and witness(es) with a reasonable time as determined by the investigator for the party to propose additional follow up questions. In no event shall follow up questions be submitted more than ten (10) days after receipt of the audio or video recording or transcript.

When questioning parties and witnesses, the Affirmative Action Officer or Title IX Coordinator:

- a. Will determine when a proposed question is relevant and not otherwise impermissible and, if a question is excluded, explain why;
- b. Will prohibit questions that are unclear or harassing of the party being questioned, though the party will be given an opportunity to revise such questions;
- c. May impose other equally applicable rules regarding decorum; and
- d. May choose to place less or no weight on statements made by parties or witnesses who refuse to respond to questions. However, in a Sex-Based Harassment

complaint, they will not draw any inferences about whether sex-based harassment occurred based on a refusal to respond to questions.

After questioning of the parties and witnesses has concluded, the Affirmative Action Officer or Title IX Coordinator shall issue a Report of Preliminary Findings which shall specify the investigation undertaken, including a written description of the evidence, and summarize their preliminary findings. There are no recommendations at this stage as the findings are not final. The preliminary report shall be delivered to the parties in hand, by certified mail or at their College-issued email address (if applicable). Upon request, each party will have an equal opportunity to access the evidence. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties every thirty (30) days until it is completed. Any request by a party to extend a deadline established under this procedure shall be presented in writing to the Affirmative Action Officer or Title IX Coordinator.

Thereafter, the parties will have ten (10) days from the date of their receipt of the Report of Preliminary Findings to submit Rebuttal Statements to the Affirmative Action Officer or Title IX Coordinator. The parties may present no new allegations at that time. Where practicable, within ten (10) days of receiving the parties' Rebuttal Statements, the Affirmative Action Officer or Title IX Coordinator shall review the Rebuttal Statements and prepare and submit a Report of Final Findings and Recommendations to the Designated Decision-Maker for consideration.

Step 2 – Review and Decision by the Designated Decision-Maker

Where practicable, within ten (10) days of receipt of the Report of Final Findings and Recommendations, the Designated Decision-Maker shall issue a written decision to the parties. The written decision shall accept, reject or modify the Report of Final Findings and Recommendations. The Designated Decision-Maker's written decision shall be delivered in hand, by certified mail or at their College-issued email address (if applicable), and shall include the Report of Final Findings and Recommendations. If the President is the Responding Party, then the Chair of the College's Board of Trustees shall designate a Board member(s) as Designated Decision-Maker to administer Step 2 of the Complaint Process.

If there is a determination that a violation occurred, as appropriate, the Designated Decision-Maker shall require the Affirmative Action Officer or Title IX Coordinator to coordinate the provision and implementation of remedies to Complainant and other persons identified as having had equal access to the College's education program, activity or workplace limited or denied, coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to Complainant of any such disciplinary sanctions, and require the Affirmative Action Officer or Title IX Coordinator to take other appropriate prompt and effective steps to ensure that discrimination does not continue or recur within the College's education program, activity or workplace.

Step 3 – Appeal to President

A party may file an appeal with the President within ten (10) days of receiving the designated decision maker's decision. A party may appeal for the following reasons only:

- a. Procedural irregularity that would change the outcome;
- b. New evidence that would change the outcome and that was not reasonably available when the determination of whether a violation occurred or dismissal was made; and/or
- c. The Title IX Coordinator, investigator, or decision maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.

Where practicable, within ten (10) days of receiving the appeal, the President shall issue a written decision accepting, rejecting or modifying the designated decision maker's decision. The President's decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements.

If the President is the Responding Party, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

APPENDIX A - DISCRIMINATION COMPLAINT FORM

DISCRIMINATION COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College’s Policy on Affirmative Action (PAA). All reasonable efforts will be made to maintain the confidentiality of the parties involved during the complaint procedure in accordance with the PAA.

Retaliation against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint is strictly prohibited. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed: _____ Date(s) of Alleged Discrimination: _____

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____ Other: _____

Program/Department: _____

C. Type of Prohibited Conduct (please check applicable category(ies)):

- Discrimination
- Retaliation
- Discriminatory Harassment
- Sex-Based Harassment

D. Type of alleged discrimination or harassment (please check applicable category(ies)):

Protected Classes:

- Race/Color
- National Origin
- Age
- Disability
- Genetic Information
- Religion/Creed
- Veteran Status

Sex-Based Harassment:

- Pregnancy or Related Conditions
- Sex
- Gender Identity
- Sexual Orientation
- Sex Characteristics
- Sex Stereotypes
- Other Sex-Based Claim (*quid pro quo* harassment, hostile environment harassment, sexual assault, dating violence, domestic violence, stalking)

Other: _____

*Please see the PAA for definitions of above terms

E. Name of individual(s) you believe discriminated against you: _____

F. List any witnesses: _____

G. Description of Complaint - please list the sequence of events, including dates, if possible, and any relevant facts and statements to support your complaint of discrimination:

(If additional writing space is needed, please attach additional sheets) **To the best of my knowledge and belief, the above information is complete, true and accurate and not a “false complaint” as defined under this Policy. I hereby submit this complaint under the College’s Complaint Procedure.**

Signature of Complainant and Date

Received by (College Official’s name/title): _____

Date Received: _____

Date of Dismissal (Screen Out)/No Dismissal (Screen In) Determination: _____

APPENDIX B - NOTICE TO RESPONDENT

College Letterhead

To: _____, Responding Party
Cc: _____, Complainant
From: _____, *(Title of College Official)*
Subject: Discrimination Complaint
Date: _____

This is to notify you that on _____ a complaint alleging a violation of the College's Policy on Affirmative Action (PAA) was filed against you. A copy of the complaint is attached, as is a copy of the complaint procedure. You have ten (10) days from your receipt of this notice, to submit to me a written response to the complaint.

The Policy on Affirmative Action prohibits knowingly making false statements or knowingly submitting false information during the complaint procedure.

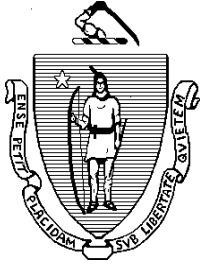
You will be contacted to schedule an appointment to discuss this matter. Retaliation against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto is strictly prohibited.

Please note that you may have an advisor of your choice, and that the advisor may, but is not required to be, an attorney or union representative (if applicable).

Please be advised that you are presumed not responsible for the alleged conduct until a determination is made at the conclusion of this process, and that prior to any determination, you and your advisor will have an opportunity to present relevant and not otherwise impermissible evidence. You and your advisor are also entitled to any investigative reports and a description of the evidence. Upon request, you and your advisor will have an opportunity to access the relevant and not otherwise impermissible evidence.

All reasonable efforts will be made to maintain confidentiality during the complaint procedure in accordance with the Policy on Affirmative Action. Further, if any disciplinary sanctions are imposed as a result of an investigation under this Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements (if applicable).

All questions concerning this matter should be addressed to the College official referenced above.



The Commonwealth of Massachusetts
Board of Higher Education
Massachusetts Community Colleges

**POLICY ON AFFIRMATIVE ACTION,
EQUAL OPPORTUNITY & DIVERSITY**

- Berkshire Community College
- Bristol Community College
- Bunker Hill Community College
- Cape Cod Community College
- Greenfield Community College
- Holyoke Community College
- Massachusetts Bay Community College
- Massasoit Community College
- Middlesex Community College
- Mount Wachusett Community College
- North Shore Community College
- Northern Essex Community College
- Quinsigamond Community College
- Roxbury Community College
- Springfield Technical Community College

Effective Date: August 1, 2021

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**CERTIFICATE OF APPROVAL
FOR MASSACHUSETTS COMMUNITY COLLEGES
POLICY ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY**

The Commonwealth of Massachusetts' Community Colleges' Policy on Affirmative Action, Equal Opportunity & Diversity has been approved for implementation by the Colleges and the Board of Higher Education, effective August 1, 2021.

This Policy shall replace the previous Policy, which was approved by the Board of Higher Education and implemented on October 11, 2013, as amended in September 2014, December 2014, August 2020, and August 2021. This Policy shall remain in full force and effect until a successor Policy is approved and implemented. The Community Colleges will continually review this Policy and the Complaint Procedure to ensure compliance with the requirements of federal and state laws and regulations.

Carlos E. Santiago
Commissioner
Department of Higher Education

A. OVERALL POLICY STATEMENT

The Community Colleges have carefully developed and outlined the major elements of an effective Affirmative Action, Equal Opportunity & Diversity Policy with the understanding that a successful policy requires more than the knowledge of laws, regulations and current government requirements. It demands leadership, vision, and commitment to fully comprehend what challenges Community Colleges face in preparing students for the twenty-first century. The Colleges, both collectively and individually, commit themselves to not only the valuing of human dignity, but to the appreciation of the necessity of providing all members of the College Community an experience that equips them to relate to all persons and groups in the increasingly global and diverse world in which we all live and work.

The Community Colleges wish to take a role of leadership in providing an environment where equity and diversity are truly valued beyond verbal commitments and mere tolerance. This leadership role requires that we all share responsibility for making constructive campus-wide changes in response to the principles set forth in this Policy. By turning our collective energies into making Affirmative Action an integral part of campus life, we continue to fulfill our mission in developing the talents and potential of all members of our College Communities and our society.

B. POLICY STATEMENT ON AFFIRMATIVE ACTION, EQUAL OPPORTUNITY & DIVERSITY

The Board 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 Board 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, gender identity, sexual orientation, age, disability, genetic information, maternity leave, military service and national origin (“protected class(s)/classification(s).” Further, this policy prohibits retaliation and incorporates by reference, and where applicable, the requirements of Titles VI and VII of the Civil Rights Act of 1964; Title VI of the Civil Rights Act of 1968; Titles I and II of the Civil Rights Act of 1991; Title IX of the Education Amendments of 1972 and its regulations found at 34 C.F.R. part 106; Equal Pay Act of 1963; Civil Rights Restoration Act of 1988; Sections 503 and 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; Section 402 of the Vietnam-era Veterans Readjustment Act of 1974, Uniformed Services Employment and Reemployment Rights Act (USERRA); Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967, as amended; Family and Medical Leave Act of 1993; Federal Executive Order 11246 of 1965, as amended by Executive Order 11375 of 1967; Federal Executive Order 12900 of 1994; Federal Executive Order 13145 of 2000; Federal Executive Order 13160 of 2000; Federal Executive Order 13166 of 2000; Massachusetts Civil Rights Act; Massachusetts General Laws Chapters 151B, 151C, and Chapter 149; directives of the BHE, the Boards of Trustees of the Community Colleges and the Commonwealth of Massachusetts; and other applicable local, state and federal constitutions, statutes, regulations and executive orders.

Non-discrimination requires the elimination of all existing unlawful discriminatory conditions, whether purposeful or inadvertent. The Community Colleges are continuing to systematically examine all policies and procedures to be sure that they do not, if implemented as stated, operate to the detriment of any person on the basis of a protected classification. The Colleges shall require that the practices of those responsible in matters of employment and education, including all supervisors and faculty, are non-discriminatory. Should the College discover discrimination in treatment or effect in any employment, educational or service decision, action, inaction or practice within the College, all appropriate corrective and/or disciplinary actions shall be taken under the direction of the President of the College subject to any applicable collective bargaining agreement or other policy or procedure of the College.

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 – whether in person or in the virtual/online setting - 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 socio-economic, 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.

The purpose of the Affirmative Action component of this Policy is to establish a set of programmatic objectives, which shall provide for the recruitment, access and advancement of qualified persons from within the protected classes/classifications recognized under this Policy with respect to employment and enrollment opportunities. The intent of this Policy is to responsibly recognize, and to whatever extent possible, resolve the effects of past societal discrimination and the impact which that discrimination has had, not only on victims of such discrimination, but on the total academic, educational and social system as well. It is not intended and should not be used to discriminate against any applicant, employee, or student because of a protected classification.

In response to that recognition, the Colleges, through their Boards of Trustees and Presidents, fully endorse the plan of action set forth in this Policy and shall oversee and monitor its implementation through the Affirmative Action Officer and other assigned personnel.

The following specific policies are established:

- Equal opportunity and affirmative action shall apply to all segments of the College; full and part-time employment; day and continuing education; the curriculum and offerings of the College.
- Equal opportunity and affirmative action shall be applied to the recruitment process for employment and/or access to education.
- Students will have access to the College, programs of study, activities, and other resources intended to serve them, according to the policies of the individual Colleges.
- Equal employment opportunity and affirmative action will be realized in all personnel employment, including recruitment, application for employment, hiring, benefits, compensation, training, promotion, and termination.
- All policies, procedures, privileges, and conditions of the College will follow and incorporate applicable equal opportunity and affirmative action rules and regulations.

The above-stated policies are intended to be applied broadly with the goal of promoting equal opportunity and diversity in Community Colleges. The Community Colleges pledge to apply all policies consistently, fairly, and vigorously. Attempts to subvert or abuse these policies will not

be tolerated. Appropriate disciplinary action will be taken in the case of an infraction. Such disciplinary action shall be consistent with the appropriate collective bargaining agreement, if applicable.

All policies are made in compliance with laws and regulations and executive orders promulgated by the federal and state governments and other appropriate agencies and authorities, where applicable.

C. DEFINITIONS

ADA/504 COORDINATOR: A College employee assigned the responsibility for maintaining the College's compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. Alleged violations of the ADA or Section 504 shall be subject to the Affirmative Action Policy's Complaint Procedure as administered by the Affirmative Action Officer. The ADA/504 Coordinator is _____ and can be contacted at _____.

ADVISOR: A single person of the Complainant's/Respondent's choice, who may be but is not required to be an attorney (for union employees this may be a union representative), who may be present in any meeting or proceeding prescribed by this Policy, and who may inspect and review evidence. It is the advisor's responsibility to conduct cross-examination during the hearing if the Title IX Sexual Harassment Process is being used. The advisor's role is otherwise strictly limited to providing direct assistance to the party that they advise.

AFFIRMATIVE ACTION OFFICER ("AAO"): A College employee assigned the responsibility of administering the College's Affirmative Action Policy. The Affirmative Action Officer may also serve as the College's Title IX Coordinator and/or the ADA/504 Coordinator. If the Affirmative Action Officer is the person against whom the complaint is filed, the President shall designate another College official to act as the Affirmative Action Officer for purposes of administering the Affirmative Action Policy. The Affirmative Action Officer is _____ and can be contacted at _____.

COMPLAINT: A written or verbal complaint alleging a violation of the Affirmative Action Policy, other than a Formal Complaint.

COMPLAINT PROCESS: The process used to address all Complaint's alleging a violation of the Affirmative Action Policy, other than a Formal Complaint of Title IX Sexual Harassment.

COMPLAINANT: The student(s) or employee(s), or applicant for admission or employment, filing the complaint. In cases involving Title IX, this is an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

CONFIDENTIAL REPORTING RESOURCES:

Persons who have experienced prohibited forms of sexual harassment under this Affirmative Action Policy may share information confidentially with designated employees ("Confidential Employees") who cannot reveal identifying information to any third party unless one or more of the following conditions is present:

- the individual has provided written consent to disclose information;
- there is a concern about imminent harm to self or others;
- the information concerns the neglect or abuse of someone who is a minor, elderly, or disabled; or
- an employee is responsible for providing non-identifiable information for purposes of the Clery Act.

“Confidential Employees” include:

- licensed mental health counselors;
- licensed health care personnel; and
- other employees as designated by each College.

A list of Confidential Employees shall be posted at each College.

Please bear in mind, however, that if one requests certain supportive measures from the College (e.g., extension for academic work or changing classes, residence halls or work locations), other College officials may be contacted only for the purpose of providing the requested measures. In such cases, one’s privacy will be maintained to the extent that respecting confidentiality will not impair the College’s ability to provide the requested measures. One may also confidentially report any form of sexual harassment, sexual assault, domestic violence, dating violence, stalking, and/or retaliation as well as other forms of sexual violence and gender-based harassment to community support resources, which are not required to share information with the College.

CONSENT: “Consent” must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

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

DECISION MAKER: An individual who is not the same person as the Title IX Coordinator (or designee), chosen by the Title IX Coordinator to reach a determination regarding responsibility by applying the standard of evidence the College has designated in the College’s complaint procedures for use in all Formal Complaints of Title IX Sexual Harassment.

EQUAL OPPORTUNITY: A College’s effort to ensure that all personnel and academic decisions, programs and policies are formulated and conducted in a manner which will ensure equal access for all people and prevent discrimination. As part of this effort, a College will ensure that employment and academic decisions, programs and policies will be based solely on the individual eligibility, merit or fitness of applicants, employees and students without regard to race, color, creed, religion, national origin, age, disability, sex, marital status, military service, gender identity, genetic information, sexual orientation or political or union affiliation.

FORMAL COMPLAINT: Formal Complaint means a document signed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent about conduct within [the College’s] education program or activity and requesting initiation of the

[College's] complaint procedures, [including an investigation of] the allegation of Title IX Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the College with which the Formal Complaint is filed. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator, and by any additional method designated by the College. As used in this definition the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

INSTRUCTIONAL PERIOD: The academic semester, summer session or intersession when a Complainant knows or should have known of an act or inaction in violation of this Policy. The Instructional Period shall end on the last day of final exams.

PREPONDERANCE OF EVIDENCE: The evidentiary standard used in resolving all complaints filed under this Policy's Complaint Procedures. The standard is met if the proposition is more likely to be true than not true (i.e.; more probable than not). Effectively, the standard is satisfied if there is greater than 50 percent chance that the proposition is true.

PROHIBITED CONDUCT: The following conduct is prohibited under this policy:

1. **Discrimination:** An intentional or unintentional act which adversely affects employment and/or educational opportunities because of a person's membership in a protected class or association with a member(s) of a protected class. Discrimination may be classified as either disparate impact (practices that are facially neutral in their treatment of different groups but that in fact fall more harshly on one group than another and cannot be justified by business necessity) or disparate treatment (treatment of an individual that is less favorable than treatment of others based on discriminatory reasons). A single act of discrimination or discriminatory harassment may be based on more than one protected class status. For example, discrimination based on anti-Semitism may relate to religion, national origin, or both; discrimination against a pregnant woman may relate to sex, marital status, or both; or discrimination against a transgender individual may relate to gender identity, sex or sexual orientation.

Examples of behavior that may constitute discrimination, include, but are not limited to:

- a. Differences in salaries or other benefits that are paid to one or more men or women if the differences are not based on a bona fide occupational qualification.
- b. Differences in terms, conditions and privileges of employment (including, but not limited to hiring, promotion, reassignment, termination, salary, salary increases, discipline, granting of tenure, selection for awards, etc.) on a prohibited basis.
- c. Unlawful disparity of treatment in educational programs and related support services on the basis of membership in a legally protected class.
- d. Developing position descriptions or qualifications, which, without lawful justification, are so specific as to have a disparate exclusionary impact on a group of individuals because of their membership in a protected class.

- e. Singling out, treating or causing to treat persons of one protected class differently from others because of assumptions about or stereotypes of the intellectual ability, interest, or aptitudes of persons of those aforementioned groups.
 - f. Limiting access to housing, or participation in athletic, social, cultural or other activities to students because of membership in a protected class not based on a bona fide requirement or distinction.
 - g. Failing or refusing to hire or promote a person because of their age.
 - h. Classifying a position or positions as unsuitable for persons of certain religions.
 - i. Forcing employees or students to participate or not participate in a religious activity as a condition of their employment or education.
 - j. Excluding members of a certain race or national origin from a category of positions or from a department or division.
 - k. Restricting the number of Vietnam era veterans or qualified persons with disabilities in a category of positions or in a department or division.
 - l. Using information on marital or parental status for employment decisions where the use of such information has a disparate impact on persons of one gender or sexual orientation.
 - m. Advising students of similar interests and backgrounds differently because of their gender or gender identity.
 - n. Diverting a discussion of a student's or employee's work toward a discussion of his or her physical attributes or appearances.
 - o. Forcing female students to sit in the back of the class on the stereotyped assumption that each of them has a lower aptitude for learning that particular subject than male students.
 - p. Placing unreasonable expectations upon students of particular races or national origins on the basis of stereotyped assumptions that members of those protected classes have a better aptitude for certain academic subjects than students not of those races or national origins.
2. **Discriminatory Harassment:** Discriminatory harassment. A form of unlawful discrimination including verbal and/or physical conduct based on legally protected characteristics and/or membership in a protected class that:
- a. has the purpose or effect of creating an objectively intimidating, hostile or offensive work or educational environment;
 - b. has the purpose or effect of unreasonably interfering with an individual's work or learning performance; or
 - c. otherwise unreasonably adversely affects an individual's employment or educational opportunities.

For purposes of this Policy, conduct constitutes hostile environment harassment when it:

- a. is targeted against an individual(s) on the basis of his or her membership in a protected class;
- b. is not welcomed by the individual(s); and

- c. is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.

The determination of whether an environment is “hostile” is based on the totality of the circumstances. These circumstances could include the frequency of the conduct, its severity, and whether it is threatening or humiliating. Simple teasing, offhand comments and isolated incidents (unless extremely serious) will not amount to hostile environment harassment under this Policy.

Examples of behavior that may constitute discriminatory harassment include, but are not limited to:

- a. Physically harassing another individual (or group of individuals) because of that person’s or persons’ membership in a protected class by assaulting, touching, patting, pinching, grabbing, staring, leering at them, making lewd gestures, invading their personal space, blocking their normal movement, or other physical interference.
 - b. Encouraging others to physically or verbally abuse an individual (or group of individuals) because of that person or persons’ membership in a protected class.
 - c. Threatening to harm an individual (or group of individuals) because of that person or persons’ membership in a protected class.
 - d. Directing epithets or slurs at an individual (or group of individuals) because of that person or persons’ membership in a protected class.
 - e. Displaying hostile, derogatory and/or intimidating symbols/objects to an individual (or group of individuals) because of that person or persons’ membership in a protected class.
3. **Gender-Based Harassment:** Unwelcome conduct of a nonsexual nature based on a student’s actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes, where:
- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or education; and/or
 - b. submission to, or rejection of, such conduct by an individual is used as a basis for academic or employment decisions affecting that individual; and/or
 - c. such conduct has the purpose or effect of substantially interfering with an individual’s academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment based on gender.
4. **Retaliation:** Taking adverse employment or educational action against a person who files claims, complaints or charges under these procedures, or under applicable local, state or federal statute, who is suspected of having filed such claims, complaints or charges, who has assisted or participated in an investigation or resolution of such claims, complaints or charges, or who has protested practices alleged to be violative of the non-discrimination policy of the College, the BHE, or local, state or federal regulation or statute. Retaliation, even in the absence of provable discrimination in the original complaint or charge,

constitutes as serious a violation of this Policy as proved discrimination under the original claim, complaint or charge.

Examples of behavior that may constitute retaliation, include, but are not limited to:

- a. Terminating an employee for expressing an intention to file or for filing a charge of discrimination.
- b. Refusing to hire an employee due to the employee's pursuit of a discrimination charge against a former employer.
- c. Denying a promotion to an employee for complaining to anyone about alleged discrimination or harassment.
- d. Refusing tenure to a faculty member for filing a complaint of discrimination or harassment pursuant to the Discrimination Complaint Procedures.
- e. Issuing an unjustified negative evaluation to an employee for testifying in a legal proceeding concerning a complaint of discrimination, harassment or retaliation.
- f. Assigning a student an unearned, poor grade for requesting a reasonable course accommodation based on religion.
- g. Assigning a student an unearned, failing grade for cooperating with an internal investigation of alleged discriminatory practices or a complaint of discrimination or harassment.
- h. Refusing to admit a student for requesting a reasonable accommodation based on disability in the admission process.
- i. Refusing to hire a job applicant for requesting a reasonable accommodation based on disability in the application process.

Members of the academic community should not assume that any of the forms of speech described above are protected by the principles of academic freedom or the First Amendment to the United States Constitution.

5. Title IX Sexual Harassment

Title IX regulations require institutions of higher education to implement a policy to address sexual harassment, which shall include sexual violence, as specifically defined by the U.S. Department of Education. Accordingly, Formal Complaints of Title IX Sexual Harassment will be subject to review in accordance with the Title IX Sexual Harassment Complaint Process (*found herein at Section L., III.*). Notwithstanding, where a Formal Complaint of Title IX Sexual Harassment is not filed, the College reserves the right to address such other complaints under the Complaint Process (*found herein at Section L., II.*) and using the definitions of sexual assault, dating violence, domestic violence or stalking as provided herein under paragraph 5 (3.)(A-D) or the sexual harassment definition as provided herein under paragraph 6.

“Title IX Sexual Harassment” for purposes of Title IX and this Policy means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the College conditioning the provision of an aid, benefit, or service on another employee's or student's participation in unwelcome sexual conduct (“quid pro quo” harassment by an employee); or

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College education program or activity; or

3. Any instance of sexual assault (as defined in the Cleary Act (20 U.S.C. 1092(f)(6)(A)(v)), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)(34 U.S.C. 12291 *et. seq.*) (for ease of reference the definitions as they appear in those laws are provided below):

(A) Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including:

(i) Rape, defined as the carnal knowledge of a person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;

(ii) Sodomy is oral or anal sexual intercourse with another person, without the consent of the person, including instances where the person is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;

(iii) Sexual Assault With An Object, defined as the use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the person, including instances where the person is incapable of giving consent because of his/her youth or because of age or because of temporary or permanent mental or physical incapacity;

(iv) Fondling, defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the person, including instances where the victim is incapable of giving consent because of his/her youth or because of of age or because of temporary or permanent mental or physical incapacity;

(v) Incest, defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;

(vi) Statutory Rape, defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

(B) Dating violence means violence committed by a person--

(i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and
(ii) where the existence of such a relationship shall be determined based on the consideration of the following factors:

a) The length of the relationship;

b) The type of relationship;

c) The frequency of interaction between the persons involved in the relationship;

(C) Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitation with the victim as a spouse or intimate partner, by a person similarly situation to a spouse of the victim

under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction;

(D) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to-(i) fear for their own safety or the safety of others; or (ii) suffer substantial emotional distress.

6. Sexual Harassment:

When a Formal Complaint of Title IX Sexual Harassment is not filed, and therefore the Title IX Sexual Harassment Complaint Process (*found herein at Section L., III.*) is not activated, the College reserves the right to address such other complaints of sexual harassment/sexual violence under the Complaint Process (*found herein at Section L., II.*) by using the above-mentioned definitions of sexual assault, dating violence, domestic violence or stalking under paragraph 5 (3.)(A-D), or by using the following definition of sexual harassment.

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 work or educational environment that is hostile, offensive, intimidating, or humiliating to another 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/or its pervasiveness:

- a. Unwelcome sexual advances - whether they involve physical touching or not.
- b. Repeated, unsolicited propositions for dates and/or sexual intercourse.
- c. 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.

- d. Displaying sexually suggestive objects, pictures, cartoons.
- e. Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments.
- f. Verbal harassment or abuse on the basis of sex.
- g. Inquiries into another person's sexual activities, practices or experiences.
- h. Discussion of one's own sexual activities, practices or experiences.

PROTECTED CLASS(S)/CLASSIFICATION(S): Characteristics or groups of persons protected from discrimination by law and under this Policy, including:

- a. **Age** - Persons 40 years of age or older.
- b. **Color** - Variations in skin tone among persons of the same race.
- c. **Disability** - A person with a disability is one who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. Examples include, but are not limited to, the following: Acquired Immune Deficiency Syndrome (AIDS), Alcoholism; Asthma; Blindness or other visual impairments; Cancer; Cerebral palsy; Depression; Diabetes, Epilepsy; Hearing or speech impairments; Heart Disease; Migraine Headaches; Multiple sclerosis; Muscular dystrophy; Orthopedic impairments; Paralysis; Thyroid gland disorders; Tuberculosis; loss of body parts.
- d. **Ethnicity** - See National Origin.
- e. **Gender** - A person's sex, either male or female.
- f. **Gender Identity** - Gender identity is a term that covers a multitude of sexual identities including, but not limited to, transgender individuals, who are persons whose gender identity or gender presentation falls outside of stereotypical gender norms.
- g. **Genetic Information** - Any written, recorded individually identifiable result of a genetic test or explanation of such a result or family history pertaining to the presence, absence, variation, alteration, or modification of a human gene or genes.
- h. **National Origin** - A "national origin group" or "ethnic group" is a group sharing a common language, culture, ancestry, and/or other similar social characteristics.
- i. **Persons of Color** - Members of the following racial classifications: Black, American Indian/Native Alaskan, Asian/Pacific Islander, and Hispanic/Latino.
- j. **Race** - Discrimination laws do not contain a definition of "race," but are interpreted to prohibit discrimination on the basis of ancestry or physical or cultural characteristics associated with a certain race, such as skin color, hair texture or styles, or certain facial features, and on the basis of stereotypes and assumptions about abilities, traits, or the performance of individuals of certain racial groups. All individuals, including persons of

more than one race and the following racial classifications, are protected from discrimination:

- Black: All persons having origins in any of the Black racial groups of Africa.
 - White (not of Hispanic origin): Persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.
 - Hispanic/Latino: All persons of Mexican, Puerto Rican, Cuban, Central, Latin or South American or other Spanish culture or origin, regardless of race.
 - Cape Verdean: All persons having origins in the Cape Verde Islands.
 - Asian or Pacific Islander: All persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands, including, for example, the areas of China, India, Japan, Korea, the Philippine Islands and Samoa.
 - American Indian or Alaskan Native: All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.
- k. **Religion** - “Religion” and “creed” have the same or equivalent meaning: all religious and spiritual observances, practices, and sincerely held beliefs.
- l. **Sexual Orientation** - Actual or perceived heterosexuality, homosexuality or bisexuality, either by orientation or by practice.
- m. **Veteran** - Any person who is a member of, applies to perform, or has an obligation to perform, service in a uniformed military service of the United States, including the National Guard.

If at any time subsequent to the implementation of this Policy additional protected classifications are established under applicable law, individuals in those classifications shall be protected against discrimination under this Policy.

RESPONDENT OR RESPONDING PARTY: The person against whom a complaint is directed, including an individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment.

RESPONSIBLE EMPLOYEES: Allegations involving sex discrimination, sexual harassment, sexual violence, stalking, domestic and dating violence, shall be reported by all “Responsible Employees” to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Responsible Employee includes any College employee: who has the authority to take action to redress these offenses; who has been given the duty of reporting to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Responsible Employees shall include, but are not be limited to, College

trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors.

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 Complainant and the Responding Party.

TITLE IX SEXUAL HARASSMENT COMPLAINT PROCESS: The process used to address Formal Complaints of Title IX Sexual Harassment.

TITLE IX COORDINATOR: A College employee assigned the responsibility for maintaining the College's compliance with Title IX. The Title IX Coordinator is responsible for administering this Policy the Title IX Sexual Harassment Policy and its Title IX Sexual Harassment Complaint Process. The Title IX Coordinator may also serve as the College's Affirmative Action Officer. If these positions are held by different individuals, the AAO and the Title IX Coordinator may collaborate on the enforcement of any aspect of this Policy. The Title IX Coordinator should not have other job responsibilities that may create a conflict of interest. For example, serving as the Title IX Coordinator and a disciplinary hearing board member or general counsel may create a conflict of interest. There may also be a Deputy Title IX Coordinator designated to assist the Title IX Coordinator in the performance of his/her duties. The College's Title IX Coordinator is _____ and can be contacted at _____.

D. SPECIFIC POLICIES

I. SUPPORT OF AND COMMITMENT TO DIVERSITY

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 as stated in applicable collective bargaining agreements. 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.

II. POLICY AGAINST PROHIBITED CONDUCT

a. Introduction

The mission of the Community Colleges is to educate, train and prepare our students to live and work in our increasingly global and diverse workforce. It is our commitment to take all possible steps to provide an inclusive and diverse learning, living, and work environment that values diversity and cultural tolerance and looks with disfavor on intolerance and bigotry. Any condition or force that impedes the fullest utilization of the human and intellectual resources available represents a force of destructive consequences for the development of our Commonwealth and ultimately, our nation.

b. Definitions

Prohibited Conduct includes: Discrimination, Discriminatory Harassment, Gender-Based Harassment, Sexual Harassment, and Retaliation. These terms and all Protected Class(s)/Classification(s) are defined under the “Definitions” section of this Policy.

c. Policy Prohibitions

The Policy prohibits all conditions and all actions or omissions, which deny or have the effect of denying to any person their rights to equity and security on the basis of their membership in or association with a member(s) of any protected class. This policy reaffirms the values of civility, appreciation for racial/ethnic/cultural/religious pluralism and pre-eminence of individual human dignity as preconditions to the achievement of an academic community, which recognizes and utilizes the resources of all people.

In order to promote an atmosphere in which diversity is valued and the worth of individuals is recognized, the Colleges will distribute policy statements and conduct educational programs to combat all Prohibited Conduct.

The prohibition on Prohibited Conduct contained in this Policy shall apply to and be enforced against all members of the College community, including, but not limited to, faculty, librarians, administrators, staff, students, vendors, contractors and all others having dealings with the institution.

d. Conduct That is Not Prohibited

The Community Colleges are committed to protecting, maintaining and encouraging both freedom of expression and full academic freedom of inquiry, teaching, service, and research. Nothing in this policy shall be construed to penalize a member of the College community for expressing an opinion, theory, or idea in the process of responsible teaching and learning. Accordingly, any form of speech or conduct that is protected by the principles of academic freedom or the First Amendment to the United States Constitution is not subject to this policy.

e. Complaint Procedures

The Community Colleges have established a specific internal procedures to help resolve claims and complaints of violations of this Policy on their campuses (see Section L). Any applicant for employment or admission, any student or employee, and any other member of the College community who believes that he or she has been subjected to Prohibited Conduct may initiate a complaint as outlined herein. Further advice or information may be obtained by contacting the Affirmative Action Officer or Title IX Coordinator.

f. Duty to Cooperate

Every faculty member, librarian, administrator, staff member and College employee has a duty to cooperate fully and unconditionally in an investigation conducted pursuant to this Policy's Complaint Procedure, subject to the provisions of any relevant collective bargaining agreements.

This duty includes, among other things, speaking with the Affirmative Action Officer, Title IX Coordinator or other authorized personnel or investigator and voluntarily providing all information and documentation which relates to the claim being investigated. The failure and/or refusal of any employee to cooperate in an investigation may result in disciplinary action up to and including termination.

g. Duty to Report

- **General Responsibility to Report Prohibited Conduct**

No member of the College community who receives a complaint of Prohibited Conduct can ignore it; he or she should give to the person making the complaint as much assistance in bringing it to the attention of the Affirmative Action Officer or Title IX Coordinator as is reasonably appropriate given his or her position at the College and relationship with the person making the complaint. Therefore, all students, faculty, staff, and administrators are strongly encouraged to report to the Affirmative Action Officer or the Title IX Coordinator any conduct of which they have direct knowledge and which they in good faith believe constitutes a violation of this Policy.

- **Reporting of Title IX Sexual Harassment by Responsible Employees**

Allegations involving Title IX Sexual Harassment shall be reported by all "Responsible Employees" to the Title IX coordinator or official designee as soon as the employee becomes aware of it. A Responsible Employee includes any College employee: who has the authority to take action to redress Title IX Sexual Harassment; who has been given the duty of reporting Title IX Sexual Harassment to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has this authority or duty. Responsible Employees shall include, but are not be limited to, College trustees, administrators, department chairs, program coordinators, campus police, club/activity advisors, coaches, managers or supervisors.

- **Mandatory Reporting of Abuse Under State Law**

Children (a person under the age of 18) may be students at the College, or may be engaged in activities sponsored by the College or by third-parties utilizing College facilities. In such instances, where an employee has reasonable cause to believe that a child is suffering physical or emotional injury, resulting from among other causes, sexual abuse, the employee and the College may be obligated to comply with the mandatory reporting requirements established at M.G.L. Chapter 119, Section 51A-E. In such cases, the employee is directed to immediately report the matter to the College's Affirmative Action and/or Title IX Coordinator, who, in consultation with other officials, shall contact the Commonwealth's Department of Children and Families and/or law enforcement. An employee may also contact local law enforcement authorities or the Department of Children and Families directly in cases of suspected abuse or neglect. State law also maintains mandatory reporting requirements for certain occupations where elderly and disabled abuse or neglect is suspected. For more information on these reporting requirements please contact the College's Affirmative Action Officer.

Any member of the College community who has a question about his or her responsibilities under this Policy should contact the Affirmative Action Officer or Title IX Coordinator.

III. TITLE IX SEXUAL HARASSMENT POLICY

a. Introduction

It is the goal of the Community Colleges to promote an educational environment and workplace that is free of all forms 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 Title IX Sexual Harassment seriously, we will respond promptly to complaints of Title IX Sexual Harassment and where it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective measures, including disciplinary action where appropriate and consistent with applicable collective bargaining agreements.

The College does not discriminate on the basis of sex in any education program or activity that it operates, and it is required by Title IX and 34 C.F.R Part 106, §106.8 (b) not to discriminate in such a manner.

b. Definition of Title IX Sexual Harassment

Title IX Sexual Harassment is defined under the "Definitions" section of this Policy.

All employees and students should take special note that, as stated above, retaliation against an individual who has complained about Title IX Sexual Harassment, or retaliation against individuals who have cooperated with an investigation of Title IX Sexual Harassment is unlawful and will not be tolerated by the Community Colleges.

c. Complaints of Title IX Sexual Harassment

All Formal Complaints of Title IX Sexual Harassment shall proceed under this Policy's Title IX Sexual Harassment Complaint Process. To file a complaint a person may do so by contacting the College's Title IX Coordinator, or designee. A report of an allegation of sexual harassment may also be presented to other "Responsible Employees" at the College. These persons are also available to discuss any concerns a person may have and to provide information about the Policy.

d. Sexual Harassment Investigation

A Formal Complaint of Title IX Sexual Harassment will be promptly investigated in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will be conducted in accordance with this Policy's Title IX Sexual Harassment Complaint Process and may include a private interview with the person filing the complaint and with witnesses. The person alleged to have committed Title IX Sexual Harassment will also be interviewed. Once the investigation is completed, the College will, to the extent appropriate, inform the parties of the results of that investigation.

If it is determined that a violation of this Policy has occurred, the College will act promptly to eliminate the offending conduct, and where it is appropriate also impose disciplinary action.

e. Disciplinary Action

Discipline for violating this Policy may include, but is not limited to, mandatory counseling or training, verbal or written warnings, suspension, termination from employment, or expulsion from the College.

f. Consensual Relationships

• Faculty/Administrator/Staff Member Relationships with Students

A romantic and/or sexual relationship, consensual or otherwise, between a faculty member, administrator or staff member and a student is looked upon with disfavor and is strongly discouraged. No faculty member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who is being taught or advised by the faculty member or whose academic work is being supervised or evaluated, directly or indirectly, by the faculty member. No administrator or staff member shall have a romantic and/or sexual relationship, consensual or otherwise, with a student who the administrator or staff member supervises, evaluates, advises, or provides other professional advice or services as part of a College program or activity.

- **Relationships Between Supervisors, Subordinates or Co-Workers**

A consenting romantic and/or sexual relationship between a supervisor and subordinate or co-workers may interfere with or impair the performance of professional duties and responsibilities and/or create an appearance of bias or favoritism. Further, such relationships could implicate state ethics laws and/or result in claims of sexual harassment, discrimination or retaliation. Therefore, such workplace relationships are strongly discouraged.

- g. Identification**

Personal identifiable information about parties of sexual violence will be treated as confidential and only shared with persons with a specific need to know and/or who are investigating and/or adjudicating the complaint, delivering resources or support services to the Complainant or as public safety requires. The College does not publish the names or other identifiable information of parties of sexual violence in the campus police department's Daily Crime Log, in any Timely Warnings issued or online. In accordance with the Family Educational Rights and Privacy Act, an individual may request that no directory information maintained by the College be released absent his/her prior, written consent.

- h. Supportive Measures**

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from any Title IX Sexual Harassment or other Prohibited Conduct, including offering supportive measures before the final outcome of an investigation, irrespective of whether the complainant ever chooses to file a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter all forms of sexual harassment. The College shall take these steps promptly once it has notice of an allegation of Title IX Sexual Harassment, including sexual violence. Examples of interim protective measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations (if applicable);
- Leaves of absence, increased security and monitoring of certain areas of the campus; and
- Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs

expressed by either party; the severity or pervasiveness of the allegations; any continuing effects on either party; whether the parties share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect either/both parties (e.g., civil protection orders).

In general, when taking supportive measures, the College shall minimize the burden on either party. The College must maintain as confidential any supportive measures provided to either party, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

i. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policy and/or the Student Code of Conduct. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College shall not pursue discipline against a student who reports, witnesses or possesses personal knowledge of an incident of sexual violence unless the College determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

j. Protections for Complainant Regarding Sexual Violence

A person subjected to sexual violence shall:

- Be provided with a copy of the College's *Sexual Violence – Complainant's Rights and Information Advisory*, which shall include information concerning counseling, health, and mental health services, victim advocacy and support, law enforcement assistance, and other services available on and off campus;
- Have the right to pursue, or not pursue, assistance from campus administration officials or campus law enforcement;
- Not be discouraged by College officials from reporting an incident to both on-campus and off-campus authorities;
- Be provided assistance in contacting local law enforcement if requested and have the full and prompt assistance and cooperation of campus personnel should a civil and/or criminal complaint be pursued;
- Be free from any suggestion that they somehow contributed to or had a shared responsibility in the violent act;
- Receive the same level of support at any proceeding before College officials as is permitted to the accused party, including the presence of an advisor during any

disciplinary proceeding and the right to be notified in a timely manner of the outcome of such proceedings and any appeal right available;

- Receive full and prompt cooperation from College personnel in obtaining and securing evidence (including medical evidence) necessary for any potential criminal proceedings;
- Have access to existing College counseling and medical professionals, victim support services, and to obtain referrals to off-campus counseling and support services if desired;
- Be permitted to attend classes, work and participate in College activities free from unwanted contact or proximity to the respondent insofar as the College is permitted and able;
- Be permitted to request changes to an academic schedule if such changes are requested by the alleged victim and are reasonably available; and
- Be informed of any no-contact or no-trespass orders issued to the respondent by the College and the College's notification procedures, responsibilities and commitment to honor any court-issued restraining or protective orders, to the extent permitted by law.

k. Recommended Procedures for a Victim of Sexual Violence

For a person subjected to an act of sexual violence, there can be time-sensitive decisions to make about sexually transmitted infections, pregnancy, and collecting physical evidence in the event of prosecution. Individuals who have been victims of sexual violence are advised as follows:

- **Protect Yourself and Get Medical Attention** – A victim should be advised to go to a safe place as soon as possible and seek medical attention immediately. Injuries and exposure to disease may not be immediately apparent. A medical examination can provide necessary treatment and collect important evidence. It is recommended that a physical exam be conducted within 72 hours of the violence. Submitting to a physical exam does not mean that a victim is required to press charges. This action merely preserves the option to do so. Designated College personnel can assist in providing transportation to the hospital.
- **Preserve Evidence** - It is important to preserve all physical evidence following an act of sexual violence. Physical evidence may be necessary in the event criminal prosecution is pursued. If possible, a victim should be advised not to wash, eat, drink, douche, clean, use the bathroom, or change clothes. If clothes are changed, all clothes that were worn at the time of the incident should not be cleaned and should be placed into an unused or a clean paper bag.
- **Health and Support Services** - Various health and support services are available on and off campus for students and employees who have experienced sexual violence. For

information about such services, including counseling, please contact the Affirmative Action and/or Title IX Coordinator.

I. Rape Crisis Center Contact Information

The following is a list of Rape Crisis Centers in Massachusetts. As the following contact information ***may be subject to change***, current contact information on rape crisis centers in Massachusetts can be found at the Commonwealth's Executive Office of Health and Human Services' Website under "Consumer" information at <http://www.mass.gov/eohhs/>.

Greater Boston Area

Boston Area Rape Crisis Center, Cambridge, 617-492-7273 Hotline, 617-492-6434 TTY

Northeastern Massachusetts

North Shore Rape Crisis Center, Beverly, 800-922-8772 Hotline, 978-921-8729 TTY

Rape Crisis Services of Greater Lowell, 800-542-5212 Hotline, 978-452-8723 TTY

YWCA of Greater Lawrence, 877-509-9922 SA Hotline, 978-686-8840 TTY

Central Massachusetts

Rape Crisis Center of Central Mass., Worcester, 800-870-5905 Hotline, 508-852-7600 TTY

Rape Crisis Center of Central Mass., Fitchburg, 800-870-5905

Wayside Victim Services, Milford, 800-511-5070 Hotline, 508-478-4205 TTY

Voices Against Violence, Framingham, 800-593-1125 Hotline, 508-626-8686 TTY

Southeastern Massachusetts

A Safe Place, Nantucket, 508-228-2111 Hotline, 508-228-0561 TTY

Independence House, Hyannis, 800-439-6507 Hotline, 508-778-6782 TTY

Women Support Services, Vineyard Haven, 508-696-7233

Greater New Bedford Women Center, New Bedford, 888-839-6636 Hotline, 508-996-1177 TTY

New Hope, Attleboro, 800-323-4673 Hotline/TTY

Stanley Street Women Center, Fall River, 508-675-0087 Hotline, 508-673-3328 TTY

Womansplace Crisis Center, Brockton, 508-588-8255 SA Hotline, 508-894-2869 TTY

Western Massachusetts

Elizabeth Freeman Center, Pittsfield, 413-443-0089 Hotline, 413-499-2425 TTY

Everywoman Center, Amherst, 413-545-0800 Hotline, 888-337-0800 TTY

NELCWIT, Greenfield, 413-772-0806 Hotline/TTY

YWCA, Springfield, 800-796-8711

YWCA of Western Mass, Westfield, 800-479-6245 Hotline/TTY

These Rape Crisis Centers offer FREE services to survivors of sexual violence, including:

- 24/7 hotline counseling, information, and referral;
- Will go with survivors to hospitals and/or police stations 24/7;
- Will go with a survivor to court;
- Provide one-to-one counseling and support group counseling; and

- Provide primary prevention education; professional training; outreach.

m. 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 complaint under this Policy does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

United States Equal Employment Opportunity Commission ("EEOC")

One Congress Street
 10th Floor Boston, MA 02114
 (617) 565-3200.

The Office For Civil Rights ("OCR")

U.S. Department of Education
 John W. McCormack Post
 Office and Courthouse, Room 222
 Boston, MA 02109
 (617) 223-9662

Massachusetts Commission Against Discrimination ("MCAD")

Boston Office:
 One Ashburton Place
 Rm. 601
 Boston, MA 02108
 (617) 994-6000

Worcester Office:
 Worcester City Hall
 484 Main St., Rm. 320
 Worcester, MA 01608
 (508) 799-8010

Springfield Office:
 436 Dwight St., Rm. 220
 Springfield, MA 01103
 (413) 739-2145

New Bedford Office:
 800 Purchase St., Rm. 501
 New Bedford, MA 02740
 (508) 990-2390

IV. NON-DISCRIMINATION AND ACCOMMODATION FOR PERSONS WITH DISABILITIES

It is illegal to discriminate against an otherwise qualified individual with a disability. 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. 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 Complaint Procedures found at Section L of this Policy.

a. In Employment

The Community Colleges will take constructive measures to ensure equal opportunity in all areas of employment including recruitment, selection, upgrading, opportunities for training and development, rate of compensation, benefits and all other terms and conditions of employment. Further, the Colleges will periodically examine all existing employment policies, practices and facilities to ensure that they do not pose a disparate impact for otherwise qualified persons with disabilities. 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.

b. In Education

The Colleges will periodically examine all existing admissions, student support and other student life policies, practices and facilities to assure that they do not pose a disparate impact for otherwise qualified disabled students. 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.

c. Reasonable Accommodations

A “reasonable accommodation” under state and federal law is defined as “modifications or adjustments to an application process, job, work environment, the way in which work is customarily performed, or a course of study that permit a qualified individual with a disability to perform the essential functions of a position or to enjoy the benefits and privileges of employment or education equally with persons without disabilities.”

Reasonable accommodations in employment may include, but are not limited to:

- making existing facilities used by employees readily accessible to and usable by persons with disabilities;
- job restructuring;

- modification of work schedules;
- providing additional unpaid leave;
- acquiring or modifying equipment or devices; and
- providing qualified readers or interpreters.

The Community Colleges are not required to lower performance standards to make an accommodation and are not obligated to provide personal use items, such as eyeglasses or hearing aids.

Reasonable accommodations in education may include, but are not limited to:

- in-class aids, such as note takers;
- extended time for examination;
- quiet rooms or alternate locations for testing;
- alternatively formatted testing; alternatively formatted textbooks and other course materials; and/or
- access to assistive technology.

Possible course reductions or substitutions on the basis of a disability will be carefully evaluated. Students with disabilities must meet the essential requirements of all academic degree programs.

d. Interactive Process

State and federal laws define the “interactive process” as an ongoing communication between, among other parties, employer and employee, college and student, with a known disability in an effort to provide reasonable accommodation. Both parties must engage in the interactive process and communicate directly with each other in order to formulate an effective accommodation plan. Neither party can delay nor interfere with the process.

e. Undue Hardship and Fundamental Alteration

The Community Colleges are required to make reasonable accommodations to qualified individuals with disabilities unless doing so would impose an undue hardship on the operation of a College’s business or result in a fundamental alteration of a job or academic course or program. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a College’s size, financial resources, and the nature and structure of its operation. Fundamental alteration is a change that is so significant that it alters the essential nature of a job or an academic course or program.

f. Process for Requesting a Reasonable Accommodation

An employee or job applicant seeking a reasonable accommodation for a disability may contact the College’s Office for Human Resources. A student or student applicant seeking a reasonable accommodation for a disability may contact the College’s Disability Services Office. All requests for an accommodation are evaluated on a case-by-case basis. Individuals seeking accommodations

should be prepared to submit current medical documentation for review in the accommodation process.

V. CONTRACTING AND PURCHASING

When selecting contractors, suppliers, and vendors of goods and services, including goods and services secured in connection with construction projects, the Colleges will offer equal opportunity to all qualified persons and entities and will not discriminate on the basis of a protected classification.

The College shall use reasonable efforts to attract and encourage bid proposals from a diverse pool of qualified contractors, subcontractors, vendors and suppliers. The College is strongly encouraged to identify businesses primarily operated by individuals within the protected classifications with the help of the Commonwealth's Supplier Diversity Office.

When transacting business with contractors, vendors and suppliers, the Community Colleges shall include in all contracts the following statement:

Non-Discrimination in Employment: The Contractor shall not discriminate against any qualified employee or applicant for employment because of race, color, national origin, age, sex, sexual orientation, gender identity, religion, genetic information maternity leave, military service, marital status or disability. The Contractor agrees to comply with applicable federal and state statutes, rules and regulations prohibiting discrimination in employment, including Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, Massachusetts General Laws, Chapter 151B and all administrative and executive orders, where applicable.

The Colleges reserve the right to disqualify any contractor, person or entity seeking to provide services to a Community College that fails to adhere to the prohibitions against discrimination in employment that are contained in this section.

E. IMPLEMENTATION OF AFFIRMATIVE ACTION POLICY

The implementation of an effective affirmative action policy is ultimately the responsibility of the President of each Community College. The President will direct the Affirmative Action Officer to coordinate the overall development, administration and monitoring of all affirmative action programs, policies, procedures and regulations. The Affirmative Action Officer will report directly to the President, or his/her designee, and will bear responsibility for the preparation and execution of all affirmative action policies and programs.

Consistent with all collective bargaining and non-unit employee agreements, each supervisor will seek to ensure that affirmative action and equal opportunity are integrally tied to all aspects of any recruitment, hiring, training or advancement related decisions to which they are a party. They will be aware of goals and will consult with the Affirmative Action Officer prior to and in the course of such actions.

F. AFFIRMATIVE ACTION OFFICER AND TITLE IX COORDINATOR

See “Definition” Section of this Policy for Affirmative Action Officer and Title IX Coordinator contact information.

a. Affirmative Action Officer

The Affirmative Action Officer (“AAO”) shall have the task of infusing affirmative action into all aspects of the College. He/she shall be responsible for the development, administration and evaluation of affirmative action policies, procedures, programs and goals; serve as monitor of local, state and federal laws and regulations relating to affirmative action and equal opportunity and compliance thereof; and administer to all segments of the College - students and employees.

The AAO will analyze the College’s work force composition. The AAO may also analyze specific work areas or divisions within the College to determine if under-utilization of any protected group exists. The development of goals and timetables to correct any identified under-utilization shall be the responsibility of the AAO with input from the appropriate administrative officers. Although the basic responsibility for implementation of the affirmative action/equal opportunity program necessarily rests with the administrative officers of the College, the Affirmative Action Officer is responsible for providing advice and assistance.

The AAO shall be an ex-officio member of the Affirmative Action Committee and shall facilitate this Policy’s Complaint Procedures.

b. Title IX Coordinator

The College shall employ a Title IX Coordinator. The Title IX Coordinator may also serve as the College’s AAO. The College’s Title IX Coordinator has primary responsibility for coordinating the College’s efforts to comply with and carry out its responsibilities under Title IX, which prohibits all sex discrimination and Title IX Sexual Harassment in all College operations, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX. The Title IX Coordinator shall be adequately trained to perform her/his duties, including understanding the legal aspects of Title IX, conducting investigations of all sex discrimination and Title IX Sexual Harassment, administering an investigative process that protects the safety of victims and promotes accountability and providing campus-wide training to members of the College community.

Members of the College community should contact the Title IX Coordinator in order to:

- seek information or training about students’ and employees’ rights and courses of action available to resolve complaints that involve sex discrimination, not limited to Title IX Sexual Harassment;
- file a complaint or make a report of a sex discrimination, not limited to Title IX Sexual Harassment;
- notify the College of an incident that may raise potential Title IX concerns;
- provide information about available resources; and

- periodically evaluate and review the College’s policies and procedures related to sex discrimination, not limited to Title IX Sexual Harassment.

The Title IX Coordinator’s functions and responsibilities include:

- Coordinate Title IX efforts including the development, implementation, and monitoring of appropriate disclosures, policies, procedures and practices designed to comply with federal and state legislation, regulation, and case law requiring the prompt and equitable resolution of all complaints pursuant to Title IX;
- Provide leadership, direction and supervision for all activities and personnel of the Title IX program including consulting with relevant policy-making bodies and senior personnel for the purpose of advising, clarifying and identifying necessary action to eliminate sex discrimination in all educational programs and activities, to ensure that access to facilities, opportunities, and resources is gender equitable throughout the College;
- Provide ongoing training, consultation, and technical assistance on Title IX for all students including: students’ rights under Title IX, identifying behaviors that constitute Title IX Sexual Harassment ; how to report Title IX Sexual Harassment; reporting options; understanding the College’s Complaint Procedure and Complaint Processes; the potential consequences for violating College policies; the role of alcohol and/or drug use; amnesty; consent; the importance of seeking prompt medical attention; prohibition against retaliation; and Bystander Intervention training;
- Provide ongoing training, consultation, and technical assistance on Title IX for all employees in areas including: how to identify and report Title IX Sexual Harassment; the College’s responsibilities to address Title IX Sexual Harassment; recognizing warning signals; reporting Title IX Sexual Harassment to appropriate College officials; and information regarding confidential reporting options.
- Provide ongoing training, consultation, and technical assistance on Title IX for all Responsible Employees including: understanding their reporting obligations; confidentiality; students’ rights and remedies; and available student services.
- Develop, implement and coordinate campus and/or school-based strategic efforts aimed at the prevention of sexual violence and other forms of sex discrimination;
- Develop and disseminate educational materials, including brochures, posters, and web-based materials that inform members of the College community of Title IX rights, responsibilities and resources both within and external to the College;
- Oversee prompt, effective, and equitable intake, investigation, processing, issuing of findings of fact or management of hearing process, and timely resolution of all Title IX Sexual Harassment matters, or cases otherwise involving sex discrimination made

known to responsible employees and/or reported or filed by students, faculty, employees, third parties, or by members of the broader community;

- Provide appropriate notice of an investigation; determine the extent of an investigation; oversee investigation efforts; ensure provision of initial remedial actions; assure compliance with timelines; deliver appropriate notice of charge, notice of investigation, notice of outcome, duty to warn, and remedies, and provide a repository for and source of institutional record-keeping;
- Provide guidance and assistance to alleged victims of Prohibited Conduct, including referral to support resources, notice of right to file internal grievances, notice of the right to grieve to the US Department of Education Office for Civil Rights, and notice of the right to report incidents to law enforcement;
- Coordinate the College's notice to all applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions, of the name or title, office address, electronic mail address, and telephone number of their designation as the Title IX Coordinator;
- Organize and maintain grievance files, disposition reports, and other records regarding Title IX compliance, including annual reports of the number and nature of filed complaints and the disposition of said complaints, data collection, climate assessment, pattern monitoring; and
- Serve as principal contact for government inquiries pursuant to Title IX.

G. DISSEMINATION OF POLICY

The Affirmative Action Policy will be widely distributed and discussed within the College Community. A copy of the Policy will be distributed to every major work area at each College and a copy will be maintained in the Library and the Affirmative Action Office. Copies of the Policy will be made available upon request to any student, employee, applicant for student status or for employment or member of the community. The Policy is available upon request from the College's Affirmative Action Officer and on the College's website. Colleges may implement procedures requiring employees to annually confirm their receipt of this Policy.

In accordance with state and federal requirements, the following notice will be included in all vacancy postings and other appropriate college publications, contracts, solicitations for bids, purchase orders, websites and leases:

_____ Community College is an affirmative action/equal opportunity employer and does not discriminate on the basis of race, color, national origin, sex, disability, religion, age, veteran status, genetic information, gender identity or sexual orientation in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and college policies. The College prohibits sexual harassment, including sexual violence. Inquiries or complaints concerning discrimination, harassment, retaliation or sexual violence shall be referred to the College's Affirmative Action and/or Title IX Coordinator, the Massachusetts Commission Against Discrimination, the Equal Employment Opportunities Commission or the United States Department of Education's Office for Civil Rights.

H. PLAN OF ACTION

a. Program Purpose and Intent

The Community Colleges are committed to a policy of equal opportunity and affirmative action. The purpose of this Policy is to establish programmatic objectives that will provide for the access and advancement of qualified minorities, women, and persons with disabilities with respect to both employment and education. The intent of this Policy is to acknowledge and responsibly alleviate the effects of societal discrimination and its impact on the protected group.

b. Scope

Affirmative action and equal opportunity shall be viewed as an integral part of the mission and purpose of each Community College. The Affirmative Action Policy by its very nature shall affect and apply to all aspects of recruitment, employment and education.

The opportunity for education for students in the protected classifications will be an imperative. Affirmative action programs should support not only student admissions to the College but also its programs.

In employment, affirmative action will affect recruitment, terms and conditions of employment, administrative procedures and relevant policies and practices of the College.

c. Workforce and Utilization Analysis

A procedure for implementation of the Policy will be undertaken and it will include opportunities for maximum communication between the responsible parties, i.e., supervisors, the Affirmative Action Officer and the President. A workforce and utilization analysis shall be conducted annually.

d. Under-Utilization

Under-utilization exists when the number of individuals in protected classifications in an occupational category is fewer than would reasonably be expected based upon the availability of qualified persons for employment within a specific geographic area. When under-utilization is identified for appropriate organizational units and occupational categories, goals and timetables are established as a means of increasing the employment of qualified individuals in protected classifications at the earliest possible time. This section shall be applied in a manner consistent with the appropriate collective bargaining agreement, if applicable.

e. Goals

Hiring goals are targets for increasing the employment of qualified individuals in protected classifications in appropriate organizational units and/or occupational categories of the College workforce. Hiring goals are not rigid quotas. They are reasonable estimates of what is attainable and are established separately for individuals in protected classifications.

Program goals include special efforts to remove barriers, to improve awareness or sensitivity, to address problem areas identified within the College Affirmative Action Policy, to bring about conditions that will promote the hiring goals, or to address changes taking place within the institution. General timetables are to be established for the implementation of the goals. The time period shall normally be between two (2) and five (5) years.

f. Identification of Problem Areas and Remedial Approaches

At the request of the Commissioner, the President shall submit a report to the Commissioner as referenced in Auditing and Reporting and shall include an analysis of under-utilized areas and possible solutions and may cover such issues as curricular concerns, employment and student recruitment, hiring, retention of employees, resignations, and College activity and program availability. The report will also consider and give an analysis of the established goals and timetables.

g. Programmatic & Collaborative Efforts

The Community Colleges have, as a group, committed themselves to a policy of affirmative action/equal opportunity and non-discrimination throughout this Policy. The Colleges realize, however, that the development and implementation of specific programmatic efforts, both individually and collaboratively, will be essential to the establishment of an action oriented program. Rather than rendering affirmative action policies that merely represent a compilation of policies, procedures and prohibited practices solely designed to avoid discrimination, these action-oriented elements ensure that this Policy becomes a pro-active, aggressive tool as opposed to a passive document.

In an effort to fully establish joint collaborative programs that will enhance the implementation of the Community Colleges' Affirmative Action Policy, the Affirmative Action Officers of the fifteen institutions are encouraged to work collaboratively on the following initiatives.

- **Recruitment Directory**

A directory of recruitment resources may be developed for each major category of positions (i.e., academic discipline, administrative area, field of focus) listing the various known sources for contact. This directory will list individuals, departments, institutions, organizations, professional associations and their various caucuses that are known to be good sources of candidates from protected classifications. In addition, the directory will also contain a listing of major publications such as newspapers, journals or other periodicals that print job advertisements and have substantial circulation among individuals in protected classifications and other underrepresented persons or groups. Trade or professional journals for each academic discipline and professional area will also be included.

- **Program of Professional Enrichment for Personnel of Affirmative Action Offices**

The Affirmative Action Officers will meet regularly and jointly participate in workshops, seminars and other kinds of enrichment opportunities that will assist them in the performance of their duties. Insofar as possible, reliance will be placed on the expertise of persons within the public higher education system, local, state and federal agencies, and professional organizations and associations in order to keep costs to a minimum.

- **Educational Seminars**

The Affirmative Action Officers, collectively or individually, may develop seminars to strengthen the understanding and sensitivity of all employees, and in particular senior administrators and supervising managers, to the importance of their respective roles in fostering a workplace free of discrimination, harassment and retaliation. All members of the College community shall be encouraged to attend such programs.

h. Individual Campus Efforts

Specific programmatic efforts determined by the individual Colleges may take any of several forms: projects, programs, defined strategies, structured activities or other tactical steps that contribute to fulfillment of the Colleges' affirmative action and equal opportunity goals and objectives. Each College may develop specific programs to assist in identifying and overcoming deficiencies, increasing representation of qualified individuals in protected classifications within the work force and the student body and providing increased opportunities for under-represented groups, both in the area of employment and in the area of the student learning environment. Cross-cultural programming, sensitization of all members of the College communities to the rights and needs of all persons, including individuals in protected classifications will play a major part. The involvement of all segments of the College community in both the planning and the implementation of such programming will be an essential factor in its success.

I. HIRING GUIDELINES

Proper hiring guidelines are crucial to the success of attracting and hiring a qualified, diverse workforce. The Human Resources Office shall work in consultation with the Affirmative Action Officer in developing proper hiring guidelines. The hiring process is generally initiated with the development of a recruitment plan, which shall be reviewed by the Affirmative Action Officer before commencing with advertisement. The plan will be reviewed in light of the College's affirmative action goals and will include the use of applicable mailing lists of contacts and resume file, if any, developed and maintained for affirmative action recruiting. Goals will be reviewed at the time of recruitment.

When practicable, the time permitted between the initial public announcement of an available position and the deadline for submission of applications must allow for adequate selective notification of qualified individuals in protected classifications.

For vacancies for positions that are half-time or greater, the Affirmative Action Officer will consult with the hiring manager to determine an appropriate recruitment time frame which will allow sufficient time to recruit under-utilized persons while simultaneously meeting the organization's need to fill the position as soon as possible.

Deans and Vice Presidents are encouraged to plan ahead and schedule all searches so as to allow sufficient time to conduct effective affirmative action searches.

If the recruitment process fails to yield sufficient numbers of qualified candidates from a designated protected group, consideration may be given to reposting the position. This section shall be applied in a manner consistent with the appropriate collective bargaining agreement, if applicable.

The Affirmative Action Officer shall have access to all applications for the purpose of reviewing and certifying the process and the outcome and for the purpose of collecting data to conduct applicant flow studies, etc. Additionally, the Affirmative Action Officer may make recommendations for interviewing affirmative action candidates.

The hiring process will generally include an interview with a search committee, which may include the position's direct supervisor and/or other appropriate persons who have responsibility in the work area. The Affirmative Action Officer will review a committee's recommendation for appointment and sign it to verify compliance with affirmative action procedures. If the Affirmative Action Officer finds that the recruitment and/or selection process does not satisfy affirmative action requirements, he/she should submit his/her reservations to the President.

In regard to hiring/promotions, the College will comply with all applicable collective bargaining provisions when making such decisions.

J. COLLEGE AFFIRMATIVE ACTION COMMITTEE

An Affirmative Action Committee shall be established consisting of at least seven (7) members representative of faculty, administrators, non-teaching professionals, classified staff and students. The Committee shall include protected classification representation. The members shall be appointed by the President. The Affirmative Action Officer shall be an ex-officio member of the Committee.

The Committee shall act as a policy advisory body to the President in all matters concerning affirmative action and equal opportunity. Specific responsibilities of the Committee may include, but are not limited to, the following:

- a. Advise and assist the President and the Affirmative Action Officer in developing, implementing and evaluating the College's Affirmative Action Program;
- b. Recommend changes in the programs or policies;
- c. Represent the concerns of all employment areas of the College as these concerns relate to equal opportunity;
- d. Be informed about the rules and procedures of the College as well as federal and state laws and regulations governing affirmative action and equal opportunity;
- e. Meet as necessary, but not fewer than two (2) times a year; and
- f. Help sensitize and educate the College community regarding the affirmative action issues facing higher education and the larger society and to help broaden understanding of diversity in our society as well as to encourage behaviors appropriate to a pluralistic society.

K. AUDITING AND REPORTING

The Affirmative Action Officer shall be primarily responsible for monitoring compliance and auditing the implementation of the Policy on Affirmative Action, Equal Opportunity and Diversity. The Affirmative Action Officer shall furnish the President with progress reports and shall inform the President of practices or policies that may not be in compliance with the Policy.

The Affirmative Action Officer will annually review the progress being made toward achievement of the College's affirmative action goals. The review shall include strategies and timetables for achieving its affirmative action goals, availability figures, institutional performance or other circumstances that affect the implementation of this Policy's goals. In addition, he/she will assure that annual compliance reports required by the Board of Higher Education and other state and federal agencies are completed.

To ensure compliance with this Policy, the Affirmative Action Officer will review and evaluate the applicable policies, programs and activities related to job requirements, performance criteria, personnel benefit plans, students support services, facilities and programmatic access, vendor contract submission and services, media advertising and public relations materials, including all College publications. Recruitment and hiring procedures will be monitored using the methods described in this Policy. All monitoring and analyses will be conducted as necessary to identify problem areas and provide recommendations to remedy them.

The Affirmative Action Officer shall conduct periodic audits of the utilization analysis and goals. The purpose of the audit will be to assess progress toward established goals and to apprise other persons responsible for recruitment of the findings. Continuous monitoring is important to the success of the Policy. The findings, while utilized throughout the year, will be reported formally in the annual report. Problem areas and successes will be reported. Additionally, compliance reports requested by other agencies should be included as an internal audit mechanism.

L. COMPLAINT PROCEDURES

I. General Information For All Complaints

a. Application of Policy

Both below-listed complaint procedures are intended to provide a mechanism to investigate and where possible resolve complaints of alleged violations of this Policy against employees and students. The procedures outlined below are intended to ensure that the College will conduct an impartial, fair, effective, and efficient investigation of all allegations of violations of this Policy without fear of retaliation. The complaint procedure is available to any employee or student, or applicant for employment or admission, who believes he/she has been subjected to Prohibited Conduct or Title IX Sexual Harassment as defined under this Policy. A complaint filed in another forum does not preclude an individual from filing a complaint under this Policy. Further, a complaint filed in another forum, including a criminal or civil complaint, shall not delay an investigation of a complaint filed under this Policy.

b. Confidentiality of Process

The complaint procedure will be conducted as confidentially as reasonably possible to protect the privacy rights of all individuals involved. The College may share information concerning the complaint with parties, witnesses and/or others during any phase of the procedure on a need-to-know basis and shall share information with union representatives as provided for in G.L. c.150E. All individuals with whom information is shared shall be advised of the confidential nature of the information and directed not to discuss the matter with anyone other than an advisor, if applicable.

c. Complainant Requests Confidentiality

Where a Complainant requests that no action be taken by the College or requests that her/his identity not be revealed, the College shall take reasonable steps to investigate and respond to the complaint, but shall inform the Complainant that such a request may hamper its ability to fully investigate an alleged violation of this Policy and/or to take appropriate remedial steps, including disciplinary action. Where an allegation of Prohibited Conduct involves the potential of an ongoing threat to the health, safety or security of the College or a potential adverse employment action, the Affirmative Action Officer, or in the case of an allegation of Title IX Sexual Harassment, the Title IX Coordinator, shall inform the Complainant that it cannot ensure confidentiality and disclosure of their name may likely be required.

d. Off Campus Behavior

The College reserves the right to investigate alleged Prohibited Conduct under this Policy occurring off-campus when such conduct adversely affects the College Community, poses a threat of harm to the College Community; interferes with the College's pursuit of its educational objectives and mission, and/or if a student or employee is charged with a serious violation of state or federal law. Title IX Sexual Harassment occurs in the College's education program or activity, against a person in the United States. Education program or activity includes locations, events, or

circumstances over which the College exercised substantial control over both the Respondent and the context in which the conduct occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the College.

e. Supportive Measures

Title IX requires the College to take non-disciplinary/non-punitive reasonable steps to preserve or restore equal access to its education programs and activities and protect individuals from Prohibited Conduct and Title IX Sexual Harassment, including offering supportive measures before the final outcome of an investigation, irrespective of whether the complainant ever chooses to file a Formal Complaint. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter all forms of sexual harassment. The College shall take these steps promptly once it has notice of an allegation of Prohibited Conduct or Title IX Sexual Harassment. Examples of supportive measures include, but are not limited to, the following:

- Counseling;
- Extensions of deadlines or other course-related adjustments (for example: changing class schedule, withdrawal without penalty, providing student services such as tutoring, alternate class completion options);
- Modifications of work schedules or job assignments;
- Campus escort services;
- Mutual restrictions on contact between the parties;
- Changes in work or housing locations (if applicable);
- Leaves of absence, increased security and monitoring of certain areas of the campus; and
- Other similar measures.

The specific supportive measures implemented and the process for implementing those measures will vary depending on the facts of each case. The College will consider a number of factors in determining what supportive measures to take, including, for example, the specific needs expressed by each party; the severity or pervasiveness of the allegations; any continuing effects on each party; whether the parties share the same classes, dining hall schedule, transportation, or job location; and whether other judicial measures have been taken to protect the victim (*e.g.*, civil protection orders).

In general, when taking supportive measures, the College shall minimize the burden on each party. The College must maintain as confidential any supportive measures provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the supportive measures.

f. Interim Action and Emergency Removal

The College reserves the right to suspend a student on an interim basis or place an employee on paid administrative leave prior to completing an investigation under this Policy when it reasonably concludes that a student or employee: (a) poses a threat to health or safety; (b) poses a threat to College property or equipment; (c) is disruptive or interferes with the normal operations of the

College; or (d) is charged with a serious violation of state or federal law. In such cases, the College shall provide the employee or student of the specific reason(s) for the interim action. During a student's interim suspension or an employee's leave, the College reserves the right to prohibit the individual from entering upon the College's property or participating in any College activities absent written authorization from an appropriate official of the College.

In the case of a Title IX Sexual Harassment claim, the College must base its decision to institute interim action (i.e., emergency removal) on the following factors: (1) It undertakes an individualized safety and risk analysis, (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal, and (3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. A respondent subject to emergency removal from the Title IX Coordinator may appeal the decision per the Appeal procedure below in Step 4 of the Title IX Sexual Harassment Complaint Process.

The College shall make reasonable efforts to minimize disruption in the professional or educational experience of all affected parties. The College, Complainant, and Respondent will take reasonable efforts to preserve all relevant materials to a complaint, including communications (e.g. email and voice) and documents.

g. Joint Investigation

In some circumstances a Responding Party's conduct may constitute a potential violation of this Policy and/or other conduct policies applicable to employees or students. In such cases, in order to avoid duplicative investigatory efforts, a joint investigation under this Policy may be conducted by the AAO or, in the case of an alleged Title IX Sexual Harassment, the Title IX Coordinator, and the administrator charged with enforcing conduct policies. For example, if the Responding Party is a student, the Affirmative Action Officer (or Title IX Coordinator if a Title IX Sexual Harassment is alleged) and Student Code of Conduct Officer may jointly investigate the complaint. Based on the findings of their joint investigation, and subject to the limitations in "I, j. Amnesty" (below), the student may be subject to disciplinary action for violations of this Policy and/or the Student Code of Conduct. Where the Responding Party is an employee, a joint investigation may be conducted by the Affirmative Action Officer (or Title IX Coordinator if a Title IX Sexual Harassment is alleged) and the employee's supervisor. Based on the findings of their joint investigation, the employee may be subject to disciplinary action for violations of this Policy and/or for inappropriate and unprofessional conduct.

h. Collateral Rights of Employees

Any disciplinary action taken against an employee shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

i. Anonymous Report

Any individual may file an anonymous report concerning any Prohibited Conduct or Title IX Sexual Harassment referenced under this Policy. An individual may report the incident without

disclosing his/her name, identifying the respondent or requesting any action. An anonymous report may be filed with the Affirmative Action Officer or, in the case of an allegation of Title IX Sexual Harassment, the Title IX Coordinator. Depending on the level of information available about the incident or the individuals involved, however, the College's ability to respond to an anonymous report may be limited (e.g. offering supportive measures to a Complainant of Title IX Sexual Harassment).

j. Amnesty

Students may be hesitant to report sexual violence out of concern that they, or witnesses, might be charged with violations of the College's drug/alcohol policy and/or the Student Code of Conduct. While the College does not condone such behavior, it places a priority on addressing allegations of sexual violence. Accordingly, the College shall not pursue discipline against a student who reports, witnesses or possesses personal knowledge of an incident of sexual violence unless the College determines that the report was not made in good faith or that the violation was egregious. An egregious violation shall include, but not be limited to, taking an action that places the health and safety of another person at risk.

k. False Charges

Filing a false charge under this Policy is a serious offense. If an investigation reveals that a complainant knowingly filed false charges, the College shall take appropriate actions and issue sanctions pursuant to other applicable College policies, including any applicable collective bargaining agreement. The imposition of such sanctions does not constitute retaliation under this Policy. A report made in good faith, however, is not considered false merely because the evidence does not ultimately support the allegation of prohibited conduct.

l. Informal Resolution Procedures

Where appropriate, the parties to a dispute and/or the Affirmative Action Officer or Title IX Coordinator may attempt to reach an informal and prompt resolution of the matter. Informal resolution is encouraged and any of the parties involved may request the intervention of the Affirmative Action Officer/Title IX Coordinator to assist in resolving the matter informally. An informal resolution is achieved through open or closed dialogue between the parties that allows for the airing of any misunderstandings or disputed issues. The informal procedure shall not be used in an effort to resolve student allegations of any type of sexual harassment/violence asserted against an employee, or in cases involving sexual harassment/violence unless a Formal Complaint is filed. If the parties accept the informal resolution, its terms shall be reduced to writing, signed by both parties, and the Affirmative Action Officer/Title IX Coordinator shall retain the document, with copies to the parties; thereafter, the matter shall be considered resolved between the parties. In the case where the Respondent is an employee, prior to execution of a resolution, they will be notified that a copy of the informal resolution may be placed in their personnel file. The parties may request from the College that an informal resolution not be placed in the Respondent's personnel file; however, the College retains the sole discretion to approve or to deny this request. In cases where such request is denied, each party reserves their right to withdraw from the informal resolution process and resume the Complaint process. All other documents related to the informal resolution of a Complaint shall be kept separate from the personnel file. Further, at

no time shall a responding party question or confront a Complainant, or engage a third party to do so, as such conduct may constitute intimidation and/or retaliation, which are strictly prohibited under this Policy.

II. Complaint Process

The following rules apply throughout all phases of the complaint process, (except where there is a Formal Complaint of Title IX Sexual Harassment): (1) all parties to a complaint may have an advisor; (2) the role of an advisor is limited to providing discrete advice and counsel to the party; (3) the filing of a complaint under this Policy shall not preclude a Complainant from pursuing a complaint in a separate legal forum; (4) a grade dispute based on alleged Prohibited Conduct shall proceed under this Policy and not the Grade Appeal Process contained in the Student Grievance Procedure; and (5) all findings reached under Complaint Procedure must be based on a “preponderance of evidence” (i.e.; more likely than not) standard.

At any point during the complaint procedure, either party may request mediation by contacting the Affirmative Action Officer. The purpose of mediation is to resolve the dispute to the satisfaction of both parties. Mediation shall be mutually agreed upon by the parties. The Affirmative Action Officer, or designee, shall select an impartial mediator, who shall be mutually agreed upon and not unreasonably refused by either party, and inform the parties in writing of the mediation process and schedule. The mediator must have training or experience in mediating matters subject to this complaint process. Where practicable, a mediation session shall be conducted no later than thirty (30) days after agreed to by the parties. The timelines presented under the Complaint Procedure shall be tolled pending the outcome of mediation. If mediation is successful in resolving the complaint, the Affirmative Action Officer shall reduce to writing the terms of the mediated resolution, which shall be signed by the parties. If mediation does not result in a resolution, all mediation discussions shall remain confidential and may not be used or introduced in this process or any other forum.

Step 1 – Investigation

When a Complainant believes that he/she has been subjected to Prohibited Conduct, the Complainant may file a written complaint with the Affirmative Action Officer. For student Complainants, a complaint may be filed within thirty (30) days following the end of the instructional period when the Complainant knew or should have known of the grievable act. For employee Complainants, a complaint may be filed within thirty (30) days from when the Complainant knew or should have known of the grievable act. The complaint shall contain a statement of all known facts pertaining to the alleged violation and shall be filed preferably on the Affirmative Action Discrimination Complaint Form (see Appendix A). If a student is involved, the Affirmative Action Officer shall notify the Vice President or Dean of Student Services.

During Step 1, the Affirmative Action Officer has the authority to seek to resolve the complaint through an administrative remedy. If the parties accept the administrative remedy proposed, its terms shall be reduced to writing, signed by both parties and the Affirmative Action Officer shall retain the document, with copies to the parties. Thereafter, the matter shall be considered resolved between the parties.

Upon receiving a written complaint, the Affirmative Action Officer will notify the Responding Party in writing, of the complaint (see Appendix B), and provide the Responding Party with a copy

thereof. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Responding Party shall have ten (10) days from receipt of notice to submit to the Affirmative Action Officer a written response to the complaint.

Where practicable, within thirty (30) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Affirmative Action Officer shall conduct an investigation and prepare and issue a Report of Preliminary Findings to the parties. The investigation shall include, but is not limited to, an analysis of the allegations and defenses presented, consideration of all relevant documents, including materials presented by the parties, interviews of the parties and other individuals and/or witnesses, and/or reviewing certain documents or materials in the possession of either party that the Affirmative Action Officer has deemed relevant to the complaint. The Affirmative Action Officer's report shall specify the investigation undertaken and summarize his/her preliminary findings. The report shall be delivered to the parties in hand or by certified mail. If the investigation is not completed within thirty (30) days, status updates shall be provided to the parties every thirty (30) days until it is completed. Any request by a party to extend a deadline established under this procedure shall be presented in writing to the Affirmative Action Officer.

Thereafter, the parties will have ten (10) days from the date of their receipt of the Report of Preliminary Findings to submit Rebuttal Statements to the Affirmative Action Officer. The parties may present no new allegations at that time. Where practicable, within seven (7) days of receiving the parties' Rebuttal Statements, the Affirmative Action Officer shall review the Rebuttal Statements and prepare and submit a Report of Final Findings and Recommendations to the President's Designee for consideration.

Step 2 – Review and Decision by the President's Designee

Unless good cause for additional time is shown, within seven (7) business days of receipt of the Affirmative Action Officer's Report of Final Findings and Recommendations, the President's Designee shall issue a written decision to the parties. The written decision shall accept, reject or modify the Affirmative Action Officer's Final Findings and Recommendations. The Designee's written decision shall be delivered in hand or by certified mail and shall include the Report of Final Findings and Recommendations. If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall designate a Board member(s) as Designee to administer Step 2 of the Complaint Process.

Step 3 – Appeal to President

A party who is not satisfied with the Designee's written decision may file an appeal with the President within five (5) days of receiving the Designee's decision. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision accepting, rejecting or modifying the Designee's decision. The President's decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements.

If the President is the Responding Party in an Affirmative Action Complaint, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

III. Title IX Sexual Harassment Complaint Process

Formal Complaint Requirement

This Title IX Sexual Harassment Complaint Process shall be available for allegations involving a Formal Complaint of Title IX Sexual Harassment.¹ The College may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances. A party may raise concerns to the Title IX Coordinator (or designee) as to any consolidation; however, the College retains the right to proceed with any consolidation in its sole discretion.

Jurisdiction of the College

By simultaneous written notice to the parties, the College *must* dismiss any Formal Complaint with regard to that conduct for purposes of Title IX Sexual Harassment, if the conduct alleged:

- Would not constitute Title IX Sexual Harassment as defined, even if proven;
- Did not occur in the College's education program or activity; or
- Did not occur against a person in the United States.

The College *may* dismiss any Formal Complaint for the purposes of Title IX Sexual Harassment if:

- A Complainant withdraws the Formal Complaint or any allegations therein;
- The Respondent is no longer enrolled or employed by the College; or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.²

In the case that a Formal Complaint is precluded from review under the Title IX Sexual Harassment Complaint Procedure for jurisdiction purposes, the College reserves the right to address such other complaints under the Complaint Process (*found herein at Section L., II.*).

Step 1 – Investigation

Upon receipt of a Formal Complaint (preferably in the format of Appendix C), the Title IX Coordinator (or designee) must promptly contact the Complainant confidentially to discuss the availability of supportive measures and resources, consider the Complainant's wishes with respect to these supportive measures, and explain to the Complainant the Title IX Sexual Harassment Complaint Process. If a student is involved, the Title IX Coordinator shall notify the Vice President or Dean of Student Services.

Within five (5) days of receiving a Formal Complaint, the Title IX Coordinator will notify the Respondent in writing of the Formal Complaint (see Appendix D), provide the Respondent with a

¹ A College may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction, including by providing supportive measures or pursuing discipline consistent with applicable policies.

² This decision may be appealed consistent with the appeal procedure in Step 4 below.

copy thereof and discuss supportive measures. The timeliness of such notification shall be in accordance with the appropriate collective bargaining agreement, if applicable. The Respondent shall have five (5) days from receipt of notice to submit to the Title IX Coordinator a written response to the Formal Complaint.

Where practicable, within fifteen (15) days from the date the Respondent's written response is received, or the date it was due if none was submitted, the Title IX Coordinator shall conduct an investigation and issue all evidence³ gathered to the parties (and Advisors) for review and written response within ten (10) days upon their receipt.⁴ Upon receipt of said parties' written response(s), or the date they were due if none were submitted, the Title IX Coordinator will have ten (10) days to complete and send an investigative report that fairly summarizes the relevant evidence to each party (and Advisor) for their review and written response within ten (10) days upon their receipt. Within ten (10) days of receipt, the Title IX Coordinator shall review the responses (if any) and prepare and submit the final investigative report including all relevant evidence (and including a section denoting all evidence submitted that was found by the Title IX Coordinator not to be relevant) to the Decision Maker; simultaneously, the Title IX Coordinator shall notice all parties of a hearing date that shall take place no later than ten (10) days later. Any request by a party to extend a deadline established under this Procedure shall be presented in writing to the Title IX Coordinator.

Step 2 – Hearing

The Title IX Coordinator (or designee) will be responsible for coordinating the hearing process. The Decision Maker shall be responsible for conducting the hearing. The duties of the Title IX Coordinator will include: scheduling the hearing; notifying the parties, advisors, and witnesses of the hearing; ensuring that the trained Decision Maker is provided with appropriate materials including a copy of the final investigative report and any exhibits; coordinating videoconferencing (if necessary); and securing a location for the hearing. The Title IX Coordinator will also act as liaison between the parties and the Decision Maker on procedural matters. A hearing is conducted in private. If a Respondent or Complainant has a good faith belief that the individual selected as the Decision Maker has a specific bias or conflict of interest, they may file a request with the Title IX Coordinator (or in instances where the Title IX Coordinator is serving as the Decision Maker, the request shall be directed to the individual selected as the designee in Step 1 - Investigation) for a replacement within two (2) calendar days of being noticed of the Decision Maker's identity. The Title IX Coordinator (or designee) shall review the request and make a decision in no more than three (3) calendar days either granting the request or providing reasons for denying the request. All procedural questions are subject to the final decision of the Decision Maker.

³ A College cannot access or use a party's medical, psychological or similar treatment record unless it obtains the party's voluntary, written consent to do so.

⁴ All parties (and their Advisors) are strictly prohibited from disseminating any of the evidence subject to inspection and review, or from using such evidence for any purpose unrelated to the Title IX Sexual Harassment Complaint Process.

In general, hearings will proceed as follows:

- a. The Decision Maker⁵ shall summarize the Hearing Policy and allow the Title IX Coordinator the opportunity to briefly state the allegations and summarize the investigative report.
- b. Each party's advisor will be given the opportunity to question the other party and any witnesses by presenting questions to the Decision Maker (including questions on credibility). If the Decision Maker determines a question is relevant, the other party will be asked to respond.
- c. The Decision Maker shall have a final opportunity to question the parties.
- d. The Decision Maker will conclude the hearing by informing the parties that they will issue a decision to the parties and their advisors within ten (10) days, and that it will be based upon a Preponderance of the Evidence standard (i.e.; more likely than not).

Hearing Policy

Questions and evidence about a Complainant's prior sexual behavior will be deemed irrelevant unless offered to prove that someone other than the Respondent committed the alleged misconduct or offered to prove consent.

If a party does not have an advisor present at the live hearing, the College will choose a trained member of the community, to conduct cross examination on behalf of that party. All advisors are limited to active participation in the question and follow-up cross-examination part of the live hearing. Further, Advisors are the only parties allowed to present questions (cross-examination or otherwise) to the Decision Maker.

Generally, live hearings may be conducted with all parties physically present in the same geographic location. At the request of either party, the College must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Decision Maker and parties to simultaneously see and hear the party or the witness answering questions.

Only relevant questions or cross-examination questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party's Advisor asking cross-examination questions any decision to exclude a question as not relevant.

Formal rules of evidence applied in courtroom proceedings (e.g., Massachusetts Evidence Code) do not apply in the hearing. The Decision Maker will make an official audio recording of the hearing. The recording is College property. No other recording of the hearing is permitted. The audio recording will be retained by the Title IX Coordinator in accordance with the College's records/information retention and disposition schedule. The College shall grant access to the recording to the parties for inspection and review. The parties are prohibited from making any copies of such recording. The recording shall only be released in compliance with applicable discovery proceedings in any future legal/administrative proceedings. The Decision Maker controls the hearing, is responsible for maintaining order during the hearing, and makes whatever

⁵ A College's Title IX Coordinator, Decision Maker, investigators and any college-chosen advisor must receive training on this Policy, issues of relevance, and how to apply the rape shield protections (*see first paragraph of Hearing Policy*) provided only for Complainants.

rulings are necessary to ensure a fair hearing. The Decision Maker's decisions in this regard are final.

Step 3 – Review and Decision by the Decision Maker

Unless good cause for additional time is shown, the Decision-Maker must issue a written determination regarding responsibility to all parties (and their Advisors) simultaneously, within seven (7) business days of the hearing. The written determination must include — Identification of the allegations potentially constituting sexual harassment; A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; Findings of fact supporting the determination; Conclusions regarding the application of the College's code of conduct to the facts; A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and The College's procedures and permissible bases for the Complainant and Respondent to appeal. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Title IX Coordinator is responsible for effectuating any remedies including referral to appropriate College administrators as may be applicable.

Step 4 – Appeal to the President

A party who is not satisfied with the Title IX Coordinator's decision to implement an emergency removal or dismiss a Formal Complaint; or, the Decision Maker's written decision may file an appeal with the President within five (5) days of receiving said decision, respectively on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or that any Title IX personnel (including the Decision Maker) had a conflict of interest or bias, that affected the outcome of the matter. Where practicable, within five (5) days of receiving the appeal, the President shall issue a written decision simultaneously to all parties, accepting, rejecting or modifying the decision, describing the result of the appeal and the rationale for the result. The President's decision is final provided that any corrective action and/or discipline imposed are subject to applicable collective bargaining agreements. If the President is the Respondent, then the Chair of the College's Board of Trustees shall consider the appeal and issue the written decision.

APPENDIX A - AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM

AFFIRMATIVE ACTION DISCRIMINATION COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College's Affirmative Action Policy. All reasonable efforts will be made to maintain the confidentiality of the parties involved during the complaint procedure in accordance with the Affirmative Action Policy.

It is unlawful to retaliate against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed: _____ Date(s) of Alleged Discrimination: _____

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____

Department/Division: _____

C. Type of alleged discrimination or act (please check applicable category):

- | | | |
|---|---|--|
| <input type="checkbox"/> Race/Color | <input type="checkbox"/> Religion/Creed | <input type="checkbox"/> Age |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Gender | <input type="checkbox"/> Disability |
| <input type="checkbox"/> Sexual Harassment* | <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Genetic Information |
| <input type="checkbox"/> Maternity Leave | <input type="checkbox"/> Gender Identity | <input type="checkbox"/> Military Service |
| <input type="checkbox"/> Retaliation | <input type="checkbox"/> Sexual Violence* | Other: _____ |

*If sexual violence is alleged, specify type as defined under this Policy: _____

D. Name of individual(s) you believe discriminated against you: _____

E. List any witnesses: _____

**This form is used for sexual harassment/sexual violence complaints when a Formal Complaint is not filed and the Title IX Sexual Harassment Process is not activated.*

APPENDIX B - NOTICE TO RESPONDENT

College Letterhead

To: _____, Responding Party

From: _____, (Title of College Official)

Subject: Affirmative Action Discrimination Complaint

Date: _____

This is to notify you that on _____ a complaint alleging a violation of the College's Policy on Affirmative Action was filed against you with the College. A copy of the complaint is attached, as is a copy of the complaint procedure. Within ten (10) days of your receipt of this notice, please submit to me a written response to the complaint.

I will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is unlawful to retaliate against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto.

All reasonable efforts will be made to maintain confidentiality during the complaint procedure in accordance with the Policy on Affirmative Action. Further, if any disciplinary sanctions are imposed as a result of an investigation under this Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

All questions concerning this matter should be addressed to the College official referenced above. Further, all parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

APPENDIX C – TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

TITLE IX SEXUAL HARASSMENT COMPLAINT FORM

The purpose of this form is to record information required to initiate an investigation into an alleged violation of the College’s Title IX Sexual Harassment Policy. All reasonable efforts will be made to maintain the confidentiality of the parties involved during the process in accordance with the Affirmative Action Policy.

It is unlawful to retaliate against a student, employee or any other person in the College for filing a complaint or for cooperating in an investigation of a complaint. All parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.

Date Filed: _____ Date(s) of Alleged Discrimination: _____

A. Name (Print): _____

B. Check One: Student: _____ Employee: _____

Department/Division: _____

C. Type of alleged discrimination or act meets Title IX Sexual Harassment⁶ as defined in the Affirmative Action Policy: _____ (Check here if yes)

*If sexual violence is alleged, specify type as defined under this Policy: _____

D. Name of individual(s) you believe discriminated against you: _____

E. List any witnesses: _____

⁶Title IX regulations require institutions of higher education to implement a policy to address sexual harassment/sexual violence as specifically defined by the U.S. Department of Education. Accordingly, Formal Complaints of Title IX Sexual Harassment will be subject to review in accordance with the Title IX Sexual Harassment Complaint Process (*Section L., III.*). Notwithstanding, the College reserves the right to address all complaints of sexual harassment/sexual violence under the Complaint Process (*Section L., II.*).

APPENDIX D - NOTICE TO RESPONDENT (RE FORMAL COMPLAINT)

College Letterhead

To: _____, Responding Party

From: _____, (Title of College Official)

Subject: Title IX Sexual Harassment Formal Complaint

Date: _____

This is to notify you that on _____ a complaint alleging a violation of the College's Policy on Affirmative Action was filed against you with the College. A copy of the Formal Complaint is attached, as is a copy of the Title IX Sexual Harassment Complaint process. Within five (5) days of your receipt of this notice, please submit to me a written response to this Formal Complaint.

I will be contacting you to schedule an appointment to discuss this matter. Please be advised that it is unlawful to retaliate against a student, employee or any other person for filing a complaint or for cooperating in an investigation related thereto.

All reasonable efforts will be made to maintain confidentiality during this process in accordance with the Policy on Affirmative Action. Further, if any disciplinary sanctions are imposed as a result of an investigation under this Policy, all such sanctions shall be regarded as an administrative action subject to all terms and conditions of applicable collective bargaining agreements.

All questions concerning this matter should be addressed to the College official referenced above. Further, all parties to a complaint may have an advisor (for union employees this may be a union representative) assist them throughout the process.