UNIVERSITY OF NEW ENGLAND



STUDENT HANDBOOK

UPDATED

FALL 2026

UNE UNIVERSITY OF NEW ENGLAND

INNOVATION FOR A HEALTHIER PLANET

DISCLAIMER

The provisions of this handbook do not constitute a contract, express or implied, between the University of New England and any applicant, student, student's family, or faculty or professional staff member. The University of New England reserves the right to change the policies, procedures, rules, regulations, and information in this handbook at any time. Changes will become effective at the time the proper authorities so determine, and the changes will apply to both prospective students and those already enrolled. This handbook is a general information publication only, and it is not intended to, nor does it, contain all regulations that relate to students.

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Forward

From Jennifer DeBurro, Vice President for Student Affairs and Dean of Students



Welcome to the University of New England where we pride ourselves on our personalized approach to everything we do. Our community is a special one that includes faculty, professional staff, and students who are committed to helping one another be successful. I encourage you to ask questions and to take the opportunity to learn about the many resources, events, and people that will make your time at UNE most rewarding. The shared experience of our community members and lots of research on the topic demonstrates that the more involved you are in your education and the more active you are in university programs, the more likely it is that you will graduate on time and report satisfaction with your collegiate experience.

This Student Handbook addresses important areas of information for all student members of the UNE community studying on our Biddeford and Portland campuses as well as those studying in Morocco, Spain, France, and Iceland. Information, procedures, and programs may change during the year. Students will be notified via email if a change should occur, and the revision will be reflected on this site.

The handbook describes key University resources accessed most by students when they need to find answers to questions or concerns. Policies, procedures, and regulations are outlined so that all students (undergraduate, graduate, medical, certificate, and special status) are aware of the parameters within which this University community functions.

The Office of Student Affairs is here to help you. Stop by 129 Decary Hall (Biddeford Campus) and 02 Proctor Hall (Portland Campus) to meet our professional staff. You will always find a friendly face and a helping hand.

Best wishes to you as you begin a new year!

Jennifer DeBurro
Vice President for Student Affairs and Dean of Students

Images of the University

THE UNIVERSITY SEAL



The University of New England revised its official emblem — the seal— to reflect the 1996 merger with Westbrook College in Portland. The new seal has four “quadrants” within a “shield” configuration that symbolize various aspects of the University's unique history, diverse traditions, and commitment to quality education.

The cupola in the top-left quadrant represents Westbrook College, now the Portland Campus of the University of New England. This architectural landmark, which sits atop Alumni Hall, has long been associated with Westbrook College. Because Westbrook College is the older of the two pre-merger institutions, it rightfully claims the “first” quadrant in the shield.

In the top-right quadrant, the maple leaves and the fleur-de-lis represent the French and Canadian heritage of St. Francis College, the Biddeford Campus' original institution from 1951 to 1978, and the Biddeford community where the Biddeford Campus is located.

The bottom-left quadrant includes the Staff of Aesculapius (the Greek god of medicine and healing) with the initials D.O., symbols of the osteopathic medical profession, and an open book, which stands for the medical education offered by the College of Osteopathic Medicine.

The lighthouse on a rocky ocean shore in the bottom-right quadrant signifies the University's geographical identification with Maine and New England.

The Latin motto “Lucens et Ardens” on the ribbon below the shield literally means “ardor for light.” More loosely translated, the motto means “passion for learning or enlightenment.” The significance of the motto is incorporated symbolically in the lighted lamp of knowledge in the top-right quadrant.

The University now recognizes Westbrook College's 1831 charter date as the University of New England's founding date.

THE UNIVERSITY LOGO

When the University of New England merged with Westbrook College in 1996, becoming a larger, more diverse institution, University officials realized that the University's public image should better reflect the new, more dynamic status of the institution.

They agreed the University logo should be updated, and the University colors changed to better reflect both campuses' special relationship to the water (Casco Bay in Portland and the Saco/Atlantic Ocean confluence in Biddeford). They chose a blue and light gray on a white field.

THE NOR'EASTERS ATHLETIC LOGO

In keeping with our location on the coast of Maine, famous for its powerful storms, the Nor'easters are our many and varied teams: varsity, club, recreational, or intramural levels. GO BIG BLUE! Support all our athletes and attend as many games as you can!

UNE History at a Glance

1831 Westbrook Seminary, a coed boarding school, is founded.

1834 Alumni Hall is completed, featuring a cupola, which once topped Portland's City Hall. The Bell, which signaled class time, was added to the cupola just after the Civil War.

1869 Hersey Hall, noted for its "bathing rooms," opens as a dormitory. The building was later noted for its ghost.

1925 Two-year women's college curriculum starts, thus beginning Westbrook Junior College.

1939 Franciscan Friars open St. Francis College, a high school and two-year college program for men on a site that had hosted a seasonal campground for Sokokis Indians, an orphanage and girl's school, and a WWII patrol barracks.

1953 Charter is granted, establishing St. Francis College as a four-year college.

1961 Westbrook Junior College becomes the first residential junior college in the United States to offer a Dental Hygiene degree program.

1973 First male students are admitted to newly named Westbrook College, now with a four-year curriculum.

1977 Westbrook College Art Gallery opens to house the collection of Joan Whitney Payson.

1978 University of New England is founded when New England College of Osteopathic Medicine and St. Francis College combine. The new university structure features Maine's only medical school.

1985 University of New England offers its first master's degree program.

1988 Beverly Burpee Finley Center, housing a gymnasium, is built at Westbrook College.

1989 Campus Center opens at UNE in Biddeford.

1995 Construction of the Harold Alfond Center for Health Sciences begins in Biddeford.

1996 Westbrook College and the University of New England merge.

1998 The proposal providing for a University student to serve as a full voting student trustee member of the University's Board of Trustees is approved.

1999 UNE commits to becoming a significant research institution, leading to participation and leadership in the Maine Biomedical Research Coalition and the Maine Marine Research Coalition. Sets the stage for a future biomedical research center.

2000 College of Arts & Sciences begins initiatives to expand and diversify its liberal arts curriculum, leading to new degree programs in art education, English, history, political science, psychology, and sociology.

2002 UNE earns national top honors in NCAA Division III for its student-athlete graduation rate (100% of 1996 freshman class), receiving a $20,000 grant and getting publicity in *USA Today*.

2002 Parker Pavilion on the Westbrook College Campus is extensively renovated and opened.

2002 The Integrated Interdisciplinary Health and Healing program launches within the College of Health Professions on the Westbrook College Campus.

2002 The Marine Mammal Research and Rehabilitation Center is dedicated on the Biddeford Campus.

2002 Two suite-style residence halls open on the Biddeford Campus.

2004 UNE is listed a "top school" (Tier 1) for regional universities in the Northeast in *U.S. News & World Report*'s "America's Best Colleges."

2004 Nationally known Physical Therapy major becomes a doctoral program. UNE introduces online Master of Public Health and adds a Women's Studies minor.

2004 UNE is featured in the fall issue of *Down East* magazine.

2005 UNE introduces several new degree programs, including a communications major in business, a two-track master's program (marine sciences/applied biosciences) in biological sciences, and two specialty programs in the graduate education program.

2005 Champlain Residence Hall opens. Other building plans include a biomedical research center and the George and Barbara Bush Cultural Center on the Biddeford Campus and the Performance Enhancement and Evaluation Center on the Westbrook College Campus in Portland.

2007 Featherman Residence Hall opens on the Biddeford Campus (Biddeford). The College of Pharmacy opens its doors to the first student cohort.

2008 George and Barbara Bush Cultural Center opens.

2009 College of Pharmacy welcomes its inaugural class.

2009 Owen Pickus and Morgane Halls open. New University logos and campus designations are unveiled.

2010 Sokokis Residence Hall and new Athletic turf field open for fall 2010.

2012 The Harold Alfond Forum opens in fall 2012.

2013 College of Dental Medicine welcomes its inaugural class.

2014 The University opens its campus in Tangiers, Morocco.

2018 The University opens the Danielle N. Ripich Commons on the Biddeford Campus and Innovation Hall on the Portland Campus. The Harold Alfond Forum expansion is also completed.

2025 Harold and Bibby Alfond Center for Health Sciences opens in Portland, marking the move of the College of Osteopathic Medicine from Biddeford and the final piece in bringing together nearly all UNE's healthcare programs on one integrated campus.

Part I:
Code of Student Conduct

Section A: Who We Are

THE UNIVERSITY OF NEW ENGLAND AND THE OFFICE OF STUDENT RESOLUTIONS

University of New England Mission

The University of New England prepares students to thrive in a rapidly changing world and, in so doing, to improve the health of people, communities, and our planet.

University of New England Vision

We will realize this mission by committing to a distinctive approach to education that will make UNE among the most experientially driven institutions of higher education in the nation. We will provide teaching and learning that conjoins problem-based and hands-on learning, liberal education, and professional training to immerse students in an educational experience that prepares them with:

- Habits of mind, such as cultural, quantitative, and information literacy; critical thinking; tolerance for ambiguity; and problem-solving
- Discipline-based knowledge in their chosen programs of study
- Professional competencies, including emotional intelligence and the ability to collaborate in diverse teams, communicate persuasively, and be a thoughtful leader

We will be an institution that challenges students to learn broadly, master their professional skills, and ask probing questions. In this way, they will prepare themselves for further study and successful careers, deeply rewarding lives, and meaningful contributions to their communities and the world.

UNIVERSITY OF NEW ENGLAND CORE VALUES

We are guided by the following values, essential to the culture of the UNE community.

Student Centeredness

We put the aspirations, needs, and success of our students at the center of all we do.

Community and Belonging

We believe the benefits of a richly varied campus community arise not only from the diversity of its people but also from a sense of belonging and the context this creates to explore and celebrate differences in backgrounds, experiences, and perspectives, underpinned by a sense of cultural humility and a commitment to ethical ideals.

Relentless Inquiry
We take nothing for granted and view thoughtful — even uncomfortable — questioning as essential to the pursuit of knowledge, contribution to society, and a life worth living. Our commitment to University-wide academic freedom is fundamental to this value.

Boundary Crossing
Solutions to the complex and varied challenges we face in our personal and professional lives, our communities, and society will not be found in any single discipline, college, physical location, or individual. Thus, our ability to move easily across such boundaries to collaborate with colleagues makes us better problem-solvers and more likely to succeed in whatever ventures we undertake.

Learning Everywhere
We believe that teaching and learning should occur beyond traditional classrooms and laboratories — in any place ripe for inquiry and experimentation, including clinics, environmental and field-study sites, online forums, libraries, museums, theaters, and places of civic engagement, among many others.

Progressive Change
We are not afraid to take thoughtful risks in the pursuit of our shared goals.

Stewardship of Our Planet
We recognize that the health of individuals, communities, and the natural environment is essential to the survival of the planet and its inhabitants and to a well-functioning society.

PURPOSE OF THE STUDENT HANDBOOK
The University, like any community, must have rules and standards by which its members abide. This Student Handbook is designed to provide information that will assist students in their academic and extracurricular endeavors at the University of New England and to provide students with notice of the rules and standards under which their conduct will be adjudicated. Students are responsible for knowing the information, policies, and procedures outlined in this document as well as all other applicable policies or other applicable program-specific handbooks and manuals published by certain academic departments and colleges.

This Handbook and the Code of Student Conduct contained within set forth the rules and standards that students are required to follow. The rules and standards are intended to provide order and an atmosphere conducive to intellectual and personal development. The Student Handbook and the Code of Student Conduct contained within are intended to serve these purposes in the interest of all segments of the University of New England. Students and student organizations are required to abide by the standards, rules, and/or policies set forth in this handbook.

Neither this Handbook nor the Code of Student Conduct constitute a contract between UNE and any student, applicant, student's family, faculty, or professional staff. The University or its representative may amend this document at any time without prior notice.

Membership in the University of New England Community

Students at the University of New England are members of our campus community, as well as members of the larger Biddeford, Portland, Maine, and New England communities. As members of the UNE community, students enjoy the privileges and share the obligations of these larger communities. Students are entitled to the privileges of this membership, as well as carrying with them the obligations of responsible citizenship. Students should recognize that citizenship also includes contributing deliberately to strengthening the educational community, improving learning for themselves and their classmates, and promoting excellence within the above context. Freedom of discussion, inquiry, and expression is protected and nurtured in the classroom as the safeguard of the freedom to learn.

Section B: Definitions

UNIVERSITY OF NEW ENGLAND STUDENT HANDBOOK DEFINITIONS

Academic work, test, quiz, or other assignment
Any required or optional academic work that is assigned. Examples include but are not limited to exams, quizzes, tests, homework, case studies, essays, research papers, group work, extra credit assignments, class attendance, experiential learning activities, internship or externship components, resumes, comprehensive exams, and thesis and dissertation drafts and submissions.

Administrative Hold
An indicator placed on a student's record preventing access to such University procedures as registration, release of transcripts, and course add/drop until the student meets the requirements of the University office placing the administrative hold.

Administrative Resolution
A case resolution option that involves one decision-maker determining whether a student has violated University policy and, if so, assigning appropriate sanctions. Administrative resolutions are typically reserved for low-level, non-removable violations.

Adviser
A University professional staff or faculty member who serves as a support person to a student participant in a conduct process. In cases involving sexual misconduct under the applicable Title IX policy below, an adviser may be an attorney or a parent, family member, or guardian.

Intentional Conduct
Intentional conduct is doing something with the purpose of producing the result.

Knowing Conduct
Knowing conduct is doing something when one is aware that it is practically certain that their conduct will cause the result.

Member of the University Community
Any person who is a student, faculty, or professional staff member; University official; or any other person employed by or contracted with the University. The Vice President for Student Affairs and Dean of Students, or a designee, shall determine a person's status within the community if there is a question.

Negligent Conduct
Negligent conduct is the failure to use reasonable and prudent care in any particular situation to avoid harm that could result from one's conduct.

Organization
A corporation, association, order, society, corps, club, or student government; a band or musical group; an academic club or athletic, cheerleading, or dance team, including any group or team that participates in National Collegiate Athletic Association (NCAA) competition; or a service, social, or similar group, whose members are primarily students.

Policy
A stipulation set forth by the University that outlines behavioral expectations for students. The Code of Student Conduct serves as the primary policy to guide student behavior; however, additional campus entities may also have policies that can be enforced under the Code of Student Conduct.

Preponderance of Evidence
More likely than not. The evidentiary standard used to determine whether a violation of the Code of Student Conduct has occurred.

Reckless Conduct
Reckless behavior is consciously disregarding a risk that one's behavior will cause the result.

Restorative Outcomes
Restorative outcomes can determine a student's standing with the University and/or provide students an opportunity to reflect on their behavior, become better informed, and develop new skills so that they can make better choices going forward. Restorative outcomes are designed for students in the restorative resolution process.

Restorative Resolutions
One option for resolving misconduct concerns. A restorative resolution incorporates restorative practices into accountability at the University. A restorative resolution seeks to rebuild community relationships and dynamics by mitigating harm that has occurred within the University community. The Director of Student Resolution or a designated d is the final decision-maker regarding a student's option to resolve a situation using a restorative resolution.

Student
All persons taking courses at, through, or in affiliation with the University, both full time and part time, in undergraduate, graduate, clinical programs, or professional studies programs, and those who attend postsecondary educational institutions other than University of New England and who reside in University residence halls. Persons engaged in a faculty-led, third-party provider,

or any other University-approved study abroad experience and persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the University are considered “students.”

University Official

Any person employed by the University, performing assigned administrative or professional responsibilities.

University Premises

All land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the University, including adjacent streets and sidewalks, in Portland, Biddeford, and Tangier, Morocco.

University Student Conduct Board

Persons appointed by the Vice President for Student Affairs and Dean of Students from a pool of trained faculty and students to serve on a panel to determine whether a student has violated the Code of Student Conduct. If the USCB finds a student responsible for a violation(s), it will also determine the appropriate disciplinary, educational, and restorative sanctions.

Section C: Code of Student Conduct

The violations listed below are described within the context of a student's responsibility as a member of the academic community. Other actions that could be considered violations may be defined by other University documents, such as the residence hall contract or professional codes of conduct. The following violations indicate categories of prohibited conduct. Conduct codes have been written in such a way as to warn students that such conduct is prohibited.

1. ACADEMIC MISCONDUCT

The University of New England values academic integrity in all aspects of the educational experience. Any behavior that provides a student with an advantage or provides another student with an advantage or disadvantage may be considered academic misconduct. Academic misconduct in any form undermines academic integrity and devalues the original works and contributions of others. It is the responsibility of all members of the University community to actively uphold academic integrity.

Improper use of AI tools by students may constitute a violation of the University's Academic Misconduct policies. Students are required to strictly follow any guidelines set by the instructor regarding the use of AI in coursework. Unauthorized or inappropriate use of AI in assignments, exams, or other academic work will be treated as academic misconduct and subject to the same procedures and penalties outlined in the University's policies.

At UNE, the term "academic misconduct" includes, but is not limited to:

a. Cheating

- Copying from another individual's academic work, test, quiz, or other assignment
- Receiving, providing, and/or seeking assistance/aid from another individual to complete academic work, a test, a quiz, or another assignment
- The use of materials or devices during academic work, a test, a quiz, or another assignment that are not authorized
- Possession or use of current or previous course materials without the instructor's permission
- Obtaining, or coercing another person to obtain, an unadministered test, test key, homework solution, or computer program/software
- Substituting for another person, or permitting another person to substitute for oneself, to complete academic work
- Uploading, downloading, or accessing complete or incomplete academic work or a complete or incomplete test, quiz, or other assignment without the prior approval of the instructor

- Falsifying research data, laboratory reports, and/or other academic work offered for credit
- Altering and/or destroying the work of another student
- Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment that results in academic misconduct not enumerated above

b. Plagiarism/Self-Plagiarism

- The representation of words, ideas, illustrations, structure, computer code, other expression, or media of another as one's own and/or failing to properly cite direct, paraphrased, or summarized materials
- The submission of the same academic work more than once without the prior permission of the instructor and/or failure to correctly cite previous work written by the same student

c. Collusion

- Any unauthorized collaboration or attempted collaboration with another individual to complete academic work, a test, a quiz, or another assignment that results in similarities in the work, including but not limited to providing unauthorized assistance to another student and/or allowing another student access to completed academic work

d. Falsifying Academic Records

- Altering or assisting in the altering of any official record of the University and/or submitting false information
- Omitting requested information that is required for, or related to, any official record of the University

e. Misrepresenting Facts

- Providing false grades or falsifying other academic information
- Providing false or misleading information in an effort to injure another student academically
- Providing false or misleading information in an effort to receive credit for attendance or a postponement or an extension on academic work, a test, a quiz, or another assignment

f. Violation of Professional Standards

- Any act or attempted act that violates specific professional standards or a published code of ethics
  NOTE: Students may be held accountable under this policy based on the applicable

standards of their college or school of enrollment, declared major, degree program, and/or preprofessional program.

g. Unfair Academic Advantage

- Any other action or attempted action that may result in creating an unfair academic advantage for oneself or may result in creating an unfair academic advantage or disadvantage for another student

2. ALCOHOLIC BEVERAGES

The unlawful or unauthorized use, possession, manufacturing, distribution, consumption and/or sale of alcohol; public intoxication; consumption that endangers oneself or others; and operating a vehicle while intoxicated or under the influence of alcohol are strictly prohibited.

a. Intoxication

Intoxication that interferes with or disrupts the campus life of others or necessitates professional staff intervention or medical attention (as determined by a University official) is prohibited.

b. Intoxication of underage students

Intoxication of underage students is prohibited.

c. High-Risk Events

Alcohol will not be served at events deemed high risk for injury or liability.

d. Common Source Containers

Common source containers of alcohol such as kegs, "beer balls," or punch bowls, are only permitted at approved events and on licensed premises. Alcohol-filled fruit, beer funnels, or other devices designed to promote binge consumption are not permitted at any time.

e. Drinking Games

Drinking games, involving the presence or consumption of alcoholic beverages, are prohibited. Drinking games are considered those activities that, although perhaps designed for another purpose, are frequently used in the consumption of alcohol and will be referred to the Office of Student Resolutions for review.

f. Social Events

Social events at which alcohol is served or made available to students who are of age, whether occurring on University property, off campus, or at events sponsored by recognized University groups or organizations, must adhere to the following:

- Alcohol is not permitted at any social event that takes place in residence halls.
- All events must be registered at least 21 calendar days in advance with the Director of Student Engagement (Biddeford Campus-BC), the Coordinator of Student Life or the Assistant Dean of Students (Portland Campus-PC), or the Assistant Dean of Recruitment, Student, and Alumni Services (COM).
- Alcoholic beverages may not be a focus of a registered event. Advertising of any event, on or off campus, may not imply that a focus of the event is the consumption of alcohol. All advertising must be approved by the Director of Student Engagement (BC); Assistant Dean, Recruitment, Student, and Alumni Services (COM); or the Assistant Dean of Students or the Coordinator of Campus Life (PC). Advertising shall not portray drinking as contributing to personal, academic, or social success of students. Alcohol advertising shall not associate alcoholic beverages with increased sexual prowess, athletic ability, or the performance of tasks requiring skill or skilled reactions, such as the operation of a motor vehicle.
- Registered events must provide equally accessible nonalcoholic beverages and food while the alcoholic beverages are being served or available.
- Only persons who are of legal drinking age and provide appropriate forms of identification (ID) may purchase and/or consume alcohol. Appropriate forms of ID include a Maine state ID and Maine state driver's license. The liquor license holder May accept an out-of-state license if presented with a valid University ID. If there is any question about the authenticity of the license/ID, the liquor license holder may refuse a sale. Individuals may be required to wear an identifying wristband (wristbands are nontransferable) or another device during the event.
- Only alcohol purchased or distributed by licensed persons may be consumed or possessed in a sanctioned service area at an approved event. State law prohibits individuals from bringing their own alcoholic beverages into this area.
- Serving alcoholic beverages to an obviously intoxicated person is prohibited and unlawful. Each of-age person may only purchase one alcoholic beverage at a time.
- Sponsors of events are responsible for compliance with University policies, for cleanup, and for damages.
- Signs and promotional items (such as T-shirts, mugs, etc.) that advertise products containing alcohol are not permitted.
- Visibly intoxicated students/guests will not be permitted to enter an event and/or will be removed from an event once identified.
- Student organization funds may not be used for the purchase of alcohol.
- Alcohol served at registered campus events may not be taken from the premises, as defined by the lawfully posted and controlling Maine state liquor license, where it is served.

g. Open Containers

Alcoholic beverages may not be consumed on campus outdoors, unless served at an event sanctioned by the University and licensed by the Maine State Liquor Commission

for the dispensing and consumption of alcoholic beverages. The consumption of alcohol or the possession of an open alcohol container is prohibited in all public places.

h. Alcohol as Prize or Promotion

Alcohol may not be given as a prize or promotion for contests, raffles, games, scavenger hunts, or other such activities.

i. Consumption at UNE Activities

Consumption of alcoholic beverages is prohibited during University-sponsored activities that require coordination and good judgment for safety, such as water-related activities, hiking trips, etc.

j. Public Consumption

Alcohol may not be consumed or possessed by groups or individuals in University vehicles or any University public area, including but not limited to classrooms, laboratories, restrooms, offices, the library, the cafeteria, Health Centers, the Campus Center, lobbies and reception areas, or at a University-sponsored event off campus, unless an event is registered and approved for that location and complies with all University rules and regulations.

k. Underage

Underage students and/or guests may not consume, be in possession of, or be in the presence of alcoholic beverages on University property or at University-sponsored events. Underage students may be in the presence of alcoholic beverages only if an event is in an officially licensed space.

l. Furnishing

Providing alcohol to students or guests under the age of 21 or a place for these individuals to consume alcohol is expressly prohibited.

m. Force or Deception

Students shall not force or deceive another to consume alcohol or drugs; conspire to force or deceive another to consume alcohol or drugs; or, knowing of such deception or force, fail to take direct action to stop the incident.

n. Serving to Intoxicated Persons

Students shall not serve or provide alcohol or drugs to another who is visibly intoxicated or under the influence of alcohol or drugs.

o. Discounted Alcohol

Alcoholic beverages may not be discounted in price at any University-sponsored event.

NOTE: The procedures for addressing a violation of this Subsection 1 are contained in Part I, Section H of this Handbook. Alcohol guidance specific to University residence halls can be found in the Housing Handbook.

3. NARCOTICS OR OTHER DRUGS

The unlawful or unauthorized use, possession, manufacturing, distribution, consumption, and/or sale of narcotics, illegal drugs, intoxicants, controlled substances, and/or drug paraphernalia, including the distribution, use, or possession of prescription medication contrary to a valid prescription or being under the influence of illegal drugs, intoxicants, or controlled substances, is strictly prohibited. Paraphernalia is defined as any item created for or frequently used in the possession, manufacturing, distribution, consumption, and/or sale of illegal drugs.

a. Illegal Drugs

Students shall not possess, make, grow, furnish, sell, trade, or conduct any other form of transaction of any illegal drug or possess, use, sell, manufacture, or advertise drug paraphernalia. Paraphernalia is defined as all items created for the express purpose of using illegal drugs or as items, which although designed for another purpose, are frequently used in the consumption of illegal drugs.

b. Marijuana

Possession and use of marijuana are prohibited by University of New England policy and federal law. Other analogs, derivatives, and products of marijuana are also prohibited. The presence of smoke or other types of residues, including but not limited to seeds, stems, or a strong odor as determined by a University official, from illegal drugs provides justifiable grounds for disciplinary action.

c. Prescription Drugs

Any person who is not a licensed pharmacist in a registered pharmacy is prohibited from manufacturing, compounding, dispensing, selling, offering for sale, or having in possession any prescription drug, provided that this policy shall not prevent persons from possessing prescription drugs dispensed to them pursuant to a lawful prescription(s).

NOTE: The University of New England is a federally funded institution. Though marijuana and other THC products are legal in the state of Maine, the use or possession of marijuana and other THC products on University property or at University events is strictly prohibited under this policy.

For the University's full alcohol guidance for students, see Part 2: Section A: Alcohol, Marijuana, and Other Drug Guidance.

4. ACTIONS AGAINST MEMBERS OF THE UNIVERSITY COMMUNITY AND OTHERS

The following conduct is prohibited and may subject a student to disciplinary consequences, up to and including dismissal from the University:

a. Disruptive or Obstructive Conduct

Intentional, knowing, reckless, or negligent conduct that disrupts or obstructs University operations, including but not limited to the cessation or temporary cessation of teaching, research, administration, other University activities, and/or other authorized non-University activities.

b. Harmful, Threatening, or Endangering Conduct

Intentional, knowing, reckless, or negligent conduct that harms, threatens, or endangers the health or safety of oneself or others.

c. Assault

Intentionally, knowingly, or recklessly causing physical harm to another individual and/or causing physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or harmful.

d. Threats, Intimidation, and Fighting

Any act or communication (written, oral, third party, or otherwise) that a reasonable person would interpret as a genuine expression of intent to injure the health, safety, or property of a person(s) and/or inflict bodily harm upon a person(s). Any incident of mutual combat between two or more individuals in which an assault and/or infliction of bodily harm occurs.

e. Bullying/Cyberbullying

Engaging in a course of conduct (two or more instances) of written, oral, or electronic expression or physical act or gesture, or any combination thereof, that is directed at another person and that has the effect or that a reasonable person would expect to have the effect of (1) placing the other person in fear of physical harm or fear of damage to their property; (2) creating an intimidating or hostile environment for the other person by interfering with the other person's academic performance or ability to participate in or benefit from the services, activities, or privileges provided by the University; or (3) causing severe emotional distress.

f. Hazing

For purposes of this Code of Student Conduct, UNE defines hazing in a manner consistent with the Stop Campus Hazing Act, which amended the Jeanne Clery Campus Safety Act, which is also consistent with Maine law's definition of hazing.

Hazing means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person(s), regardless of the willingness of such other person(s) to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization and that (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, including but not limited to:

- Any type of physical assaultive behavior, including whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity.
- Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, personal servitude, or other similar activity.
- Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances.
- Causing, coercing, or otherwise inducing another person to perform sexual acts.
- Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct.
- Any activity against another person that includes a criminal violation of local, state, Tribal, or federal law.
- Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, Tribal, or federal law.
- Any activity in which a person intentionally, knowingly, and/or recklessly solicits, encourages, directs, aids, and/or attempts to aid another person in engaging in hazing. This includes witnesses and/or having knowledge of a specific hazing incident and failing to report the incident.
- Any activity in which hazing is either condoned or encouraged or any action by an officer or combination of members, pledges, associates, and/or alumni of the organization/team in committing or assisting in the commission of hazing.

The term "student organization" means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

UNE further defines hazing as intentional, reckless, or knowing injurious acts directed against a student, on or off University premises, related in any way to the pledging or associating with, being initiated into, affiliating with, holding office in, seeking, and/or maintaining membership in any organization or to becoming a member of a team, including but not limited to acts directed at new or younger members of a team, organization, association, or club.

Consent and/or acquiescence by a student(s) subjected to hazing is not a defense in a disciplinary process.

g. Complicity

- Assisting, via acts or omissions, another student, individual, or group in committing or attempting to commit a violation of the Code of Student Conduct
- Complicity with or failure of any organized group to address known or obvious violations of the Code of Student Conduct by its members
- Any person who is knowingly present for the commission of a violation of the Code of Student Conduct and does not take steps to remove themselves from the location of the violation

h. Discrimination and Harassment

Unwelcome verbal or physical conduct based on race, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran, when:

- Such conduct has the purpose or effect of unreasonably interfering with the individual's work or educational performance
- Such conduct creates or has the intention of creating an intimidating, hostile, or offensive working and/or learning environment
- Such conduct unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity

NOTE: For more information on UNE's discriminatory harassment policy, see Part I, Section E, of this Handbook or go to https://www.une.edu/title-ix.

i. Sex-Based Discrimination and Sex-Based Harassment

Sex discrimination, sexual harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking undermine the character and mission of the University and will not be tolerated. Students and employees who engage in conduct prohibited under this Policy may be subject to disciplinary action, including dismissal from the University or termination of employment. In addition, the University will provide remedies to a Complainant designed to restore or preserve equal access to the University's education programs or activities where a determination of responsibility has been made against a Respondent.

NOTE: For more information on UNE's policies to address this behavior, please see the **UNE Title IX grievance policy** or the **UNE Non-Title IX Sex Discrimination and Harassment policy**, see Part 1, Section E of this Handbook or go to https://www.une.edu/title-ix.

5. ABUSE OF THE DISCIPLINE SYSTEM

The following is a violation of this subsection:

- Knowing falsification, distortion, or misrepresentation of information during any conduct process provided for in this Handbook
- Disruption or interference with the procedural soundness of any investigation, hearing, or resolution process provided for in this Handbook
- Attempting to discourage and/or discouraging an individual's participation in or use of any conduct process provided for in this Handbook
- Attempting to influence and/or influencing the impartiality of a member of any student conduct process provided for in this Handbook, including but not limited to a reporting party, responding party, witness, investigator, decision-maker, and/or appellate administrator before, during, or after a conduct process
- Knowingly filing a complaint and/or initiating a conduct process provided for in this Handbook that is without merit or cause
- Retaliation, harassment, and/or intimidation directed at a member of the student conduct process provided for in this Handbook, including but not limited to a reporting party, responding party, witness, investigator, decision-maker, and/or appellate administrator before, during, or after a conduct process
- Attempting to influence and/or influencing another person to commit abuse of the discipline system

6. ELECTRONICALLY FACILITATED MISCONDUCT

The following is a violation of this subsection:

- Attempted or actual unauthorized entry into a file for any reason, including but not limited to reading, using, altering, replacing, duplicating, uploading, turning in, or distributing.
- Attempted or actual unauthorized transfer of a file, including but not limited to University-owned and/or -distributed software or applications. This includes the unauthorized copying/saving to electronic or other storage devices.
- Any use of another individual's online University identification and password.
- Attempted or actual use of a University computing facility, University-issued electronic device, and/or University network or software to interfere with the day-to-day operation of the University, including but not limited to cessation or temporary cessation of teaching, research, administration, other University activities, and/or other non-University activities that occur on campus.
- Attempted or actual use of a University computing facility, University-issued electronic device, and/or University network or software to engage in other forms of misconduct enumerated in this Code of Student Conduct.

7. FIRE SAFETY

NOTE: The Office of Housing and Residential/Commuter Life has a more exhaustive list of what may be considered a fire hazard in its residence hall policies.

The following is a violation of this subsection:

- Failure by a student(s) and/or guest(s) to evacuate a building or area at the request or directive of University faculty, professional staff, or administration for safety and/or security reasons, including evacuation during a fire alarm.
- Tampering in any way with fire safety equipment, including but not limited to smoke detectors, smoke alarms, sprinkler heads, sprinkler systems, fire extinguishers, and fire alarm pull stations.
- Creating a fire hazard in any University space not specifically designed for experimentation, such as a lab or controlled setting. This includes but is not limited to burning candles or incense; possession or use of chemicals and/or explosive components (fireworks, compressed air, or explosive gases); and the unauthorized use of campfires, fire pits, or other open-flame devices (grills, tiki torches, etc) on University property.

8. GAMBLING

Gambling, wagering, gaming, and/or bookmaking that is illegal under federal, state, and/or local laws are prohibited on University premises. In addition, prohibited conduct includes but is not limited to betting on, wagering on, or selling pools on any University event; offering, soliciting, or accepting a bribe in order to influence the outcome of a University event; possessing any card, book, or other device or application for registering bets; bookmaking in connecting with betting; knowingly permitting the use of one's space, telephone, laptop, tablet, or other electronic device for illegal gambling; and knowingly receiving or delivering a letter, a package, a parcel, or an electronic communication related to illegal gambling.

NOTE: See also the NCAA Policy on gambling in Part II, Section 1.

9. GUESTS OF THE UNIVERSITY

NOTE: Please see published Residence Halls policies for further expectations about guests in residential spaces.

Students are responsible for any guest they invite and/or bring to campus. Students are accountable for the conduct of their guests while on campus and may be adjudicated under this Code of Student Conduct based on the actions of their guests.

10. FAILURE TO COMPLY

The following is a violation of this subsection:

- Failure to comply with reasonable directives of any University official acting in the performance of their duties
- Failure to comply with the sanction(s) imposed by the University following a conduct process
- Failure to present student and/or personal identification on directive or identify oneself to any University official acting in the performance of their duties

11. ANIMAL/PET POLICY

Animals and pets (other than trained service animals working within the scope of their duties or other animals authorized by UNE according to UNE's policies) belonging to students and/or guests of students are not permitted in University buildings. Dogs, cats, and other animals are permitted on campus grounds only when leashed or in a carrier held by and under the direct control of the owner. All pet owners are responsible for properly disposing of any waste created by the animal.

NOTE: There are further limitations and restrictions on pets for students living on campus. Please refer to the Residential Education and Housing Handbook or the Student Access Center for more information: http://www.une.edu/studentlife/student-access-center.

12. MOTOR VEHICLES

The following is a violation of this subsection:

a. Driving

Operating a vehicle on or around campus in an unsafe manner, including but not limited to exceeding the University's posted 15-mile-per-hour speed limit, recklessly disregarding traffic laws, and/or failing to yield to pedestrians.

b. Parking

Failing to park in designated student lots, failure by a guest to park in guest parking, or disregarding other posted signage as it relates to parking on campus. Office of Safety and Security may refer a student to the Office of Student Conduct once they have been cited 10 times or more for parking violations on campus.

c. Idling

Idling for more than five minutes in any 60-minute period or idling for any period of time without an operator present. (Idling is permitted for 15 minutes in any 60-minute period for the purpose of providing heat when ambient temperature is 32 degrees or below or

as needed when ambient air temperature is below 0 degrees.) Student vehicle operators refusing to comply, or found to be in violation of the policy more than three times, may be referred to Student Conduct for further consideration.

13. THEFT, DAMAGE, AND UNAUTHORIZED USE

The following is a violation of this subsection:

- Attempted or actual theft of property or services, including but not limited to property or services of the University, other University students, other members of the University community, campus visitors, or others.
- Possession of property known to be stolen or belonging to another person without the owner's permission.
- Attempted or actual damage to property, including but not limited to property owned or leased by the University, other University students, other members of the University community, campus visitors, or others.
- Possession, alteration, forgery, misrepresentation, and/or use of any form of identification not belonging to the student or not being used for the purpose originally intended. This includes both University and government forms of identification.
- Unauthorized use, possession, distribution, and/or duplication of University-issued keys.

14. NICOTINE-, TOBACCO-, AND A SMOKE-FREE CAMPUS

The University of New England is a tobacco- and smoke-free campus. For purposes of this policy, tobacco products include any product made or derived from tobacco, or containing nicotine from any source, that is intended for human consumption. This includes but is not limited to cigarettes, cigars, pipes, smokeless tobacco, electronic cigarettes (e-cigarettes), vaping devices, nicotine pouches, and any other nicotine delivery systems. The use of these products is prohibited on all University-owned, -leased, or -controlled property. This includes all parking lots, personal vehicles while on University property, buildings, residence halls and their grounds, clinics, laboratories, classrooms, private offices, balconies, roofs, plazas, vestibules, loading docks, sidewalks, and any other campus property, as well as within close proximity to or causing the obstruction of any building entrance, covered walkway, or ventilation system.

This policy does not apply to products specifically approved by the U.S. Food and Drug Administration for smoking cessation or nicotine replacement therapy when used for their intended purpose.

NOTE: Incidents involving the smoking, vaping, possession, or use of marijuana, THC, or cannabis products will be addressed under the University's Narcotics or Other Drugs Policy.

15. TRESPASSING

The unauthorized entry into, or continued presence after being asked to leave, University premises, University buildings, or University-sponsored or -affiliated events is prohibited.

16. WEAPONS

No student(s) or guest(s) shall possess weapons or any device that presents a danger to the community. Examples of such weapons or devices include swords, axes, machetes, martial arts weapons, knives exceeding 2.5 inches in length, slingshots, bows, arrows, and pepper spray. Firearms, paintball guns, ammunition, pellet guns, "soft" pellet guns, bb guns, toys or replicas, or anything else that resembles a firearm and/or propels an object are prohibited from all University buildings.

NOTE: The Director of Safety and Security or a designee(s) is the final decision-maker if there is a question about whether something is considered a weapon. The Director understands that pepper spray is commonly carried for personal protection, available in keychains and many other forms. The Director has left pepper spray in this definition in the event of misuse of the device beyond personal protection. Students wishing to carry pepper spray should contact Director of Safety and Security Jeff Greene (jgreene2@une.edu) to discuss appropriate use of this personal safety device.

17. VIOLATION OF FEDERAL, STATE, AND/OR LOCAL LAW

Behavior that constitutes a violation of any federal, state, and/or local law that is not expressly enumerated above in the Code of Conduct may be investigated through the University's conduct process.

NOTE: A lack of conviction in any criminal proceeding will not, in and of itself, serve as evidence in or resolve a University conduct proceeding.

18. VIOLATION OF PUBLISHED UNIVERSITY POLICIES, RULES, AND/OR REGULATIONS

The following policies are incorporated by reference into this Handbook for the purposes of the Code of Student Conduct, and violations of the following policies provide the basis for disciplinary action under the Code of Student Conduct:

- **Residence Hall Policies**
- **Campus Safety and Security**
- **Athletics**
- **Student Organizations**

- **Other University Policies**

Section D: Procedures

ADMINISTRATIVE RESOLUTION, RESTORATIVE RESOLUTION, AND UNIVERSITY STUDENT CONDUCT BOARD PROCEDURES FOR STUDENTS

The University has established the following review and resolution procedures to provide an adjudication process for all undergraduate, graduate, and professional students.

NOTE: The procedures outlined in this section do not apply to any complaints of sexual misconduct, discrimination, and harassment or to academic misconduct. For the complete University policy regarding these matters, see Part I, Section E, for the Non-Title IX Nondiscrimination, Anti-Harassment, and Sexual Misconduct policy; Part I, Section F, for the Title IX Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations; and Part I, Section H: Academic Misconduct Policies, Procedures, and Progression Appeals for Students.

REPORTING PROCESS

Any person can report conduct that they believe in good faith violated the Code of Student Conduct to Campus Security professional staff, University administrators, faculty members, or Residential Life staff who are carrying out their duty to uphold the regulations, policies, and mission of the University. A suspected violation of any applicable professional code of conduct may first be reported to the dean of the student's college. In cases involving sexual misconduct, harassment, and discrimination, a report should be made to the Title IX Coordinator or a Deputy Title IX Coordinator regardless of whether the allegation is believed to be covered or not covered by Title IX.

The University uses Advocate, a case management and reporting tool, to receive reports of alleged misconduct. Reports can be filed using the Public Incident Report or in Advocate. If someone is unsure of how or whether to report, they can contact the Office of Student Affairs at (207) 602-2373 or student-affairs@une.edu in Biddeford or (207) 221-4212 or pcstudentaffairs@une.edu in Portland. Any written report should describe the action or behavior in question.

Student conduct records and related files are maintained by the Office of Student Affairs and/or Office of Housing and Residence/Commuter Life.

Student conduct records are maintained under the Family Educational Rights and Privacy Act (FERPA).

AUTHORITY

The Vice President for Student Affairs and Dean of Students is the person designated by the University President to be responsible for the administration of the University Code of Student Conduct. The Vice President for Student Affairs and Dean of Students shall refer complaints of a violation of the University Code of Student Conduct to the Director of Student Resolution ("the Director"). The resolution of alleged violations of the Code of Student Conduct is the responsibility of the Director. In the absence of the Director, the Vice President of Student Affairs and Dean of Students will designate these duties to another member of the Office of Student Affairs. The Director is responsible for ensuring that student misconduct matters are handled fairly and without unnecessary delay. The Director may designate other University professionals to assist with conduct matters.

CONFLICT OF INTEREST POLICY

If any involved party thinks there is a conflict of interest in filing a report with or having a report reviewed by the Director or designee, the party should inform the Vice President for Student Affairs and Dean of Students of their specific concern. The Vice President for Student Affairs and Dean of Students will consider the matter and determine whether there is a conflict of interest and may seek to resolve the potential conflict of interest before the process proceeds. If the conflict cannot be resolved, the Vice President for Student Affairs and Dean of Students will assign another person who does not have a conflict of interest to make determinations in place of the Director.

If any involved party thinks there is a conflict of interest in appealing to the Vice President for Student Affairs and Dean of Students regarding a conflict of interest, the party may appeal to the University Provost. The University Provost's resolution of the potential conflict of interest will be final.

JURISDICTION

UNE Students

The jurisdiction of the University of New England to enforce the Code of Student Conduct and take disciplinary action extends to conduct that occurs on University premises; at off-campus University-sponsored, -supervised, or -related activities; at affiliated and clinical sites; and on UNE international campuses or during study abroad programs, as well as any off-campus conduct that directly and adversely disrupts the educational environment and/or the mission or objectives of the University. If a student is charged with an off-campus violation of a federal,

state, and/ or local law that causes substantial disruption to the educational program on campus, but not with any other violation of this code, disciplinary action may be taken and sanctions imposed. Information posted or shared online, including social media, that violates the Code of Student Conduct and/or creates a potentially hostile learning environment may also be acted upon by the University.

The University reserves the right to complete any investigation and/or disciplinary action that was initiated with respect to a student at the time they were a student even if the student withdraws, graduates, or otherwise leaves the University.

Non-UNE Students

When non-UNE individuals, including students at other schools, engage in conduct that is prohibited by the Code of Student Conduct, although UNE may not be in a position to discipline that person through its conduct process, UNE reserves the right to (1) ban the person from UNE campus and events, (2) hold a UNE student responsible if the person was a guest of a UNE student, (3) report the person to law enforcement if the person is alleged to have engaged in potentially criminal activity, and/or (4) report the person to the school in which they are enrolled.

When Alleged Conduct May Also Be a Violation of the Law

University disciplinary proceedings may be instituted against a student charged with violation of a law that is also a violation of this code. Proceedings under this code may be carried out prior to, or simultaneously with, civil or criminal proceedings off campus. The University will not delay a student conduct review proceeding because the respondent is also the subject of a criminal investigation, indictment, or charge.

When a student is charged by federal, state, or local authorities with a violation of the law, the University will not request or agree to special consideration for that individual because of their status as a student. However, to the extent permitted by FERPA, the University may advise off-campus authorities of the existence of the Code of Student Conduct and how such matters will be handled internally within the University community. The University may, however, cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators.

Individual students and faculty members, acting in their personal capacities and not as agents or representatives of the University, remain free to interact with governmental or law enforcement agencies as they deem appropriate so long as they do not violate FERPA or any other law, regulation, or UNE policy.

Student Nonparticipation

No student is required to participate in the review, investigation, and/or resolution processes outlined in this section. However, a lack of student participation in any part of these processes does not stop the process. A review, investigation, and/or resolution process may continue without a student's participation.

Should a student choose not to participate in the process, the decision-maker will use the information in the Incident Report and any information gathered during the investigation to determine whether it is more likely than not that a policy violation occurred.

Retaliation

Retaliation against any member of the University community who reports a possible violation of the Code of Student Conduct, including but not limited to incidents of possible sexual misconduct, harassment, or discrimination or any other regulations of the University, is also a violation of University policy and the Code of Student Conduct. Any individual alleged to have participated in and found responsible for retaliation may be subject to additional disciplinary action by the University.

Resolution Process

RECEIPT AND REVIEW OF INFORMATION, INVESTIGATION, INTERIM ACTION MEASURES, AND SELECTION OF RESOLUTION PROCESS

Receipt and Review of Information

Information regarding a potential violation should be forwarded to the Director. It is preferred that the information be put in the form of an Incident Report with accompanying evidence if possible.

The Director will review the information to determine whether there is evidence of a potential violation of the Code of Student Conduct to initiate a resolution process. If the Director determines that there is insufficient evidence to suggest that a potential violation occurred, no further action will be taken.

If the Director determines that there is evidence to suggest that a potential violation occurred, an investigation will be opened. If additional information is needed before the Director can make the initial determination, the Director or designee may seek further information from the reporting party or request the submission of a statement by people identified or implied in the source information.

Time periods and deadlines set forth in Section D may be extended by the Director, Decision-Maker, the Appeal Officer for good cause.

Interim Action Measures

At any time after the receipt of the complaint, the Decision-Maker or designee may take interim actions during the pendency of the investigation deemed necessary to protect the safety of any party or the community and the integrity of the investigatory process and/or to ensure students' continuing access to education, including but not limited to:

- Issuing no-contact orders
- Changing class and/or work schedules
- Changing residence assignments
- Issuing an interim suspension if the respondent is determined to pose a substantial risk to the safety of any person or the community as a whole or if the respondent has engaged in concerning behavior that may jeopardize the health, safety, or well-being of others or the community as a whole

Either student, complainant or respondent, may request interim action measures from the Director. The final decision on whether such measures will be taken rests with the University. The decision by the Director or designee to take such interim action creates no presumption that the respondent has engaged in the alleged violation of the Code of Student Conduct.

Investigation

If the Director determines that there is sufficient evidence to suggest a potential violation of the Code of Student Conduct, the Director or designee will contact the party accused of misconduct via their UNE email address and notify them of (1) the nature of the alleged violation, (2) the date of the reported incident, and (3) their opportunity to attend a meeting to discuss the potential violation.

In their scheduled meeting with the Director or designee, a student will be provided with the opportunity to discuss, from their perspective, the nature of the reported concern, evidence, names of witnesses, or any other information that supports their defense against the allegation. The Director or designee may choose to allow the student to review the reported information during this meeting.

The Director or designee may seek information from other sources, including but not limited to appropriate witnesses and student records.

Selection of Resolution Process

After the Director or designee completes their investigation, the Director or designee will decide whether to refer the matter for (1) the Restorative Resolution Process, (2) the Administrative Resolution Process, or (3) the Student Conduct Board Process. The Director is the final decision-maker regarding whether a matter should be referred for the Restorative Resolution Process. Restorative Resolution is typically an option for minor, first-time violations. The Director may consider mitigating and aggravating circumstances revealed during the investigation in determining which process to follow. In rare circumstances, Restorative Resolutions may be reached without an acceptance of responsibility.

Generally, a matter may be referred for the Restorative Resolution process if:

- A student acknowledges their behavior, is remorseful, and articulates how/why their behavior was harmful
- There is a potential need for the restoration of a community
- Harm is caused to a community by an individual or group
- There is a potential need for the restoration of relationships between individuals when either one or more of the individuals caused harm to another

Generally, a matter would not be referred for the Restorative Resolution Process if:

- The conduct alleged would constitute a felony under the Maine criminal code
- The conduct resulted in serious physical injury or property damage in excess of $1,000
- The respondent has been engaged in an established pattern of behavior without adequate prior resolution
- There have been repeated incidents of the same nature
- A student does not take responsibility and is unwilling to acknowledge their behavior and how/why their behavior was harmful
- A suspension for a period of more than two weeks or a dismissal is deemed appropriate by the Director

Restorative Resolution Process

The purpose of the Restorative Resolution Process is to educate students about the impact of their behavior, to permit them to learn from their mistakes, to hold them accountable while they work and act to repair the harm done, and/or to allow the harmed person(s) to be heard and repaired to the extent possible. The Restorative Resolution Process may include an obligation to complete restorative practices, educational/developmental programs or meetings, or other actions deemed appropriate for the student, the complainant, others adversely affected by the conduct, and the University community.

The Director (hereinafter "the Decision-Maker") will propose to the respondent the outcomes they deem appropriate, either in person or in writing via email. The respondent may respond with suggestions for alterations to the outcomes. There may be several rounds of correspondence between the respondent and Decision-Maker. Although the Decision-Maker and the Respondent should try to agree on the process and outcomes, the Decision-Maker will make the final decision about the process and the outcomes. If the respondent is not willing to engage in good faith in the process and outcomes as agreed to by the respondent or as determined by the Decision-Maker, the Decision-Maker will refer the matter for resolution through the Administrative Resolution Process or Conduct Board Process. The Decision-Maker's determination with respect to the process and outcomes is not appealable.

In cases for which there are multiple alleged violations, the Decision-Maker will note in writing the violations for which the respondent is accepting responsibility. If there are alleged violations included in the case for which the respondent is not accepting responsibility and an appropriate Restorative Resolution is reached for the acknowledged violations, the Decision-Maker may, at their discretion, dismiss the unacknowledged alleged violations.

Although the outcomes of a Restorative Resolution Process will not become part of a student's disciplinary record, the Office of Student Affairs will maintain a record of the process for reference and consideration if the respondent is alleged to have engaged in misconduct in the future.

Administrative Resolution Process

If after meeting with a student and completing an investigation, the Decision-Maker determines that the Restorative Resolution process is not appropriate, the process is not completed, or the process fails, the Decision-Maker will render a decision as to whether the respondent violated the Code of Student Conduct or any other applicable policy or standard. The Decision-Maker will make their decision using a preponderance of evidence standard, which means that to find a violation(s), the Decision-Maker must conclude that it is more likely than not that the respondent committed the violation(s).

If the Decision-Maker concludes that it is more likely than not that the respondent committed the violation(s), the Decision-Maker may impose discipline for the violations for which the respondent has been found responsible, except that the Decision-Maker may not suspend a student for more than two weeks or dismiss a student from the University. If the Decision-Maker believes that it would be appropriate to suspend a student for a period of more than two weeks or to dismiss the student from the University, the Decision-Maker will refer the matter to the University Student Conduct Board, which will follow a separate process as outlined below.

Within 10 business days of determining whether the respondent committed any of the alleged violations, the Decision-Maker will provide the respondent a letter outlying (1) their decision; (2) the Code of Student Conduct sections the student was found responsible for violating; (3) a brief rationale; (4) the sanction(s) imposed, as well as the timelines within which the student is expected to complete the sanction(s); and (5) the student's right to appeal the decision. The Decision Letter will be emailed to the student's UNE email address. In cases resolved in an Administrative Resolution process involving a student complainant, the complainant will be informed of the finding rendered in writing via the student's UNE email address.

Appeal Process for Administrative Resolution Decisions

If a respondent or complainant (if applicable) disagrees with the Decision-Maker's decision, either party may appeal the Decision-Maker's decision to the Dean of Students or a designee. The appealing party must provide their appeal to the Dean of Students or a designee ("the Appeal Officer") within five business days of the receipt of the Decision-Maker's written

decision. The appeal must be in writing and must clearly set forth the reason for the appeal. The two grounds upon which a student may appeal are:

- Procedural irregularity that substantially affected the outcome of the matter
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could substantially affect the outcome of the matter

The Decision-Maker had a conflict of interest or demonstrated bias for or against an individual party, or for or against complainants or respondents in general, that substantially affected the outcome of the matter. The expression or display of sympathy, empathy, or caring for any party or witness does not necessarily constitute a conflict of interest or the demonstration of bias against any party or complainants or respondents in general. If there is a complainant, they will be notified of an appeal by respondent within one day of the receipt of that appeal. If the complainant appeals, the respondent will be notified of complainant's appeal within one day of the receipt of that appeal. Either party will be allowed to reply within two days to an appeal by another party by providing a written response of no more than five double-spaced pages using New Times Roman 12-point font. The Appeal Officer shall issue a written decision within 10 business days of the receipt of the written appeal. The Appeal Officer may:

- Uphold the decision of the Decision-Maker
- Send the decision back to the Decision-Maker for further consideration based on new evidence or a material procedural error
- Request that the Decision-Maker convene the University Student Conduct Board

If the matter is sent back to the Decision-Maker by the Appeal Officer, the Decision-Maker will provide the parties a written reconsideration decision that shall be completed within seven business days of receipt of the request for reconsideration, which shall be considered final.

University Student Conduct Board Process

If the Decision-Maker believes that the appropriate discipline for a respondent may be either a period of suspension for longer than two weeks or dismissal from the University, the Decision-Maker will so inform the parties and ask the Dean of Students or a designee to convene the University Student Conduct Board. The Vice President for Student Affairs and Dean of Students shall determine the specific membership of each panel of the University Student Conduct Board. The Decision-Maker will review the University Student Conduct Board procedures with each of the parties.

Composition of University Student Conduct Board

At the start of each academic year, the Dean of each college shall propose the names of five faculty members to serve on the Student Conduct Board. The names of the faculty members shall be sent to the Assistant Vice President of Human Resources for review and approval before they are appointed. When the Decision-Maker requests the Dean of Students or a designee to

convene the University Student Conduct Board, the Dean of Students or a designee will select four faculty members from among the appointed and trained representatives to sit on that panel. At least two of the faculty members must be from the respondent's college.

The Dean of Students or a designee (hereafter "Chair") will chair the University Student Conduct Board and act as a voting member. If the undergraduate, graduate, or professional student is in a program with a professional code of conduct, the Chair or the program director of the student's college or program or a designee shall also sit on the panel as a nonvoting member and may address any issues under a professional code of conduct that may be applicable to the respondent.

Within five business days of the members of the Student Conduct Board being confirmed to consider the matter referred to them by the Decision-Maker, through the Dean of Students, the respondent and complainant (if applicable) will be notified by the Dean of the members who will adjudicate the matter. The respondent and complainant will then have two business days to object to any member of the Student Conduct Board on the basis that the member has a conflict of interest with respect to either party or bias toward either party such that the member could not objectively consider the facts and adjudicate the matter fairly and appropriately irrespective of any prior interaction with either party or any other reason for the claim of a conflict or bias. Within five business days, the Dean will consider the objection, decide whether the member(s) should be excused, replace the excused member(s), and notify the parties of such replacement, allowing the same process.

Presentation of Case to University Student Conduct Board

The Decision-Maker or designee will present the case to the Student Conduct Board and is not a voting member of the board. The Decision-Maker, in consultation with the Chair, may present documentary evidence to the Student Conduct Board. In addition, the Dean or the program director may present evidence about any possible violation of any applicable code of professional conduct to the Student Conduct Board. All evidence presented shall be in a form that complies with the applicable provisions of FERPA. If the Student Conduct Board determines that further investigation is warranted or that additional information is needed, it will ask that the Decision-Maker conduct further investigation and/or provide further information. The members of the Student Conduct Board may also request to see additional documentary evidence or to hear testimony from witnesses in addition to the parties. All requests for additional information should be made to the Chair, who in consultation with panel members, shall determine which witnesses shall be called or which additional documents shall be presented to the panel.

Parties' Ability to Present Evidence and Recommend Witnesses

After the complainant and the respondent receive the written notice from the Decision-Maker that the Student Conduct Board shall be convened, within five business days, they may provide the Chair with copies of any documents they would like presented to the Student Conduct Board and provide a written explanation of why they should be presented. The Decision-Maker and the

Chair shall have the discretion to determine what, if any, additional documentary evidence shall be presented to the Student Conduct Board.

The complainant and respondent may each also submit names of witnesses they request to appear before the Student Conduct Board. These names should be submitted to the Chair in writing along with the basis of their proposed testimony. The Chair, in consultation with the Decision-Maker, shall decide which, if any, of these witnesses shall be called.

Five business days prior to any meeting where the Student Conduct Board is to consider the evidence and hear from witnesses, the complainant and the respondent shall both be provided with a final witness list and copies of all documents to be presented to the Student Conduct Board.

If more than one witness is called before the Student Conduct Board, all witnesses will be sequestered and will not be permitted to hear other witnesses testify. Once they have provided information in the meeting, the witnesses will be excused from the meeting room.

Board Meetings

The Student Conduct Board meetings are not open to the public. The Rules of Evidence as used by the state and federal courts do not apply in the meeting, and the meetings are not to be recorded in any fashion.

If witnesses other than the complainant and respondent do appear before the Student Conduct Board, the complainant and respondent may submit questions to the Chair that they would like the witnesses or the other party to be asked. The Chair will determine whether a question is relevant, appropriate, and not designed to harass or intimidate a witness or the other party. The Chair will then ask the question or instruct the witness or party to answer if the witness or other party remembers and understands the question. Questions to the Chair that they would like the witnesses to be asked.

Both the complainant and the respondent may have one student conduct adviser of their choosing present with them at the hearing. The student conduct adviser may be an individual from the University community, including an academic adviser, or a member of University faculty or professional staff but may not be an attorney, a family member or guardian, or another student.

Advisers are not permitted to speak to the Chair or the Student Conduct Board or to participate directly in any review before the board, except that the student conduct adviser may ask a question of the Chair for clarification about the process. The purpose of the student conduct adviser is to assist either student through the process and not to act in a manner similar to a legal advocate. Either student may pause to confer with their student conduct adviser, and any student conduct adviser may suggest to the student that there is a need for conferring. Except when the student is being questioned by the Chair or other members of the Student Conduct Board, the student and the student conduct adviser may pass notes to each other or otherwise

confer with each other through appropriate technology. At no time may a student conduct adviser provide answers to a student or otherwise coach a student who is being questioned by the Chair or any member of the Student Conduct Board.

Any student conduct adviser who attempts to coach a student or disrupts the hearing process in any way or who attempts to participate improperly may be removed from the hearing. In addition, the University may, in its discretion, postpone a hearing because a student conduct adviser cannot attend or is removed, if the University has provided at least five business days' notice of the hearing date and time.

Board Decision

The Student Conduct Board shall make its decision based only on the evidence presented to it during the meeting itself. The standard for deciding whether the violation has occurred is a preponderance of the evidence. This standard means the Student Conduct Board shall decide if it is more likely than not that the violation took place and that the respondent is responsible for the violation.

All members of the Student Conduct Board shall vote, and decisions are determined by a vote of the majority. The Chair will issue a written decision that shall include written Findings of Fact to the parties within 10 business days of the close of the Student Conduct Board's meetings on the complaint. All written decisions issued under this Student Conduct Board Process should be drafted in compliance with the requirements of FERPA. The complainant and the respondent shall simultaneously be notified of the decision.

If the Student Conduct Board finds that no violation occurred, it must dismiss the complaint. If the Student Conduct Board finds that a violation did occur, it may impose a sanction(s) listed below that at least a majority of them deem appropriate, up to and including a suspension of greater than two weeks or dismissal from the University. The Student Conduct Board has the power to send the matter back to the Decision-Maker, but such a situation should be unusual given the ability of the Student Conduct Board to acquire information during the adjudication process.

Appeal Process for Conduct Board Decisions

The decision of the Student Conduct Board may be appealed by either party to the Provost of the University or a designee (hereafter "Appeal Officer"). The appeal must be in writing, and it must be filed in the Provost's Office within five business days of the date upon which the parties received the Student Conduct Board's written decision. The appeal must be:

- Procedural irregularity that substantially affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could substantially affect the outcome of the matter.

- Members of the Student Conduct Board had a conflict of interest or demonstrated bias for or against an individual party, or for or against complainants or respondents in general, that substantially affected the outcome of the matter. The expression or display of sympathy, empathy, or caring for any party or witness does not necessarily constitute a conflict of interest or the demonstration of bias against any party or complainants or respondents in general.

The Appeal Officer shall not conduct a full rehearing of the case during the appeal and may meet with either party to the original complaint but is not required to do so. The Appeal Officer may consult with the Chair of the Student Conduct Board as well as any members of the administration not involved in the original decision of the Student Conduct Board in making a final determination on the appeal. The Appeal Officer will issue a written decision to both parties within 10 business days of the receipt of the appeal in the Provost's Office:

- The Appeal Officer may uphold the decision of the Student Conduct Board, and that decision by the Appeal Officer is final.
- The Appeal Officer may also send the matter back to the Student Conduct Board for reconsideration based on findings made by the Appeal Officer during the appeal.

The decision of the Student Conduct Board on reconsideration of the matter is final.

POTENTIAL DISCIPLINARY SANCTIONS AND RESTORATIVE OUTCOMES

Please see Part I, Section E: Nondiscrimination, Anti-Harassment, and Sexual Misconduct, and Part I, Section F: Grievance Policy for Addressing Formal Complaints of Sexual Harassment Under the Title IX Regulations for the sanctions that may be imposed for a violation of the Sexual Misconduct policy. In accordance with the procedures for the University Student Conduct Review System, the following sanctions may be imposed.

Disciplinary Dismissal

Permanent separation of the student from the University.

Time-Limited Disciplinary Suspension

Separation for a stated period of time, which could include:

- Exclusion from classes, University functions, and University housing for stated period of time.
- Conditions for readmission may be specified.

Deferred Disciplinary Suspension

A student shall be suspended for a specific period of time and have that suspension stayed with the understanding that any verified violations occurring within the period of jeopardy will result

in a suspension level or dismissal hearing. Specific restrictions may also include but are not limited to:

- Ineligibility to hold an office in a campus organization
- Ineligibility to participate in NCAA, club, or other University-affiliated athletic programs, practices, competitions, or related activities
- Ineligibility to represent the University in any on- or off-campus event
- Ineligibility to participate in a University-approved study abroad experience

Denial of Privilege

The student is allowed to finish the current academic term under probation. The student's records are encumbered, and the individual is prevented from reenrolling until certain conditions have been met.

Residence Hall Dismissal

Permanent separation of the student from the residence halls. In matters for which a student is subject to the University's Residency Requirement, residence hall dismissal may result in suspension from the University.

Residence Hall Suspension

Separation of the student from the residence halls for a stated period of time, after which the student is eligible to return. Conditions for readmission may be specified. In matters for which a student is subject to the University's Residency Requirement, residence hall suspension may result in suspension from the University.

Housing Reassignment

Mandatory change of housing assignment within the housing system for inappropriate behavior in the current living situation.

Disciplinary Probation

A designated period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, standards, and sanctions assigned for the probational period. A Disciplinary Probation period includes the option of more severe disciplinary sanctions if the student is found to be violating any University regulations during the probationary period. Specific restrictions may also include but are not limited to:

- Ineligibility to hold an office in a campus organization
- Ineligibility to represent the University in any on- or off-campus event
- Ineligibility to participate in a University-approved study abroad experience

Referral
Referral to the Dean of Students and Assistant Provost of Student Affairs or some other appropriate University official.

Loss of Privileges
Denial of specified privileges for a designated period of time.

Discretionary Sanctions
Work assignments, service to the University (Community Restitution), educational programs/assignments, or other related discretionary assignments.

Restitution
Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

Fines
A charge levied against an individual or group.

Disciplinary Reprimand
Written notification to a student following a resolution process that acknowledges that the behavior in question was misconduct.

Letter to Parent(s) or Guardian
Primarily used when a student is in violation of the University's Alcoholic Beverages and/or Narcotics or Other Drugs policies.

Deactivation of Student Organizations
Loss of all privileges, including University recognition, either permanently or for a specified period of time.

Other Sanctions
As defined by a student conduct review body, more than one of the above sanctions may be imposed for any single violation. The above sanctions are applicable to behavior of individual students and/or student organizations, clubs, athletic teams, and/or groups. These standards do not preclude removal from the University in accordance with provisions of the residence hall occupancy agreement or other University rules or regulations found in this Handbook.

Referral Meetings
A University official may request a meeting with student(s) to discuss a referral made to the Office of Student Resolutions or other department when the referral may not be deemed a violation of the Code of Student Conduct but when the Director of the Office of Student

Resolutions or a designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the reported student(s) that repeated referrals may warrant opening an investigation in the future and may impact the severity of sanctions imposed for later violations that are determined to have occurred after referral meetings with the reported student(s).

Policy Clarification

A Policy Clarification is written notice to a student when it is determined that the information reported does not warrant an allegation but may warrant notice to the involved parties to clarify the policy in question.

Section E: Grievance Policy

Policy in development as of the date of publication of this document. For the most current information regarding the University's nondiscrimination policies, please go to https://www.une.edu/title-ix.

Policy Statement

The University of New England is committed to maintaining a fair and respectful environment for living, work, and study. To that end, and in accordance with federal and state law and University policy, the University prohibits any member of the faculty, professional staff, administration, trustees, student body, vendors, volunteers, or visitors to campus, whether they are guests, patrons, independent contractors, or clients, from harassing and/or discriminating against any other member of the University community because of that person's race, sex, sexual orientation, gender identity and/or expression, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran.

This policy is enforced by federal law under Title IX of the Education Amendments of 1972 and its implementing regulations; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; and Section 504 of the Rehabilitation Act of 1973. It is also enforced under Maine law through the Maine Human Rights Act at 5 M.R.S.A. section 4551 et seq, as well as other applicable federal and Maine state laws.

Section F: Title IX Grievance Policy

GRIEVANCE POLICY FOR ADDRESSING FORMAL COMPLAINTS OF SEXUAL HARASSMENT UNDER THE TITLE IX REGULATIONS

For the most current and accurate policy at any time, please go to https://www.une.edu/title-ix-civil-rights-compliance.

INTRODUCTION

What is the Purpose of the Title IX Grievance Policy?

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access our educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence)
- Addresses how this institution **must** respond to reports of misconduct falling within that definition of sexual harassment
- Mandates a grievance process that this institution **must** follow to comply with the law in these specific covered cases before issuing a disciplinary sanction against a person accused of sexual harassment

See, 85 Fed. Reg. 30026 (May 19, 2020). The full text of the Final Rule and its extensive Preamble are available here: http://bit.ly/TitleIXReg.

Based on the Final Rule, the University of New England will implement the following Title IX Grievance Policy, effective August 14, 2020.

How does the Title IX Grievance Policy impact other campus disciplinary policies?

In recent years, Title IX cases have become a shorthand for any campus disciplinary process involving sex discrimination, including those arising from sexual harassment and sexual assault. But under the Final Rule, the University of New England must narrow both the geographic scope of its authority to act under Title IX and the types of sexual harassment that it must subject to its Title IX investigation and adjudication process. ***Only*** incidents falling within the Final Rule's definition of sexual harassment will be investigated under this policy and, if appropriate, brought to a live hearing through the Title IX Grievance Policy defined below.

The University of New England remains committed to addressing any violations of its policies, even those not meeting the narrow standards defined under the Title IX Final Rule.

Specifically, the University has a Policy for Non-Title IX Sex Discrimination and Harassment that defines certain behavior as a violation of campus policy, linked here: https://www.une.edu/title-ix-civil-rights-compliance.

To the extent that alleged misconduct falls outside this Title IX Grievance Policy, or misconduct falling outside this Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations

under the policies and procedures defined within the University's Policy for Non-Title IX Sex Discrimination and Harassment, the University's nondiscrimination policies, Personnel Handbook, and/or the University's professional codes of conduct through the separate grievance proceedings outlined in those policies linked here: https://www.une.edu/title-ix.

The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the University for any violation of the Code of Student Conduct, violation of employment policies, or any civil rights violation except as narrowly defined in this policy. This policy does not set a precedent for other policies or processes of the University and may not be cited for or against any right or aspect of any other policy or process.

How does the Title IX Grievance Policy impact the handling of complaints?

Our existing Office of Title IX and Civil Rights Compliance and reporting structure remains in place. What has changed is the way our Office of Title IX and Civil Rights Compliance will handle different types of reports arising from sexual misconduct, as detailed in full throughout the next section.

GENERAL RULES OF APPLICATION

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication. Should the Title IX Grievance Policy be revoked in this manner, any conduct covered under the Title IX Grievance Policy shall be investigated and adjudicated under the existing University of New England Policy for Non-Title IX Sex Discrimination and Harassment.

a. Applicability

The purpose of this policy is to provide UNE a mechanism to continue its efforts to prevent and remedy discrimination on the basis of sex in its education program and activity and to also specifically comply with Title IX of the Education Amendments of 1972 and its regulations as well as other applicable state and federal laws. This policy applies to any person present in the United States who alleges that they were subjected to sex discrimination in UNE's education program or activity, including students, employees, and applicants. The standards for behavior and prohibitions covered by this policy apply broadly to the entire University community, including all trustees, employees, the student body (graduate and undergraduate), vendors, volunteers, alumni, prospective students, prospective employees, and visitors to campus. This includes

guests, patrons, independent contractors, or clients of the University of New England. This policy prohibits discrimination, harassment, or sexual misconduct discrimination in any University education program or activity, which means all academic, educational, extracurricular, athletic, and other programs.

b. Jurisdiction of Policy

Education Program or Activity

For the purposes of this Title IX Grievance Policy, the University's "education program or activity" includes locations, events, or circumstances in which UNE exercised substantial control over both the respondent and the context in which the sexual harassment is alleged to have occurred and further includes:

- Any on-campus premises.
- Any off-campus premises that the University of New England has substantial control over. This includes buildings or property owned or controlled by a recognized student organization.
- Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operation of the University of New England's programs and activities over which the University has substantial control.

All reported behavior that occurs within UNE's education program or activity as defined above is covered under this policy.

Generally, the jurisdiction of the University of New England to take disciplinary action under this Title IX policy shall be limited to conduct that occurs on University premises; at off-campus University-sponsored, -supervised, or -related activities; or at affiliated and clinical sites and that violates the University Code of Student Conduct and/or creates a potentially hostile learning environment.

In addition, any off-campus conduct that does not meet the jurisdictional requirements under this policy or the Title IX regulations and contributes to the alleged sex discrimination or sex-based harassment that disrupts the educational environment and/or the mission or objectives of the University, that occurs on UNE international campuses or during study abroad programs, or that results in another student being excluded from participating in or enjoying the benefits of UNE's education program or activity may be referred to and acted upon by the University through the appropriate University policy and process. Information posted or shared online, including social media, that violates this policy, the University Code of Student Conduct, the Faculty Handbook, the Personnel Handbook, or any other applicable UNE policy and/or creates a potentially hostile learning or work environment may also be acted upon by the University. The University reserves the right to complete any investigation and/or disciplinary process started while

a student is enrolled, even if a student withdraws, graduates, or otherwise leaves the University. Similarly, UNE reserves the right to conduct any employment-related investigation even if an employee is no longer employed by or working at or for UNE.

c. Academic Freedom and Freedom of Expression

The University is committed to protecting, maintaining, and encouraging both freedom of expression and the academic freedom of inquiry, teaching, service, and research. However, these freedoms have limits and come with a responsibility that all members of the education community benefit from these freedoms without intimidation. In recognition and support of academic freedom for faculty in the pursuit of teaching, academic freedom and freedom of expression may be considered with all other circumstances when investigating and reviewing complaints and reports of discrimination, harassment, or sexual misconduct. However, academic freedom and freedom of expression never excuse behavior that constitutes a violation of the law or this policy.

17. NONDISCRIMINATION AND EQUAL OPPORTUNITY

Consistent with federal and state law and University policy, the University of New England is committed to the fundamental concept of equal opportunity for all members of the University community. UNE does not discriminate on the basis of race; creed; religion; color; sex; age; marital status; ancestry; national or ethnic origin; physical or mental disability; sexual orientation, including transgender status and gender expression; citizenship status; political affirmation; or veteran status or on any other basis prohibited by applicable law in the administration of its employment practices or in the educational programs or activities that it offers. Therefore, the requirements and protections of this policy will be applied to all individuals covered by this policy regardless of such protected status(es) or status as a complainant, respondent, or witness.

This policy applies to allegations, claims, and complaints of sex discrimination and sex-based harassment. This policy is enforced by UNE and, to the extent applicable, in accordance with federal law under Title IX of the Education Amendments of 1972 and its implementing regulations; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013; Title VII of the Civil Rights Act of 1964; and Section 504 of the Rehabilitation Act of 1973. It is also enforced under Maine law through the Maine Human Rights Act at 5 M.R.S.A. section 4551 et seq, as well as other applicable federal and Maine state laws. Inquiries regarding compliance with these statutes may be directed to the individuals in the table below.

Angela Shambarger *Title IX Coordinator*	207-221-4554	ashambarger@une.edu	11 Hills Beach Road Biddeford, ME 04005

Bobbie Kallner *Vice President of Human Resources & Chief Human Resources Officer*	207-602-2339	bkallner@une.edu	11 Hills Beach Road Biddeford, ME 04005
Office for Civil Rights, Department of Education	617-289-0111	ocr.boston@ed.gov	8th Floor 5 Post Office Square Boston, MA 02109
The Maine Human Rights Commission	207-624-6290	info@mhrc.maine.gov	19 Union Street, 2nd Floor Augusta, ME 04330
The U.S. Equal Employment Opportunity Commission	202-663-4900	info@eeoc.gov	131 M Street NE Washington, DC 20507

18. DEFINITIONS

a. Sex Discrimination

Under this policy, sex discrimination is defined as treating similarly situated students differently on the basis of sex without appropriate legal justification. It also includes excluding a student from participating in and enjoying the benefits of UNE's education program or activity on the basis of that student's sex. Sex discrimination includes sex-based harassment defined below.

b. Sexual Harassment

For the purposes of this Title IX Grievance Policy, "covered sexual harassment" includes any conduct on the basis of sex that constitutes one or more of the following:

- A UNE employee conditioning the provision of an aid, benefit, or service of UNE on an individual's participation in unwelcome sexual conduct (i.e., quid pro quo)
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity; creates an intimidating, hostile, or offensive working and/or learning environment; and/or interferes with or limits one's ability to participate in or benefit from an educational program or activity
- "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined below

Examples of conduct that are or could be sexual harassment include but are not limited to the following:

- Physical assault and/or physical, sexual acts perpetrated against a person's will or where the actor knew or should have known the person is incapable of giving consent due to the use of drugs or alcohol, or due to an intellectual or other disability and where the Respondent should have known the person to be incapacitated. This includes sexual assault (including rape), sexual battery, and any form of sexual coercion.
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation.
- Sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose.
- A pattern of conduct, which can be subtle in nature, that is intended to create or has the effect of creating discomfort and/or humiliating another because of the other's sex.
- Remarks speculating about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history that do not serve a medical or academic purpose.
- The taking of nonconsensual or abusive sexual advantage of another for one's own benefit or the benefit of anyone other than the individual being exploited, including secretly observing the sexual actions of another or allowing others to secretly observe the sexual activity without the knowledge or consent of the other party; sharing visual images, audio recordings, or videos of another individual in a state of undress or of a sexual nature without consent; causing an individual to prostitute themselves through force, intimidation, or coercion; knowingly exposing another individual to a sexually transmitted disease without their knowledge; exposing one's genitalia or causing another person's genitalia to be exposed without effective consent.
  Sexual harassment can occur regardless of the relationship, position, and/or respective sex of the parties. Same-sex harassment violates this policy, as does harassment by a student of a faculty member or a subordinate employee of their supervisor.

c. Sexual Assault

As defined in the Clery Act, sexual assault is any sexual act directed against another person, without their consent, including instances in which they are incapable of giving consent.

Sexual assault includes attempted sexual assaults and also includes the following:

- Rape: The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory rape: Sexual intercourse with a person who is under the statutory age of consent.

d. Dating Violence

As defined in the Violence Against Women Act (VAWA) amendments to the Clery Act, dating violence includes any violence committed by a person: who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- where the existence of such a relationship shall be determined based on a consideration of the following factors:
- The length of the relationship;
- The type of relationship;
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes but is not limited to sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

e. Domestic Violence

As defined in the VAWA amendments to the Clery Act, domestic violence includes any felony or misdemeanor crimes of violence committed by (1) a current or former spouse or intimate partner of the victim, (2) a person with whom the victim shares a child in common, (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (4) a person similarly situated to a spouse of the victim under Maine domestic or family violence laws, or (5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Maine.

f. Stalking

As defined in the VAWA amendments to the Clery Act, stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their or another's safety or to suffer substantial emotional distress.

"Course of conduct" means two or more acts, including but not limited to acts in which the stalker directly or indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

"Reasonable person" means a person under similar circumstances and identities with the Complainant.

"Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Stalking includes the concept of cyberstalking, a particular form of stalking in which electronic media is used.

g. Criminal Sexual Contact (Includes "Fondling")

Criminal sexual contact is the intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

The forced touching by the actor of the victim's clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

Note that conduct that does not meet one or more of the above mentioned criteria may still be prohibited under the **University of New England's Policy for Non-Title IX Sex Discrimination and Harassment**, the University's nondiscrimination policies, the University's Personnel Handbook, the University's Faculty Handbook, the University's professional codes of conduct, and/or any other applicable University conduct policy.

h. Consent

Consent is the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Consent requires an outward demonstration through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact and in all sexual activity during the sexual encounter.

- Consent may not be inferred from mere silence.
- Consent is not voluntary if it is induced by force, threat, coercion, or deception. Deception does not include insincere expressions of caring or affection.

- Consent cannot be obtained by taking advantage of the incapacitation of another, such as someone who is incapacitated by drugs or alcohol or who is asleep, unconscious, or otherwise physically or mentally incapacitated.
- Consent may be withdrawn at any time, and if it is, sexual activity of any kind must stop.
- Consent to one form of sexual activity does not necessarily constitute consent to all forms of sexual activity, and consent to sexual activity with one person does not equal consent to engage in sexual activity with anyone else.
- The failure to obtain consent is never excused by the consumption of alcohol or drugs.

Maine law states that minors who are 14 or 15 years of age cannot legally consent to sexual activity if the other party is at least five years older. Minors under 14 years of age can never legally consent to sexual activity. Such sexual acts are felonies under Maine law.

i. Coercion or Force

Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will or, with respect to dating violence, remain in a relationship or in a place against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, including threats to harm oneself, and blackmail, including the threat to reveal personal information about a person which that person does not wish to have revealed. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity or, with respect to dating violence, remain in a relationship or in a place against an individual's will.

j. Incapacitation

Incapacitation is defined as the inability to make rational, reasonable decisions because the individual lacks the capacity to give knowing consent (i.e., to understand the "who," "what," when," "where," "why," or "how" of their sexual interaction). A person may be incapacitated because of their consumption of drugs/alcohol and/or because they are mentally/physically helpless or disabled, asleep, unconscious, or otherwise unaware that the sexual activity is occurring. When drugs or alcohol are involved, incapacitation is a state beyond impairment or intoxication and involves an assessment of the person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; and/or level of consciousness. The assessment is based on objectively and reasonably apparent signs of incapacitation when viewed from the perspective of a sober, reasonable person.

k. Consensual Relations in Regard to Sexual Discrimination, Including Sex-Based Harassment

Any person should be aware of UNE's policy regarding consensual intimate relationships as they pertain to employees and with respect to employees and students. They should

be aware that engaging in prohibited relationships may lead to allegations of sex discrimination, including sexual harassment, and could result in disciplinary actions even if the relationship itself was not the product of sex discrimination or sexual harassment. The complete policy is contained in the UNE Personnel Handbook, Section 12.2, https://www.une.edu/pdfs/une-personnel-handbook.

I. Additional Policy Definitions

- Formal complaint: For the purposes of this Title IX Grievance Policy, "formal complaint" means a document — including an electronic submission — filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within University of New England's education program or activity and requesting initiation of the procedures consistent with the Title IX Grievance Policy to investigate the allegation of sexual harassment.

- Complainant: For the purposes of this Title IX Grievance Policy, "complainant" means any individual who has reported being or is alleged to be the victim of conduct that could constitute sexual harassment.

- Relevant evidence and questions: "Relevant" evidence and questions refer to any questions and evidence that tend to make an allegation of sexual harassment more or less likely to be true. Information that does not directly relate to the facts at issue, but instead relates to the reputation, habits, personality, or qualities of an individual, is generally not relevant and will not be considered. Relevant evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of the Title IX Grievance Process:

    - Evidence and questions about the complainant's sexual predisposition or prior sexual behavior **unless:**
        - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant
        - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent
    - Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege. Legally recognized privileges include attorney-client privilege and a medical professional and patient relationship.
    - Any party's medical, psychological, and similar records unless the party has given voluntary written consent.

- Respondent: For the purposes of this Title IX Grievance policy, "respondent" means any individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

  Disability accommodations: This policy does not alter any institutional obligations under federal disability laws, including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even when the parties may be receiving accommodations in other institutional programs and activities.

19. TITLE IX COORDINATOR, DEPUTY TITLE IX COORDINATORS, AND CONFIDENTIAL RESOURCE ADVISER

Making a Report Regarding Covered Sexual Harassment to the Institution

The Title IX Coordinator is the individual designated by the President with responsibility for providing education and training about discrimination, harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, to the University community and for receiving and investigating reports and complaints of discrimination, harassment, and sexual misconduct in accordance with this policy.

Any person may report sex discrimination, which includes sexual harassment — whether or not the person reporting is the person alleged to be the victim of the conduct that may constitute sex discrimination — in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Angela Shambarger *Title IX Coordinator; Senior Director, Office of Title IX and Civil Rights Compliance*			
ashambarger@une.edu	207-221-4554	Mailing Address: 11 Hills Beach Road Biddeford, ME 04005	Office Locations: *Biddeford Campus:* HR Building *Portland Campus:* McDougall Hall 102

The following officials at the University have been designated **Deputy Title IX Coordinators** and are trained to receive reports. Deputy Coordinators will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX.

Hahna Patterson	*Assistant Vice President for Student Affairs*	207-602-2372	hpatterson@une.edu
Ray Handy	*Associate Dean of Student Affairs*	207-221-4213	rhandy@une.edu
Shane Long	*Assistant Dean of Students*	207-602-2372	slong11@une.edu
Heather Davis	*Director of Athletics*	207-602-2629	hdavis@une.edu
Janna Merritt	*Assistant Director of Human Resources*	207-602-2281	jmerritt2@une.edu
Shaylah Kelly	*Senior Employee Relations and Talent Development Manager*	207-602-2524	skelly14@une.edu

The Title IX Coordinator/Deputy Title IX Coordinators will:

- Provide oversight of any investigation of claims of discrimination, harassment, or sexual misconduct in violation of this policy
- Be available to assist any individual in accessing the resources of the University or the community in the event of any complaint under this policy
- Assist anyone who wishes to report a crime to local law enforcement
- Be responsible for all training and educational programs and monitoring the campus climate with regard to discrimination, harassment, and sexual misconduct
- Complete required annual reports to government agencies

Confidential Resource Adviser (Confidential Reporting)

The University has a designated **Confidential Resource Adviser** (CRA). This individual can receive disclosures or a report from an individual and maintain the information in a confidential way. A student can contact the CRA and make a disclosure. The CRA can assist the student in accessing on-campus supportive resources and can do a direct referral to Sexual Assault Response Services of Southern Maine for full advocacy support services.

Natalie Freiheit	*Counselor and Confidential Resource Adviser*	207-602-2549	nfreiheit@une.edu

In addition, **Student Counseling Services** may be reached at 207-602-2549 on the Biddeford Campus and 207-221-4550 on the Portland Campus. **In case of an emergency,** dial 366 from any campus phone for both the Portland and the Biddeford campuses. Dial 207-283-0176 from any non-campus phone. Local law enforcement can be reached by dialing 911.

As noted above, individuals may disclose incidents and seek support in a confidential manner by reporting to a designated confidential resource. A disclosure to a confidential resource in that person's capacity as a confidential resource does not constitute a report to the University or a complaint that will trigger an investigation or adjudication under this policy unless the person who reveals the alleged misconduct consents to the further disclosure to UNE. Individuals may also file anonymous reports on the University's Title IX webpage using the anonymous reporting feature here: https://www.une.edu/title-ix/reporting. Individuals filing an anonymous report must understand that while UNE will act on such reports, UNE's investigation may be impacted by the fact that a report is anonymous.

20. PROVISION OF INFORMATION

Mandatory Reporting to Title IX Coordinator

Any employee who is not a "confidential employee" (defined below) and who either has authority to institute corrective measures on behalf of UNE or has responsibility for administrative leadership, teaching, or advising in UNE's education program or activity is required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination.

Mandatory Reporting to Title IX Coordinator or Provision of Title IX Coordinator Contact Information

All other employees who are not "confidential employees" are required to:

- Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination or sexual harassment.
- Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sexual harassment to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination or sexual harassment.

No UNE community member should assume that an official of the University of New England knows about any particular situation of concern involving discrimination, harassment, or sexual

misconduct. When required to report to the Title IX Coordinator, an employee should report all incidents to the Title IX Coordinator.

A **"confidential employee"** is:

- A UNE employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which the privilege or confidentiality applies.
- A UNE employee whom UNE has designated as confidential under this policy for the purpose of providing services to persons related to sexual harassment. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination or sexual harassment in connection with providing those services.
- A UNE employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination or sexual harassment, but the employee's confidential status is only with respect to information received while conducting the study.

Clery Act Reporting

Pursuant to the Clery Act, the University includes statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the U.S. Department of Education; in all these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident (including incidents disclosed to confidential resources). The University will also issue a timely warning to the community for reports of Clery-defined conduct that may constitute a serious and ongoing threat, as outlined in the Annual Security Report:
https://www.une.edu/studentlife/security/safety-reports

Public Awareness Events

When UNE's Title IX Coordinator is notified of information about conduct that reasonably may constitute sexual harassment under Title IX or this policy that was provided by a person during a public event to raise awareness about sexual harassment that was held on UNE's campus or through an online platform sponsored by it, UNE is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons.

However, in all cases, UNE will use this information to inform its efforts to prevent sexual discrimination or sexual harassment, including by providing tailored training to address alleged sexual harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sexual harassment.

Nothing in Title IX or this policy obligates UNE to require its Title IX Coordinator or any other employee to attend such public awareness events.

21. NON-INVESTIGATORY MEASURES AVAILABLE UNDER THE TITLE IX GRIEVANCE POLICY

Supportive Measures

Providing Supportive Measures

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures, which are available to both parties. Supportive measures are non-disciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or when no formal complaint has been filed. Such measures are designed to restore or preserve equal access to UNE's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or UNE's educational environment or to deter sexual harassment. Supportive measures may also be available to provide support to either party during UNE's grievance procedures or during the Informal Resolution process. To be clear, supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or UNE's educational environment or to provide support during UNE's grievance procedures or during the Informal Resolution process.

UNE will maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of UNE to provide the supportive measures.

Supportive measures may be modified or terminated at times, including at the conclusion of the grievance process or the Informal Resolutions process. They may also be continued beyond the conclusion of either process. Either a Complainant or a Respondent may seek additional modification or termination of a supportive measure applicable to them.

The following are examples of supportive measures that may be appropriate so long as they are consistent with this policy:

- Facilitation of access to counseling and medical services
- Guidance in obtaining a sexual assault forensic examination
- Assistance with rescheduling exams and assignments and obtaining extensions of deadlines
- Academic supports
- Assistance with requesting accommodations through the appropriate office, if the complainant or respondent qualifies as an individual with a disability

- Changes in classes (including the ability to transfer course sections or withdraw from a course), work, housing, or extracurricular or any other activities, regardless of whether there is or is not a comparable alternative
- Campus escort and other safety planning steps
- Increased security and monitoring of certain areas of the campus
- Mutual imposition of a no-contact order, an administrative remedy designed to curtail contact and communications between two or more individuals
- Voluntary leave of absence
- Referral to resources to assist in obtaining a protective order
- Referral to resources to assist with any financial aid, visa, or immigration concerns
- Training and education programs related to sexual harassment

Any other remedial supportive measure that does not unreasonably interfere with either party's access to education or employment opportunities can be used to achieve the goals of this policy.

The University will also work in good faith to implement the requirements of judicially issued protective orders and similar orders to the extent that doing so is within its authority.

Emergency Removal

The University retains the authority to remove a student respondent from the University's program or activity on an emergency basis when the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If the University determines such removal is necessary, the respondent will be provided notice by the University's Title IX Coordinator or a designee. The respondent will have an opportunity to challenge the decision immediately following the removal. The challenge should be submitted in writing to either the Vice President for Student Affairs for student respondents or to the Vice President for Human Resources/Chief Human Resources Officer for employee respondents or their designees. Members of the University's Behavioral Risk Assessment Team or a designee will review the respondent's appeal of removal.

Administrative Leave

The University retains the authority to place a nonstudent employee respondent on administrative leave during the Title IX Grievance Process.

False Claims

It is a violation of this policy to knowingly make false statements or to knowingly submit false information during the investigation or grievance process, which includes the live hearing if held. Allegations that the complainant and/or the respondent knowingly made false statements or knowingly submitted false information during the investigation and grievance process may be

adjudicated and determined during the same grievance process, including during the live hearing. Although allegations that a party knowingly made false statements or knowingly submitted false information during the investigation and grievance process, including any live hearing, may be referred to Student Affairs, Human Resources, or the applicable University school or college for further investigation and adjudication, they need not be. The level of discipline will depend on the severity of the false claim or information, as well as professional codes that may apply to the person, and may include but is not limited to probation, suspension, expulsion, or termination.

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

UNE will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination whether sex discrimination occurred.

Retaliation

No person, including UNE, may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing provided for in this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but that arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, its regulations, or this policy.

UNE prohibits all such retaliation, including student-to-student (peer-to-peer) retaliation, in all of its educational programs and activities.

While students and some employees are not required to participate in an investigation, UNE does require non-respondent employees or other persons authorized by UNE to provide aid, benefit, or service under UNE's education program or activity to provide relevant information to assist UNE in adjudicating formal complaints under this policy.

When UNE receives information about conduct that reasonably may constitute retaliation under Title IX or this part, UNE will investigate and apply this policy as appropriate. Upon receiving a complaint alleging retaliation, UNE will initiate the grievance procedures under this policy or, as appropriate, an informal resolution process. If the complaint is consolidated with a complaint of sexual harassment, the grievance procedures initiated by the consolidated complaint will comply with this policy.

If individuals believe that they have been or another person has been the subject of retaliation, please contact the Title IX Coordinator or one of the Deputy Title IX Coordinators as soon as possible.

Sanctions for Violation of This Policy

Any party found responsible for violating this policy may be subject to disciplinary sanctions. Sanctions are determined on a case-by-case basis. Factors that are considered when determining a sanction include but are not limited to precedent for similar conduct violations, impact to the complainant, severity of the conduct, and, if any, prior conduct history at the University for similar conduct.

Any employee of the University found responsible of any element of this policy will be referred to and disciplined in accordance with the University Personnel Handbook, the Faculty Handbook, and any other applicable policy. See https://www.une.edu/hr/policies.

Any student found responsible for violating this policy is subject to the following sanctions:

- *Disciplinary Dismissal:* Permanent separation of the student from the University.
- *Time-Limited Disciplinary Suspension:* Separation for a stated period of time, which could include exclusion from classes, University functions, and University housing for a stated period of time. Conditions for readmission may be specified.
- *Deferred Disciplinary Suspension:* A student shall be suspended for a specific period of time and have that suspension stayed with the understanding that any verified violations occurring within the period of jeopardy will result in a suspension or dismissal hearing. Specific restrictions may also include but are not limited to:
    - Ineligibility to hold an office in a campus organization
    - Ineligibility to represent the University in any on- or off-campus event
    - Ineligibility to participate in a University-approved study abroad experience.
- *Denial of Privilege:* The student is allowed to finish the current academic term under probation. The student's records are encumbered, and the individual is prevented from reenrolling until certain conditions have been met.
- *Residence Hall Dismissal*: Permanent separation of the student from the residence halls. In matters for which a student is subject to the University's Residency Requirement, residence hall dismissal may result in suspension from the University.
- *Residence Hall Suspension:* Separation of the student from the residence halls for a stated period of time, after which the student is eligible to return. Conditions for readmission may be specified. In matters for which a student is subject to the University's Residency Requirement, residence hall suspension may result in suspension from the University.
- *Housing Reassignment:* Mandatory change of housing assignment within the housing system for inappropriate behavior in the current living situation.
- *Disciplinary Probation:* A designated period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, standards, and sanctions assigned for the probational period. A

Disciplinary Probation period includes the option of more severe disciplinary sanctions if the student is found to be violating any University regulations during the probationary period. Specific restrictions may also include but are not limited to:
    - Ineligibility to hold an office in a campus organization
    - Ineligibility to represent the University in any on- or off-campus event
    - Ineligibility to participate in a University-approved study abroad experience
- *Loss of Privileges:* Denial of specified privileges for a designated period of time.
- *Discretionary Sanctions:* Work assignments, service to the University (Community Restitution), educational programs/assignments, or other related discretionary assignments.
- *Restitution:* Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- *Fines:* A charge levied against an individual.
- *Disciplinary Reprimand*: A written notification to a student following a resolution process that acknowledges that the behavior in question was misconduct.
- *Communication Home: A* letter to a parent(s) or guardian.

Any student found responsible for violating the policy on **criminal sexual contact or stalking** will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous Code of Student Conduct violations.

Any student found responsible for violating the policies on **sexual assault, dating violence, or domestic violence** will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for violating the policy on **sexual exploitation or sexual harassment** will likely receive a recommended sanction ranging from a warning to expulsion, depending on the severity of the incident and taking into account any previous Code of Student Conduct violations.

22. APPLICABLE PROCEDURES UNDER THIS POLICY

Reports of sex discrimination under this policy, including sexual harassment and sexual misconduct, may be resolved in any one of the following ways: (1) by the Title IX Coordinator offering or providing supportive measures to the complainant and/or the respondent; (2) by the complainant making a formal complaint, which will prompt an investigation and grievance process; (3) by the Title IX Coordinator filing a formal complaint and initiating an investigation and grievance process; or (4) by both parties voluntarily and mutually entering into an Informal Resolution process, as deemed appropriate by the Title IX Coordinator, after the filing of a complaint. The nature of the reported conduct, the location of the reported conduct, and the role of the respondent determine the procedures that will be used to investigate and resolve complaints under this policy. The goal of the University in utilizing these procedures is to provide the appropriate framework for the investigation and, if necessary, the adjudication of these

complaints and to provide complainants and respondents with a fundamentally fair process for the resolution of such complaints.

For conduct covered by this policy, please see the process below. **For conduct involving sex discrimination, sexual harassment, or sexual misconduct that is not covered by this policy,** please see the University's Policy for Non-Title IX Sex Discrimination and Harassment. Reported conduct may also implicate other University policies and/or professional codes of conduct and, when applicable, will be referred to the applicable grievance procedures for resolution.

23. THE TITLE IX GRIEVANCE PROCESS

Filing a Formal Complaint and Estimated Time Frames for the Grievance Process

The time frame for the Title IX Grievance Process begins with the filing of a formal complaint. The Grievance Process will be concluded within a reasonably prompt manner, generally within 100 business days (approximately 60-75 days to conduct the investigation, 10 business days for the party to inspect and review evidence, and approximately 15 days for the investigatorto complete the investigation report) after the filing of the formal complaint.

The Grievance Process may be temporary delayed or extended for a limited time for a good cause, including but not limited to the absence of a party, a party's adviser, or a witness; concurrent law enforcement activity; the need to replace an adviser due to the violation of the rules of decorum (see the University's Rules of Decorum Policy for Title IX Grievance Process Hearing); or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below. If the Grievance Process is delayed or extended, the Title IX Coordinator, Investigator, or other appropriate UNE official will provide written notice to the complainant and the respondent of the delay or extension and the reasons for the action.

To file a formal complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged.

If a complainant does not wish to make a formal complaint, the Title IX Coordinator may determine a formal complaint is necessary. The Title IX Coordinator or another University designee will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this policy and process.

Nothing in the Title IX Grievance Policy or the University's Policy for Non-Title IX Sex Discrimination and Harassment, or any of the University's codes of conduct, prevents a complainant from seeking the assistance of state or local law enforcement at the same time they participate in this policy's Grievance Process or other applicable and available policy or procedure.

A complainant who files a formal complaint may elect, at any time, to address the matter through the UNE's Informal Resolution Process. Information about this process is available here: https://www.une.edu/title-ix-civil-rights-compliance.

Multiparty Situations

The University may consolidate formal complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of covered sexual harassment arise out of the same facts or circumstances.

a. Determining Jurisdiction

At any point, the Title IX Coordinator, the Vice President of Human Resources/Chief Human Resources Officer, the Title IX Investigator, or a designee will determine if the instant Title IX Grievance Process should apply to a formal complaint. The process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct is alleged to have occurred on or after August 14, 2020.
- The conduct is alleged to have occurred against a person in the United States.
- The conduct is alleged to have occurred in the University's education program or activity.
- The institution has or had control over the respondent and the context in which the sexual harassment is alleged to have occurred.
- The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, the University will investigate the allegations according to the Grievance Process.

b. Allegations Potentially Falling Under Multiple Policies

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all the allegations. This includes conduct that falls under employee policies, the Code of Student Conduct, and other professional codes of conduct (student and employee).

c. Mandatory Dismissal

A formal complaint must be dismissed under the following circumstances:

- The conduct alleged in the formal complaint would not constitute sexual harassment as defined above even if proved.

- The conduct alleged in the formal complaint did not occur in UNE's education program or activity.
- The conduct alleged in the formal complaint did not occur against a person in the United States.

If it is discovered at any time during the investigation that the determination of Title IX jurisdiction at the beginning of the investigation was based on a factual error and that the alleged conduct does not fall within the jurisdiction of this policy, the Title IX formal complaint will be dismissed. Dismissal of the formal complaint does not preclude UNE from taking action under other policies, in this handbook or the Personnel Handbook.

d. Discretionary Dismissal

The Title IX Coordinator or designee may dismiss a formal complaint brought under the Title IX Grievance Policy, or any specific allegations raised within that formal complaint, at any time during the investigation or hearing if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the formal complaint or any allegations raised in the formal complaint.
- The respondent is no longer enrolled or employed by the University.
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the formal complaint or allegations within the formal complaint.

e. Notice of Dismissal

Upon reaching a decision that the formal complaint will be dismissed, UNE will promptly and simultaneously send written notice to the parties of the dismissal of the formal complaint or any specific allegation within the formal complaint, and the reason for the dismissal, through their institutional email accounts. It is the responsibility of the parties to maintain and regularly check their email accounts.

f. Appeal of Dismissal

Any party may appeal a dismissal determination using the process set forth in "Appeals" below.

g. Notice of Removal

Upon dismissal for the purposes of Title IX, the University retains discretion to determine if a violation of one or more of the policies or standards set forth in the **University's Policy for Non-Title IX Sex Discrimination and Harassmen**t, Code of Student Conduct, professional codes of conduct, Personnel Handbook, and Faculty Handbook has occurred. If so, the University will promptly send written notice of the dismissal of the formal complaint under the Title IX Grievance Process and removal of the allegations to the appropriate conduct process.

24. NOTICE OF ALLEGATIONS

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur within five business days, unless extended for good cause, after the institution receives a formal complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified through their institutional email accounts if they are a student or employee and by other reasonable means if they are neither.

The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the formal complaint must be dismissed on the mandatory grounds identified above and will issue a Notice of Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the formal complaint will receive the Notice of Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

Contents of Notice

The Notice of Allegations will include the following:

- Notice of the University's Title IX Grievance Process, including any informal resolution process, and a hyperlink to a copy of the process.
- Notice of the allegations potentially constituting covered sexual harassment and sufficient details known at the time the notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
- A statement that the parties may have an adviser of their choice, who may be but is not required to be an attorney.
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or another source.
- A statement that knowingly making or submitting false statements during the investigation and grievance process is prohibited by this policy and UNE's Code of Student Conduct.

Ongoing Notice

If, in the course of an investigation, the institution decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Grievance Policy, the institution will notify the parties whose identities are known of the additional allegations through their institutional email accounts or other reasonable means.

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional charges.

25. ADVISER OF CHOICE AND PARTICIPATION OF ADVISER OF CHOICE

The University will provide each party equal access to one adviser of their choice, who may be but is not required to be an attorney. Each party may also have one support person of their choice, who may not be an attorney. If a party chooses a relative as a support person and that relative is an attorney, that relative may not have an attorney-client relationship with the party and may not act in their professional capacity as an attorney.

The University has a long-standing practice of having students participating in the process directly and not through an advocate or representative. Students are not required to participate in the process, but once they decide to participate, they are expected to participate directly and not indirectly through an advocate or representative. Each party participating as a complainant or respondent in this process may be accompanied by an Adviser of Choice to any meeting or hearing to which they are required or are eligible to attend. The Adviser of Choice is not an advocate. The Adviser of Choice can be but does not have to be an attorney. Except where explicitly stated by this policy, as consistent with the Final Rule, Advisers of Choice shall not participate directly in the process as per standard policy and practice of the University and as outlined in the University's **Policy for Non-Title IX Sex Discrimination and Harassment**.

During interviews or any meeting related to this process, including a live hearing if one is held, the complainant and the respondent may both choose to have an adviser and/or a support person with them. The adviser may be a member of the UNE community or any individual of the party's choosing, including an attorney. Either party is entitled to one attorney, either as an adviser or as a support person. Parties cannot have two attorneys in meetings. If a parent of a party is an attorney, that parent can serve as either an adviser or support person but cannot serve in the capacity as an attorney if the party is represented by another attorney. The adviser is there for support and may not address the Investigator. If the adviser and/or the support person is in any way disruptive to the investigatory process, the Investigator shall ask the adviser to leave the room, and the process shall not continue until they have done so.

The University will not intentionally schedule meetings or hearings on dates when the Advisers of Choice for all parties are not available, provided that the Advisers act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

The University's obligations to investigate and adjudicate in a prompt time frame under Title IX and other University policies apply to matters governed under this policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Adviser of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The University will not be obligated to delay a meeting or hearing under this process more than five business days due to the unavailability of an Adviser of Choice and may offer the party the opportunity to obtain a different Adviser of Choice or utilize one provided by the University.

Notice of Meetings and Interviews

The University will provide written notice to a party whose participation is invited or expected of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request extensions in the Grievance Process, which may be granted or denied in the sole judgment of the Title IX Coordinator, the Vice President of Human Resources/Chief Human Resources Officer, the Title IX Investigator, or a designee. The requester should provide reasonable notice, and the delay must not overly inconvenience other parties.

For example, a request to take a five-day pause made an hour before a hearing for which multiple parties and their advisers have traveled and prepared shall generally not be granted, while a request for a five-day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

The Title IX Coordinator, the Vice President of Human Resources/Chief Human Resources Officer, or a designee shall have sole judgment to grant further pauses in the process.

26. EVIDENCE

General Rules of Investigations

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will perform an investigation within a reasonably prompt time frame (as designated above) of the conduct alleged to constitute covered sexual harassment after issuing the Notice of Allegations.

The University, not the parties, has the burden of proof and the burden of gathering evidence (i.e., the responsibility of showing a violation of this policy has occurred). This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of

proof away from the University, and the University may not draw an adverse inference from a party's lack of participation. UNE, however, does not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The University cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) as described below.

Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the formal complaint and will include any:

- Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility
- Inculpatory or exculpatory evidence (i.e. evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source

All parties must submit any evidence they would like the investigator to consider, including expert witnesses and their statements, as soon as possible during the course of the investigation and prior to when the parties' time to inspect and review evidence begins unless it was not discovered or reasonably available at that time.

The University will make the evidence available to each party and each party's adviser, if any, to inspect and review through an electronic format or hard copy. UNE is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The parties will have 10 business days to inspect and review the evidence and to submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension as their designated extension request.

UNE will provide copies of the parties' written responses to the investigator to all parties and their advisers, if any.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisers must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX grievance process.

The parties and their advisers agree not to photograph or otherwise copy the evidence.

Inclusion of Evidence Not Directly Related to the Allegations

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be directly related to the allegations in the formal complaint will not be disclosed or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of a student. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a privilege log that may be reviewed by the parties and their advisers, if any.

27. INVESTIGATION

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence. The report will be provided at least 10 business days before the hearing, if a hearing is required.

The Investigative Report is not intended to catalog all evidence obtained by the investigator but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory – i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report.

The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is otherwise relevant.

The investigator will not make a determination of responsibility but may draw reasonable inferences from the evidence, make direct observations regarding the evidence, outline consistencies and inconsistencies in the record of evidence, and identify potential biases/motives of parties and witnesses.

28. HEARING

General Rules of Hearings

The University will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing, unless otherwise resolved through an informal resolution process.

The live hearing may be conducted with all parties physically present in the same geographic location, or at the University's discretion, any or all parties, witnesses, and other participants may

virtually appear at the live hearing through a University-approved video conferencing option, including but not limited to Zoom. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings, with the exception of the hearing deliberation, will be recorded, which will be made available to the parties for inspection and review. Parties, advisers, and witnesses may not record the hearing.

Prior to obtaining access to any evidence, the parties and their advisers must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Grievance Process. Once signed, this agreement may not be withdrawn.

Continuances or Granting Extensions

The University may determine that multiple sessions or a continuance (i.e., a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

Participants in the Live Hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as outlined below:

Complainant and Respondent (the Parties)

- The parties cannot waive the right to a live hearing.
- The University may still proceed with the live hearing in the absence of a party and may reach a determination of responsibility in their absence, including through any evidence gathered that constitutes a prior statement made by a party. See, Letter to Students, Educators, and other Stakeholders re Victim Rights Law Center et al. v. Cardona (August 24, 2021), available at: https://www2.ed.gov/about/offices/list/ocr/docs/202108-titleix-VRLC.pdf.
- The University will not threaten, coerce, intimidate, or discriminate against the party in an attempt to secure the party's participation.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's absence from the live hearing or refusal to answer cross-examination or other questions.
- The parties shall be subject to the University's Rules of Decorum, found here: https://www.une.edu/title-ix.

The Decision-Maker

- The hearing body will consist of a primary hearing officer and a two-person panel of decision-makers.

- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or adviser to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
- No member of the hearing body will have a conflict of interest or demonstrated bias in favor of or against complainants or respondents generally or in favor or against the parties to the particular case.
- The hearing body will be trained on topics including how to serve impartially; issues of relevance, including how to apply the rape shield protections provided for complainants; and any technology to be used at the hearing.
- The parties will have an opportunity to raise any objections regarding a decision-maker's actual or perceived conflicts of interest or bias prior to the commencement of the live hearing. Objections must be submitted in writing to the Vice President for Student Affairs or Vice President of Human Resourcesor a designee within three days of receiving the Notice of Hearing.

Adviser of Choice

- The parties have the right to select an adviser of their choice, who may be but does not have to be an attorney.
- The Adviser of Choice may accompany the parties to any meeting or hearing they are permitted to attend but may not speak for the party, except for the purpose of cross-examination.
- In addition to selecting an adviser to conduct cross-examination, the parties may select a process adviser and/or support person who may accompany the parties to any meeting or hearing they are permitted to attend but who may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the adviser. As a result, if a party does not select an adviser, the University will select an adviser to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.
- If a party does not attend the live hearing, the party's adviser may appear and conduct cross-examination on their behalf.
- If neither a party nor their adviser appear at the hearing, the University will provide an adviser to appear on behalf of the non-appearing party.
- Advisers shall be subject to the University's Rules of Decorum and may be removed upon violation of those rules.

Hearing Procedures

For all live hearings conducted under this Title IX Grievance Process, the procedure will be as follows:

- The primary hearing officer will open and establish rules and expectations for the hearing.
- The parties will each be given the opportunity to provide opening statements.
- The primary hearing officer and the hearing board will ask questions of the parties and witnesses.

- Parties will be given the opportunity for live cross-examination by advisers after the hearing board conducts its initial round of questioning. During the parties' cross-examination, the hearing board will have the authority to pause cross-examination at any time for the purposes of asking the hearing board's own follow-up questions and at any time necessary to enforce the established Rules of Decorum.
- Should a party or the party's Adviser choose not to cross-examine a party or witness, the party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Board.

Live Cross-Examination Procedure

Each party's adviser will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination, the adviser will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility, directly, orally, and in real time.

Before any cross-examination question is answered, the hearing officer will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Hearing Board, may be deemed irrelevant if they have been asked and answered and will not be permitted.

Review of Transcript

The transcript of the hearing will be available for review (though copies will not be provided) by the parties within 10 business days, unless there are any extenuating circumstances.

29. DETERMINATION REGARDING RESPONSIBILITY

Standard of Proof

The University uses the preponderance of the evidence standard for investigations and determinations regarding responsibility of formal complaints covered under this policy. This means that the hearing panel determines whether it is more likely than not that a violation of the policy occurred.

General Considerations for Evaluating Testimony and Evidence

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decision-maker.

Decision-makers shall objectively evaluate all relevant evidence — including both inculpatory and exculpatory evidence — and shall not make credibility determinations based on a person's status as a complainant, respondent, or witness. Nor shall decision-makers base their judgments on stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should consider the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and the testimony's reliability in light of corroborating or conflicting testimony or evidence. Decision-makers may give greater weight to firsthand testimony by parties and witnesses regarding their own memories of specific facts that occurred relative to other testimony.

Except if specifically barred by the Title IX Final Rule, a witness's testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

The Final Rule requires that the University allow parties to call "expert witnesses" for direct and cross-examination. While the expert witness will be allowed to testify and be crossed as required by the Final Rule, the decision-maker will be instructed to afford lower weight to nonfactual testimony of the expert relative to fact witnesses, and any expert testimony that is not directed to the specific facts that occurred in the case will be afforded lower weight relative to fact witnesses, regardless of whether the expert witness testimony is the subject of cross-examination and regardless of whether all parties present experts as witnesses. The University is not obligated to provide expert witnesses on behalf of any party.

When a party's or witness's conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the hearing board may draw an adverse inference as to that party's or witness's credibility.

Components of the Determination Regarding Responsibility

The written Determination Regarding Responsibility will be issued simultaneously to all parties through their University email account or other reasonable means as necessary. The Determination Regarding Responsibility will include:

- Identification of the allegations potentially constituting covered sexual harassment
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- Findings of fact supporting the determination
- Conclusions regarding which section(s) of the Code of Student Conduct, professional codes of conduct, the Personnel Handbook, and/or the Faculty Handbook, if any, the respondent has or has not violated
- For each allegation:
- A statement of, and rationale for, a determination regarding responsibility
- A statement of, and rationale for, any disciplinary sanctions imposed on the respondent
- A statement of, and rationale for, whether remedies designed to restore or preserve equal access to UNE's education program or activity will be provided to the complainant

- UNE's procedures and the permitted reasons for the complainant and respondent to appeal (described in the Appeals section below)

Timeline of Determination Regarding Responsibility

If there are no extenuating circumstances, the Determination Regarding Responsibility will be issued by the University within 10 business days of the completion of the hearing.

Finality

The Determination Regarding Responsibility becomes final either on the date that the University provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in the Appeals section below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

30. APPEALS

For appeals resulting from dismissal of a complaint, please see the section on dismissal of complaints.

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal to the Vice President of Student Affairs, Vice President of Human Resources, or a designee, within **10 business days** of being notified of the decision, indicating the grounds for the appeal.

An appeal must be based on claims of the following:

- A procedural irregularity that affected the outcome
- New evidence that would change the outcome and that was not reasonably available when the determination regarding responsibility was made
- Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter

If a party appeals, the institution will, as soon as practicable, notify the other party in writing of the appeal; however, the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than 10 pages with no more than 20 pages of attachments. Appeals that do not comply with these limits will be returned to the submitting party and will not be considered until the appeal complies with this policy.

Appeals will be decided by an appeal officer selected from a pool of trained appeal hearing officers who will be free of conflicts of interest and demonstrated bias and will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter. The outcome of

the appeal will be provided simultaneously to both parties in writing, including via email, and include the rationale for the decision.

Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

31. INFORMAL RESOLUTION

Except when a UNE employee is alleged to have harassed a UNE student, at any time prior to determining whether sex discrimination, including sexual harassment, occurred under this Grievance Process, including prior to making a formal complaint, either party may seek UNE's assistance to resolve allegations of sex discrimination or sex-based harassment and may elect to enter the Informal Resolution process. UNE has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination or when a complaint of sex discrimination is made and may decline to offer an informal resolution despite one or more of the parties' wishes. Reasons for UNE declining to allow an informal resolution include but are not limited to when it determines that the alleged conduct would present a future risk of harm to others.

Any participation in the Informal Resolution process must be voluntary and mutual. The parties will be required to provide their written consent, which will include all terms of the elected alternative process, including a statement that any agreement reached through the process is binding on the parties.

No party will be required or pressured to participate in the Informal Resolution process. UNE will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, employment or continuing employment, or the exercise of any other right. UNE will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to Informal Resolution.

The parties may elect to leave the Informal Resolution process at any point before the process is concluded. If a party elects to leave the Informal Resolution process, the Grievance Procedure that the parties paused will continue. In participating in the Informal Resolution process, the parties understand that the time frames governing the Grievance Procedure will temporarily cease and will only be reinstated upon reentry into the Grievance Procedure.

Supportive measures will be available, or continue to be available if already provided, during an Informal Resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination or sex-based harassment does not continue or recur within UNE's education program or activity.

Before initiation of an informal resolution process, UNE will provide to the parties notice that explains:

(i) The allegations
(ii) The requirements of the informal resolution process;

(iii) That, prior to agreeing to a final informal resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the UNE's grievance procedures;

(iv) That the parties' agreement to a final formal resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;

(v) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and

(vi) What information UNE will maintain and whether and how UNE could disclose such information for use in the applicable grievance procedures, if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or the decision-maker in the grievance procedures. Any person designated by UNE to facilitate an informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution will also have received training required by the current Title IX regulations.

Potential terms that may be in an informal resolution agreement include but are not limited to:

(i) Restrictions on contact
(ii) Restrictions on the respondent's participation in one or more of UNE's programs or activities or attendance at specific events, including restrictions UNE could have imposed as remedies or disciplinary sanctions had UNE determined at the conclusion of UNE's grievance procedures that sex discrimination occurred.

32. RESOURCES FOR REPORTING AND RESPONDING PARTIES

In the event that a student experiences sexual misconduct in any form, they should treat it seriously and tell someone. There are long-term effects, even if the immediate effects may not appear obvious. Help is important. Which service one starts with is not important. Each service is

designed to address the specific concerns of a situation. These resources are not isolated but cooperate to provide a web of support for the student who has experienced discrimination, harassment, or sexual misconduct. After the first contact, there is help in deciding who else might be of assistance.

If students experience discrimination, harassment, and/or sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, on or off campus and have questions or need help, contact any of the resources below.

On-Campus Confidential Resources

Confidentiality is distinguished from "privacy." For the purposes of this policy, unless shared with a confidential resource, information disclosed related to a report of discriminatory harassment or sexual misconduct will be shared with a limited number of individuals who "need to know" to ensure the prompt, equitable, and impartial review, investigation, and resolution of the report. The University will attempt to protect the privacy interests of the parties involved in a report under this policy but cannot ensure confidentiality unless disclosure is limited to a confidential resource.

Employees providing the following services are "confidential employees." These confidential campus professionals are individuals with the statutorily granted ability to maintain information as privileged and who cannot reveal such information unless they receive the express permission of the individual, there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise required by law. Confidential resources on campus include those listed below.

Student Counseling Services

For general counseling services support:

Biddeford Campus	**Portland Campus**
Phone: 207-602-2549 **Email**: bcstudentcounseling@une.edu Petts Health Center	**Phone:** 207-221-4550 **Email:** pcstudentcounseling@une.edu Second Floor of Linnell Hall
UNE's on-call counselor may be reached by calling 207-602-2549 and then pressing "6." Confidential and free to students. For more information, visit http://www.une.edu/studentlife/counseling.	

Student Health Center

During routine Health Center hours, professional staff can provide immediate emergency and ongoing medical care, sexually transmitted disease testing, and pregnancy testing and prevention. With the complainant's consent, the Health Center will make arrangements with local hospitals, municipal police departments, and Office of Safety and Security for

transportation and medical protocol used to provide evidence for prosecution. It will also provide referrals and advice regarding campus and community resources.

Biddeford Campus	Portland Campus
Phone: 207-602-2358 Lower Level of Petts Health Center	**Phone:** 207-221-4242 Second Floor of Linnell Hall

Confidential Resource Adviser Support

The University has a designated Confidential Resource Adviser (CRA) process for the designation of "confidential employees." This individual can receive disclosures or a report from an individual and maintain the information in a confidential way. The CRA at UNE is a partnership of the UNE Counseling Services and Sexual Assault Response Services of Southern Maine (SARSSM). A student can contact the CRA and make a disclosure. The CRA can assist the student in accessing on-campus supportive resources and can do a direct referral to SARSSM for full advocacy support services. The CRA and SARSSM staff have received training on sexual violence, intimate partner violence, and stalking; training regarding unconscious bias related to race, gender, and sexuality; training regarding awareness and prevention of sexual violence, intimate partner violence, or stalking; training on relevant federal policies, the University's policies, and the support resources available on and off campus; and training on trauma-informed response.

UNE Adviser CRA for students
The designated UNE employee who serves as a CRA for students is: **Natalie A. Freiheit, MA, NCC, LCPC** **Phone**: 207-602-2549 **Email**: nfreiheit@une.edu

On-Campus Resources (Private Resources)

Title IX Coordinator and the Deputy Title IX Coordinators

The Title IX Coordinator and Deputy Title IX Coordinators are trained to address issues of discrimination, harassment, and sexual misconduct. The Title IX Coordinator and/or Deputy Title IX Coordinators can assist UNE community members with accessing resources, provide reporting options, and assist in accessing supportive measures.

The Title IX Coordinator for the University of New England is:

Angela Shambarger *Title IX Coordinator; Senior Director, Office of Title IX and Civil Rights Compliance*			
ashambarger@une.edu	207-221-4554	Mailing Address:	Office Locations:

		11 Hills Beach Road Biddeford, ME 04005	*Biddeford Campus:* HR Building *Portland Campus:* McDougall Hall 102

Deputy Title IX Coordinators:

Hahna Patterson	*Assistant Vice President for Student Affairs*	207-602-2372	hpatterson@une.edu
Ray Handy	*Associate Dean of Student Affairs*	207-221-4213	rhandy@une.edu
Shane Long	*Assistant Dean of Students*	207-602-2372	slong11@une.edu
Heather Davis	*Director of Athletics*	207-602-2629	hdavis@une.edu
Janna Merritt	*Assistant Director of Human Resources*	207-602-2281	jmerritt2@une.edu
Shaylah Kelly	*Senior Employee Relations and Talent Development Manager*	207-602-2524	skelly14@une.edu

Office of Safety and Security:

In case of **emergency**, Office of Safety and Security for both the Portland and Biddeford campuses may be reached by **dialing 366** from any campus phone or 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. The Office of Safety and Security can also assist a student in reaching local emergency services.

Biddeford Campus	**Portland Campus**
Facilities Building Hills Beach Road Biddeford, ME 04005 **Phone:** (207) 602-2298	**Security Building** 716 Stevens Avenue Portland, ME 04103 Phone: (207) 602-2298
Online: https://www.une.edu/studentlife/security	

In nonemergency situations, Office of Safety and Security may be reached at 207-602-2298.

Housing and Residential/Commuter Life Staff (Biddeford Campus)

This office can provide immediate support and response, make arrangements as necessary for emergency services, provide advice regarding University and community resources, and provide intervention to ensure safety.

Biddeford Campus
Office Phone: 207-602-2272 **Area Coordinator Duty Phone:** 207-468-2389 **Email:** housing-office@une.edu East Residence Hall

Intercultural Student Engagement

This office can help connect students to resources and support regarding the intersectionality of support needs related to an individual's identities and needs, as well as providing connections to spiritual or faith communities.

Biddeford Campus	Portland Campus
Phone: 207-602-2826 Ripich Commons	**Phone**: 207-221-4212 02 Proctor Hall
Online: http://www.une.edu/ise	

Student Access Center

This office can be a resource for students with documented disabilities who may need accommodations in the investigation process. It may also be a resource in collaboration with the Title IX Coordinator in assisting students with temporary or new needs as a result of the complaint.

Biddeford Campus	Portland Campus
Phone: 207-602-2815 **Email:** bcstudentaccess@une.edu Student Access Center Building	**Phone:** 207-221-4212 **Email:** pcstudentaccess@une.edu Linnell Hall, First Floor

Off-Campus Resources

Police Department (911)

Any individual who experiences sexual misconduct can contact the police department or the Office of Safety and Security for assistance in obtaining medical attention and/or to initiate an investigation of the crime. The University will assist any individual who wishes to report to the police. Those departments can summon medical resources and criminal investigators; act as a liaison with local law enforcement, the county attorney, and the victim/witness advocate; and provide referrals and advice regarding University and community resources. The University will make reasonable efforts to protect and secure the complainant's rights, and the complainant will have input into the course of the investigation.

The Biddeford, Saco, and Portland police and fire departments are the primary providers of law enforcement, fire protection, and ambulance services for our campuses. To report a crime in progress, fire, or medical emergency at any UNE campus or facility, dial 911 (there is no need to

dial a prefix number). If there is time and it is safe to do so, dial (207) 283-0176 for the Office of Safety and Security. If you are using a campus phone, dial 366 for the Office of Safety and Security. A number of marked and conveniently located call boxes are available throughout both campuses. The call boxes have a blue light on the top and are generally found at the entrance of residence halls and campus parking lots. You may use the boxes to report a criminal incident, a fire, or other type of emergency or to request assistance from the Office of Safety and Security. An interactive map of call box locations can be found online at https://www.une.edu/parking. The University also supports the RAVE Guardian App as a resource for UNE community members to access support and to be notified in case of an emergency. Individuals can learn more about RAVE at https://www.une.edu/emergency/emergency-notifications.

Biddeford Police Department	**Portland Police Department**
39 Alfred Street Biddeford, ME 04005 **Emergency:** 911 **Nonemergency Phone:** 207-282-5127 **Website:** https://www.biddefordmaine.org/2198/Police	109 Middle Street Portland, ME 04101 **Emergency:** 911 **Nonemergency:** 207-874-8497 **Website:** https://www.portlandmaine.gov/436/Police
Saco Police Department	**Tangier Morocco Emergency Numbers**
20 Storer Street Saco, ME 04072 **Nonemergency Dispatch:** (207) 284-4535 **Police Administration:** (207)-282-8214 **Website:** https://www.sacomaine.org/departments/police_department/index.php	**Campus Address:** Rue Abi Chouaib Doukkali University of New England Tangier 90000, Morocco **Director of UNE Tangier:** Douaa Ben Imran **Phone:** 212 636 93 62 77 **Email:** dimran@une.edu **Police:** 19 **Fire/Ambulance:** 115 **US Embassy American Citizen Services:** 05376-37200 **US Consulate for Emergencies:** 05226-42000

Hospital Emergency Departments (Confidential Resource)

MaineHealth Maine Medical Center Portland and MaineHealth Maine Medical Center are healthcare units that can provide immediate medical care, sexually transmitted disease testing,

pregnancy testing, and preventive care. The successful prosecution of sexual assault/rape cases often depends on physical evidence collected soon after the assault. Each hospital has healthcare providers trained to treat individuals who have experienced sexual assault/rape, with attention to collecting physical evidence. To ensure the collection of evidence, individuals who have experienced sexual assault/rape are advised not to wash or change clothes prior to seeking immediate medical treatment.

Individuals who seek medical care following an assault may request support from a trained advocate at any point. SARSSM advocates are available 24 hours a day to go with you to any emergency room in York or Cumberland County. Advocates are trained to offer information and support. You can call the free, confidential, 24-hour helpline at 1-800-871-7741 to ask for an advocate to meet you or ask the hospital to call for you. There is no cost associated with requesting an advocate.

Portland: Maine Medical Center	**Biddeford: Southern Maine Health Care**
22 Bramhall Street Portland, ME 04102 **Phone:** 207-662-0111 **Website:** https://www.mainehealth.org/maine-medical-center	1 Medical Center Drive Biddeford, ME 04005 **Phone**: 207-294-5000 **Website:** https://www.mainehealth.org/southern-maine-health-care

Maine State Crisis Number (Confidential Resource)

The Maine Crisis Line is the state's crisis telephone response service for individuals experiencing a behavioral health crisis or having thoughts of suicide and/or self-harm. Trained crisis call specialists answer the line and provide 24/7 free and confidential telephone support and stabilization.

Maine State Crisis Line
Call/Text: 1-888-568-1112 **Chat:** https://heretohelpmaine.com/resources/

National Crisis Text Line (Confidential Resource)

The Crisis Text Line serves anyone, in any type of crisis, providing access to free, 24/7 support via text, chat, or WhatsApp.

Crisis Text Line
Text: Text "TALK" to 74174 **Chat:** https://www.crisistextline.org/text-us/ **WhatsApp:** https://www.crisistextline.org/text-us/

988Lifeline (Confidential Resource)

Formerly called the National Suicide Prevention Lifeline, 988 offers free, confidential, 24/7 access to trained crisis counselors who can help people experiencing mental health-related distress.

National Suicide Prevention Lifeline
Call/Text: 988 **Chat:** 988lifeline.org

Off-Campus Resources for Sexual Misconduct, Relationship Violence, and Stalking

Sexual Assault Response Services of Southern Maine (Confidential Resource)

Sexual Assault Response Services of Southern Maine, or SARSSM, provides confidential hotline counseling and referrals for victims of sexual misconduct. SARSSM may accompany you to a medical facility and stay with you during an examination if you wish.

Sexual Assault Response Services of Southern Maine
24/7 Helpline: 1-800-871-7741 **Website:** https://www.sarssm.org/

Maine Coalition Against Sexual Assault (MECASA) (Confidential Resource)

MECASA provides information and referrals to the sexual assault support centers throughout the state of Maine as well as other key resources, including for immigrants and native populations.

Maine Coalition Against Sexual Assault
24/7 Helpline: 1-800-871-7741 **Website:** https://www.mecasa.org/

Caring Unlimited (Confidential Resource)

York County's Dating/Domestic Violence Program provides 24-hour confidential hotline counseling and referral, free court advocates for help obtaining orders for protection from abuse, and confidential emergency shelter. Support and resources are also available for stalking.

Caring Unlimited
24/7 Hotline: 1-800-239-7298 **Chat Online:** https://www.caring-unlimited.org/helpline (Mondays, 1- 5 p.m.) **Website:** https://www.caring-unlimited.org/

Through These Doors (Confidential Resource)

Cumberland County Domestic Violence Services provides 24-hour confidential hotline counseling and referral, free court advocates for help obtaining orders for protection from abuse, and confidential emergency shelter. Support and resources are also available for stalking.

Through These Doors
Call: 1-800-537-6066 or 207-874-1973 **Website:** https://www.throughthesedoors.org/

Planned Parenthood of Maine (Confidential Resource)

Planned Parenthood is a confidential service and can provide information about emergency contraception and information about sexually transmitted diseases.

Biddeford Location	**Portland Location**
275 Main Street, Suite 102 Biddeford, ME 04005 **Phone**: 207-282-6620	443 Congress Street Portland, ME 04101 **Phone**: 1-800-230-7526 or 207-221-4242
Website: https://www.plannedparenthood.org/planned-parenthood-northern-new-england	

Rape, Abuse, and Incest National Network (RAINN) (Confidential Resource)

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline. RAINN also carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice.

RAINN
Call: 800-656-4673 **Chat:** online.rainn.org **Website:** https://www.rainn.org/

National Sexual Violence Resource Center (NSVRC) (Confidential Resource)

NSVRC maintains a directory of organizations that lists state and territory sexual assault coalitions, victim/survivor support organizations, and local communities of color sexual assault organizations. You can contact your state's or territory's coalition to find local resources that provide services to survivors.

NSVRC

Website: https://www.nsvrc.org/

Stalking Prevention, Awareness, & Resource Center (SPARC)

SPARC is a federally funded project providing education and resources about the crime of stalking. SPARC aims to enhance the response to stalking by educating the professionals tasked with keeping stalking victims safe and holding offenders accountable. SPARC ensures that allied professionals have the specialized knowledge to identify and respond to the crime of stalking.

SPARC
Website: https://www.stalkingawareness.org/

Transportation Resources

The University offers a variety of options for students to access transportation if they do not have their own vehicle. These can be used for emergency room visits or access to appointments, agency visits, police department visits, etc.

Emergency Room Transportation

Ambulance Service, 911: In case of an emergency, individual students, UNE security officers, student healthcare staff, and members of the public can contact an ambulance service.

On the Biddeford Campus, students can use the UNE Lyft program (see below) or contact UNE Security Dispatch (207-602-2298) to coordinate a ride back to campus if necessary.

Transportation to the General Biddeford/Saco/Old Orchard Beach and Portland Areas:

- Silver and Local Connections: Offering a regular schedule seven days a week, Biddeford, Saco, Old Orchard Beach (BSOOB) Transit's Silver Line transports UNE faculty, professional staff, and students to and from the Biddeford Campus and the Saco Transportation Center. From there, you can switch to several local buses to provide more flexibility for your commute. You just need to present a UNE ID card. Visit the BSOOB Transit website, https://bsoobtransit.org/, for routes, schedules, and the new bus locator tool.
- Greater Portland Metro and South Portland Buses: UNE students, faculty, and professional staff can ride the Greater Portland Metro, https://gpmetro.org/, and South Portland buses, https://southportland.org/departments/bus-transportation/bus-schedule/, for free with UNE ID cards. Greater Portland Metro services Westbrook, Falmouth, the Portland peninsula and as far north as Freeport and Brunswick. South Portland buses service the Southern Maine Community College and Willard Beach areas, the Maine Mall area, and in between, and they connect with GP Metro on the Portland peninsula.

Lyft Ride Share

In addition to offering free Lyft credits as an incentive for first-year students to leave their cars at home, UNE encourages students to use Lyft for trips that don't coincide with the bus schedule.

The Biddeford Campus has two designated Lyft pickup and drop-off locations, at the Campus Center and Alfond Forum bus shelters. The app is free and can be used to hail a ride, connect with your driver, and pay for the ride. For more information about transportation options, go to https://www.une.edu/studentlife/security/transportation.

Maine Crime Victims' Compensation Program

In some instances, an individual victim may incur expenses related to their assault. A victim's advocate from a sexual assault support center can assist with accessing free services or reimbursement for some medical-related expenses. Additionally, the state of Maine offers a Victims' Compensation Program. For more information on this, please contact:

Victims' Compensation Program

Maine Office of the Attorney General

6 State House Station

Augusta, ME 04333-0006

(207) 624-7882 or (800) 903-7882

https://www.maine.gov/ag/crime/victims_compensation/index.shtml

If a student has financial concerns related to their assault, there may be resources and support available through UNE as well. They should contact the Title IX Coordinator for more information.

Section G: Non-Title IX Sex Discrimination and Harassment Policy

NON-TITLE IX SEX DISCRIMINATION AND HARASSMENT, AUGUST 2025

General Rules Application

This policy applies to reports of sex discrimination, which includes sexual harassment, sexual assault, and other forms of sexual misconduct when allegations of sex discrimination fall outside the jurisdiction of Title IX and UNE's Title IX policy.

The University of New England is committed to maintaining a fair and respectful environment for living, work, and study. To that end, and in accordance with federal and state law and University policy, the University prohibits any member of the faculty, professional staff, administration, trustees, student body, vendors, volunteers, or visitors to campus, whether they are guests, patrons, independent contractors, or clients, from harassing and/or discriminating against any other member of the University community because of that person's race, sex, sexual orientation, gender identity and/or expression, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran.

This policy specifically prohibits any and all forms of sex discrimination or sexual harassment and all forms of sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, and sexual exploitation. This policy also addresses consensual sexual or romantic interactions when a supervisory relationship exists.

Every member of this University community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to behave in accordance with this policy as a condition of enrollment. Further, every University employee has an obligation to observe UNE policies, as well as federal and state law, as a term of employment. Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment and enrollment. No person will be penalized for good faith utilization of or participation in channels available for resolving concerns dealing with prohibited discrimination, harassment, or sexual misconduct.

Sex discrimination, sexual harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking, undermine the character and mission of the University and will not be tolerated. Students and employees who engage in conduct prohibited under this policy may be subject to disciplinary action, including dismissal from the University or termination of employment. In addition, the University will provide remedies to a complainant

designed to restore or preserve equal access to the University's educational programs or activities when a determination of responsibility has been made against a respondent.

1. SCOPE OF POLICY

a. Applicability

The purpose of this policy is to provide UNE with a mechanism to continue its efforts to prevent and remedy discrimination on the basis of sex in its education program and activity and to also specifically comply with applicable state and federal laws. This policy applies to allegedly aggrieved students and employees who allege that they have experienced sex discrimination, which, again, includes sexual harassment, sexual assault, and other forms of sexual misconduct, by any person employed by or affiliated with UNE, including trustees, employees, students, vendors, volunteers, alumni, prospective students, prospective employees, and visitors to campus. This includes guests, patrons, independent contractors, or clients of the University. This policy prohibits discrimination, harassment, or sexual misconduct discrimination in any University education program or activity, which means all academic, educational, extracurricular, athletic, and other programs when that conduct falls outside of the jurisdiction of Title IX and UNE's Title IX policy.

The term "education program or activity" includes all University operations, including locations, events, or circumstances in which the University exercised substantial control over both the respondent and the context in which the conduct occurred and any building owned or controlled by a student organization that is officially recognized by the University.

b. Jurisdiction of Policy

Generally, the jurisdiction of the University to take disciplinary action shall be limited to conduct that occurs on University premises; at off-campus University-sponsored, -supervised, or -related activities; at affiliated and clinical sites; on UNE international campuses; or during study abroad programs. In addition, any off-campus conduct that contributes to the alleged sex discrimination or sexual harassment that disrupts the educational environment and/or the mission or objectives of the University or that results in another student being excluded from participating in or enjoying the benefits of UNE's education program or activity may be acted upon by the University. Information posted or shared online, including social media, that violates this policy, the University Code of Student Conduct, the Faculty Handbook, the Personnel Handbook, or any other applicable UNE policy and/or creates a potentially hostile learning or work environment may also be acted upon by the University. The University reserves the right to complete any investigation and/or disciplinary process started while a student is enrolled, even if a student withdraws, graduates, or otherwise leaves the University. Similarly, UNE reserves

the right to conduct any employment-related investigation even if an employee is no longer employed by or working at or for UNE.

Such off-campus programs and activities covered under this policy include but are not limited to the Morocco campus, study abroad programs, internships, participation in affiliated programs, clinical programs, student teaching, conferences, and applied learning, such as, but not limited to, online course experiences.

c. Academic Freedom and Freedom of Expression

The University is committed to protecting, maintaining, and encouraging both freedom of expression and the academic freedom of inquiry, teaching, service, and research. However, these freedoms have limits and come with a responsibility that all members of the education community benefit from these freedoms without intimidation. In recognition and support of academic freedom for faculty in the pursuit of teaching, academic freedom and freedom of expression may be considered with all other circumstances when investigating and reviewing complaints and reports of discrimination, harassment, or sexual misconduct. However, academic freedom and freedom of expression never excuse behavior that constitutes a violation of the law or this policy.

2. NONDISCRIMINATION AND EQUAL OPPORTUNITY

Consistent with federal and state law and University policy, UNE is committed to the fundamental concept of equal opportunity for all members of the University community. The requirements and protections of this Grievance Procedure apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by applicable federal, state, or local law. All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a complainant, respondent, or witness.

This policy applies to allegations, claims, and complaints of sex discrimination and sexual harassment. This policy is enforced by UNE and, to the extent applicable, in accordance with federal law under Title VII of the Civil Rights Act of 1964; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013; and Section 504 of the Rehabilitation Act of 1973. It is also enforced under Maine law through the Maine Human Rights Act at 5 M.R.S.A. section 4551 et. seq, as well as other applicable federal and Maine state laws. Inquiries regarding compliance with these statutes may be directed to the individuals in the table below.

Angela Shambarger *Title IX Coordinator*	207-221-4554	ashambarger@une.edu	11 Hills Beach Road Biddeford, ME 04005
Bobbie Kallner	207-602-2339	bkallner@une.edu	11 Hills Beach Road Biddeford, ME 04005

Associate Vice President of Human Resources & Chief Human Resources Officer			
Office for Civil Rights, Department of Education	617-289-0111	ocr.boston@ed.gov	8th Floor 5 Post Office Square Boston, MA 02109
The Maine Human Rights Commission	207-624-6290	info@mhrc.maine.gov	19 Union Street, 2nd Floor Augusta, ME 04330
The U.S. Equal Employment Opportunity Commission	202-663-4900	info@eeoc.gov	131 M Street NE Washington, DC 20507

3. DEFINITIONS

a. Sex Discrimination

Under this policy, sex discrimination is defined as treating similarly situated students differently on the basis of sex, which includes sexual orientation, gender identity and/or expression, sex stereotypes, sex characteristics, and pregnancy or related conditions, without appropriate legal justification. It also includes excluding a student from participating in and enjoying the benefits of UNE's education program or activity on the basis of that student's sex, which includes sexual orientation, gender identity and/or expression, sex stereotypes, sex characteristics, and pregnancy or related conditions. Sex discrimination includes sexual harassment defined below.

b. Sexual Harassment

Sexual harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex or sexual orientation, gender identity and/or expression, sex stereotypes, sex characteristics, and pregnancy or related conditions as described below:

- An employee, agent, or other person authorized by UNE to provide an aid, benefit, or service under UNE's education program or activity explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct (i.e., quid pro quo).
- Unwelcome sexual conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from UNE's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The degree to which the conduct affected the person's ability to access UNE's education program or activity.
- The type, frequency, and duration of the conduct.
- The parties' ages, roles within UNE's education program or activity, and previous interactions and other factors about each party that may be relevant to evaluating the effects of the conduct.
- The location of the conduct and the context in which the conduct occurred.
- Other sexual harassment in UNE's education program or activity.

In addition, pursuant to the Maine Human Rights Act and Title VII of the Civil Rights Act of 1964, the University defines sexual harassment here and in the University Personnel Handbook to include any unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or status in a course, program, or activity
- Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual
- Such conduct has the purpose or effect of:
    - Interfering with the individual's work or educational performance
    - Creating an intimidating, hostile, or offensive working and/or learning environment
    - Interfering with or limiting one's ability to participate in or benefit from an educational program or activity

Examples of sexual harassment may include but are not limited to the following:

- Physical assault and/or physical, sexual acts perpetrated against a person's will or when the actor knew or should have known the person was incapable of giving consent due to the use of drugs or alcohol or due to an intellectual or other disability and when the Respondent should have known the person was incapacitated. This includes sexual assault (including rape), sexual battery, and any form of sexual coercion.
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation.
- Sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or body, preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose.
- A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliating another.

- Remarks speculating about a person's sexual activities or sexual history or remarks about one's own sexual activities or sexual history that do not serve a medical or academic purpose.
  Sexual harassment can occur regardless of the relationship, position, and/or respective gender of the parties. Same-sex harassment violates this policy, as does harassment by a student of a faculty member or a subordinate employee of their supervisor.

c. Sexual Assault

For the purposes of this policy, sexual assault means engaging in or attempting to engage in sexual intercourse with another individual, including:

- By use of force or threat
- Without effective consent, as defined below
- When the actor knew or should have known the individual was incapacitated by drugs and/or alcohol or was physically or mentally unable to make informed or reasonable judgments or provide consent

For purposes of this definition, sexual intercourse includes vaginal, anal, or oral penetration, no matter how slight, with any body part or object, or oral penetration involving any form of mouth-to-genital contact. For purposes of this definition sexual assault includes rape, fondling, incest, or statutory rape, as those crimes are defined by the Federal Bureau of Investigation (FBI) Uniform Crime Reporting Program. This definition conforms to the FBI's Uniform Crime Report and the Clery Act definition and also conforms to the definition of rape under Maine law.

d. Dating Violence

As defined in the Violence Against Women Act (VAWA) amendments to the Clery Act, dating violence includes any violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the following factors:

  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the persons involved in the relationship

Dating violence is violence by a person who has been in a romantic or intimate relationship with the Complainant.

The determination of whether there was a "social relationship of a romantic or intimate nature" is based on the Complainant's characterization of the relationship, the length and type of the relationship, and the frequency of interaction between the parties. The use of terms such as "hooking up" or "hanging out" instead of dating is not determinative.

Emotional and psychological abuse are not encompassed in this definition unless it is accompanied by physical violence, threats of physical violence, or coercion or force (defined below). Dating violence also does not include incidents of domestic violence.

e. Domestic Violence

As defined in the VAWA amendments to the Clery Act, domestic violence includes any felony or misdemeanor crimes of violence committed by (1) a current or former spouse or intimate partner of the victim, (2) a person with whom the victim shares a child in common, (3) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, (4) a person similarly situated to a spouse of the victim under Maine domestic or family violence laws, or (5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Maine.

f. Stalking

As defined in the VAWA amendments to the Clery Act, stalking is a course of conduct directed at a specific person that would cause a reasonable person to fear for their or another's safety or to suffer substantial emotional distress.

"Course of conduct" means two or more acts, including but not limited to acts in which the stalker directly or indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

"Reasonable person" means a person under similar circumstances and identities with the Complainant.

"Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Stalking includes the concept of cyberstalking, a particular form of stalking in which electronic media is used.

g. Criminal Sexual Contact (Includes "Fondling")

The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

The forced touching by the victim of the actor’s clothed or unclothed body parts, without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

This offense includes instances where the victim is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

h. Sexual Exploitation

Sexual exploitation is taking nonconsensual or abusive sexual advantage of another for one's own benefit or the benefit of anyone other than the individual being exploited. Sexual exploitation may include but is not limited to:

- Secretly observing the sexual actions of another or allowing others to secretly observe the sexual activity without the knowledge or consent of the other party
- Sharing visual images, audio recordings, or videos of another individual in a state of undress or of a sexual nature without their consent
- Causing an individual to prostitute themselves through force, intimidation, or coercion
- Knowingly exposing another individual to a sexually transmitted disease without their knowledge
- Exposing one's genitalia or causing another person's genitalia to be exposed without consent

i. Consent

Consent is the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Consent requires an outward demonstration through mutually understandable words or actions, indicating that an individual has freely chosen to engage in sexual contact and in all sexual activity during the sexual encounter.

Whether someone has given consent is based on the totality of the circumstances and is determined by reference to a reasonable person in the same or similar circumstances. Once consent to a sexual act has been given, consent can be withdrawn at any time by communicating words and/or actions to the other person before or during that sexual act. Consent is automatically withdrawn if someone becomes unconscious or falls asleep during a sexual act. Consent cannot be inferred from silence, passivity, or a lack of resistance. Nonverbal communication alone may or may not be sufficient to constitute consent. Furthermore, consent cannot be inferred from a current or previous dating or sexual relationship (or the existence of such a relationship with anyone else), from someone’s attire, from spending money, or from consent previously given. In other words, consenting to one sexual act does not imply consent to another sexual act. Consent may not be inferred from silence or lack of resistance.

- Consent is not voluntary if it is induced by force, threat, coercion, or deception. Deception does not include insincere expressions of caring or affection.
- Consent cannot be obtained by taking advantage of the incapacitation of another, such as someone who is incapacitated by drugs or alcohol or who is asleep, unconscious, or otherwise physically or mentally incapacitated.
- Consent may be withdrawn at any time, and if it is, sexual activity of any kind must stop.
- Consent to one form of sexual activity does not necessarily constitute consent to all forms of sexual activity, and consent to sexual activity with one person does not equal consent to engage in sexual activity with anyone else.

- The failure to obtain consent is never excused by the consumption of alcohol or drugs.

  Maine law states that minors who are 14 or 15 years of age cannot legally consent to sexual activity if the other party is at least five years older. Minors under 14 years of age can never legally consent to sexual activity. Such sexual acts are felonies under Maine law.

j. Coercion or Force

Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will or, with respect to dating violence, remain in a relationship or in a specific place against an individual's will. Coercion can include a wide range of behaviors, including intimidation; manipulation; threats, including threats to harm oneself; and blackmail, including the threat to reveal personal information about a person that the person does not wish to have revealed. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether to engage in sexual activity or, with respect to dating violence, remain in a relationship or in a specific place.

k. Incapacitation

Incapacitation is defined as the inability to make rational, reasonable decisions because the individual lacks the capacity to give knowing consent (e.g., to understand the "who," "what," when," "where," "why," or "how" of their sexual interaction). A person may be incapacitated because of their consumption of drugs/alcohol and/or because they are mentally/physically helpless or disabled, asleep, unconscious, or otherwise unaware that the sexual activity is occurring. When drugs or alcohol are involved, incapacitation is a state beyond impairment or intoxication and involves an assessment of the person's decision-making ability; awareness of consequences; ability to make informed, rational judgments; capacity to appreciate the nature and quality of the act; and/or level of consciousness. The assessment is based on objectively and reasonably apparent signs of incapacitation when viewed from the perspective of a sober, reasonable person.

l. Consensual Relations in Regard to Sexual Discrimination, Including Sexual Harassment

Any person should be aware of UNE's policy regarding consensual intimate relationships as they pertain to employees and with respect to employees and students. They should be aware that engaging in prohibited relationships may lead to allegations of sex discrimination, including sexual harassment, and could result in disciplinary actions even if the relationship itself was not the product of sex discrimination or sexual harassment. The complete policy is contained in the UNE Personnel Handbook, Section 12.2, https://www.une.edu/pdfs/une-personnel-handbook.

m. Additional Policy Definitions

- **Admission** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by the University of New England.
- **Complainant** means:
    - A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or sexual harassment as defined in this Grievance Procedure and who was participating or attempting to participate in the University's education program or activity
- A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or sexual harassment under this Grievance Procedure and who was participating or attempting to participate in the University's education program or activity at the time of the alleged sex discrimination or sexual harassment.
- **Complaint** means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged sex discrimination or sexual harassment at the institution.
- **Disciplinary sanctions** means consequences imposed on a respondent following a determination under this Grievance Procedure that the respondent violated the University's prohibition on sex discrimination or sexual harassment.
- **Party** means complainant or respondent.
- **Peer retaliation** means retaliation by a student against another student.
- **Relevant** means related to the allegations of sex discrimination or sexual harassment under investigation as part of this Grievance Procedure. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination or sexual harassment occurred, and evidence is relevant when it may aid a decision-maker in determining whether the alleged sex discrimination or sexual harassment occurred.
- **Remedies** means measures provided, as appropriate, to a complainant or any other person the University identifies as having had their equal access to the University's education program or activity limited or denied by sex discrimination or sexual harassment. These measures are provided to restore or preserve that person's access to the University's education program or activity after the University determines that sex discrimination or sexual harassment occurred.
- **Respondent** means a person who is alleged to have violated the University's prohibition on sex discrimination or sexual harassment.
- **Retaliation** means intimidation, threats, coercion, or discrimination by any person, the University, a student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's education program or activity for the purpose of interfering with any right or privilege secured by Title IX or because the person has reported information, made a complaint, testified, assisted or participated, or refused to participate in any manner in an investigation, proceeding, or hearing under this Grievance Procedure, including an Informal Resolution process.

- **Student** means an individual who is enrolled or is seeking to be enrolled at the University as a candidate for a degree or diploma or graduate certificate or who has taken a leave of absence as a result of having been a victim of sexual violence, intimate partner violence, or stalking.
- **Employee** means an individual who is employed by the University, including a full-time, part-time, or contracted employee, or an individual who was employed by the University, including a full-time, part-time, or contracted employee but who has taken a leave of absence or terminated the employment as a result of having been a victim of sexual violence, intimate partner violence, or stalking or for any other reason.

4. TITLE IX COORDINATOR, DEPUTY TITLE IX COORDINATORS, AND CONFIDENTIAL RESOURCE ADVISER

Title IX Coordinator and Deputy Title IX Coordinators (Non-Confidential Reporting)

The Title IX Coordinator is the individual designated by the President with responsibility for providing education and training about discrimination, harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, to the University community and for receiving and investigating reports and complaints of discrimination, harassment, and sexual misconduct in accordance with this policy.

Any person may report sex discrimination, including sexual harassment — whether or not the person reporting is the person alleged to be the victim of the conduct that may constitute sex discrimination — in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Angela Shambarger *Title IX Coordinator; Senior Director, Office of Title IX and Civil Rights Compliance*			
ashambarger@une.edu	207-221-4554	Mailing Address: 11 Hills Beach Road Biddeford, ME 04005	Office Locations: *Biddeford Campus:* HR Building *Portland Campus:* McDougall Hall 102

The following officials at the University have been designated **Deputy Title IX Coordinators** and are trained to receive reports. Deputy Coordinators will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX.

Hahna Patterson	*Assistant Vice President for Student Affairs*	207-602-2372	hpatterson@une.edu

Ray Handy	*Associate Dean of Student Affairs*	207-221-4213	rhandy@une.edu
Shane Long	*Assistant Dean of Students*	207-602-2372	slong11@une.edu
Heather Davis	*Director of Athletics*	207-602-2629	hdavis@une.edu
Janna Merritt	*Assistant Director of Human Resources*	207-602-2281	jmerritt2@une.edu
Shaylah Kelly	*Senior Employee Relations and Talent Development Manager*	207-602-2524	skelly14@une.edu

The Title IX Coordinator/ Deputy Title IX Coordinators will:

- Provide oversight of any investigation of claims of discrimination, harassment, or sexual misconduct in violation of this policy
- Be available to assist any individual in accessing the resources of the University or the community in the event of any complaint under this policy
- Assist anyone who wishes to report a crime to local law enforcement
- Be responsible for all training and educational programs and monitoring the campus climate with regard to discrimination, harassment, and sexual misconduct
- Complete required annual reports to government agencies

Confidential Resource Adviser (Confidential Reporting)

The University has a designated **Confidential Resource Adviser** (CRA). This individual can receive disclosures or a report from an individual and maintain the information in a confidential way. A student can contact the CRA and make a disclosure. The CRA can assist the student in accessing on-campus supportive resources and can do a direct referral to Sexual Assault Response Services of Southern Maine (SARSSM) for full advocacy support services.

Natalie Freiheit	*Counselor and Confidential Resource Adviser*	207-602-2549	nfreiheit@une.edu

In addition, **Student Counseling Services** may be reached at 207-602-2549 on the Biddeford Campus and 207-221-4550 on the Portland Campus. **In case of an emergency,** dial 366 from any campus phone for both the Portland and the Biddeford campuses. Dial 207-283-0176 from any non-campus phone. Local law enforcement can be reached by dialing 911.

The University has arranged for SARSSM to serve as the Adviser CRA for employees. This organization can receive disclosures or a report from an individual and maintain the information in a confidential way. An employee can contact the CRA and make a disclosure. The CRA can

assist the employee in accessing on-campus supportive resources and can do a direct referral to SARSSM for full advocacy support services.

SARSSM	*Confidential Resource Adviser/Advocacy Services*	800-871-7741	https://www.sarssm.org

As noted above, individuals may disclose incidents and seek support in a confidential manner by reporting to a designated confidential resource. A disclosure to a confidential resource in that person's capacity as a confidential resource does not constitute a report to the University or a complaint that will trigger an investigation or adjudication under this policy unless the person who reveals the alleged misconduct consents to the further disclosure to UNE. Individuals may also file anonymous reports on the University's Title IX webpage using the anonymous reporting feature here: https://www.une.edu/title-ix/reporting. Individuals filing an anonymous report must understand that while UNE will act on such reports, UNE's investigation may be impacted by the fact that a report is anonymous.

5. PROVISION OF INFORMATION

Mandatory Reporting to Title IX Coordinator

Any employee who is not a "confidential employee" (defined below) and who either has authority to institute corrective measures on behalf of UNE or has responsibility for administrative leadership, teaching, or advising in UNE's education program or activity is required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination.

Mandatory Reporting to Title IX Coordinator or Provision of Title IX Coordinator Contact Information

All other employees who are not "confidential employees" are required to do one of the following:

- Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination or sexual harassment.
- Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sexual harassment to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination or sexual harassment.

No UNE community member should assume that an official of the University of New England knows about any particular situation of concern involving discrimination, harassment, or sexual misconduct. When required to report to the Title IX Coordinator, an employee should report all incidents to the Title IX Coordinator.

A **"confidential employee"** is:

- A UNE employee whose communications are privileged or confidential under federal or state law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which the privilege or confidentiality applies.
- A UNE employee whom UNE has designated as confidential under this policy for the purpose of providing services to persons related to sexual harassment. If the employee also has a duty not associated with providing those services, the employee's confidential status is only with respect to information received about sex discrimination or sexual harassment in connection with providing those services.
- A UNE employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination or sexual harassment, but the employee's confidential status is only with respect to information received while conducting the study.

Clery Act Reporting

Pursuant to the Clery Act, the University includes statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the U.S. Department of Education; in all these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident (including incidents disclosed to confidential resources). The University will also issue a timely warning to the community for reports of Clery-defined conduct that may constitute a serious and ongoing threat, as outlined in the Annual Security Report.
https://www.une.edu/studentlife/security/safety-reports

Public Awareness Events

When UNE's Title IX Coordinator is notified of information about conduct that reasonably may constitute sexual harassment under Title IX or this policy that was provided by a person during a public event to raise awareness about sexual harassment that was held on UNE's campus or through an online platform sponsored by it, UNE is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons.

However, in all cases, UNE will use this information to inform its efforts to prevent sexual harassment, including by providing tailored training to address alleged sexual harassment in a particular part of its education program or activity or at a specific location when information indicates there may be multiple incidents of sexual harassment.

Nothing in Title IX or this policy obligates UNE to require its Title IX Coordinator or any other employee to attend such public awareness events.

6. APPLICABLE PROCESSES

The nature of the alleged conduct, the geographic location in which it occurs, and the status of the parties will dictate the applicable process for investigating and resolving reports. The Title IX

Coordinator or Deputy Title IX Coordinator will assess the complaint and submit it to the appropriate University investigation and grievance process, which are all designed to be fair, impartial, prompt, and equitable.

- When a reported behavior involves a student or an employee and is subject to both this policy and other University policies, which include non-Title IX covered sex harassment and other issues not under this policy and involve allegations based on the same events, the University will generally use this policy to adjudicate all issues.
- To the extent that alleged misconduct by a student implicates the University's various professional codes of conduct, the matter may, but is not required to be, referred for adjudication under the applicable college's conduct board proceedings following an investigation and hearing under this policy. This referral to a professional code of conduct board may occur even if no responsibility is determined under this policy or the nondiscrimination policies. To be clear, violations of a professional code may be adjudicated along with violations of this policy.

Whatever process is followed, any behavior by either party during the investigation or adjudication process that might constitute a violation of any UNE policy or code of conduct may be adjudicated at the same time by the body adjudicating the underlying complaint.

7. REPORTING SEX DISCRIMINATION, INCLUDING SEXUAL HARASSMENT, TO THE INSTITUTION

Anyone who experiences or is aware of what they believe constitutes sex discrimination or sexual harassment as defined above, including sexual assault, dating violence, domestic violence, or stalking, will be assisted in understanding their reporting and complaint options and will not be forced to make any type of report or complaint, except for those employees required to make a report.

For purposes of this policy, a complaint means an oral or written request to UNE that objectively can be understood as a request for UNE to investigate and make a determination about alleged discrimination under this policy. Any person making a report may be requested but is not required to put their report in writing.

Reports can be made in person, by mail, by telephone, online, or by email using the contact information listed for the Title IX Coordinator or by any means that results in the Title IX Coordinator receiving the person's verbal or written report. A report may be made at any time (including during nonbusiness hours) by using the telephone number, email, online reporting link (https://www.une.edu/title-ix/reporting), or mailing address listed for the Title IX Coordinator or other persons familiar with this policy.

8. AMNESTY INVOLVING ALCOHOL OR THE USE OF CONTROLLED SUBSTANCES

The University of New England encourages reporting of hazing, sex discrimination, and sexual harassment, which includes sexual misconduct, and seeks to remove any barriers to reporting such an incident. The University recognizes that a student who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential disciplinary consequences for their own conduct. Thus, a student who reports hazing, sex discrimination, or sexual harassment, either as a complainant or as a witness, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. Alcohol and/or drug use may affect the memory of the parties involved and may affect the outcome of the complaint. Further, immunity from disciplinary actions has no effect on actions by law enforcement agencies.

For more information, please see the “Responsible Action Clause” in this handbook.

9. DISABILITY ACCOMMODATIONS

This Grievance Procedure does not alter any institutional obligations under applicable federal, state, and/or local disability laws, including the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973, among others. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the policy that do not fundamentally alter the procedure. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the parties, even when the parties may be receiving accommodations in other institutional programs and activities.

If the complainant or respondent discloses a disability, the Title IX Coordinator or designee may consult, as appropriate, with the University’s Student Access Center to provide support to students with disabilities to determine how to comply with applicable law, including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any supportive measures, or any other reasonable accommodations requested during the Grievance Procedure.

10. TIMELINE FOR REPORTING UNDER THIS POLICY

For the purposes of this policy, although there is no time limit on reporting violations under this policy, complaints and reports of sex discrimination and sexual harassment, which includes sexual misconduct such as sexual assault, dating violence, domestic violence or stalking, and/or sexual harassment, should be reported as soon as possible after the incident(s) to be most effectively investigated. If a respondent is no longer affiliated with the University (as a student or

employee), the University may still provide reasonably available supportive measures to the complainant, assist the complainant in identifying external reporting options, investigate and adjudicate the alleged misconduct, and take other appropriate action to address the reported conduct.

11. INITIAL ASSESSMENT UPON RECEIPT OF A REPORT AND FILING OF COMPLAINT BY TITLE IX COORDINATOR

Within **10 business days** of receiving a report of a potential violation of this policy, the Title IX Coordinator will reach out to the person allegedly aggrieved to explain options for proceeding with a complaint, the potential for informal and formal resolution of a complaint, and the availability of supportive measures. At that time, the Title IX Coordinator will conduct an initial assessment of the reported information. The initial assessment seeks to gather information only to determine whether this policy applies and what form of resolution is reasonably available and appropriate. The initial assessment is not an investigation of responsibility. The initial assessment may also include a determination as to whether a timely warning pursuant to the Clery Act is necessary to protect the safety of the complainant or any other individuals.

In receiving a report under this policy, the University will make all reasonable efforts to protect the privacy rights of the complainant, the respondent, 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 will, whenever possible, honor the complainant's wishes with respect to supportive measures and seek to respect the complainant's autonomy in making a determination regarding how to proceed. Any request for confidentiality must be balanced against the University's obligation to provide a safe and nondiscriminatory environment for the entire University community. The University may also be severely limited in its ability to take action against a respondent if strict confidentiality is maintained. The Title IX Coordinator, the Director of Safety and Security, the Chair of the CARE Team, and/or their designee(s) shall be responsible for evaluating all requests for confidentiality and will consider the severity of the alleged conduct, the ages of the parties, any pattern of misconduct, and the rights of the respondent in assessing whether such a request can be honored. In limited circumstances, typically when a risk of imminent harm to an individual or others or a threat to the physical health and safety of the campus is determined to exist, the University may need to take immediate action upon receipt of a report under this policy, and/or a Title IX Coordinator may need to initiate a formal complaint against a complainant's wishes. In such cases, the Title IX Coordinator will notify the complainant and keep the complainant informed of the status of the investigation and resolution of the complaint at reasonable intervals.

As part of the initial assessment phase, the University's Title IX Coordinator will determine whether the alleged conduct, if true, falls under this policy. If the alleged conduct falls outside of this policy, the University will then assess whether the alleged conduct, if true, would amount to

a violation of another policy. If the complaint proceeds to a formal investigation under this policy or another policy and the investigation reveals that the wrong policy was initially applied, the University will transfer the complaint to the appropriate process for resolution or dismiss the complaint, as appropriate.

12. SUPPORTIVE MEASURES

Providing Supportive Measures

Supportive measures are available to both parties. They are individualized measures offered as appropriate and as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to (1) restore or preserve that party's access to UNE's education program or activity, including measures that are designed to protect the safety of the parties or UNE's educational environment or (2) provide support during UNE's grievance procedures or during the Informal Resolution process. To be clear, supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or UNE's educational environment or to provide support during UNE's grievance procedures or during the Informal Resolution process. UNE must not impose such measures for punitive or disciplinary reasons. Supportive measures are possible whether or not a complaint is filed and regardless of whether the complainant or Title IX Coordinator files a complaint.

UNE will maintain as confidential any supportive measures provided to the complainant or respondent to the extent that maintaining such confidentiality would not impair the ability of UNE to provide the supportive measures.

Supportive measures may be modified or terminated at times, including at the conclusion of the grievance process or the Informal Resolution process. They may also be continued beyond the conclusion of either process. Either a complainant or a respondent may seek additional modification or termination of a supportive measure applicable to them.

The following are examples of supportive measures that may be appropriate so long as they are consistent with this policy:

- Facilitation of access to counseling and medical services
- Guidance in obtaining a sexual assault forensic examination
- Assistance with rescheduling exams and assignments and obtaining extensions of deadlines
- Academic supports
- Assistance with requesting accommodations through the appropriate office, if the complainant or respondent qualifies as an individual with a disability

- Changes in classes (including the ability to transfer course sections or withdraw from a course), work, housing, or extracurricular or any other activities, regardless of whether there is or is not a comparable alternative
- Campus escort and other safety planning steps
- Increased security and monitoring of certain areas of the campus
- Mutual imposition of a no-contact order, an administrative remedy designed to curtail contact and communications between two or more individuals
- Voluntary leave of absence
- Referral to resources to assist in obtaining a protective order
- Referral to resources to assist with any financial aid, visa, or immigration concern
- Training and education programs related to sexual harassment

Any other remedial supportive measure that does not unreasonably interfere with either party's access to education or employment opportunities can be used to achieve the goals of this policy.

The University will also work in good faith to implement the requirements of judicially issued protective orders and similar orders to the extent that doing so is within its authority.

Emergency Removal

The University retains the authority to remove a student respondent from the University's program or activity on an emergency basis when the University (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal.

If the University determines such removal is necessary, the respondent will be provided notice by the University's Title IX Coordinator or a designee. The respondent will have an opportunity to challenge the decision immediately following the removal. The challenge should be submitted in writing to either the Vice President for Student Affairs for student respondents or to the Vice President for Human Resources/Chief Human Resources Officer for employee respondents or their designees. Members of the University's Behavioral Risk Assessment Team or a designee will review the respondent's appeal of removal.

Administrative Leave

The University retains the authority to place a nonstudent employee respondent on administrative leave during the Title IX Grievance Process.

13. FALSE CLAIMS

It is a violation of this policy to knowingly make false statements or to knowingly submit false information during the grievance procedure deliberate false statements or knowingly submit false information in the investigation or grievance proceedings of conduct covered under this

policy and the Title IX Grievance Process. In such instances, the parties may be subject to disciplinary action, which may be determined by the body adjudicating the underlying allegations. The level of discipline will depend on the severity of the false claim or information as well as professional codes that may apply to the person and may include but is not limited to probation, suspension, expulsion, or termination.

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

UNE will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination whether sex discrimination occurred.

14. RETALIATION

UNE prohibits all retaliation, including student-to-student (peer-to-peer) relation, in all of its educational programs and activities. Retaliation means intimidation, threats, coercion, or discrimination against any person by UNE, a student, or an employee or other person authorized by UNE to provide aid, benefit, or service under UNE's education program or activity for the purpose of interfering with any right or privilege secured by Title IX or this policy or because the person has reported information, made a complaint, testified, assisted, or participated or, except as provided immediately below, refused to participate in any manner in an investigation, proceeding, or hearing under this policy, including in an Informal Resolution process, in grievance procedures, and in any other actions taken by UNE under this policy.

UNE does require employees or other persons authorized by UNE to provide aid, benefit, or service under UNE's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part. When UNE receives information about conduct that reasonably may constitute retaliation under Title IX or this part, UNE will investigate and apply this policy as appropriate. Upon receiving a complaint alleging retaliation, UNE will initiate the grievance procedures under this policy or, as appropriate, an informal resolution process. If the complaint is consolidated with a complaint of sexual harassment involving a student complainant or student respondent, the grievance procedures initiated by the consolidated complaint will comply with this policy.

If you believe that you have been or another person has been the subject of retaliation, please contact the Title IX Coordinator or one of the Deputy Title IX Coordinators as soon as possible.

15. SANCTIONS FOR VIOLATION OF THIS POLICY

Any party found responsible for violating this policy may be subject to disciplinary sanctions. Sanctions are determined on a case-by-case basis. Factors that are considered when determining a sanction include but are not limited to precedent for similar conduct violations, impact to the

complainant, severity of the conduct, and, if any, prior conduct history at the University for similar conduct.

Any employee of the University found responsible of any element of this policy will be referred to and disciplined in accordance with the University Personnel Handbook, the Faculty Handbook, and any other applicable policy. See https://www.une.edu/hr/policies.

Any student found responsible for violating this policy is subject to the following sanctions:

- *Disciplinary Dismissal:* Permanent separation of the student from the University.
- *Time-Limited Disciplinary Suspension:* Separation for a stated period of time, which could include exclusion from classes, University functions, and University housing for a stated period of time. Conditions for readmission may be specified.
- *Deferred Disciplinary Suspension:* A student shall be suspended for a specific period of time and have that suspension stayed with the understanding that any verified violations occurring within the period of jeopardy will result in a suspension or dismissal hearing. Specific restrictions may also include but are not limited to:
    - Ineligibility to hold an office in a campus organization
    - Ineligibility to represent the University in any on- or off-campus event
    - Ineligibility to participate in a University-approved study abroad experience.
- *Denial of Privilege:* The student is allowed to finish the current academic term under probation. The student's records are encumbered, and the individual is prevented from reenrolling until certain conditions have been met.
- *Residence Hall Dismissal*: Permanent separation of the student from the residence halls. In matters for which a student is subject to the University's Residency Requirement residence hall dismissal may result in suspension from the University.
- *Residence Hall Suspension:* Separation of the student from the residence halls for a stated period of time, after which the student is eligible to return. Conditions for readmission may be specified. In matters for which a student is subject to the University's Residency Requirement, residence hall suspension may result in suspension from the University.
- *Housing Reassignment:* Mandatory change of housing assignment within the housing system for inappropriate behavior in the current living situation.
- *Disciplinary Probation:* A designated period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, standards, and sanctions assigned for the probational period. A Disciplinary Probation period includes the option of more severe disciplinary sanctions if the student is found to be violating any University regulations during the probationary period. Specific restrictions may also include but are not limited to:
    - Ineligibility to hold an office in a campus organization
    - Ineligibility to represent the University in any on- or off-campus event
    - Ineligibility to participate in a University-approved study abroad experience
- *Loss of Privileges:* Denial of specified privileges for a designated period of time.

- *Discretionary Sanctions:* Work assignments, service to the University (Community Restitution), educational programs/assignments, or other related discretionary assignments.
- *Restitution:* Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- *Fines:* A charge levied against an individual.
- *Disciplinary Reprimand*: A written notification to a student following a resolution process that acknowledges that the behavior in question was misconduct.
- Letter to a parent(s) or guardian.

Any employee of the University found responsible for any element of this policy is subject to discipline or other corrective action in accordance with the University Personnel Handbook, the Faculty Handbook, and any other applicable policy up to and including termination. (See Personnel Handbook, 12.8 Disciplinary Policy, https://www.une.edu/hr/policies.)

Any student found responsible for violating the policy on **criminal sexual contact or stalking** will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous Code of Student Conduct violations.

Any student found responsible for violating the policies on **sexual assault, dating violence, or domestic violence** will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for violating the policy on **sexual exploitation or sexual harassment** will likely receive a recommended sanction ranging from a warning to expulsion, depending on the severity of the incident and taking into account any previous Code of Student Conduct violations.

16. APPLICABLE PROCEDURES UNDER THIS POLICY

In response to a report of sex discrimination, sexual harassment, or sexual misconduct not covered by Title IX but covered under this policy, the report may be resolved in any one of the following ways: (1) by the Title IX Coordinator offering or providing supportive measures to the complainant and/or the respondent; (2) by the complainant making a complaint, which will prompt an investigation and grievance process; (3) by the Title IX Coordinator filing a complaint and initiating an investigation and grievance process; or (4) by both parties voluntarily and mutually entering into an Informal Resolution process, as deemed appropriate by the Title IX Coordinator, after the filing of a complaint.

The nature of the reported conduct, the location of the reported conduct, and the role of the respondent determine the procedures that will be used to investigate and resolve complaints under this policy. The goal of the University in utilizing these procedures is to provide the appropriate framework for the investigation and, if necessary, the adjudication of these complaints and to provide complainants and respondents with a fundamentally fair process for the resolution of such complaints.

For conduct covered by this policy that involves students, please see the process below.

Reported conduct may also implicate other University policies and/or professional codes of conduct and, when applicable, will be referred to the appropriate grievance procedures for resolution.

The University of New England's Grievance Policy for Addressing Complaints of Sex Discrimination and Non-Title IX Sexual Harassment

This section describes the grievance procedures that govern the adjudication of a complaint of sex discrimination, including sexual harassment, involving a student as a party.

1. FILING A COMPLAINT

Who can make a complaint?

The following persons have a right to make a complaint of sex discrimination, including complaints of sexual harassment, requesting that UNE investigate and make a determination about alleged discrimination under this policy:

- A student or employee of the University who is alleged to have been subjected to conduct that could constitute sexual harassment under Title IX
- A person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sexual harassment under Title IX at a time when that individual was participating or attempting to participate in the University's education program or activity
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant
- The Title IX Coordinator, after making the determination specified below

The following persons have a right to make a complaint of sex discrimination, excluding sexual harassment, requesting that UNE investigate and make a determination about alleged discrimination under this policy:

- Any student
- Any person other than a student or employee who was participating or attempting to participate in UNE's education program or activity at the time of the alleged sex discrimination

Who can I report a complaint to?

Any reports of sex discrimination and sexual harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a party can make a complaint.

The University requires that any employee who is not a confidential employee and who either has authority to institute corrective measures on behalf of UNE or has responsibility for administrative leadership, teaching, or advising in UNE'S education program or activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sexual harassment.

All other employees at UNE who are not confidential employees and are not employees as identified above are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination, including sexual harassment.

Note: If an employee has personally been subjected to conduct that reasonably may constitute sex discrimination under Title IX or any institutional policy or this Grievance Procedure, these reporting requirements do not apply to an employee reporting a personal Complaint.

Can I make a complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?

Yes. UNE has an obligation to appropriately evaluate all complaints, regardless of whether there is a concurrent complaint before law enforcement. This process is an administrative process that is different from the criminal justice process.

Title IX Coordinator-Initiated Complaints

In the absence of a complaint or the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an Informal Resolution process, the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination or sexual harassment. This determination is fact specific, and the Title IX Coordinator must consider:

- The complainant's request not to proceed with the initiation of a complaint
- The complainant's reasonable safety concerns regarding initiation of a complaint

- The risk that additional acts of sex discrimination or sexual harassment would occur if a complaint were not initiated
- The severity of the alleged sex discrimination or sexual harassment, including whether the sex discrimination or sexual harassment, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the sex discrimination or sexual harassment and prevent its recurrence
- The age and relationship of the parties, including whether the respondent is a UNE employee
- The scope of the alleged sex discrimination or sexual harassment, including information suggesting a pattern of ongoing sex discrimination or sexual harassment alleged to have impacted multiple individuals
- The availability of evidence to assist a decision-maker in determining whether sex discrimination or sexual harassment occurred
- Whether the University could end the alleged sex discrimination or sexual harassment and prevent its recurrence without initiating these grievance procedures

If after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents as an imminent and serious threat to the health or safety of the complainant or other person or that the conduct as alleged prevents UNE from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint.

If the Title IX Coordinator does initiate the complaint after making this determination, the Title IX Coordinator must notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures as listed in Section E of these procedures.

Format of the Complaint

As defined in ***DEFINITION SECTION (III (D) (Complaint)*** of these procedures, a Complaint can be an oral or written request to the University that objectively can be understood as a request for UNE to investigate and make a determination about alleged sex discrimination or sexual harassment at the institution.

2. MULTIPARTY SITUATIONS

The University may consolidate complaints alleging sex discrimination or sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination or sexual harassment arise out of the same facts or circumstances.

UNE can consider factors when making this fact-specific determination, which include but are not limited to:

- The facts and circumstances of the particular complaint, including the toll of separate proceedings on the parties
- Any risks to the fairness of the investigation or outcome

3. DISMISSAL OF A COMPLAINT

Grounds for Dismissal

A complaint may be dismissed for any of the following reasons:

- UNE is unable to identify the respondent after taking reasonable steps to do so.
- The respondent is not participating in UNE's education program or activity and is not employed by UNE.
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and UNE determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sexual harassment under Title IX or this part even if proven.
- UNE determines the conduct alleged in the complaint, even if proven, would not constitute sexual harassment under this policy.

Prior to dismissing the complaint under this paragraph, UNE will make reasonable efforts to clarify the allegations with the complainant.

Notice of Dismissal

If the University dismisses a complaint, UNE will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, UNE will also promptly notify the respondent of the dismissal and the basis for the dismissal following notification to the complainant, or simultaneously if notification is in writing.

Appealing the Dismissal of a Complaint

A dismissal may be appealed by either party as provided below. If the dismissal is appealed, UNE will do the following:

- Notify the parties of any appeal, including notice of the allegations consistent with paragraph (c) of this section if notice was not previously provided to the respondent.
- Implement appeal procedures equally for the parties.
- Ensure that the decision-maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint.
- Ensure that the decision-maker for the appeal has been trained as set forth in the Title IX regulations.
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

- Notify the parties of the result of the appeal and the rationale for the result.

When UNE dismisses a complaint, it will still offer supportive measures to the complainant as appropriate. Except when a respondent is either not identified or is no longer participating in UNE's education program or activity, UNE will also offer supportive measures to the respondent as appropriate.

When UNE dismisses a complaint, the Title IX Coordinator will promptly take other appropriate and effective steps to ensure that sexual harassment does not continue or recur within UNE's education program or activity.

4. ALLEGATIONS POTENTIALLY FALLING UNDER TWO POLICIES

If the alleged conduct includes conduct that would not constitute sexual harassment covered under Title IX but includes sex discrimination or sexual harassment that constitute covered conduct under this policy, this policy will be applied in the investigation and adjudication of all the allegations.

5. ADVISER OF CHOICE AND PARTICIPATION OF ADVISER OF CHOICE

A party's adviser of choice may accompany the party to any meeting or proceeding, and UNE cannot limit the choice of who that adviser may be or limit their presence for the party in any meeting or proceeding unless such adviser does not follow UNE's established rules of decorum and rules around participation.

6. COMPLAINT INVESTIGATION

Throughout its grievance procedures, UNE will treat both complainants and respondents equitably. The Title IX Coordinator, investigator, and decision-makers may not be involved in the adjudication of any complaint under UNE's grievance procedures if they have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

All investigations are conducted with the presumption that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of UNE's grievance procedures for complaints of sex discrimination, including sexual harassment.

After a complaint has been received or otherwise initiated and the matter has been determined to fall within the scope of this policy, the following process will be followed.

Written Notice of Allegations

Within **10 business days** of the determination that the grievance procedures under this section apply and that the matter will not be dismissed, UNE will provide written notice to the parties whose identities are known with sufficient time for the parties to prepare a response before any initial interview.

The written notice will include the following information:

- Information about the grievance procedures and the opportunity to pursue an Informal Resolution as set forth in this policy
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s)
- The conduct alleged to constitute sexual harassment under this policy, and the date(s) and location(s) of the alleged incident(s) to the extent that information is available to UNE
- A statement that the respondent is presumed not responsible for the alleged sexual harassment until a determination is made at the conclusion of the grievance procedures under this section and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision-maker
- A statement that retaliation, including peer retaliation, is prohibited
- A statement that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence upon the request of any party
- A statement that the parties may have an adviser of their choice who may be but is not required to be an attorney and who may be present in any meeting or proceeding, subject to restrictions applicable to both parties and as set forth in this policy
- A statement that UNE prohibits knowingly making false statements or knowingly submitting false information during the grievance procedure

Written Notice of Additional Allegations

If, in the course of an investigation, UNE decides to investigate additional allegations of sex discrimination or sexual harassment by the respondent toward the complainant that are not included in the initial written notice or that are included in a complaint that is consolidated, UNE will provide written notice of the additional allegations to the parties whose identities are known.

Possible Delay of the Provision of a Notice of Allegations

To the extent that UNE has reasonable concerns for the safety of any person as a result of providing a notice of allegations, UNE may reasonably delay providing written notice of the allegations to appropriately address the safety concern. Reasonable concerns will be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

Participation of Students in an Investigation

No student is required to participate in the investigation, but a lack of any student's participation will not alone cause UNE to cease its investigation. Students should be aware that any lack of participation can have an impact on UNE's ability to investigate the complaint.

Investigation

All allegations of discriminatory harassment and sexual misconduct will be investigated either by the University's Title IX Coordinator, internal Title IX Investigatorand Prevention Specialist, or a designee or at the University's sole discretion by an outside Investigator(hereafter referred to as "Investigator").

Within **100 business days**, the Investigatorwill attempt to complete the investigation, although it must be recognized that the length of time for an investigation depends on the scope of the allegations, the number of witnesses, the availability of the witnesses, the number of documents to be reviewed, time for the parties to review and respond to the record and a draft report, and the length and complexity of a final report. The Investigatorwill make their best efforts to be expeditious in conducting interviews, gathering evidence, and producing a final report but will not sacrifice thoroughness for a specific completion time frame.

Extensions of any time frames set forth in this policy may be granted on a case-by-case basis for good cause shown, with all parties receiving notice and the reason for any delay.

Interviews

The Investigatorwill communicate with and interview both parties and will provide both parties with the opportunity to identify witnesses and/or documents, such as texts or other electronic media, that either party would like the Investigatorto consider as evidence.

The Investigatormay meet with the complainant, the respondent, and any witnesses deemed to have relevant information in any order the Investigatordeems appropriate. The Investigatormay also meet with either party or any of the witnesses more than once.

During the interviews, the complainant and the respondent may both choose to have an adviser and/or a support person with them. The adviser may be a member of the UNE community or any individual of the party's choosing, including an attorney. Either party is entitled to one attorney, either as an adviser or a support person. Parties cannot have two attorneys in meetings. If a parent of a party is an attorney, that parent can serve as either an adviser or support person but cannot serve in the capacity as an attorney if the party is represented by another attorney. The adviser is there for support and may not address the Investigator. If the adviser and/or the support person is in any way disruptive of the investigatory process, the Investigatorshall ask the adviser to leave the room, and the process shall not continue until they have done so.

Notice of Meetings and Interviews

The University will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.

Delays

Each party may request extensions in the Non-Title IX Sexual Discrimination and Harassment Process, which may be granted or denied for good cause shown in the sole judgment of the Title IX Coordinator, the Associate Vice President of Human Resources/ Chief Human Resources Officer, the Title IX Investigator, or a designee. The requester should provide reasonable notice, and the delay must not overly inconvenience other parties.

For example, a request to take a five-day pause made an hour before a hearing for which multiple parties and their advisers have traveled and prepared will generally not be granted, while a request for a five-day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence will generally be granted.

The Title IX Coordinator, the Associate Vice President of Human Resources/ Chief Human Resources Officer, or a designee shall have sole judgment to grant further pauses in the process.

Other Information Gathering

The Investigatorwill gather other relevant information or evidence, including documents, photographs, communications, card swipe records, video evidence, and electronic records.

The Investigatorwill review evidence and determine what evidence is relevant and what evidence is impermissible even if relevant.

(1) Relevant evidence and questions

"Relevant" evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. Information that does not directly relate to the facts at issue but instead relates to the reputation, habits, personality, or qualities of an individual is generally not relevant and will not be considered.

(2) Irrelevant evidence and questions

"Irrelevant" evidence and questions do not include the following types of evidence and questions, which are deemed otherwise impermissible at all stages of the process under this policy:

- Evidence and questions about the complainant's sexual predisposition or prior sexual behavior **unless**:
    - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant

    - They concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally recognized privilege. Legally recognized privileges include attorney-client privilege and a medical professional and patient relationship.
- Any party's medical, psychological, and similar records unless the party has given voluntary written consent.
- The Investigatormay visit relevant sites and locations. The Investigatormay also consider publicly available social media or online sources but will generally not actively monitor online information.
- The Investigatormay, in certain cases, consult with witnesses who have subject matter expertise related to issues involved in the investigation (e.g., a medical professional to opine on physical injury). Generally, neither party will be permitted to present expert witnesses, but if such expert witnesses are permitted in extraordinary circumstances, all parties will be provided the opportunity to present an expert witness.
- Character witnesses are not permitted.
- The Investigatorhas the discretion to determine which witnesses to interview and what evidence to collect, as well as to determine the relevance of such information. Both parties may submit questions to the Investigatorthat they want to be asked of the other party and/or witnesses by the Investigator. The Investigatorhas the discretion to determine the relevance of any questions posed and, therefore, which questions to ask. There is a presumption that all investigatory interviews conducted by the investigatorwill be recorded electronically in accordance with the University Investigative Interview Recording Policy.

Process for Parties to Propose Questions to Be Asked by the Investigator

Each party will be allowed multiple opportunities to provide the Investigatorwith questions they wish the Investigatorto pose to the other parties or witnesses. Questions must be submitted to the Investigatorin writing.

- The Investigatorwill ask the parties as part of initial interviews if they have any questions they wish the Investigatorto pose to the other parties and a reasonable time frame within which to provide these questions.
- In subsequent meetings with the parties, the Investigatorwill provide additional information gathered, including answers to questions posed by the parties. The Investigatorwill also provide additional opportunities for the party to provide new questions for the Investigatorto pose to the other parties or witnesses. Parties may be asked to explain how the questions provided by the parties are related or relevant to the investigation.
- When asking questions requested of one party to a witness or the other party, the Investigatorwill provide each party with a transcript of the questions and answers with

enough time for the requesting party to have a reasonable opportunity to propose follow-up questions.

- The Investigatormay reframe questions to align with rules outlined above regarding relevant and irrelevant information and may choose not to ask a question if it does not comply with these requirements. The Investigatormay also combine questions. The Investigatorwill document for the record the questions requested by each party, the questions the Investigatorposed at the request of the parties, and the rationale for not asking specific requested questions.
- Parties will be provided with access to interview transcripts as part of the review of the record (see the **Parties' Review and Response to the Record** section below).

Parties' Review of and Response to the Record

After all interviews have been completed, all documentary evidence has been obtained, and the investigation phase is complete, both the complainant and the respondent shall be provided an opportunity to review a copy of all interview summaries (or transcripts) and the evidence the Investigatordeems relevant and intends to rely upon in the Investigator's findings ("the Record"). Redactions will be made as appropriate to comply with applicable privacy laws and as necessary to exclude information that is irrelevant, prejudicial, and/or protected by a privilege when appropriate consents for disclosure have not been obtained (e.g., information subject to rape shield protections or personal health information) to protect students' personally identifiable information involving matters outside the scope of the investigation.

The parties will have 10 business days to inspect and review the evidence and submit a written response by email to the investigator. The responses may include any additional questions the parties want to have asked of the other party or witnesses or additional evidence to provide. The investigatorwill consider the parties' written responses before completing the Investigative Report and may seek additional evidence or information as a result of the parties' responses. The Investigatorwill document any additional questions asked or information gathered or the rationale for this information not being included and resubmit the Record for final review. Parties may request a reasonable extension as their designated extension request. The Investigatorwill review and consider the parties' statements (to the extent timely submitted) in the investigation report.

Creation and Review of Investigation report

The Investigatorwill write a report that will set forth findings of fact, which shall include assessments of credibility when applicable and appropriate. Based on those findings of fact, the applicable provisions of University policy, and the preponderance of the evidence standard, the Investigatorwill make a recommended finding as to whether the Investigatorfinds the respondent responsible for any of the allegations set forth in the letter of specific allegations sent to the respondent prior to the start of the investigation. The Investigatorshall not make any recommendation as to possible sanctions.

If the alleged facts, even if substantiated, would not meet the specific policy elements of conduct that is prohibited by this policy, the Investigatormay recommend to the Title IX Coordinator to either (1) dismiss the complaint or (2) refer the complaint for resolution under a separate University policy and process, as applicable. If the Investigatorrecommends dismissal of the complaint, the parties shall have the opportunity to appeal the dismissal decision by initiating the appeal process for any of the reasons set forth in Section 8: Appeals.

The parties will be given access to the investigative report at least 10 business days prior to the beginning of the process by which the Hearing Panel (per the next section) will make its determination whether sexual harassment occurred. Parties will receive notice of access to the investigative report when they receive their notice of hearing from the Office of Student Resolutions. For processes involving employees as respondents, the report will be submitted to the appropriate Employee Relations process. For processes involving students as a party, refer to the process below.

7. HEARING PANEL

UNE will not conduct a live hearing but will provide the parties with the opportunity to question parties and witnesses. Following the completion of the investigation report, the Title IX Coordinator will submit the report to the Director of the Office of Student Resolutions and request that the Director convene a three-person Hearing Panel. Following the conclusion of the Hearing Panel, the panelists will convene to deliberate and make a determination of responsibility.

Hearing Panelist Duties

The Hearing Panel will be chaired by the Director of the Office of Student Resolutions (or a designee) and a two-person panel of decision-makers. Based on the findings of fact, the Hearing Panel shall meet to consider the recommended findings of the investigatorto determine whether there is sufficient evidence, by a preponderance of the evidence, to establish that the respondent engaged in conduct that is prohibited by this policy, the Hearing Panel, and/or other applicable professional codes of conduct and to determine what sanctions, if any, are appropriate for the violations. The Hearing Panel may accept or reject the recommended findings of the investigator. The Hearing Panel may also direct the investigatorto conduct any follow-up inquiry or investigation the Hearing Panel deems necessary to reach a final determination.

Optional Party Attendance at Hearing Panel

Both the complainant and the respondent shall each have the opportunity to appear before the Hearing Panel to address the investigator's recommended findings and the material issues before the panel. The parties may submit a written statement to the Hearing Panel that may be read aloud by the party at the hearing. They may also choose to submit a statement in writing to the Hearing Panel and to not appear in person. An appearance by either the complainant or the respondent is voluntary and not required.

Adviser Attendance and Conduct at Hearing Panel

If either or both parties choose to appear, they may each have an adviser with them. The adviser may be a member of the UNE community or, if allegations involve conduct covered by the Title IX or the Clery Act, they may have an adviser of their choice (who may be an attorney). The adviser is there for support and may not address the Hearing Panel. If the adviser is in any way disruptive of the hearing process, the Hearing Chair shall ask the adviser to leave the room, and the process shall not continue until they have done so. The proceedings of the hearing shall not be recorded in any manner.

Process for Questioning Parties and Witnesses

The Hearing Panel, as the decision-makers, are permitted but are not required to question parties and/or witnesses, to adequately assess credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination or sexual harassment.

To the extent that the decision-makers have or permit questions, the decision-makers must first determine whether the question is relevant and not otherwise impermissible prior to the question being posed and must explain any decision to exclude a question as not relevant or otherwise impermissible. If the decision-makers determine that a party's question is relevant and not otherwise impermissible, then the question must be asked except that UNE will not permit questions that are unclear or harassing of the party or witness being questioned. The decision-makers must give a party an opportunity to clarify or revise a question that the decision-maker has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question to satisfy the terms of this paragraph, the question must be asked.

The Hearing Panel may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Panel may not, however, draw an inference about whether the sexual harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Hearing Panel Deliberations

At the conclusion of the hearing, the Chair will dismiss the parties or witnesses, if present, from the virtual hearing room. The Hearing Panel shall meet to consider all of the information presented to them, including the report of the Investigatorand the recommended findings of the Investigatorto determine whether there is sufficient evidence, by a preponderance of the evidence, to conclude that the respondent engaged in conduct that is prohibited by this policy and/or other applicable professional codes of conduct and to determine what sanctions, if any, are appropriate for the violations. The Hearing Panel may accept or reject the recommended findings of the Investigator. The Hearing Panel may also direct the Investigatorto conduct any follow-up inquiry or investigation the Hearing Panel deems necessary to reach a final determination.

The decision-makers are required to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decision-makers are not persuaded under the applicable standard by the evidence that sex discrimination or sexual harassment occurred, whatever the quantity of the evidence is, the decision-makers must not determine that sex discrimination or sexual harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, or digital evidence, as warranted in the reasoned judgment of the decision-makers. Decision-makers shall not draw inferences regarding a party's or witness's credibility based on the party's or witness's status as a complainant, respondent, or witness, nor shall it base its judgments on stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and the testimony's reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a party's or witness's testimony is nonlinear or incomplete or if the party or witness is displaying stress or anxiety.

Decision-makers will afford the highest weight relative to other testimony to firsthand testimony by parties and witnesses regarding their own memories of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove or disprove the allegations) evidence will be weighed in equal fashion.

A witness's testimony regarding third-party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Standard of Proof

UNE uses the preponderance of the evidence standard of proof to determine whether sex discrimination or sexual harassment occurred. This means that the investigation and hearing determine whether it is more likely than not that a violation of this policy occurred.

Hearing Panel Written Determination

Within 30 business days from the beginning of the process described above, the Hearing Panel shall make a determination of responsibility and, if the respondent is found responsible, what, if any, sanctions should be assigned for the violations of this policy. The determination of responsibility and sanctioning portions of the hearing may be bifurcated.

If the respondent is found responsible and is an undergraduate, graduate, or professional student in a program with a professional code of conduct, a faculty member from the student's college or program shall be added to the Hearing Panel to address applicable professional code of conduct

issues and serve as an additional decision-maker on sanctioning only. In determining sanctions, the panel shall consider the final investigation report, the statements made by the parties in the hearing, and any previously adjudicated violations of the Code of Student Conduct and any related sanctions.

Once the panel has reached its decision, the Hearing Panel shall be responsible for creating or causing to be created a written determination that will be provided to the parties simultaneously and will include the following:

- A description of the alleged sex discrimination or sexual harassment
- Information about the policies and procedures that the Hearing Panel used to evaluate the allegations
- The Hearing Panel's evaluation of the relevant and not otherwise impermissible evidence and a determination as to whether a violation of this policy occurred
- Any disciplinary sanctions to be imposed on the respondent if the Hearing Panel concludes a violation occurred, whether remedies other than the imposition of disciplinary sanctions will be provided UNE to the complainant, and, to the extent appropriate, other students identified in the grievance process to be experiencing the effects of the sexual harassment
- The procedures for the complainant and respondent to appeal

Once the panel has finalized its written determination, it will send the written determination to the Title IX Coordinator on the same day that the determination finalized. The Title IX Coordinator will then inform the complainant and the respondent of the decision in writing no later than seven business days after the written determination was finalized.

8. APPEALS

For appeals resulting from dismissal of a complaint, please see the section on dismissal of complaints.

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal to the Vice President of Student Affairs, Associate Vice President of Human Resources, or a designee, within **10 business** days of being notified of the decision, indicating the grounds for the appeal.

The limited available grounds for appeal are as follows:

- Procedural irregularity that would change the outcome
- New evidence that would change the outcome and that was not reasonably available when the determination whether sexual harassment occurred or dismissal was made

- The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal; however, the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than 10 pages with no more than 20 pages of attachments. Appeals that do not comply with these limits will be returned to the submitting party and will not be considered until the appeal complies with this policy.

Appeals will be decided by an appeal officer selected from a pool of trained appeal hearing officers who will be free of conflicts of interest and demonstrated bias and will not serve as investigator, Title IX Coordinator, or hearing decision-maker in the same matter. The outcome of the appeal will be provided simultaneously to both parties in writing, including via email, and include the rationale for the decision.

Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

9. INFORMAL RESOLUTION

At any time prior to determining whether sex discrimination, including sexual harassment, occurred under this Grievance Procedure, including prior to making a complaint, either party may seek UNE's assistance to resolve allegations of sex discrimination or sexual harassment and may elect to enter the Informal Resolution process. UNE has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination or when a complaint of sex discrimination is made and may decline to offer informal resolution despite one or more of the parties' wishes. Reasons for UNE declining to allow an informal resolution include but are not limited to when it determines that the alleged conduct would present a future risk of harm to others.

Any participation in the Informal Resolution process must be voluntary and mutual. The parties will be required to provide their written consent, which will include all terms of the elected alternative process, including a statement that any agreement reached through the process is binding on the parties.

No party will be required or pressured to participate in the Informal Resolution process. UNE will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, employment or continuing employment, or exercise of any other right. UNE will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to Informal Resolution.

The parties may elect to leave the Informal Resolution process at any point until the Informal Resolution process is concluded. If a party elects to leave the Informal Resolution process, the Grievance Procedure that the parties paused will continue. In participating in the Informal Resolution process, the parties understand that the time frames governing the Grievance Procedure will temporarily cease and will only reinstate upon reentry into the Grievance Procedure.

Supportive measures will be available, or continue to be available if already provided, during an Informal Resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination or sexual harassment does not continue or recur within UNE's education program or activity.

Before initiation of an informal resolution process, UNE will provide to the parties notice that explains:

(ii) The allegations
(iii) The requirements of the informal resolution process

(iii) That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume UNE's grievance procedures

(iv) That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations

(v) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties

(vi) What information UNE will maintain and whether and how it could disclose such information for use in the applicable grievance procedures, if those procedures are initiated or resumed

The facilitator for the informal resolution process will not be the same person as the investigatoror the decision-maker in the grievance procedures. Any person designated by UNE to facilitate an informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution will also have received training required by the current Title IX regulations.

Potential terms that may be in an informal resolution agreement include but are not limited to:

(A) Restrictions on contact

(ii) Restrictions on the respondent's participation in one or more of UNE's programs or activities or attendance at specific events, including restrictions UNE could have imposed as remedies or disciplinary sanctions had UNE determined at the conclusion of UNE's grievance procedures that sex discrimination occurred.

10. RESOURCES FOR REPORTING AND RESPONDING PARTIES

In the event that a student experiences sexual misconduct in any form, they should treat it seriously and tell someone. There are long-term effects, even if the immediate effects may not appear obvious. Help is important. Which service one starts with is not important. Each service is designed to address the specific concerns of a situation. These resources are not isolated but cooperate to provide a web of support for the student who has experienced discrimination, harassment, or sexual misconduct. After the first contact, there is help in deciding who else might be of assistance.

If students experience discrimination, harassment, and/or sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, on or off campus, and have questions or need help, contact any of the resources below.

11. ON-CAMPUS CONFIDENTIAL RESOURCES

Confidentiality is distinguished from "privacy." For the purposes of this policy, unless shared with a confidential resource, information disclosed related to a report of discriminatory harassment or sexual misconduct will be shared with a limited number of individuals who "need to know" to ensure the prompt, equitable, and impartial review, investigation, and resolution of the report. The University will attempt to protect the privacy interests of the parties involved in a report under this policy but cannot ensure confidentiality unless disclosure is limited to a confidential resource.

Employees providing the following services are "confidential employees." These confidential campus professionals are individuals with the statutorily granted ability to maintain information as privileged and who cannot reveal such information unless they receive the express permission of the individual, there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise required by law. Confidential resources on campus include those listed below.

Student Counseling Services

For general counseling services support:

Biddeford Campus	Portland Campus
Phone: 207-602-2549	**Phone:** 207-221-4550

Email: bcstudentcounseling@une.edu Petts Health Center	**Email:** pcstudentcounseling@une.edu Second Floor of Linnell Hall
UNE's on-call counselor may be reached by calling 207-602-2549 and then pressing "6." Confidential and free to students. For more information, visit http://www.une.edu/studentlife/counseling.	

Student Health Center

During routine Health Center hours, professional staff can provide immediate emergency and ongoing medical care, sexually transmitted disease testing, and pregnancy testing and prevention. With the complainant's consent, the Health Center will make arrangements with local hospitals, municipal police departments, and the Office of Safety and Security for transportation and medical protocol used to provide evidence for prosecution. It will also provide referrals and advice regarding campus and community resources.

Biddeford Campus	Portland Campus
Phone: 207-602-2358 Lower Level of Petts Health Center	**Phone:** 207-221-4242 Second Floor of Linnell Hall

Confidential Resource Adviser Support

The University has a designated **Confidential Resource Adviser (CRA) for students**. This individual can receive disclosures or a report from an individual student and maintain the information in a confidential way. A student can contact the CRA and make a disclosure. The CRA can assist the student in accessing on-campus supportive resources and can make a direct referral to Sexual Assault Response Services of Southern Maine (SARSSM) for full advocacy support services.

Natalie Freiheit	*Counselor and Confidential Resource Adviser*	207-602-2549	nfreiheit@une.edu

The University has arranged with SARSSM to serve as the **Adviser CRA for employees**. This organization can receive disclosures or a report from an individual and maintain the information in a confidential way. An employee can contact the CRA and make a disclosure. The CRA can assist the employee in accessing on-campus supportive resources and can make a direct referral to SARSSM for full advocacy support services.

SARSSM	*Confidential Resource Adviser/Advocacy Services*	800-871-7741	https://www.sarssm.org

12. ON-CAMPUS RESOURCES (PRIVATE RESOURCES)

Title IX Coordinator and the Deputy Title IX Coordinators

The Title IX Coordinator and Deputy Title IX Coordinators are trained to address issues of discrimination, harassment, and sexual misconduct. The Title IX Coordinator and/or the Deputy Coordinator can assist UNE community members with accessing resources, provide reporting options, and assist in accessing supportive measures.

The Title IX Coordinator for the University is:

Angela Shambarger *Title IX Coordinator; Senior Director, Office of Title IX and Civil Rights Compliance*			
ashambarger@une.edu	207-221-4554	Mailing Address: 11 Hills Beach Road Biddeford, ME 04005	Office Locations: *Biddeford Campus:* HR Building *Portland Campus:* McDougall Hall 102

Deputy Title IX Coordinators:

Hahna Patterson	*Assistant Vice President for Student Affairs*	207-602-2372	hpatterson@une.edu
Ray Handy	*Associate Dean of Student Affairs*	207-221-4213	rhandy@une.edu
Shane Long	*Assistant Dean of Students*	207-602-2372	slong11@une.edu
Heather Davis	*Director of Athletics*	207-602-2629	hdavis@une.edu
Janna Merritt	*Assistant Director of Human Resources*	207-602-2281	jmerritt2@une.edu
Shaylah Kelly	*Senior Employee Relations and Talent Development Manager*	207-602-2524	skelly14@une.edu

Office of Safety and Security

In case of **emergency**, Office of Safety and Security for both the Portland and Biddeford campuses may be reached by **dialing 366** from any campus phone or 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. Office of Safety and Security can also assist a student in reaching local emergency services.

Biddeford Campus	Portland Campus
Facilities Building Hills Beach Road	**Security Building** 716 Stevens Avenue Portland, ME 04103

Biddeford, ME 04005 **Phone:** (207) 602-2298	Phone: (207) 602-2298
Online: https://www.une.edu/studentlife/security	

In nonemergency situations, Office of Safety and Security may be reached at 207-602-2298.

Housing and Residential/Commuter Life Staff (Biddeford Campus)

This office can provide immediate support and response, make arrangements as necessary for emergency services, provide advice regarding University and community resources, and provide intervention to ensure safety.

Biddeford Campus
Office Phone: 207-602-2272 **Area Coordinator Duty Phone:** 207-468-2389 **Email:** housing-office@une.edu East Residence Hall

Intercultural Student Engagement

This office can help connect students to resources and support regarding the intersectionality of support needs related to an individual's identities and needs, as well as providing connections to spiritual or faith communities.

Biddeford Campus	Portland Campus
Phone: 207-602-2826 Ripich Commons	**Phone**: 207-221-4212 02 Proctor Hall
Online: http://www.une.edu/ise	

Student Access Center

This office can be a resource for students with documented disabilities who may need accommodations in the investigation process. It may also be a resource in collaboration with the Title IX Coordinator in assisting students with temporary or new needs as a result of the complaint.

Biddeford Campus	Portland Campus
Phone: 207-602-2815 **Email:** bcstudentaccess@une.edu Student Access Center Building	**Phone:** 207-221-4212 **Email:** pcstudentaccess@une.edu Linnell Hall, First Floor

Employee Assistance Program

The Standard offers Employee Assistance Program (EAP) benefits through HealthAdvocate to eligible employees and their dependents/household members. Covered individuals may contact master's-level clinicians 24/7 by phone, live chat, email, and text and online. There's even a mobile EAP app. Receive referrals to support groups, a network counselor, community resources,

or your health plan. If necessary, you'll be connected to emergency services. Your program includes up to six assessment and counseling sessions per issue. Sessions can be done in person, on the phone, or by video.

Employee Assistance Program https://www.une.edu/hr/benefits/employee-assistance-program
Eligibility All employees, spouses, domestic partners, married or unmarried dependent children up to age 26, and all other household members **Contact** Contact The Standard EAP services 24/7 for confidential support and resources at 877-851-1631 **healthadvocate.com/standard6** **Services include:** Counseling Services Work/Life Services Legal Services

13. OFF-CAMPUS RESOURCES

Police Department (911)

Any individual who experiences sexual misconduct can contact the police department or the Office of Safety and Security for assistance in obtaining medical attention and/or to initiate an investigation of the crime. The University will assist any individual who wishes to report to the police. Those departments can summon medical resources and criminal investigators, act as a liaison with local law enforcement, the county attorney, and the victim/witness advocate, and provide referrals and advice regarding University and community resources. The University will make reasonable efforts to protect and secure the complainant's rights, and the complainant will have input into the course of the investigation.

The Biddeford, Saco, and Portland police and fire departments are the primary providers of law enforcement, fire protection, and ambulance services for our campuses. To report a crime in progress, fire, or medical emergency at any UNE campus or facility, dial 911 (there is no need to dial a prefix number). If there is time and it is safe to do so, dial (207) 283-0176 for The Office of Safety and Security. If you are using a campus phone, dial 366 for The Office of Safety and Security. A number of marked and conveniently located call boxes are available throughout both campuses. The call boxes have a blue light on the top and are generally found at the entrance of residence halls and campus parking lots. You may use the boxes to report a criminal incident, a

fire, or other type of emergency or to request assistance from the Office of Safety and Security. An interactive map of call box locations can be found online at https://www.une.edu/parking. The University also supports the RAVE Guardian app as a resource for UNE community members to access support and to be notified in case of an emergency. Individuals can learn more about RAVE at https://www.une.edu/emergency/emergency-notifications.

Biddeford Police Department	**Portland Police Department**
39 Alfred Street Biddeford, ME 04005 **Emergency:** 911 **Nonemergency Phone:** 207-282-5127 **Website:** https://www.biddefordmaine.org/2198/Police	109 Middle Street Portland, ME 04101 **Emergency:** 911 **Nonemergency:** 207-874-8497 **Website:** https://www.portlandmaine.gov/436/Police
Saco Police Department	**Tangier Morocco Emergency Numbers**
20 Storer Street Saco, ME 04072 **Nonemergency Dispatch:** (207) 284-4535 **Police Administration:** (207)-282-8214 **Website:** https://www.sacomaine.org/departments/police_department/index.php	**Campus Address:** Rue Abi Chouaib Doukkali University of New England Tangier 90000, Morocco **Director of UNE Tangier:** Douaa Ben Imran **Phone:** 212 636 93 62 77 **Email**: dimran@une.edu **Police:** 19 **Fire/Ambulance:** 115 **US Embassy American Citizen Services:** 05376-37200 **US Consulate for Emergencies:** 05226-42000

Hospital Emergency Departments (Confidential Resource)

MaineHealth Maine Medical Center Portland and MaineHealth Maine Medical Center are healthcare units that can provide immediate medical care, sexually transmitted disease testing, pregnancy testing, and preventive care. The successful prosecution of sexual assault/rape cases often depends on physical evidence collected soon after the assault. Each hospital has healthcare

providers trained to treat individuals who have experienced sexual assault/rape, with attention to collecting physical evidence. To ensure the collection of evidence, individuals who have experienced sexual assault/rape are advised not to wash or change clothes prior to seeking immediate medical treatment.

Individuals who seek medical care following an assault may request support from a trained advocate at any point. SARSSM advocates are available 24 hours a day to go with you to any emergency room in York or Cumberland County. Advocates are trained to offer information and support. You can call the free, confidential, 24-hour helpline at 1-800-871-7741 to ask for an advocate to meet you or ask the hospital to call for you. There is no cost associated with requesting an advocate.

Portland: Maine Medical Center	Biddeford: Southern Maine Health Care
22 Bramhall Street Portland, ME 04102 **Phone:** 207-662-0111 **Website:** https://www.mainehealth.org/maine-medical-center	1 Medical Center Drive Biddeford, ME 04005 **Phone**: 207-294-5000 **Website:** https://www.mainehealth.org/southern-maine-health-care

Maine State Crisis Number (Confidential Resource)

The Maine Crisis Line is the state's crisis telephone response service for individuals experiencing a behavioral health crisis or having thoughts of suicide and/or self-harm. Trained crisis call specialists answer the line and provide 24/7 free and confidential telephone support and stabilization.

Maine State Crisis Line
Call/Text: 1-888-568-1112 **Chat:** https://heretohelpmaine.com/resources/

National Crisis Text Line (Confidential Resource)

The Crisis Text Line serves anyone, in any type of crisis, providing access to free, 24/7 support via text, chat, or WhatsApp.

Crisis Text Line
Text: Text "TALK" to 74174 **Chat:** https://www.crisistextline.org/text-us/ **WhatsApp:** https://www.crisistextline.org/text-us/

National Suicide Prevention Lifeline (Confidential Resource)

Formerly called the National Suicide Prevention Lifeline, 988 offers free, confidential, 24/7 access to trained crisis counselors who can help people experiencing mental health-related distress.

National Suicide Prevention Lifeline
Call/Text: 988 **Chat:** 988lifeline.org

14. OFF-CAMPUS RESOURCES FOR SEXUAL MISCONDUCT, RELATIONSHIP VIOLENCE, AND STALKING

Sexual Assault Response Services of Southern Maine (Confidential Resource)

Sexual Assault Response Services of Southern Maine (SARSSM) provides confidential hotline counseling and referrals for victims of sexual misconduct. SARSSM may accompany you to a medical facility and stay with you during an examination if you wish.

Sexual Assault Response Services of Southern Maine
24/7 Helpline: 1-800-871-7741 **Website:** https://www.sarssm.org/

Maine Coalition Against Sexual Assault (Mecasa) (Confidential Resource)

Mecasa provides information and referrals to the sexual assault support centers throughout the state of Maine as well as other key resources, including for immigrants and native populations.

Maine Coalition Against Sexual Assault
24/7 Helpline: 1-800-871-7741 **Website:** https://www.mecasa.org/

Caring Unlimited (Confidential Resource)

York County's Dating/Domestic Violence Program provides 24-hour confidential hotline counseling and referral, free court advocates for help obtaining orders for protection from abuse, and confidential emergency shelter. Supports and resources are also available for stalking.

Caring Unlimited
24/7 Hotline: 1-800-239-7298 **Chat Online:** https://www.caring-unlimited.org/helpline (Mondays, 1 p.m. to 5 p.m.) **Website:** https://www.caring-unlimited.org/

Through These Doors (Confidential Resource)

Cumberland County Domestic Violence Services provides 24-hour confidential hotline counseling and referral, free court advocates for help obtaining orders for protection from abuse, and confidential emergency shelter. Supports and resources are also available for stalking.

Through These Doors
Call: 1-800-537-6066 or 207-874-1973 **Website:** https://www.throughthesedoors.org/

Planned Parenthood of Maine (Confidential Resource)

Planned Parenthood provides confidential services and can provide information about emergency contraception and information about sexually transmitted diseases.

Biddeford Location	Portland Location
275 Main Street, Suite 102 Biddeford, ME 04005 **Phone**: 207-282-6620	443 Congress Street Portland, ME 04101 **Phone**: 1-800-230-7526 or 207-221-4242
Website: https://www.plannedparenthood.org/planned-parenthood-northern-new-england	

Rape, Abuse, and Incest National Network (RAINN) (Confidential Resource)

RAINN is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline. RAINN also carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice.

RAINN
Call: 800-656-4673 **Chat:** online.rainn.org **Website:** https://www.rainn.org/

National Sexual Violence Resource Center (NSVRC) (Confidential Resource)

NSVRC maintains a directory of organizations that lists state and territory sexual assault coalitions, victim/survivor support organizations, and local communities of color sexual assault organizations. You can contact your state or territory's coalition to find local resources that provide services to survivors.

NSVRC
Website: https://www.nsvrc.org/

Stalking Preventions, Awareness, & Resource Center (SPARC)

SPARC is a federally funded project providing education and resources about the crime of stalking. SPARC aims to enhance the response to stalking by educating the professionals tasked with keeping stalking victims safe and holding offenders accountable. SPARC ensures that allied professionals have the specialized knowledge to identify and respond to the crime of stalking.

SPARC
Website: https://www.stalkingawareness.org/

15. TRANSPORTATION RESOURCES

The University offers a variety of options for students to access transportation if they do not have their own vehicle. These can be used for emergency room visits or access to appointments, agency visits, police department visits, etc.

Emergency Room Transportation

Ambulance Service, 911: In case of an emergency, individual students, UNE security officers, student healthcare staff, and members of the public can contact an ambulance service.

On the Biddeford Campus, students can use the UNE Lyft program (see below) or can contact UNE Security Dispatch (207-602-2298) to coordinate a ride back to campus if necessary.

Transportation to the General Biddeford/Saco/Old Orchard Beach and Portland Areas:

- Silver and Local Connections: Offering a regular schedule seven days a week, Biddeford, Saco, Old Orchard Beach (BSOOB) Transit's Silver Line transports UNE faculty, professional staff, and students to and from the Biddeford Campus and the Saco Transportation Center. From there, you can switch to several local buses to provide more flexibility for your commute. You just need to present a UNE ID card. Visit the BSOOB Transit website, https://bsoobtransit.org/, for routes, schedules, and the new bus locator tool.
  Greater Portland Metro and South Portland Buses: UNE students, faculty, and professional staff can ride the Greater Portland Metro, https://gpmetro.org/, and South Portland buses, https://southportland.org/departments/bus-transportation/bus-schedule/, for free with UNE ID cards. Greater Portland Metro services Westbrook, Falmouth, the Portland peninsula, and as far north as Freeport and Brunswick. South Portland buses service the Southern Maine Community College and Willard Beach areas, the Maine Mall area, and in between, and they connect with GP Metro on the Portland peninsula.

Lyft Ride Share

In addition to offering free Lyft credits as an incentive for first-year students to leave their cars at home, UNE encourages students to use Lyft for trips that don't coincide with the bus schedule.

The Biddeford Campus has two designated Lyft pickup and drop-off locations, at the Campus Center and Alfond Forum bus shelters. The app is free and can be used to hail a ride, connect with your driver, and pay for the ride. For more information about transportation options, go to https://www.une.edu/studentlife/security/transportation.

16. MAINE CRIME VICTIMS' COMPENSATION PROGRAM

In some instances, an individual victim may incur expenses related to their assault. A victim's advocate from a sexual assault support center can assist with accessing free services or reimbursement for some medical-related expenses. Additionally, the state of Maine offers a Victims' Compensation Program. For more information on this, please contact:

Victims' Compensation Program
Maine Office of the Attorney General
6 State House Station
Augusta, ME 04333-0006
Tel: (207) 624-7882 or (800) 903-7882
https://www.maine.gov/ag/crime/victims_compensation/index.shtml

If a student has financial concerns related to their assault, there may be resources and support available through UNE as well. They should contact the Title IX Coordinator for more information.

Section H: Academic Misconduct Policies, Procedures, and Progression Appeals for Students

Adopted by University Council September 30, 2010

ACADEMIC MISCONDUCT POLICIES

The University of New England values academic integrity in all aspects of the educational experience. Academic misconduct in any form undermines this standard and devalues the original contributions of others. It is the responsibility of all members of the University community to actively uphold the integrity of the University; failure to act, for any reason, is not acceptable.

ACADEMIC MISCONDUCT PROCEDURES

Charges of academic misconduct, as defined in Part 1, Section C, of the Code of Student Conduct in this Handbook, that may result in a minimum of a failing grade on an assignment and a maximum of an up to two-week suspension will be reviewed by the Dean or their designee of the appropriate College for investigation and sanction in accordance with Code of Student Conduct. Charges of academic misconduct that may result in suspension (probation, jeopardy) or dismissal from a University program/college or the University must be reported to the Office of Student Resolutions and will be reviewed by either the Director of Student Resolution, their designee, or a conduct board. All incidents are reported to the Director of Student Resolution for the purpose of tracking violations. Programs and/or colleges may have their own procedure for academic misconduct cases that do not exceed a two-week suspension.

ACADEMIC PROGRESSION APPEALS

Academic progression appeals will proceed as follows:

- Appeals regarding decisions on academic progression will be submitted to the student's academic dean or a designee and may require the submission of an Academic Petition: http://www.une.edu/registrar/registration/registration-forms.
- A decision regarding academic progression reached by the individual faculty member, department chair, or other designated academic administrator, hereafter referred to as the academic review officer, or a decision imposed by an academic review committee, may be appealed by the accused student(s) or complainant(s) to the appropriate academic dean within seven business days of the decision.
- Such appeals shall be in writing and shall be delivered to the appropriate dean and must be based on one of the following:
    - New evidence that could not have been presented to the academic review officer or committee at the time of the original decision.
    - Procedural errors in the original review process that had a substantial impact on or otherwise prejudiced the original determination. Students may also appeal a decision denying readmission to the University.
- Failure to file a written request for an appeal within the allotted time will render the original decision final and conclusive.

- Appeals will only be accepted by the academic dean's office if the student has exhausted all required procedural options at the instructor, departmental, or other appropriate level(s).
- The appropriate dean will make a determination whether grounds are present in the petition to warrant a review.
- This decision is generally based on the merits of the cause outlined in the petition and/or the weight of the consequences on the student and the University.
- The appeal is not intended to afford a full rehearing of the case but to serve as a method of reviewing the written content and grounds for appeal submitted by the student.
- The appropriate dean will inform the student in writing of the decision within 15 business days of the receipt of the appeal.
- If it is deemed by the appropriate dean that an appeal is warranted, the following procedures will be followed:
    - When possible, appeals will be heard by the appropriate dean. This will generally be true for decisions made on an academic departmental level. The dean will request from appropriate parties any information that will assist in the review.
    - The student will be afforded the opportunity to meet with the dean if they request a personal meeting in writing.
    - The dean will inform the student of the decision within 15 working days of the final date of the review process. The decision of the dean is final.
- If the dean was the original decision-maker, the appeal will be referred to the Provost or a designee.
- If the dean or Provost deems that the appeal would be better addressed by a committee, an appropriate appeal committee will be convened, and a review will be conducted. Composition of the Appeal Review Committee will be as follows:
    - Four faculty members from the student's college.
    - A faculty member from the accused student's program will serve in an ad hoc capacity and will sit in on the review but not on the deliberation.
    - A member of the Student Affairs staff who has not served in an advisory capacity to the student in this matter, except in cases involving programs out of the United States when no member of the Student Affairs staff is available.
    - Persons may not serve on an Appeal Review Committee unless they can be available for the entire review process.
    - A person may not serve as a member of the Appeal Review Committee if they are the complainant, are to be a person providing information for or against the accused student, or have been involved in any capacity in events leading to the appeal. Should a conflict of interest be perceived by any party involved, the Appeal Review Committee will decide whether any member will be replaced. The dean will appoint a new member at the recommendation of the committee.

APPEAL REVIEW COMMITTEE PROTOCOLS

Academic progress review protocols include the following:

- In advance of the review, the dean will supply each member with copies of the written appeal plus relevant documentation, material requested by members of the committee, and the names of individuals who will be appearing before the committee. The dean will also forward copies to the student.
- The dean will notify the student, in writing, of the time and place of the review.
- The student has the option of being present throughout the proceedings.
- The student may have an Adviser present from the University community but not legal counsel or a family member, parent, or guardian. Neither the student nor the Adviser may be present for committee deliberations.
- All meetings will be conducted in private.
- The committee will focus on information relevant to the appeal and not review the original case.
- All information upon which a decision will be based must be introduced into evidence at the proceedings before the committee; the decision will be based solely upon such information.
- The committee may call persons providing information of their own and/or hear from persons providing information provided by the student and by other principals involved.
- The Chair may limit the number of persons providing information to be heard and may require statements in advance. Individuals, however, cannot be compelled to testify.
- The committee may also require the dean to produce University, student, or other records as permitted by law.
- Unless deadlines have been extended by the dean, the final findings and recommendations of the committee will be forwarded to the dean no later than 30 business days subsequent to the committee's first meeting. The report will consist of a summary of the reviews, evidence presented, and recommendations of the committee.
- The dean will make a decision and report it to all parties involved within 10 working days of receipt of the committee's findings and recommendations. The decision of the dean will be final.
- If an appeal is upheld by the Appeal Review Committee, the matter may be remanded to the original academic review officer or committee for reopening of the review and reconsideration of the original findings and/or sanctions. A new academic review officer may be assigned as determined appropriate by the dean.
- In cases involving appeals by persons other than students accused of violating the University Code of Student Conduct, the dean may, upon review of the case, reduce or increase the sanctions imposed by the academic review officer or remand the case to the original academic review officer or committee.

Section I: Additional Administrative Policies/Procedures

ACADEMIC CATALOGS

Academic policies and procedures are generally specific to the college in which a student is enrolled. Complete information regarding academic policies can be found online in the Academic Catalog.

Part II:
Community Guidance

Section A: Alcohol, Marijuana, Other Drug, and Smoking/Tobacco Use Guidance

Overview

The University of New England has adopted a public health philosophy regarding alcohol, marijuana, and other drugs. Policies, guidelines, student conduct resolution options, and systems of assistance have been framed to support that philosophy. UNE seeks to create a campus environment that promotes healthy, responsible living; affirms civility; and is consistent with federal and state law and institutional regulations governing behavior. The University provides clear statements of expectations to members of the community. The University is also committed to assisting those individuals exhibiting behaviors reflecting misuse or abuse of alcohol and other drugs through the availability of assessment and referral mechanisms. At the same time, it should be understood that being under the influence of drugs or alcohol will not be accepted as an excuse for violations of the Code of Student Conduct. For purposes of this policy, a student who is 21 years of age or older is considered “of age,” and students under the age of 21 years are considered “underage.”

The University of New England does not permit or condone the illicit or unauthorized possession (including empty alcohol containers), use, manufacture, consumption, sale, or distribution of illicit drugs and/or alcohol by students or employees on University-owned or -controlled property or as part of any University-sponsored activity. Students are personally responsible for adhering to federal, state, and local laws and University policy. The University respects students' privacy and autonomy and assumes that they will behave legally and responsibly. In keeping with the University’s commitment to public health as related to alcohol, marijuana, and other drug use/abuse, when violations of law and/or policy come to the attention of University officials, appropriate disciplinary measures will be taken, up to and including suspension or dismissal, and may include notifying a parent or guardian. Such disciplinary measures may include any of the sanctions or outcomes as defined in this Handbook. In addition, these persons may become involved with law enforcement authorities. All controlled substances and paraphernalia found or taken by University officials in their official capacity may be turned over to the police department with jurisdiction. Office of Safety and Security Reports describing how the University came into possession of the materials may also be provided to the police department with jurisdiction. These reports may be the basis of a summons to court or arrest of the student.

Any faculty, professional staff member, or student employee engaged in activities supported by a federal grant or contract must report any criminal conviction or Office of Student Resolutions disciplinary sanction related to possession or use of a controlled substance in the workplace to the Office of Human Resources within five calendar days of conviction and/or sanction. The

term "conviction" means a finding of guilt (including a plea of nolo contendere) to determine violations of federal or state criminal drug statutes. The term “disciplinary sanction,” as defined in Part I, Section B, “The sanction that determines a student’s standing with the University. A disciplinary sanction is assigned after a student has been found responsible for a violation(s) of the Code of Student Conduct. Potential disciplinary sanctions are reprimand, disciplinary probation, deferred disciplinary suspension, time-limited disciplinary suspension, or dismissal.” The University is obligated to notify the appropriate federal contracting agency within 10 days of receipt of notice of an employee’s conviction.

University of New England Alcohol Guidance

All University alcohol regulations are applicable to all University students and their visitors. Intoxication will not be accepted as a defense or an excuse for not abiding by federal, state, or local laws and University regulations or guidelines.

University of New England Marijuana Guidance

- Even though the recreational use and possession of up to 2.5 ounces of marijuana (also known as cannabis) is legal in the state of Maine, students must be aware that the use and possession of marijuana is prohibited by University policy and federal law. Other analogs, derivatives, and products of marijuana are also prohibited.
- The possession and use of what is commonly referred to as “medical marijuana” is also prohibited since no institution receiving federal funding can allow any use of marijuana. Thus, the University prohibits the possession and use of marijuana even for those students who are registered users under the care of a physician.
- UNE, like all institutions of higher education, is subject to the Drug-Free Schools and Community Act and the Drug-Free Workplace Act. These laws state that to receive any federal funding (work-study, financial aid, and federal research grants), the University must prohibit all illegal drugs, and marijuana is still illegal under federal law.
- Another consideration for many students is that clinical healthcare sites also receive federal funding and thus have policies that also prohibit the use of marijuana by providers. These policies will also apply to students during their clinical experiences at these sites.

University of New England Controlled Substance/Illegal/Other Drug Guidance

- Being under the influence of any illegal drug will not be accepted as a defense or an excuse for not abiding by federal, state, or local laws or the University's Code of Student Conduct, policies, or guidelines.
- Displays that contain content regarding drugs may not be placed in areas of public view, such as room windows facing out and room door exteriors. This includes but is not limited to neon signs, posters, and empty container displays. All decisions about public view compliance rest with Office of Housing and Residential/Commuter Life professional staff or a designee.

- All drugs have side effects, some of which may be immediately life threatening. Many prescription drugs, when combined with alcohol or other substances, may lead to harmful or fatal effects. Prescription drugs are dispensed within stringent guidelines for treatment, prevention, and monitoring of an individual's specific condition. Attention to possible side effects is part of the educational and healing process. Prescription drugs are not to be shared, even with those known to be on a similar prescription. Ramifications can be detrimental, as they may alter conditions leading to improper testing and/or treatment and could therefore be life-threatening.
- Students may not possess on campus any substance, such as bath salts, Salvia, or K-Spice, which although not designed or sold for human consumption is often misused in this manner.

University of New England's Relationship to a Student

In regard to alcohol, marijuana, and other drug use, the University realizes that students are adults who are ultimately responsible for their own behavior. Failure to comply with the University's alcoholic beverages and/or narcotics or other drugs policies will result in appropriate actions and/or disciplinary sanctions/outcomes, including potential reporting to appropriate law enforcement authorities.

Consumption of alcohol or other controlled substances can create circumstances in which an individual may need medical or other assistance. Whenever possible, the University will respond educationally rather than punitively to the illegal use of drugs and/or alcohol by a student who needs emergency assistance or to a student seeking assistance for a peer.

Responsible Action Clause

The primary concern of the University of New England with respect to alcohol, marijuana, and other drugs is to ensure the safety and well-being of our students. The University is committed to providing guidance to students who choose to consume alcohol so that students can learn to develop a responsible approach to their own use. This includes how to do so in moderation and how to comply with local, state, and federal laws governing alcohol. UNE expects students to abide by laws and University policies regarding alcohol as well as marijuana, other drug possession, and consumption.

For those students who choose to consume alcohol in accordance with University policy and who choose to violate University policy by using marijuana or other drugs, UNE assumes that they do so in moderation and thereby minimize the incidence of alcohol-, marijuana-, or other drug-related injuries; alcohol poisoning; or drug overdose. The University, however, acknowledges there may be times when students face medical emergencies involving excessive drinking, marijuana, or drug use. In these situations, students are expected to call for assistance (e.g., resident adviser, Campus Safety, 911) when concerned for their own health or welfare or that of another student.

To encourage students to seek prompt and appropriate attention for any emergencies involving alcohol, marijuana, or any other drugs, the University has instituted a "Responsible Action Clause" to its Alcoholic Beverages and Narcotics or Other Drugs policies [Responsible Action Clause]. UNE's Responsible Action Clause is applicable to the student requesting medical assistance for oneself, the student seeking medical assistance for another person, and the student for whom medical assistance was sought.

The University values and promotes responsible decision-making. Upon receipt of a report that a student was acting responsibly to seek medical attention for themself or another person, the Director of Student Resolution or the Office of Housing and Residential/Commuter Life will reach out to the student(s) involved, which may include the student(s) who sought medical assistance, to process the incident. Students contacted are expected to cooperate with any instructions provided during the Office of Student Resolutions process.

When the Responsible Action Clause is applied to an incident, there will not be a formal hearing; however, students may be part of the University's investigation into and/or resolution of the incident.

Students involved in the incident may be required to participate in educational outcomes designed to help prevent future risks regarding their alcohol, marijuana, or drug use.

When processing an incident for which the Responsible Action Clause may be used, the Director of Student Resolution or the Office of Housing and Residential/Commuter Life may not report the incident to a student's parent or guardian.

To the extent permitted by law and University policy, the University may inform a student's emergency contact of a student's transport to a hospital or medical facility for the reported misuse of alcohol, marijuana, or other drugs. The University's response to these incidents is independent of any action taken by local law enforcement.

A record of the incident and use of the Responsible Action Clause will remain on file. Please note that this policy does not excuse or protect those who repeatedly or flagrantly violate the Alcoholic Beverages and/or Narcotics or Other Drugs policies. If the Responsible Action Clause has been applied to a student for a prior incident, the availability of the Responsible Action Clause for a subsequent incident is at the discretion of the Director of Student Resolution or a designee. The Responsible Action Clause for alcohol, marijuana, or other drug violations, however, will not be given to students whose conduct placed the health or safety of any other person at risk.

Responsible Action and Reporting Hazing and Sexual Misconduct

The University of New England encourages reporting of sexual misconduct and seeks to remove any barriers to reporting an incident of hazing and/or sexual misconduct ("an incident"). The University recognizes that a student who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential disciplinary consequences for

their own conduct. Thus, a student who reports hazing and/or sexual misconduct, either as a complainant or as a witness, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. Alcohol and/or drug use may affect the memory of involved parties and may affect the outcome of the complaint. (For complete University policy, see Part I, Section E: Sexual Misconduct Procedures for Students and Part II, Section B: Nondiscrimination, Anti-Harassment, and Sexual Misconduct.)

Smoking/Tobacco Use on Campus

Smoke and tobacco use in the workplace has become an important public health issue, as evidenced by the many local and national initiatives plus the implementation of new policies by many colleges and universities. There is considerable evidence that smoke is harmful not only to smokers but also nonsmokers. The University of New England, as an Innovative Health Sciences University grounded in the liberal arts, strives to provide a healthy learning and work environment. Every student, employee, contractor/vendor, and visitor has the right to avoid exposure to the effects of smoke and tobacco and should be able to breathe clean air. The University of New England, therefore, establishes the following tobacco and smoke-free policy.

Section B: Study Abroad and the Code of Student Conduct

This section of the handbook is in reference to the University's study abroad site in Morocco and any other site where a UNE student may be studying through a third-party program.

Study Abroad

- Students in University of New England semester abroad or faculty-led programs are still considered to be University of New England students and are subject to the Code of Student Conduct.
- Students will also be subject to the code(s) of conduct for any third-party provider or host university.
- Students are expected to participate fully and be engaged in the academic and cultural experience.
- Any behavior that is a violation of University policy or results in the individual student not being able to participate fully in the program may result in removal from the program at the student's expense.

- Any behavior on the part of an individual student or group of students that impairs the ability of others in the program to participate fully may also result in removal from the program.
- Students will receive information about the behavior expectations and possible ramifications of conduct violations in the pre-departure orientation sessions conducted by Global Education Program staff.
- Student conduct issues will be addressed in-country by campus professional staff, faculty members, and/or the third-party provider or host institution to ensure that behavior concerns do not affect the success of the program.
- Information regarding these issues will then be sent to the Vice President for Student Affairs and Dean of Students for potential student conduct review.
- For very serious infractions, UNE and/or the third-party provider or host institution may dismiss a student for inappropriate conduct, disruption of the program, or posing a threat to themself or other students.
- In such cases, the student will bear the expense related to dismissal. A student is expected to contact Student Affairs at the University of New England to determine the appropriate student conduct review process, if any.
- All inappropriate behavior, even that not resulting in program removal, will be referred to the University of New England Student Affairs Office for potential student conduct review.
- If it is determined that a student's physical or mental condition presents a direct threat of substantial harm to the student or others, the Director for the Global Education Program and the Dean of Students and Assistant Provost for Student Affairs, or a designee, in consultation with appropriate health professionals, may impose an immediate removal from the program and/or impose an administrative mandatory medical or psychological leave of absence:
    - In such cases, the student may bear the expense related to dismissal.
    - The terms of the leave of absence and the policy in its entirety will be provided to the student at the time any leave of absence is imposed.
    - Students may also request a copy of the policy from the Office of Student Affairs.

Discipline Issues and Third-Party Programs

- While in third-party programs, students must abide by the University Code of Student Conduct outlined by the program provider and are subject to the program's conduct process, which may be resolved in-country by the resident staff at the study abroad site.
- Most student conduct issues are reported by the in-country provider to the U.S.-based provider office, and a representative from the U.S.-based provider office will contact the University of New England Global Education Program.
- In the event UNE's Global Education Program is contacted by the program provider, the Director will consult with appropriate campus entities (including the Vice

President for Student Affairs and Dean of Students or a designee) to evaluate the incident and determine the appropriate University response, if any, beyond that of the program provider.
- Reports of discrimination, harassment, and/or sexual misconduct will be addressed in accordance with the University Nondiscrimination and Anti-Harassment Policy and the University Sexual Misconduct Policy.

General Statements That Apply to All Models of Study Abroad

It should be understood that a student is subject to the laws of the host country and the rules of the host institution.

NOTE: Please see the published Tangier Student Handbook for further expectations.

Section C: Weapons and Fireworks Policy Guidance

Please note that this section of the Handbook constitutes guidance around the Code of Student Conduct policy related to weapons and fireworks. Please see the Code for said policy language.

- Pepper spray or any other similar product is prohibited from all University buildings without the express consent of the Director of Safety and Security. Small pocketknives for personal use with blades no longer than 2.5 inches in length are generally acceptable. No person shall possess replica or toy firearms that resemble an actual firearm or weapon.
- Recognizing that any object could be a potential weapon, the Director of Safety and Security shall evaluate any questionable object and determine if the device shall be prohibited under the terms of this policy.
- This policy shall in no way be used to prohibit the possession of kitchen-type knives used for food preparation so long as they remain in the owner's kitchen area.
- Weapons are not allowed on any University-owned or -leased property, including parking lots and roadways, and are not permitted at any University-sponsored event on or off University property.
- Individuals should contact the Office of Safety and Security if they are unsure if an item would be considered a weapon or prohibited item.
- Any weapon as defined by the policy or determined to be so by the Director of Safety and Security that is found on campus, including any residence hall space, will be confiscated.
- The violation will be addressed expeditiously through the student conduct review process, with related sanctions including potential suspension or removal from all campus properties.

- Violations of this policy by employees/vendors of the University shall be handled in accordance with the UNE Employee Handbook and may result in disciplinary action up to and including termination of employment.

Section D: Hazing Policy Guidance

The University of New England supports the Stop Campus Hazing Act, which amended the Jeanne Clery Campus Safety Act, and Maine state law and does not condone or tolerate any acts of hazing. Any such acts, on or off University property or at University affiliates, are expressly prohibited. In accordance with UNE's policy and both federal and state law, UNE will impose severe sanctions on those individuals found to be in violation of the Hazing Policy. Individuals should understand that disciplinary action by the University does not offer protection from civil or criminal action or penalties.

Hazing Definition

Hazing means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person(s), regardless of the willingness of such other person(s) to participate, that (1) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in a student organization and that (2) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury, including but not limited to:

- Any type of physical assaultive behavior, including whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity.
- Causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, personal servitude, or other similar activity.
- Causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances.
- Causing, coercing, or otherwise inducing another person to perform sexual acts.
- Any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct.
- Any activity against another person that includes a criminal violation of local, state, Tribal, or federal law.
- Any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, Tribal, or federal law.
- Any activity in which a person intentionally, knowingly, and/or recklessly solicits, encourages, directs, aids, and/or attempts to aid another person in engaging in

hazing. This includes witnesses and/or having knowledge of a specific hazing incident and failing to report the incident.

- Any activity in which hazing is either condoned or encouraged, or any action by an officer or combination of members, pledges, associates, and/or alumni of the organization/team in committing or assisting in the commission of hazing.

The term "student organization" means an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Responsibilities

A person is responsible for violating the University's Hazing Policy if such person:

- Knowingly participates as an actor in any student hazing
- Is present at or otherwise has direct knowledge of any student hazing and fails to report such hazing to the Vice President for Student Affairs and Dean of Students or a designee

A group or organization is responsible for violating the Hazing Policy if it:

- Knowingly permits or condones student hazing
- Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing
- Fails to report to the Dean of Students and Assistant Provost for Student Affairs, or a designee, any hazing reported to it by others or of which it otherwise has knowledge

Consent

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

Report

Any person should report hazing to the Dean of Students, Assistant Provost for Student Affairs, the Director of Safety and Security, the Director of Student Resolution, the Senior Director of the Office of Title IX and Civil Rights Compliance, the Director of Athletics, the Director of Housing, or their resident adviser. This reporting suggestion does not affect or interfere with a person's right to report any behavior to law enforcement or an appropriate regulatory agency.

Penalties

Violation of the Hazing Policy may result in suspension, dismissal, or other disciplinary action or, in the case of an organization or group, revocation of organization recognition and permission to operate on campus or the denial of other benefits.

Maine Law Regarding Hazing

Pursuant to 20-A M.R.S. § 10004, which prohibits hazing, "injurious hazing" means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled at an institution in this state or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses, or endangers the student, regardless of the student's willingness to participate in the activity."

Forms of hazing can also constitute crimes under Maine law, which outlaws, for example, conduct that constitutes assault, criminal threatening, criminal mischief, and false imprisonment. See generally Title 17-A of the Maine Revised Statutes, which is referred to as the Maine Criminal Code.

Section E: UNE Expression, Demonstration, and Gathering Policy

University of New England believes in the rights of its community members to pursue their academic and career objectives without unreasonable obstruction or hindrance. We also believe that members of the University community should be free to communicate, by lawful demonstration, the positions that they support on vital issues of the day. The University welcomes speakers from a variety of viewpoints and provides them platforms from which to express their views in an unconstrained manner.

The University, through its teaching, research, and co-curriculum, engages community members in the broadening of knowledge. Freedom of expression is critical to the process of learning, and the University of New England values in its members a diversity of thought. Peaceful public expression, protests, and/or rallies present our community with the opportunity to further share information.

As a private educational institution, UNE retains the right to direct the time, place, and manner of public expression as well as whether and who may engage in public expression on its campus. Any person is expressly prohibited from engaging in any conduct that endangers community members, disrupts University operations, or interferes with student access to UNE's programs, buildings, or common property. University administrators may choose not to permit a rally or demonstration if the University determines, in its sole discretion, that health and safety of any individual or the performance of University business may be compromised.

No act of public expression may violate or conflict with any UNE policy or federal, state, or local law or regulation. No conduct or speech may violate UNE's Code of Student Conduct, including

its nondiscrimination and harassment policies. No single person or group of people may prevent the public expression of others, such as preventing an invited speaker from being heard.

This policy applies to all students of the University of New England. Failure to abide by the policy may result in referrals to the Office of Student Resolutions for disciplinary sanctions under UNE's Code of Student Conduct.

UNE's Status as a Private Institution

There are differences between public and private institutions. UNE is a private, nonprofit educational institution and is not a state actor subject to the constraints of the U.S. or Maine constitutions in the way a public institution may be. To that end, the University has the right to develop and create its own policies, procedures, and rules about how it operates, which includes the right to determine who can and cannot come to its campuses.

Events Covered by This Policy

UNE students are permitted to engage in the events covered by this policy. Unless specifically set forth in this policy, individuals other than UNE students, faculty, and professional staff are not permitted to engage in the events covered by this policy on UNE's campuses. Any person who is not a member of the UNE community may be removed or cause to be removed from UNE property.

NOTE: For the purpose of this document, the terms public speech, public expression, gathering, rally, march, demonstration, and protest are used interchangeably.

Classroom Speakers/Invited Guests

Speakers who are invited by the faculty of the University and sponsored by faculty through their departments, programs, or as part of a class — including speakers who are not members of the UNE community — and who are presenting in an academic space (classrooms and lecture halls) enjoy the benefits of academic freedom as long as the primary intended audience is the UNE community. Speakers or presenters invited by faculty instructors for the purposes of instruction within an individual course curriculum can do so with department/college approval.

An individual member or group of members of the UNE community may also invite any person to address the community as long as the procedures in this section are followed.

Students, faculty, and professional staff are responsible for their guests and are accountable for their guests' conduct on campus, including conduct that violates UNE policy or federal, state, or local laws or regulations, and any property damage that occurs.

Planned Protests, Rallies, or Demonstrations

Protests, rallies, or demonstrations under this policy are classified as any event planned with the expressed purpose of gathering multiple people to raise awareness about, or express a viewpoint

on, any issue or cause. These events require advance arrangements with the University as outlined in the Advance Arrangements section.

Spontaneous Events

A spontaneous event is permitted involving University members only. These include responses to world or local events, vigils, and/or celebratory gatherings (e.g., Red Sox win the World Series, UNE wins a championship).

Recognizing that there are times when things happen that preclude the ability to plan an event, the University has designated areas on both the Biddeford and Portland campuses where these events may occur (see section below). Although spontaneous and not preplanned or preapproved, such events must not disrupt University operations, block traffic or pathways, result in any illegal conduct, endanger community members, or interfere with student access to UNE's programs, buildings, or common property. In addition, because of the spontaneous nature of such events, they must not last longer than four hours, must take place between the hours of 9 a.m. and 10 p.m., may not include amplified speech, and may not involve the construction of staging or the like.

Counter Protests

Planned protests, rallies, or demonstrations may invite protest by persons or groups whose ideas lie in contrast. Student organizations and University departments are required to plan for the possibility of counterprotests when organizing events. In cases for which dissenting views are likely to be expressed, the University will reserve the right to identify areas designated for counterprotest to protect the freedom of expression of all parties.

PLANNING AND EXECUTION OF EVENT

Community Notification

Whenever possible, the UNE community will be notified to the extent possible that a protest or demonstration will be, or is, taking place.

Advance Arrangements

Individual students and recognized clubs and organizations may organize protests, rallies, or demonstrations in concert with the Office of Student Engagement (Biddeford Campus), or College of Osteopathic Medicine Office of Recruitment, Student and Alumni Services or the Office of Graduate and Professional Student Affairs (Portland Campus). Working with this office as they would for the planning of any community program, students and clubs/organizations must submit a request no less than two business days prior to the date of the proposed protest, rally, or demonstration. This will ensure that University officials can assist students in the planning of their event and help anticipate the possibility of counterprotests (see the Counter Protests section).

UNE professional staff will be present during protests, rallies, or demonstrations to monitor the event's safety and to ensure the event does not interrupt University operations. Protests, rallies, or demonstrations slated to occur on an adjacent street or sidewalk (see the Approved Locations section) may require city permits and/or adherence to city ordinances. Students proposing such events will need to work within the parameters set forth by local and state government.

APPROVED LOCATIONS

Protests and demonstrations may not take place inside any University buildings or near administrative offices. The approved locations are indicated below.

Biddeford Campus

Area in front of the Campus Center, Compass Rose, area outside of the Ripich Commons, Alfond Lawn, the Peace Grove, and the lawn adjacent to the Campus Center.

Portland Campus

Main Campus Green and Hersey/Blewett Courtyard.

The entirety of the Biddeford and Portland campuses and all University-owned buildings (in Biddeford and Portland) are private property.

On the Biddeford Campus, public spaces include the sidewalks, Hills Beach Road, Newtown Road, Old Pool Road, and Route 9, including the publicly owned sidewalks.

On the Portland Campus, public spaces include Stevens Avenue, Forest Avenue, and College Street and the publicly owned sidewalks adjacent to University property. The Evergreen Cemetery adjacent to the Portland Campus is also owned by the city of Portland.

Restriction From Buildings (Individuals and Groups)

The University may remove any person who is not a member of UNE's community and who is engaged in a protest on UNE property. The University may deny any individual, including a member of the UNE community, access to or remove them from all or some University property, if such person has engaged or is engaging in criminal activity, suspicious activity, or behavior that is or is likely to be threatening, violent, or disruptive to University operations and activities. UNE may restrict access to buildings and outdoor areas during both business and nonbusiness hours.

Structures

Under no circumstances is any person permitted to erect on UNE property a tent or other structure that is commonly used for shelter, living, or sleeping for any event that could be covered by this policy. The Director of Student Engagement (Biddeford Campus) or the Associate Dean of Students (Portland Campus) must approve any structure, such as a stage, a function tent, and the like, to be erected for use during a protest, rally, or demonstration. Necessary consultation will occur with the Office of Safety and Security and/or Facilities.

Disorderly Conduct

Conduct that is disorderly, is a breach of peace, or aids, abets, or procures another person to breach the peace on University premises or at functions sponsored or participated in by the University is prohibited.

Disruptions and Obstruction

The intentional or unintentional obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or -supervised functions is prohibited. Participation in any behavior that disrupts the normal operations of the University and infringes on the rights of other members of the University community is also prohibited.

Noise Levels

While amplified sounds (voices, music) may be part of a protest, rally, or demonstration, those that impact the operations of the University may need to be lowered at the discretion of the University official on-site. Amplified sound may only be used as approved pursuant to this policy and only during the hours of 9 a.m. to 10 p.m.

Special Circumstances

The University recognizes that some demonstrations may occur over a period of hours or days (i.e., late night into morning events). Similarly, some protests, rallies, or demonstrations may draw large attendance warranting the need for an increased presence among University officials, including from the Office of Safety and Security. Any such events require the approval of the Dean of Students/Assistant Provost for Student Affairs (or a designee), who will consult with the Office of Safety and Security, Facilities, etc. It will also be necessary for the faculty or professional staff adviser associated with the club or organization to be present throughout the duration of the event when it occurs over a period of hours or days, when it is expected to draw a large crowd, or when a counterprotest should be anticipated.

Solicitation and Distribution of Information

Handbills, pamphlets, flyers, and quarter-sheets may be distributed on any location on campus (Portland/Biddeford) except in classrooms or offices in use. When handbill distribution is associated with a particular event, the locations of distribution may be restricted to preserve safety and security, but material distribution should not be wholly prevented or unnecessarily restricted. Distribution is subject to the University of New England Sign Posting Policy.

Posters, Placards, Banners, and Signs

Students, student organizations, faculty, professional staff, and employees commonly post signs and flyers to inform the University community of upcoming events or to express their opinions. The University allows this practice within regulations designed to reasonably govern what, when, and where the event takes place for the protection of the students, University property, and appearance of the campus. Banners and/or signs must be approved in accordance with the policies of the Office of Student Engagement (Biddeford Campus) or with the College of

Osteopathic Medicine Office of Recruitment, Student & Alumni Services or Office of Graduate and Professional Student Affairs (Portland Campus). Placards, banners, and signs used during a protest, rally, or demonstration may not impede the operations of the University and thus should not block sidewalks, entryways, or the like. While allowed, if found to impede the operation of the University, placards, banners, and signs may be relocated at the request of University officials.

Media and Public Relations

The Office of Communications is responsible for University communications, including media relations, public relations, publications The Office of Admissions and Marketing is responsible for University advertising, marketing, and websites. All communications with the media should be coordinated through the Office of Communications. Students are encouraged to contact the Office of Communications with items that might be of interest. Faculty, professional staff, and students may not speak on behalf of the University unless previously approved.

Lactating, Pregnant, and Parenting Student Policy

The University of New England is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy or related conditions, lactation status, family status, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. In accordance with federal and state laws, the University has established processes and procedures to train faculty and professional staff in supporting students who are pregnant and/or parenting to ensure the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents. Requests for support and additional information must be directed to Title IX Coordinator Angela Shambarger at ashambarger@une.edu or 207-221-4554. The full policy and procedural document may be found online at https://www.une.edu/title-ix-civil-rights-compliance.

Administrative, Medical, or Psychological Leave of Absence Policy

MANDATORY ADMINISTRATIVE MEDICAL OR PSYCHOLOGICAL LEAVE OF ABSENCE

In certain circumstances, a student will be required to take a leave of absence in response to exhibited behaviors:

- Ongoing behaviors that cause significant and pervasive disruption to the learning community, either in the classroom or elsewhere on campus
- Behavior that represents a clear and imminent danger to the student and/or others

Procedure

The University's Medical Officer (defined for purposes of this section as the Medical Officer designated by the President of the University, or the designee of either, as appropriate), in consultation with the Provost, may place a student on a mandatory medical or psychological leave of absence, without the student's agreement or consent, if the Medical Officer determines that the student's condition presents a clear and imminent danger to themself and/or others.

As part of the Mandatory Medical or Psychological Leave of Absence process, the Medical Officer or the Vice President for Student Affairs and Dean of Students or their designees, may inform the student's parents, guardians, or other appropriate person of the existence of a health and safety emergency.

Before a student is placed on a mandatory medical or psychological leave of absence, the Medical Officer will assess the student's ability to participate safely in applicable University programs. In making this assessment, the Medical Officer will exercise their reasonable judgment based upon the evidence available, consultation with the Vice President for Student Affairs and Dean of Students or their designee, and their own knowledge of the student's condition. The Medical Officer will provide the student (and the student's parents, guardians, or other appropriate persons in the event they have been notified) an opportunity to address the evidence being considered, unless the Medical Officer determines, in their discretion, that the circumstances require immediate action before the consideration of additional information.

If the Medical Officer decides to impose a mandatory medical or psychological leave of absence, the leave will take effect immediately. The Medical Officer will thereafter explain the basis for the decision in writing and may include conditions for the student's return, including a condition that the student grant permission for the Medical Officer to talk with, or receive documentation

from, the student's treating professionals. The written decision will be provided to the student. The Medical Officer's decision remains effective unless modified on appeal.

The student may request an appeal review within five business days of the date of the Medical Officer's written decision by submitting a written request for a review to the Dean of Students and Assistant Provost for Student Affairs. The written request for review must include a summary of the basis for the request for review. The Vice President for Student Affairs and Dean of Students will review the written decision of the Medical Officer and the summary of the basis for the review request. The Vice President for Student Affairs and Dean of Students will determine whether:

- To dismiss the request for review as obviously without merit
- To conduct the review themself or to appoint a hearing panel to conduct the review

If the Vice President for Student Affairs and Dean of Students opts to appoint a panel, the panel will consist of the Vice President for Student Affairs and Dean of Students (or their designee) and two healthcare providers. The Vice President for Student Affairs and Dean of Students or the hearing panel may retain legal counsel to advise it during the review hearing and deliberations.

If no timely request for an appeal review is submitted, the Medical Officer's decision is final.

The student may be accompanied at the appeal review, but not the deliberations, by an adviser, who shall ordinarily be a person from within the University community. The student may for good cause request that their adviser be a parent, legal guardian, or other family member. This request will be reviewed and decided upon before the review by the Vice President for Student Affairs and Dean of Students or the hearing panel. The student may also be accompanied by their healthcare provider(s), if the provider(s) will provide evidence at the review hearing.

At the appeal review hearing, the Medical Officer will explain the basis for their decision to place the student on a mandatory medical or psychological leave of absence.

The student may present evidence in opposition to the Medical Officer's decision. If the student has a proposal that is different from the Medical Officer's mandatory medical or psychological leave of absence, the student is encouraged to present that alternative proposal at or before the review hearing. Information may be presented by telephone.

After the conclusion of the appeal review, the Vice President for Student Affairs and Dean of Students or hearing panel will deliberate in private.

In reaching its final decision on a mandatory medical or psychological leave of absence, the Vice President for Student Affairs and Dean of Students or hearing panel will determine, based on the evidence presented, whether the student's condition presented a direct threat to the student's health and safety or to the health and safety of others. The Vice President for Student Affairs and Dean of Students or the hearing panel may affirm the mandatory medical or psychological leave of absence, adopt any alternative proposed by the student, or develop its own terms and

conditions, including terms and conditions for the student's return, which may include that the student grant permission for the Medical Officer to talk with the student's treating professionals.

UNE Protocol for Health Professions Students Infected With Blood-Borne Pathogens (Updated May 2015)

PURPOSE

The purpose of this protocol is to promote patient safety and to provide risk management and guidance to an applicant (otherwise eligible for acceptance) or an existing student in a University of New England health professions program who presents with an infection with a blood-borne pathogen (BBP), such as human immunodeficiency virus (HIV), hepatitis B (HBV), or hepatitis C (HCV). Health professions students are those who are students in UNE programs with a clinical training component, such as is found in the College of Dental Medicine, College of Osteopathic Medicine, College of Pharmacy, and Westbrook College of Health Professions.

BACKGROUND

The University of New England is committed to protecting the health of the public, as well as the legal rights and privacy of students infected with blood-borne pathogens, and to nondiscrimination.

Health professions students infected with a BBP, including but not limited to HBV, HCV, and HIV, may attend UNE and may complete their clinical education, subject to appropriate limitations as deemed necessary to ensure the safety of patients. This protocol and any limitations on a student's clinical activities are not intended in any way to preclude or discourage any applicant or student from pursuing the study or practice of medicine, surgery, dentistry, or any health profession. Any restrictions and limitations imposed on the scope of an infected student's clinical training will be intended to protect patient health and safety while facilitating the student's education, all in a manner consistent with the best currently available scientific knowledge, standards of practice, and established recommendations from the U.S. Centers for Disease Control and Prevention (CDC) and any other applicable guidelines regarding limitations on clinical activity and the protocols and informed recommendations established by the UNE Infectious Disease Committee.

Cancellation/Delay Policy

A decision to delay the opening time or to cancel school at the University due to inclement weather (snow or ice storms) will be made by 6:30 a.m. for day classes based on conditions at the University (each campus) and the immediate surrounding area after consulting with the weather service. The University's decision to cancel school or activities later in the day, evening, or weekends due to inclement weather will be made at least two hours prior to the class or event.

It is understood that a decision to either delay school opening or to close down the school early impacts classes as illustrated in the following examples and protocols:

- One-hour delay: 8 a.m. classes are canceled. Attend 9 a.m. class if applicable.
- Two-hour delay: 8 a.m. and 9 a.m. classes are canceled. Attend 10 a.m. classes or remaining portion of a scheduled class not ending by 10 a.m.
- School closing at 3 p.m.: Students will be excused at 3 p.m., and all remaining classes will be canceled.
- Use these examples as a guide to delays or cancellations that may take place any time other than those designated above.
- **Final Exam Schedule** impact.
- Student interns who have clinical responsibilities outside of the University or in University clinics should follow protocol established by the clinical site.
-

Students should monitor their UNE email, UNE website, and alerts via RAVE guardian for announcements on cancelations/delays.

During work cancellations/delays, only essential personnel are required to report to work at their normal starting times or at times arranged by their supervisors, including Facilities Management staff, University Health Care personnel, Food Service personnel, and Security and Safety personnel.

The University switchboard or answering service will be in operation at all times.

Consistent with the University's mission, faculty and professional staff are expected to be available to meet student needs when the University is open. In extreme circumstances for which faculty members elect, for their own reasons, not to attend work on storm days when the University is open, they should follow college protocol for notifying students by leaving an appropriate announcement on their voicemail at UNE and/or, for those who have internet access on a home computer, by sending a message to their class group on myUNE.

Faculty members are reminded that some students leave their homes very early to attend classes, so messages should be timely. Similarly, professional staff should notify their immediate supervisors. Employees working on any shift other than the day shift will be notified of a delayed

starting time or cancellation of their shift by the department or division director. Employees who elect, for whatever reason, not to attend work when the University opens late or to leave early when the University does not close will have time charged against the appropriate leave category.

Change of Address or Name Procedure

The University must retain accurate address information on students for purposes of distributing important information, billing, grade mailing, or emergency contact. When a student name or any address information changes, students should complete a "Change of Name or Address" form available in the Registrar's Office, Student Affairs, Student Accounts, and several other offices. Certain programs or departments require that their students also notify them immediately of changes in name or address information. Note that name changes must be reported to the Registrar's Office, and copies of legal documentation must be provided. A change of address or phone number may also be made by using the UOnline portal at https://uonline.une.edu.

Change of Enrollment Status

Matriculating students, in all programs, who wish to change their enrollment status, whether by requesting a leave of absence or withdrawal, must complete necessary forms. These processes serve to notify essential departments at the University and will avoid potential problems for the student, including transcript, billing, financial aid, or loan problems.

Leave of Absence

UNE POLICY REGARDING LEAVE OF ABSENCE

A leave of absence for a specified period of time, not to exceed one academic year, may be granted to a matriculated student with the authorization of the academic dean, program/college director, or a designee and upon completion of the required "Request for Leave of Absence" form available from program/college directors or department chairs, academic dean's offices, Student Affairs, the Student Administrative Services Center (Portland Campus), or the Office of the Registrar (Biddeford Campus). Application for readmission is not necessary if the student returns as planned; however, the student who does not return at the specified time will be administratively withdrawn and will be subject to readmission procedures. The University's policy on leave of absence tuition credit can be found in the UNE http://www.une.edu/registrar/catalog/index.cfm relevant to the student's program.

NOTE: It is the responsibility of the student to contact the office of the appropriate dean, program/college director (graduate), or registrar (undergraduate) to indicate a change of plans.

Medical Leave of Absence

Sometimes a student may need to interrupt their studies for medical reasons. The University can assist a student making this decision and advise them about the necessary steps for successful return. Students requesting a leave of absence do not need additional permission to take the leave for medical reasons; however, to return from a medical leave, a student must provide documentation. Documentation needed to support this finding will be determined by the University Medical Officer or a designee but will generally include information from the student's clinician indicating that they are able to return to the University. The University also reserves the right to require an involuntary medical leave of absence if it determines that a student's continued enrollment would create a significant or imminent risk to the health and safety of the student or others.

Medical Leave of Absence Reinstatement

A student seeking to reenroll after a medical leave must demonstrate to the University that the student's health permits successful pursuit of studies. Documentation needed to support this finding will be determined by the University Medical Officer or a designee but will generally include information from the student's clinician. The decision whether to permit a student to reenroll is in the sole discretion of the University.

Withdrawal From UNE

UNE POLICY REGARDING WITHDRAWAL NOTIFICATION

All matriculated students who wish to withdraw from the University of New England must complete notification documentation available from their respective program/college director or department chair, academic dean's office, Student Affairs, the Student Administrative Services Center (Portland Campus), or the Office of the Registrar (Biddeford Campus). Documentation must be signed by designated academic and administrative authorities. Student responsibilities include:

- Having knowledge of the University's policies regarding refund of tuition and/or fees as stated in the respective catalog
- Returning their University ID card to the Office of Student Affairs
- Returning any University keys in their possession to the appropriate departments

The University reserves the right to withhold the issuance of refunds and transcripts until the process has been completed. Following withdrawal, any student wishing to reenroll at the University of New England must apply through the Office of Admissions.

Forms for both processes may be found online at Registrar Forms.

Children on Campus Policy

The University of New England is a diverse environment of classrooms, offices, laboratories, and recreational and other common areas. Visitors to campus are welcome and encouraged. However, appropriate precautions and limitations on visitation are necessary to protect health and safety and to maintain productivity and regulatory compliance. The University of New England values its students and employees and strives to support them in an environment where we balance work and family.

Safety is always a primary concern when considering the presence of children and other visitors on campus. A number of our facilities are not designed for unsupervised public access and therefore maintain the same appropriate limited access to children/visitors as at other academic institutions. We want each employee and student to understand their responsibility for supervision of their children. To this end, the University has instituted the following guidelines to ensure the safety and welfare of our employees' or students' children (or visitors).

Student Guidelines

- A child should not be left unattended while the parent or guardian is attending class or conducting any other business or social function on campus.
- Line-of-sight supervision by the parent or guardian is required at all times.
- Children are not allowed in these high-risk areas:
    - Laboratories, shops, studios, mechanical rooms, power plants, garages, docks, food preparation areas, and fitness centers
    - Any areas, indoors or out, containing power tools or machinery with exposed moving parts
    - UNE vehicles, boats, or other motorized equipment, except for incidental travel in a University car, truck, or van, consistent with the UNE Travel Policy.
    - Any other high-risk areas (e.g., no playing in stairwells, elevators or doorways and no access to rooftops, construction zones, etc.).
- Children are not allowed in classrooms while classrooms are in session unless the faculty member grants permission. Should a child become disruptive, the student and child may be asked to leave.

Visitor Guidelines

- Line-of-sight supervision by the parent or legal guardian is required at all times.
- The parent or guardian must ensure that children are not disruptive.
- The parent or guardian must not leave children unattended at athletic or other University activities.

- Children are not allowed in the high-risk areas defined above.

Exceptions

These guidelines do not apply to sports camps and other University-sponsored programs for children.

Class Attendance

Intercollegiate Athletic Competition

When an athlete misses class for a scheduled varsity intercollegiate competition, it is an excused absence. The student-athlete should not suffer any academic penalty because of this absence. This policy does not apply to students on clinical rotations.

When such absences occur, the student-athlete is responsible for initiating collaboration with faculty and making arrangements to obtain all information and/or training from each missed class. The athlete must make arrangements to take early or late exams when they are scheduled for a day of absence, at the instructor's preference. All assignments must be handed in on time.

Faculty members are not required to remediate student-athletes as a result of these absences.

Religious Observances

When a student misses class for any religious observances, it is an excused absence. The student should not suffer any academic penalty because of this absence. Before the absence, the student is responsible for initiating collaboration with faculty to arrange to obtain all information from each missed class. The student must plan, at the discretion of the faculty member, to take any missed exam either prior to or following the scheduled exam time. All assignments must be handed in on time.

Undergraduate Students

All students are expected to attend all classes for which they have registered. Attendance policies regarding unexcused absences are established and announced by individual instructors. If a student is absent to the extent that their work is adversely affected, the instructor will report the student's absence to the department chair with comments on the status of the student in the course.

Whenever a student is specifically reported in writing by an instructor to the department chair as being excessively absent from class, the instructor, with the approval of the department chair, may drop the student from that course with an appropriate grade.

Graduate and COM Students

Please consult individual academic program handbooks for specific policies on class attendance and absences.

Commercial Activity/Solicitation

The University reserves all rights to commercial activity, the sale of merchandise or services, or the solicitation of charitable contributions on its property or on premises leased to or from others. This is done to protect the interests of the University and all members of the UNE community. This restriction applies equally to students of all UNE member colleges, to related student associations, and to affiliate organization chapters at UNE.

- Groups or individuals wishing to sell items or services on campus, in connection with UNE programs or to UNE constituencies, must obtain the approval of the Office of Student Affairs and may be required to obtain additional approvals as appropriate.
- Groups or individuals wishing to solicit contributions or patronage benefiting recognized public charities must seek approval from the Office of Student Affairs and may be required to coordinate their activities with the Office of Institutional Advancement.
- Groups wishing to solicit support in any form for the University or its member colleges must seek the approval of the Office of Student Affairs and authorization from the Office of Institutional Advancement, which regulates all charitable solicitation for University benefit; it is also required for the solicitation of cash donations greater than $50 or sponsorships involving promotional benefits. However, prior approval is NOT required for solicitation of small premiums, gift certificates, etc.
- Whether or not the result of solicitation, all members of the UNE community or affiliated groups are required to report to the Office of Student Affairs and the Office of Institutional Advancement all contributions received from external sources, including gifts in kind.
- Approval to solicit for commercial or charitable purposes notwithstanding, persons engaging in solicitation must fully respect the rights of other students; entrance to the residence of another student requires the student's approval, and it is within the student's rights to require the solicitor's departure. This must occur promptly when requested.
- Approval to solicit is conditional and may be revoked at any time by the Office of Student Affairs.
- The right of all members of the University community to decline any solicitation is hereby affirmed; moreover, their rights to request proof of authorization for such activity and to report unauthorized solicitation are also affirmed.

Communicable Disease Protocol

(Updated: August 2021)

Purpose of This Protocol

The University of New England is committed to providing a safe working, living, and learning environment for its faculty, professional staff, and students. Accordingly, the University has developed the following procedures to address concerns about communicable diseases.

This protocol addresses diseases that pose a potential threat to the University community due to risk of transmission to and/or among employees and students. Examples of such infectious diseases include but are not limited to acute meningitis, acute respiratory illnesses (especially influenza or respiratory illness associated with international travel), possible or known active tuberculosis, vaccine-preventable viral illnesses (i.e., measles, mumps, rubella, whooping cough, or pertussis), viral conjunctivitis (pink eye), community-acquired methicillin-resistant *Staphylococcus aureus* skin infections, and emerging infections of unknown severity, and others.

Administration of This Protocol

The person responsible for ensuring that this protocol is followed on a day-to-day basis is the Director of the UNE Student Health Center. When this person is not available, an alternative UNE Student Health Center healthcare provider will be temporarily in charge so that a healthcare provider is always available to assist with the implementation of this protocol.

UNE Student Health Center: (207) 602-2358 (Biddeford Campus) or 207-221-4242 (Portland Campus)

Procedural Guidelines

Employees and students who are infected with communicable diseases will not be barred from working, teaching, residing, or participating in University-sponsored activities or attending classes at UNE unless the individual poses a public health threat.

All students are strongly encouraged to seek medical assistance or guidance from the UNE Student Health Center (or another appropriate licensed healthcare provider) in the event they have concerns about communicable diseases. Any student with symptoms suggesting an acute infectious disease (fever, fever and rash, fever and cough, severe headache and fever, flu-like symptoms, fever and shaking chills, pink eye, sputum with blood, etc.) should consider being evaluated by the UNE Student Health Center or an appropriate licensed personal healthcare provider. When such evaluation is made of a student by a personal provider and a communicable disease with public health implications is diagnosed or suspected, UNE Student Health Center should be notified by the student and their healthcare provider so that any potentially exposed University students and/or employees can be protected as per the University's infection control protocols.

When there is evidence of an outbreak or an infection with serious potential to impact public health (e.g., meningitis, measles, etc.), the Vice President for Clinical Affairs will be consulted and will supervise UNE's response in collaboration with the Director of Student Health Services.

UNE will generally refer to the guidelines or consultation provided by federal or state CDC and/or guidelines issued by the American College Health Association when dealing with specific communicable illnesses. Reportable events will be submitted to the Maine CDC by UNE Student Health Services.

In the event of a serious widespread threat or outbreak, the Vice President for Clinical Affairs and/or the Director of Student Health will convene or co-convene the Infectious Disease Committee to obtain input and feedback. Information shared with them will be on a need-to-know basis but may include potentially identifiable information on patients.

Information released to the UNE community and the public about potential health threats will be HIPAA and FERPA compliant, with sufficient information to protect public health.

UNE laboratories and UNE clinical settings are to be environmentally safe with respect to communicable diseases. UNE Safety Manual guidelines (Chapter 8: Blood Borne Pathogens Exposure Control Plan) will be followed for decontamination of environmental surfaces and for the handling of equipment and objects that could come into contact with human blood or bodily fluids. In cases that require or that are likely to involve contact with blood and/or bodily fluids, UNE guidelines for equipment and surface decontamination will be strictly enforced.

Computer Use and Email Policies

ACCEPTABLE USE POLICY FOR STUDENTS

Purpose

The purpose of this policy is to outline the acceptable use of computer equipment at the University of New England. These rules are in place to protect University students and employees and the University's network. Inappropriate use exposes the University to risks, including virus attacks, compromise of network systems and services, and legal issues.

ITS Service Policy and Enforcement

All students and others who are provided access to UNE's network must agree to install and update their virus signatures and OS patches on a regular basis. Any student not in compliance and found with a virus will have their internet access revoked until the student has proven

compliance by having their computer cleaned and protected by virus software and security updates.

File sharing that violates copyright laws is illegal. Illegal file sharing is detectable on our network through network monitoring, network overload, and the millions of connections it creates.

If network monitoring finds a student participating in illegal file sharing, the computer in question will be blocked from the internet. If the student wishes to have it done somewhere else, they may do so. Although the computer will need to be checked by ITS before they will be allowed back on the network. They will be reported to the Office of Student Resolutions for further disciplinary action and may be criminally referred for prosecution.

For all other installation, repairs, hardware, software, peripherals, and troubleshooting of computer problems, students will need to call their hardware vendors for service. ITS will not fix, repair, or install computer equipment and software.

ITS will answer any help calls with issues regarding connecting to internet services, U-Online, and Office 365. We will be glad to direct you to a local computer vendor for all other repairs.

UNACCEPTABLE USE

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee or student of the University authorized to engage in any activity that is illegal under local, state, federal, or international law while utilizing University-owned resources. **All students and employees are responsible for their own computers and the activities initiated on their computers no matter who is behind the keyboard.**

The lists below are by no means exhaustive but attempt to provide a framework for activities that fall into the category of unacceptable use.

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

- Violating the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including but not limited to the installing or distributing "pirated" or other software products that are not appropriately licensed for use by the University.
- Unauthorized copying of copyrighted material, including but not limited to digitization and distribution of photographs from magazines, books, or other copyrighted sources or of

copyrighted music, or installing any copyrighted software for which the University or the end user does not have an active license is strictly prohibited.

- Exporting software, technical information, encryption software, or technology in violation of international or regional export control laws. The appropriate management should be consulted prior to export of any material that is in question.
- Introducing malicious programs into the network or server (e.g., viruses, worms, Trojan horses, email bombs, etc.).
- Revealing account passwords to others or allowing account use by others. This includes family and other household members when work is being done at home.
- Using a University computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
- Making fraudulent offers of products, items, or services originating from any University account.
- Making statements about a warranty, whether expressed or implied, unless it is a part of normal job duties.
- Effecting security breaches or disruptions of network communication. Security breaches include but are not limited to accessing data of which the employee is not an intended recipient or logging in to a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes but is not limited to network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
- Port scanning or security scanning is expressly prohibited unless prior notification to ITS s made.
- Executing any form of network monitoring that will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
- Circumventing user authentication or security of any host, network, or account.
- Interfering with or denying service to any user other than the employee's host (e.g., denial of service attack).
- Using any program, script, or command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the internet, intranet, or extranet.
- Providing information about, or lists of, University employees to parties outside of the University.

EMAIL AND COMMUNICATION ACTIVITIES

- It is an unacceptable practice to move confidential information by email that is not encrypted. UNE currently does not have an encryption system; therefore, at no time should anyone email confidential information at any time for any reason.
- Sending unsolicited email messages, including the sending of "junk mail" or other advertising, material to individuals who did not specifically request such material (email spam).

- Any form of harassment via email, telephone, or paging, whether through language, frequency, or size of messages.
- Unauthorized use, or forging, of email header information.
- Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
- Creating or forwarding "chain letters" or "Ponzi" or other "pyramid" schemes of any type.
- Use of unsolicited email originating from within University of New England's networks of other internet, intranet, extranet service providers on behalf of, or to advertise, any service hosted by the University or connected via the University's network.
- Posting the same or similar nonbusiness-related messages to large numbers of Usenet newsgroups (newsgroup spam).
- If you receive email from patients containing private health information, you may print and file in medical records and destroy email immediately.
- Do not forward University email from external sources containing PHI to your personal email.
- If accessing work email from home, secure email from household members, and shred any printed materials of a sensitive or confidential nature.

ENFORCEMENT

Repeating violators of this policy may face disciplinary action.

Contributions to Other Groups or Nonprofits

When an outside group or nonprofit asks UNE for a contribution, whether as cash or through goods and services, the general policy is to decline the request.

Exceptions to this recommended policy include:

- A group or nonprofit with which UNE is a co- or partial beneficiary of external support.
- A group or nonprofit that is clearly a partner with UNE on a project or program.
- A continuous history of the University's involvement with a specific nonprofit, which operates as a type of "Grandfather Clause," such as with a regularly scheduled annual event hosted by UNE.
- There can be established a clear and quantifiable quid pro quo between UNE and the particular nonprofit that equals the value of the contribution UNE is making. This exception should be applied with great care and must be supported by strong justification.

For more information on this policy, please contact Student Affairs.

Copyright Policy (Text and Software)

The following paragraphs are excerpted from the **University of New England Copyright Policy**. The full policy is available at University of New England Copyright Policy.

It is the policy of the University of New England that all members of the University community adhere to the provisions of the United States Copyright Law of 1976, as amended (Title 17, U.S. Code), hereinafter referred to as the "1976 Copyright Act"; the Digital Millennium Copyright Act of 1998; and the Technology, Education, and Copyright Harmonization (TEACH) Act of 2002.

The purpose of the University of New England Copyright Policy is to provide guidance to University faculty, professional staff, and students in the responsible use of copyrighted works in the creation, exchange, and dissemination of ideas and information in the pursuit of research, teaching, and learning.

Copyright ownership and intellectual property rights of works created by University of New England faculty, professional staff, and students are defined in Intellectual Property Policy: Rights and Responsibilities with Respect to Intellectual Property at the University of New England.

The policy provides useful information about:

- What items are Protected by Copyright
- What Is Not Protected by Copyright
- Rights of the Copyright Owner
- Copyright Registration, Copyright Notice, Public Domain
- 1976 Copyright Act Provisions for Nonprofit Educational Institutions
- Fair Use
- Reproduction by Libraries and Archives
- Computer Software
- Digital Millennium Copyright Act of 1998
- Technology, Education, and Copyright Harmonization (TEACH) Act

Fire Safety

Fire Drills

Whenever a fire alarm sounds, day or night, buildings are to be evacuated immediately. Everyone should note the available exit routes. Fire drills will be held periodically throughout the year in all residence halls and administrative classroom buildings. Evacuation is mandatory.

Fire Equipment

Fire extinguishers, smoke detectors, heat detectors, and other related fire protection equipment are provided to protect life in the event of a fire. Any tampering with this equipment, including false alarms, will result in a minimum assessment of a fine of $250 for a first-time violation and $500 for subsequent violations being levied against the individual, in addition to other disciplinary sanctions. Tampering with fire alarms or sending false communication of a fire is a felony. Criminal charges may be brought against violators.

Fire Pits and Recreational Fires

A burn permit must be obtained through the Office of Safety and Security for fire pit use to be authorized by the University. Fire pits are permitted only in designated locations. All participants must comply with University policies, established safety procedures, and the directions of University officials. Fires must be continuously supervised and fully extinguished with provided fire and safety tools before the area is vacated.

Misuse of a fire pit or recreational fire area, including unapproved fires, unauthorized ignition, burning prohibited materials, unsafe operation, tampering with safety equipment, or failure to follow directives from University officials, may result in disciplinary action and/or fines, in addition to other sanctions. Unauthorized fires or noncompliance with safety expectations may require immediate extinguishment.

For complete guidelines on recreational fires, please contact the Office of Safety and Security.

Gambling—NCAA Policy

The following sections are taken directly from the manual of the National Collegiate Athletic Association (NCAA), of which the University is a Division III member and is therefore bound by certain guidelines. It is useful for students, especially student-athletes, and staff to be informed.

Gambling Activities

Staff members of a member conference, staff members of the athletics department of a member institution, and student-athletes shall not knowingly:

- Provide information to individuals involved in organized gambling activities concerning intercollegiate athletics competition
- Solicit a bet on any intercollegiate team
- Accept a bet on any team representing the institution
- Solicit or accept a bet on any intercollegiate competition for any item (e.g., cash, shirt, or dinner) that has tangible value
- Participate in any gambling activity that involves intercollegiate athletics or professional athletics, through a bookmaker, a parlay card, or any other method employed by organized gambling

Disciplinary Action

Prospective or enrolled student-athletes found in violation of the provisions of the regulation shall be ineligible for further intercollegiate competition, subject to appeal to the NCAA Eligibility Subcommittee for restoration of eligibility. Institutional staff members found in violation of the provisions of the regulation shall be subject to disciplinary or corrective action as set forth in 19.6.2.2 of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

Health Insurance Portability and Accountability Act (HIPAA)

The full HIPAA Policy and Manual may be found online at HIPAA Policy and Manual.

It shall be the policy of the University of New England to protect and safeguard protected health information (PHI) created, acquired, maintained, or inspected by units classified as covered entities and for clinical training programs and at all other affiliated covered entities, in accordance with the HIPAA Privacy Regulations promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 and applicable state laws.

The policies contained are intended to provide guidance to UNE personnel and students about the protection and enhancement of the privacy rights of eligible participants by:

- Establishing rules related to the internal and external use and disclosure of Protected Health Information (PHI);
- Affording eligible participants access and information regarding the use and disclosure of their PHI
- Implementing administrative procedures intended to assist eligible participants and UNE personnel in effectuating these policies

These policies will apply to all PHI collected by UNE-covered entities and affiliates after April 14, 2003, regardless of the form in which it is created or maintained (i.e., whether oral, written, or electronic) for both living and deceased eligible participants. The policies apply to all eligible UNE workforce, including employees, students, trainees, and volunteers. UNE-covered entities may create separate policies and procedures relating to the use and disclosure of PHI to the extent that they do not conflict with HIPAA requirements or state law, whichever is greater. UNE can add to or supplement the policies and procedures or the forms attached hereto but may not delete or change HIPAA policies without the approval of the University privacy officer and the Audit Committee of the Board of Trustees.

Identification Card Policy

LOST, STOLEN, OR DAMAGED UNECARDS

Lost, stolen, or damaged UNECards on either campus should be reported immediately to the ID Office at (207) 602-2900. A student on a meal plan may have to sign and pay for meals until the card is replaced. There is no charge for a card replacement due to a name change. Stolen cards will be replaced at no charge with a police report. Lost and damaged cards will be replaced at a fee of $10 per card. Temporary cards not returned at the time designated will be electronically deleted and the holder assessed a $20 fee. Only the latest card version is valid.

Immediate notification of a lost or stolen card will protect online accounts and campus access privileges. The computer codes that control the account (other than vending money applied through cash machine) and the access stripe will be changed as soon as the card is reported lost, ensuring that no one will be able to use the account or access privileges. The UNECard should be protected the same way a credit or bank card would be protected. The UNECard should be treated with care. Holes, stickers, creases, cracks, etc. will render the card damaged and inoperable. Access to University facilities and services may be denied if the card's chip is damaged.

The UNECard is nontransferable. Use of the UNECard, your official ID card, is governed by University policies, rules, and regulations. Misuse of the ID Card may be referred to the Office of Student Resolutions for disciplinary action.

Intellectual Property

The intellectual property policy is listed on the UNE website: https://www.une.edu/sites/default/files/ip_policy_rev._5.12.20.pdf.

Mail Services Policies

FIRST-CLASS MAIL

- All resident students are automatically assigned a full-service box to receive their first-class mail on campus. Mailboxes for resident students living in East, South, and West Halls on the Biddeford Campus are located off the East Hall lobby. Box numbers in East and West Halls will be preceded by "R" to differentiate them from mailboxes in Avila Hall. There is no charge for the box for resident students. Please note that, in some cases, two students may share a single box.
- All mailboxes on the Portland Campus are located in Alexander Hall.
- Commuters who would like to receive their first-class mail on campus are welcome to reserve a full-service campus mailbox (based on availability) at $25 per year.
- Only resident students and full-service box holders will be entitled to receive first-class mail on campus. Students must notify correspondents of their current box number.
- If a student loses their key, or if the key is not returned when they no longer need the box, the lock will be changed and a $25 lock-change charge will be billed to the box holder.
- Students must promptly remove their mail from their boxes consistent with U.S. Postal Service regulations. Mail that is not picked up within 30 days, and for which a forwarding card has not been filled out, will be returned to sender.
- Mail Services must be notified if first-class mail is to be forwarded, whether the forwarding order will be temporary, for the summer, or permanent.
- Students remaining in the area during the summer should notify Mail Services to receive first-class mail at the University during the summer.
- Students are responsible for vandalism to their mailboxes.
- Students must pick up their mail by utilizing their assigned key. Federal law does not permit the dispensing of mail at the service window when locked boxes are available.
- Students will receive a package pick-up notice in their mailbox for any oversized mail/parcel. This notice must be signed and presented at the Service Window to retrieve the item.
- Do not use the word "box" in your address, as mail sometimes is diverted to boxes at the city post office.
- U.S. mail received must be addressed as follows:

Ex. 1)
J. DOE
UNIVERSITY OF NEW ENGLAND - #000 [#R000 if East/South/West Hall]
11 HILLS BEACH ROAD
BIDDEFORD, ME 04005-9599

Ex. 2)
J. DOE
UNIVERSITY OF NEW ENGLAND
716 STEVENS AVENUE #000
PORTLAND, ME 04103-7261

Transportation and Wheeled Vehicles

MOTORCYCLE/BICYCLE STORAGE

Life Safety Code regulations prohibit bicycles from being stored or parked in residence halls or in stairwells, corridors of academic buildings, or in any place that blocks a building exit. Motorcycles, motor scooters, motorized bicycles, and mopeds must comply with all parking and traffic laws. No motorized vehicle may be stored in any University building or near exits. The owner shall be responsible for any fee required to remove a motorized vehicle from a University building.

WHEELED VEHICLES IN BUILDINGS

Use of any wheeled recreational vehicles and equipment, including but not limited to in-line skates, skateboards, scooters, and bicycles, inside University buildings is prohibited. Violators may be billed for any damage caused by prohibited use.

IDLE-FREE CAMPUS

The purpose of this policy is to eliminate unnecessary idling of all vehicles on University property. Vehicle idling wastes fuel, degrades air quality, impacts human health, and contributes emissions that cause and worsen climate change. This policy aligns with University of New England's adoption of the Carbon Commitment, which aims to achieve climate neutrality by 2040, and with the Maine statute "Idling Requirements for Motor Vehicles."

- This policy applies to all University-owned vehicles, including gators and golf carts, as well as vendor- and contractor-owned vehicles.
- Faculty, professional staff, and students are also expected to adhere to the policy.
- Idling is prohibited for more than five minutes in any 60-minute period, except as noted below.
- Vehicles are prohibited from idling without an operator present, with limited exceptions noted below.

Exceptions:

- Emergency response vehicles, when responding to an emergency
- University vehicles in the course of official business, when attended and temperature controls are required
- Health or safety reasons (e.g., severe weather conditions and use of vehicle safety features)
- Vehicles with special features while specialty equipment is in operation (e.g., bucket trucks or liftgates)
- Idling for no more than 15 minutes in any 60-minute period when ambient air temperature is 32° F or below
- Idling as needed for the purpose of providing heat when the ambient air temperature is below 0°F.

Photography and Videography Policy

The University of New England is a private nonprofit institution that uses professional staff- and independent contractor-produced images of public campus life, events, ceremonies, and other activities to advance the mission of the University.

USE OF PHOTOS AND VIDEOGRAPHY

All photographs and videography created by the University of New England, regardless of which campus (Biddeford, Portland, or Tangier, Morocco) or off-campus events involving students in any capacity remain the property of the University Office of Communications. By registering at, enrolling in, visiting, or being employed by the University and being present in public settings, students authorize the use and reproduction by the University, or anyone authorized by the University, of any photographs or videography taken while at UNE, without compensation. All negatives and positives, photographic prints, and digital photo and videography files shall constitute UNE property, solely and completely. If a student wishes to opt out of this policy, they should notify the Office of Communications at communications@une.edu.

The University reserves the right to grant or deny any individual, group, or organization permission to photograph, film, or videotape any aspect of the Biddeford and Portland campuses. Requests to photograph, film, or videotape must be made to the director of the University's Communications Office.

Students who are photographed for use in University publications and/or advertising are asked to sign a photo release form, which is kept on file in the Communications Office.

A special rule applies to cadavers in the Gross Anatomy Lab. No photographs, film, or videotape of a body or any of its parts may be taken without the express written consent of the Director of the

Body Donation Program. The Director of the Body Donation Program retains the right to edit, with respect to propriety, all photographs, film, or videotape utilizing gross anatomical human material intended for publication and must be notified of an intention to publish such material.

Political Candidates, Campaigns, and PACs

Unless the University of New England's interests are directly affected by votes in elections, such as bond issues or special referendums, the University cannot in any way endorse or make a contribution to a political candidate or campaign or contribute to any political action committee (PAC). For more information on this policy, please contact Student Affairs at (207) 602-2372 (Biddeford Campus) or (207) 221-4213 (Portland Campus).

Use of Human Subjects in Research

All research activities conducted by University of New England faculty, professional staff, or students proposing to involve human subjects must be reviewed and receive unconditional approval from the Institutional Review Board for the Protection of Human Subjects before commencing. This applies to all research regardless of whether the activities are funded. This research must be conducted in accordance with federal, state, and local laws and regulations that are applicable to the use of human subjects in research. These regulations include but are not limited to Federal Policy for the Protection of Human Subjects in Title 45, Part 46, of the Code of Federal Regulations; Food and Drug Administration Regulations for Human Subjects Protections, in Title 21, Parts 50 and 56, in the Code of Federal Regulations; the Health Insurance Portability and Accountability Act of 1996; the principles set forth in the Belmont Report; and applicable UNE policy. The full policy, contacts, and process information may be found online at http://www.une.edu/research/compliance/irb.

Definitions

Human Subject: An individual about whom an investigator(whether professional or student) conducting research obtains data through intervention or interaction with the individual or obtains identifiable private information.

Institutional Review Board for the Protection of Human Subjects*:* The committee appointed by the UNE President to oversee the use of human subjects in research conducted under the auspices of UNE.

Research: A systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

The Belmont Report: The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research titled *Ethical Principles and Guidelines for the Protection of Human Subjects of Research*.

Sign Posting

Students, student organizations, faculty, professional staff, and employees commonly post signs and flyers in approved locations as a means of informing the University community of events they are sponsoring or expressing their opinions. The University allows this practice within regulations designed to reasonably govern the time, place, and manner for the protection of the students, University property, and appearance of the campus. Official University of New England signage — building designators, regulatory and traffic control, etc. — is not governed by this policy.

APPROVAL PROCESS

All signs, flyers, and banners must be approved and stamped with an approval symbol and end date by any of the following individuals.

Biddeford Campus Sign Managers

- Office of Student Activities/Organizations
- Office of Housing and Residential/Commuter Life (for posting in residence halls)

Portland Campus Sign Managers

- Graduate and Professional Student Affairs Office in 02 Proctor Hall

General Guidelines

- All bulletin boards will be labeled as open or dedicated. Departments or offices are responsible for monitoring the content of their dedicated board spaces. Signs and flyers that are posted on any dedicated space without approval will be removed.
- Signs, flyers, and banners may not be displayed without appropriate University approval. Signs, flyers, and banners found posted by internal or external groups or individuals without University consent will be removed.
- The name of the sponsor/sponsoring organization must appear prominently on all signs, flyers, and banners.
- Signs, flyers, and banners announcing events should be removed within 48 hours of the end of the event. It is the responsibility of the sponsor/sponsoring organization to

remove signs, flyers, and banners within the appropriate time period. Failure to do so may result in a removal fee. (Facilities Management will need to approve banners for installation location and method of installation and removal.)
- Tattered or torn signs, flyers, and banners that have become worn to the extent that they are no longer legible will be removed.
- The right to distribute or post signs, flyers, and banners shall not extend to libelous, obscene, or personally defamatory statements. Neither shall this right extend to materials encouraging and promoting violations of University regulations.
- Signs, flyers, and banners will not portray the consumption of alcohol as the focus of an event. Signs, flyers, and banners advertising products containing alcohol are not permitted.

Indoor Signs, Flyers, and Banners

Approved signs, flyers, and banners may be hung on any designated open bulletin board space with appropriate thumbtacks or on any approved flat wall surfaces using only sticky tack or Scotch removable mounting squares. The use of walls should be limited to when open bulletin board space is unavailable.

Signs/flyers may be posted on doors providing they:

- Are not obstructing handles
- Are not placed on the inside of doorways to stairwells
- Do not impair visibility

Use of nonapproved materials (tape of any kind, tacks on a surface other than a bulletin board surface, etc.) to hang signs on wall surfaces is prohibited, and such signs will be removed. Any damage repairs to the surface may be charged to the sponsor/sponsoring organization.

Approved signs/flyers and table tents may be placed on cafeteria and other public access area/lounge tables.

Outdoor Signs, Flyers, and Banners

- All outside posting locations must be approved for each specific sign, flyer, and banner. (Facilities Management will approve installation location and installation and removal method.)
- Signs, flyers, and banners may not be placed on directional signposts, building identification signs, or building windows.
- Water-soluble chalk may be used on sidewalks only.
- The sponsor/sponsoring organization is responsible for any cleanup associated with the distribution of printed materials placed on automobile windshields. Failure to remove waste may result in a removal fee.

Student Records and Family Educational Rights and Privacy Act(FERPA)

STUDENT ACADEMIC RECORDS

Student academic (and related) records are kept in the Registrar's Office on both the Biddeford and Portland campuses.

Under the terms of the Buckley/Pell amendment to the Family Educational Rights and Privacy Act (FERPA), students have the right to review and inspect all official records, files, and data, including all material that is incorporated into each student's cumulative record folder. However, the Department of Health, Education, and Welfare has said that clarifying amendments provide that letters of recommendation submitted on the basis of a pledge of confidentiality prior to January 1, 1975, need not be shown to students and that a student may be allowed but not required to waive their right of access to letters of recommendation received after that date. The amendments also provide that a financial statement submitted by a parent need not be shown to the student. Release of records is allowed only upon written student approval, with noted exceptions listed below.

University students wishing to review their records may do so by providing a written request to the Registrar's Office at least 48 hours in advance of the desired appointment.

STUDENT CONDUCT RECORDS

Student conduct records and related files are maintained by the Dean of Students in the Office of Student Affairs on each campus. Student conduct records/files are maintained under FERPA. All student conduct and related files are maintained by the Office of Student Affairs for a period of no less than four years after separation from the University. Records may be destroyed at that time. Disciplinary records may be retained for longer periods of time or permanently if specified in the terms of the disciplinary sanctions.

STUDENT ACCESS AND ANNUAL NOTIFICATION

FERPA affords students certain rights with respect to their education records. They are:

- The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. The student should submit to the Registrar's Office a written request that identifies the records that they wish to inspect. The office will notify the student of the time when and place where the records may be inspected.

- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students should write to the University Registrar, clearly identifying the part of the record they want amended and explaining how it is inaccurate or misleading. If the University determines not to amend the record as requested by the student, it will notify the student of the decision and advise the student of the right to a hearing regarding the request for amendment. Additional information regarding hearing procedures will accompany this notification.
- The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University 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 University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee or assisting another school official in performing their task; or the Veterans Administration for students registered for various GI Bill programs. A school official has a legitimate educational interest if the official needs to review an education record to fulfill their professional responsibility.
- The right to file a complaint with the U.S. Department of Education concerning alleged failure(s) by the University of New England to comply with the requirements of FERPA.

The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue SW
Washington, DC 20202-4605

Directory Information and Disclosure

The University normally will not supply nonrelated organizations with personally identifiable student information, including "directory information." One exception to this policy is the result of a federal law known as the "Solomon Amendment," which requires the University to release directory information to military recruiters upon request. For this purpose, directory information is defined as a student's name, address, telephone listing, date and place of birth, level of education, academic major, and degrees received as well as the educational institution where the student was most recently enrolled. Information not required or permitted by the Solomon Amendment and not considered directory information under FERPA will not be released without written permission of the student.

Active students who wish to have directory information withheld from release must do so in writing on a "per-academic-year" basis. Request forms are available in the Registrar's Office and

the Office of Student Affairs at either campus. Requests must be submitted prior to September 30 (if first-time enrollment for the academic year is the fall semester) or January 30 (if first-time enrollment for the academic year is the spring semester) to effectuate a "withhold" status.

Please remember: Active students must renew a request for nondisclosure each year to keep such requests in effect. The University may disclose directory information about former students without meeting notification requirements; however, at the last opportunity as a student (just prior to departure from the University), written requests for nondisclosure will remain in effect until a written request to change nondisclosure status is made by the student.

University Emergency Protocols

SUMMARY OF EMERGENCY PROTOCOL

The University of New England has a crisis and emergency response protocol in place in case of an on-campus emergency or to initiate in response to an external situation. There are many mechanisms for communicating with UNE community members and their emergency contacts.

The University of New England's Office of Safety and Security will send out emergency notifications via RAVE Guardian to advise students, faculty, and staff of any emergent situations (including security emergencies, inclement weather, school cancellations/delays) that may impact the UNE community. Messages are sent by phone, email, or text depending on the contact information entered into UNE Compass.



It is the responsibility of the individual community members to keep their personal and emergency contact information up to date with the University.

A new feature available is the RAVE Guardian app that includes important emergency contact information and website links, a safety timer, an emergency call feature with GPS locator, and the ability to call 911 directly from the app. This is available for download on the App Store and Google Play (scan one of the QR code to download).

Download the RAVE Guardian app for your smartphone (free from the Apple App Store and Google Play). You will need to use your **une.edu** email address to log in once you have downloaded the app.

There are three major components to RAVE Guardian:

1. **Emergency call function:** Quick dial for local 911 or to the Office of Safety and Security. Locations can also be shared.
2. **A safety timer:** Schedule your trip, designate a "friend," or have Office of Safety and Security track your route and timing electronically so it will know right away if you encounter difficulty.
3. **Security emergency chat:** Text with a dispatcher in the Office of Safety and Security for emergency situations. Locations can also be shared while texting.

Emergency notifications will be sent out via text, phone call, and email and to the app (if downloaded). Emergency notifications will also appear on the UNE website. The University of New England does not charge for this service; however, your mobile phone company may charge for text messages. Please refer to your mobile phone's service plan for more information.

This service is provided per the following:

- Terms of Use - https://www.getrave.com/help/Terms.action
- Privacy Policy - https://www.getrave.com/help/Privacy.action

Shelter in Place/Lockdown Plan

In the event of a serious, ongoing emergency requiring members of the community to shelter in place or lock down, the Office of Safety and Security will send an emergency message by email, text, or phone or any combination of these methods. To receive these emergency messages, you must enter your contact information as described above. For more information about UNE's emergency plans, go to www.une.edu/emergency.

University-wide Protocol in Cases of Medical Emergency

The following procedure is the University-wide protocol in cases of medical emergency:

- The first person at the scene of a medical emergency has a vital role in the overall pre-hospital care of the victim. Above all, remain calm and call for help by dialing 911 from any campus phone. Before approaching the victim, take a quick look around you to make sure the scene is safe. Electrical wires, broken glass, or chemicals can also injure you, making the matter worse.
- Provide first aid to the victim only to the extent you are trained.
- To activate the Emergency Medical Services system, dial 911.
- Call the Office of Safety and Security at extension 366 (either campus) or (207) 283-0176 (either campus).
- Keep the phone line free in case the dispatcher needs to call you back for additional information.
- Assign a responsible person to direct emergency (ambulance) personnel to the victim, if a person is available.
- In the event of a spinal injury, the victim should be directed to lie still until emergency help arrives. Do not move the victim unless CPR becomes necessary.
- In the Campus Center pool, all lifeguards are trained in back boarding procedures.

University-wide Protocol in Cases of Fire Emergency

The following procedure is the University-wide protocol in cases of fire emergency:

- Pull the fire alarm as you exit the building.
- Dial 911 from a safe location.
- State that you are calling from UNE.
- Provide the proper name of the building, floor, and/or room numbers.
- Specify the fire type (chemical, paper, wood, electrical, etc.), if known, and direct fire/emergency personnel to the location.
- Notify the Office of Safety and Security at extension 366 or (207) 283-0176.
- Proceed to your designated muster location (see card posted in offices throughout both campuses).
- If you are unable to use the stairs for any reason, wait for rescue in the nearest stairwell. Stairwells are designated "areas of refuge."

Do not attempt to extinguish a fire unless trained and in a controlled environment with proper equipment available.

Evacuation of all UNE buildings is mandatory when a fire alarm is activated for any reason.

All fires, even if extinguished, must be reported to the Biddeford Fire Department for the Biddeford Campus and Portland Fire Department for the Portland Campus. Additionally, the Office of Safety and Security on the respective campus must be notified.

University Relations With Media, Public, and Alumni

The Office of Communications is responsible for communications, including media relations, public relations, publications, advertising/marketing, and the website for the University.

MEDIA RELATIONS

All University-related communications with the media should be coordinated through the Office of Communications. Students are encouraged to contact the Office of Communications with items that might be of interest. The Office publicizes University events and suggests feature stories to off-campus news media, both locally and in hometown areas. Students who have received notable recognition or are engaged in a campus project of unusual interest are encouraged to contact the office.

PUBLICATIONS

Any publication that is intended to be distributed off campus should be reviewed, in advance, with the Office of Communications to ensure consistency in content and quality. The names UNIVERSITY OF NEW ENGLAND, UNIVERSITY OF NEW ENGLAND COLLEGE OF OSTEOPATHIC MEDICINE, UNE, and WESTBROOK COLLEGE and the University seal and logo are the private property of the University to be used for official purposes only. Permission to use these by any student or student organization must be requested in writing and responded to in writing by the Office of Communications. The above names are not to be used in any manner that may imply endorsement or sponsorship without specific written authorization from the Office of Communications.

The UNE Magazine features stories on our students, faculty, programs, research, alumni, and donors. *The Insider* (St. Francis College and UNE Alumni), *Inside UNECOM* (College of Osteopathic Medicine), and *The Brook* (Westbrook College Alumni) are annual alumni newsletters containing class notes. An electronic newsletter, UNE Online, is sent via email quarterly. In addition, the UNE website is a useful way to keep up with University news. All alumni are encouraged to keep the Alumni Office apprised of address, marital, and job updates and to contribute as generously and as often as they can. Contributing alumni receive certain on-campus privileges.

University Student Services

The following services are available to all students — undergraduate, graduate, and medical — at the University of New England. When information or procedures differ between campuses, services are further described in the Biddeford Campus or the Portland Campus subsections. Due to ongoing service changes, information regarding telephone extensions, locations, and email is subject to change.

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INNOVATION FOR A HEALTHIER PLANET