

PROCESSING OF DISCRIMINATION AND HARASSMENT REPORTS AND COMPLAINTS REPORTS AND COMPLAINTS

REPORTING

The Title IX Coordinator for the University of New England is Sharen Beaulieu, the Executive Director of Human Resources: 207-602-2339, sbeaulieu@une.edu, 11 Hills Beach Road, Biddeford, ME 04005

The Deputy Title IX Coordinators are (1) Mark Nahorney, the Dean of Students: 207-602-2372, (2) Ray Handy, the Assistant Dean of Students, Graduate and Professional Student Affairs: 207-221-4213 and (3) Joan Howard, Assistant Director of Athletics for Compliance and Senior Women's Athletic Administrator: 207-602-2629

Student Counseling Services for the University of New England: Biddeford Campus: (207) 602-2549/toll free:1-866-743-2230, or on the Portland Campus: (207) 221- 4550 or toll free: 1-866-798-9201. 11 Hills Beach Road, Biddeford, ME 04005, <http://www.une.edu/studentlife/biddeford/counsel/faq.cfm>

In case of emergency, University Safety and Security for both the Portland and Biddeford campuses may be reached by **dialing 366** from any campus phone and by dialing (207) 283 -0176 from any non-campus phone. In all emergencies, 911 can be dialed from any on-campus phone to reach local law enforcement or emergency medical services. University Safety and Security can also assist a student in reaching local emergency services.

In non-emergency situations, University Safety and Security may be reached at: 207-602-2298

TIMELINE FOR REPORTING AND CONFIDENTIALITY

Complaints and reports of discrimination, sexual misconduct and/or sexual harassment should be reported as soon as possible after the incident(s) in order to be most effectively investigated. All reports and complaints of discrimination, misconduct, or harassment will be promptly investigated and appropriate action will be taken as expeditiously as possible. The University will make reasonable efforts to protect the rights of both the complainant and the respondent. The University will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses in a manner consistent with the University's legal obligations to

investigate, to take appropriate action, and to comply with any discovery or disclosure obligations required by law.

The University reserves the right to investigate and resolve a complaint or report of discrimination, sexual misconduct and/or harassment regardless of whether the complainant ultimately desires the University to pursue the complaint. In such cases, the parties shall be informed of the status of the investigation at reasonable times until the University's final disposition of the investigation.

Either party may end the informal process at any time and request that the complaint be handled through the formal process. During the Informal Resolution process the Title IX Coordinator or Deputy Coordinator will meet with both parties and may or may not meet with them together. After the meetings if the Title IX Coordinator thinks it is appropriate, the Title IX Coordinator will propose a possible resolution to both parties. If the parties agree to the resolution proposed it will be put in writing and signed by both parties. If the parties do not agree to the resolution the Title IX Coordinator has the option to elevate the issue into the Formal Resolution process or conclude with the proposed resolution.

RESPONSIBILITY OF STUDENTS AND EMPLOYEES

All students and employees should report any discrimination, sexual misconduct and/or sexual harassment that they experience and/or observe to the Title IX Coordinator. No student or employee should assume that an official of the University of New England knows about a particular situation. The University encourages any person who feels he or she has been discriminated against or harassed to promptly report the incident to the Title IX Coordinator. Any student, faculty member, or employee who knows of, or receives a complaint of discrimination, sexual misconduct, or sexual harassment can report the information or complaint to a supervisor, the Executive Director of Human Resources, and/or the Vice President of Student Affairs. However, the Title IX Coordinator must be informed of the incident.

RESPONSIBILITY OF SUPERVISORS, ADMINISTRATORS, AND THOSE IN POSITIONS OF AUTHORITY

Any administrator, supervisor, or person in a position of authority who knows of, or receives a complaint of discrimination, sexual misconduct, or harassment must report the information or complaint to the Title IX Coordinator.

PROCEDURES- INFORMAL REPORTING

An informal complaint may be investigated without identifying the complainant, if in the judgment of the Title IX Coordinator this would increase the likelihood of satisfactory resolution of the complaint. While confidentiality cannot be guaranteed, care will be taken to keep investigation discussions sufficiently broad to protect the complainant's identity when requested.

- In some cases sexual misconduct or sexual harassment can often be resolved by the complainant addressing the matter directly with the alleged harasser. However, this is not required.
- When such resolution is not feasible, any faculty, staff, student, or volunteer may bring an allegation against any member of the University community or any customer, vendor, or contractor of the University to the Title IX coordinator or one of the Deputy Title IX coordinators.
- When deemed appropriate, the Title IX Coordinator will work with the supervisor to facilitate a resolution of discrimination, sexual misconduct, and /or harassment complaints.

PROCEDURES- FORMAL REPORTING

The Title IX Officer must be contacted in order to initiate a complaint. The complaint should be brought as soon as possible after the most recent incident. The Title IX Coordinator or designee will:

- determine whether the complaint is one which should be processed through another University dispute resolution procedure, such as mediation or grievance hearing, available to the complainant; and if appropriate, the Title IX Coordinator shall refer the complainant to that procedure(s) as soon as possible;
- inform the individual of the provisions of the discrimination/harassment complaint procedures and provide a copy of the complaint procedure;
- inform the person against whom the complaint is brought, of its existence;
- obtain information and evidence, including the identity of any witnesses, from the complainant and the respondent;

- attempt to obtain information from the identified witnesses;
- maintain appropriate documentation; and
- disclose appropriate information to others only on a need-to-know basis consistent with state and federal law.
- Follow appropriate University dispute resolution procedures

INVESTIGATIVE DATA

During the investigation, the Title IX Coordinator will keep private the information gathered during the investigation to the extent permitted by state and federal law. The Title IX Coordinator shall exercise due care in sharing identifiable information about students, staff or faculty.

UNIVERSITY ACTION

The amount of time needed to conduct an investigation will depend in part on the nature of the allegation(s) and the evidence to be investigated (e.g., the number and/or availability of witnesses involved). Within 60 calendar days of receipt of the complaint, the Title IX Coordinator or his/her designee will provide notice of the outcome of the investigation or will advise the parties of the additional estimated amount of time needed for the investigation. Upon conclusion, the Title IX Coordinator or his/her designee will notify the complainant and respondent, in writing, of the results of the investigation. In the event the investigation reveals that sexual harassment, discrimination or other inappropriate or unprofessional conduct (even if not unlawful) has occurred, disciplinary action may be taken by the University in accordance with its judicial process or personnel policies. Written notice to parties relating to discipline, informal resolutions, and/or final dispositions is deemed to be official correspondence from the University. The University will take the appropriate remedial action based on results of the investigation and will follow up as appropriate to ensure that the remedial action is effective. Complainants are encouraged to report any reoccurrences of conduct that were found to violate the policy. Any appeals made to the decision of the Title IX Coordinator can be made by following the University's judicial process or personnel policies.

VIOLATIONS OF THIS POLICY

The University will not tolerate discrimination or harassment of its faculty, staff, administrators, supervisors, students, visitors, employees and/or volunteers and will investigate all allegations. Where either discrimination and/or harassment is found, steps will be taken to end it immediately. In those instances where it is determined that an individual has discriminated against another or harassed another, that individual will be subject to appropriate discipline. The level of discipline will depend on the severity of the discrimination, sexual misconduct, or harassment and may include, but is not limited to, probation, suspension, expulsion or termination.

FALSE CLAIMS

To make deliberate false accusations of discrimination, sexual misconduct or harassment violates this policy. In such instances, the complainant will be subject to disciplinary action. The level of discipline will depend on the severity of the false claim and may include, but is not limited to, probation, suspension, expulsion or termination.

Failure to prove a claim of discrimination, sexual misconduct, or harassment does not constitute proof of a false and/or malicious accusation.

RETALIATION

UNE adheres to a strict no retaliation policy. Retaliation will not be tolerated. All students, administrators, faculty or staff who ask questions about any of these policies or who report a possible violation of one of these policies are protected against retaliation. If you have raised a question or reported a violation and think that you are a victim of retaliation for having done so, please contact the Title IX Coordinator or one of the Deputy Title IX Coordinators as soon as possible.