Massachusetts Board of Registration in Nursing
Advisory Ruling 25-02

Title: Guidelines to Ensure Clear, Concise, and "Non-Discriminatory" Language as directed under 244 CMR 6.04(3)(b) Within Nursing Program Written Policies

Advisory Ruling (AR) Number: 25-02

Authority: The Massachusetts (MA) Board of Registration in Nursing (Board) is created and authorized by MA General Laws (M.G.L.) c. 13, §§ 13, 14, 14A, 15 and 15D, and G.L. c. 112, §§ 74 through 81C to protect the health, safety, and welfare of the citizens of the Commonwealth through the regulation of nursing practice and education. In addition, M.G.L. c. 30A, § 8 authorizes the Board to make advisory rulings with respect to the applicability to any person, property, or state of facts of any statute or regulation enforced or administered by the Board.

Date Issued: April 9, 2025

Scope of Practice: Pre-Licensure Nursing Education Programs

Purpose: To provide guidance to nursing education programs to ensure that their policies are clearly and concisely written and implemented to ensure fairness, clarity, and consistency in how policies are enforced.

Advisory:

The Board's Regulations at 244 CMR 6.04 sets forth criteria that nursing education programs must meet to obtain and maintain Board of Registration in Nursing (BORN, Board) approval, as authorized and required by M.G.L. c. 112, § 81C[1].

Under the regulations, Nursing Education programs must publish policies which describe the specific non-discriminatory criteria for admission; progression; attendance; academic integrity; use of social media; course exemption; advanced placement; transfer; advanced placement or transfer of military education; training or service for a military health care occupation; educational mobility; withdrawal; readmission; graduation; and student rights and grievances. {ref: 244 CMR 6.04(3)(b)}[2].

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[1]The Massachusetts Board of Registration in Nursing. 244 CMR 6.04 (3) (b). Accessed at
https://www.mass.gov/doc/244-cmr-6-approval-of-nursing-education-programs-standards-and-procedures/download

Definitions:

1. <u>Approved Nursing Education Program</u> means a nursing education program for Registered Nurses or Practical Nurses, as applicable, located in Massachusetts and approved by the Board, pursuant to <u>244 CMR 6.00</u>, *or* a nursing education program located outside Massachusetts which, as determined by the Board, maintains **standards which are substantially the same** as those required for approval of a nursing education program in Massachusetts *and* which program is approved by the nursing board or corresponding body in the jurisdiction where the program is located.

2. <u>Nursing Education Program</u> means the unit within the parent institution which is intended, among other outcomes, to prepare and qualify a graduate to write the NCLEX-RN® or NCLEX-PN®.

3. <u>Non-discriminatory</u> means the fair and equitable treatment of individuals based on a particular set of circumstances present in a learning institution. This definition includes the longstanding ethical and legal obligation to treat individuals fairly, regarding of race, gender, sexuality, etc.,[3],

4. <u>Non-ambiguous</u> means policies which are written clearly and concisely and are not open to individualized interpretation. Non-ambiguous policies can only be understood in one clear way, without any room for multiple interpretations.[4]

In order to meet the requisite "non-discriminatory criteria" under 244 CMR 6.04(3)(b), policies must be crafted with **clear and non-ambiguous language** to ensure they are applied in a fair, consistent, and transparent way. Non-ambiguous policies are written so students fully understand the expectations, rules, and consequences, reducing confusion and promoting compliance. Non-ambiguous policies prevent misinterpretation, ensuring that all students are held to the same standards, regardless of background or personal interpretation.

Key ideas to consider when drafting policies:

1. Clear purpose and Objectives:
   - Define the Intent: The policy should clearly state its purpose. This helps guide decisions and ensures everyone understands the policy's relevance.

2. Simple, Clear, and Concise Language:
   - All policies should be clear, transparent, and convey the same meaning by all who review them, in order to meet requirements for "non-discriminatory

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[3] Cambridge Dictionary. Accessed at https://dictionary.cambridge.org/dictionary/english/non-discriminatory#google_vi

[4] Merriam-Webster Dictionary. Accessed at https://www.merriam-webster.com/dictionary/nonambiguous

criteria". Ambiguous or overly complex policies lead to misunderstandings and unequal application.
- Clear language promotes consistent application across enrolled students and faculty.
- Avoid terms that provoke ambiguity and that imply that there is not a consistent application, for example: *"may,"* *"could,"* *"at the discretion of…"*, or *"potentially could…."*
- Be clear and absolute in direction and outcomes, i.e., *"will,"* *"must,"* *"cannot."*

3. Scope and Applicability:
   - Identify the category of individuals to which the policy applies and under what circumstances the policy becomes relevant. Make it clear if there are legal or other exceptions to the policy. (*example: Title IV*)
   - Define where and when the policy will be applied. (*example: clinical attendance*)

4. Clear roles and responsibilities:
   - Specify the roles and responsibilities of the individuals affected by the policy including who is responsible for enforcing the policy and what actions are expected from those who must comply with the policy.

5. Non-discrimination:
   - Language should be clear and used to ensure consistent application.
   - Avoid words that would imply that there is not a consistent application, for example: "may" have a discipline action, "at the discretion of the faculty", or "potentially could be considered."

6. Enforcement and consequences:
   - Identify how the policy will be enforced and by whom, and what steps will be taken if there is a violation of the policy.
   - If the policy is violated, there should be clear, proportionate consequences identified in the policy.

7. Fairness:
   - Ensure the policy is fair and just. The policy should treat all individuals equally, not favoring one group or individual over another, to ensure fair and equitable application of the policy.

Example Structure for a Policy Document:
1. *Policy Title:* Clear and descriptive.
2. *Policy Purpose:* The goal and intent of the policy.
3. *Scope and Applicability:* Who it applies to and under what circumstances.
4. *Definitions:* Key terms or concepts used in the policy.
5. *Policy Statement:* The main rules or guidelines.
6. *Roles and Responsibilities:* Who is responsible for what.

7. *Procedures:* How the policy will be implemented and followed.
8. *Enforcement and Consequences:* What happens if the policy is violated.

Examples:

Attendance Policy:
The attendance policy clearly defines what constitutes an excused or unexcused absence, the process for notifying instructors about an absence, and the potential consequences for not adhering to the attendance expectations. Vague terms like "reasonable excuses" should be avoided, and instead, specific categories of acceptable reasons for absence should be listed (example: Title IV).

- *Ambiguous language:* "Absences may be excused under reasonable circumstances."
  - *Why it's ambiguous: The term "under reasonable circumstances" leaves room for interpretation. It does not explain what constitutes a reasonable circumstance and allows for biased application.*
- *Non-ambiguous language:* "Absences will be excused for the following reasons: medical emergencies, family emergencies, or religious observances. All absences must be reported to the instructor at least 24 hours in advance."
  - *Why it's not ambiguous: It clearly defines the reasons where the absence would be excused, and the behaviors expected of the students."*

Academic Integrity:
The academic integrity policy includes specific behaviors that are prohibited and the consequences for violating those rules. Ambiguous statements like "inappropriate behavior" can be misinterpreted, leading to inconsistent enforcement of policies. By using clear, precise language, everyone knows what is expected of them and the consequences of non-compliance.

- *Ambiguous language: "Plagiarism is not acceptable in any circumstance, and all work should be original."*
  - *Why it's ambiguous:* The term "not acceptable" leaves room for interpretation. It does not explain what constitutes plagiarism or how severe the consequences might be. The statement lacks clarity on how to identify or prevent plagiarism.
- *Non-ambiguous language:* "Plagiarism is defined as presenting someone else's work, ideas, or data as your own without proper citation. This includes copying text from books, articles, or online sources, and using another person's research or ideas without acknowledgment. Any instance of plagiarism will result in a grade of zero for the assignment and will lead to further disciplinary action, including suspension or expulsion."
  - *Why it's not ambiguous:* This version clearly defines plagiarism, giving students specific guidelines on what is considered plagiarism, and outlines the consequences in a detailed, consistent manner.

Policies that are non-discriminatory under 244 CMR 6.04(3)(b) ensure that the policy will be applied consistently to all individuals and groups, even under varying circumstances, allowing for fair and equal enforcement without bias or favoritism.

References:

[1] Massachusetts General Law c. 112 § 81C. Accessed at General Law - Part I, Title XVI, Chapter 112, Section 81C

[2] The Massachusetts Board of Registration in Nursing. 244 CMR 6.04 (3) (b). Accessed at https://www.mass.gov/doc/244-cmr-6-approval-of-nursing-education-programs-standards-and-procedures/download

[3] Cambridge Dictionary. Accessed at: https://dictionary.cambridge.org/dictionary/english/non-discriminatory#google_vi

[4] Merriam-Webster Dictionary. Accessed at https://www.merriam-webster.com/dictionary/nonambiguous

Code of Massachusetts Regulations. Massachusetts Board of Registration in Nursing. 244 CMR 6.00 Approval of nursing education programs. Retrieved at https://www.mass.gov/regulations/244-CMR-600-approval-of-nursing-education-programs-and-the-general-conduct-thereof

Code of Massachusetts Regulations. Massachusetts Board of Registration in Nursing. 244 CMR10.00 Definitions and severability. Retrieved at https://www.mass.gov/doc/244-cmr-1000-definitions-and-severability/download