

# COLLEGE POLICIES

## Academic Policies

The Academic Catalog is the definitive statement on policies and procedures. Occasionally revisions are made in the policies and procedures after the catalog has been published. If changes are made, copies of the revised policy will be available in the Office of the Associate Vice President of Academic Affairs. Students who have extenuating circumstances that they believe may entitle them to exemption from any of these policies or procedures should consult their faculty advisor. The faculty advisor will guide a student through the appropriate procedure to assure that her or his request is given proper consideration.

## Alcohol and Other Drugs

This policy is provided to students, faculty, and staff as part of New England College's compliance with the Drug Free Workplace Act of 1988. Faculty, staff, and students who receive funding and other support such as grants, contracts, and certain financial assistance from the federal government may be subject to additional restrictions and conditions imposed upon them by the Drug Free Workplace Act. There are significant problems surrounding the inappropriate or "high risk" use of alcohol and other drugs within American society today to which the college is not immune. The high risk and illegal use of alcohol and other drugs is as much a part of the life of the college as it is a part of the larger society. The college recognizes that students are not the only members of the college community who are likely to abuse or illegally use alcohol or other drugs. This policy is thus directed at all members of the college community- faculty, staff, students as well as their invited guests. The college's concern goes beyond the personal harm that may result from the private use of alcohol and other drugs. All members of the college community are either directly or indirectly affected by an individual's choice. Personal health and relationships, public reputation, and ability to perform one's obligations are all placed in jeopardy by alcohol and other drug abuse that occurs on and off campus. The college community has both an ethical and a legal responsibility to formally address the problems in this area. The college acknowledges that individuals can make appropriate low risk decisions regarding the use of alcohol. As an institution of higher education within a larger community, the college will take active steps to educate its members as well as support and uphold local, state and federal laws. With respect to education, the college will actively provide information, programs, and counseling for faculty, staff, and students in the areas of alcohol and other drug use. In protecting the interests of the community, the college will take an individual approach to sanctioning offenders. The seriousness of the problem calls for a range of sanctions leading up to and including separation from the institution and referral for prosecution. Our aim is to take a reasonable and developmentally oriented approach within the limits of the law.

## Drug-Free Workplace Policy

Under the regulations of the Drug-Free Workplace Act of 1988, any individual who is on the New England College payroll, including students, working under a federal grant or contract must notify their supervisor of a workplace-related criminal drug conviction within 10 days of the conviction.

In an effort to educate the New England College community and to comply with the requirements of The Drug Free Schools and Communities Act Amendments of 1989, the following information is provided as addenda to this policy statement:

1. A summary of the health risks associated with the abuse of alcohol and illegal drugs;
2. Information on the low risk and appropriate uses of alcohol;
3. A description of alcohol and other drug counseling, treatment, and rehabilitation programs available to members of the College;
4. A summary of local, state, and federal laws for the unlawful possession or distribution of illicit drugs and alcohol;
5. A summary of the college's disciplinary code and sanctions regarding alcohol and other drug abuse.

- a. student
- b. faculty and staff
- c. social function policies

This policy will be subject to biannual review. Individuals or groups who wish to comment on or to recommend changes to this policy should contact the Office of Student Development.

**Addendum 1: *Health Risks Associated with the use of Illicit Drugs and the Abuse of Alcohol***

Type of Drug - Drug Name - Common Health Hazards Associated with Use

**Cannabis Marijuana:** Memory impairment, possible damage to the lungs, heart, reproductive and immune systems. Hashish: Also, psychological dependence, hallucinations panic and anxiety reactions. Stimulants (drugs that stimulate the nervous system)

**Cocaine:** Intense psychological dependence, sleeplessness, anxiety, sexual impotence, seizures, and lung damage; also nasal passage damage, tremors, psychosis, depression, stroke, neurological damage, ulcers, high blood pressure, heart disease, liver damage and death from overdose or nervous system impure supply. There are also serious problems for unborn and newborn infants.

**Amphetamines:** Dexedrine, Methadrine, diet pills, Nicotine: Sleeplessness, anxiety, hallucinations, seizures, brain damage, malnutrition, ulcers, depression, sexual impotence, physical and psychological dependence, heart deterioration, high blood pressure, irregular heartbeat, heart attack and death from overdose.

**Nicotine:** Cancers of the lung, throat, mouth and esophagus; also, heart disease and emphysema.

**Narcotics:** Heroin, Morphine, Codeine, Methadone, Demerol: Addiction with severe withdrawal symptoms. Respiratory and circulatory depression may lead to death. Also, vomiting, dizziness, sexual impotence, effects to the immune system, increased blood pressure, heart failure, infection of the heart lining and valves, skin abscesses and lung congestion. Hallucinogens PCP, LSD, Mescaline: Anxiety, depression, impaired memory and perception, death from accidents and overdose, that alter flashbacks, breaks from reality, violent perceptions of behavior, seizures, stroke, coma, heart and reality lung failure. Depressants (drugs that slow down the central nervous system)

**Alcohol:** Large amounts of alcohol in the system can cause unconsciousness, respiratory depression and death. Long term heavy use can cause permanent brain damage, such as memory and the ability to think abstractly. Other complications of alcohol dependence include cirrhosis (liver damage), hepatitis, altered brain cell functioning, nerve damage, gastritis (inflammation of the stomach), premature aging, impotence, infertility and other reproductive disorders; also, increased risk of heart disease, pneumonia, tuberculosis, neurological disorders and an increased risk of cancer.

**Barbiturates, Pentobarbital, Secobarbital, Amobarbital:** Addiction with severe withdrawal symptoms. Also, nausea, loss of motor control, depression, seizures, respiratory and circulatory failure, death from overdose, sexual impotence, birth defects, and behavioral problems to unborn infants. Combining with other drugs greatly increases the risk of death.

**Tranquilizers, Valium, Librium, Equinil, Quaaludes:** Psychological and physical dependence, tremors, sexual impotence and menstrual irregularities. Mixing with alcohol or other depressants may cause death. Overdose may cause coma and death. Death from overdose. There is a severe reaction with alcohol. Causes - auto accidents because of faulty judgment and drowsiness. Also, nausea and seizures may result. Steroids Blood disorders, liver problems, cancers, aggressive behavior and psychosis.

This is not an exhaustive list of illicit drugs used in society today. The use of inhalants, such as glue and cosmetic sprays, for example, are currently posing serious health risks across the nation. Rohypinol (ruffies) and GHB, on the other hand, are deceptively being used to sedate and rape women.

### ***Addendum 2: Low Risk and Appropriate Uses of Alcohol***

Our health is dependent upon our ability to set standards for chemical use and to live by them. There are low risk and high risk situations involving alcohol and other drug use. Listed below are some suggestions for setting both personal and group standards for chemical use and non-use.

#### **Suggested Standards**

1. The use of alcohol is a personal choice. No one should be pressured to drink or not to drink, or made to feel uneasy or embarrassed, because of a personal choice.
2. Alcohol is not essential for the enjoyment of family or social events, or for celebrating success.
3. Drinking should not be an activity for its own sake, but an adjunct to other activities.
4. The use of alcohol at luncheons or meetings during working hours or the class day should be discouraged. Many companies and institutions specifically prohibit the use of alcohol during the work or school day.
5. Excessive drinking that leads to intoxication is neither healthy, safe, nor socially acceptable and can put a person into a high risk status.
6. Drunkenness should not be laughed at or taken lightly, but should be considered high risk behavior and could possibly be indicative of more serious issues.
7. The person responsible for setting up parties or social events is accountable for seeing that alcohol, if used, is used legally, appropriately and in a low risk manner.
8. Illegal chemical use has specific risks and should be discouraged. Examples are: dosage, purity, criminal record, etc.
9. Everyone should know when to abstain from chemicals. A helpful barometer is the scale ranging from low risk situations to those of high risk for endangering yourself and/or others. Examples of the higher risk side of the scale are the following: - while engaged in athletics or physical activities, especially aquatics; - while pregnant or nursing a child; - when full cognitive functioning is needed - schoolwork, job, or athletic performance; - while doing anything that is more dangerous or less effective under the influence of alcohol.
10. Everyone should know their limits and keeps them in low risk situations. How much alcohol a person can consume before he/she becomes impaired or intoxicated depends upon several factors, including age, body weight, food eaten, gender, degree of fatigue, strength of drinks, mental state, and menstrual cycle (females)

\*From the "It's Time to Talk" program published by Hazelden Health Promotion Services.

### ***Addendum 3: A Description of Alcohol and other drug counseling, Treatment and Rehabilitation Programs Available to Members of the College.***

New England College will assist faculty and staff who are experiencing substance abuse problems. The Employee Assistance Program provides a way for employees and their dependents to receive confidential, professional evaluation and help. You may contact the Human Resources Office, the Counseling Center or your supervisor for more information or you may call the EAP directly. In addition, the Human Resources Office can provide information on health insurance coverage for substance abuse counseling or in-patient programs.

## **Classroom Buildings**

Classroom buildings are to be used only for scheduled classes or events. To reserve a classroom, please contact the Office of Student Records. For use of rooms in the CEI Building, contact the CEI Office.

## **College Name**

No student, group of students, club or any college organization may use the name of the college in any printed form (including letterheads) or any other public form without going through the proper channels. A student or student group may become a recognized organization through the Student Senate. All other requests must receive written permission from the Dean of Student Affairs. All publicity should be handled by either the Office of Campus Life or the Public Information Office.

## **Communicable Diseases**

### **I. Introduction**

The general provisions of this policy apply to students, faculty and staff of New England College unless otherwise directed at a specific group of the institution and noted herein. The policy is based upon the need of the institution to develop systematic approaches for controlling contamination risks associated with the serious strains of communicable diseases, including but not limited to Acquired Immune Deficiency Syndrome (AIDS), and to protect the individual with prompt identification, while raising the awareness of the communicable disease problem through an effective education program. As an institution, therefore, we are concerned with both the health and safety of the individual and the group, and of balancing those interests, and developing effective educational programs for all College constituencies. It is the position of the College that because of the sometimes rapidly changing data, medical research and shifting public health policies associated with communicable diseases that policies and procedures should be broad enough in scope to account for the general increasing body of knowledge while protecting the individual's rights and those of the group.

### **II. Evaluation Team**

It shall be the policy of the College to review cases of communicable diseases on an individual, case by case, basis. The mechanism used for such a review shall be an evaluation team which will undertake evaluations based on the latest information available from public health sources.

- A. The evaluation team will consist of the Nursing Director and Medical Director of Health Services.
- B. The evaluation team may consult additional health care providers for individual situations as deemed appropriate, within the bounds of confidentiality as indicated in the State of N.H. RSA Chapter 141-F, of 1988.
- C. The evaluation team will review the health issues associated with individual cases of communicable disease, and evaluate potential risks to the rights of the individual and the College community. The team's decisions will be based on medical analysis and a weighing of the factors outlined in this and other provisions of the policy.
- D. Team recommendations may include such actions as recommendations for medical care, and other actions as deemed appropriate to protect the individual as well as the campus community.

### **III. Education**

It shall be the policy of the College to educate its students, faculty and staff as to the dangers of communicable diseases, including but not limited to HIV/AIDS, and as to the latest public health findings as such material becomes available. The following procedures shall be a matter of policy.

- A. The provisions of this policy shall be distributed among the various constituency of the College on a regular basis as deemed appropriate by the Dean of Student Affairs, Director of Human Resources, and Dean of the Faculty.
- B. The Dean of Student Affairs, Dean of Faculty, and the Director of Human Resources shall design and offer workshops, oversee the distribution of literature, and otherwise assure an atmosphere of discussion on issues surrounding communicable diseases. Precautionary procedures and guidelines for safe handling of blood and body fluids will be provided for

personnel from athletics, food services, residence life, health care workers, custodial services and academic departments offering biological teaching laboratories.

#### IV. Reporting

A. It shall be a requirement of the institution that cases of communicable disease be reported to the Director Health Services within a reasonable period after an individual's discovery of a reportable Communicable disease. The Director of Health Services and Director of Human Resources will make available a list of what the New Hampshire Department of Public Health considers to be reportable communicable diseases.

#### V. Confidentiality

It shall be the policy of the College to abide by the provisions of the physician patient relationship protecting confidentiality, and the provisions as noted below:

A. The College endorses the provisions of the Privacy Act of 1974 and the State of N.H. RSA Chapter 141-F, of 1988. Therefore, no person, group, agency, insurer, employer, or institution will be provided medical information without the prior written consent of the patient. This provision shall include parents of students.

#### VI. Individual Responsibility

It shall be the responsibility of an infected individual to avoid contact or activity that will facilitate communication of the disease to other members of the community. Failure to act responsibly will require that disciplinary action be taken and may result in removal from the College community.

### **Cyber-Bullying**

Cyber-bullying is the use of electronic information and communication devices to willfully and repeatedly harm a person (or persons) through the medium of electronic text, photos, or videos.

Examples of this behavior include but are not limited to:

- Sending false, cruel, vicious messages.
- Creating websites that have stories, cartoons, pictures, and jokes ridiculing others.
- Breaking into an email account and sending vicious or embarrassing materials to others.
- Engaging someone in electronic communication, tricking that person into revealing sensitive personal information and forwarding that information to others.
- Posting of a student picture without their permission.

Bullying of this nature creates a hostile, disruptive environment on the campus and is a violation of a student's right to be safe and secure. Cyber-bullying and harassment will not be tolerated. Actions deliberately threatening, harassing, or intimidating an individual or group of individuals, placing an individual in reasonable fear of harm or damaging the individual's property; or disrupting the orderly operation of the school, will not be tolerated.

The online activities and technologies often used by students engaged in cyber bullying include but are not limited to social networking sites, chat rooms and discussion groups, instant messaging, text messaging, computers, cell phones and personal digital devices, digital cameras, cell phone cameras, and web cams. As new technologies emerge, they too may be included with the above forms of electronic communication.

Any disciplinary actions taken by New England College do not shield the harasser(s) from any criminal actions that may be taken against them.

### **Dissent and Demonstration**

Several principles basic to our College community are enumerated below and serve as a summary of the College's position concerning freedom of expression and dissent.

1. Free inquiry and expression are elements in the achievement of the goals of this academic community.
2. Responsible dissent is to be encouraged as one means of exposing errors in reasoning and procedures, and of discovering truth.
3. Any effort to limit freedom or openness in this academic community is a matter of serious concern because it is against the freedom of expression of serious concern because it is against the freedom of expression.
4. Thus, all members of the community are free to register, through orderly means, their point of view on any issue or decision. They are also expected to help guarantee the right of others to free movement about campus and free expression of their concerns.

Through the above statement, the college would make clear to all members of the community that any group or individual has the right to free expression and presentation of its, or the individual's point of view. No group or individual has the right to interfere with the movement or functions of other authorized persons and groups. Students must take upon themselves the responsibility for seeing that reasonable order and decorum are maintained in any demonstration or counterdemonstration. Where the interests of two groups come into conflict, it is the responsibility of these groups, working as necessary with the Dean of Student Affairs, to establish guidelines for their behavior.

The College has a responsibility to protect its guests from mistreatment or danger, and expects student cooperation in exercising that responsibility. Since it is difficult to detail what the College's responsibilities would require of a given group in any particular situation, and because of the possible unforeseen consequences of demonstration activity, groups or individuals planning demonstrations are encouraged to inform the Office of Student Development of plans before the event.

It must be understood that those who do not abide by specified limitations placed upon their activity, or who ignore generally accepted standards of conduct, are subject to disciplinary action. Such action would be taken through the procedures that normally handle discipline cases, namely the Student Development Office and the College Judicial Board.

### **Discriminatory Harassment Policy**

New England College seeks diversity in its community members and consequently places high value on tolerance for and appreciation of differing backgrounds and points of view. The college supports regular ongoing efforts at achieving high levels of tolerance, appreciation of differing points of view, and freedom of expression through educational programs, advising, counseling, and conciliation. The college also stands ready to protect the educational process by bringing charges against those persons who engage in discriminatory harassment or intimidation.

Discriminatory harassment or intimidation of persons by members of the college community is anathema to the educational environment of New England College and, therefore, individuals who engage in such behavior will be subject to discipline. Discriminatory harassment or intimidation is any behavior-verbal, written, graphic, or physical-that stigmatizes or victimizes an individual on the basis of race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age or handicap and that:

- A. involves an express or implied threat to an individual's academic efforts, employment, participation in College sponsored activities or personal safety; or
- B. creates an intimidating, hostile, or demeaning environment for educational pursuits, employment, or participation in college sponsored activities.

## **Grievance Procedures**

Purpose of Grievance Procedure: To determine whether discrimination on the basis of sex, creed, race, age, or national origin, physical or mental handicap has occurred; and if it has, to determine what constitutes an appropriate remedy for the grievant.

***Eligibility:*** All individual students at New England College.

***Grievable Issues:*** Grievable issues consist of procedural and substantive errors pertaining to discrimination.

1. In the institution's policies (or lack of them) including a failure to comply with law and the promulgation of any action or procedure prohibited by law.
2. In the prescribed procedures for carrying out the institution's nondiscrimination policies and/or in their administration.

***Grievance Procedure Informal:*** The informal part of this procedure is an attempt to resolve individual grievances through an unwritten appeal to the administrative personnel most directly concerned with the grievance.

**Step 1:** Grievance is taken to the supervisor of the area where the problem is perceived.

**Step 2:** If grievance is not solved at Step 1, the next step will be to take complaint to the Vice President for Student Development or his/her designate.

**Step 3:** If grievances cannot be solved at the previous two levels, grievances will taken to the individual responsible for directing the College's Affirmative Action Program located in the Human Resources Office.

***Grievance Procedure Formal:*** If grievances cannot be solved through the informal process, the grievant should proceed through the formal part of the procedure. This part of the process involves the use of a committee to determine if discrimination has occurred.

***General:*** Before entering the formal grievance procedure the grievant must attempt informal resolution for a minimum of five working days.

Formal grievances shall be in writing stating the nature of the grievance, including the alleged violation, the contention of the grievant, and the relief sought. Such grievance shall be signed by the grievant.

The grievance will be presented to the Affirmative Action Officer. The grievant and the college official will immediately begin the process of selecting a Grievance Committee.

### ***Grievance Committee***

Composition of the Grievance Committee consists of one member selected from the candidate list by the grievant; one member selected from the candidate list by the immediate supervisor (or by the Office of the President, appropriate Dean or Director as designated above); one member (the chairperson) selected by the selectees. The committee selection will be completed within ten working days of the initial formal request. Individuals will be appointed for staggered two-year terms. The appointments will be made by the president of the College.

The candidate list will consist of nine names representative of a cross section of New England College faculty, staff, students, and administrators.

***Hearings by the Committee:*** After reviewing the written complaint, along with any additional information which the Committee may solicit, the Committee will decide either:

1. That a case for error has not been made and further action is not necessary. The grievant will be given (in writing) the reasons for refusing action on the alleged discrimination.
2. A prima facie case concerning discrimination exists. In such an instance, more formal fact-finding will occur.

Complete and accurate minutes will be kept by the Grievance Committee; transcriptions are not required. The committee will attempt to reach a conclusion within thirty working days of its original meeting. The grievant shall not be allowed legal counsel at committee hearings with the exception of cases where the subject of the grievance involves criminal behavior. In those cases, the committee must be notified of the presence of counsel prior to the hearing so that committee counsel can also be present.

### ***Committee Actions***

In any situation in which discrimination is found to occur, the committee will attempt to gain resolution by working through the appropriate administrative officers. If the grievance cannot be resolved, the committee shall submit a list of possible remedies (or a single remedy) to the President for consideration. No action of the committee shall infringe on the freedom of the president to act in a manner deemed most beneficial to the college and the grievant.

Appeals: If the grievant is dissatisfied with the action of the committee, the grievant may appeal the grievance to the president, who may reverse, modify, or affirm the decision of the committee, as the college officer of last resort.

## **Domestic Violence**

New England College will not tolerate any acts of Domestic Violence. This policy covers acts that occur on College property, at College-sponsored activities or off campus incidents involving students. Domestic Violence subverts the mission of the College and threatens the careers, educational experience, and well being of students, faculty and staff.

### ***Definition***

Behavior that includes the physical, sexual, verbal or emotional abuse of a current or former intimate partner or family member\*

"Abuse" means the occurrence of one or more of the following acts:

1. Attempt to cause, purposely or recklessly, bodily injury;
2. Physical or verbal threatening to cause imminent bodily harm to themselves, the alleged victim or another person;
3. Attempting or engaging in sexual assault and/or rape as defined in the Sexual Assault and Rape Policy;
4. Attempting to or restraining someone through physical holding, preventing their leaving or taking them somewhere against their will;
5. Attempting or committing destruction of property of the alleged victim;
6. Attempting or committing an unauthorized entry on the property of the alleged victim;
7. Engaging in any other course of conduct which physically or emotionally harms or places in fear the alleged victim;
8. Intimidating the alleged victim by engaging in a pattern of conduct intentionally or recklessly which would cause substantial emotional distress to a reasonable person.

\*"Intimate partners" means partners who are, or have been for any length of time, sexually or romantically involved regardless of the gender of either partner.

There is a 24 hour Domestic Violence Line available through the New Hampshire Coalition Against Domestic and Sexual Violence. Their phone number is 1-800-852-3388.

When there is a belief or suspicion that the College's regulations prohibiting domestic violence have been violated, the college will pursue strong disciplinary action. This discipline may include suspension or expulsion from the college. Institutional procedures are not substitutes for civil and criminal proceedings available to all citizens. A student charged with domestic violence can be prosecuted under New Hampshire criminal statutes (RSA 173-B) as well as disciplined under the New England College Disciplinary Code of Conduct.

The charged party, if not a member of the New England College community, may be prosecuted under the New Hampshire state laws but not under the New England College judicial system. When the charged party is not a member of the college community, that person may be banned from campus. In these cases, the victim is still entitled to all New England College support services.

The College has the authority to bring charges of domestic violence against a person even when the victim is not willing to file charges. This will occur when there is clear evidence of domestic violence from a third party report or direct witnessing of events. If there are any visible signs of domestic violence such as recent bruises, cuts, etc., the Henniker Police department will be notified. New Hampshire State Law (RSA-B:9) requires police officers who witness evidence of current domestic violence to arrest the suspect.

\* For more information regarding violence and/or other forms of abuse within relationships other than intimate or familial relationships, please refer to specific violations on page 64, Disciplinary Code Governing Student Conduct and the Judicial System, Section II, Part A of The Compass.

### **Rights and Provisions**

It is the policy of New England College to provide comprehensive educational programs about domestic violence. The Vice President for Academic Affairs and Vice President for Student Development will ensure that programs are provided on an appropriate and timely basis. Programs will include pamphlets, media presentations, meetings, seminars and other educational forms of discussion.

A person accused of domestic violence will be subject to disciplinary proceedings under the procedures set forth and with the rights assured in The Compass. The College's actions will not be dependent on the initiation or outcome of criminal charges.

If the Vice President for Student Development or designee determines that continued close proximity with the charged party may pose a threat to the alleged victim, a temporary order may be issued. This order may include alternative living arrangements and/or suspensions of the charged party pending a hearing. The college will also assure domestic violence victims of the following set of rights inherent in the College Disciplinary Code occurring to either the alleged victim or the accused:

- A. The right to immediate medical care, free counseling services, and the availability of a victim advocate if desired. (victim advocates are trained professional staff from the New England College Counseling Center or professionals from off campus.) Individual counseling is available to each of the persons involved in such an incident. Couples counseling and/or mediation is never appropriate due to the imbalance of power and control issues and will not be offered in these cases;
- B. The right to request an interim separation order from the Office of Student Development pending a hearing;
- C. The right to have a person of their choice (a victim advocate) accompany them throughout the disciplinary hearing;

- D. The right to remain present during the entire hearing;
- E. The right to be informed of the outcome of the hearing;
- F. The right to have a victim advocate speak for the victim if, in the opinion of procedures of witness confrontation are usually preferable for the promotion of due process but that victims of domestic violence may require these additional protections;
- G. The right to be protected under New Hampshire state law.

### **Promulgation**

Domestic violence shall be defined and otherwise referred to in the section on Student Rights in The Compass and in the College's Policy on Domestic Violence and Rights of Victims of Domestic Violence. This policy will be published in all college handbooks. Copies also may be obtained in any of the following campus locations: Danforth Library, Student Development Office, Human Resources Office, Residence Hall Complex Offices, Safety Office, Academic Affairs Office, Health and Counseling Center, President's Office and Henniker Police Department.

### **Equal Educational Opportunities**

It is New England College's policy to administer all educational programs and related supporting services and benefits in a manner which does not discriminate because of a student's or prospective student's race, color, religion, sex, sexual orientation, age, national origin, physical or mental handicap, or other characteristics which cannot be lawfully the basis for provision of such programs or services.

Further, each area within the institution will encourage the application of minority and women students to eliminate the effects of any past discrimination in the provisions of educational and related services, and to establish procedures which will assure equal treatment and equal access to the facilities and educational benefits to all students as required by law.

### **Hazing Policy**

New England College supports the State of New Hampshire law and does not condone or tolerate any acts of hazing. Any such acts, on or off college premises, which interfere with normal college activities, academic or nonacademic, are expressly forbidden. In accordance with the New Hampshire hazing law, New England College will report any incidents of hazing to the proper legal authorities.

### **Definition**

Hazing is defined as any act directed toward a student, or any coercion or intimidation of a student to act or to participate in or submit to any act when:

- A. Such act is likely or would be perceived by a reasonable person as likely to cause physical or psychological injury to any person. Hazing also includes any act designed to or the result of which is to produce, mental or physical discomfort, embarrassment, harassment, or ridicule; and
- B. Such act is a condition of initiation into, admission into, continued membership in or association with any organization.

### **Responsibilities**

- A. A person is guilty of hazing if such person:
  - 1. Knowingly participates as an actor in any student hazing; or
  - 2. Being a student, knowingly submits to hazing and fails to report such hazing to the Vice- President for Student Development; or
  - 3. Is present at or otherwise has direct knowledge of any student hazing and fails to report such hazing to the Vice-President for Student Development;
- B. An organization is guilty of hazing if it:
  - 1. Knowingly permits or condones student hazing; or

2. Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; or
3. Fails to report to the Vice President for Student Development any hazing reported to it by others or of which it otherwise has knowledge.

### ***Consent***

The implied or express consent of any person toward whom an act of hazing is directed shall not be a defense in any action brought under this section.

### ***Implementation***

Any infraction of the New England College Hazing Policy by students, groups of students, or student organizations shall be prosecuted through established College Judicial System procedures. Upon decision of the Vice President for Student Development, cases may also be referred to other bodies in the following way; an infraction by a student organization or club sport to the Student Senate; an infraction by a Greek organization to the Greek Council Judicial Board; and an infraction by an athletic team to the Department of Athletics. Those bodies will review the alleged violation and adjudicate accordingly with recommendations to the Vice President for Student Development.

### **HIPAA**

The Health Insurance Portability and Accountability Act (HIPAA) of 1996 protects the privacy of a person's health records. Students must give written permission for their health records and treatment information to be shared. Forms for releasing information are available at the Wellness Center.

### **Keys**

It is a violation of college policy for students to give college keys to another party for private use, as passing a key indicates the possibility of reproduction of the key off-campus. If it becomes obvious that an unauthorized person retains possession of a college key, a verbal warning will be given first, and then the door will receive a lock change and the individual responsible for loaning the keys will be charged the lock-changing fee.

### **Leaves of Absence (Withdrawals)**

A student who wishes to withdraw from the College must contact the Director of Academic Advising or the Director of the Wellness Center, and complete a Withdrawal/Leave of Absence Form. If the student is less than 18 years of age, the College must have evidence that the parent(s) is/are aware that the student is planning to withdraw. A leave of absence is defined as a student's request to separate from the College for a temporary period. The typical duration for a leave of absence is no more than two years. Generally, students would reenter under the major and graduation requirements in effect at the time of their original entry to the College. Examples of why a student may take a leave of absence or withdraw from school include the following: national service, health or psychological issues, personal or financial reasons. Before taking a leave of absence, a student should contact his or her lender regarding repayment obligations that may arise as a result of the leave. A student should also consult the Student Financial Services Office to discuss any impact the leave may have on financial aid. In addition, international students must notify the international student advisor of their intention to take a leave of absence. Leaves are not granted to first-semester students or to students who have been suspended or otherwise dismissed from the College. Leaves of Absence are granted to students who are in good academic and disciplinary standing at the time of their separation. Students who withdraw during a semester are required to apply for readmission before returning the following semester. This policy may not be used in lieu of disciplinary actions to address any violations of College rules, regulations, policies, or practices. A student who withdraws, takes a leave of absence, or is placed on an involuntary leave while on academic and/or disciplinary status will return on that same status.

### **Medical/Psychological Leaves of Absence**

A student may be granted a medical/psychological leave of absence from the College when the students' physical or mental health is impeding normal academic progress. The student may be evaluated by the Wellness Center staff who will assess the justification for the leave. Information about the students' health status may be requested from an outside medical or mental health provider. Students who return from a medical or psychological leave must contact the Wellness Center to schedule an assessment interview to determine follow-up medical treatment and/or other Wellness Center support services. It is at the discretion of the medical director to recommend whether or not a student's return to the NEC community is appropriate.

### **Involuntary Withdrawal**

New England College may place a student on an involuntary withdrawal or leave of absence when that student poses a potential threat to health and safety of self or others, or is not able or not willing to take a voluntary withdrawal/leave of absence..Students who return from an involuntary withdrawal/leave must contact the Dean of Students to schedule an assessment interview to determine whether or not a student's return to the NEC community is advisable.

### **Re-Admission**

At the conclusion of the leave period, if a student wishes to re-enroll at New England College he or she must contact the Director of Academic Advising. In addition to evaluating the student's academic transcript, the Director of Advising will confer with the Dean/Associate Dean of Students, the Wellness Center staff, and the Financial Services Office to determine eligibility for re-admission.

### **Medical Amnesty Policy**

Because health and safety of students are of primary importance, students are encouraged not only to look out for their own health and safety but also for that of their peers. It is imperative that someone calls for medical assistance when an individual's health and safety are threatened or appear to be in jeopardy due to severe intoxication or a serious injury after consuming alcohol or other drugs/substances. People may be reluctant to seek help in such alcohol or other substance-related emergencies because of potential College consequences for themselves or the person in need of assistance. Since these emergencies are potentially life threatening, the Medical Amnesty Policy reduces or eliminates disciplinary consequences for students who obtain medical help for an intoxicated student or guest or even for themselves.

This policy is part of New England College's comprehensive approach to reducing harmful consequences caused by the consumption of alcohol or other drugs. The Medical Amnesty Policy represents the College's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol or substance-related emergency. The Medical Amnesty Policy also provides education for individuals who receive emergency medical attention to reduce the likelihood of future occurrences.

#### ***How does Medical Amnesty work?***

Typically, medical amnesty only applies to the person in need of medical assistance and to those who assist in the seeking of medical assistance. Individuals seeking medical treatment for themselves or for another student in an alcohol- or drug-related medical emergency will be granted amnesty from sanctions pertaining to their substance use. Other consequences, such as parent contact and meetings/assessments with Wellness Center staff, may be required. Serious or repeated incidents will prompt a higher degree of concern and response.

Medical amnesty only applies to violations of the New England College Code of Student Conduct. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law. Students may not be granted amnesty from sanctions resulting from other policies that they violate while under the influence of alcohol, particularly if these other violations involve significant disruption or harm/danger to self or others (i.e. physical assault and sexual assault).

Failure to complete educational assignments or treatment recommendations issued under this policy normally will result in disciplinary action. The student will be responsible for any costs associated with drug or alcohol education interventions.

If a student received medical amnesty for a prior incident in which they needed attention, the availability of amnesty for a subsequent incident is at the discretion of the Dean of Students or his/her designee. If an individual requires additional emergency medical assistance in multiple situations, it may be a sign that the student is unable to maintain a safe and healthy lifestyle and needs assistance beyond what we can provide at the College. Helpers, or those who seek help for the endangered student, are not limited to only one use of the Good Samaritan/Medical Amnesty Policy. It is expected that members of the New England College community will always make an effort to help a fellow student that is in need even if they have been using alcohol themselves.

### ***Recognizing Signs of Intoxication/Overdose***

If you drink or have friends who drink it's important to know the signs and symptoms of alcohol poisoning. It's not necessary for all of these symptoms to be present before you seek help. Those signs followed by an asterisk may also indicate opiate or sedative/hypnotic drug overdose.

- Vomiting
- Confusion, stupor\*
- Seizures\*
- Slow breathing (less than eight breaths a minute)\*
- Irregular breathing\*
- Blue-tinged skin or pale skin
- Low body temperature (feels cold & clammy to touch)\*
- Unconsciousness ("passing out")\*

Signs of an amphetamine overdose may include:

- Rapid heartbeat
- Increased temperature/sweating
- Behavior changes indicated by increased anxiety, delirium or psychosis

A person who is unconscious or can't be roused is at risk of dying.

### **SEEK ASSISTANCE!**

Even if you don't see the classic signs and symptoms, but suspect someone has alcohol poisoning, err on the side of caution - seek immediate medical care. In an emergency, follow these suggestions:

If the person is unconscious, breathing less than eight times a minute or has repeated and uncontrolled vomiting, call 911. Remember that even when someone is unconscious or has stopped drinking, alcohol continues to be released into the bloodstream and the level of alcohol in the body continues to rise. Never assume that a person will "sleep off" alcohol poisoning.

Don't leave an unconscious person alone. While waiting for help turn them on their side; don't try to make the person vomit. People who have alcohol poisoning have an impaired gag reflex and may choke on their own vomit or accidentally inhale (aspirate) vomit into their lungs, which could cause a fatal lung injury.

Your assistance and support in helping the College keep you and your fellow students safe is most appreciated.

## **Psychological Leave Policy**

Throughout each semester, students at New England College will present a range of psychological issues that require staff assistance or staff intervention. In addition to the care students might receive during class sessions (typically seeing a staff member at the Counseling Center), there are times when a student might need to spend time away from the campus, either voluntarily or involuntarily.

### **Student Initiated Leaves**

#### **1. *Short Term Absences (5-10 days)***

In some instances, a student may experience a psychological problem, family distress or a need for extended time for bereavement. In these cases, the student has the responsibility to contact the Counseling Center and Pathways department to coordinate the leave with the student's faculty/staff members. This notification does not relieve the student from their responsibility to arrange for completing the missed work and should not be considered an excused absence. Students should be reminded to consult faculty or syllabi regarding missed class policies, and to communicate well with their faculty so as to minimize impact on grades. Students should be advised to check in with the Pathways or Counseling Center to confirm their return to NEC.

#### **2. *Long Term Absences (greater than 10 days)***

In the event a student determines their psychological situation requires more than a short-term absence, they must complete a "Psychological Leave" form with the Director of Counseling. This form will then be submitted to the Pathways office and the student will work out arrangements with this office to determine their academic status. Please note that a "Psychological Leave" does not require a specific diagnosis from the Director of Counseling; it merely allows the student the option to indicate that their leave is due to psychological factor(s) as opposed to, say, financial reasons.

### **College-Initiated Leaves**

New England College is an academic institution equipped to meet many of the needs of diverse college students. The Health and Counseling Center works directly with faculty, staff and many support services including the Pathways program, academic advising, and the office of Campus Life. However, the Health and Counseling Center is not designed to meet the long-term needs of certain serious psychological episodes (e.g. potentially lethal suicide attempts, chronic eating disorders, dramatic and/or expansive displays of self-mutilation, and those events or behaviors that disrupt the NEC community). It is understood that some students may experience serious psychological difficulties that do not reach the need for separation from the college.

These may include:

- self-abusive or harmful behaviors that do not include the risk of suicide or community disruption
- eating disorders that do not immediately present a life-threat or negatively impact the community

- mental illnesses that do not pose harm to self/others or severely impact the community (these may include obsessive-compulsive behaviors, delusional thoughts, awkward social interactions).

Students experiencing these difficulties are expected to take personal responsibility to manage their behaviors and seek appropriate treatment as necessary. If these serious psychological difficulties rise to the level of disrupting the community, putting the student at risk, or diminish the student's ability to care for himself/herself, a separation from the College may be initiated.

## **Procedures for Separation**

### ***Off-Campus Assessment***

In the event of a serious psychological episode or serious psychological difficulties that become chronic, dangerous or excessively disruptive, the college will require the student to be assessed off-campus by an appropriate psychological provider (e.g. licensed clinical mental health counselor, psychologist, psychiatrist, licensed social worker or other licensed mental health provider approved by the Director of Counseling). In such cases, a member of the student development staff may notify parents, guardians and other appropriate persons.

The purpose of the evaluation is to assure:

1. The student is safe to return to campus and does not pose an immediate harm to him/herself or others and is able to adequately care for himself or herself.
2. The student is able to function both socially and academically and will not cause any disruption to the community or normal functioning of the college.

Prior to returning to campus, the student must provide written documentation of their evaluation and develop a safety plan for their return. This plan should include a description of specific goals, meetings and supportive steps the student will implement to help reduce the risk of another serious psychological episode or serious chronic psychological difficulties, dangerous or excessively disruptive to the community and normal functions of staff and faculty. The Counseling Center is able to assist with the creation and editing of this plan.

### ***Hearing Procedure***

Once this plan is received and reviewed by the Director of Counseling, a hearing will be held to determine any timeline for the student's return to campus and any sanctions or restrictions that will accompany this return. During this hearing, the Hearing Officer or Board will do the following:

1. Assess the quality and content of the evaluation and whether it is sufficient to allow the student to return to campus.
2. Decide whether the student can reasonably be expected to return to campus and complete their academic work
3. Approve the safety plan and conditions required for the student's return.
4. Outline specifically what will happen if the safety plan or conditions are not followed.

After the hearing, the Board or Hearing Officer will consider the information presented at the hearing and, after consultation with appropriate staff, come to a decision about the student's status. This decision could include one of the following options:

1. Immediate return to the campus, providing a student follow a plan for care with on-campus and/or off-campus providers
2. Student's return to campus deferred until additional assessment or treatment can be obtained.

3. Student's return to campus deferred indefinitely due to significant and specific concerns about continued danger to self or others and/or disruption to the community

As with all hearings, students possess the right to appeal the outcome this hearing as described in The Compass, the New England College Student Handbook.

## **Sexual Assault and Rape**

Sexual assault or rape of any person committed by a New England College student, on college property, at college sponsored activities, or off campus, will not be tolerated. Sexual assault is the intentional touching of a victim's sexual or intimate parts, or the clothing covering the immediate area of those parts, without the victim's consent through the use of force, threat of force, coercion, or intimidation, or under circumstances where the victim is mentally incapacitated for any reason including intoxication.

Rape is sexual penetration of the victim's genital or other body openings, by any part of the accused's body, or by an object manipulated by the accused, without the victim's consent through the use of force, threat of force, coercion, or intimidation, or under circumstances where the victim is mentally incapacitated for any reason including intoxication. Acquaintance rape is rape occurring in a situation where the parties (victim and accused) know one another. Where there is cause to believe that the college's regulations prohibiting sexual assault and rape have been violated, the college will pursue strong disciplinary action. This discipline may include suspension or expulsion from the college.

A student charged with sexual assault or rape can be prosecuted under New Hampshire criminal statutes (RSA 632:A, 1, 2, 3) as well as disciplined under the New England College Disciplinary Code.

### ***Rights and Provisions***

It is the policy of the College to provide comprehensive educational programs about sexual assault and rape to students. The Vice President of Academic Affairs and Dean of Student Affairs will ensure that programs are provided on an appropriate and timely basis. Programs should include pamphlets and other media presentations, meetings, seminars, and other educational forms of discussion.

Persons accused of sexual assault or rape will be subject to disciplinary proceedings under the procedures set forth and with the rights assured in The Compass, the student handbook. The college's actions will not be dependent on the initiation or outcome of criminal charges.

If the Dean of Student Affairs or designee determines that continued close proximity or potential for unwanted interaction with the accused may pose a threat to the victim, a temporary order, which can include alternative living arrangements, exclusion of the accused from various college properties or privileges, or outright suspension of the accused pending a hearing, may be issued.

The College will also assure sexual assault and rape victims of the following set of rights in addition to any other rights inherent in the College Disciplinary Code accruing to either the victim or the accused:

### ***Rights of Student Victims of Sexual Assault or Rape***

1. The right to immediate medical care, free counseling services, and availability of a victim advocate;
2. The right to request an interim separation order from the Office of Student Development pending a hearing;
3. The right to have a person of their choice (a victim advocate) accompany them throughout the disciplinary hearing;
4. The right to remain present during the entire hearing;
5. The right not to have their irrelevant past sexual history considered during the hearing;
6. The right to be informed of the outcome of the hearing;

7. The right to have a victim advocate speak for the victim in a hearing if the victim's presence would cause unnecessary psychological stress or otherwise endanger the victim in the opinion of the judicial advisor. The College recognizes that normal procedures of witness confrontation are usually preferable for the promotion of due process but that victims of sexual assault and rape may require these additional protections.

### ***Promulgation***

Sexual assault and rape shall be defined and otherwise referred to in the section on Student Rights in The Compass and in the college's Policy on Sexual Assault and Rape and Rights of Victims of Sexual Assault or Rape.

This policy will be published in The Compass, the student handbook. It is also available at the Danforth Library, Student Development Office, residence hall offices and the Health Center and Counseling Center.

\* For more detailed information on the hearing process, refer to Judicial Procedures.

## **Sexual Harassment**

New England College's Title IX Officer is Paula Amato.

New England College will not tolerate verbal or physical behavior that constitutes sexual harassment of any member of the community. Sexual harassment subverts the mission of the college and threatens the careers, educational experience and well being of students, faculty and staff.

"Sexual Harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment or education;
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication is a pattern that has the purpose or effect of substantially interfering with an individual's employment or education, or of creating or allowing an intimidating, hostile, or offensive employment or educational environment. Harassment may include sexist jokes and sexist remarks as well as any other pattern of conduct that would cause discomfort or humiliation in a reasonable person of the same sex or different sex as the complainant. Harassing people because of their sexual orientation is a form of sexual harassment.

Faculty, staff and students should be aware of abuses of authority and conflicts of interest that are inherent in personal relationships where professional and educational relationships are also involved. This applies to sexual harassment regardless of whether or not the relationship is consensual. Sexual harassment is especially serious when it involves relationships between teacher/staff and student or supervisor and subordinate. In such situations, sexual harassment exploits unfairly the power inherent in a faculty member's or supervisor's position.

Informal and formal procedures have been established whereby individuals who believe that they have been sexually harassed may obtain redress. These institutional procedures are not substitutes for civil and criminal proceedings available to all citizens nor are they substitutes for normal institutional grievance procedures. The procedures provide for counseling appropriate to resolution of harassment issues and are

a powerful option for students, staff and faculty. Persons who believe that they have been sexually harassed should make their grievance known via these procedures as soon as possible. Any retaliatory behavior resulting from efforts to mediate or resolve complaints will not be tolerated by the college and will result in appropriate institutional actions.

The U.S. Education Department's Office for Civil Rights (OCR) has issued guidelines for meeting the requirements of Title IX of the Educational Amendment of 1972. According to these guidelines, the college is in violation of the law if we fail to act promptly to end sexual harassment which we "knew, or in the exercise of reasonable care should have known."

The College will therefore investigate charges of sexual harassment even when the victim is not willing to file charges against a person when there is a reasonable complaint that severe, pervasive or persistent harassment is occurring. As a result of the investigation, the college will take appropriate disciplinary action up to and including termination of employment or expulsion from the College.

The policy and procedures will be published in all the college handbooks. Copies also may be obtained in any of the following campus locations: Danforth Library, Student Development Office, Human Resources Office, residence hall complex offices, Vice President for Academic Affairs Office, Health and Counseling Services Office, and the President's Office.

## **Sexual Harassment Complaint**

If any member of the college community believes that she or he is being sexually harassed, the complainant may seek the assistance of the Sexual Harassment Mediators, Director of Human Resources, her/his supervisor, the Employee Assistance Program (for employees) or the NEC Counseling Center (for students) for information regarding the informal or formal steps in making a complaint of sexual harassment. Complete confidentiality can only be guaranteed in the context of counseling. Complaints of sexual harassment should be filed as soon as possible after the alleged incident.

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### ***Informal Mediation Process***

The individual will make a complaint to a mediator. The mediator will explain the process within the college as well as the other options (external to the college) that are available to the complainant.

The Complainants may choose to:

1. Inform the alleged harasser either through direct conversations or by a clearly worded letter making known what behavior is perceived as offensive and unwelcome; or
2. Utilize the mediator who will contact the alleged harasser, arrange a meeting and mediate in order to reach a solution.

The mediator will file a written report with the Affirmative Action Officer/Director of Human Resources. All reports will be kept in a confidential file in the Human Resources Office.

A mediator who participates in the informal mediation process shall not participate in any formal review of that particular complaint. However, the mediator may assist the complainant in documenting the complaint.

### ***Formal Investigation Process***

To initiate an official investigation, the complainant must submit a written document, signed, dated and briefly describing the complaint to a mediator. The mediator must not have been involved in the informal mediation process. Any such complaint should be filed as soon as possible after the alleged incident. The complaint may be dismissed if the written report is not submitted as prescribed. A copy of the complaint will be placed in the alleged perpetrator's file in a separate folder that, during the review process, will not be used in any formal evaluation. A copy of the complaint will also be filed with the Affirmative Action Office/Director of Human Resources. All reports will be kept in a confidential file in the Human Resources Office.

Upon receipt of the written complaint, the mediator will inform the alleged perpetrator in writing of the complaint. This will be accomplished within 7 business days.

If she/he does not respond within 7 business days following the service of the complaint, the mediator will go forward with the investigative process and formal review proceedings will be initiated.

### ***Formal Review***

When both the complainant and the alleged perpetrator are students, the matter will be heard by the Dean of Student Affairs. Hearings by the Dean will follow New England College Disciplinary Code policies and procedures.

When either one or both of the parties is an employee, the complaint will be presented to a review panel that will convene within 7 business days. If the President is directly involved in the complaint, the review panel will be chosen by the Chairperson of the Board of Trustees. Hearings may be conducted in the absence of any alleged perpetrator who fails to appear after the review panel has made a reasonable effort to provide advance notice of the hearing. The review panel will observe the following procedures and principles:

- A. The review panel will keep all matters strictly confidential.
- B. Both complainant and alleged perpetrator will be given written notice of:
  1. The charges;
  2. The time and place of the hearing;
  3. The right of appeal
- C. Prior to the hearing, all parties will be given the right to inspect any written evidence to be presented. The review panel will inform all parties that it will keep all written documents confidential.
- D. The hearing shall be before the panel and all parties will be permitted to present their cases including witnesses and evidence/
- E. There shall be written findings of fact and the decision of the panel shall be given in writing to all parties within 10 days following the conclusion of the hearing.
- F. In the event the complainant does not appear physically at the hearing, a representative of his/her choice may participate in the hearing on behalf of the complainant.
- G. Individuals may not be formally represented by legal counsel at a hearing or review. The role of legal counsel will be limited to consultation as defined by the review panel.
- H. Sexual Harassment Review Panel Hearing Format

The following Sexual Harassment Review Panel hearing format will be followed at all hearings:

1. Opening remarks by the Review Panel Chairperson
  - a. Purpose of hearing
  - b. New England College Sexual Harassment Policy
2. Introduction of Review Panel Members by Chairperson
3. Introduction of involved parties
  - a. Alleged Perpetrator
  - b. Complainant
  - c. Witnesses
4. Chairperson reads charges and ensures alleged perpetrator understands charges
5. Complainant makes statement
6. Alleged Perpetrator makes statement
7. Presentation of complaint
  - a. Complainant presents arguments
  - b. Testimony from witnesses
  - c. Questions from the Review Panel to complainant and complainant's witnesses
8. Presentation of defense
  - a. Alleged perpetrator presents argument
  - b. Testimony from witnesses
  - c. Questions from the Review Panel to alleged perpetrator and alleged perpetrator's witnesses
9. Final Statements
  - a. Summary by complainant
  - b. Summary by alleged perpetrator
10. Closed deliberation by Review Panel

College judicial hearings are non-criminal. They are conducted in a manner so as to be fundamentally fair without being unduly restricted by rules of procedure or evidence.

Excessive legalism can be a disservice to the College and its community of students, faculty and staff.

### ***Determination***

In determining whether the alleged conduct constitutes sexual harassment, the panel will consider the nature of the alleged incident or incidents. The review panel is not bound by formal judicial rules of evidence. The prevailing rule must be that of common sense and a need to promote and protect the primary educational function of the college. If the allegations cannot be substantiated, the complaint will be expunged from the alleged perpetrator's file and no reference to the allegations will be entered in the personnel/student file of the accused person. If the allegations are substantiated, the accused individual's personnel/student file will be appropriately annotated.

Where the complainant does not appear physically, the review panel may, if and only if it is essential to a fair determination, ask the complainant to provide more specific information and/or be interviewed by the review panel or some of its members outside of the presence of the alleged perpetrator. If the complainant does not accede to the request, the review panel may determine that the allegations cannot be substantiated.

### ***Remedy***

Upon completion of the formal grievance process, when a determination of sexual harassment has been made by the review panel, the panel may impose a sanction ranging from a letter of reprimand to suspension or termination for cause/discharge/expulsion from work or study, or may require an alternate action commensurate with their finding. The supervisor responsible for

ensuring proper conduct of the alleged perpetrator (for faculty-Vice President for Academic Affairs, for staff-appropriate staff supervisor, for students-Dean of Student Affairs) will be responsible for enforcing sanctions imposed by the hearing panel. The record of action will be placed in the appropriate (faculty or staff) personnel file or student file.

### ***Appeal***

A. Either party may appeal the panel's decision to the President of the college within 5 business days of the date of notification of the determination made by the panel. Such appeal must specify in writing the reasons for the appeal. The President (or designee in the President's absence) will base a decision whether or not to hear the appeal on evidence of one or more of the following grounds:

- a. improper procedure in the conduct of the case;
- b. crucial evidence is now available which was not available at the time of the decision;
- c. an unjust or inappropriate penalty.

B. The President shall determine whether the appeal should be heard or not. If it is determined that the appeal will be heard, the President will interview parties to the complaint, the alleged perpetrator, and the chair of the hearing panel, and will review pertinent material. The President may decide:

- a. to concur with the hearing review panel. In this case the initial decision is final.\
- b. to send the matter back to be reheard by the primary review panel or a reconstituted review panel.
- c. to alter the sanctions decided by the primary review panel.

C. Should the complainant desire to file a complaint with the EEOC (Equal Employment Opportunity Commission), and/or with the N.H. Commission on Human Rights that action must be taken by the complainant within 180 days of the alleged incident in accordance with the rules and procedures of these agencies.

D. If the President is directly involved in the complaint, the Chairperson of the Board of Trustees will act in lieu of the President in the appeals process.

### ***Personnel Mediator***

The President will appoint four mediators (no more than two of whom shall be of the same sex). They shall be persons of good reputation in the college community and considered to have the skills for mediation and organization with the ability to listen, re-state and clarify the issue(s) and position(s). In addition, the mediators receive specific training on sexual harassment issues.

The mediators are to be appointed for a two-year term and may be reappointed. The mediators are not members of the review panel but will present the investigative report.

### ***Complainant***

The complainant must be a member of the college community. The complainant may be the individual alleging harassment, any member of the college community on behalf of others, or the college itself through its Affirmative Action Officer/Director of Human Resources against a particular member of the college community. The complainant(s) may be represented by any member of the college community other than legal counsel. The complainant need not appear physically at a hearing if the investigator determines that the complainant's physical or mental health so requires.

### ***Review Panel***

A. The President appoints a Review Panel Pool of 16 members of the College community. Four members will be appointed from the faculty, four from staff, four from the President's Council

and four from the student body. All pool members will have annual training apropos of the College's policy and procedures regarding sexual harassment.

B. When a Review Panel is convened to hear a complaint the President selects five members from the Review Panel Pool to include:

- a. a member of the President's Council
- b. a member of the faculty
- c. a member of the staff
- d. two additional members from the student, staff and faculty constituencies whose inclusion is reflective of the facets of the community represented in the complaint. Selection will also be based, in part, on avoiding conflicts of interest.

C. The Affirmative Action Officer/Director of Human Resources will meet with the appointed panel members who will select one member as Chair of the Panel. D. The Review Panel Pool members are to be appointed for one-year terms and may be reappointed.

### ***Assessment Committee***

The Director of Human Resources will form a three member Committee to assess the need for further action on the college's part as a result of any reports or complaints of sexual harassment. The committee will be made up of the Director of Human Resources, one of the mediators and either the Vice President for Student Development or the Vice President for Academic Affairs, depending upon the constituencies of the parties involved.

The Director of Human Resources will review the recommendations of the Sexual Harassment Assessment Committee with the President.

### ***Promulgation***

In matters of sexual harassment, the primary federal laws involved are Title VII (1964 Civil Rights Act), which prohibits sex-based discrimination in employment, and Title IX (1972 Education Amendment) that prohibits sex-based discrimination against students. The grievance procedures are intended to handle complaints that arise under both Title VII and Title IX.

This policy is to be published in the Academic Handbook, the Academic Manual, the College Handbook and The Compass, the student handbook.

## **Smoking**

Smoking is prohibited in all college buildings including: residence halls, offices, hallways, waiting rooms, restrooms, lounges, lunchrooms, meeting rooms and all community areas. This policy applies to all students, employees and visitors.

## **Solicitation**

Any person wishing to sell merchandise or canvass for information in any of the New England College buildings must obtain permission and a permit from the Office of Campus Life approximately three weeks in advance of the proposed date. Anyone sponsoring programs on campus must clear time and location on the activities calendar in the Office of Campus Life.

## **Weapons**

The NEC community is one that should feel safe and welcoming to all students. Accordingly, the college restricts the possession of weapons on campus. The possession of weapons on campus is disruptive to the college community and poses a risk to the health and welfare of college community members.

The term "weapon" includes, but is not limited to, the following:

- firearms of any kind (with the exception of weapons carried by off-campus law enforcement officials in the course of their duties)
- knives with blades longer than 4 inches
- Martial arts weapons, including but not limited to, throwing stars and nunchaks
- Pellet guns and B-B guns
- bow and arrows
- metal knuckles
- sling shot

Replicas of firearms, including air soft guns and paintball guns, can cause the same alarm and disruption as actual firearms, and can also present a risk of harm to the owner and other community members. As a result, these items are prohibited on campus property at all times.

Any item that is brandished as a weapon will also be treated as a violation of College policy, including (but not limited to) brandishing of a pocket knife or holding a hand under clothing to simulate a weapon. Propellant sprays used for personal protection and self-defense purposes are allowed on campus. However, misuse of these items will be considered a violation of this policy.