



CAMBRIDGE COLLEGE
Non-Discrimination and Harassment Policy for Students
Date of implementation: October 2020

I. Statement of Equal Opportunity

It is the policy of Cambridge College (“CC” or “the College”) to ensure equal opportunity without discrimination or harassment on the basis of race, color, religion or religious creed, sex (including pregnancy and pregnancy-related conditions), sexual orientation, gender identity/expression, ancestry, age, physical or mental disability or handicap, marital status, military or veteran status, citizenship, national or ethnic origin, genetics, or any other characteristic protected by applicable federal, state, or local law. The College prohibits any such discrimination or harassment.

The College is committed to establishing and maintaining an academic and employment environment that is free from discrimination and harassment and in which all individuals are treated with respect and dignity. Each individual has the right to attend classes, study, and work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including harassment. Discrimination, as defined below, is a violation of a person’s rights, dignity, and integrity, and is contrary to the mission and values of the College. Discrimination is strictly prohibited and will not be tolerated.

II. Purpose & Scope of Policy

A. Purpose and Definitions. The purpose of this policy is to provide CC students with a clear set of behavioral standards, definitions, and descriptions of discrimination and harassment. The policy is intended to protect and guide CC community members who have been affected by discrimination and harassment, whether as a Complainant or a Respondent (as defined below), or as a third party.

The College takes all allegations of discrimination and harassment seriously and is committed to providing information, education, resources, support, interim measures, and direction to the College community to prevent and address discrimination and harassment. In response to any report that a CC student has discriminated against or harassed a member of the CC community, the College will take all appropriate steps to eliminate the misconduct, prevent its recurrence, and address its effects. To achieve equitable results, the College will carefully review and/or investigate all reports and complaints of discrimination with a view to understanding the perspective and experiences of each individual involved and providing for fair and impartial evaluation and resolution.

When used in this policy, “Complainant” refers to those persons who have reported to the College that they have been the subject of prohibited conduct. “Respondent” refers to the student or students who have been accused of engaging in prohibited conduct. “Third party” refers to any other person with information concerning a report of prohibited conduct, including any witness to the incident or any individual who makes a report to the College concerning someone else. A “report” refers to any incident or concern regarding prohibited conduct that is reported to the College. A “complaint” is an allegation of discrimination filed against a CC student that initiates the investigation and disciplinary process outlined in this policy.

B. Scope. This policy applies to all CC students. All CC students are responsible for their actions and behavior, both on campus and off campus. CC students have a responsibility to adhere to both College policies and all laws (local, state, and federal) of wherever they reside or travel. Therefore, this policy applies both to on-campus and off-campus conduct, including, but not limited to, clinical internships, field trips, or other off-campus College-related functions.

All College community members are expected to notify the Associate Provost for Student Learning Outcomes Assessment (the “Associate Provost”) if they receive information that any CC student has engaged in conduct prohibited by this policy. In addition, any individual may make a report alleging a violation of this policy, whether or not he/she/they is affiliated with the College. The College will provide resource options and respond promptly and equitably to all reports of prohibited conduct asserted against a CC student. The College will engage in a review of the alleged prohibited conduct during which it is committed to maintaining fairness for all parties and balancing the needs and interests of individuals with the safety of the community.

Associate Provost for Student
Learning Outcomes Assessment:

Tracy McLaughlin
500 Rutherford Avenue
Boston, MA 02129
617-873-0150
Tracy.McLaughlin@cambridgecollege.edu

Violations of this policy may result in disciplinary action. Depending on the nature of the violation, disciplinary consequences for violations of this policy may include warnings (verbal or written), removal from a course, changes to enrollment status, suspension or dismissal. In addition, CC students should be aware that the conduct described in this policy may also violate federal or state laws and regulations.

C. Coordination with the College’s Title IX Sexual Harassment Policy, the College’s Sexual Misconduct Policy, and the College’s Non-Discrimination and Harassment Policy for Employees

1. Sexual Harassment and Sexual Misconduct. Sexual harassment is a form of discrimination on the basis of sex. Reports or complaints of sexual harassment allegedly committed by a CC student will not be addressed under this Policy; such reports or complaints, if the jurisdictional requirements of Title IX are satisfied and the Title IX Coordinator determines that the alleged conduct requires a formal Title IX investigation, will be addressed under the College’s Title IX Sexual Harassment Policy. Such reports or complaints that do not meet the jurisdictional requirements of Title IX or which the Title IX Coordinator determines do not require a formal Title IX investigation will be addressed under the College’s Sexual Misconduct Policy and this policy.

2. Other Protected Characteristics. The College recognizes that discrimination or harassment related to an individual’s sex, gender identity or gender expression (collectively, “gender related status”), which is prohibited by this policy, can occur in conjunction with discrimination or harassment related to an individual’s race, color, ethnicity, national origin, religion, age, disability, sexual orientation, or any other legally protected characteristics (“protected characteristics”). When misconduct relates solely to a person’s gender related status, the College will address such conduct pursuant to the College’s Title IX Sexual Harassment Policy or the College’s Sexual Misconduct Policy. When the College receives a report that a community member has engaged in misconduct related to both a person’s gender related status and other protected characteristics, the College has discretion to decide under which policy or policies to address the report and will coordinate the investigation and resolution efforts to address any and all harassment and discrimination.

3. Claims Against CC Employees. Allegations of discrimination, harassment or retaliation allegedly committed by a CC employee will be handled under the Non-Discrimination and Harassment Policy for Employees. The term “employee” refers generally to all faculty members (full-time and part-time) and staff, including administrators and workers who are represented by unions.

III. Prohibited Conduct

A. Definitions

Discrimination: Discrimination is defined as conduct directed at a specific individual or group of identifiable individuals that subjects the individual or group to treatment that adversely affects their academic and/or student experience because of their race, color, religion or religious creed, sex (including pregnancy and pregnancy-related conditions), sexual orientation, gender identity/expression, ancestry, age, physical or mental disability or handicap,

marital status, military or veteran status, citizenship, national or ethnic origin, genetics, or any other characteristic protected by law. Aiding or facilitating discrimination means promoting or encouraging the commission of any behavior prohibited under this policy.

Harassment: Harassment as a form of discrimination is defined as verbal or physical conduct that is directed at an individual or group because of race, color, religion or religious creed, sex (including pregnancy and pregnancy-related conditions), sexual orientation, gender identity/expression, ancestry, age, physical or mental disability or handicap, marital status, military or veteran status, citizenship, national or ethnic origin, genetics, or any other characteristic protected by law when such conduct is sufficiently severe, pervasive, or persistent so as to have the purpose or effect of interfering with an individual's or group's academic and/or student experience or of creating a hostile educational environment. This conduct can include technology-based communications such as texting or social media sites. Aiding or facilitating harassment means promoting or encouraging the commission of any behavior prohibited under this policy.

Retaliation: Retaliation is defined as seeking retribution or attempting to seek retribution against a Complainant, Respondent, or any other individual or group of individuals involved in an investigation and/or resolution of an allegation of discrimination. Retaliation can be committed by any individual or group of individuals, not just a Respondent or Complainant. Retaliation may include abuse or violence, other forms of harassment, and/or making defamatory statements about another person. An individual who in good faith reports discrimination or harassment, is the subject of such a report, or otherwise participates in the College's investigation of such a report may not be subject to retaliation even if the report is later not proven.

B. Prohibition Against Discrimination, Harassment, and Retaliation

The College prohibits all forms of discrimination, harassment, and retaliation. CC students are prohibited both from personally engaging in discrimination, as well as from engaging in conduct that assists or encourages another person to engage in such misconduct. A CC student who discriminates against or harasses a member of the CC community or assists or encourages another person to engage in such misconduct will be subject to appropriate disciplinary action. The College also prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such a report.

IV. Reporting

All Cambridge College students are expected to share with the Associate Provost any report of discrimination they receive or of which they become aware that involves a CC student. Reports of discrimination involving a CC faculty or staff member should be directed to the Vice President of Human Resources and Talent Management, in accordance with the Non-Discrimination and Harassment Policy for Employees.

Any individual may report any incident of discrimination, harassment, or retaliation allegedly committed by a CC student directly to the Associate Provost. Individuals are encouraged to report discrimination as soon as possible to maximize the College's ability to respond promptly and equitably.

The College does not limit the timeframe for reporting an incident. Upon receipt of any report or complaint, regardless of when the incident occurred, the College will conduct an assessment to determine if an investigation and/or any safety measures are necessary to maintain the safety of the community. However, CC will not be able to impose disciplinary sanctions against a CC student who is no longer affiliated with the College.

All reports of discrimination, harassment, and/or retaliation asserted against a CC student must be made in good faith. False and/or malicious complaints of discrimination, harassment, and/or retaliation (as opposed to complaints which, even if erroneous, are made in good faith) may also be the subject of appropriate disciplinary action.

A person who wishes to make an anonymous report of discrimination, harassment, or retaliation may do so by calling **617-873-0633**. Please note that anonymous reporting may limit the ability for the College to investigate fully and follow-through.

The College recognizes that a student may choose to report discrimination or harassment to a trusted employee of the College. For example, a student may choose to share concerns with a faculty member. Students should be aware that under College policy, a faculty member, staff member, or other employee who receives a report of discrimination or harassment allegedly committed by a CC student must share the report with the Associate Provost and cannot promise confidentiality to the reporting student.

V. Interim Measures

Upon receipt of a report of discrimination, harassment, or retaliation allegedly committed by a CC student, the College will provide interim support and reasonable protective measures to prevent acts of misconduct and to provide an academic environment free from discrimination, harassment, and retaliation.

The College will determine the necessity and scope of any interim measures. The College may impose any remedy that can be tailored to the involved parties to achieve the goals of this policy. Even when the reporting student or employee does not specifically request that protective action be taken, the College may choose to impose interim measures at its discretion. Students or employees seeking such assistance should speak with the Associate Provost, who will coordinate such requests on behalf of the student or employee. The College will maintain contact with the parties to ensure that all concerns are being addressed.

All individuals are encouraged to report concerns about the failure of a CC student to abide by any restrictions imposed by an interim measure. The College will take immediate and responsive action to enforce measures previously ordered or implemented by the College.

VI. Discrimination or Harassment – Formal Complaint Process

A. The Associate Provost. The College has appointed the Associate Provost to oversee the College’s centralized review, investigation, and resolution process for reports and complaints of discrimination or harassment allegedly committed by a CC student. The Associate Provost is tasked with ensuring consistent application of this policy to all individuals and enabling the College to respond promptly and equitably to eliminate discrimination, harassment, and retaliation, prevent their recurrence, and address their effects.

B. Grievance Procedures

The following are the College’s procedures for responding to and resolving reports or complaints of discrimination or harassment asserted against a CC student.

1. Complaint

Any individual may initiate the investigation process by the College against a CC student for violation of this policy by making a complaint of discrimination or harassment to the Associate Provost. The complaint should include the name of the accused (the Respondent), a statement explaining the nature and circumstances of the report, a list of possible witnesses, and contact information for the person making the report. The complaint must be signed or otherwise authenticated by the individual making it (the Complainant).

If the Associate Provost receives a report that a CC student has engaged in prohibited conduct but the report does not meet the requirements of a complaint as described above, the Associate Provost will determine what steps should be taken to gather additional information and direct the gathering of the additional information. Once all available additional information has been obtained, it will be evaluated by the Associate Provost, who will decide whether an investigation, in accordance with this policy, is warranted.

If the Associate Provost decides that an investigation is not warranted, he or she will memorialize in a written memorandum the report of discrimination and his or her evaluation and reasoning concerning the decision not to initiate an investigation. This memorandum will be maintained in a confidential Student Affairs file.

2. Investigation and Findings Process

After receiving a report or complaint of discrimination, harassment or retaliation, the Associate Provost will conduct a preliminary assessment to determine whether there is sufficient evidence to support the initiation of a formal investigation. The Associate Provost will

also consider whether the matter could be resolved under the informal resolution process set forth in section VII of this policy. If the Associate Provost concludes that a report or complaint of discrimination or harassment warrants an investigation, the following steps will generally be taken:

a. Investigator(s). As part of the investigation process, the College will appoint an appropriate internal or external investigator (or, in some matters, two investigators), and will notify the Complainant and the Respondent of this appointment.

b. Interviews and documents. At the discretion of the investigator(s), the investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. In the discretion of the Associate Provost, the Complainant and the Respondent will each be entitled to bring a non-lawyer advisor to meetings. The advisor may provide support related to any meeting or interview but may not participate actively in such meetings or interviews. During such meetings or interviews, an advisor may quietly confer or pass notes with the party in a non-disruptive manner. The advisor may not answer questions or otherwise act as an advocate, representative, or proxy. The investigator(s) may also review College files, documents, communications, and other information provided by the parties and/or witnesses. The investigator(s) will retain sole discretion as to which information and documents are relevant to the investigation.

c. Confidentiality. Out of respect for all involved, the fact and progress of the investigation will be kept confidential. Only the Complainant, the Respondent, appropriate supervisor(s), the Associate Provost, the Vice President of Human Resources and Talent Development, the College's legal counsel, and other leadership officials with an appropriate need to know will be informed. Witnesses who participate in the investigative process will be advised to maintain the confidentiality of their participation, related information, and the investigation.

All investigative and sanction proceedings, and all related notices or statements issued by the College, will comply with the requirements of the Family Educational Rights and Privacy Act (FERPA), the Clery Act, Title IX, other applicable law, and College policy. No information shall be released from such proceedings by the College except as required or permitted by law or College policy.

d. Report. At the conclusion of the investigative process, the investigator(s) will prepare a final report with factual findings and recommendations for discipline, if appropriate, and issue it to the Associate Provost and the Dean of the School in which the Respondent is enrolled (the "School Dean"). This report will be marked "CONFIDENTIAL." The Associate Provost will provide a copy of the report to the Respondent and will direct the Respondent to maintain its confidentiality. The factual findings, but not the recommendations for discipline, will be shared with the Complainant and the Associate Provost will direct the Complainant to maintain the confidentiality of such factual findings.

e. Forms of discipline. Misconduct constituting discrimination, harassment, or retaliation will be subject to discipline. Recommendations may include, but not be limited to, training, referral to counseling, warning (verbal or written), removal from a course, change in enrollment status, suspension, or expulsion.

f. School Dean's determination. Recommendations from the investigative report will be considered by the School Dean in consultation with the Associate Provost and followed through within their discretion. After considering the investigative report, the School Dean will decide whether to accept the recommendations contained in the report, to reject the recommendations, or to take an alternative approach.

g. Appeal process. If a Complainant does not agree with any of the factual findings made by the investigator(s), the Complainant may appeal to the Provost and Vice President for Academic Affairs (the "Provost"). The Complainant must make his/her/their appeal in writing, setting out the specific reasons for the appeal, within ten (10) business days of receiving the factual findings made by the investigator(s). The Provost will review the investigative report and the factual findings of the investigator(s) and will respond in writing within ten (10) business days of receiving the appeal. The Provost may accept the factual findings of the investigator(s), reject them, or take an alternative approach.

If a Respondent does not agree with any of the factual findings made by the investigator(s) or the decision of the School Dean, the Respondent may appeal to the Provost. The Respondent must make his/her/their appeal in writing, setting out the specific reasons for the appeal, within ten (10) business days of receiving the decision of the School Dean. The Provost will review the investigative report and the School Dean's decision and will respond in writing within ten (10) business days of receiving the appeal. The Provost may accept the decision of the School Dean, reject it, or take an alternative approach.

If there are no appeals, the factual findings made by the investigator(s) and the decision of the School Dean will be final. If any appeal is taken, the decision(s) of the Provost will be final.

VII. Discrimination or Harassment - Informal Resolution Process

The informal resolution process is a completely voluntary, remedies-based process designed to provide members of the CC community with an option to resolve certain disputes with other members of the community in a forum that is separate and distinct from the College's formal grievance processes under this policy. No party will be required to participate in the informal resolution process and the College will not require, encourage, or discourage the parties from participating in the informal resolution process.

The purpose of the informal resolution process is to eliminate the conduct which has been reported by the Complainant and place both individuals in a position to pursue their study

or work in a safe, respectful, and productive environment. Under this process, there will be no disciplinary action taken against a Respondent and the resolution will not appear in the Respondent's student records.

An individual who asserts a claim of discrimination or harassment may elect to pursue this informal resolution procedure. The informal resolution procedure is only available if the Associate Provost has determined, through an initial assessment, that the alleged conduct, if substantiated, would constitute misconduct under this policy, and he/she/they has determined that the informal resolution process is appropriate for this matter.

The Associate Provost or his/her/their designee will oversee and conduct the informal resolution process. The Associate Provost or designee will meet with the Complainant and the Respondent, individually, to understand the issues. The presence of advisors is not permitted in the informal resolution process. The Associate Provost or designee will determine whether a joint meeting with the Complainant and the Respondent is appropriate and/or would be helpful. If the parties are able to resolve their dispute, they and the Associate Provost or designee will sign an informal resolution agreement. At any time prior to signing an informal resolution agreement, any party has the right to withdraw from the informal resolution process and resume the formal grievance process outlined above in this policy. If the Associate Provost determines at any time prior to the signing of the informal resolution agreement that the informal resolution process is no longer appropriate, the Associate Provost may terminate the process.

Any agreements reached as part of the informal resolution process must be approved by the Associate Provost in order to ensure consistency with the College's legal obligations. Upon signing the informal resolution agreement, the parties are bound by its terms and cannot opt for a formal grievance process based on the conduct alleged in the formal complaint. Failure to comply with the signed agreement may result in disciplinary action for either party.

The protections against retaliation apply to individuals participating in the informal resolution process. Disciplinary consequences may result for those found responsible for retaliation.

VIII. Administrative Resources

Various administrative agencies can provide resources and legal assistance for victims of discrimination. Agencies in the local Boston-area community include:

Massachusetts Commission Against Discrimination (MCAD)
John McCormack Building
One Ashburton Place
Sixth floor, Room 601
Boston, MA 02108
(617) 994-6000

The MCAD prohibits discrimination, including sexual harassment and gender related status harassment, in the workplace. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

Equal Employment Opportunity Commission (EEOC)
JFK Federal Building
475 Government Center
Boston, MA 02203
(800) 669-4000

The EEOC prohibits discrimination, including sexual harassment, in the workplace. The statute of limitations for filing a complaint is 300 days from the last date of discrimination.

U.S. Department of Education, Office for Civil Rights (OCR)
5 Post Office Square, 8th floor
Boston, MA 02109
(617) 289-0111

While OCR complaints should generally be filed within 180 days of the last date of the alleged discrimination, OCR may extend this filing deadline in a variety of circumstances.

**CAMBRIDGE COLLEGE RESERVES THE RIGHT TO AMEND OR MODIFY THIS POLICY
AT ANY TIME.**