

MERRIMACK COLLEGE POLICIES AND PROCEDURES

Provisions of this catalog are not to be regarded as an irrevocable contract between the student and the college. The college reserves the right to change any provision or requirement at any time within the student's term of residence.

STATEMENT of COMMUNITY STANDARDS

Before all else the students, faculty, staff and administration of Merrimack College form an Augustinian community that supports and challenges its members in the pursuit of Truth. We declare and celebrate our common purpose, and commit ourselves:

- > to serious study, generous service and courageous leadership
- > to academic integrity and personal growth
- > to civilized discourse in the exchange of ideas
- > to friendship, diversity, and mutual respect
- > to primacy of conscience and the spiritual life
- > to responsibility for the common good, and
- > to pride in our school and ourselves.

MISSION STATEMENT

Our mission is to enlighten minds, engage hearts, and empower lives.

Inspired by the Catholic faith and the Augustinian tradition of seeking truth through inquiry and dialogue, our vision is to:

Prepare students to adapt creatively to tomorrow's realities through excellence in the liberal arts, sciences, and the professions;

- Build a community of scholars welcoming and respecting a diversity of backgrounds, experiences, beliefs, and perspectives;
- Cultivate the intellectual, moral, spiritual, physical, and personal awareness needed to make wise choices for life, career, and service;
- Encourage and support scholarly work that contributes to the wisdom on which society bases its decisions;
- Engage other educational institutions, industry, and agencies of social change in collaborative efforts fostering a just, peaceful, and sustainable world.

AUGUSTINIAN VALUES

The life and thought of Saint Augustine of Hippo (354-430 CE) serve as a foundation for the Catholic intellectual humanism of Merrimack College. The educational and spiritual traditions of the Order of Saint Augustine (1244 CE) also enrich our academic community. Merrimack College celebrates its Augustinian mission and affirms the following values that are ours by heritage and grace.

Before all else our College is a community of scholarship and service whose members support and challenge each other in a wholehearted pursuit of knowledge, holding one another to the highest intellectual and ethical standards.

Knowledge grows into wisdom when we recognize the limits of reason and of our individual perspectives, attend to the common good, and fashion the changes inspired by learning.

The pursuit of excellence in teaching and learning requires diligent study, freedom of thought, dedication to dialogue, and collegial respect for each person's experience.

The contemplation and reflection encouraged by the intellectual life inspire an ethical sensibility as well as a prophetic critique of social structures in light of justice and peace. The great texts of human history, including sacred scriptures, call us to continuing dialogue as our varied religious and philosophical convictions enrich our Catholic mission.

Our lifelong pursuit of truth and understanding can be for Christians an expression of the inner pilgrimage with Christ the Teacher, for adherents of all faiths part of the search for God, and for everyone a journey of hope amidst the ever-expanding horizons of human experience.

These values invite all members of our community to learn, teach, work and study in ways appropriate to their discipline and their service, and in a manner that makes Merrimack College a vibrant Augustinian academic community.

FERPA - STUDENT PRIVACY RIGHTS

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students." These rights include:

- Students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

A student should submit to the registrar, dean, head of the academic department, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The College official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

- Students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

A student who wishes to ask the College to amend a record should write the College official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed. If the College decides not to amend the record as requested, the College will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

- Generally, schools must have written permission from the student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

The College discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person

or company with whom the College has contracted as its agent to provide a service instead of using College employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for the College.

- Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school.

In general, the College will not release information from students' records to agencies outside the College without the prior written consent or request of the student. However, the College may release the following directory information, without the prior consent of the student:

The College identifies the following student information as directory information:

- name, address, telephone number, email address, and photograph
- date and place of birth
- fields of study, academic level and enrollment status
- participation in officially recognized activities and sports, weight and height of members of athletic teams
- dates of attendance
- degrees, honors and awards received
- the most recent previous educational agency or institution attended by the students
- and other similar information.

Those students who do not desire the release of directory information should notify the Registrar in writing. This request will be honored until otherwise notified.

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327) (voice). Individuals who use TDD may call 1-800-437-0833.

Or you may contact FERPA at the following address:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-8520

Above notification taken from the model on the Family Policy Compliance Office web page
<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html> 8/2/2011

LIST OF MERRIMACK COLLEGE POLICIES

[Alcohol and Other Drug Policy](#)
[Athletic Eligibility Policy](#)
[Bursars Office Policies](#)
[Campus Security Policy](#)
[Class Cancellation/Weather Emergency Policy](#)
[Co-Curricular Speakers Policy](#)
[Domestic Violence Policy](#)
[Financial Aid Policies](#)
[Guest Policy](#)
[Hazing Policy](#)
[Health Center Policies](#)
[Independent Student Policy](#)
[Leave of Absence Policy](#)
[Medical Leave Policy](#)
[Merrimack College Scholarship Policies](#)
[Merrimack College Student Acceptable Use Policy for Technology \(2011\)](#)
[Merrimack Van Driver Policy](#)
[Notice of Non Discrimination](#)
[Off Campus Violations](#)
[Official Communication Policy](#)
[Police Services Policy](#)
[Residence Life Policies](#)
[Scholastic Standing Policy](#)
[Sexual Misconduct Policy](#)
[Student Clubs and Organization Policy](#)
[Students with Disabilities Policy](#)
[Withdrawal Policies](#)

ALCOHOL AND OTHER DRUG POLICY

A. INTRODUCTION TO ALCOHOL POLICY

Merrimack College upholds the laws of the Commonwealth of Massachusetts regarding the sale, purchase, transportation, serving and consumption of alcoholic beverages by all members of the community. The College expects that these laws will be adhered to at all times and at all on and off-campus events. Merrimack College strongly encourages all students to become familiar with these laws and to consider the associated penalties and other potential risks that can result from violations.

The College does not intend through its guidelines or policies to restrict the responsible use of alcohol by members of the Merrimack College community who meet the Massachusetts legal drinking age requirement. However, efforts to observe existing laws and regulations in an environment in which the majority of the student body is not of legal drinking age are almost certain to impose constraints upon those who are of legal drinking age. The College expects that members of the Merrimack community of legal drinking age who choose to consume alcohol will do so responsibly and within the College's established policies and procedures.

The College community recognizes alcohol abuse as a deterrent to the mission of the College. The abuse of alcohol imposes consequences on the individual, the members of the Merrimack College community, and the community as a whole. To address alcohol consumption at Merrimack College, the College has implemented a comprehensive alcohol education and abuse prevention program. Campus wide prevention events, online education, residence hall and athletic team programs and individual educational sessions provide many opportunities for students to obtain accurate information to assist them in making healthy, safe choices. Students found in violation of the Alcohol Policy will be held responsible for their decisions.

B. GENERAL ALCOHOL POLICY

Primary responsibility for knowing and abiding by the provisions of all components of the college Alcohol Policy rests with each individual. The use of alcoholic beverages on the campus must be in compliance with approved federal, Commonwealth and local laws as well as Merrimack College policies pertaining to campus events and residence areas, including, but not limited to, those outlined in this policy. At any time, as determined by the amount of noise, numbers of people and traffic patterns, the college reserves the right to suspend the ability to consume or possess alcohol within any given area.

1. The legal drinking age in Massachusetts is 21. For students under 21 years of age, it is a violation of state law and/or college policy to possess, sell, transport, consume, or be in the presence of alcohol in designated areas on the Merrimack College campus, including residence halls. Alcohol in a student residence or vehicle is considered to be in that student's possession, whether he or she is present or not.
2. No person may sell, furnish or give alcohol to any person under the legal drinking age. No person may sell, furnish or give alcohol to anyone who is visibly intoxicated, even if that person is 21 or over.
3. Intoxication, as assessed by Residence Life staff or Police Services, is not permitted anywhere on campus regardless of age. A person is considered to be intoxicated when the consumption of alcohol substantially interferes with judgment and decision-making, results in destructive or disruptive behavior, and/or requires the intervention of college personnel. Behavioral symptoms that will be considered in determining intoxication include, but are not limited to, impaired motor skill/coordination, difficulty communicating, vomiting, glazed/red eyes, the smell of alcoholic beverage on one's breath, and verbal and/or physical aggressiveness.
4. Intoxication, as assessed by college staff, administrators or Police Services, is not permitted during Merrimack College sponsored events, including any event sponsored by a student organization, whether on or off campus.
5. Beer kegs, punch bowls, beer balls or any similar type of common source or their equivalents are prohibited from campus property.
6. Empty kegs, punch bowls and beer balls as well as collections of beer bottles and cans are prohibited on campus.
7. The use or possession of grain alcohol is prohibited.
8. The use of funnels, ice luges, beer bong, or any other device used to consume alcohol without regard for moderation is strictly prohibited. Also, games (including, but not limited to Beer Pong with or without alcohol) in which the object is to consume alcohol/liquid without regard for moderation is strictly prohibited.
9. Falsifying an I.D. or using the I.D. of another is against college policy, as well as state law.
10. Consumption of alcoholic beverages, as well as the possession of open containers of alcoholic beverage, is prohibited when out of doors on campus or in any campus common area) or public space by individuals of any age unless at an event where the serving of alcohol has been approved by the Campus Life staff. Common areas are: hallways, stairwells and lounges. For the purposes of this paragraph 10 only, the townhouse living rooms are not considered common areas.
11. Individuals who are of legal age may possess and consume alcoholic beverages as long as such possession and consumption is effected in accord with college policy and procedure.
12. Persons who are 21 years of age or older may possess and transport alcohol in its original, unopened container to/from their vehicle to/from any residence only where alcohol is permitted by the college Alcohol Policy. The maximum amount of alcohol permitted in the possession of someone who is of legal age is the equivalent of: an 18 pack of twelve ounce containers of beer or wine coolers or an equivalent amount of beer in other containers; OR, one pint of liquor; OR, one half gallon of wine.

C. RESIDENTIAL AREA ALCOHOL POLICY

Living in a residence hall is a community living experience where all members have certain rights and responsibilities. In addition to the regulations described in the General Alcohol Policy, the following standards of behavior are designed to maximize the positive aspects of residence hall living. Alcoholic beverages may be consumed in the privacy of a resident's room provided all of the aforementioned regulations are adhered to, as well as the following:

1. For students 21 years of age or older who reside in the following residence areas; the St. Ann and St. Thomas Apartment Complex, Monican, Santagati, and the Townhouses it is permissible to possess alcohol within the personal limitations and to consume alcohol in the bedrooms and common rooms of suites, apartments and townhouses. Monican residents cannot host Registered Events.
2. Except in the case of Registered Events, the maximum amount of alcohol permitted in a room at anytime is based upon the number of residents of legal age assigned to the room. Each resident of legal age is allowed the Maximum Possession Limit.
3. No one, whether a student or guest of legal age, may enter the residence halls with more than the Maximum Possession Limit.
4. Non-Merrimack College visitors, regardless of age, are prohibited from bringing alcohol onto campus except during designated events. (These can be different from Registered Events?)

5. Empty alcohol containers must be moved to one of the designated recycling or trash areas in the residential facility within twenty four hours of consumption. Empty alcohol containers and/or other materials exceeding the personal limitations may not be stored in a student room, suite or apartment common area.
6. Alcohol advertising items ,including display banners, neon and/or electric signs and empty alcohol bottles are prohibited from public areas or in public view such as in the window or on an exterior room door. The use of empty alcohol containers or empty boxes as decorations in rooms is prohibited regardless of the age of the rooms' residents.
7. Ash Center, Deegan East and West are all DRY residence areas. Regardless of age you cannot be in possession or in the presence of alcohol in these areas.

D. REGISTERED EVENTS IN THE RESIDENCE HALLS

Registered Event Contract

Social events in the residence halls, apartments, suites and townhouses that meet the criteria indicated below must be registered. These social events are known as Registered Events for which a Registered Event Contract must be submitted to and approved by the Office of Residence Life. Registered Event Contracts may be found in the Office of Residence Life, on MyMack and in designated areas throughout the St. Thomas and St. Anne Apartments and Santagati. ***Prior to hosting any Registered Event, 50% of the residents of the host site must attend and complete one Responsible Event Management class conducted by the Campus Life staff.***

For a Registered Event Contract to be approved it:

- a. must be submitted and approved by the Office of Residence Life by 12 noon on the Friday that precedes the Registered Event.
- b. will be issued only for apartments, suites in Santagati or townhouses in which 50% or more of the residents of the host site are at least 21 years of age.
- c. must be read and signed by all residents of the host site where the Registered Event will occur.
- d. must indicate if a resident of the host site is not going to be present during the event.
- e. is only valid if at least 50% of the residents of the host site will be present during the entire event.

The Office of Residence Life reserves the right to withhold approval of a submitted Registered Event Contract because of, but not limited to:

- a. past judicial status of residents
- b. pending or probable judicial matters
- c. tardiness of contract
- d. lack of participation in the Responsible Event Management class by any or all of the residents of the host site

Registered Event Criteria for Specific Residence Halls

a. Apartments

An event in the Apartments with 12 or more total persons within the same apartment requires submission and approval of a Registered Event Contract.

- A Registered Event in the Apartments is limited to 50 guests.
- Two Registered Events may occur within the same tower. However, two Registered Events may not occur on the same date and same floor of the same tower.

b. Townhouses

An event in a Townhouse with 16 or more total persons in an individual Townhouse requires submission and approval of a Registered Event Contract.

- A Registered Event in a Townhouse is limited to 36 persons present.
- Registered Event Contract will not be granted to adjacent (connecting) Townhouses on the same weekend night.

c. Santagati

An event in Santagati with 12 or more total persons in an individual residence requires submission and approval of a Registered Event Contract.

- A Registered Event in Santagati is limited to 28 persons present.
- Registered Event Contracts will not be granted to adjacent suites or on the same floor on the same weekend night in Santagati.

Registered Event Guidelines for All Residence Halls

In addition to the General Alcohol Policy and the Residential Area and the Registered Events Alcohol Policy, Registered Events are bound by the following guidelines:

- a. Hosts of Registered Events are responsible for adherence to all regulations agreed to in the Registered Event Contract.
- b. Registered Events will be approved only for Friday and Saturday nights.
- c. Registered Events will not be approved during the Final Exam period.
- d. No more than 8 Registered Events will be approved for any weekend night.
- e. Registered Events may not begin before 8pm and must be finished by 1am.
- f. The Registered Event must not intrude on the rights of any other individuals living in the area. Excessive noise and/or traffic may result in termination of an event in progress.
- g. Representatives of the Office of Residence Life will check-in on the event periodically throughout the duration of the Registered Event. If assistance in clearing an event is needed, please contact the Office of Residence Life by way of Police Services at ext. 5555.
- h. Non-alcoholic beverages and food must be supplied by the hosts. These items must be visible and available to all guests.
- i. It is the responsibility of the hosts to check identification of all guests at the event if alcohol is present.
- j. Hosts of Registered Events are responsible for the actions of their guests.
- k. Hosts of Registered Events are responsible to ensure that the maximum amount of allowable alcohol at their event is not exceeded. (See below.)
- l. Individuals under the age of 21 are not to be permitted to consume alcohol at any Registered Event or any other campus event.
- m. Charging or collecting money for a Registered Event is prohibited.
- n. Sponsors of Registered Events are responsible for cleaning their residence and common area by noon the next day. The residents that signed the Registered Event Contract are responsible for any damage that occurs in their residence at any time.
- o. No public advertising, including social media, is permitted for any Registered Events.
- p. The use of a disc jockey, band or other performer is prohibited.
- q. Student assessments or transports from a Registered Event may result in loss of hosting privileges for up to 2 weekends.

Amount of Alcohol Permissible at a Registered Event

The General Alcohol Policy allows for the possession by legal age students of one 18 pack of twelve ounce containers of beer or wine coolers or an equivalent amount of beer in other containers; OR, one pint of liquor; OR, one half gallon of wine. However, the maximum amount of alcoholic beverages permitted at a Registered Event is limited by the number of people of legal age expected to attend the Registered Event as indicated on the Registered Event Contract.

Registered Events may have a total amount of alcohol not to exceed the personal equivalent of:

- Six 12 ounce beers or the equivalent in other containers per legal age attendee
OR
- Half pint of liquor per legal age attendee
OR
- Fifth of wine per legal age attendee

Hosts of Registered Events will be held responsible to ensure that the maximum amount of allowable alcohol at their event is not exceeded. Indicating an excessive number of potential attendees at the event in order to maximize the allowable amount of alcoholic beverages is not in the spirit of responsible event management and will be considered a violation of the Registered Event Contract.

E. SOCIAL HOST LIABILITY LAW

Commonwealth of Massachusetts laws regarding social host liability apply to students who host Registered Events at Merrimack College. It is against College policy and Commonwealth of Massachusetts law to provide alcohol to minors, to allow minors to drink in your home or on property under your control, including College residences. This includes instances where the minor purchases and/or brings their own alcohol into your residence. There is no need to show that the host actually supplied alcohol to the minor. Criminal penalties: Fine up to \$2000, imprisonment for up to a year, or both. Mass. General Law chapter 138, section 34. In addition to criminal penalties, hosts may also be sued civilly if the minor becomes ill or dies from ingesting alcohol, if the minor causes damage to property, or if the minor causes harm to another person.

F. MERRIMACK COLLEGE ENFORCEMENT

A student conduct process has been established with input from students and College officials to address those individuals who may choose to violate College policies as well as state regulations. Those who choose to violate them must be prepared to accept total responsibility for their individual or collective actions and should understand that possible outcomes include referral to the Merrimack College Student Conduct System, civil and/or criminal action if the situation warrants such action.

Students involved in the College student conduct system as a result of a violation of the Alcohol Policy face sanctions that, depending on the nature of the offense and history of the offender, may include but are not limited to:

- Parental notification of dependent students
- Written warning
- Educational program(s)
- Educational assignment
- Mandatory referral to the Hamel Health Center
- Suspension
- Expulsion

Failure to complete assigned sanctions will result in a fine being assessed to the student's account. Merrimack College Department of Police Services, as well as outside law enforcement agencies, is empowered to take action on campus if the situation warrants. All members of the community are expected to fully cooperate with officials of the College charged with enforcement of policies and laws.

G. ALCOHOL POLICY PERTAINING TO ON-CAMPUS COLLEGE SPONSORED EVENTS SERVING ALCOHOL

Alcoholic beverages will not be permitted at student organization sponsored events without prior approval of the Dean of Campus Life (and other administrators when appropriate).

Hosting an events serving alcohol requires that a completed Alcohol Approval Form be submitted to and approved by the Vice President Administration & General Counsel 45 days in advance of an event. Additionally, adherence to the following regulations and guidelines is required.

1. General Regulations for Events Serving Alcohol

- a. The sale or distribution of alcoholic beverages is regulated by the laws of the Commonwealth of Massachusetts, local ordinances and Merrimack College policies, rules and regulations. Awareness of and compliance with these are required for any function involving alcoholic beverages.
- b. Sodexo Food Services must serve all alcoholic beverages.
- c. No more than two (2) alcoholic beverages may be sold to any individual per serving.
- d. Admission to these programs will be restricted to students who are of legal drinking age unless the Dean of Campus Life or designees makes an exception.
- e. Approval for any function where alcohol is served must be received from the Vice President Administration & General Counsel (or designee) at least 45 days in advance of the event whether held in the Sakowich Center or in another location.
- f. The College is only licensed to serve beer and wine.
- g. Food and non-alcoholic beverages must be available at all functions involving the sale or distribution of alcoholic beverages. Representatives from the sponsoring organization must receive prior approval from the Director of Student Involvement at least 45 days in advance regarding the appropriateness of the food and beverages being served.
- h. Food and non-alcoholic beverages must be available at all functions involving the sale or distribution of alcoholic beverages. Representatives from the sponsoring organization must receive prior approval from the Director of Student Involvement at least 45 days in advance regarding the appropriateness of the food and beverages being served.
- i. Intoxication, as assessed by college staff, administrators or Police Services, is not permitted during Merrimack College sponsored events, including any event sponsored by a student organization, whether on or off campus.
- j. Events involving the sale of beer and wine require a permit for such from the local licensing authorities. Requests for such permits will be processed through Alexa Abowitz, Vice President Administration & and General Counsel. Requests must be made at least 45 days prior to the event. Sale is determined to include purchasing of individual drinks. Merrimack College may obtain only 24 such permits each year from the Town of North Andover and the College reserves the right to deny any such request.

- k. Adequate numbers of Campus Police officers are required at all programs involving the distribution of alcoholic beverages. The number of officers required will vary but will equal approximately one officer for every 150 participants. The number of officers must be determined in conjunction with the Office of Student Involvement and the Office of Police Services at least 45 days prior to the program. The cost of these officers shall be absorbed by the sponsoring organization, which must confirm these arrangements with the Office of Police Services at least 45 days prior to the event.
- l. Events serving alcohol served will be approved only for Friday and Saturday nights however exceptions may be made by the Dean of Campus Life or designee. For functions held on weekdays, last call will be at 11:30 pm and service will be discontinued at 11:45 pm. For weekend functions, last call will be as 12:30 am and service will be discontinued at 12:45 am. Events serving alcohol will not be approved during the Final Exam period or Reading Days.
- m. Members of the sponsoring organization who have certain assigned responsibilities may not consume alcoholic beverages before or during the program. This must be discussed with the organization's executive board and their advisor prior to the event to avoid confusion of responsibility.
- n. Those found consuming alcohol illegally will be required to leave the premises immediately and will be referred to the Merrimack College Student Conduct System and/or for criminal action if the situation warrants such action.
- o. Individuals found delivering alcoholic beverages to an underage person will be required to leave the premises immediately and will be referred to the Merrimack College Student Conduct System, and/or for criminal action if the situation warrants such action.
- p. All functions involving the marketing of alcoholic beverages must adhere to Merrimack College's policy on solicitation of alcohol related advertising. (See Section J: Solicitation of Alcohol Related Advertising)
- q. The promotional materials associated with any event (i.e., posters, flyers, etc.) should be in good taste with no emphasis on the fact that alcohol will be served. The theme for the event should be the focus in any posters, flyers or advertisements for the event.
- r. In all cases where an alcoholic beverage is provided, Sodexo will be responsible for all aspects of bar operations. This service must be requisitioned by the sponsoring organization at least 45 days in advance of the program. The college will absorb all costs associated with this service, and all revenues will be retained by the college to offset these costs. The college in conjunction with the Sodexo will determine drink prices, and in no case shall they be lowered. No entertainer shall offer, provide or encourage the use of alcoholic beverages at any event.
- s. At all events serving alcohol, college officials must be present. The Dean of Campus Life or designee will determine the number of college officials needed for the event. The sponsoring organization is responsible for recruiting these college officials (i.e. the organization's advisor, a faculty or staff member.)
- t. Any organization or individual failing to cooperate with a student staff member, administrative staff member or member of the sponsoring organization in the execution of his/her duties will be required to leave the function and will be subject to student conduct action.
- u. No two student organization sponsored events on the same evening may have alcohol served or consumed.
- v. Organizations sponsoring events serving alcohol are required to meet with a representative from the Office of Student Involvement at least 45 days prior to the event. Members of the Executive Board, as well as the organization's advisor, must be present at this meeting.

2. Identification and Admission Regulations for Events Serving Alcohol

- a. Only those individuals who can prove that they are of the legal drinking age through a legal means (state license or identification card) will be permitted entrance into the event. Furthermore, admission to events at which alcoholic beverages are available is restricted to Merrimack College students and legitimate guests. Consequently, only those individuals who present a valid Merrimack College I.D. will be admitted to these functions.
- b. Two forms of positive I.D. must be shown to gain admission. One must be a valid Merrimack College I.D. and one must be a valid driver's license or liquor purchase I.D. from the Registry of Motor Vehicles. Guests need to provide one form of positive I.D.
- c. Staff members of the Office of Student Involvement, their designee, or sponsoring organization representatives present at the function reserve the right to refuse admission if the validity of the identification is questionable.
- d. All students of legal drinking age entering a function will be identified (i.e. a hand stamp, wrist band, or other method) to verify that they qualify for admission.

3. Guest Regulations for Events Serving Alcohol

- a. The guest policy will be determined and clearly marked on all publicity for the event.

4. Responsibility of Student Organization When Sponsoring Events Serving Alcohol

It is the responsibility of the sponsoring organization to adhere to and enforce all related laws, ordinances, policies, etc. Failure to do so will result in referral of the responsible individual(s) to the Merrimack College Student Conduct System and/or criminal or civil action.

5. Obligation to Organization Members and the Community

All members of the sponsoring organization and the targeted constituency should be able to attend the event. Underage individuals may not attend events where alcohol is served. In exceptional cases and with the written approval of the Dean of Campus Life (and/or other College administrators), underage individuals may attend such events only when measures have been taken by the sponsoring organization to insure that the underage individuals will not possess, purchase or consume alcoholic beverages.

H. ALCOHOL POLICY PERTAINING TO OFF-CAMPUS EVENTS SERVING ALCOHOL

The same policies that are noted above for on-campus events where alcohol will be served apply to student sponsored off-campus functions. When appropriate, certain exceptions to those policies will be made by the Dean of Campus Life. Additionally, approval for any student organization sponsored off-campus event where alcohol is to be served and/or consumed must be received from the Dean of Campus Life or appropriate College administrator at least 45 days in advance of the event. The Director of Student Involvement or his/her designee is the only person who can enter into a contractual agreement for the College and therefore should be the only individual who signs any contract. It is the responsibility of the employees/owners of the off-campus establishment to be aware of and comply with state regulations. Adherence to the following regulations and guidelines is required.

1. Student Organization Sponsored Events

It is the responsibility of the sponsoring organization to adhere to all related laws, ordinances, policies and contractual agreements made between the College and the employees/owners of the off-campus establishment. Failure to do so is a very serious matter, and may result in referral of the responsible individual to the Merrimack College Student Conduct System, civil and/or criminal action if the situation warrants such action. All members of the sponsoring organization and the targeted constituency should be able to attend the program.

2. Identification and Admission to Event

It is the responsibility of the employees of the off-campus location to verify identification for legal drinking age. It will also be the responsibility of the off campus location to determine an admission system.

3. Guest Policy

- a. One guest per sponsor per event.
- b. A guest is the responsibility of the sponsor, who must be a Merrimack student and who will be held accountable for any inappropriate behavior of his or her guest.

4. General Guidelines

- a. It will be the responsibility of the sponsoring organization to secure a contract with the function hall. A copy of the contract that must be used, in addition to any contract the establishment may have, can be obtained in the Office of Student Involvement. Only the Director of Student Involvement or his/her designee can sign the contracts.
- b. An advisor, or his/her designee, must be present for the duration of the event.
- c. Organizations sponsoring events serving alcohol are required to meet with the Director of Student Involvement at least 45 days prior to the event. The Executive Board, as well as the organization's advisor, must be present at this meeting.
- d. Intoxication is not permitted during Merrimack College sponsored events, including any event sponsored by a student organization both on and off campus.
- e. Bus transportation is mandatory for all students attending an off-campus function where alcohol is to be served. Alcohol is not allowed on the bus at any time however. Advance ticket sales must be coordinated with the Office of Student Involvement to insure that the number of tickets sold will not exceed the capacity of the function hall. A two-tiered ticket

system must be used to ensure that the appropriate students are boarding the bus and that no alcohol is transported to the event.

- f. Any establishment found to have served underage Merrimack College students will be notified that it will not be utilized for future events.
- g. If an event is planned that involves alcohol, it should take place on the weekend. Only the Dean of Campus Life may make exceptions to this rule. Any such exception must be in writing, signed by the Dean of Campus Life.

I. POLICY ON SOLICITATION OF ALCOHOL RELATED ADVERTISING

It is the policy of Merrimack College not to solicit or accept funding from any business, corporation, institution, or society that produces or promotes alcoholic beverages for the purpose of advertising its product or business. This policy is in accordance with the national recommendations from the Higher Education Center for Alcohol and Other Drug Prevention and is in keeping with the college's mission.

Therefore, it is against College policy to distribute or publish any materials in which alcohol use or any alcohol product is promoted or which uses the logo or label of a business, corporation, institution or society that produces or promotes alcohol.

J. MERRIMACK COLLEGE DRUG POLICY

The College has long recognized the dangers of illicit drug use as well as the misuse of prescription drugs, and is intent on enforcing federal, state and local regulations regarding such. In addition, Merrimack College has established its own specific regulations regarding such drug use. These regulations include but are not limited to:

- a. Possession, use, manufacture, sale, or distribution of illegal drugs, and controlled substances including, but not limited to, marijuana, narcotics, barbiturates, hallucinogens, or amphetamines is prohibited by college students, whether on or off campus.
- b. Impairment due to illicit drug use is not permitted anywhere on campus. A person is considered impaired due to drug use if that use substantially interferes with judgment and decision-making, results in destructive or disruptive behavior, and/or requires the intervention of College personnel. Behavioral symptoms that will be considered in determining impairment include, but are not limited to, impaired motor skill/coordination, difficulty communicating, vomiting, glazed/red eyes, and verbal and/or physical aggressiveness.
- c. Misuse, abuse, possession, sale or distribution of prescription medications is prohibited. The possession of a medication prescribed for someone else is also prohibited.
- d. Operating a motor vehicle under the influence of a controlled substance on College property will result in referral to the Merrimack College Student Conduct System, civil and/or criminal action if the situation warrants such action.
- e. Possession of drug paraphernalia is prohibited. Drug paraphernalia is defined as "any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance." Drug paraphernalia includes but is not limited to bongs, pipes, bowls, rolling papers, hookahs and roach clips.
- f. Evidence of use of marijuana, identified by the presence of residue or seeds, by detection of the odor of marijuana by two staff members, by the presence of drug paraphernalia, or by the indication of attempt to prevent odor and/or smoke to emit from a room, such as towels rolled under doors and fans directing air flow out a window is considered a violation of the Merrimack College Drug Policy.
- g. It is prohibited to be in the presence of illegal drug use.

K. SUMMARY OF LOCAL, STATE AND FEDERAL LEGAL SANCTIONS COVERING ALCOHOL AND DRUG ABUSE

Local, state and federal laws make illegal use of alcohol or other drugs serious crimes. Conviction can lead to imprisonment, fines and assigned community service. Courts do not lift prison sentences in order for convicted persons to attend College or continue their jobs. A felony conviction for such an offense can prevent violators from entering many fields of employment or professions. We provide this summary here for your convenience, not to be relied upon as legal advice.

1. Alcohol

Cities and towns in Massachusetts, specifically Andover and North Andover, prohibit public consumption of alcohol and impose fines for violation. The Metropolitan District Commission also prohibits public consumption of alcohol in its parks. Massachusetts laws prohibit sale or delivery of alcoholic beverages to persons under 21 with a fine of up to \$2,000 and 6 months imprisonment, or both. Misrepresenting one's age or falsifying an identification to obtain alcoholic beverages is

punishable by a fine of \$300. First conviction of driving under the influence of alcohol has a penalty of \$1,000 fine, one-year revocation of driver's license, up to two years in prison, and mandatory alcohol rehabilitation. Massachusetts has criminal penalties for use of controlled substances, or drugs, with penalties varying with the type of drug. In general, narcotic, addictive and drugs with a high potential for abuse have heavier penalties.

2. Other Drugs

Possession of drugs is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both state and federal laws penalties for possession, manufacture and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served. Massachusetts makes it illegal to be in a place where heroin is kept and to be "in the company" of a person known to possess heroin. Anyone in the presence of heroin at a private party or dormitory suite risks a serious drug conviction. Sale and possession of "drug paraphernalia" is also illegal in Massachusetts.

Persons convicted of drug possession under state or federal law are ineligible for federal student grants and loans for up to one year after the first conviction, five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first conviction, 10 years after the second, permanently after the third. Under Federal law distribution of drugs to persons under 21 is punishable by twice the normal penalty with a mandatory one year in prison; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a College or school. Federal law sets greatly heightened prison sentences for manufacture and distribution of drugs if death or serious injury results from use of the substance.

3. Revised (2009) Massachusetts Law Regarding Marijuana

Possession and use of marijuana is illegal in Massachusetts. Additionally, Merrimack College has established its own specific regulations regarding marijuana use consistent with the laws of Massachusetts. (See Section J: Merrimack College Drug Policy) Violation of this policy can result in judicial sanctions from both Merrimack College and local courts.

Possession of one ounce or less of marijuana is a civil offense, subject to a \$100 fine. Offenders under 18 will be required to attend a drug awareness program or pay a \$1000 fine. Possession of more than one ounce of marijuana is punishable by up to six months in jail and a fine of up to \$500. For first time offenders, the court will sentence the offender to probation and upon successful completion of the probation period, the offender's record will be sealed. For subsequent offenses, probation may still be possible.

Cultivation, delivery or sale of less than 50 pounds of marijuana is punishable by up to two years in prison and a fine of up to \$5,000. For 50 pounds or more, the penalty increases to a mandatory minimum of one year in prison and a possible range of 2.5 - 15 years in prison and a fine of \$500 - \$10,000. For cultivation or sale of 100 pounds or more the mandatory minimum sentence is three years and up to 15 years in prison, along with a fine of \$2,500 - \$25,000. For 2,000 pounds or more, the penalties increase to a mandatory minimum 5-year sentence up to 15 years in prison and a fine of \$5,000 - \$50,000. For any amount of 10,000 pounds or more, the mandatory minimum sentence is 10 years with up to 15 years in prison possible and a fine of \$20,000 - \$200,000.

Sale of marijuana within 1,000 feet of a school adds another 2-year mandatory minimum sentence for sale and can go as high as an additional 15 years in prison and a fine of \$1,000 - \$10,000.

The manufacture or sale of paraphernalia is punishable by 1 - 2 years in prison and a fine of \$500 - \$5,000, unless the sale was to a minor, in which case the penalty is 3 - 5 years in prison and a fine of \$1,000 - \$5,000.

Addendum 1

SUMMARY OF EFFECTS OF ALCOHOL AND OTHER DRUG USE

Alcohol: Alcohol consumption causes a number of changes in behavior and physiology. Even low doses significantly impair judgment, coordination, and abstract mental functioning. Statistics show that alcohol use is involved in a majority of violent behaviors on College

campuses, including acquaintance rape, vandalism, fights, and incidents of drinking and driving. Continued abuse may lead to dependency, which often causes permanent damage to vital organs and deterioration of a healthy lifestyle.

Cannabis (Marijuana, Hashish): The use of marijuana may impair or reduce short-term memory and comprehension, alter sense of time, and reduce coordination and energy level. Users often have a lowered immune system and an increased risk of lung cancer. The active ingredient in marijuana, THC, is stored in the fatty tissues of the brain and reproductive system for a minimum of 28 to 30 days.

Hallucinogens: Lysergic acid (LSD), mescaline, and psilocybin cause illusions and hallucinations. The user may experience panic, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even when use has ceased. Phencyclidine (PCP) affects the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries.

Cocaine/Crack: Cocaine users often have a stuffy, runny nose and may have a perforated nasal septum. The immediate effects of cocaine use include dilated pupils and elevated blood pressure, heart rate, respiratory rate, and body temperature, followed by depression. Crack, or freebase rock cocaine, is extremely addictive and can cause delirium, hallucinations, blurred vision, severe chest pain, muscle spasms, convulsions, and even death.

Amphetamines: Amphetamines can cause a rapid or irregular heartbeat, tremors, loss of coordination, collapse, and death. Heavy users are prone to irrational acts.

Heroin: Heroin is an opiate drug that causes the body to have diminished pain reactions. The use of heroin can result in coma or death due to a reduction in heart rate.

Addendum 2

EDUCATION, COUNSELING, TREATMENT AND REHABILITATION SERVICES

- A full-time health educator works through the Health Center. This individual conducts a variety of educational programs.
- Resident Advisor training includes information on alcohol and other drugs and recognition of abuse patterns.
- The Orientation program for new students includes talks on substance abuse, College rules regarding legal drinking and information for counseling and referral through the College's Health Center.
- Alcohol and Other Drug Awareness Programs include a series of lectures, audiovisual presentations and handouts available to students.
- Ongoing counseling on substance abuse by a licensed psychologist with a certificate of proficiency in the treatment of alcohol and other drug problems for those self-referred or referred by College staff, is available at the Health Center.
- The Health Center maintains a referral network of inpatient programs for students.
- The College has sponsored an Alcoholics Anonymous program on campus for many years and referral to off-campus Al-Anon and ACOA groups is available through the Health Center.
- A library of printed and audio-visual materials on substance abuse is maintained in the Health Center, and is distributed during workshops and presentations.
- Occasional pieces on substance abuse are published in the campus newspaper, and Health Center personnel are sometimes invited to lecture on substance abuse in class.
- The College Student Conduct System includes sanctions in which offenders receive alcohol and other drug education in group format such as the Alcohol Consumption Education Program (ACE) or on an individual basis.

Addendum 3

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL TRAFFICKING AND POSSESSION OF A CONTROLLED SUBSTANCE

Federal Trafficking Penalties (As of January 1, 1996)

Controlled Substances Act Schedule	1st Offense	2nd Offense	Quantity	Drug	Quantity	1st Offense	2nd Offense
I and II	<p>*Not less than 5 years. Not more than 40 years</p> <p>*If death or serious injury, not less than 20 years or more than life</p> <p>*Fine of not more than \$2 million individual, \$5 million other than individual</p>	<p>*Not less than 10 years. Not more than life</p> <p>*If death or serious injury, not less than life</p> <p>*Fine of not more than \$4 million individual \$10 million other than individual</p>	10-99 gm pure or 100-999 gm mixture	Methamphetamine	100 gm or more pure or 1 kg or more mixture	<p>*Not less than 10 years. Not more than life.</p> <p>*If death or serious injury, not less than 20 years or more than life.</p> <p>*Fine of not more than \$4 million individual, \$10 million other than individual</p>	<p>*Not less than 20 years. Not more than life</p> <p>*If death or serious injury, not less than life</p> <p>*Fine of not more than \$8 million individual, \$20 million other than individual.</p>
			100-999 gm mixture	Heroin	1 kg or more mixture		
			500-4,999 gm mixture	Cocaine	5 kg or more mixture		
			5-49 gm mixture	Cocaine Base	50 gm or more mixture		
			10-99 gm pure or 100-999 gm mixture	PCP	100 gm or more pure or 1 kg or more mixture		
			1-9 gm mixture	LSD	10 gm or more mixture		
			40-399 gm mixture	Fentanyl	400 gm or more mixture		
			10-99 gm mixture	Fentanyl Analogue	100 gm or more mixture		

*The Controlled Substances Act (1970) places all substances regulated under federal law into one of five schedules based on the substance's medical use, potential for abuse, and safety or dependence liability.

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL TRAFFICKING AND POSSESSION OF A CONTROLLED SUBSTANCE

Federal Trafficking Penalties (As of January 1, 1996)

Controlled Substances Act Schedule	Drug	Quantity	1st Offense	2nd Offense
I and II	Others (law does not include marijuana, hashish, or hash oil)	Any	*Not more than 20 years *If death or serious injury, not less than 20 years, not more than life *Fine \$1 million individual, \$5 million not individual	*Not more than 30 years *If death or serious injury, life *Fine \$2 million individual, \$10 million not individual
III	All (included in Schedule III are anabolic steroids, codeine and hydrocodone with aspirin or Tylenol®, and some barbiturates)	Any	*Not more than 5 years *Fine not more than \$250,000 individual, \$1 million not individual	*Not more than 10 years *Fine not more than \$500,000 individual, \$2 million not individual
IV	All (included in Schedule IV are Darvon®, Talwin®, Equanil®, Valium®, and Xanax®)	Any	*Not more than 3 years *Fine not more than \$250,000 individual, \$1 million not individual	*Not more than 6 years *Fine not more than \$500,000 individual, \$2 million not individual
V	All (over-the-counter cough medicines with codeine are classified in Schedule V)	Any	*Not more than 1 year *Fine not more than \$100,000 individual, \$250,000 not individual	*Not more than 2 years *Fine not more than \$200,000 individual, \$500,000 not individual

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL TRAFFICKING AND POSSESSION OF A CONTROLLED SUBSTANCE

Federal Trafficking Penalties - Marijuana (includes hashish and hashish oil) (as of January 1, 1996)

Description	Quantity	1st Offense	2nd Offense
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	*Not less than 10 years, not more than life *If death or serious injury, not less than 20 years, not more than life *Fine not more than \$4 million individual, \$10 million other than individual	*Not less than 20 years, not more than life *If death or serious injury, not more than life *Fine not more than \$8 million individual, \$20 million other than individual
Marijuana	100 kg to 999 kg mixture; or 100-999 plants	*Not less than 5 years, not more than 40 years *If death or serious injury, not less than 20 years, not more than life *Fine not more than \$2 million individual, \$5 million other than individual	*Not less than 10 years, not more than life *If death or serious injury, not more than life *Fine not more than \$4 million individual, \$10 million other than individual
Marijuana	50 to 99 kg mixture ----- ----- 50 to 99 plants	*Not more than 20 years *If death or serious injury, not less than 20 years, not more than life *Fine \$1 million individual, \$5 million other than individual	*Not more than 30 years If death or serious injury, not more than life Fine \$2 million individual, \$10 million other than individual
Marijuana	Less than 50 kg mixture		
Hashish	10 kg or more	*Not more than 5 years *Fine not more than \$250,000, \$1 million other than individual	*Not more than 10 years *Fine \$500,000 individual, \$2 million other than individual
Hashish Oil	1 kg or more		

FEDERAL PENALTIES AND SANCTIONS FOR ILLEGAL TRAFFICKING AND POSSESSION OF A CONTROLLED SUBSTANCE

(a) 1st conviction and the amount of crack possessed exceeds 5 grams.

(b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams.

(c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance
<p>21 U.S.C. 844(a) 1st conviction: Up to 1 year imprisonment and fined at least \$1,000 but not more than \$100,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000, or both. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both. Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:</p>

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is

punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)

21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844a

Civil fine of up to \$10,000 (pending adoption of final regulations).

21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain Federal licenses and benefits, e.g., pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies. *Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.*

THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT

The Drug-Free Schools and Communities Act Amendments of 1989 require Merrimack College to:

- Notify students of the standards of conduct relative to alcohol and other drugs.
- Describe applicable legal sanctions for unlawful possession, use or distribution of alcohol and illicit drugs.
- Describe the health risks associated with the use of illicit drugs and the abuse of alcohol.
- Describe available alcohol and other drug counseling, treatment, or rehabilitation programs.
- Describe sanctions the College will impose resulting from violation of the afore mentioned standards of conduct.

The College has long recognized the dangers of illicit drug and alcohol use, and is intent on enforcing federal, state and local regulations regarding such. In addition, Merrimack College has established its own specific regulations regarding alcohol and other drug use.

Students who choose to violate these rules and regulations will be referred to the College's student conduct system in order that appropriate sanctions may be imposed. Depending on the nature of the offense and the history of the offender, sanctions can range from a written warning to suspension or expulsion. A full and thorough description of rules and regulations, and the sanctions which may be imposed as a result of violations of such, are outlined in the College's Social and Alcohol Policy.

The following is a synopsis of the effects of alcohol and a description of the counseling, treatment or rehabilitation programs which are available for alcohol or other drug abusers and a summary of legal sanctions covering alcohol or other drug abuse.

Review of Policy

As required by the United States Department of Education Drug Free Schools and Communities Act these policies will be reviewed every two years or at the discretion of the Dean of Campus Life. The review committee will include an adequate representation of students, faculty and administration. Approval or rejection of recommendations made by the ad hoc committee is the prerogative of the Dean of Campus Life.

ATHLETIC ELIGIBILITY POLICY

Athletics at Merrimack begin at the S. Peter Volpe Athletic Center, located on the south side of the College campus. Built in 1972, the Volpe Center houses the J. Thom Lawler hockey rink, the Volpe gymnasium, athletic department offices, team locker rooms, the sports medicine department, athletic training rooms, and the athletes' weight room.

Intercollegiate Athletics

Merrimack College currently sponsors 22 intercollegiate varsity sports (10 for men and 12 for women). Twenty-one of the sports compete at the NCAA Division II level while men's hockey competes in the toughest NCAA Division I conference, the Hockey East Association. All of the Division II sports compete in the highly competitive Northeast-10 Conference. During the 2010-11 academic

year, three Merrimack teams qualified for the NCAA Tournament (hockey, softball, men's tennis), while men's tennis won its first Northeast-10 championships (should this be singular or plural?). Overall, Merrimack teams won 54% of their games and recorded their best home record in at least five years. Academically, 11 of last year's 20 teams earned a cumulative team grade point average of 3.0 or higher and the overall GPA of the student-athletes was higher than the rest of the College for the second straight year

<u>Men</u>	<u>Women</u>
Baseball	Basketball
Basketball	Crew
Cross Country	Cross Country
Football	Field Hockey
Hockey	Golf
Indoor Track	Indoor Track
Lacrosse	Lacrosse
Outdoor Track	Outdoor Track
Soccer	Soccer
Tennis	Softball
	Tennis
	Volleyball

Athletic Eligibility

Merrimack College recognizes its obligation to uphold the standards of eligibility for all student athletes as governed by the NCAA, Hockey East, Northeast-10 Conference and affiliated conferences.

Competing at the College level is a major commitment and typically draws only the elite athletes from high schools. If interested in competing in a College sport, student athletes should contact the coach of that particular sport. If you intend to participate in Division I or II athletics as a freshman, you must first register and be certified by the NCAA Initial Eligibility Clearinghouse. For more information on eligibility and other NCAA guidelines, check out the online Guide for the College Bound Student Athlete at www.ncaa.org

All incoming freshman student-athletes must meet the criteria set forth in NCAA Bylaw 14.3 Freshman Academic Requirements and must be certified by the NCAA Initial Eligibility Clearinghouse. Provided the student-athlete is enrolled full-time, he or she may practice but not compete (including scrimmages) for a maximum of 45 days prior to being cleared. Returning student-athletes must meet all of the criteria set forth in both the Merrimack College catalog and NCAA Bylaw 14. Each student-athlete will be certified at the end of each semester by the athletic department.

*For Rules and Regulations please see <http://www.ncaa.org/>

BURSARS OFFICE POLICIES

Student Accounts

Students are encouraged to email, call or visit the Bursar's Office to resolve billing questions and to obtain information regarding their accounts. Statements of student accounts are available on *MyMack*. It is the student's responsibility to monitor the account to ensure that all outstanding balances are paid in full. Students are expected to maintain their accounts in good standing and should seek guidance in the event that full payment of tuition and fees may be delayed.

Please note that no student will be allowed to receive any degree, certificate or academic transcript until financial accounts with the College have been previously and satisfactorily settled.

Tuition

Full-time tuition is charged to all students who meet the following enrollment criteria:

All day degree students enrolling in 12 or more credit hours, in any combination of day and continuing education courses, up to the maximum hours allowed **.

All day degree students enrolling in 12 or more credit hours through a combination of Merrimack College and NECCUM day division courses.

All other students enrolled in 12 or more credit hours in any combination of day and continuing education courses.

** A credit overload fee will apply when a student exceeds 19 credit hours.

Payment of Charges

Payment in full must be received before attendance in class is permitted. Students applying for loans should make application no later than six weeks prior to the start of the semester. A late payment penalty fee is assessed against all accounts that are not settled in full as of the payment due date. There is also a fee assessed for checks returned by the bank. Merrimack College offers a monthly budget plan administered by Tuition Management Systems (TMS) for students and parents who wish to budget the annual costs in monthly installments. Those interested in the budget plan should contact the Bursar's Office.

Scholarships

Recipients of state scholarships and outside organization scholarships should forward a copy of their award letters to the Bursar's Office upon notification of the award. The College reserves the right to reduce institutional scholarships based on outside aid. The College may provide a Family Scholarship to families with two or more children attending day division classes. To apply for this scholarship, contact the Office of Financial Aid.

Refunds

Refunds of credit balances are made within federal guidelines. Students may elect to carry a credit balance into the following semester. Ten business days are required to process a refund. The College cannot refund loan or scholarship money not yet received.

CAMPUS SECURITY POLICY

Merrimack College, a suburban modern Catholic center of higher learning, is located in the Merrimack Valley of Massachusetts. The College community of more than 3,800 is part of the towns of Andover and North Andover, which have a combined population of 52,000, and is 2.5 miles from the city of Lawrence with a population of 70,000. The College shares with its neighboring communities many interests and problems including a concern about crime, access to events, and services.

Approximately 1,600 students can live on campus; about 400 commute to classes. The college employs 550 full-time and part-time faculty, administrators, and staff members, all of whom have access to academic, recreational and administrative facilities on campus. Access to the residence halls, however, is limited to students and their guests in accordance with college procedure. Employee access to campus residential areas is restricted to authorized Police Services and Campus Life personnel and Physical Plant performing work-orders under strict supervision. The public is admitted to cultural, recreational and sporting events on campus and access is limited to the facilities where the events are held. Students and parents are concerned about safety issues on a college campus. Merrimack College appreciates that concern and works to create an environment that allows the students to pursue their studies as free as possible from threats to their safety or well being.

Campus incidents considered to be a threat to the safety and well-being of the College community are publicized through the Office of Residence Life, Police Services and the College's email and Emergency Notification System. The Physical Plant Department maintains College buildings and grounds with a concern for safety and security. It inspects facilities regularly and promptly makes repairs affecting safety and security, such as broken windows and locks. In addition to an active telephone jack in each student's room, there are numerous outdoor call boxes, strategically located throughout the campus, and connected directly to Police Services which operates 24/7. These phones can be used for emergencies as well as to request safety escorts and other police assistance. Police Services can be contacted anytime at 978-837-5555 for general business or 978-837-5911 for emergencies.

CLASS CANCELLATION POLICY/WEATHER EMERGENCY POLICY

Students are responsible for obtaining information concerning the cancellation of classes by calling the Weather Emergency Hot Line at 978- 837-5700 (off campus) or ext. 5700 (on campus). Cancellations will also be announced on WBZ Radio 1030 AM and WBZ-TV Channel 4. Decisions about Continuing Education classes will be made by 2pm. Evening classes may be held even if day classes are not. BSEE (Bachelor of Science Electrical Engineering) classes which start at 4pm are considered part of Continuing Education for purposes of weather-related cancellations.

CO-CURRICULAR SPEAKERS POLICY

The sponsoring of co-curricular speakers may serve to complement the educational experience and provide a greater understanding of the issues surrounding a given topic. Student clubs and organizations may invite speakers of their choice, in accordance with

established policies procedures outlined in the Office of Student Involvement Programming Manual available via www.merrimack.collegiatelink.net and with consideration to the mission and values of Merrimack College.

The College may and will refuse to sponsor speakers or programs when it has reasonable concern that such a speech, presentation or lecture might create clear and present danger to person or property, or might constitute social, intellectual, psychological, religious or sexual harassment of individuals or groups. Harassment is defined as activity or speech which creates an intimidating, hostile or offensive environment at the event or at the College as a result of the event. Offensive is defined as what a reasonable person may find offensive. Differing opinions or positions which emerge in debate and discussions are not ordinarily to be understood as offensive. The sponsoring of speakers by any College organization or individual is not to be taken as an institutional endorsement or as an endorsement by the sponsoring group, but rather as an exercise of legitimate interest in serious inquiry and conversation.

Should the student organization follow the outlined process and the Director of Student Involvement approves, the event shall be planned and scheduled according to the established procedures. Should the Director have serious questions about a proposed speaker, the Vice President for Mission and Student Affairs will be asked to convene a committee, as outlined in the Office of Student Involvement Programming Manual.

The Director of Student Involvement is responsible for the implementation of the principles, guidelines and procedures outlined in this policy statement.

DOMESTIC VIOLENCE POLICY

In Massachusetts, domestic violence is defined as abuse, assault, or threats against

- A spouse or former spouse,
- A dating partner or a former dating partner,
- Someone you live with or have lived with,
- A relative by blood or marriage,
- The parent of your child,
- A person with whom you have or have had a substantial relationship.

Abuse is defined as actual or attempted physical abuse; placing another in fear of serious physical harm; causing another to engage in sexual relations by force, threat of force or duress.

Victims of domestic violence should contact the police immediately to ensure safety and to obtain medical treatment if necessary.

Persons who commit domestic violence are subject to arrest. The victim/survivor can obtain a "Domestic Abuse Protection Order" (Chapter 209A) with the assistance of Merrimack College Department of Police Services. The college provides this information here as a service to students. It should not be used in lieu of professional legal advice.

An Abuse prevention order, caked a "209A order," or a "protective order," is a civil court order intended to provide protection from physical or sexual harm caused by force or threat of harm from a family or household member. In other words, a 209A order is designed to keep an abuser from hurting you anymore. There are three types of orders:

Emergency Protective Orders

If you are in immediate danger of abuse and the court is closed, you may get an emergency order by going to **Merrimack Police Services**. They will help you get a temporary protective order from a judge on call through the "Emergency Judicial Response System." You will need to prove that you are in immediate danger of abuse to qualify for this order. If you are issued this order, it will only be good until the close of the next day that the court is open. For the protection to remain in effect, you must go to court before the close of the next business day to request an abuse prevention order. If you are physically unable to appear in court, then someone may appear in court on your behalf and file for you. Check with your local courthouse for instructions on who can be sent on your behalf and if there is anything you need to do in order to verify that s/he is appearing on your behalf.

Temporary (ex parte) Orders

When you go to court to file for a final abuse prevention order, you can also ask for a temporary order. This can be done without a full court hearing and without the abuser present (this is called "ex parte"). As soon as a temporary order is issued, the abuser will be notified that you have an order against him. The court will give you a date (within 10 business days) for a full court hearing where you and the abuser have a chance to be present and tell your sides of the story.

Long-term Orders

A final abuse prevention order can be issued only after a court hearing where you and the abuser have a chance to each tell your side to a judge. (it does not matter if the abuser actually shows up— it only matters that he was given notice of the hearing and had the chance to show up to give his side of the story.) You must attend that hearing. If you do not go to the hearing, your temporary order may expire and you will have to start the process over. A long-term order will last for up to one year, unless otherwise stated.

*Orders may also be extended

How can an abuse prevention order help me at Merrimack College?

In an abuse prevention order, a judge may order the abuser to:

- Stay away from you
- Stay away from your residence, work place, school, day care (you must specifically request these places);
- Stop threatening you;
- Stop contacting you;
- Pay for any losses you suffered as a direct result of the abuse, such as:
 - a. lost wages
 - b. medical bills
 - c. broken locks
 - d. changing locks
 - e. personal property
- Surrender any and all firearms and firearm identification cards to the police;
- Return all house and family car keys to you;
- Not spend money in a bank account, unless that money is necessary for him to survive;
- Attend a batterer's intervention program (this is more likely to happen in a criminal case than in the abuse prevention order hearing).

The abuse prevention order can also: Protect, or "impound", your address if you moved to escape abuse so the abuser does not find out where you are; other reasonable requests that the judge believes are necessary in order for you to be free from the violence.

Ordering the abuser to attend and complete batterer's treatment program; whether a judge orders any or all of the above depends on the facts of your case.

*M.G.L.A. 209A § 3

Harassment Prevention Orders-Chapter 258E Sec. 01

Harassment Prevention Orders (order) are similar to Restraining Orders since they can prevent contact between two persons, however with an Order pursuant to c. 258E. the parties do not have to be related to, have lived with, or had a dating relationship with the party. Orders are civil in nature and violations are criminal.

What is Harassment? –c. 258E €1

Three or more acts of willful and malicious conduct aimed at a specific person with the intent to cause fear, intimidation, abuse or damage to property, and does in fact cause fear, intimidation, abuse or damage to property.

OR

An act that by force, threat or duress causes another to involuntarily engages in sexual relations or constitutes a violation of an enumerated sex offense (i.e. indecent assault & battery, rape, statutory rape, assault with intent to rape, enticing a child, criminal stalking, criminal harassment, drugging for sexual intercourse).

An order can only be issued if all the elements are met. If you represent a youth at the hearing on the insurance of an order, make sure all of the above factors are recorded.

FINANCIAL AID POLICIES

Eligibility for Financial Aid:

To receive financial aid at Merrimack a student must:

- 1) File the appropriate forms by the deadlines.
- 2) Enroll or be accepted for full-time enrollment in an eligible program.
- 3) Make satisfactory progress toward the completion of a degree.
- 4) Not be in default on a federal student loan or federal parent loan.

5) Not owe a refund on a federal Pell Grant, Supplemental Grant or a State Incentive Grant.

Financial Aid Satisfactory Academic Progress Standards

In order to receive, or continue to receive any financial aid, a student must maintain satisfactory academic progress. The following are the Satisfactory Academic Progress Standards for Financial Aid eligibility:

Full-Time Semesters	1	2	3	4	5	6	7	8	9	10	11	12
Attempted credits	16	32	48	64	80	96	112	128	144	160	176	192
Earned credits	12	24	36	48	60	72	84	96	108	120	132	148
Cum. Grade Point Avg.	1.70	1.80	1.9	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0

All courses, including summer courses, are calculated toward satisfactory academic progress whether they are taken at Merrimack College or another institution. Grades for courses that are not taken at Merrimack College are not calculated in the cum gpa.

Probation

Students who fail to meet the Satisfactory Academic Progress Standards will be placed on probation for two semesters or one year. At the end of this period, if the student fails to improve his/her standing up to the minimum standards, then the student will lose his/her eligibility for financial aid until the minimum standards are met.

Cancellation of Aid

A student who does not successfully complete course work at the minimum level, as outlined on the chart, is considered to be making unsatisfactory progress and may not have financial aid reinstated until he or she has regained satisfactory progress status. Failure to regain satisfactory progress status will result in the loss of all federal, state and institutional aid including grants, scholarships, loans and employment.

Reinstatement

After termination from aid, a student can be considered for reinstatement of financial aid only when satisfactory progress has been regained.

Appeal

Any student who has been terminated from financial aid has the opportunity to appeal such action. All appeals must be submitted in writing to the Director of Financial Aid.

Scholarships

Merrimack scholarships and grants are awarded for full-time undergraduate enrollment. Awards are renewed for four years or eight semesters providing the recipient is enrolled full-time and maintains good academic standing as defined in the Merrimack College catalog.

Review of grades for scholarship continuation or reinstatement will be made after each spring semester. Recipients who lose their institutional scholarship can submit an appeal letter. All appeals must be in writing and submitted to the Director of Financial Aid. All requests will be reviewed by the Financial Aid Appeals Committee.

If a student is academically dismissed, he or she will immediately lose their eligibility for institutional grants and scholarships regardless of a reinstatement decision. Students are ineligible to receive institutional funds until they are no longer on academic probation and are in good academic standing.

A student's total financial aid package, including any outside grants and scholarship assistance, may not exceed the total billed costs plus an additional \$1,000 allowance for books. Motor vehicle violations, dorm damage, tuition for credit overloads, residency policy violations or library fines, are not covered by scholarship or grant funds. All scholarships and grants are awarded based on full-time day attendance. Scholarships and grants will be canceled or reduced if the recipient transfers to the evening or SAS division, or changes from resident to commuter status.

The FAFSA filing dates are as follows:

Freshman applicants - February 15

Transfer applicants - August 19

Returning students - April 1

GUEST POLICY

Merrimack College is proud to be a Catholic institution that honors its mission and heritage in our residential community. The Merrimack College Guest Policy delineates rules, restrictions, and procedures that apply to resident and commuter students hosting guests, whether the guests are Merrimack College students, alumni, or individuals who are not students at the College.

For Merrimack resident students, at all times, the rights of the roommate to sleep, study, and remain in their space over the privilege of having guests visit. As such, overnight guests may not be hosted by a resident student more than four times in a month, unless approval for an extended stay has been obtained in advance from the student's Area Coordinator/Resident Director. Students hosting overnight guests of the opposite sex are responsible for arranging appropriate accommodations. Appropriate accommodations are defined as a room with all occupants the same gender as the guest and where all roommates have agreed to the guests' presence. As a Catholic institution, Merrimack College does not approve of cohabitation.

General Rules

- Resident students must obtain permission from their roommate(s) for a guest (Merrimack or Non-Merrimack guests) to stay through the night.
- Any guest (anyone not a building resident) who is present in the residence areas between the hours of 12:00 am and 8:00 am is considered an overnight guest and should be signed in accordingly before midnight.
- Guests must be at least **16** years of age and all overnight guests must be at least **18** years of age unless prior approval has been obtained from the Office of Residence Life
- Guests must possess valid photo identification
- Guests' bags may be checked when they enter residence buildings
- The Merrimack student/host must be with guests at ALL times
- Merrimack students are personally responsible for the behavior of their guests. They will be held accountable for any policy violations or damages caused by their guests through the Merrimack discipline system
- Guests who are not accompanied by a host or who do not adhere to College policies and standards may be asked to leave immediately and/or may be banned from campus
- Students are not permitted to host more than two guests at the same time with the exception of Spring Weekend where students may only have one guest on campus.
- Students cannot host a guest/visitor more than four times in a month.

Exceptions to the guest policies

During the first weekend of each semester	Non-MC guests prohibited from staying overnight (between 12:00am and 8:00am)
When the residence areas are closed, including Thanksgiving, Winter, Spring, and Easter breaks	No guests of any kind are permitted at any time; applies to both MC commuter students and Non-MC guests,
During final exam periods, from the end of the last class until the end of the last final exam	Only MC students allowed (resident and commuter), Non-MC guests are prohibited at all times
During the summer	Guests are prohibited from staying overnight; applies to both MC students and Non-MC guests

Procedure for MC student

- Merrimack College students have access to all residence areas until midnight and to their own building/residence area 24 hours a day.
- A valid Mack card should be shown to the front desk staff when entering a building.
- Merrimack College commuter students should obtain a Visitor Pass/Parking Permit from Police Services no later than midnight when they are staying overnight and parking their car on campus.

Procedure for Non-MC Guests

- Combination Visitor Pass/Parking Permits are issued to Non-MC guests at any of the Residence Hall front desks or in Police Services.

- The guest must present valid identification and be accompanied by the resident student who will be hosting them.
- Non-MC students are required to display their Parking Permit in their vehicle and to carry their Visitor Pass on their person and present it upon request to any College official. Non-MC guests are to leave by 12:00am if they are not signed in as an overnight guest.

**Spring Weekend Guest/Visitor Policy – see Dean of Campus Life policy email in spring semester.

HAZING POLICY

Hazing in connection with membership or participation in College athletic teams, Greek organizations, or student organizations is strictly prohibited.

Merrimack College interprets hazing as any act whether physical, mental, emotional or psychological, which subjects another person, **voluntarily or involuntarily**, to anything that may abuse, mistreat, degrade, humiliate, harass or intimidate the person, or which may in any fashion compromise the inherent dignity of the person. In addition, any requirements by a member which compels another member to participate in any activity which is against College policy or state/federal law will be defined as hazing.

Actions and activities which are prohibited include, **but are not limited to**, the following:

- Any type of initiation or other activity where there is an expectation of individuals joining a particular team to participate in behavior designed to humiliate, degrade or abuse them **regardless of the person's willingness to participate.**
- Forcing, requiring or pressuring an individual to consume alcohol or any other substance.
- Forcing, requiring or pressuring an individual to shave any part of the body, including hair on the head.
- Any requirement or pressure put on an individual to participate in any activity which is illegal, perverse, publicly indecent, contrary to genuine morals and/or beliefs, e.g., public profanity, indecent or lewd conduct or sexual gestures in public.
- Required eating of anything an individual would refuse to eat otherwise.
- Any activity or action that creates a risk to the health, safety or property of the College or any member of its community.
- Forcing or requiring calisthenics, such as push-ups, sit-ups and runs.
- Assigning or endorsing pranks such as stealing or harassment of another organization.
- Awakening or disturbing individuals during normal sleeping hours.
- Expecting or pressuring individuals to participate in an activity in which the full membership is not willing to participate.
- Physical abuse of any kind.
- Forcing, encouraging or pressuring someone to wear in public apparel which is conspicuous and not within the norm of what is considered to be in good taste.
- Engaging in public stunts and buffoonery.
- Nudity at any time or forced reading of pornographic material.
- Paddling, beating or otherwise permitting a member to hit other members.
- Having substances such as eggs, mud, paint and honey thrown at, poured on or otherwise applied to the body of a member.
- Morally degrading/humiliating games or other activity that makes a member the object of amusement, ridicule or intimidation.
- Subjecting a member to cruel and unusual psychological conditions.

Commonwealth of Massachusetts

Anti-Hazing Legislation: General Laws Section 269: 17. 18. 19

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

The term "hazing" as used in this section and in sections eighteen and nineteen, shall mean any conduct or method of initiation into any student organization, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Such conduct shall include whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, liquor, beverage, drug or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of any such student or other person, or which subjects such student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

Notwithstanding any other provisions of this section to the contrary, consent shall not be available as a defense to any prosecution under this action.

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

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

Each such group, team or organization shall distribute a copy of this section and sections seventeen and eighteen to each of its members, plebes, pledges, or applicants for membership. It shall be the duty of each such group, team or organization, acting through its designated officer, to deliver annually, to the institution an attested acknowledgement stating that such group, team or organization has received a copy of this section and said sections seventeen and eighteen, and that such group, team or organization understands and agrees to comply with the provisions of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall, at least annually, before or at the start of enrollment, deliver to each person who enrolls as a full time student in such institution a copy of this section and sections seventeen and eighteen.

Each institution of secondary education and each public or private institution of post secondary education shall file, at least annually, a report with the regents of higher education and in the case of secondary institutions, the board of education, verifying that such institution has complied with its responsibility to inform student groups, teams or organizations and to notify each full time student enrolled by it of the provisions of this section and sections seventeen and eighteen and also certifying that said institution has adopted a disciplinary policy with regard to the organizers and participants of hazing, and that such policy has been set forth with appropriate emphasis in the student handbook or similar means of communication the institution's policies to its students. The board of regents, and in the case of secondary institutions, the board of education shall promulgate regulations governing the content and frequency of such reports, and shall forthwith report to attorney general any such institution which fails to make such report.

HEALTH CENTER POLICIES

Resident Students

The College physician has office hours, which are posted regularly, and nursing coverage is provided at other times. For treatment when the office is closed, use of off-campus services is required. Pentucket Medical Express Care At River Walk is open 7 days a week Monday - Friday 7:30 a.m. - 7:30 p.m., Saturday 8:30 a.m. - 5:00 p.m., Sunday 8:30 a.m. - 3:00 p.m. and Holidays 8:30 am. 3:00 p.m. Merrimack Medical and Walk-In Center Monday - Friday 8:30 a.m. - 6:30 p.m. and Saturdays and Holidays 10:00 a.m. - 3:00 p.m. The emergency rooms at Holy Family and Lawrence General Hospitals provide 24-hour coverage. Lawrence General Hospital also has a walk-in center open 7 days a week from 9:00 am – midnight. When necessary, transportation for off-campus medical service will be provided by Police Services or by ambulance.

All cases of accident and illness must be reported to the Health Center. In cases of severe illness students will be transferred to a local hospital. In cases of grave emergency, the approval of parents who cannot be contacted beforehand will be presumed.

The expense of those cases which must be treated by the College physician outside of the Health Center, or by specialists, and the cost of medicines must be borne by the student.

Commuting Students

Although medical treatment is for resident students only, commuting students will be seen on an emergency basis. At other times, commuting students are to receive necessary care from their family physicians. In emergency situations, presumption of parental approval for treatment is assumed when parents are unable to be contacted beforehand.

Insurance and Health Forms

All full-time students and part-time students carrying a course load of nine or more credits are required by Massachusetts law to carry an accident and health insurance policy, obtainable through the Bursar's Office, unless an approved waiver is signed stating that they are insured through a comparable insurance plan. Full-time students are also required to submit a completed health form to the Health Center in order to attend classes. Students who do not comply will, at a minimum, not be allowed to live in College residences.

INDEPENDENT STUDENT POLICY

Merrimack College will consider all students to be dependents of their parents unless the Office of the Registrar and the Office of Campus Life are notified to the contrary within 30 days after registration. This notification should include evidence that the student is in fact financially independent. A certified copy of the parents' most recent income tax return, other public records, accounting records, etc. is acceptable for this purpose.

LEAVE OF ABSENCE POLICY

Leaves of absence are granted to students in good academic and disciplinary standing who have completed at least two semesters as full-time students at the College and who determine that circumstances necessitate a temporary interruption of their College careers. Authorization for a leave of absence is granted by the Registrar's Office upon receipt of the student's written notification of intent. Carrying with it an intention of returning to the College, a leave of absence guarantees readmission to the College upon receipt by the Registrar of a notification of the intent to return.

Only one leave of absence will normally be granted each student and they are granted for not more than one year, unless the student receives an extension of the leave from the Registrar's Office. Students on leaves of absence of more than one year's duration may be held to any changes in the College curriculum or their programs of study occurring during their leaves.

The guaranteed readmission may be revoked if the student's conduct while on leave is such that it would have resulted in disciplinary discontinuance had he or she remained at the College. The student retains the right of appeal in such cases. Acceptance for return as a resident student is always contingent upon space in the residence halls. Any student who wishes to live on campus upon his or her return must place his or her name on the waiting list maintained by the Office of Residence Life.

MEDICAL LEAVE POLICY

The same regulations apply to Medical Leave as do Leave of Absence (see above). However, students taking medical leave are not required to have completed a minimum of two semesters as full-time students. Students must notify the Registrar's Office in writing and provide a written note from their doctor.

MERRIMACK COLLEGE SCHOLARSHIP POLICIES

Merrimack scholarships and grants are awarded for full-time undergraduate enrollment. Awards are renewed for four years or eight semesters providing the recipient is enrolled full-time and maintains good academic standing as defined in the Merrimack College catalog.

Review of grades for scholarship continuation or reinstatement will be made after each spring semester. Recipients who lose their institutional scholarship can submit an appeal letter. All appeals must be in writing and submitted to the Director of Financial Aid. All requests will be reviewed by the Financial Aid Appeals Committee.

If a student is academically dismissed, he or she will immediately lose their eligibility for institutional grants and scholarships regardless of a reinstatement decision. Students are ineligible to receive institutional funds until they are no longer on academic probation and are in good academic standing.

A student's total financial aid package, including any outside grants and scholarship assistance, may not exceed the total billed costs plus an additional \$1,000 allowance for books. Motor vehicle violations, dorm damage, tuition for credit overloads, residency policy violations or library fines, are not covered by scholarship or grant funds. All scholarships and grants are awarded based on full-time day attendance. Scholarships and grants will be canceled or reduced if the recipient transfers to the evening or SAS division, or changes from resident to commuter status.

MERRIMACK COLLEGE STUDENT ACCEPTABLE USE POLICY FOR TECHNOLOGY (2011)

The purpose of this policy is to specify user responsibilities and to promote ethical, legal, and secure use of computing resources for the protection of all members of the Merrimack College community.

Technology at the College is a shared resource and is intended to be used to support the mission of the College by integrating technology in the design, delivery and management of educational programs, academic support, and administrative services in an Augustinian, values-sensitive environment. All users have the responsibility to make use of these resources in an efficient, ethical, and legal manner.

All persons granted access to Merrimack College's resources must comply with all security, legal, and confidentiality requirements established by the College and by external legal authorities.

Each user is responsible for the security of his/her own password and account. A securely guarded password provides a high level of assurance of privacy and security of resources. A password is not to be shared with others or posted in a place accessible by others. A password authenticates the holder as an authorized user of the computing environment and must be protected from falling into the hands of an intruder. As a precautionary measure, passwords should be changed every 60 days. For privacy and security, all users are encouraged to lock their screens when they are away from their PCs.

Email users must adhere to the following:

- Messages should be non-commercial in nature. Use of the College network for non-College business activities is not permitted.
- Users are expected to practice common courtesy in using the email system and respect the privacy and feelings of others.
- Unauthorized access to another person's email or electronic files is prohibited.
- Mass e-mail messages to any group must be approved by the Vice President of Communication prior to being sent.
- Harassing and/or offensive messages, pyramid or chain letters, and pornographic material are all examples of inappropriate content for email transmission. Any use of obscene, indecent, racist, defamatory, threatening or harassing material is against College policy and will not be tolerated.

Users must understand that email is not absolutely private and should practice caution in sending messages that you would not want everyone to see over the network. ITS does not make a practice of monitoring email and other files, but may be requested to provide a copy of any file or information resident on College systems allegedly related to unacceptable use or to protect the College's network from systems and events that threaten or degrade operations. The College reserves the right to examine material stored on or transmitted through its systems.

Merrimack College users who conduct Web publishing are solely responsible for their sites' content and adherences to all policies stated in this document, as well as all other College policies and public laws, and are asked to follow these guidelines:

- Third-party advertising or commercial promotion of non-Merrimack entities is not allowed. No banner or pop up banner advertising is allowed.
- Outbound commercial links must have an educational objective and must link to sites that do not contain content considered sexually explicit, profane, obscene, harassing, fraudulent, racially offensive, defamatory, or otherwise unlawful.
- All outside links must be targeted to a new window to ensure the user does not leave the Merrimack website.
- Links that result in personal gain are not permitted.
- Adherence to copyright law and trademark protection in all of its forms is required, including, but not limited to, books, music, movies, and graphics.
- No illegal activity of any kind is permitted.
- No threatening, harassing, or slanderous language will be condoned.
- All College policies apply.

Merrimack College respects the copyright protection given by federal law to owners of software and intellectual property as stated in the Copyright Act of 1976 and under the Federal Digital Millennium Copyright Act of 1998, and adheres to the statement of principle developed by the EDUCOM Software Initiative relating to intellectual property and ethical use of software. It is against College policy to copy or reproduce any licensed software or intellectual property, or to illegally download from the Internet any copyrighted material, including music, movies, and videos. A user may not use software that has been obtained illegally on College equipment or personal equipment housed at the College or any systems used by the College hosted off-campus.

United States law also prohibits duplicating software for use by multiple users within an organization, and/or distributing an unauthorized copy to another individual. Users of College computers are subject to the United States copyright laws, including ensuring that the restrictions that apply to the reproduction of software and intellectual property are adhered to and that the bounds of copying permissible under the fair use doctrine are not exceeded (i.e., a backup copy may be made). Violation of these requirements will

subject the offender to disciplinary action that may include suspension of access, disciplinary action by the College, and/or accountability in a court of law.

Merrimack College's Acceptable Use Policies shall not supersede federal or state laws. Illegal actions may result in prosecution by federal, state, or local agencies. Under the terms of the Digital Millennium Copyright Act of 1998, the College is obligated to take appropriate action if it receives a complaint that copyrighted material is being published over our network without permission.

In addition to internal College sanctions that can impact on a student's academic performance, the College will cooperate with all local, state, and federal agencies whenever necessary. The College will not be responsible for sanctions taken by these agencies for violations of the College's Acceptable Use Policy that are against local, state, and federal laws and criminal codes.

Tampering with computer files, software, or knowingly introducing a virus to a College computer system is a criminal offense punishable through a court of law.

All users are expected to uphold all applicable federal, state, and local laws, regulations, treaties or tariffs, as well as ethical laws of decency while using the Merrimack College computing resources. Any individual, who participates in conduct which adversely affects the College's pursuit of its educational objectives, violates or shows disregard for the rights of individuals within the College community, or damages property will be subject to institutional discipline. Reports of known or suspected offenses may be made to the College's Chief Information Officer, who will refer any apparent violations to the appropriate disciplinary process.

MERRIMACK VAN DRIVER POLICY

Students otherwise licensed to drive may drive a Merrimack College vehicle only after taking and passing a driving training course. To sign up for a training course, students must contact their advisor and the advisor will arrange a training time with Police Services. Once Van Driver Certified, students may sign out the vans through their student organization/group advisor in conjunction with Physical Plant. All vans are monitored for speed via a GPS tracking device and all reports of speeding, reckless driving or inappropriate use of the van will be dealt with accordingly: a first offense may range from a warning to a student having his or her driving privileges suspended; a second offense will always be met with the suspension of a student's driving privileges.

NOTICE OF NONDISCRIMINATION

Merrimack College is firmly committed to the practice of equal opportunity and prohibits discrimination of any kind. Every student is entitled an environment free of discrimination, which erodes dignity and morale. Discrimination constitutes a serious infraction of College policy, as well as a violation of state and federal law. Any member of the Merrimack College community, who discriminates against, excludes, degrades, or otherwise devalues another on basis of race, color, religion, national origin, ancestry, sex, sexual orientation, age, mental or physical disability, or other lawfully protected categories, will be disciplined accordingly, up to and including dismissal.

It is policy of Merrimack College to administer all decisions without regard to race, color, religion, national origin, ancestry, gender, sexual orientation, age, mental or physical disability, or other lawfully protected categories.

OFF CAMPUS VIOLATIONS

Merrimack College students represent the institution. In the spirit of the Community Standards, all students are considered to be valuable members of the community who have a responsibility for the common good. Therefore, all students will be held accountable for their behavior on or off campus. The institution reserves the right to process internally any incident, on or off campus, which involves a Merrimack College Student.

OFFICIAL COMMUNICATION POLICY

The official communication channel to all students, faculty, staff and administration is the College-assigned e-mail account. All members of the College community are responsible for reading materials sent via electronic mail. This includes official announcements or policies that affect operations of the College. Unawareness of officially sent e-mail will not be accepted as a reason for failure to comply with information in the message and can lead to disciplinary measures as described in the "Student Conduct System" section of this handbook. The College will also send information through printed communication as determined by the Vice President for Communications.

If you have questions about your Merrimack e-mail account, please contact the Information Technologies Help Desk in McQuade Library or call ext. 3500 or email askit@merrimack.edu.

POLICE SERVICES POLICIES

Crime Statistics and Crime Rates

In accordance with the Crime Awareness and Campus Security Act of 1990 (also known as the Jeanne Clery Act), Merrimack College furnishes current students and employees, as well as those applicants for enrollment or employment who so request, an annual report of campus security policies and crime statistics. Institutional crime statistics may also be obtained on the internet at www.ope.ed.gov/security for the most recent three-year period. Statistics are also available on the department's web site, www.merrimack.edu/police or in flyer format from the Department of Police Services.

Security in the Residence Halls

Merrimack College has five residence halls, fourteen townhouses and two apartment complexes. Area Coordinator/Resident Directors and Resident Advisors as well as all members of the College Residence Life staff, live in the residence halls.

Residence hall personnel are assigned to the desks at the main entrances of Monican Centre, Ash Centre, Santagati Hall, and Deegan Hall. They can be in immediate telephone contact with Police Services, if necessary. The Residence Life staff contributes to the safety and security of the campus by participating in appropriate training by administrators, Police Services personnel, and municipal police and fire departments.

Outside doors in the residence halls are locked; an electronic card opens the doors. Electronic alarms alert front desk attendants to unlock or open doors in the residence halls. Visitors, who must be invited by a student living in the residence hall, must sign in and be escorted while they are in the building. Students are responsible for the whereabouts and the behavior of their guests. The apartment complexes have conventional key access but all locks are MEDECO Level IV which prohibits obtaining duplicate keys. Key blanks are released from the manufacturer only upon written authorization from the Director of Physical Plant or the Director of Police Services. All locksets are Schlage schedule "D" or greater and are U.L. approved.

RAVE ALERT: Emergency Notification System

Merrimack College has partnered with Rave Wireless, the leader in mobile safety, to offer an emergency notification system; RAVE ALERT is capable of sending the Merrimack College community text, voice, and email messages in the event of emergency situations or school closings. All students, faculty, and staff are now able to receive Rave Alerts to their Merrimack email only. To receive Rave text alerts to your cell phone, go to:

www.getrave.com/login/merrimack

Merrimack College will only send you messages related to emergencies and school closings. You will never receive advertisements and your information is secure and never provided to advertisers. Any student, staff, or faculty member can subscribe to Rave Alert. All students, staff, and faculty can presently receive Rave Alerts to their Merrimack email address only. To receive Rave text alerts to your cell phone, go to www.getrave.com/login/merrimack

The entire campus community is highly encouraged to subscribe to this service to be informed of emergencies and school closings when you are on the go. All U.S. mobile carriers are supported. The text messages will come from either 67283 or 226787. We encourage you to save these numbers into your phone so that you will recognize them when messages are sent.

Who can I contact to ask questions?

You can contact Patti Druid at x 5998 or Chief Ron Guilmette at x 5555 for further information.

Student Responsibility

The cooperation and involvement of students is essential in a successful campus safety program. Students must assume responsibility for their own safety and the security of their belongings by taking simple common-sense precautions. Any student, male or female, may use the escort service when walking from one campus location to another. Room doors should be locked at all times. Exterior doors to residences areas should not be pegged/propped open at any time. Valuables, such as stereos, cameras, televisions, and personal computers should be engraved; Police Services will provide the tools without cost. Cars parked on campus must park in designated areas and should always be locked when unattended.

Students should report all suspicious individuals and activities, including people who look "out of place" to Police Services immediately.

Parking & Traffic Issues

Please check the Police Services web site at www.merrimack.edu/police for the most up to date rules and regulations regarding Parking and Traffic. Please send all parking-related questions to parking@merrimack.edu

General Vehicle Regulations

- Operating and parking a vehicle on campus is a privilege.
- Any student or employee who operates or parks a motor vehicle on the campus must register the vehicle with the Department of Police Services and every vehicle must display a parking decal on the rearmost section of window on the driver's side of the vehicle. The parking decal must be permanently affixed with the adhesive that exists on the decal. In the case of convertibles, tinted windows, etc., ask Police Services where the decal should be affixed. Decals must be removed after a student or employee is no longer registered/employed at the College.
- When a vehicle is sold or transferred to another and the student/faculty member requires a new decal, the old sticker must be returned.

Resident Student Parking

A Resident Student Parking Decal Fee of \$150 (non-refundable) will be charged to all students.

Seniors, Juniors and Sophomore Resident Students

- Resident Student Parking Decals will be sold on a first come first serve basis to all seniors, juniors and sophomores during the first week of class. An email will be sent to all students notifying them of the dates, time and location to purchase a decal. Students may pay the \$150 Parking Decal Fee by check or cash and we now accept the MACK CARD. Resident parking decals allow for parking in the resident parking lots as well as in 15-minute spaces and HP spaces (with appropriate state permit). A resident student who wants to use another vehicle must turn in their original parking decal in order to get a new one.

Resident Freshman Students

- There is limited parking available on campus and Resident First Year Students will only be allowed to purchase a Resident Parking Decal after all upper class students have been given an opportunity to purchase a decal.
- If there are any unsold decals/spaces available a Resident First Year Lottery may be held after the Columbus Day Holiday weekend. An email announcing this lottery will be sent to all freshman students.
- Parents and other family members having a car on campus while visiting resident students must either obtain a parking permit from Police Services or be signed in at the residence hall front desk.
- The Town of Andover does not allow on-street parking in the College neighborhood except for those who have Andover resident parking permits.
- All parking inquiries should be directed to parking@merrimack.edu. Parking regulations will be strictly enforced.

Parking Decals for Commuting Students

- All commuter students are eligible for commuter parking decals and commuter students are required to register their vehicle with Police Services when they arrive on campus for the start of the fall semester.
- Commuting students will be issued Parking Decals at no cost.
- The Town of Andover does not allow on-street parking in the College neighborhood except for those who have Andover resident parking permits.
- All parking inquiries should be directed to parking@merrimack.edu. Parking regulations will be strictly enforced.
- Temporary dashboard parking permits are available to students who are using another vehicle while their primary vehicle is not being used for a short period of time.
- Operators must have a valid driver's license in their possession while driving on campus and must present it to a police officer upon request. All vehicles must be insured and registered and the vehicle registration must be presented to a police officer upon request.
- The student who owns and/or operates a vehicle on campus shall be responsible for any liability or damage claims (including parking penalties) arising from the vehicle. The College assumes no responsibility for the care or protection of any vehicle or any of its contents at any time including the time it is in any parking area.
- During the first three class days of each semester, cars will not be issued parking citations for not having the appropriate parking decal as long as the car is authorized to be on campus and is parked legally and in the appropriate parking lot. After the three-day grace period, vehicles must be registered immediately upon arrival on campus. Police Services is always open.

- A lost or defaced decal must be replaced at once. Decals are not transferable. Decals for students/employees are issued only for their own personal use. Any transfers or misuse of these decals will result in the cancellation of said decal and a fine of \$100 to all parties involved.
- Motorcycles and scooters must be registered with Police Services, but they will not be issued a decal.
- Students from states other than Massachusetts are reminded that if they operate a motor vehicle here for thirty days or more, they must comply with the statutes of the Commonwealth regarding compulsory insurance.
- The use or parking of motor homes, campers, off road and recreational vehicles on campus is prohibited.

Parking/Traffic Regulations

- All students/employees must park on campus in the areas designated for the type of permit they have been issued. A student using a car that belongs to an employee (such as a parent who works at the College) must follow the parking rules and regulations relative to their status as a student. Parking is permitted only in marked spaces – the area between two parallel yellow lines.
- There is no driving/parking in the fire lanes – a fire lane being any way that would restrict emergency vehicles to any building on campus.
- Driving/parking on sidewalks and service vehicle lanes is prohibited. A Merrimack College email will be sent out to authorize use of these areas for move-in and move-out days. Use of these areas at other times (to drop off or pick up a large item) is permitted only after obtaining advance permission from Police Services.
- Stopping, standing, or parking on any part of Walsh Way and Cullen Ave is prohibited. Please use parking areas and 15-minute spaces for this purpose.
- Unless otherwise posted, the speed limit on all campus roadways is 20 miles per hour. Speed limit in parking lots is 10 miles per hour.
- Any accidents occurring on College property that involve personal injury or property damage must be reported at once to Police Services.
- Any person owning or operating a motor vehicle which becomes disabled while on the Merrimack College campus must assume the responsibility for notifying Police Services of the disablement of the vehicle before abandoning the vehicle to return to his or her home or residence area. Failure to do so will result in the removal of the vehicle from the campus at the owner's or operator's expense.
- The abandonment of any motor vehicle on any part of the Merrimack College campus is prohibited. Any motor vehicle parked on the campus without current state registration plates attached to the vehicle will be deemed to be an abandoned vehicle and as such will be subject to immediate removal from the campus.
- Guests of resident students must obtain a combination visitor/parking permit from Police Services or from one of the front desks at Deegan Hall, Santagati Hall, Ash Centre, and Monican Centre.
- The absence of posted signs shall not constitute a valid excuse for violating the regulations set forth in the official motor vehicle rules and regulations booklet.

Handicapped Parking

- Only those vehicles displaying a valid state handicap license plate or placard will be authorized to park in designated handicapped parking areas. Those individuals who require temporary access to handicapped parking areas due to a temporary medical condition may obtain a temporary handicap permit from the Massachusetts Registry of Motor Vehicles after providing appropriate medical documentation signed by a physician. Applications are available at Police Services.

Penalties

- Merrimack College parking/traffic citations will be issued to those who violate parking/traffic rules and regulations as well as to those who fail to comply with posted signs or the directions of Police Officers or Student Security staff.
- Payment of citation fines are to be made to the Bursar's Office. Students who do not pay such fines will have the amount added to their student bill. Outstanding balances on student accounts will result in grades/diplomas/transcripts being withheld as well as the inability to register for classes. Unpaid citations from persons other than students may result in the vehicle being towed from campus, being immobilized, or the operator/owner being banned from campus.
- A vehicle receiving four parking citations during an academic year will be deemed a habitual offender and all subsequent citations will carry an additional fine, **the vehicle will be towed from campus upon the fifth violation**. Owners/Operators of such vehicles may also have their current and future parking privileges revoked by the Director of Police Services and their vehicles may be towed.
- A person who operates a motor vehicle on campus while under the influence of intoxicating liquors, who otherwise operates a vehicle in a manner that potentially jeopardizes the safety of others on campus, or who is issued more than one moving violation

citation during an academic year, may have their current and future privilege to drive on College property revoked by the Director of Police Services.

- A vehicle parked on campus in violation of any parking rule or regulation may be towed from campus at the discretion of Police Services. Cost of such removal, and any storage fees, are payable directly to the towing company.

Appeals of Parking/Traffic Citations

- A person receiving a parking citation may file a written appeal within 10 calendar days from the date the citation was issued. Appeal Forms are available at the Police Services Office or can be downloaded from the Police Services web site. Appeal forms may be dropped off at, or mailed to, Police Services.
- A Parking Appeals Committee – consisting of student and employee (non-police) representation - meets regularly to hear appeals and the appealing party will generally receive a written response within two to three weeks.
- The decision of the Appeals Committee is final unless new, relevant, and previously unavailable information can be presented, by email or letter, to the Director of Police Services within 7 calendar days of receiving the original appeal decision. In such cases, the Director (or his/her designee) will consider if a re-appeal is appropriate and the appealing party will be notified.
- A person receiving a citation for a moving violation, or a person who had their car towed from campus, may file a written appeal within 10 calendar days by following the procedures in the previous bullet. Such appeals will be heard by the Director of Police Services or his/her designee.

Sexual Assault

If a sexual assault occurs on campus, it should be reported to the Merrimack College Department of Police Services. If a sexual assault occurs off campus, it should be reported to the appropriate jurisdiction. When Police Services is contacted, an officer will assist the victim in obtaining medical care and counseling and will conduct a preliminary investigation and gather physical evidence. Any investigation will be conducted by an officer trained and certified by the Massachusetts Criminal Justice Training Council who will discuss the results of the investigation with the victim and explain to the victim his or her rights and options. The victim's identity is kept confidential. Above all, the victim is treated with respect and consideration. Merrimack College will make changes in a victim's academic and living situation if reasonably possible.

The College recommends that the victim consider all options. Charges may be sought through the College Student Conduct System and/or criminal and civil charges can be filed within the Commonwealth of Massachusetts judicial system. The Department of Police Services will assist the victim with the proper procedures to do so if they choose to seek remedy through any or all of these venues.

At the request of the victim, the Department of Police Services will contact the campus Sexual Assault Advocate. The victim may choose to contact the Rape Crisis Hotline at 1-800-542-7721 for additional legal and emotional support. Please consult the institution's Sexual Assault Policy. Included therein are specific provisions to address sexual misconduct. Punishment may vary from probation to dismissal.

Reporting Requirements

In accordance with the Jeanne Clery Act, any member of the College community whom a victim reasonably believes can address a complaint of sexual assault is required to report the incident to the Department of Police Services. The identity of the victim is confidential and may not be disclosed without the victim's consent.

RESIDENCE LIFE POLICY

Living in a Community

By living in our facilities, students accept responsibility to comply with policies and guidelines established by Merrimack College and/or the Residence Life Office. We hope that living on campus is a positive experience for all students.

College

Roommate Bill of Rights

Each student living with roommate(s) should come up with an individual "Bill of Rights." The following list of rights is what you and your roommate should consider when working out disputes. These are each resident's basic rights:

- The right to read and study free from undue interference in one's room; unreasonable noise and other distractions inhibit the exercise of this right
- The right to sleep without undue disturbance from noise, guests of a roommate, etc.
- The right to expect that roommate(s) will respect one's personal belongings
- The right to live in a clean environment
- The right to free access to one's room and facilities without pressure from a roommate

- The right to privacy
- The right to have guests with the expectation that the guests are to respect the rights of the host's roommate and other residents of the floor or hall
- The right to confront the situation if any rights are taken away; Residence Life staff members are available for assistance in mediating and resolving conflicts
- The right to be free of fear and intimidation (physical and/or emotional)
- The right to expect reasonable cooperation in the use of "room-shared" appliances and a commitment to have agreed-upon payment procedures
- The right to be free of peer pressure or ridicule regarding personal choices

Our residential communities are maintained for the well-being of all students who live there. Each student is expected to live in a way that respects all community members. Each student is directly responsible for maintaining a safe, secure, and healthy living environment in his or her residential area. Resident students are not just "renting a room;" they are active members of a community. Residence Life believes residents should expect to be active participants in maintaining standards of respect in their living area and should confront problems within the community.

Consistent with this goal, we believe that damages within a residence area have a detrimental impact on the community because they adversely affect the attitude of every student, staff and guest who enters or lives in the building. As a result, we expect each member of the community to exercise his or her responsibility for addressing negative actions which occur in the residence areas. Residents are expected to confront students causing damage in their community, and to report any and all information to the Residence Life staff when the student(s) causing damage is unwilling to take responsibility for their actions.

In particular within our residential areas, students must be prepared to conduct themselves at all times in a way that will not infringe on the rights and privileges of others. The right to sleep and study in your rooms has the highest priority at all times. Students must agree to act as responsible citizens in the use of their rooms or apartments and common facilities, respecting the rights of others at all times.

Living in a community requires all individuals to be responsible and respectful of the policies, procedures and standards that have been established to protect each student, ensure personal and College property is well maintained and protected, and to maintain a reasonable sense of order and structure. In order to ensure the rights of all, the following policies and procedures have been adopted for all residential areas. These items along with the Residency Agreement provide the basis for residential living at Merrimack College. Please see any member of the Residence Life staff if you have any questions about these regulations.

Housing Information

Breaks

The Residency Agreement starts on the first day of the semester and concludes on the last day of your final exam scheduled in the spring semester; it excludes all College break periods. All residence halls are closed during Thanksgiving, winter, spring, and Easter breaks. As noted in the academic/administrative calendar, all residences close at 7pm on the last day of classes noted in the academic/administrative calendar, except for the last day of the spring semester when the residence areas close at 5pm. Failure to vacate campus by closing time will result in a \$100 charge per day/removal from housing and possible disciplinary action.

For the 2011-2012 academic year, the residence halls will be closed during the following periods:

Tuesday, November 22: halls close for Thanksgiving break at 7 pm
 Sunday, November 27: halls reopen from Thanksgiving break at 10 am

Friday, December 16: halls close for Winter break at 7 pm
 Monday, January 22: halls reopen from Winter break at 10 am

Friday, March 16: halls close for Spring break at 7 pm
 Sunday, March 25: halls reopen from Spring break at 10 am

Wednesday, April 4: halls close for Easter break at 7 pm
 Monday, April 10: halls reopen from Easter break at 10 am

Friday, May 11: halls close for Summer Recess at 5 pm

Remaining on Campus during Break Periods

The residence areas are officially closed during Thanksgiving, winter, spring and Easter breaks. Please be aware that there are no dining facilities available to students when the residence areas are closed for breaks.

Approval to remain on campus during break periods is limited to international students and other students participating in College-sponsored activities. College-sponsored activities include student teaching, participation in a co-op/internship, as well as in-season athletic teams who have games scheduled during break periods.

To remain on campus during a break period, students meeting the above requirement must request and be approved to do so through the Residence Life Office one week prior to the closing of the residence halls. Late request will be handled on a case-by-case basis and will incur an administrative charge of \$25. There may be a charge based on the length of stay and the reason requested.

Check In/Out of Rooms

When moving into an assigned College room, each student is responsible for carefully checking the condition of his/her room and its furnishings thoroughly, and for recording it on the Room Condition Form (RCF). Each student must sign and return their copy of the RCF to their RA or Resident Director/Area Coordinator in order to remain eligible to appeal any damage charges incurred to their room at the end of the year. The College will hold each student responsible for loss and/or damage to College property beyond normal wear and tear. If two or more students reside within an area where damage has occurred and neither has taken responsibility, the charges will be proportionately charged between the responsible individuals.

Prior to break closings (Thanksgiving, winter, spring and Easter Break) students will be told how their room/apartment should be left over break. This includes removing all trash, leaving the heat on, locking windows and doors, and turning off all electrical equipment and lights. Residence Life staff will complete room inspections during these times to ensure the safety of each residential area while they are unoccupied. Problems are documented and are expected to be corrected. Students may also face fines and disciplinary consequences for any violations or fire safety hazards noted.

Upon checking out at the end of a semester or year, students should complete the Room Condition Form and follow the proper checkout procedures with their RA. Each room or apartment room should be cleaned including shared bathrooms and common spaces within townhouses, suites, and apartments. Walls, furnishings, etc. should be free of defacement and/or damage; trash should be removed; and beds and other furnishings should be returned to the positions found at check in. Keys should be returned to an appropriate staff member. Please note that personal items that are left after check out from the College room will be removed and disposed of at the owner's expense. Failure to check out properly will result in a minimum \$50 fee. There is also a replacement charge for a lost or un-returned key.

Contract

All resident students are responsible for the terms of the Residency Agreement, which is either a semester or year-long agreement. Residents will choose either one semester or both semesters when signing the agreement

- *Contract Releases*

Any request to cancel a meal plan or room assignment must be made in writing to the Dean of Campus Life/Director of Residence Life. In order for the request to be considered for the fall semester it must be received by May 1; in order for it to be considered for the spring semester it must be received by November 30. (Note: It is the student's responsibility to request not to be a part of these plans by the dates outlined above.) Students who are approved to be released from this Agreement should refer to the Merrimack College Catalog or [Student Handbook](#) to determine if they are entitled to any College fees or refunds.

- *Meal Plan*

The meal plan may only be used by the student who signs the Residency Agreement and therefore no person may lend his or her meal card to another. Students living in residence halls and the townhouses must sign up for a 19, 13 plus or 9 plus meal plan option. Students living in the apartments are eligible for the 5 plus meal plan option. Request for meal plan changes must be made online through MyMack during the first week of the semester. Requests for exceptions to meal plans must be submitted to the Director of Residence Life and reviewed by a committee.

Insurance

The College is not responsible for theft or destruction of personal property. It is highly recommended that students secure coverage through either a Homeowner's Insurance policy or a Personal Property Insurance policy (commonly known as renter's insurance.)

Leaves of Absence

Should a student take a leave of absence for any reason and then return to Merrimack College, he or she must contact the Residence Life Office to apply for housing options.

Room Assignments

Room assignments are the responsibility of the Office of Residence Life. Students, who change assignments without authorization, allow people not assigned to their room to live with them, or otherwise attempt to fraudulently manipulate the housing assignment process may be subject to disciplinary action and or fines. Students who do not maintain their room as a primary residence may put their assignment in jeopardy.

Room Changes

The Residence Life Office is dedicated to fostering an environment where students may grow and learn. Students are expected to resolve their roommate conflicts either on their own or through formal mediation with a member of the Residence Life staff. Room changes will not be considered an effective way to resolve conflicts. Students interested in a room change must first meet with a member of the Residence Life Staff and their current roommate. Specific periods will be established throughout the academic year to allow students to change assignments. Students cannot change rooms without approval from their Resident Director/Area Coordinator. Room changes are frozen for the first week of each academic semester, as well as after December 1st and May 1st.

When conflicts arise between residents of a room and who will move is not resolved by the residents themselves, the choice as to who will change rooms will be at the discretion of Residence Life staff. This may result in one resident being moved, all residents being moved, or no residents being moved. The decision reached in the matter will be considered final.

Room Condition Forms

Each room has a Room Condition Form (RCF) completed for it at the start of the school year. This form indicates the condition and quantity of furniture in the room and must be signed by the residents of the room at their check-in and check-out. Failure to sign does not waive the students' responsibility for the furniture and condition of the room. Students who fail to sign the RCF at the beginning of the year and at the time they leave the rooms are not eligible to appeal damage or cleaning charges to the room.

If a resident should note pre-existing damage, the resident(s) will have **(1)** one week from check in day to report and submit a room condition adjustment form. These forms are available at each check-in table, residence hall front desks and through each Resident Advisor. Extenuating damages or concerns regarding them may be further discussed with the residence's Resident Director/Area Coordinator. When reporting damage for individual rooms within the housing assignment (townhouse, suite or apartment) the form must be completed by each individual resident of the room.

When residents are reporting damage to the common area of a suite, apartment, or townhouse, the form must be completed by one resident of the housing assignment. Each student has their own form for the bedroom. Students who have common areas will all sign the same form. The purpose of the form is to 1) record the condition of the room, 2) ensure that the condition of the room does not change throughout the year, and 3) have a reference for end of the year check-out.

Room Entry

College staff respects your rights to privacy and will work to assure that no unwarranted intrusion or entry into your room occurs. Designated College staff members, including Police Services, Residence Life, Campus Life, and Physical Plant, have the authority to enter your room without your knowledge or consent, as outlined in this section. The College reserves the right to inspect a student's room periodically. A student's room may be entered by authorized College personnel or authorized agents of the College whenever there is reasonable cause concerning the safety, health and well being of the individual residents, if there is reasonable suspicion that a violation of College policy is occurring, to perform damage assessments and/or repairs, and to inspect for fire safety violations, or for other necessary reasons. When feasible, the student will be notified in advance of any such inspection. College officials, including

College police officers, will have access to lobbies, hallways and other common areas for inspections and patrol, with or without advance notice. College staff will conduct health and safety inspections each month and will access rooms during this time.

Room Personalization/Health & Safety

Since your living space is intended to serve not only you and your roommates but the residents who will live there in coming years, certain guidelines for personalizing rooms, apartments, or suites are necessary. These standards are intended to contribute to the existence of a healthy, safe environment. Any violations are subject to disciplinary sanctions.

Room Personalization

- Students are not authorized to paint (including washable paint), renovate, or modify their rooms in any way.
- Furniture must not obstruct smoke detectors or sprinklers, block heating vents, damage pipe coverings, or impair quick exit from the room or window in case of an emergency.
- We suggest the use of blue "painter's tape" to adhere pictures and posters to your wall to prevent damage to your room
- Wall hangings or tapestries are prohibited from covering lights, smoke detectors, or electrical outlets. It is also important that people can see and walk clearly into the room without having to move tapestries, flags, or curtains.
- Posters and/or tapestries may not be attached to or suspended from the ceiling or sprinkler heads. Additionally, no items should ever be wrapped around or suspended from sprinkler pipes.
- With regard to the exterior of room doors, or other areas that are within public view (including windows), the Residence Life Office reserves the right to deny any decoration/item that is deemed inappropriate or offensive.
- Display banners, neon and electric signs and any alcohol advertising (including empty alcohol bottles) are prohibited. Students are not permitted to have any empty alcohol containers in their rooms or any empty alcohol boxes used for decoration regardless of age or residence area.
- Students are not able to have waterbeds or build lofts. Bed raisers and other devices used to elevate the height of the beds are prohibited. Students are not permitted to construct/modify the construction of their bed. Students who choose to bunk their beds must utilize bed pegs.

Fire Safety

- Multiple-outlet electrical plugs are prohibited. In addition, microwave switchbox outlets are not allowed at this time.
- Microwaves and cooking appliances (like but not limited to George Foreman Grills) with exposed heating elements such as hot plates, toaster ovens, coffee pots without automatic shut-off, and coil hot water heaters are not permitted in residence halls. A MicroFridge is the only way to have a microwave in your residence hall room. Microwaves are allowed in the apartments.
- (redundant from above)Halogen lamps, lava lamps, fog machines, black lights, space heaters, and air conditioners are prohibited in all residential areas.
- Electrical extension cords that are longer than eight feet are prohibited. All electrical extension cords must be UL listed.
- Refrigerators can be no larger than 5 cubic feet. Given the space limitation, we recommend one refrigerator per bedroom.
- Hookahs are prohibited in all residence areas regardless of reason.
- Candles (even for decoration and unlit), incense, potpourri burners, candle warmers, halogen lamps, and neon signs are prohibited in all student residences. In addition, tiki torches are prohibited both within student residences as well as outside of the residential spaces. The property will be confiscated and immediately disposed. Subsequent violations will result in a \$25 fine per item.
- Flammable liquids, turpentine, paint, gasoline, propane, kerosene, and/or ether may not be stored in a residential building. This includes motorcycles, mopeds, or any machine or equipment that uses combustible fuel.
- All forms of pyrotechnics (fireworks) are illegal in Massachusetts. Possession or detonation of fireworks is prohibited and will lead to disciplinary action that may include removal from housing, suspension, expulsion, a fine, and applicable repair charges.
- . BBQ grills (gas or charcoal), lighter fluid, and charcoal are prohibited within all residential spaces and stairwells on campus.
- Students wishing to bring their own upholstered furniture on campus (ie. futon or couch) must meet California fire code section 117. Any type of table, which include but not limited to, folding tables, which could be considered use for drinking games are not allowed. Tables that are found will be requested to be taken home by the residents. Only College-owned tables that are provided for rooms are allowed.
- CollegeNatural trees or wreaths are not permitted in student rooms.

Other Fire-Safety Devices

- Every residence is also equipped with wired smoke detectors. Smoke detectors are not to be tampered with, disconnected, covered, or obstructed in any way.
- Tampering with fire extinguishers, covering smoke detectors or fire sprinklers, or obstructing other fire-safety devices is considered a serious offense that will lead to disciplinary action that may include removal from housing, suspension, expulsion, a fine, and applicable repair charges.

Electrical Appliances and Electrical Usage

Caution should be exercised in the use of electrical appliances to prevent overloading of electrical circuits. During health and safety inspections conducted each month, all appliances that do not comply with these regulations will be confiscated. For a first offense, students will be notified of a time to come and pick up the appliance to be taken home. If the student fails to pick up the appliance or a student/room within 30 days has a subsequent prohibited appliance (does not need to be same appliance) during another inspection, the item will be donated to a local charity. This will also result in a \$250 fine per student or shared by the residents of a room for the repeat offense of a prohibited appliance.

Candles and empty alcohol bottles will be disposed of immediately and will not be returned. Subsequent candle violations will result in a \$25 fine per candle per student or shared by the residents of a room. Repeat violations of these inspections will result in a student conduct hearing.

Room Reservation Deposit

Each returning student who plans to live in College residences must pay a \$500 reservation deposit to the Office of the Bursar. Room selection information and dates are available in February/March of the spring semester.

Room Selection

Merrimack College's Residence Life program offers a choice of several campus residential options, each with its own special features. Specific information will be distributed to students during the spring semester that further explains the Room Selection process. As always, students should be more concerned about who they live with, instead of just where they live.

Students needing special housing based on dietary or medical needs must submit proper documentation as soon as there is an identified need for the College to be aware of and not at the time of room selection. These requests must be approved by the Director of Hamel Health Services and do not guarantee a student an exemption from on-campus housing or the meal plan. Every attempt to accommodate students housing and dietary needs will be made.

Only full-time, registered students are eligible to participate in Room Selection and to live on campus. By participating in room selection and signing a residency agreement, students agree to abide by all College policies and procedures. Room selection information and dates are available in February/March of the spring semester.

All students who select housing through room selection for 2012-2013 must be registered as a full-time student by May 31, 2012.

Storage/Bikes

The College does not provide any storage for bikes or other items. All student belongings must be removed at the end of the spring semester.

Health and Safety on Campus

Building Safety

It is sometimes easy in a small community, such as ours, to become complacent about safety and security matters. However, we all have a responsibility to protect our community and its individuals. Security is a matter of mutual support, caring, and caution; therefore, we all need to be conscious and aware of the following security policies and procedures.

- Bag Checks
College staff reserves the right to check all and any type of bags when anyone enters the building.

- Door Propping
In order to ensure the safety and security of all residents, propping or otherwise interfering with the closure of any exterior door or interior fire door is prohibited. In the event that exterior and/or fire doors are found repeatedly propped open, the students in that community may be fined by Police Services or Residence Life. The use of emergency exit doors is prohibited except in the event of an emergency.
- Keys
Students living within College housing are issued a room key upon their arrival to campus. Students are responsible for picking up their key at the time of check-in. Students who lose their keys will be charged to cover labor and replacement costs. Upon checking out from a College residence, keys must be returned to a Residence Life staff member. Failure to return keys will result in lock replacement charges. Keys are the property of the College and their duplication is expressly forbidden. Keys may not be copied by anyone other than the Merrimack locksmith. Students may not lend or duplicate room keys. Any violations are subject to disciplinary sanctions.
- Lockouts
Between the hours of 11am-3am students living in Deegan and Ash will go to the Deegan West front desk to get a spare key. Students living in Santagati, Monican, Townhouses and Apartments should go to the Santagati front desk to get a spare key. Students should lock their doors and carry their keys when they are not in their rooms. Students may be charged for excessive lockouts and students may be charged if the lockout key is not returned within 90 minutes. If the front desks are not staffed, students may call Police Services for assistance.
- Health and Safety Inspections
Residence Life staff will conduct health and safety inspections each month to ensure the safety of all student rooms. Dates are published on MyMack and the Residence Life section of the www.merrimack.edu website.

Fire Safety

Fire safety is a concern in which student's actions or inaction can have a great impact on other students and the Andover and North Andover communities. Each year, Police Services responds to many false fire alarms and in doing so, they themselves and other students are put at risk. Unfortunately, multiple fire alarms run the risk of making students complacent and less sensitive to the next fire call, which could be a major life-threatening situation. To minimize the risks, the following fire safety rules have been adopted: if there is a fire, sound the fire alarm and report all fires immediately to Police Services; evacuate the building and stand away from all exits; and do not attempt to extinguish fires yourself.

* **Please note** that individuals who cause fires or false fire alarms are subject to criminal penalties as well as College disciplinary action, fines, and damage charges.

Fire Alarms & Drills

Fire drills in each residential area are scheduled regularly and are conducted by Police Services in accordance with state and local fire codes. Fire drills are intended to orient the residents of the building with fire evacuation procedures and emergency exit locations. It is imperative that students take fire alarms seriously and evacuate when the alarm sounds.

During fire drills or alarms, Police Services is authorized to check all rooms for proper building evacuation. Individuals who fail to evacuate are subject to College disciplinary action and fines. Re-entry is not permitted until clearance has been given by the fire department and Police Services.

Fire Doors and Emergency Exit Doors

Stairwell fire doors and emergency exit doors must be kept closed at all times. These doors will prevent smoke, fire, and toxic gases from entering and spreading to other areas of the building. They are there to save lives and minimize damage to the building and personal property.

Health Forms

All students must carry the Student Accident and Sickness Insurance or provide proof of comparable insurance coverage. Students who do not comply will not be allowed to live in College residences.

Windows, Screens, and Balconies

For health, safety, and maintenance reasons, screens shall not be removed from windows. In addition, decorations or personal items may not be hung outside a window or be placed on windowsills or ledges. Throwing objects out of windows or off of balconies is strictly prohibited. Any violations are subject to disciplinary sanctions.

Damage

- Damage Deposit

Each student is required to pay a \$100 damage deposit which will be used for replacement, repair and cleaning of residences and furnishings. Any unused funds will be credited to your student account, usually in the month of June.

- Damage Billing

Damage to the College residential facilities, including residence hall rooms and public areas, should be reported immediately to Residence Life staff. Additionally, regular inspections of all College residences will be carried out to insure that damage is reported. When known, the person(s) responsible for the damage should be reported as well.

It is the policy of the College to charge all students who are responsible for avoidable damages and losses that occur in student residences. "Avoidable damage" is defined as damage that is the consequence of careless, willful, or malicious actions, including the consequences of horseplay and indoor sports. Such damage contributes significantly to the general deterioration of living conditions, which impacts all students' attitudes about community and personal safety. Students will be notified of damage billings and should make payments for damages directly to the Bursar's Office.

Damage notifications are sent to residents' Merrimack e-mail accounts. The email will detail what a student is being charged with and the cost associated. It will also inform students how long they have to appeal the charge. Once the appeal period has ended, the charge will be posted to the students' account.

Damage charges associated with the end of the year are immediately posted to the students' account and appeals must be done by June 15th. An all-student e-mail and announcement on MyMack on the Residence Life page will inform students that the charges have been posted.

All appeals, regardless of the time of the year, must be done in writing either via e-mail or letter.

- Vandalism

Individuals living in each residential unit are responsible for the maintenance of a vandalism-free environment. The privilege of living in College housing requires that residents exercise good judgment and self-discipline by taking responsibility for their decisions and behavior. Vandalism not determined to be attributed to particular responsible individuals will be billed as common area damage to that area.

Students will be charged for the following items, but not limited to: furniture (damaged, missing, moved which will include the full cost of repair or replacement); cleanliness (varies depending on amount of additional cleaning needed); keys (lost or unreturned); room damage (varies depending on amount of damage and Physical Plant charges).

The Dean of Campus Life/Director of Residence Life or their designee reserves the right to refuse, revoke, suspend, or reassign housing of a student or group of students based on inappropriate behavior or damages.

Finals Week

In order to ensure an academic environment during an important time of the academic year the College enforces the following policies:

- During finals week the only guests/visitors permitted are other Merrimack College students. Individuals who are not Merrimack College students are prohibited.
- 24 hour quiet hours begin at 5 pm on the last day of classes as determined by the academic calendar.
- The campus is considered a dry campus during this time. No alcohol may be brought to campus regardless of whether or not a student is 21 years old.

Furniture, Lounge Furniture and College Property

- All furniture must remain in its assigned room/apartment throughout the school year. College property or furniture may not be removed from the residence halls, townhouses, or apartments at any time. Failure to observe this regulation will result in a \$50 fine for each day that the property is not in its designated room or apartment.
- No College furniture or property may be removed from lounges, conference rooms, or other community areas for use in student rooms. Failure to observe this regulation will result in a \$50 fine after the student has been notified.
- Each room has a Room Condition Form (RCF) completed for it at the start of the school year. This form indicates the condition and quantity of furniture in the room and must be signed by the residents of the room at their check-in and check-out. Failure

to sign does not waive the students' responsibility for the furniture and condition of the room. Students who fail to sign the RCF at the beginning of the year and at the time they leave the rooms are not eligible to appeal damage or cleaning charges to the room. Please see the Room Condition Form section for more information.

Garbage Removal

Residents must take out their own garbage to appropriate locations – dumpsters or trash rooms. Students who leave trash in hallways/stairwells will be charged a trash removal fee and may receive a fire safety citation for having a fire hazard in the hallway/stairwell.

Indoor Sports

No sports or sport-like activities are permitted in College apartments, residence rooms, lounges, hallways, stairwells, etc. Indoor sports infringe on the rights of others, can lead to damage of College property, or may cause harm to oneself or others. Water fights and snowball fights are prohibited inside all residences. Violators will be subject to disciplinary action and will be billed for cleaning, damage, and/or fire alarm repair charges.

Noise

Resident students are asked to be particularly sensitive to noise outside of the residence halls from the morning hours through 7:00 pm, when most classes have finished for the day. Students may call the front desk of their residence hall or Police Services to report a noise complaint. Townhouse and apartments residents may call the Santagati front desk. During finals week for both semesters 24 hour quiet hours begin at 5 pm on the last day of classes as determined by the academic calendar.

- Quiet Hours

Minimum quiet hours in all residences are 11:00pm - 8:00am, Sunday through Thursday. Quiet hours on Friday and Saturday nights are 1:00am. - 8:00am. During quiet hours, any noise (e.g., stereos, TVs, radios, and verbal interactions) must be kept at a level such that it cannot be heard by neighboring residents. Please note that throughout final exam period (from the end of the last class until the end of the last final exam) 24-hour quiet hours are in effect. Refusal to comply with these expectations may result in disciplinary action.

- Courtesy Hours

At all times, students are expected to be courteous and to conduct themselves in a way that does not intrude on the rights and privileges of others. Courtesy hours are in effect at all times, which means 24 hours a day, 7 days a week. Continual violations of courtesy hours will result in disciplinary measures.

Pets

No pets (assistance animals are excluded) other than small aquarium fish (in tanks no larger than 10-gallon capacity) are allowed in the residence areas, since many people are allergic to animals and residential units do not provide adequate space or security for the humane care of animals. Students who are found with pets, whether visiting or owned by the student, will be subject to cleaning charges for each day after the College has requested that the pet be removed. Visitors may not bring their pets in any of the College's residences (halls, apartments, townhouses). Pets that are not removed by the resident will result in College staff having to remove the pet. Any violations are subject to disciplinary sanctions.

Publicity/Posted Notices

No publicity or postings are allowed in the residence halls unless it has been approved and stamped by the Office of Student Involvement. Any violations are subject to disciplinary sanctions.

Smoking

Smoking is not permitted in any residence room, common area, stairwells or apartment or within 50 feet of the residence halls entrances; this includes electronic cigarettes. Any violations are subject to disciplinary sanctions. Hookahs are not permitted in any residence area regardless of intended use.

Solicitation on Campus

All persons soliciting written materials on campus must obtain authorization from the Dean of Campus Life. The College retains the authority to remove any unauthorized materials distributed within residence areas. Any strangers or solicitors without clearance should

be reported promptly to Police Services. Rooms are for residential use only and no student is to use or allow his or her room to be used for any commercial purposes. Any violations are subject to disciplinary sanctions.

Space in Your Room

At any time, vacant space in your room may be offered to another student. In such a case, the Office of Residence Life will contact you by phone or email to let you know that a student has received keys and will be moving in with you. In the event that another student is assigned, there must be a set of furniture ready for them upon arrival. Regardless of the time of year when a student will be coming to your room, the room is to be clean and look as it did when you moved in, to make a potential new roommate feel welcome. It would not be appropriate for a Merrimack College student to tell another Merrimack College student that they are not welcome in their room. As stated in the Merrimack College Statement of Community Standards, we are committed to friendship, diversity and mutual respect. Should a situation like this occur, then the current resident of the room would be required to vacate their space.

Finally, students must abide by all established Residence Life and College policies. Students will be held accountable for knowing and following the rules, regulations, and guidelines of the Office of Residence Life. This includes information found within the Merrimack Student Handbook, the Residency Agreement and special informational newsletters and bulletins that are distributed by the office at various times throughout the year pertaining to room selection and semester/vacation closings. Violations of policies are subject to disciplinary action.

SCHOLASTIC STANDING POLICY

For academic advancement from semester to semester, it is not sufficient that students merely pass all courses. They must, in addition, maintain sufficiently high cumulative grade point averages. If they do not, they may be placed on academic probation for the following semester or find themselves subject to suspension or dismissal. A student on academic probation is not in good academic standing. As noted above, for all categories, the determination of whether a student has met a required GPA is not subject to rounding.

For qualifications and requirements for scholarship retention, please refer to the Office of Financial Aid (978) 837-5187.

SEXUAL MISCONDUCT POLICY

Statement of Intent

Merrimack College is a community in the Augustinian tradition and we strive to maintain an environment that is consistent with our mission and respectful of the rights of all individuals within the college community. The college affirms that all members of this community are freely united by this agreement in the pursuit of scholarship and intellectual growth. The college and the students accept responsibility toward each other within this community.

Sexual misconduct in all forms violates the sacredness of the human body and spirit and will not be tolerated within our community. Campus sanctions, up to and including expulsion, may result from a responsible finding determined through the Student Conduct Process. The victim has the right to pursue additional legal options through the court system either separately or in conjunction with the Student Conduct proceedings.

Sexual misconduct is considered one of the most serious violations of the Community Standards of Merrimack College.

Statement of Policy

Merrimack College strictly prohibits sexual misconduct in all forms. Sexual misconduct includes the following:

RAPE

- Any sexual penetration (anal, oral or vaginal), however slight, with any object or sexual intercourse by a man or woman upon a man or woman without effective consent, by force or threat of bodily injury. Sexual penetration includes vaginal or anal penetration by a penis, object, tongue or finger and oral copulation by mouth to genital contact or genital to mouth contact.

- **Effective consent** is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent may never be given by minors (In Massachusetts, those not yet sixteen (16) years of age), mentally disabled persons and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or those who are unconscious, unaware or otherwise physically helpless.
- Consent as a result of coercion, intimidation, threat of force or force is NOT effective consent.

ACQUAINTANCE RAPE

- Rape by an acquaintance, friend, date, lover or spouse. In the act of rape, the only difference between rape and acquaintance rape is who commits the act – not the act itself.

SEXUAL ASSAULT

- Any intentional sexual touching, however slight, with any object by a man or woman upon a man or woman without effective consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another or any other bodily contact in a sexual manner.
- Any disrobing of another or exposure to another by a man or woman without effective consent.
- **Effective consent** is informed, freely and actively given mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent may never be given by minors (In Massachusetts, those not yet sixteen (16) years of age), mentally disabled persons and those who are incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or those who are unconscious, unaware or otherwise physically helpless.
- Consent as a result of coercion, intimidation, threat of force or force is NOT effective consent.

SEXUAL EXPLOITATION

- Sexual Exploitation occurs when a person takes non-consensual or abusive sexual advantage of another or to benefit or advantage anyone other than the one being exploited and that behavior does not otherwise constitute another form of sexual misconduct. Examples of sexual exploitation include but are not limited to: prostitution, non-consensual video or audio taping of sexual or other private activities exceeding the boundaries of consent (e.g. permitting others to hide in closets and observe sexual activity, videotaping a person using the bathroom). This shall include non-consensual dissemination of photo's, video or text that occurs when a person takes abusive advantage of another to benefit or sexually exploit that person.

SEXUAL HARASSMENT

- Sexual harassment is any unwelcomed verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's work or academic performance or that creates an intimidating, hostile, or offensive working, educational, or living environment. A form of sexual harassment exists when submission to or rejection of unwelcomed sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature results in adverse educational or employment action, or the threat of such adverse action, or when submission is made a condition of educational or employment advancement..

DOMESTIC VIOLENCE

- Please see the College policy on [Domestic Violence](#)

The College's Response

The Merrimack College community understands that all parties involved in a sexual misconduct incident experience significant distress, whether they are the victim, the accused or any other individual associated with the report. All parties involved are expected to be treated with respect and dignity and the community will provide a safe place where the individuals may receive appropriate personal support.

Options/Resource Information

Any person involved in an incident of sexual misconduct can receive confidential information about their options, resources, medical attention and/or personal support from any of the following professionally trained personnel on campus:

- Police Services Sexual Assault Investigators (978-837-5911)
- A Sexual Assault Advocate - Advocate can be contacted by any of the offices listed:
 - Counselors at the Hamel Health Center
 - Residence Life Staff (Resident Directors, Area Coordinators, Resident Assistants)

- The Campus Ministers
- The Vice President for Mission and Student Affairs
- The Dean of Campus Life
- The Assistant Dean of Campus Life

College Reporting Requirements

Other than the counselors at the Health Center, all employees made aware of an alleged incident are required by federal law to file a personally unidentifiable statistical report to Police Services. The only information that will be released is that an incident was reported, the type of incident and the general location of the incident (i.e. on or off campus; no address will be given).

The names of the alleged victim and perpetrator remain confidential unless the survivor specifically authorizes the release of this information.

Campus police officers are required to submit an unidentifiable report that a sexual assault or rape incident has occurred to the Dean of Campus Life.

Statistics given to Police Services can be found in the Annual Campus Security Report.

Options to Prosecute

On Campus Complaint

If the victim chooses to file a complaint on campus, it will be facilitated within the Merrimack College Student Conduct System. The rights of **both** the victim and accused are protected under the existing Merrimack College Student Code of Conduct.

The College assures students of the following:

- Students have the right under federal law (Title IX) to expect that reports of sexual misconduct will be taken seriously by Merrimack College.
- Prompt notification and explanation of the allegations.
- A timely hearing by the Student Conduct Board.
- A fair, open-minded and objective consideration of the matter being discussed.
- To be informed of available counselors.
- To be made aware of the available resources of Police Services and a Sexual Assault Advocate of their choice.
- To receive notification of and assistance with the option of changing academic and/or living situations after an alleged incident of sexual misconduct if such changes are reasonably available (no charges or investigation, campus or criminal, need occur before this option is available).
- To obtain an on campus **No Contact Order** through the college's Office of Campus Life.
- The opportunity to present their information surrounding the incident.
- An advisor, who is a member of the Merrimack College community, which the student(s) must arrange for him/herself.
 - Advisors may not be attorneys. Attorneys may only participate in very limited circumstances where a student has pending criminal charges that are related to the matter being discussed in the hearing. Please see the Assistant Dean of Campus Life for the rules surrounding this area.
- To present a reasonable number of witnesses and/or written character references at hearings.
- The opportunity to question, directly or indirectly, people presenting testimony against him or her.
- To be informed of the outcome and sanction of any disciplinary hearing involving sexual misconduct.
- To not have irrelevant prior sexual history admitted in a Student Conduct Board hearing.

Off Campus Complaint

The victim has the right to pursue additional legal options through the court system either separately or in conjunction with a college student conduct complaint. Assistance in filing criminal charges or obtaining a Restraining/Harassment Order against an alleged assailant can be obtained through the following resources:

- Merrimack College Department of Police Services
- The Sexual Assault Advocate
- The police department in the town where the incident occurred

- The Rape Crisis Hot Line (1-800-542-5212)

Harassment Prevention Orders-Chapter 258E Sec. 01

Harassment Prevention Orders are similar to Restraining Orders since they can prevent contact between two persons, however with a Harassment Order pursuant to CH. 258E, the parties do not have to be related to, have lived with, or had a dating relationship with the party. These orders are civil in nature and violations are criminal.

What is Harassment? – CH. 258E €1

Three or more acts of willful and malicious conduct aimed at a specific person with the intent to cause fear, intimidation, abuse or damage to property, and does in fact cause fear, intimidation, abuse or damage to property.

OR

An act that by force, threat or duress causes another to involuntarily engage in sexual relations or constitutes a violation of an enumerated sex offense (i.e. indecent assault & battery, rape, statutory rape, assault with intent to rape, enticing a child, criminal stalking, criminal harassment, drugging for sexual intercourse).

An order can only be issued if all the elements are met. If you represent a youth at the hearing on the insurance of an order, make sure all of the above factors are recorded.

The Rights of the College to Investigate

Merrimack College recognizes that in most cases, a student reporting an incident of sexual misconduct may determine the course of action to be pursued.

The college's right to impose disciplinary sanctions is independent of any other court actions the survivor may pursue.

The Rights of Confidentiality for an Individual Accused of Sexual Misconduct

Confidentiality with respect to a person accused of having violated the sexual misconduct policy is governed by the Family Education Rights and Privacy Act (FERPA), also known as the Buckley Amendment. FERPA provides that personally identifiable information maintained in the educational records of an institution shall not be disclosed, except as otherwise specified by law.

Jurisdiction

All students will be held accountable for their behavior on or off campus. The institution reserves the right to process internally, any incident, on or off campus, which involves a Merrimack College Student.

Timing of Complaint

Any member of the College community may file a complaint against a student at any time for allegedly violating the sexual misconduct policy. The term "student" includes all persons (other than faculty, staff or administrators) who are registered for and taking or auditing courses at the College, either full-time or part-time. The term "member of the college community" includes any person who is a student, faculty member, administrator/staff member or any other person employed by the college. A person's status in a particular situation shall be determined by the Vice President of Mission and Student Affairs.

(Liberally adapted from Holy Cross policy on Sexual Misconduct, 2009-2010)

STUDENT CLUBS AND ORGANIZATIONS POLICY

Students registered at Merrimack College have the ability to join or create student organizations in accordance with the policy present in the Club/Organization Handbook of the Student Involvement Office. All student organizations must adhere to and are subject to the Student Club and Organization policy as well as those policies in the Student Code of Conduct. These policies provide several benefits to organizations as well as establish criteria for maintaining recognition.

STUDENTS WITH DISABILITIES POLICY

Merrimack College is committed to creating an optimum environment for the success of every student. Any student with a disability and needing an academic accommodation should contact Elaine DiVincenzo, the ADA Academic Advisor. Accommodations are made before beginning a course and assume collaborative creativity and goodwill between the individual with the disability and the faculty and administration.

The ADA Office is located on the 3rd floor of the Library in the Center for Academic Enrichment. The mission of the ADA Office is to provide equal access to higher education for students with diagnosed disabilities as defined by Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and the ADA Amendments Act of 2008 (ADAAA).

Students who are interested in receiving services through the ADA Office must:

1. Identify themselves as a student with a disability
2. Request services
3. Submit documentation of their disability
4. Schedule an appointment to meet with the ADA Academic Coordinator

The ADA Academic Coordinator will review potential accommodations and develop an Accommodation Plan with the student. Students are encouraged to take a proactive role in accessing services.

Reasonable Accommodations must be directly linked to functional limitations determined by a comprehensive review of documentation. Reasonable Accommodations which provide equal access to education must not interfere with academic/technical standards or essential course requirements.

Students without documentation who are interested in receiving services should contact the ADA Office. The ADA Office can provide information with regard to accessing disability documentation.

The ADA Academic Coordinator works closely with the ADA Compliance Coordinator and the ADA Compliance Team in addressing access issues on campus.

Students who are interested in receiving accommodations or have questions about documentation guidelines are encouraged to contact our Disabilities Coordinator at 978-837-5140 or via email Elaine.divincenzo@merrimack.edu.

- Merrimack College does not offer a separate program for students with disabilities. Students with disabilities are encouraged to participate in College programs and extracurricular activities. If a student requires specialized services, the ADA Office will provide referrals to outside organizations.

For other non-academic accommodations, students with disabilities are encouraged to discuss the situation with Linda Murphy, the 504/ADA Compliance Coordinator.

WITHDRAWAL POLICIES

Remittances should be made payable to Merrimack College. No student will be allowed to attend classes until all charges are paid in full. It is the students' responsibility to monitor the account on-line to ensure that all outstanding balances are paid in full. No student will be allowed to receive a degree, certificate or official transcript of credits until financial accounts with the College have been satisfactorily settled.

Notice of withdrawal must be given in writing to the Registrar's Office. Resident students must also notify the Director of Residence Life, in writing. Oral notice is not sufficient.

Tuition, Room and Board Refund Schedule

- Prior to the first day of class 100%
- Within first week 80%
- Within second week 60%
- Within third week 40%
- Within fourth week 20%
- Beyond fourth week no refund

Return of Title IV Funds

Merrimack College complies with the refund policies as outlined in the Higher Education Amendments of 1998. The refund calculation for the return of Title IV funds with a completion of less than or equal to sixty per cent of the semester will be the lesser of:

$$\text{Total Title IV Aid} \times \% \text{ of Uncompleted Semester} = \text{Unearned Aid}$$

Or
Total Institutional Costs X % of Uncompleted Semester = Unearned Costs

The College will refund the credit of the lesser of Unearned Aid or Unearned Costs to the Title IV programs in the following order:

- Federal Stafford Unsubsidized Loan
- Federal Stafford Subsidized Loan
- Federal Perkins Loan
- Federal PLUS Loan
- Federal Pell Grant
- Federal Academic Competitive Grant
- Federal National Smart Grant
- Federal SEOG

If more than sixty per cent of the semester is completed, no Title IV funds will be returned.

MERRIMACK COLLEGE STUDENT CONDUCT SYSTEM

The College strives to maintain an environment that is consistent with its Augustinian mission and respectful of the rights of all individuals within the College community. The College affirms that all members of this community are freely united by this agreement in the pursuit of scholarship and intellectual growth. The College and the students accept responsibility toward each other within this community. Consequently, it is necessary to establish procedures to ensure the preservation of this community and its goals and to respond promptly and accurately to actions that are contrary to these values and ideals.

The Merrimack College Student Conduct System is directed to this end as it seeks in its disciplinary function to impart the values and ideals of this community as well as habits of conduct. When student conduct adversely impacts the College community, the educational program or the community standards of the College, the case will be processed within the student conduct system and sanctions commensurate with the offense will be applied.

Behavior that is in violation of local, state or federal law will also be responded to in accordance with this system. (Would there be any case in which a violation of law would not actually be a violation of these policies? If not, is the phrase here just to preserve our right to discipline even in conjunction with "official" proceedings? In these cases, the College reserves the right to take action independent of that which may occur in a court of law and does not provide protection from prosecution by law enforcement agencies.

COMMUNITY STANDARDS

The Assistant Dean of Campus Life is principally responsible for the functioning of the student conduct system. These responsibilities include:

- Conducting meetings as an Administrative Hearing Officer
- Selection of Student Conduct Board members
- Training of Administrative Hearing Officers and Student Conduct Board members
- Overseeing Student Conduct Board hearing proceedings
- Maintenance of student conduct records
- Ensuring compliance with Student Conduct Hearing conclusions
- General supervision of the student conduct process
- Serving as an ombudsperson and conducting pre-hearing conferences to explain the hearing process

JURISDICTION

The Merrimack College Community Standards and Student Code of Conduct apply to:

- 1.) Any student who is:
 - a. Enrolled in or accepted for an academic course of program regardless of credits carried
 - b. Who withdraws from the college after allegedly violating the drug policy, sexual misconduct policy or general safety code of conduct, but before a formal hearing can take place.
 - c. Not officially enrolled for a particular term but has a continuing academic relationship with the College
 - d. Living on or off campus
- 2.) Conduct that occurs:
 - a. On College property
 - b. At College sponsored events off campus and all locations of the College such as internships, co-ops, or study abroad
 - c. Off campus and in the College's sole discretion, calls into question the suitability of a student as a member of the Merrimack Community.
- 3.) A student is held responsible for his/her conduct from the time of commitment to attend the College through the awarding of a degree. Even in times when classes are not in session (summer, break periods, etc.)
- 4.) The Dean of Campus Life or designee will determine on a case-by-case basis whether the Community Standards and Student Code of Conduct will be applied to off-campus conduct.
- 5.) Students are responsible for their conduct even when it may have been influenced by their physical or emotional state (irrespective of any medical or clinical diagnosis) or by alcohol or drug use.

- 6.) Students who do not complete their assigned sanctions or withdraws from the college prior to the resolution of a complaint will have a disciplinary hold placed on their student account which will prohibit course registration, requests for transcripts, adding or dropping courses and participation in the housing lottery.

STUDENT RIGHTS

Students who are referred for student conduct action are afforded the following rights:

- Prompt notification and explanation of the allegations
- A fair, open-minded and objective consideration of the matter being discussed
- A timely hearing by the Student Conduct Board.
- The opportunity to present their information surrounding an event
- An advisor, who is a member of the Merrimack College community, which the student(s) must arrange for him/herself
 - Advisors may not be attorneys. Attorneys may only participate in very limited circumstances where a student has pending criminal charges that are related to the matter being discussed in the hearing. Please see the Assistant Dean of Campus Life for the rules surrounding this area.
- To present a reasonable number of witnesses and/or written character references at hearings
- The opportunity to question, directly or indirectly, people presenting testimony against him or her.
- To submit an appeal or petition to the Vice President for Mission and Student Affairs within three working days after a hearing

STUDENT CONDUCT VIOLATIONS

The following types of student misconduct subject students to the Merrimack College Student Conduct System procedures. These behavioral expectations apply to all students no matter where or when their conduct may take place. Therefore, the Student Conduct system will apply to behaviors that take place on the campus, at Merrimack College sponsored events or trips, and may also apply to behaviors that take place off campus. In addition, the College also responds to complaints of misconduct online (such as posts to www.facebook.com). These regulations should be read broadly and are not designed to define all instances of misconduct.

1) Alcohol and Other Drugs

- (A) Failure to abide by the [College Alcohol Policy](#)
- (B) Failure to abide by the [College Drug Policy](#)

2) [Residence Life Policies](#)

- (A) Using a residence room for sales, solicitation, product demonstrations, commercial purposes or business operations
- (B) Disturbing the peace by making unreasonable noise, including: TV's, stereos, games and verbal interactions, during Quiet Hours or in violation of standards expected during Courtesy Hours
- (C) Repeated violations during Health & Safety Inspections, recurring instances of inappropriate garbage disposal, or multiple instances of door propping

3) Personal Conduct

- (A) Any written or verbal communication or physical gestures directed at a College official or member of the College community that is disrespectful, intimidating, or demeaning
- (B) Violation of any federal, state, or local law
- (C) Intentional disruption of normal College activities such as studying, teaching, research, College administration or fire, police or emergency services
- (D) Intentionally and substantially interfering with the freedom of expression of others on College premises or at College sponsored activities
- (E) Theft of property or of services or knowing possession of stolen property
- (F) Intentionally or recklessly destroying or damaging College property or the property of others
- (G) Failing to comply with the legitimate request of any Residence Life staff member, College official or Fire/Police Officer acting in the performance of his or her duties
- (H) Unauthorized presence in or forcible entry into, a College facility, College property, roof, balconies, waterways or another student's room; trespassing
- (I) Knowingly using, making or causing to be made, any key or keys for any College facility without proper authorization
- (J) Gambling in any form, as defined by the Massachusetts General Laws
- (K) Failure to abide by the [Acceptable Use for Technology Policy](#)
- (L) Lewd or indecent behavior, including public urination and public nudity

- (M) Events and activities that are contrary to the College's mission and values
- (N) Disorderly conduct
- (O) Failure to abide by [Parking Policies](#)

4) Identification

- (A) Misuse or alteration of Merrimack College Mack Cards, legal forms of identification or any official College document, including lending an ID to another person, using another person's ID, forgery, duplication and unauthorized alteration
- (B) Providing false identification or refusing to identify oneself or to show proper College identification to any College official or member of the College staff who has properly identified herself or himself and who relates to the student the reason for the request. Students are expected to carry their Mack Card ID with them at all times.

5) General Safety

- (A) Operating a motor vehicle while impaired by an "intoxicant"
- (B) Participating in a mass disturbance or illegal gathering
- (D) Infringing upon the rights of an individual or a group and/or jeopardizing the safety of individuals and property
- (E) Intentionally or recklessly causing physical or mental harm or abuse or harassment to any member of the College community, including oneself
- (F) Expressing or implying a threat of mental or physical abuse or harassment against any person or his/her property for the purpose of submitting a person to physical pain or discomfort, indignity or humiliation at any time, regardless of the intent of such an act
- (G) Acts of bigotry that humiliates, degrades or otherwise harms an individual or individuals
- (H) Any offense committed by a student, including but not limited to: physical abuse, vandalism and conduct infringing on others, which includes intimidation that is motivated because of race, ethnicity, age, physical disability, religious affiliation, gender or sexual orientation
- (I) Failure to abide by the [College Hazing Policy](#) or other related activities which injure, degrade or disgrace or intend to injure, degrade or disgrace any person, in accordance with Massachusetts General Laws Chapter 269, Sections 17-19.
- (J) Unauthorized use, possession or storage of any weapon, including, but not limited to: any type of gun (including BB, pellet, and paintball), any type of sword (including decorative swords) and any blade
- (K) Entering or exiting a building through a window, throwing objects out of windows or off balconies or using windows to bring items into a building
- (L) Failure to abide by the [Domestic Violence Policy](#)

6) Fire Safety

- (A) Intentionally or recklessly causing a fire, explosion or other emergency
- (B) Intentionally initiating or causing to be initiated any false report, warning or threat of fire, explosion or other emergency
- (C) Intentionally or recklessly causing a false fire alarm
- (D) Intentionally or recklessly misusing, damaging or tampering with fire safety equipment including smoke detectors, sprinklers and fire extinguishers.
- (E) Unauthorized use or possession of fireworks or explosives
- (F) Failure to evacuate during a fire alarm
- (G) Use of Fire Door/Emergency Exit without cause
- (H) Vehicles in fire lanes, service roads, or on grass are prohibited, with the exception of Opening and Closing.

7) Failure to abide by the [Guest/Visitor Policy](#)

8) Failure to abide by the [Sexual Misconduct Policy](#)

9) Student Conduct System

- (A) Knowingly providing a false report of a Student Conduct Policy violation
- (B) Falsification, distortion or misrepresentation of information regarding a Student Conduct policy violation; interfering with the investigation of a possible Student Conduct policy violation
- (C) Influencing or attempting to influence a person involved in Student Conduct procedures, including witnesses, Administrative Hearing Officers and members of the Student Conduct Board

(D) Attempting or committing an act of retaliation against a person who has reported or who intends to report a Student Conduct policy violation

(E) Violation of any restrictions, conditions or terms whether issued as an interim measure or a final sanction during the course of a Student Conduct hearing or during an appeal period

(F) If a student is aware of, or is in the presence of, a violation of Merrimack College policy and he/she remains in the presence of and/or fails to take reasonable actions to stop the violation, the student gives his/her consent to the violation and therefore shares in the responsibility for the violation. A student present when one or more violations are occurring also chooses to accept the consequences of being held responsible for a violation of College policy.

VIOLATION OF THE LAW AND COLLEGE DISCIPLINE

The College expects that its students will abide by federal and state law in addition to the College Community Standards and Code of Conduct. Violations may be addressed through the College Disciplinary System, through civil/criminal courts, or through both. When student conduct may have violated federal or state law, Merrimack College may take action against the student prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Dean of Campus Life or designee.

If the alleged offense is being heard by the Merrimack College Disciplinary System, the College may advise off-campus authorities of the existence of the Community Standards and Student Discipline System and how such matters are typically handled.

INCIDENT REPORTS

Any member of the Merrimack College Community may file an incident report and the filing of such with an Administrative Hearing Officer (AHO), the Assistant Dean of Campus Life, or Police Services will initiate a response by the student conduct system. These reports will include all pertinent, available information concerning the allegation(s) that is available to the author. The author will be asked to present their report at Student Conduct Board hearings.

NOTICE OF STUDENT CONDUCT HEARINGS

Student(s) accused of misconduct by any member of the Merrimack community will be issued a Hearing Notification Letter by a particular Administrative Hearing Officer (AHO). The AHO will contact a student in writing, through electronic mail with the date, time, and location of a scheduled hearing. Student(s) who choose not to meet with an AHO as scheduled or who fail to contact the AHO to reschedule a meeting (for academic purposes only) will forfeit their opportunity to be heard at a hearing.

INTERIM REMOVAL FROM HOUSING AND INTERIM SUSPENSION

In situations where prompt action is required to remove a student(s) who poses a threat to the welfare of the community or any member thereof, the Dean of Campus Life or her/his designee may institute measures, including relocation, removal from housing and suspension from the College in advance of the student conduct process.

STUDENT ORGANIZATION MISCONDUCT

When misconduct may be attributed to a student organization rather than an individual, the organization, represented by its Executive Board, will be referred directly to the Director of Athletics or the Director of Student Involvement.

ADMINISTRATIVE HEARING OFFICER MEETINGS

The majority of student conduct incidents at Merrimack College are adjudicated in a meeting with an Administrative Hearing Officer (AHO). The Assistant Dean of Campus Life and administrators in the Office of Residence Life serve as AHOs.

- Senior Resident Advisors may hear matters with a maximum possible punitive sanction of Residence Hall Probation.
- Area Coordinator/Resident Directors may hear matters with a maximum possible sanction of removal from housing for designated periods of time.
- Assistant/Associate Directors of Residence Life may hear matters with a maximum possible sanction of removal from housing for extended periods of time.
- The Assistant Dean of Campus Life and the Student Conduct Board can hear any matter, including those with a maximum possible sanction of expulsion from the College.

PROCEDURES FOR AN ADMINISTRATIVE HEARING OFFICER MEETING

An AHO utilizes the following procedures when meeting with a student:

- The AHO will explain all alleged student conduct violations to the student(s); review the details of any incident report and discuss any further information that the AHO may have gathered.

- The student(s) will have an opportunity to respond by presenting their own version of the events, as well as a reasonable number of witnesses (up to the AHO's discretion) relevant to the matter.
- During a hearing, the AHO will ask questions of the student(s) and/or witnesses to clarify the event. An AHO will not ask about any past violations of student conduct policy in relation to whether or not a violation has occurred in the event being discussed. The student(s) can also ask questions of any witnesses and can ask the AHO any questions they have surrounding student conduct policy or procedures.
- The AHO will then conclude the meeting in one of three ways:
 1. If the student(s) has stated that they are responsible for all violations, the AHO will then discuss possible sanctions with the student(s) and give the student(s) a deadline by which they will receive their final notice regarding the sanctions
 2. If the student(s) have stated that they are not responsible for any charges brought against them, the AHO will then give the student(s) a deadline by which they will receive the decision from the AHO. The AHO will thoroughly review all of the information available and, using a standard of more likely than not, will decide if the student is responsible or not responsible
 3. If the AHO requires further information, the AHO can seek out the information and schedule another discussion with the student(s) if needed.

Written notification of the outcome and sanctions of any hearing will be sent to the student(s) via email, with a copy going to the Assistant Dean of Campus Life for the student's file. The Assistant Dean will have discretion to forward copies of all hearing results to parents of dependent students. In the case of student athletes, the Director of Athletics and the student's coach may also be notified and, in the case of student leaders, their appropriate advisor.

STUDENT CONDUCT BOARD HEARINGS

The Student Conduct Board will consider all cases that may result in loss of housing, suspension, or expulsion from the College and other cases that are referred directly to it by the Assistant Dean of Campus Life due to unusual complexity or seriousness. Examples include drug violations, sexual misconduct, assault, and other offenses. Finally, cases involving sexual misconduct may be adjudicated by a sub-committee of the Student Conduct Board as described in the College's Sexual Misconduct procedures.

At certain times of the year (i.e. summer, vacation, exam periods, etc.) it may be impossible to convene the Student Conduct Board in a timely manner. At these times, and when cases would otherwise require Student Conduct Board attention, the Assistant Dean of Campus Life may conduct hearings or authorize another AHO to conduct hearings, make any findings of responsibility, and impose any appropriate sanctions if there is a determination of responsibility.

The membership of the Student Conduct Board is comprised of the following representatives who will each serve a term of one academic year, and may be reappointed to serve subsequent terms:

- Students selected from among potential candidates who are nominated or request to be a member of the board. The Assistant Dean of Campus Life will consider the candidates and select a few to be trained. All students must be in good disciplinary standing to serve as a Student Conduct Board Member.
- Faculty members appointed by the Faculty Senate, who are nominated or request to be members of the board. The Assistant Dean of Campus Life will consider the candidates and select a few to be trained.
- Administrators who are nominated or request to be members of the board. The Assistant Dean of Campus Life will consider the candidates and select a few to be trained.

An odd number and a minimum of five Board members, with at least one representative from each constituency, must be present to proceed with a hearing. Generally, the Assistant Dean of Campus Life (or designee) will act as Chairperson for all meetings of the Student Conduct Board. In this capacity, s/he will be allowed to participate in the hearing in all manners and is a non-voting member of the Board. The Assistant Dean of Campus Life will also work to ensure that procedures are followed throughout the hearing and will answer any procedural questions that may arise. The Assistant Dean of Campus Life will also prepare cases to be heard by the Student Conduct Board, including contacting people who may have direct knowledge of the events in question. A hearing will then be conducted and, based upon a thorough review of the information and using a standard of more likely than not, the SCB will render a finding that a student is "responsible" or "not responsible" for an alleged violation. All decisions are made by majority vote. If responsible, the SCB will consider the gravity of the matter and the student's conduct history and determine an appropriate sanction. The Assistant Dean of Campus Life will be responsible for notifying students of the hearing body's resolution.

PROCEDURES FOR A STUDENT CONDUCT BOARD HEARING

These procedures will generally be followed for Student Conduct Board Hearings:

- Members of the Student Conduct Board arrive 15 minutes ahead of scheduled hearing start time to review reports and prepare questions.
- Persons issuing incident reports (presenters) and accused students are brought into the hearing room.
- The presenter(s), accused students and all members of the SCB have copies of the incident report.
- All parties will introduce themselves starting with the Assistant Dean of Campus Life (or designee).
- The Assistant Dean of Campus Life (or designee) reads aloud the description of the alleged violation of College policy.
- The student is asked if he or she understands the accusations and is asked to enter a response of responsible or not responsible.
- Presenter(s) gives a description of the incident.
 - Board members ask questions for clarification and fact finding.
 - Student(s) ask questions, through the chairperson.
- Accused student gives description of the incident. (In the event that there is more than one student, they shall give their descriptions in alphabetical order. This process shall prevail throughout the remainder of the hearing procedure.)
 - Board members ask questions for clarification and fact finding.
 - Student(s) ask questions, through the chairperson.
- Witnesses are brought in and dismissed by the chairperson. Members of the SCB, presenter(s), and accused students (in this order) may ask questions of witnesses for clarification and fact finding.
- Accused may present two written character references to the hearing body. In person character witnesses are not permitted during a hearing.
- Presenter(s) makes final statement.
- Accused makes final statement.
- The hearing is concluded and the Board begins its private deliberations. All decisions are made by majority vote. Decisions are “responsible” or “not responsible” and the SCB makes a determination of sanction if responsibility is determined.

SEXUAL MISCONDUCT PROCEDURES

Allegations of sexual assault are handled within the Merrimack College Student Conduct System. Due to the sensitivity of these types of allegations, there are additional procedures that are used to facilitate the process for both parties. Outside of the list below, all other rules and procedures found within this document will apply to hearings of this nature.

- The Assistant Dean of Campus Life or a subcommittee of the Student Conduct Board will conduct these hearings. In the case of a Student Conduct Board, the Board will ONLY be comprised of faculty and administrators. Three of the Board members, excluding the Chairperson, need to be present for a hearing to occur.
- Both the presenter and the accused will have the chance to request a divider within the hearing room. The divider will not prevent both parties from being able to question each other or any witnesses.
- Presenters will be allowed to bring an advisor to the hearing. Advisors may not be attorneys. Advisors will be present to assist the presenter and will communicate with the presenter only. Accused are also allowed to have an advisor as explained under the Student Rights section of this document.
- The Chairperson will not allow questioning which s/he deems to be inappropriate or unrelated to the matter being discussed. Questions surrounding past sexual activity of either the presenter or the accused are expressly prohibited.

Please see the [Sexual Misconduct Policy](#) for more details

HAZING INCIDENT INVESTIGATION AND HEARING PROCESS

- At the discretion of the Athletic Director/ Director Of Student Involvement, all activities of the team/organization may be suspended pending an investigation.
- Police Services will conduct interviews and make a determination of whether or not hazing has occurred from a team/organization perspective. The Director will be included within decisions that are not unanimous.
- Student Conduct Board will be held on individual student conduct cases.
- VP for Mission and Student Affairs will hear appeals.
- Potential sanctions could include individual member, program or club/organization suspension.

SANCTIONS

If students are found responsible for a violation of College policy, a sanction is issued. These sanctions can serve many purposes, including educational and punitive. The educational function of sanctions is to inform students and help them to make better choices in the future. The punitive role of sanctions is to help students understand that their choices may result in consequences that they do not foresee.

The following is a list of typical sanctions that may be imposed as a result of student conduct proceedings. These sanctions are listed in ascending order of severity. While these are typical sanctions, others not listed may be deemed appropriate by student conduct authorities. All sanctions issued by any AHO or the Student Conduct Board are subject to review by the Vice President of Mission and Student Affairs or designee and may be altered at his/her discretion.

Formal Warning: An action taken indicating that further student conduct action will result if the student(s) is found responsible for future or subsequent offenses

Restitution: Compensation for damages in the form of monetary or service repayment

Fines: A monetary penalty in keeping with the severity of the offense

Restrictions: Temporary or permanent revocation of any of the following privileges:

- Visitation and use of residence hall facilities
- Guest/visitor privileges
- Social event registration privileges
- Motor vehicle privileges
- Membership in Campus Life organizations
- Participation in Campus Life programs and/or use of Campus facilities
- Participation in room selection process

Campus/Community Service: A work assignment given for a prescribed number of hours with a College department or local agency

Program Attendance: A requirement to attend a specified number of programs or events within the College community during a designated time period

Education: An assignment designed to educate a student about a particular issue; assignment may include writing a research or reflection paper, designing passive programming materials, conducting an interview with a College administrator or attending a class such as Anger Management or Alcohol Education

Counseling: A referral given in lieu of another sanction. All evaluations shall remain confidential. It may be recommended that students seek other forms of counseling when appropriate.

Residence Hall Probation: An action taken indicating that further violation of residence hall policies will likely result in removal from residence. This probationary status will be imposed for a specified period of time.

Disciplinary Probation: An action taken indicating that further violation of College policy will likely result in a more severe sanction such as suspension or expulsion. This sanction will be imposed for a specified period of time. Students who have received disciplinary probation as a sanction may also be prevented from representing the College as a member of an athletic team or as a member of a student organization by the Assistant Dean of Campus Life or designee, in conjunction with the appropriate office.

Residence Hall Relocation: A reassignment to a different resident space if such is available.

Deferred Removal From Housing: Removal from residence that has been deferred for a specified period of time; if the student commits any further violations while on this status, removal from residence will ensue for the remainder of the original time period as well as any removal time for the new sanction.

Removal From Housing: Removal from residence for a specified period of time. If suspension is for a period of one semester or longer, the student will be prohibited from all residence halls and must seek readmission through the Office of Residence Life waiting-list procedures at the conclusion of her/his suspension.

Dismissal From Housing: Removal from residence for the remainder of the College career and will be prohibited from visiting all residence facilities.

Suspension: A separation from the College for a specified period of time during which he/she may not use any campus facilities or visit any part of campus.

Expulsion: A permanent separation from the College and permanent prohibition from visiting the campus under any circumstance. A notation will appear on the student's academic transcript.

Any sanction that involves revocation of a privilege, such as housing, for which the student pays a fee, may result in the forfeiture of that fee to the College.

MANDATORY MINIMUM SANCTIONS

There are certain violations that will receive a minimum mandatory sanction. While sanctions may exceed those listed below, they MAY NOT be less than that listed. The violations and the sanctions are as follows:

Violation	Sanction
Sale or distribution of drugs	Expulsion
Possession/Use of marijuana and/or drug paraphernalia	Removal from housing for designated periods; Deferred removal from housing
Maliciously or intentionally causing activation of a false fire alarm	Removal from housing
Maliciously or intentionally causing a fire	Expulsion
Possession of a common source of alcohol on campus	Removal from housing
Providing alcohol to minors	Removal from housing for designated periods; Deferred removal from housing
Hosting an unregistered social event	Residence Hall Probation and Attendance at Responsible Event Management class
Hosting a second unregistered social event during a probationary period	Removal from housing

Only the Vice President for Mission and Student Affairs may alter a minimum mandatory sanction. Requests should be made to the Vice President for Mission and Student Affairs via email.

ALCOHOL AND OTHER DRUG POINTS SYSTEM

There is also a point system that will be followed when violations of the College's alcohol or drug policy occur. This tracking system is in addition to any sanctions issued and applies to all alcohol and other drug violations. Points are cumulative over the course of a student's academic career and are given at the discretion of the AHO or SCB on the basis of severity of the violation. Examples include the following:

- Being in the presence of alcohol as a minor or any kind of illegal drug is a one-point offense
- Possessing an open container of alcohol outside or in a common area is a one-point offense
- Consuming or possessing alcohol as a minor is a two-point offense
- Intoxication requiring medical assessment is a three-point offense
- Procuring alcohol for minors is a three-point offense
- Possession or use of marijuana is a four-point offense
- Possession of drug paraphernalia is a two-point offense
- Possession of a common source on campus is a five-point offense

Students who accumulate eight or more points will be required to take a leave of absence from the College for at least one semester. At the discretion of the AHO or SCB, a leave of absence will go into effect at the conclusion of the current academic semester. Students may decrease their points through abiding by College policies. While a student's total may never go below zero, a student who has committed a violation and has points may deduct one-point after each semester (16 week period) s/he is not involved in any type of alcohol or other drug violation.

APPEALS

Students may appeal findings made in hearings based upon one or both of the following criteria:

- New, relevant, and previously unavailable information can be presented
- The prescribed procedures of the student conduct system were not followed

An excessive sanction is not a valid basis of appeal.

Appeals for hearings adjudicated by an Administrative Hearing Officer must be submitted in writing to the Assistant Dean of Campus Life within three days from the date that the student is notified of the findings or when new information becomes available. Appeals for hearings that were adjudicated by the Assistant Dean of Campus Life or a Student Conduct Board must be submitted in writing to the Vice President for Mission and Student Affairs within three days from the date that the student is notified of the findings or when new

information becomes available. After a thorough consideration of the matter, if the Vice President/Assistant Dean finds no basis for the appeal, the matter is closed and the original finding is considered final and conclusive. If the Vice President/Assistant Dean is convinced that one or both of the above conditions exist, they may take the following action:

- Refer the case back to the original hearing body if new, relevant and previously unavailable information exists. The matter would then be reconsidered and a final determination reached.
- In the event of a procedural error, a different hearing authority would reconsider the case. The Student Conduct Board, with a different chairperson appointed by the Vice President for Mission and Student Affairs or designee (or, at times when the SCB cannot be convened, another AHO), would reconsider matters originally heard by any AHO. The Vice President for Mission and Student Affairs or designee would reconsider matters originally heard by the Student Conduct Board. The decisions of these hearing authorities would be final.

PETITIONS

A student whose previously imposed sanction involved revocation of privileges for a specified period of time may petition the final hearing body to shorten or otherwise modify that sanction after some of the sanction has been completed. The petitioner's behavior and contributions to the community, as well as other pertinent factors, will be considered in reviewing these petitions; talk with the Hearing Officer to determine if you meet these criteria.

Students who are suspended or expelled may petition the Vice President of Mission and Student Affairs to modify a sanction of this magnitude. S/he may choose to alter, suspend or defer the sanction or make no change.

FILES

Sanctions are kept on file in the Campus Life office. All files will be kept under the following schedule after a student's departure from the institution for any reason.

<u>Type of record</u>	<u>Time Period for Retention</u>
Suspension or Expulsion	Permanent file
All other matters	4 years after departure from institution

Student conduct records may be kept longer due to special circumstances, as deemed necessary by the Vice President of Mission and Student Affairs.

If a student attains "senior" (88 credits or more) status and has a single student conduct policy violation that resulted in a sanction of Resident Hall Probation or less, i.e. Disciplinary Warning, Restitution, etc., and the Resident Hall Probation has ended, the student's file will be expunged at the beginning of the academic year. If a student graduates in a similar status, their file will be immediately destroyed.