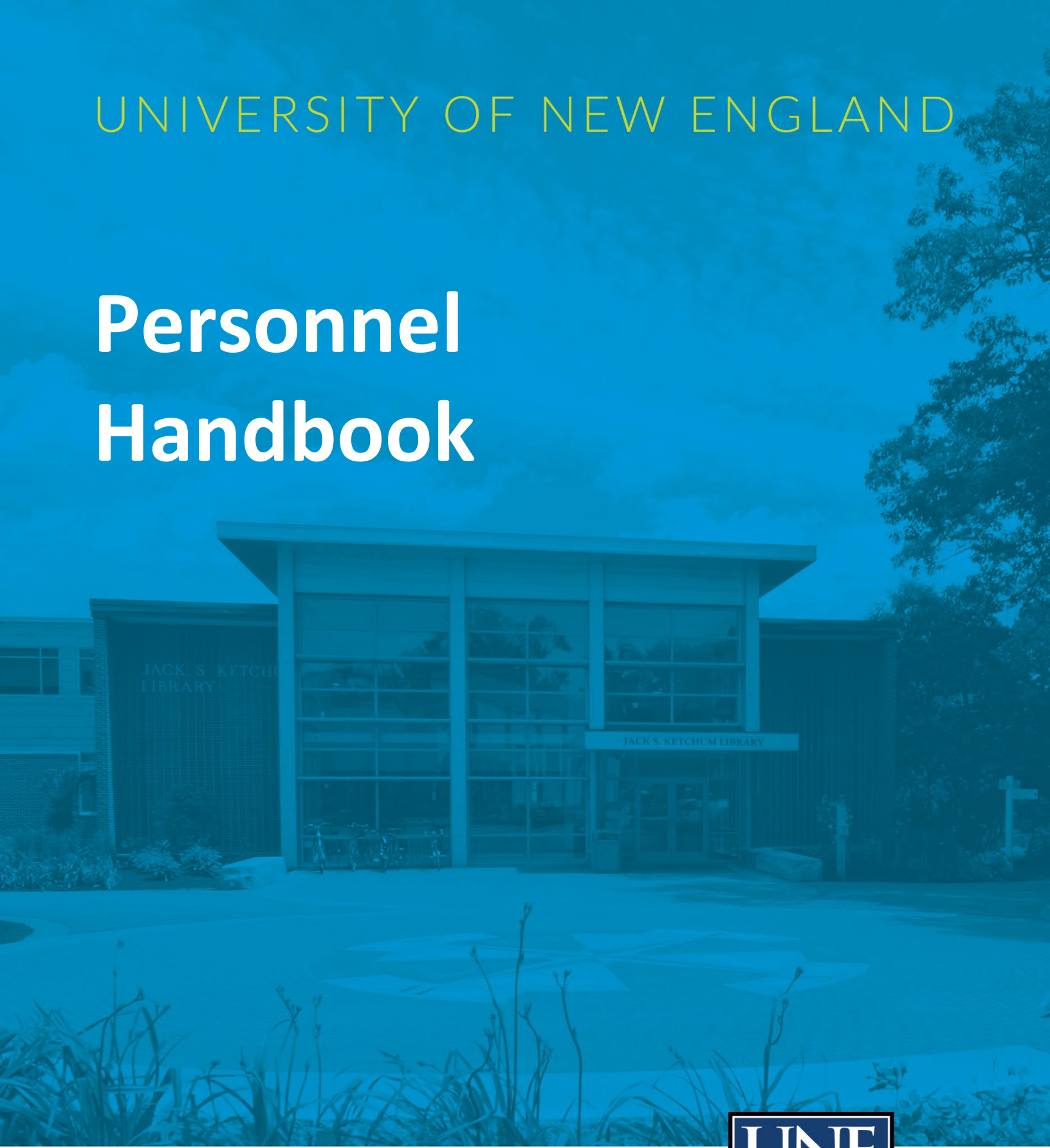
UNIVERSITY OF NEW ENGLAND

# Personnel Handbook




UNE

UNIVERSITY OF NEW ENGLAND

INNOVATION FOR A HEALTHIER PLANET

Effective November 3, 2026

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# FOREWORD

This Handbook is intended to be the primary resource for the articulation of personnel policy and practice for both faculty and non-faculty employees, except where specifically noted. It cannot and does not provide an exhaustive articulation of each and every written or unwritten policy and practice that may be implemented throughout the University. Each and every employee is expected to adhere to each and every articulated, legal employment policy or practice irrespective of whether the particular policy or practice is contained within this Handbook.

The Personnel Handbook is not intended to and does not constitute a contract, either expressed or implied, between UNE and any or all of its employees. If any provision of this Handbook or the application of any policy becomes invalid due to a change in the law, court decision, or otherwise, the remaining policies and applications of the Handbook continue to apply.

**PURPOSE**

This Personnel Handbook has been prepared to serve as a reference publication for current and prospective employees on employment-related issues. It should be regarded as a general guide to policy, practice, benefits, and terms and conditions of employment. Within the Personnel Handbook, you will find reference to more detailed policy statements or other documents that provide more specific guidance. The Faculty Handbook, for example, addresses those employment-related issues of sole or central concern to faculty.

Because of the dynamic, continually changing nature of UNE and of the legal and regulatory environments, UNE necessarily reserves the right to change provisions in this Handbook at any time. For that reason, your comments, suggestions, or recommendations are always welcomed. Neither this Handbook nor any of its provisions are intended to be a part of a contract between UNE and any employee. Please check with Human Resources to confirm UNE's policy in a particular situation.

**EMPLOYMENT AT WILL**

Employment with UNE is at will and at the mutual consent of UNE and Staff. Unless an employee has a written contract that provides for some limitation on the at-will nature of employment at UNE, either UNE or the employee may terminate that relationship at any time, with or without cause, and with or without notice. The Faculty Handbook contains specific terms that apply to Faculty and their relationship with the University of New England.

An initial employment offer is not a contract of employment and should not be construed as an implied contract of permanent employment, and nothing in this handbook should be read or interpreted as altering an employee's at-will status.

**NOTE: In order to reduce redundancies, when referring to individuals, this Handbook uses the pronoun "they." The University expects all employees to address individuals using their preferred pronoun.**

# 1.00 BEGINNING WORK: IMPORTANT DETAILS

## 1.1 HUMAN RESOURCES OFFICE

UNE's Human Resources Office provides various support services to all departments of UNE to attract, develop, and retain the workforce needed to accomplish the objectives and to carry out the programs of UNE. The office administers certain employee-related programs for UNE; maintains both computer and manual systems of personnel records; interprets University Human Resource policies and procedures; and carries out functional responsibilities related to UNE's personnel program. This includes salary administration, applicant recruitment and referral, training and orientation, benefits administration, equal opportunity and affirmative action, and employee relations activities.

In providing these services, Human Resources seeks to coordinate the personnel needs of UNE with those of employees. As a service-oriented unit, Human Resources is available to support departments in their administration of the personnel program in their direct support of employees.

## 1.2 ORIENTATION & ON-BOARDING

All new faculty and staff members at UNE receive specific information from Human Resources and their supervisor to help them become oriented to their new position and the policies of UNE. It is also necessary for all new employees to provide UNE with information required by law before they begin working. This information includes providing proof of eligibility to work in the United States by producing appropriate, original forms of identification according to the instructions provided on Form I-9. This is a Homeland Security Requirement and a condition of employment for all employees

Human Resources provides all new employees with an overview of UNE, its goals and mission, policies and practices, benefits available to employees, and the responsibilities of an employee.

All new employees receive information from their supervisors concerning their specific job duties, working schedules, performance expectations, and materials to perform their jobs.

## 1.3 KEYS

Many UNE employees need keys to access various University locations. The following key procurement policy applies:

- Key requests must be submitted to the Facilities Management Department by attaching a completed key request form to a Work Request.
- If the key requested is for an area outside of the requestor's assigned work area, the person responsible for that area must authorize the request before a key is issued.
- Master keys will only be issued when the request is accompanied by a signed authorization form from the Senior Administrator responsible for that area and the Senior Director of Security.
- Exterior building keys will only be issued when the request is accompanied by a signed authorization form from the Senior Administrator responsible for that area, the Director of Facilities, and the Senior Director of Security.
- All keys must be signed out by the person who will have possession of, and be responsible for, the keys. Keys are not to be shared with any other staff member.
- Under no circumstances will keys be given to any person other than the assigned key holder.
- All keys issued, and their subsequent use, are the sole responsibility of the person who signed for them.
- Lost keys must be reported to the Facilities Management Department and the Security Office immediately. Prompt notification helps maintain the security of the assigned area.
- All keys remain the property of UNE and must be returned to the Facilities Management Department when they are no longer needed, upon request, or upon termination of employment. Keys should not be transferred to another staff member. A new key request must be completed for each new assigned key

holder.

### 1.4 PARKING

Faculty and Professional Staff are allowed to park on either campus in appropriate, designated parking areas provided they display a UNE parking permit on their vehicle. Parking permits may be purchased online at http://www.thepermitstore.com/. Enter UNE as your destination. Parking Permits must be renewed in August for the next year. You may register as many as four vehicles under your one permit. Free shuttle parking on the Portland Campus is available off campus in the Bishop Street lot.

Employees are expected to comply with parking restrictions indicated by signage, such signs indicating no parking or no standing, or indicating that parking is reserved for people with physical disabilities, certain departments, or certain personnel. More information regarding parking regulations as well as campus maps with designated parking locations is available on the UNE website. Vehicles lacking proper permits or parked in inappropriate areas will be ticketed and may be towed at owner's expense.

### 1.5 EMPLOYEE IDENTIFICATION CARDS

All employees are issued an identification card once all required paperwork is completed and background checks, when applicable, are clear. To obtain a UNE ID card, an approval form containing appropriate approvals must be submitted to the Security office where a photo of the employee will be taken and the ID will be issued. The employee photo ID card is used for security purposes and allows employees access to the library, recreation/sports facilities, cultural, and other University events on either campus. You may also be required to show your ID card as a condition of receiving employee discounts in the cafeteria, bookstore, and at retail businesses in the community. Part-time, adjunct, clinical faculty, long-term guests, or temporary employees will be issued identification cards on request that will be valid for the term of their employment.

# 2.00 EMPLOYMENT POLICIES

## 2.1 DIVERSITY

At our core, UNE is a student-centered institution dedicated to fostering a community in which all members feel a true sense of belonging and where their identities are affirmed and honored. By celebrating the diversity of our backgrounds, examining our lived experiences, and sharing our perspectives, we seek to cultivate a campus culture of inclusion and equity that respects the contributions we all make toward an enriching campus experience.

## 2.2 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 of the members of the University community. The University prohibits, and will not tolerate, discrimination in employment, the provision of academic services or in any other area of University life based on race, color, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, genetic information, physical or mental disability, HIV status, veteran status, status as an individual who asserted a claim or right under Maine's Workers' Compensation law, status as an individual who sought and received a final protection order issued pursuant to Maine law or pursuant to a substantially similar provision of the law of another state or nation, or any other status protected by applicable federal, state, or local law. Prohibited bias factors should not motivate decisions regarding students, employees, applicants for admission, applicants for employment, contractors, volunteers or participants in and/or users of institutional programs, services, and activities.

Certain portions of this policy implicate and are affected by Federal and Maine law, including Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, the American with Disabilities Act, the Maine Human Rights Act, the Maine Whistleblower Protection Act, and other applicable civil rights laws and regulations. Inquiries regarding compliance with these statutes may be directed to the:

- Vice President of Human Resources, UNE, 11 Hills Beach Road, Biddeford, ME 04005, 207-602-2339
- Director, Office of Civil Rights, Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921, 617-289-0111 or
- Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333-0051, 207-624-6290.

Every member of this University community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations. To the extent terms are applicable to student behavior, every student of this institution has a responsibility to conduct themselves in accordance with this policy as a condition of enrollment. Further, every University employee has an obligation to observe UNE policies in the implementation of 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 channels available for resolving concerns dealing with prohibited sexual misconduct, harassment or discrimination.

In addition, this policy specifically prohibits any and all forms of sexual or gender-based harassment, and all forms of sexual misconduct, including sexual assault, dating violence, domestic violence and stalking.

## 2.3 ANTI -HARASSMENT/NON-DISCRIMINATION POLICY FOR EMPLOYEES

UNE will not tolerate harassment of its employees or students. This Policy applies to all forms of discrimination, which includes harassment and retaliation (other than sex discrimination which is covered by UNE's Title IX Grievance policies). The University of New England ("the University") 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, 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, color, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, genetic information, physical or mental disability, HIV status, veteran status, status as an individual who asserted a claim or right under Maine's Workers' Compensation law, status as an individual who sought and received a final protection order issued pursuant to Maine law or pursuant to a substantially similar provision of the law of another state or nation, or any other status protected by applicable federal, state, or local law.

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 employee of this institution has a responsibility to behave in accordance with this Policy as a condition of employment. Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment. Employees who engage in conduct prohibited under this Policy may be subject to disciplinary action, including 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. No person will be penalized for good faith utilization of or participation in channels available for resolving concerns dealing with prohibited discrimination, harassment, or retaliation
To review the Non-Discrimination Policy for Employees in its entirety, see Appendix A of the Handbook.

### 2.4 TITLE IX 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.

All substantiated incidents of harassment, discrimination and sexual misconduct, including sexual assault, dating violence, domestic violence and stalking will be met with appropriate disciplinary action, up to and including dismissal from the University or termination of University employment.

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. The Title IX Coordinator is Angela Shambarger, 207-221-4554 or ashambarger@une.edu.

All complaints of sexual misconduct, discrimination and/or harassment under this policy should be made to the Title IX Coordinator or a Deputy Title IX Coordinator. This includes complaints concerning administrators, trustees, supervisors, employees, staff, faculty, vendors, volunteers, students, athletes, and visitors.

The Title IX Coordinator/ Deputy Title IX Coordinators will:

- provide oversight of any investigation of claims of sexual misconduct, harassment or discrimination in violation of this policy
- be available to assist any individual to access 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 education programs and monitoring the campus climate with regard

to sexual misconduct, harassment and discrimination
- complete required annual reports to government agencies.

Sexual harassment is defined as conduct of a sexual nature (which may be verbal, non-verbal, or physical) that has the effect of unreasonably interfering with an individual's working or learning environment. The University needs to know of any harassment that occurs so that it may act promptly to investigate and to resolve the situation. If you are uncomfortable about any situation that may, in your opinion, constitute sexual harassment, or any other form of harassment, please immediately discuss your concerns with the Vice President of Human Resources or the Title IX Coordinator.

**To review the complete Title IX Grievance Policy for Employees, see Appendix J of the Handbook or go online to www.une.edu/title-ix.**

### 2.5 NON-DISCRIMINATION & ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

UNE's goal is to provide equal access to students, faculty, and staff to participate in the academic, employment, cultural and recreational life of the University.

Under University policy and Federal and State laws, people with disabilities who are otherwise qualified are entitled to reasonable accommodations that will allow them access to University programs, jobs, services, and activities. Questions from students should be directed to the Director of the Student Access. Questions from all others should be directed to the Vice President of Human Resources.

**To review the Non-Discrimination & Accommodation of Individuals with Disabilities Policy in its entirety, see Appendix B of the Handbook.**

### 2.6 WHISTLE-BLOWER PROTECTION POLICY

The University requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. The Whistleblower Protection Policy is intended to encourage and enable employees to raise serious concerns within the University before seeking resolution outside the University. Any employee who, in good faith, reports what they reasonably believe to be a violation of law is entitled to protection from harassment, retaliation and adverse employment consequence pursuant to state and federal law. The following types of activities are protected:

- In good faith, reporting to the University or a public body what the employee reasonably believes is a violation of a law or regulation;
- In good faith, reporting to the University or a public body what the employee reasonably believes is a condition or practice that would put at risk the health or safety of that employee or any other individual;
- Participating in, or being asked to participate in, an investigation, hearing or inquiry held by a public body, or in a court action; In good faith, refusing to carry out a directive to engage in activity that would be a violation of a law or regulation, or that would expose the employee or any individual to a condition that would result in serious injury or death, after having sought and been unable to obtain a correction of the illegal activity or dangerous condition from the University.

Maine's Whistleblower Protection Act does not apply to an employee who has reported or caused to be reported a violation, or unsafe condition or practice to a public body, unless the employee has first brought the alleged violation, condition or practice to the attention of a person having supervisory authority with the employer and has allowed the employer a reasonable opportunity to correct that violation, condition or practice, unless the employee has specific reason to believe that reports to the employer will not result in promptly correcting the violation, condition or practice.

Therefore, if an employee has knowledge of or suspects illegal, dishonest or fraudulent activity, the employee must contact their immediate supervisor or Human Resources. Supervisors and managers are required to report suspected violations to the Vice President of Human Resources or Designee, who is responsible for overseeing the investigation of all reported violations. Reports of wrongful conduct or suspected wrongful conduct will be kept confidential to the extent possible, consistent with UNE's need to conduct a thorough investigation. All reports will be promptly investigated, and appropriate corrective action will be taken if warranted by the investigation.

An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Employees must report any illegal retaliation to Human Resources immediately.

Employees who reasonably suspect a violation of federal/state laws or regulations, must report this information to an immediate supervisor right away.

If no action is taken to address the issue in a reasonable amount of time, or if reporting to an immediate supervisor is impossible for any reason, including a fear of retaliation, employees may call the UNE COMPLIANCE HOTLINE to make a report.

Contact the hotline's 24/7 message service at any time. Employee calls will remain confidential to the extent permitted by law. Call Toll-Free: 1-866-587-6636

### 2.7 CONFLICT OF INTEREST

UNE attempts to conduct its affairs with a high standard of integrity and expects that administrators, faculty, and staff members will conduct themselves in a professional manner with students at all times. All employees are expected to avoid situations that might permit private interests to influence job performance.

Faculty and staff members are expected to conduct themselves with the ethical principles or standards that may be outlined by their licensing agency; certification authority, or by their professional association (whether or not they choose to belong). If a conflict of interest may arguably exist, it is expected that the employee will discuss the nature of the conflict with their supervisor.

Examples of situations where a conflict of interest might arise include but are not limited to:

- When a full-time employee maintains employment in addition to their employment at UNE.
- When someone is employed in violation of the University's nepotism policy.
- Where an employee becomes personally involved (e.g., as a friend or romantic partner) with someone within the UNE community over whom they have power or authority. See the Consenting Relationship Policy (Section 13.2) for more detailed policy guidance. Examples where power or authority is clearly an issue includes a faculty member romantically involved with a student, the Director of any University program romantically involved with a student, or a supervisor romantically involved with a subordinate.
- Where an employee and/or an employee's immediate family stands to receive direct financial compensation or specific and direct financial benefits (other than through UNE pay and benefits) by University actions.

If the supervisor and employee cannot agree on appropriate action (if any) to resolve the conflict, the supervisor shall consult with the appropriate Senior Administrator who shall make a binding determination. Failure to consult with one's supervisor in situations where there is an arguable conflict of interest may result in disciplinary sanctions. Similarly, failure to follow supervisory guidance after consultation may result in

disciplinary sanctions.

## 2.8 NEPOTISM

UNE is committed to a policy of employment and advancement based on qualifications and merit and does not discriminate in favor of the employment of relatives. Due to the potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried to the daily working relationship, UNE has restrictions on hiring, promoting, and transferring relatives of a current employee.

UNE prohibits the hiring of the relative(s) of current UNE employees within the same department unless there is a reasonable and appropriate process to ensure that one relative does not supervise the other and that any supervisor is free of undue influence by either relative in the execution of their supervisory duties. UNE also prohibits the hiring or transfer of an employee into a position in which they will directly or indirectly supervise or be supervised by a family member. Nor shall close relatives be permitted to work in the same office, whether or not there is a supervisory relationship.

Similarly, employees may not be assigned, transferred, or promoted to a position if it will create a direct or indirect supervisor/subordinate relationship between relatives or if it will create an actual conflict of interest or the appearance of a conflict of interest. If one of the conditions outlined should occur, attempts will be made to adjust the working environment to avoid these conditions. If adjustments cannot be made to the satisfaction of the University, one or both of the individuals may be subject to reassignment or termination.

For purposes of this policy, a relative is defined as a parent, step-parent, sibling, step-sibling, child, stepchild, spouse, partner, uncle, aunt, grandparent, grandchild, and in-law. For the purposes of this policy, an employee is defined as any person receiving compensation from UNE, including contractors and work-study employees.

Any exceptions to this policy require the approval of both the Senior Administrator of the area and the Vice President of Human Resources.

## 2.9 JOB POSTING

Consistent with UNE's commitment to Equal Employment Opportunity, notice of all full and half-time vacancies will typically be communicated through UNE Job Posting List and posted on the at https://une.peopleadmin.com. Job postings allow current employees the opportunity to apply for positions that will enhance their personal career growth and their contribution to UNE.

An employee must have a minimum of six months of service in their current job to be eligible for consideration for promotion or transfer. Except occasional internal department promotions, interim appointments and University-initiated transfers for special reasons, all such vacancies are posted for five days.

During the posting period, employees may express their interest by applying for the posted position using the link provided to the specific position in the Job Posting List. Postings can also be accessed through an employee's home page in the applicant tracking portal – using their UNE login credentials or the Careers page on the UNE site.

## 2.10 BACKGROUND CHECK

It is the policy of UNE that its supervisors and managers are responsible for safeguarding faculty, professional staff, and students of UNE, as well as the University's resources through the use of appropriate pre-employment background checks. Use of such procedures may minimize or avoid post-hire fraud, theft, embezzlement, or other criminal acts.

Background checks refer to the totality of activities associated with determining an applicant's suitability for a

position and may include reference checks, criminal background checks, degree verifications, credential verifications, and driver's license checks.

**For more information on the Background Check Policy see Appendix I of the Handbook.**

## 2.11 EMPLOYEE CRIMINAL CONVICTION DISCLOSURE POLICY

Within five (5) days of the occurrence, employees are required to disclose any criminal conviction or civil driving offense and any charge, compliant, or indictment for a criminal or civil driving offense that occurs during their employment with the University. This policy applies to all employees.

For the purposes of this Policy, a **Criminal Conviction** includes a finding of guilt by a court for a criminal offense, including but not limited to felonies, misdemeanors, and any offenses involving dishonesty or moral turpitude, regardless of whether the convicted party pled no contest or entered a so-called Alford plea. A conviction also includes a disposition of the case, even in part, through a so-called filing, a deferred adjudication, a deferred disposition, or any other method of resolving the matter in any way other than a straight dismissal of all charges.

**Disclosure Requirements:**

1. **Timeframe for Disclosure:**
   Employees must disclose any criminal conviction within five [5] days of the conviction.
2. **Method of Disclosure:**
   Disclosure should be made in writing to the Chief Human Resources Officer (CHRO) and must include:
   - A description of the conviction, adjudication, or charge.
   - The date of the conviction, adjudication, or charge
   - Any relevant details, including court documents.

**Review Process:**

UNE human resources will review the information and work with the employee's department head and other UNE personnel to determine whether UNE will continue to employ the employee. A criminal conviction, adjudication for a driving or civil offense, or a charge of any kind of offense will not automatically result in the termination of an employee. Except where employment is expressly prohibited by law, when making its decision, UNE will may consider factors such as, (but not limited to,) the nature and seriousness of the offense, the age of the individual at the time the offense was committed, length of time since the offense, conviction, or charge, the nature of the position held or sought and the job-relatedness of the offense, conviction, or charge, the individual's employment history, and employment references.

**Consequences of Non-Disclosure:**

Failure to disclose a criminal conviction, adjudication, or charge may result in disciplinary action, up to and including termination of employment.

**Legal Compliance:**

This policy will comply with all applicable federal, state, and local laws regarding employment and criminal history.

**Review and Amendments:**

This policy will be reviewed periodically and may be amended as necessary to ensure ongoing compliance and effectiveness.

## 2.12 PERSONNEL FILES

UNE complies with all laws that govern personnel records, their creation, handling, and retention. Information that may be included in a personnel file includes but is not limited to benefit election form, hiring paperwork such as Employee Information Form, job description, Hiring Proposal, performance evaluations, disciplinary action, and a resume or an application for employment.

The information in personnel files located in the Human Resources files is confidential. Employees may review their full personnel files and must request in advance a time to review the file. UNE will schedule a review within ten days of receiving the written request from the employee.

The file shall be reviewed in Human Resources in the presence of a member of Human Resources staff. Employees may take notes and obtain a copy. Employees are permitted to insert concise information in their files in response to material they deem unfair or incorrect. The information in the personnel files is property of UNE and may not be removed.

Employees are responsible for notifying Human Resources of changes in address, telephone number, and family status (birth, marriage, death, divorce, etc.). For benefits eligible employees this can be done by completing an electronic form. For non-benefit eligible employees this can be done by completing an Employee Information Form that can be found at https://www.une.edu/hr/support/getting-started-une.

## 2.13 JOB DESCRIPTIONS

At UNE, job descriptions are used to aid in training and wage and salary administration. They also assist employees and supervisors with communication regarding job responsibilities and Department of Labor classification. UNE makes every effort to have a written job description for each non-faculty position. Job descriptions include a listing of the functions of the job, training, knowledge, and experience necessary to perform it.

All staff members should be aware of their job descriptions and should perform accordingly. It is noted, however, that job descriptions are made up of the essential functions and qualifications of a position. They are only guidelines and can normally be expected to change over time. It is the responsibility of the supervisor to provide employees with a job duties list that outlines the day-to-day functions of a position. Additionally, it is the responsibility of both the supervisor and the employee to work with Human Resources to update job descriptions that become outdated.

## 2.14 WORKING HOURS

All employees are expected to be on time for work and to work the entirety of their scheduled work period. Any variation from their regular schedule should be discussed in advance with the employee's supervisor and placed in writing (if applicable). All employees are expected to contact their immediate supervisor as soon as possible if they are to be absent or late.

## 2.15 REGULAR FULL-TIME EXEMPT EMPLOYEES

Full-time employees are expected to work a minimum of 40 hours per week in consultation with an employee’s supervisor and Senior Administrator, and such additional hours as may be required to complete their work assignments.

## 2.16 REGULAR FULL-TIME AND HALF-TIME NON-EXEMPT EMPLOYEES

Full-time and half-time non-exempt employees' supervisors, in consultation with the Senior Administrator, determine the hours that each hourly employee will work. Employees may be asked to adjust their work schedule on occasion to meet departmental needs.

## 2.17 FLEXIBLE WORK MODEL

UNE supports the principle of flextime for its employees to provide more efficient utilization of the abilities of its employees, better service to the public, and improved working conditions for employees. Departments are encouraged to accommodate the reasonable requests of employees for alternative work schedules only when consistent with the needs of the department to accomplish their objectives. It is up to the individual department supervisors to determine their needs and ability to offer flexible work hours. However, it is important to keep in mind that UNE does not allow comp time.

**To review the Full-Time Professional Staff Flexible Work Model Policy in its entirety, see Appendix K of the Handbook.**

## 2.18 EMPLOYMENT STATUS

The employment status of employees at UNE is determined by the type of work that is performed (as established by the Federal Fair Labor Standards Act and Maine Law), the number of hours they work on a regular schedule, the regularity of their work schedule, and the amount of time they have been employed at UNE.

**DEFINITIONS:**

**EMPLOYEE** - For the purpose of this Handbook, "employee" is defined as any person who is employed by UNE and who is not an independent contractor.

**EXEMPT/NON-EXEMPT STATUS** - Human Resources determines a position's exempt/non-exempt status, following criteria established by the Fair Labor Standards Act and Maine Law. These criteria include:

- salary level;
- the duties and responsibilities assigned to the position;
- the level of supervision received;
- whether or not specialized training or education is required to perform the duties;
- if discretion and judgment must regularly be exercised as part of the duties; and
- the amount of time and effort spent performing various duties.

**EXEMPT** - Employees whose responsibilities and job functions are such that tests established by the Federal and State Laws exempt them from minimum wage and overtime pay requirements.

**NON-EXEMPT -** Employees whose responsibilities and job functions are such that tests by Federal and State Laws require that they be paid at least minimum wage and time and one-half of their regular rate of pay for any and all hours worked over forty in a week.

**REGULAR FULL-TIME** - Employees regularly working a minimum of 35 hours per week (non-exempt) or 40 hours per week (exempt) for at least nine months of the year in a position that is regularly budgeted as a full-time position.

**REGULAR HALF-TIME** - Employees regularly working a minimum of 20 hours per week but less than 35 (non-exempt) or a minimum of 20 hours but less than 40 hours per week (exempt) for at least nine months of the year and who hold a position that is budgeted as a half-time position.

**TEMPORARY, ADJUNCT AND PART-TIME** - Employees whose positions are not budgeted or work less

than 20 hours per week or for a limited time period

## 2.19 BREAKS AND REST PERIODS

Employees are offered one half-hour unpaid meal period for every six consecutive hours worked.

### 2.19.1 LACTATION POLICY

As part of our family-friendly policies and benefits, the University supports breastfeeding individuals by accommodating employees or students who wish to express breast milk when separated from a newborn child. For up to three years after the child's birth, any employee who is breastfeeding their child will be provided reasonable breaks to express breast milk for their baby. The University has designated a 'Privacy Room' on each campus. Please contact Human Resources for the room locations and/or if you need a temporary key made to access the space(s). Nursing employees wishing to use this room must request/reserve the room by contacting Human Resources. Unless an employee specifically uses paid break time that lasts more than twenty minutes, breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on their time sheet.

## 2.20 FAMILIARIZATION PERIOD

Full and half-time professional staff employees may experience a ninety-day period at the start of employment or upon transfer or promotion allow for the employee to learn the functions and responsibilities of the employee's new position and to demonstrate that the employee has the skills and ability necessary to perform the job in a satisfactory manner. During this time, the responsible supervisor will work with the employee to assist in the employee's adjustment to UNE or the new position and will use the time to assess whether the employee has the skills and ability necessary to perform the job in a satisfactory manner. If the immediate supervisor concludes that the employee does not have the skills and ability necessary to perform the job in a satisfactory manner, the immediate supervisor should work with Human Resources to effect a separation of employment. To be clear, the use of a familiarization period does not create a contract for a period of time does not alter the status of any employee as an at-will employee.

A supervisor may request an extension of the familiarization period by an additional thirty to ninety days if, in the supervisor's judgment, the ninety days was not sufficient time to allow for the adequate assessment of the employee's skills and ability to perform the job in a satisfactory manner. Certain positions at UNE may require a longer period due to the complexity and responsibility of the position. The request should be communicated first to the Human Resources Office and approved by the Human Resources Office and then, if approved, communicated to the employee.

## 2.21 PERFORMANCE EVALUATION

The evaluation of employee performance should ideally be an ongoing process of communication between employees and supervisors to review performance and set goals for the coming year.

The annual review process is designed to encourage employee participation in assessing their performance and establishing goals in consultation with their supervisor. Information and training materials relevant to the performance evaluation process are available in Human Resources.

UNE's goal is that performance evaluations are conducted after 90 days of employment and then on an annual basis after that.

Faculty members should consult the Faculty Handbook about the annual review process.

## 2.22 PROMOTIONS AND TRANSFERS

UNE gives primary consideration to current employees for positions offering increased responsibility and compensation. An employee's mobility within UNE depends on their related qualifications, demonstrated

abilities, and past performance.

UNE prefers to promote qualified applicants from within to the greatest extent possible; however, interested employees applying for a vacant position will be considered along with any outside candidates. Except occasional internal departmental promotions, interim appointments and University-initiated transfers for special reasons, all full-time and half-time staff vacancies are posted for five days.

Employees with less than six months of service in their current position at UNE will not be released for transfer or promotion unless it is approved by the Department Head and Senior Leader. Human Resources can offer employees career counseling as well as information concerning career opportunities at UNE.

### 2.23 REFERENCES

In the interest in helping past or present employees, UNE will provide references to help secure credit, employment, or admission to educational institutions. Anyone approached for reference information may not provide a reference without first coordinating with Human Resources. Such coordination should include a determination as to whether the employee has a signed reference authorization on file and what information is appropriately released. The information given without an employee's written authorization shall include only dates of employment and job title.

### 2.24 EMPLOYMENT OF MINORS

Employees under the age of sixteen, by state and federal laws, must give Human Resources an approved employer's copy of their work permit before beginning work at UNE. Due to the nature of some positions, the labor laws define the minimum age for employment performing specific functions and working certain hours. For more information you may contact Human Resources.

### 2.25 VISITORS & CHILDREN ON CAMPUS

Safety is always a primary concern when considering the presence of children and other visitors on campus. Some facilities are not designed for unsupervised public access; therefore, UNE limits and prohibits access to these facilities by children and adult visitors.

**For more information on the Children on Campus Policy see Appendix C of the Handbook.**

### 2.26 SMOKE-FREE CAMPUS

UNE is an institution committed to the health and well-being of our staff, faculty, students, guests, and community. In keeping with this value, UNE has created a policy that protects the well-being of the campus community.

**For more information on the Tobacco and Smoke-Free University Policy see Appendix D of the Handbook.**

# 3.00 PAYROLL PROCESSING AND PAY ADMINISTRATION

## 3.1 TIME SHEETS AND LEAVE REPORTS

### 3.1.1 RECORDING OF WORK TIME FOR NON-EXEMPT EMPLOYEES

All non-exempt employees must keep accurate records of their time worked and ensure all hours worked are reported on their time sheets. This includes all time worked at a university work location or at a flexible remote working location.

While employees are responsible for completing their time sheets accurately, supervisors and managers are responsible for ensuring that non-exempt employees' complete accurate time sheets for all hours worked and that the time sheets are submitted and approved in a timely fashion to the Payroll Office for processing. A failure to complete time sheets or a failure to complete time sheets accurately may result in discipline up to and including separation from employment.

### 3.1.2 TIME SHEETS FOR NON-EXEMPT EMPLOYEES

Non-exempt employees record their work time and eligible leave time using electronic time sheets via *Compass*. These time sheets must be fully and accurately completed and submitted by the employee, then reviewed and approved by their supervisor at the end of the pay period.

Time sheets must be submitted and approved by noon of the Monday immediately following the end of the bi-weekly pay period. Time sheets that are not submitted and approved may result in a payment delay beyond the normally scheduled pay date.

### 3.1.3 OVERTIME

Overtime is defined as hours worked more than forty hours per workweek. Each seven-day workweek begins at 12:00 a.m., Sunday and ends at 11:59 p.m., Saturday. For purposes of overtime determination and hours worked, include actual hours worked and eligible holiday hours. Vacation, sick, personal, floating holiday, non-worked inclement weather time, Maine Earned Paid Leave, all other paid leave time, and any non-work time are not regarded as hours worked for the determination of overtime.

Overtime hours must be authorized in advance by the supervisor. Only non-exempt and salary non-exempt employees are eligible to be paid at overtime rates. Overtime will be paid for at the rate of one and one-half times the employee's regular rate of pay as defined by the Federal Labor Standards Act and State Law. Unauthorized overtime hours will be paid by the university.

### 3.1.4 COMPENSATION FOR EMPLOYER CANCELED OR SHORTENED SHIFTS FOR NON-EXEMPT EMPLOYEES

When the University cancels or shortens the shift of a non-exempt employee who reports to their scheduled shift, the employee will receive compensation for the lesser of:

- two hours of wages at the regular pay rate, or
- the total pay for the shift for which the employee was initially scheduled.

This requirement does not apply if the schedule adjustment is due to inclement weather conditions, a natural disaster or civil emergency, an illness or medical condition of the employee, or a workplace injury.

In the event that the University makes a documented good-faith attempt to notify employee not to report to their regularly scheduled shift, the employee:

- may perform whatever duties are assigned by the employer as long as the employee is physically able to perform those duties,

- will be paid for time worked, but
- will not be eligible for the minimum compensation.

#### 3.1.5 LEAVE REPORTS FOR EXEMPT FACULTY/PROFESSIONAL STAFF & SALARIED NON-EXEMPT PROFESSIONAL STAFF

To report usage of leave time used for the month, all exempt faculty and exempt professional staff, who are eligible for leave time, must submit authorized leave time reports for each calendar month to their respective departments by the 2nd business day of the following month. Examples of leave time include vacation, sick, floating holiday, personal time, and all other leave time as provided for in Section 6.0 of the Personnel Handbook. All days and times not worked in the pay period are required to be accounted for with eligible and available leave time; days not accounted for with leave time will be unpaid. The Salaried Employee Monthly Leave Reports must be signed by either the faculty or professional staff member and their supervisor and retained by each department for 6 years. Each department submits the Monthly Departmental Leave Time Summary of such leave time for their exempt faculty and exempt professional staff to the Payroll Office by the 3rd business day of the subsequent month.

## 3.2 PAY PERIODS AND PAY DAYS

### 3.2.1 NON-EXEMPT PROFESSIONAL STAFF

Non-exempt employees are paid on a bi-weekly basis from submitted time sheets. The two-week (14 day) pay period is from Sunday through Saturday. Each seven-day workweek of the pay period begins at 12:00 am Sunday and ends at 11:59 pm Saturday. This seven-day workweek is used for the determination of overtime pay.

All non-exempt professional staff are paid once every two weeks on the Friday following the end of the pay period. If the normally scheduled Friday pay day falls on a University or banking holiday, the payday will be changed to UNE's working day immediately preceding the holiday.

### 3.2.2 EXEMPT FACULTY/PROFESSIONAL STAFF & SALARIED NON-EXEMPT PROFESSIONAL STAFF

All exempt faculty and exempt professional staff are paid on a semi-monthly salary basis, on the 15th and 30th of each month. The 15th pay period includes the work days of the 1st through the 15th, and the 30th payday includes the work days of the 16th through the end of the month. If the 15th or 30th falls on a weekend, a University holiday, or banking holiday, the payday will be changed to UNE's working day immediately preceding the weekend or holiday.

Exempt faculty and exempt professional staff and salaried non-exempt professional staff working a partial pay period, in the event of new hire or termination, will receive their semi-monthly salary based upon a pro-rata basis of the days worked in the pay period worked.

## 3.3 COMPENSATION AND PAYROLL

### 3.3.1 PAYCHECKS AND DIRECT DEPOSIT

All employees paid by UNE must arrange for direct deposit of their entire net pay to any bank or credit union in the United States. Direct deposit is mandatory subject to the laws of the employee's work state. Employees set up their direct deposit at *Compass*. There are no limits to the number of direct deposit accounts an employee may establish. Employees may change their direct deposit accounts through *Compass*. In the infrequent circumstance that an actual paycheck is necessary, the paycheck will be available for the employee to pick up at the Payroll Office (Biddeford Campus) on or after the pay date.

### 3.3.2 ELECTRONIC PAY STATEMENTS

Pay statements are available electronically to all employees through *Compass* by the payday.

Physical direct deposit advices are not printed. *Compass* provides all the required pay statement information such as the pay period, historical and current pay records, hours paid for non-exempt employees, pay rates, earnings type and amounts, deductions, and direct deposit bank or actual check information. Other supporting information is also available for benefit selections, leave time balances and usage, tax withholdings, earnings history, deductions history, direct deposit and prior years' W-2 data.

### 3.3.3 PAY DEDUCTIONS

UNE is required to deduct certain federal and state income taxes and social security taxes from employees' pay. UNE is also required to withhold for authorized mandatory wage garnishments and tax levies as directed by respective creditors or the government. In the event of an overpayment of wages to an employee, UNE will work with the employee to recover the overpayment taking into account the employee's authorization as well as the extent of recovery allowed to recover under state law on a per pay period basis. Most pay deductions are established at the benefit open enrollment period to be effective for the first of the calendar year.

Other Deductions may also be made if the employee signs an authorization for the University to do so. Deductions from employees' pay are documented on the electronic pay statements.

## 3.4 GENERAL INCREASES IN COMPENSATION

UNE conducts annual performance reviews on a calendar year basis and may adjust compensation to reward performance contingent upon availability of funds. General increases in compensation are typically offered at the beginning of the fiscal year (June 1). If provided, general increases will be issued to all benefits eligible employees who are evaluated on their annual performance review as having met or exceeded expectations. A benefits eligible faculty or professional staff member whose overall performance is evaluated as having not met expectations, who is on a Performance Improvement Plan, or who has received a Written Warning at the time that increases are determined will not be eligible for an increase in compensation.

The University reserves the right to modify or amend this policy at any time and for any reason. Any changes or amendments will be communicated to employees in a timely manner. General increases are discretionary and are not guaranteed or considered a contractual right. UNE retains the right to withhold or modify bonuses based on business conditions, financial performance, or any other factors deemed relevant by the organization.

## 3.5 EXEMPLARY PERFORMANCE BONUS FOR PROFESSIONAL STAFF

In addition to consideration of general annual increases in compensation, any regular full-time and regular halftime benefit eligible professional staff member employed for the full calendar year review period and who is evaluated as having exceeded expectations in their overall performance will be eligible to be nominated for an exemplary performance bonus. An exceeds expectations overall performance evaluation does not in and of itself entitle an employee to receive an exemplary bonus; one must be both nominated and selected for receiving the bonus through the process outlined below. This bonus is intended to reward professional staff members for exemplary performance, contributions, and achievements.

For the purposes of this policy, exemplary performance sets the standard for excellence as demonstrated by achievement of exceptional results and the highest quality work, skill, effort and achievement. Exemplary performance serves as a role model of excellence in the field or expertise, setting a benchmark for others to follow. Given these criteria, it is anticipated that only a small number of professional staff members will be considered as having demonstrated exemplary performance each year. The exemplary performance bonus cannot be based on indicators of success that the law or regulation prohibits to be the basis of any financial

incentive. For example, an admissions professional staff member could not receive a bonus based in any part on the number of students admitted to or attending UNE.

The process for selecting the professional staff who will receive the exemplary performance bonus each year is as follows:

- Each year, during the annual performance review process, supervisors will provide an overall rating to the regular full-time and regular half-time benefit eligible professional staff members they oversee. Human Resources will then provide to the respective applicable Dean, Vice President, or Associate or Assistant Provost a list of those employees who have been evaluated as having exceeded expectations and, therefore, are eligible to be nominated to receive an exemplary performance bonus.
- The applicable Dean, Vice President, or Associate or Assistant Provost, with the employee's direct supervisor's feedback, will determine which of those eligible employees will be nominated and will forward their lists of nominees to Human Resources.
- Human Resources will present the lists of nominees to the Provost, the Senior Vice President for Finance and Administration, and the Chief Human Resources Officer, who will be the Final Decision Makers for final approval of which employees will receive an exemplary performance bonus.

The exemplary performance bonus is a one-time payment and not a continuing annual bonus, or an increase in base compensation. The bonus will be calculated at a percentage of base pay with a minimum and maximum amount, or other method determined by UNE each year. Any regular full-time and regular half-time benefit eligible professional staff member may receive the bonus in multiple years if they qualify and are nominated and selected through the process described above.

The bonus will be typically paid at the end of May in the professional staff member's regularly scheduled payroll. For example, any exemplary performance bonus for the calendar year 2025 performance review period would typically be paid at the end of May 2026. To receive the bonus, professional staff members must be employed and must not have given their notice of termination from UNE as of the last payroll in May when the bonus is paid. The bonus payment will be subject to all appropriate Federal and State withholdings, other required withholdings, and 403(b) retirement plan deferrals.

The University reserves the right to modify or amend this policy at any time and for any reason. Any changes or amendments will be communicated to employees in a timely manner. Bonuses are discretionary and are not guaranteed or considered a contractual right. UNE retains the right to withhold or modify bonuses based on business conditions, financial performance, or any other factors deemed relevant by the organization.

### 3.6 EXEMPLARY PERFORMANCE BONUS FOR FACULTY

In addition to consideration of general annual increases in compensation, any regular full-time and regular halftime benefit eligible faculty member employed for the full calendar year review period and who is evaluated as having met expectations in their overall performance will be eligible to be nominated for an exemplary performance bonus. A meets expectations overall performance evaluation does not in and of itself entitle an employee to receive an exemplary bonus; one must be both nominated and selected for receiving the bonus through the process outlined below. This bonus is intended to reward faculty members for exemplary performance, contributions, and achievements.

For the purposes of this policy, exemplary performance sets the standard for excellence as demonstrated by achievement of exceptional results and the highest quality work, skill, effort and achievement. Exemplary performance serves as a role model of excellence in the field or expertise, setting a benchmark for others to follow. Given these criteria, it is anticipated that only a small number of faculty members will be considered as having demonstrated exemplary performance each year. The exemplary performance bonus cannot be based on

indicators of success that the law or regulation prohibits to be the basis of any financial incentive.

The process for selecting the faculty who will receive the exemplary performance bonus each year is as follows:

- Each year, during the annual performance review process, sub-college leaders will provide an overall rating of “meets expectations" or "does not meet expectations” to the regular full-time and regular half-time benefit eligible faculty they oversee.
- Each sub-college leader will submit a slate of nominees for the exemplary performance bonus to their Dean along with a brief rationale.
- The Dean will review the slate of nominees from all of their sub-college leaders and will generate a college level slate of nominees which they will submit to HR.
- HR will present the slate of faculty nominees from all college deans to the Provost, the Senior Vice President for Finance and Administration, and the Chief Human Resources Officer, who will be the final decision makers for approval of which faculty will receive an exemplary performance bonus.

The exemplary performance bonus is a one-time payment and not a continuing annual bonus, or an increase in base compensation. The bonus will be calculated at a percentage of base pay with a minimum and maximum amount, or other method determined by UNE each year. Any regular full-time and regular half-time benefit eligible faculty member may receive the bonus in multiple years if they qualify and are nominated and selected through the process described above.

The bonus will be typically paid at the end of May in the faculty member’s regularly scheduled payroll. For example, any exemplary performance bonus for the calendar year 2025 performance review period would typically be paid at the end of May 2026. To receive the bonus, faculty members must be employed and must not have given their notice of termination from UNE as of the last payroll in May when the bonus is paid. The bonus payment will be subject to all appropriate Federal and State withholdings, other required withholdings, and 403(b) retirement plan deferrals.

The University reserves the right to modify or amend this policy at any time and for any reason. Any changes or amendments will be communicated to employees in a timely manner. Bonuses are discretionary and are not guaranteed or considered a contractual right. UNE retains the right to withhold or modify bonuses based on business conditions, financial performance, or any other factors deemed relevant by the organization.

### 3.7 PAY ADVANCES

It is the policy of UNE not to issue pay advances.

### 3.8 EMERGENCY CALL-IN TIME

Only full-time and half-time non-exempt employees who are considered essential personnel working in University Operations are eligible for the Emergency Call-In Time. Employees called into work due to an emergency outside of their regularly scheduled work shift shall be paid the greater of two hours at their overtime rate or at their overtime rate for the hours worked outside their regular shift. Also, eligible employees asked to remain at work immediately after their normal work shift due to an emergency are eligible for this same minimum overtime guarantee. However, work scheduled outside of the normal work shift with at least twenty-four hours’ notice and work immediately after the normal work shift that is a non-emergency shall not be eligible for the Emergency Call-In Time. Hours paid under the Emergency Call-In Time policy shall not be included when determining overtime eligibility under other premium pay provisions since these hours are automatically paid at overtime rates.

### 3.9 HOLIDAY PAY

Regular full-time and regular half-time salary and hourly paid employees are paid at their regular rate of pay for

any holiday scheduled by UNE and posted on the UNE Holiday Schedule. The holiday hours entitled for payment are as follows:

| Regularly scheduled weekly work hours for…. | Holiday hours available for each holiday…. |
|---|---|
| **Regular half-time employees:** | |
| 20 to 34.75 hours (hourly) | 4 |
| 20 to 39.75 hours (salary) | 4 |
| | |
| **Regular full-time employees**: | |
| 35 to 37.50 hours (hourly) | 7 |
| 37.75 to 40 hours (hourly) | 8 |
| 40 hours (salary) | 8 |

If a UNE scheduled holiday falls on a day of the week that is not within the employee's normal work schedule, the employee is eligible to use the holiday time on an alternate day during that workweek. The employee's supervisor shall approve the alternate day to use the holiday time. If the employee is unable to use the holiday time on an alternate day during that week, the employee is entitled to the compensatory holiday provision noted in Section 3.8. An employee's last day of employment cannot end on a University holiday. Holidays occurring after the employee's last work day are not paid to the employee.

### 3.10 WORKING THE HOLIDAY

There may be a need for departments to require that certain salaried or hourly regular full-time and regular half-time employees work on a scheduled University holiday to meet the departmental demands.

Non-Exempt Employees

Regular full-time and regular half-time non-exempt employees receive pay at their overtime rate for all hours worked on a UNE holiday. Also, the employees receive the holiday time to which they are entitled under Section 3.8.

Exempt Employees

Regular full-time and regular half-time exempt employees required to work on a UNE holiday may take a different day off with pay to compensate for working during the holiday to the extent of the holiday time that wasn't used on the holiday. The date of this day or time off must be agreed upon by the supervisor; and all compensatory holiday hours must be used before the end of the fiscal year in which they were earned, or they will be forfeited. Holiday time is not payable upon employment termination.

### 3.11 UNIVERSITY-WIDE OR CAMPUS-SPECIFIC CLOSURE AND DELAYED OPENING

A decision to implement a University-wide or Biddeford/Portland campus (hereafter referred to as "campus") closing or delayed opening due to inclement weather or other circumstances (e.g. campus power outage, water main break) will be made by 5:45 am based on the conditions on each UNE campus, as well as the immediate surrounding area after consulting with the weather service or other relevant agency. Whenever possible, the decision to close early or to cancel activities in the evening or on weekends due to inclement weather or other circumstances will be made at least two hours before the early closing or scheduled activities.

#### 3.11.1 FACULTY IN NON-CLINICAL PROGRAMS

Faculty are expected to be available to meet student needs when the University or campus is open. In extreme circumstances when faculty cannot attend work in person when the University or campus is open, they must follow the protocol for notifying students established by the College Dean and Department Chair, Program Director, or School Director. For undergraduate students, this includes promptly: 1) notifying their immediate supervisor; 2) posting an announcement on Brightspace for all

relevant courses; 3) notifying all students in scheduled classes via Brightspace email; and 4) sending messages to any participants in scheduled meetings via email and outlook calendar.

### 3.11.2 FACULTY IN CLINICAL PROGRAMS AND FACULTY IN OFF-CAMPUS SETTINGS

Because of the unique nature of instruction in clinical programs, faculty in clinical programs must follow the closure, delayed opening, and attendance when open policies and procedures established by the College Dean and Department Chair, Program Director, or School Director. Similarly, faculty in off-campus settings must follow the closure and delayed opening policies and procedures established by the College Dean and Department Chair, Program Director, or School Director.

### 3.11.3 DEPARTMENT CHAIRS, PROGRAM DIRECTORS, AND SCHOOL DIRECTORS

Department chairs, program directors, and school directors are responsible for notifying the Registrar's Office of any canceled classes when the University or campus is open.

### 3.11.4 PROFESSIONAL STAFF

The general expectation is that professional staff will report to work when the University or campus is open. However, all professional staff (i.e., regular full-time or half-time exempt and non-exempt, as well as temporary) must notify their immediate supervisor if they determine that they cannot safely report to work on days when the University or campus is open.

### 3.11.5 NON-ESSENTIAL PERSONNEL

Non-essential personnel are regular full-time and half-time exempt and non-exempt paid employees not required to work in person during closings, delayed openings, or early closings. Non-essential exempt personnel should not report to work in person but are expected to work remotely if they are able to do so during closures and make arrangements with their supervisors to perform essential job functions during a closure.

Non-essential, non-exempt personnel should likewise not report to work in person but are also expected to work remotely and record their time in the normal course if they are able to work remotely. Non-essential exempt and non-exempt personnel who work remotely during closings, delayed openings, or early closings will be compensated at their regular hourly rate or salary for the full day and are not eligible for the higher rate of pay provided to essential personnel who must work in person.

Non-essential, non-exempt personnel who are not set up to work remotely may not work during closure times and will be compensated for their regularly scheduled work hours when the University or campus makes the decision to close, to open late, to close early, or to cancel activities in the evenings or on weekends subject to the attendance and pay treatment scenarios outlined in this policy.

If a closing day or partial closing day occurs while an employee is on a scheduled absence (for example, vacation or other leave time), that time off will nonetheless be charged to that pre-designated leave category.

Temporary employees are not eligible for closure pay.

### 3.11.6 ESSENTIAL PERSONNEL

All essential personnel required to work on days when the University or campus is closed due to inclement weather or other circumstances are expected to make their best effort to arrive at work at their scheduled time. Essential personnel will be informed of their scheduled time to arrive on campus in advance by their supervisor. During work closures or delays, only essential personnel are required to report to work on campus at their normal starting times or at times arranged by their supervisor.

Essential personnel should notify their immediate supervisor if they are unable to work on campus during a closure.

Essential personnel include, but are not necessarily limited to, Facilities, Food Service Personnel, Essential Animal Care Providers, and Safety and Security Personnel. Essential personnel that do not report to work on campus at their normal starting time, or at an alternate time determined by the supervisor during closures, will be required to use their available leave time (vacation, personal, Maine Earned Paid Leave and/or floating holiday time) or will be unpaid for the hours the employee was not in attendance at work. If a closing day or partial closing day occurs while an essential employee is on a scheduled absence (for example, vacation, sick, Maine Earned Paid Leave or other leave time), that time off will nonetheless be charged to that pre-designated leave category.

**3.11.7 COMPENSATION FOR ESSENTIAL NON-EXEMPT PERSONNEL**

Temporary employees are not eligible for pay provisions noted below in the event they do not work during closure.

When the University or campus closes for the entire day due to inclement weather conditions or other circumstances, essential regular full-time and regular half-time non-exempt employees required to work between the hours of midnight to midnight of the closure day will receive pay at double their regular hourly rate for the hours worked during their regularly scheduled shift, and one and one-half pay rate for hours in excess of their regularly scheduled shift until the end of their work time or midnight, whichever comes first, and straight time after midnight.

When the University or campus delays opening due to inclement weather conditions or other circumstances, essential regular full-time and regular half-time non-exempt employees required to work will receive pay at double their regular hourly rate for those hours worked during their regularly scheduled shift between midnight and the school opening time.

When the University or campus closes early due to inclement weather conditions or other circumstances, essential regular full-time and regular half-time non-exempt employees required to work after the closure will receive pay at double their regular hourly rate for hours worked from the closure time until the end of their work time or midnight, whichever comes first, and straight time after midnight if the University or campus opens the following day. Essential non-exempt personnel hours worked during closings are also considered hours worked for the determination of overtime. (See Section 3.2 – Overtime)

**3.11.8 COMPENSATION FOR ESSENTIAL EXEMPT PERSONNEL**

Exempt essential employees receive their regular pay period salary for time worked during a closure. Salary employees are not entitled to the double pay provisions.

**3.11.9 ATTENDANCE AND PAY TREATMENT SCENARIOS DURING UNIVERSITY OR CAMPUS OPENINGS AND PARTIAL OPENINGS**

Exempt and non-exempt professional staff employees (both essential and non-essential) who determine that they cannot safely report to work when UNE is open for the entire day will be required to use available leave time (vacation, personal, and floating holiday time) to the extent of their full scheduled workday, unless they were already scheduled to work remotely. They are not entitled to closure time pay. Exempt and non-exempt professional staff employees (both essential and non-essential) who determine that they cannot safely report to work for the entire day when the University or campus opens late will be required to use available leave time (vacation, personal, and/or floating holiday time) to the extent of their full scheduled workday or be unpaid for the entire day, unless they were already scheduled to work remotely.

When the University or campus delays opening, exempt and non-exempt professional staff employees (both essential and non-essential) who determine that they cannot safely report to work, after the delayed opening time will have the entire time from the start of their normally scheduled work day until they arrive at work charged to available leave time (vacation, personal, and/or floating holiday time) or be unpaid, unless they were already scheduled to work remotely. They are not entitled to closure time pay since they did not report to work at the University or campus opening time.
Exempt and non-exempt professional staff employees (both essential and non-essential) who elect, for whatever reason, to leave early when the University or campus does not close or prior to closing for the day, will be required to use available leave time (vacation, personal, and/or floating holiday time) for the remainder of their scheduled workday. They are not entitled to closure time pay since they left before the closure for the day.

An employee (essential and non-essential) that has scheduled leave time (vacation, personal, floating holiday, or any other paid leave time), a planned unpaid day, is on planned or unplanned sick leave, or is on unpaid leave, is not entitled to closure time pay. An employee is entitled to closure time pay only to the extent that they were scheduled and available to work during the closure day and either attended work upon the University or campus opening or was at work upon closing.

### 3.12 SHIFT DIFFERENTIAL PAY POLICY

In recognition of the fact that the second and third shifts are considered by many to be less attractive than the first shift, UNE pays a $1.00 per hour second shift differential, and a $2.00 per hour third shift differential, subject to the following terms and conditions:

- In order to give operating departments flexibility in designing work shifts that work best for them and their customers, for policy purposes, the second shift will be defined as any set of standard working hours that largely encompasses the late afternoon and the evening (usually before midnight) hours, and the third shift is any regular set of work hours that customarily begins around midnight and ends in the early morning.
- Only regular full-time and regular half-time hourly paid employees working the shift in question on a regular and continuing basis are eligible for shift differential pay. Employees assigned to work during second or third shift hours temporarily, or as a result of call-in, overtime, or for other similar reasons are not eligible for shift differential pay.
- Eligibility for shift differential pay shall be determined by the supervisor, with the written authorization of the Vice President of Human Resources. The shift differential shall be considered as part of base pay for purposes of payment for all hours worked, leave time, including terminal vacation leave, and for purposes of computing overtime or other premium pay.
- If a person is regularly scheduled to work on more than one shift (for example third shifts and second shifts), the shift differential will be prorated to reflect the normal work schedule. It will be changed only when the regularly scheduled work shift changes. The final determination will be made by the Vice President of Human Resources.

# 4.00 EMPLOYEE BENEFITS

## 4.1 PLAN DESCRIPTIONS

The Personnel Handbook describes in a general, summary fashion the benefits currently in effect. The summary in this Handbook is designed to provide you with an overview of current benefits that UNE offers to eligible employees. These benefits are typically offered and administered by third party providers and governed by separate documents such as a policy, summary plan description, or plan. Any employee may request a copy of the plan description for insurance or retirement plan carriers. In the event of a conflict between the Personnel Handbook and the policy or plan description, the policy or plan description is the controlling document. All Summary Plan Descriptions (SPDs) are available at http://www.une.edu/hr/benefits.

## 4.2 GROUP INSURANCES

UNE offers health, vision, dental, life, and disability insurances to regular full-time and half-time faculty and staff. New hires who qualify for insurance coverage may enroll for this insurance on their hire date or within 30 days of employment. Coverage becomes effective on the 1st of the month following the date of hire. Employees may change their level of coverage at "Open Enrollment," which occurs once a year, or due to a "Qualifying Event." Please contact Human Resources for details of coverage.

## 4.3 VOLUNTARY INSURANCES

In addition to the health, vision, dental, life, and disability insurances funded by UNE as part of its cafeteria-style benefits program, UNE has worked out an arrangement that permits full-time and half-time employees to purchase many other types of insurance through payroll deduction.

These include short-term disability insurance and life insurance for one's self. Some of these insurances are at group discounted rates. Please contact Human Resources staff for details.

## 4.4 FLEXIBLE SPENDING ACCOUNTS

UNE offers flexible spending accounts available to its regular full-time and half-time employees. These allow employees to pay for certain types of medical expenses and dependent care expenses with pre-tax dollars. Please consult Human Resources for further information.

## 4.5 DOMESTIC PARTNER BENEFITS

UNE permits the participation in the health, vision, and dental insurance programs for partners and children of unmarried employees who can demonstrate by affidavit that they are in long-term, committed, mutually interdependent relationships. With certain narrow exceptions, UNE is required by law to tax the employee for the employer costs of providing the domestic partner health, vision, and dental insurance. Also, the employee's contribution toward the insurance premium for the domestic partner is required to be deducted from the employee's pay as an after-tax deduction. For details, consult with Human Resources.

## 4.6 ELIGIBILITY FOR BENEFITS

Determination of eligibility for insurances, leave time, and educational benefits will be the individual's date of hire and employment status as a regular full-time or regular half-time faculty or staff member. University campus definition of regular half-time and regular full-time are located in Section 2.18 of this document. Please refer to the specific leave-time provisions for the timing of earning and eligibility for each leave category.

## 4.7 RETIREMENT PLAN

The University provides employees with the opportunity to save for retirement through participation in the University of New England Defined Contribution Plan, a tax-advantaged 403(b) retirement savings plan. All employees are eligible to contribute to the plan on a pre-tax or Roth (after-tax) basis, subject to IRS limits.

In addition, employees who meet certain eligibility requirements may also be entitled to employer matching contributions under the plan. Participation is voluntary, and you may choose how much of your pay to contribute, as well as how your contributions are invested, from among the plan's available investment options.

For more information about the 403(b) Plan—including eligibility rules, contribution limits, investment options, and how to enroll—please review the plan's Summary Plan Description (SPD) or contact Human Resources.

### 4.8 EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is provided to UNE employees to help with issues related to health, personal, legal, and family challenges. It provides UNE employees with direct access to qualified professionals trained to assess a wide range of personal problems for which they provide support, assistance, and resolution.

This program has been created for the benefit of UNE employees and is completely voluntary and confidential. For more information contact Human Resources staff or visit the Human Resources Webpage.

# 5.00 EDUCATIONAL BENEFITS

## 5.1 TUITION BENEFITS: EMPLOYEES

Academic courses at the University are open to regular full- and half-time employees who seek professional advancement or personal enrichment. Effective September 1, 2024, employees are eligible for a 100% tuition waiver for coursework on a space-available basis and only in programs of study that are not enrollment capped. Space availability will be determined on the first day of classes. The Registrar will not include discounted employee enrollments in calculating minimum course enrollments.

To qualify for this benefit, certain requirements must be met:

- An individual must make application for these benefits through the Human Resources Office.
- They must meet minimum course and admissions requirements.
- Coursework should normally be taken outside scheduled working hours. Exceptions must be approved by the supervisor and the Dean or Senior Administrative Officer, as appropriate.
- Employees are expected to work their full work week.

Regular full-time employees may take up to two courses per semester, tuition free. The tuition waiver is applicable for tuition only and does not cover additional fees or materials. Additional course work may be taken at a discount of 50% of the full-time matriculated tuition rate.

- A 50% tuition reduction is available for **not for credit** continuing education courses, on a space-available basis, as determined by the Registrar.

Regular half-time employees may take coursework on the same terms and conditions as those outlined for regular full-time employees, except that they may take a maximum of one course per semester, not to exceed four credits, tuition free. If an employee receives institutionally funded scholarship or grant assistance, the tuition grant-in-aid will be reduced to assure that the employee does not receive more than the cost of the coursework undertaken.

Employees are not eligible for reduced tuition for the Master of Business Administration, Doctorate Programs, Professional Science Master's in Ocean Food Systems through UNE North, some Post-Master Certification programs and some Post-Baccalaureate Certification Programs, certain web-based courses, video courses, or for independent study courses. If educational programs are created at the University which have as a part of their tuition or fee structure provisions for payments to a third party, those programs shall be deemed automatically ineligible for the tuition waiver under this provision. The tuition waiver is for tuition/coursework only and other fees may apply.

Additional information about the Educational Benefits can be found on the HR website at https://www.une.edu/hr/benefits/educational-benefits. If enrolling for a certificate program through the College of Graduate Studies that requires a code, please contact educationalbenefits@une.edu.

**Additional Information**

- As a condition of continuing eligibility for tuition grant-in-aid, the student must maintain satisfactory standing per institutional policy.
- In the event of the termination of employment of an employee receiving tuition grant-in-aid, such grant-in-aid shall cease upon the expiration of that semester.

### 5.1.1 Policy on IRS Taxability Requirements and Procedures for Graduate Tuition Benefits

**Purpose:** To provide a clear understanding for UNE employees of IRS taxability requirements under Section 127 and outline the payroll procedures and timing for including taxable amounts of graduate tuition benefits for employees and their spouses/domestic partners/dependents.

**Q1: What is Section 127 of the Internal Revenue Code?**

**A1:** Section 127 of the Internal Revenue Code allows employers to provide up to $5,250 per year in educational assistance to employees on a tax-free basis. Any amount exceeding this threshold must be included in the employee's taxable income.

**Q2: How does Section 127 apply to graduate tuition benefits for employees?**

**A2:** Graduate tuition benefits provided to employees that exceed $5,250 in a calendar year are taxable. These amounts must be included in the employee's taxable income within the calendar year and are subject to federal, state, FICA, and any local taxes.

**Q3: How are graduate tuition benefits for spouses/domestic partners and dependents treated under Section 127?**

**A3:** Graduate tuition benefits provided by UNE on behalf of an employee's spouse/domestic partner are fully taxable. There is no $5,250 exclusion provision allowed by the IRS. These benefits in full must be included in the employee's taxable income and are subject to federal, state, and local taxes.

**Q4: What are the tax rates for the taxable portion of graduate tuition benefits?**

**A4:** The taxable portion of graduate tuition benefits will be subject to the following tax rates which are established by the IRS for taxable fringe benefits such as graduate tuition benefits:

- **Federal Income Tax:** The IRS supplemental tax rate for that calendar year. (For 2026 currently 22%)
- **State Income Tax:** Varies depending upon the supplemental tax rate for the employee's state of residence. (For 2026 the Maine supplemental tax rate is 5%.)
- **Social Security Tax:** 6.2%
- **Medicare Tax:** 1.45%
- **Local Income Tax:** Applicable in some localities.

Additional taxes, such as any applicable state or local taxes, will also be withheld according to the relevant regulations.

**Q5: How will the taxable amount of graduate tuition benefits be included in an employee's payroll?**

**A5:** UNE will:

1. Identify employees and their spouse/partner receiving graduate tuition benefits.
2. Track the total benefits received throughout the calendar year.
3. Determine the taxable portion of benefits for employees exceeding $5,250 and the entire amount for dependents.

4. Upon the graduate tuition benefit exceeding the $5,250 or in its entirety for spouses/domestic partners/dependents, the taxation will commence as outline in Question/Answer # 6.
5. The taxable amount will be added to the employee's taxable wages in the payroll system for the pay periods over that period of time to minimize the taxation impact to an employee's net pay.
6. Withhold the appropriate federal, state, Social Security, Medicare and local taxes (if local taxes are applicable) on the taxable benefits within each of those pay periods.
7. Reflect these amounts in the employee's paychecks and on the W-2 as required by the IRS.
8. Employees will notice the taxable amount reflected on their pay statements identified with the description of "Graduate Tuition Taxation".

**Q6: What will be the timing for the pay periods that the taxable tuition benefit will be reflected on my pay statements?**

**A6:** UNE will closely correlate the taxable benefit within your payrolls to the semester term that you are attending the course(s). However, courses at UNE depending upon the program can span varying lengths of times. Typically, the approach will be as follows for tuition benefits that relate to the "spring", "summer" and "fall" terms.

> ***Note**: The timing will not always correlate perfectly to the months of taxation indicated below since by the time the tuition benefit is applied to your student account a few pay periods may have elapsed. In the event of that occurring, the tuition taxable amount will be allocated over the remaining pay periods in those "Months of Taxation".*

| Semester | Months of Taxation |
|---|---|
| Spring | January through May |
| Summer | June through August |
| Fall | September through December |

**Q7: What are the responsibilities of employees regarding their graduate tuition benefits?**

**A7:** Employees are responsible for:

1. Understanding the tax implications of receiving graduate tuition benefits.
2. Understanding that if employment ends at UNE prior to the full inclusion of their taxable tuition benefit amount, UNE must include that remaining taxable amount in their last pay check subject to all applicable taxes.
3. Reviewing their paychecks to ensure the correct taxable amounts are included.
4. Contacting the Human Resources Office with any discrepancies or questions.

**Q8: Where can employees find additional information or assistance?**

**A8:** Employees can refer to the university's Human Resources or Payroll Department for further assistance. Additional resources include the IRS website and tax advisors for specific tax-related inquiries.

**References:**

- IRS Section 127 - Educational Assistance Programs
- IRS Publication 970 - Tax Benefits for Education

This policy is designed to ensure employees are well-informed about the tax implications of their graduate tuition benefits and that the university complies with IRS regulations.

## 5.2 TUITION BENEFITS: FAMILIES

- All regular full-time employees of the University of New England are eligible for tuition grant-in-aid benefits for their families at the Colleges within UNE according to the following terms and conditions:
- Regular full-time employees for these purposes are those persons who work a minimum of 35 hours per week (non-exempt) or 40 hours per week (exempt) for at least nine months of the year in a position that is regularly budgeted as a full-time position, or faculty members on regular full-time contract.
- For these purposes, University Trustees are not regarded as regular full- or half-time employees.
- Students must satisfy all institutional admissions requirements and must make an application for these benefits through the Human Resources Office.
- No more than two people from the same family may participate in the tuition grant-in-aid program at one time.

**Employee Dependents**

- Regular full-time employee's dependents may take coursework at a discount for undergraduate coursework in non-enrollment capped programs for their dependent child(ren) or stepchild(ren) (to age 24). Discounts on courses are for tuition only and does not include additional fees or materials. Effective September 1, 2024, after merit aid is awarded (if applicable), the remaining balance of tuition will be discounted by 50% for dependents of full-time employees with less than 1 year of full-time service. Once a full-time employee reaches 1 year of full-time service, their dependent will receive a 100% tuition waiver, effective the semester following the employee's attainment of 1 year of full-time service. The combined total of merit aid and tuition grant-in-aid shall not exceed the annual tuition cost. (Room and board and fees are not eligible expenses.)

- Student eligibility for participation in this program shall commence at the beginning of the semester following the employee's attainment of the requisite years of service. Eligibility for increase in the percentage of tuition grant-in-aid shall commence at the beginning of the semester following the employee's attainment of the requisite years of service.

- This chart illustrates the tuition discount based on continuous full-time years of service:

| Years of Service | Discount Percentage |
|---|---|
| <1 Year | 50% |
| >1 Year | 100% |

Only natural and legally adopted children or stepchildren of employees that meet IRS dependency requirements are eligible to apply. If questions arise, Human Resources will determine the eligibility of dependent children by utilizing the IRS dependency requirements.

**Spouses and Domestic Partners**

- Spouses and domestic partners of regular full-time employees may take one course per semester (not to exceed four credits per semester), tuition free.
- Admission to courses will be on a "space-available" basis, as determined by the Registrar.
- Student eligibility for participation in this program shall commence at the beginning of the semester following the employee's date of hire.

- Discounts on courses is for tuition only and does not include additional fees or materials.

**Additional Information**

- As a condition of continuing eligibility for tuition grant-in-aid, the student must maintain satisfactory standing per institutional policy.
- In the event of the termination of employment of an employee whose family member(s) are receiving tuition grant-in-aid, such grant-in-aid shall cease upon the expiration of that semester.
- Students are required to make all reasonable efforts to apply for federal, state, and local grants for which they may be eligible as a pre-condition for eligibility for grant-in-aid consideration. The student must consult with the Student Financial Services Offices regarding available aid programs.
- If the combination of external scholarships, external grants, and tuition grant-in-aid is more than the total tuition, the excess will be deducted from the grant-in-aid.
- Upon separation from the University, students shall not be eligible for refunds of tuition grant-in-aid funds.
- Students are eligible for up to eight full-time semesters of tuition grant-in-aid benefits, or the equivalent number of credit hours.
- If a regular full-time employee with six or more years of service dies while in the employ of the University, their dependents shall continue their eligibility for tuition grant-in-aid assistance for a maximum of six years beyond the date of the employee's death, per terms and above conditions.
- If an employee with 30 or more years of service as a full-time faculty or professional staff member retires, their dependent children will continue to qualify for whatever tuition grant in aid benefits that they would have qualified for had the parent remained in regular full-time employment.
- Dependency for the purpose of this policy is as defined by the Internal Revenue Service.

Family members are not eligible for reduced tuition for the Master of Business Administration, Doctorate Programs, Professional Science Master's in Ocean Food Systems through UNE North, some Post-Master Certification programs and some Post-Baccalaureate Certification Programs, certain web-based courses, video courses, or for independent study courses. If educational programs are created at the University which have as a part of their tuition or fee structure provisions for payments to a third party, those programs shall be deemed automatically ineligible for the tuition waiver under this provision. The tuition waiver is for tuition/coursework only and other fees may apply.

Additional information about the Educational Benefits can be found on the HR website at https://www.une.edu/hr/benefits/educational-benefits. If enrolling for a certificate program through the College of Graduate Studies that requires a code, please contact educationalbenefits@une.edu.

### 5.2.1 Policy on IRS Taxability Requirements and Procedures for Graduate Tuition Benefits (See section 5.1.1)

## 5.3 TUITION EXCHANGE PROGRAMS

The University participates in the Council of Independent Colleges Tuition Exchange Program (CIC or CIC-TEP) and the Tuition Exchange Program (TEP). Under the terms of these programs, employees, and the spouse/domestic partner and dependent children of regular full-time UNE employees who have one completed year of uninterrupted full-time service, are eligible to apply for tuition-free acceptance to programs of any members of the CIC-TEP or the TEP.

- Dependent children may only participate in undergraduate full-time programs. Dependent children are defined by IRS dependency requirements and must be natural and legally adopted children or stepchildren of the employee.
- These programs are not available to half-time employees.
- Employees must continue to be employed full-time by the University for the full duration of the tuition exchange period for benefits to continue.
- Please note there is no guarantee that an employee or their dependent will receive a CIC or TEP Award. Every institution has their own criteria for selecting who receives the award.
- Restrictions and eligibility requirements apply. For further information, please visit the program sites: Tuition Exchange Program (CIC-TEP) - Council of Independent Colleges and The Tuition Exchange | Providing Tuition Scholarships since 1954.
- Transfer students: Transfer policies vary by school, but many schools will consider students at all class levels.
- Visit https://www.une.edu/hr/benefits/educational-benefits for quick program overviews.
- To Apply:
    - Applications for both programs (effective July 1, 2026 for the 27-28 academic year) are completed through The Tuition Exchange website - How to Apply - The Tuition Exchange
    - Applications should be submitted as early as possible for consideration for the following academic year.
    - Program application submission is permitted before the year of full-time service is completed.

### 5.3.1 COUNCIL of INDEPENDENT COLLEGES - TUITION EXCHANGE PROGRAM (CIC-TEP)

- Employees, spouses/domestic partners, and dependents are all eligible for full tuition benefits.
- Institutions may not grant a partial tuition write-off. All CIC-TEP participants receive a full tuition remission benefit for each eligible student.
- Host institutions may keep the student's Pell and state scholarships. To offset expenses for the host institution and provide an additional benefit, CIC-TEP allows institutions this privilege.
- CIC maintains an easily accessible and current listing of CIC-TEP participating institutions which can be found at https://www.cic.edu/member-services/tuition-exchange-program/participating-institutions.
- Some host institutions may permit students to enroll in part-time, graduate, or study-abroad programs. (Eligibility for graduate program benefits is limited to the employee and spouse/partner).
- Benefits are not limited to national exchanges. The CIC-TEP provides for international exchanges when exporting and host institutions allow it.

### 5.3.2 TUITION EXCHANGE PROGRAM

- Benefits do not apply to summer session, intersession, external degree, or study abroad for undergraduate study.
- The value of the Tuition Exchange (TE) scholarship is typically **full tuition or the annual TE set rate**. Search on a particular institution to find their TE maximum.
- Tuition exchange scholarships may include or be offset by any federal grants, state grants, institutional scholarships/grants or outside scholarships the student is awarded.
- Schools offering undergraduate TE scholarships typically provide awards for the equivalent of eight semesters for entering first year students. Sophomores would be awarded a maximum of six semesters; juniors would be awarded a maximum of four semesters and a senior has a maximum of two semesters.

- TEP maintains an easily accessible and current listing of participating institutions which can be found at School List - The Tuition Exchange.

Schools offering Graduate TE scholarships provide a maximum of four semesters of eligibility. The TE Express **Graduate School Search** may be used to find participating graduate programs.

### 5.4 UNE BLUE SCHOLAR PROGRAM

The UNE Blue Scholar Program annual tuition subsidy is only available to full-time employees hired before September 1, 2024. The subsidy will vary based on years of service:

| Years of continuous uninterrupted service | Annual UNE Blue Scholar Award (up to) | Maximum benefit per semester |
|---|---|---|
| 10 Years | $10,000 | $5,000 |
| 15 Years | $15,000 | $7,500 |
| 20 Years | $20,000 | $10,000 |
| 25 Years | $25,000 | $12,500 |

Applications for UNE Blue Scholar annual dependent scholarship must be submitted each quarter or semester that an employee is requesting a scholarship payment. Applications along with a copy of the dependent's detailed student statement or bill and Proof of (Full-Time) Enrollment should be submitted via People Admin (Records). Payments will be made directly to the college or university and will not exceed the direct billed cost of attendance but may impact other aid awarded. It is important to check with the host institution regarding their internal policies.

Approval of the UNE Blue Scholar award is subject to the following approved policies:

As employee is eligible for the Blue Scholar Award when they have reached ten years or more of continuous and uninterrupted full-time service by the end of the fiscal year before their dependent starts their academic year. Exception: A faculty member is eligible for the Blue Scholar Award when they have reached ten years or more of continuous and uninterrupted full-time service by September 1st before their dependent starts their academic year. Faculty classification is determined in section two of the University's Faculty Handbook.

Eligible employees include:

1. A full-time faculty member

   Faculty Examples: A faculty member is hired 08/25/2007. The employee will reach their 10th year 08/25/2017 and will be eligible for the scholarship effective 09/01/2017. A faculty member is hired 09/25/2007. The employee will reach their 10th year on 09/25/2017 and will be eligible for the scholarship effective 09/01/2018.

2. A full-time professional staff member

   Staff Examples: A professional staff member is hired 06/25/2007. The employee will reach their 10th year 06/25/2017 and will be eligible for the scholarship effective 06/01/2018. A professional staff member is hired 03/06/2007. The employee will reach their 10th year on 03/06/2017 and will be eligible for the scholarship effective 06/01/2017.

Student eligibility for participation in this program shall commence at the beginning of the semester following the employee's attainment of the requisite years of service. The dependent scholarship applies to full-time undergraduate degree coursework.

- The dependent must be enrolled on a full-time basis (to age 24).
- The institution must be regionally accredited.
- The institution must offer a bachelor's degree or an associate degree in a field in which the associate's degree is considered terminal or in a program which at the end of the two years permits transfer to a four-year accredited institution.
- This benefit will be granted for not more than eight semesters or twelve quarters to any one dependent. (Summer terms will count as one of the semesters or quarters.)
- Only natural and legally adopted children or stepchildren of the employee that meet IRS dependency requirements are eligible to apply. If questions arise, Human Resources will determine the eligibility of dependent children by utilizing the IRS dependency requirements.
- The employee agrees to promptly notify the University of New England's Human Resources Department if the child no longer meets the IRS dependent requirement.
- If the dependent withdraws from the accredited institution and receives a tuition refund, the employee must promptly notify the University of New England and immediately return any payment disbursed on the dependent's behalf.

Visit https://www.une.edu/hr/benefits/educational-benefits for program overviews.

### 5.5 TUITION BENEFITS: FIELD SUPERVISORS, PRECEPTORS AND ADJUNCT FACULTY

Undergraduate, medical, and graduate credit courses, as well as noncredit/CE/CME workshops and seminars offered by the University, are open to individuals whom are currently serving, or whom did so during the immediate past year, as adjunct clinical faculty supervisor or field supervisors (minimum of 45 hours) of UNE students matriculated in degree programs requiring field/clinical placement with supervision.

Eligible individuals must apply and register within the designated time periods. Admittance into the course or program will be on a space-available basis to be determined by the Registrar's Office in consultation with the appropriate Dean (or designee). Non-matriculated registrants will be waitlisted and notified no later than five days before the first class if space is available. Individuals wishing to matriculate into a program of study will be notified as soon as it is determined that space is available once full tuition students have been accommodated.

Tuition for both credit and noncredit offerings is 50% of the normal rate and must be paid before the start of the course/program. Eligible participants may enroll in UNE courses/workshops at 50% tuition. Participants are entitled to enroll in one (1) program/course/workshop at this rate for each 45 hours of instruction or supervision performed for the University. The appropriate Dean will provide verification of eligibility for this benefit.

Adjuncts, Preceptors and Field Supervisors are not eligible for reduced tuition for the Master of Business Administration, Doctorate Programs, Professional Science Master's in Ocean Food Systems through UNE North, some Post-Master Certification programs and some Post-Baccalaureate Certification Programs, certain web-based courses, video courses, or for independent study courses. If educational programs are created at the University which have as a part of their tuition or fee structure provisions for payments to a third party, those programs shall be deemed automatically ineligible for the tuition waiver under this provision. The tuition waiver is for tuition/coursework only and other fees may apply.

### 5.6 STAFF DEVELOPMENT

Whenever possible, the University will provide in-house training sessions to enhance the skills and performance

of employees. The University encourages employees to consult with their supervisor for any financial support available to further their education in job-related courses, seminars, or workshops. Employees are encouraged to enroll in UNE courses as a means of furthering their education. Employees are also encouraged to join and become active in professional associations relevant to their occupations.

# 6.00 LEAVE TIME

UNE provides a variety of paid leave options to support the personal needs of its employees. The types of leave available include, but are not limited to: holidays, vacation, Maine Earned Paid Leave, medical leave, and other approved leaves of absence. Half-time employees accrue leave time at half the rate of full-time employees. Any use of leave time must be approved by the employee's supervisor or Human Resources.

Because UNE offers paid leave benefits to support employees through a range of life circumstances, employees are expected to be present and available for work as scheduled. Other than unpaid leave that may be provided for by law, such as FMLA leave or leave as an accommodation for a disability, seeking additional time off as unpaid time is inconsistent with the expectation that a person be present and available to work as scheduled. Except where specifically permitted (e.g., the summer unpaid time off policy) or required by law, at no time may an employee seek unpaid time off or be permitted to take unpaid time off without first using available paid leave, including sick and vacation time, for such time off. While the specific parameters of each leave option may vary, it is important to note that the final day of employment may not be taken as leave time. This includes, but is not limited to: sick leave, personal leave, floating holidays, Maine Earned Paid Leave, or other paid time off.

## 6.1 HOLIDAYS

UNE guarantees its employees at least twelve paid holidays per year. The holiday schedule, which may vary for a variety of reasons (but which will always have at least twelve holidays), is posted after the Fall Assembly in August of each year. When a holiday falls on a Saturday or Sunday, it is observed on the preceding Friday or the following Monday. Eligible half-time faculty and professional staff are eligible for 4 hours per holiday and full-time employees are eligible for 8 hours of per holiday.

**ELIGIBILITY** All regular full-time and regular half-time employees (except 9 and 10-month faculty) are eligible for paid University holidays. An employee cannot commence or end employment at UNE on a holiday or floating holiday, unless they work on that University holiday for a department requiring holiday work time.

The usual and customary University holidays are as follows: (Recognized on Monday thru Friday and **not** on Saturday or Sunday). Each year's actual holidays will be issued in August.

| | |
|---|---|
| New Year's Eve | 1 day |
| New Year's Day | 1 day |
| Martin Luther King Holiday | 1 day |
| Memorial Day | 1 day |
| Juneteenth | 1 day |
| July 4th | 1 day |
| Labor Day | 1 day |
| Indigenous People's Day* | 1 day |
| Thanksgiving Day | 1 day |
| Day after Thanksgiving | 1 day |
| Christmas Eve | 1 day |
| Christmas Day | 1 day |
| Floating Holidays | 2 days |

**The University will formally acknowledge Indigenous People's Day on the Monday but allows the flexibility to take it the Friday before as an alternative. This will allow for accommodation of the demands of the academic calendar. Employees that would like to take Friday instead of Monday should have this discussion with their manager for approval. Understanding that there may be a need for employees to be on site on Monday, only essential workers should be required to work.*

## 6.2 FLOATING HOLIDAYS

In recognition that people have different needs to celebrate different holidays, regular full-time and regular half-time employees (except 9 and 10-month faculty) will earn the maximum of two floating holidays per year (traditionally the earning dates are October 1 and March 1). Eligible full-time faculty and professional staff earn 8 hours twice a year. Eligible half-time faculty and professional staff earn 4 hours twice a year. The maximum floating holiday accumulation is 16 hours for eligible regular full-time faculty and professional staff and 8 hours for eligible regular half-time faculty and professional staff. Once these maximums are accumulated, no further accumulation will be earned, and any further accumulation will be forfeited to the extent of these maximums.

It is expected that a written notice will be given at least two weeks in advance to the supervisor to request a floating holiday. A floating holiday can be used only after it has been earned, approved in advance by the supervisor, and is to be accounted for on time sheets and leave reports. Floating holidays are not payable upon termination of employment.

## 6.3 RELIGIOUS HOLIDAYS

Employees wanting time off for observance of a religious holiday should request the time off with sufficient notice to allow the supervisor to accommodate both the employee's and the department's needs. The time off may be taken without pay, from accrued vacation, personal time, or earned floating holidays.

## 6.4 PERSONAL LEAVE

Regular full-time faculty (including 9 and 10-month faculty) and professional staff earn 8 hours of personal leave upon attaining one year of continuous service, and 8 hours per year thereafter on their employment anniversary date of hire. Regular half-time faculty and professional staff earn 4 hours per year in the same manner. The personal leave must be used within the anniversary year following when it is earned; otherwise, the subsequent employment anniversary year earning will not occur in its entirety, and the faculty or professional staff member will forfeit all or a portion of the new personal time earned. Personal leave can be used only after it has been earned, approved in advance by the supervisor, and is accounted for on timesheets and leave reports. Personal leave is not payable upon employment termination.

## 6.5 SUMMER VOLUNTARY UNPAID PERSONAL TIME OFF

Beginning after Graduation in May through the end of August, full- and half-time salaried and hourly employees may request personal time off without pay, not to exceed three months. Hourly employees can request time off in hourly increments only, and salaried employees can request time off in full-day increments only.

- Benefits will not be affected by approved time off — however, employees are responsible for their portion of their premiums and should work with Payroll to ensure premiums remain caught up.
- Not all departments have the flexibility to accommodate requests so department approval is required to ensure that work continues without interruption. Departments that approve time off under this benefit are not authorized to hire temporary help to fill the gap left by the employee taking advantage of this benefit.

Interested employees should meet with their supervisor prior to the last week in April to discuss the option that works for both the employee and department. If requests are not submitted by the last week in April, employees may still request time off once the summer starts, but they must give their supervisor a minimum notice of 30 days. Employees should complete and discuss their request with their supervisor. Upon approval by the supervisor, forms should be forwarded to Payroll. Any changes to the approved planned unpaid time off must be communicated as soon as possible in writing to Payroll. . Request forms are located on HR's website at https://www.une.edu/hr/benefits/leave-time.

## 6.6 VACATION LEAVE

### 6.6.1 EARNING RATES

Regular full-time salaried non-faculty personnel, and regular full-time salaried non-exempt non-faculty personnel and regular full-time 12-month faculty members earn twenty days (or 160 hours) of vacation leave per year. Notwithstanding the fact that vacation is earned on a monthly pro-rata basis (13.33 hours per month), employees in service on June 1 (the beginning of the fiscal year) will have access to their full vacation accumulation on that date. Vacation leave earnings for salaried hires during the fiscal year (after June 1) will be calculated at the rate of 13.33 hours for each full completed calendar month of service remaining in the fiscal year. Vacation time is not vested to the employees, and only up to five earned and unused vacation days at May 31st may be carried forward into the new fiscal year (see section 6.6.5 – Maximum Accumulation and May 31st Carry Forward).

Regular full-time non-exempt personnel who work twelve months per year earn ten days (or 80 hours) of vacation time for each of their first three years of continuous service, fifteen days (or 120 hours) per year for the fourth and fifth years, and twenty days (or 160 hours) per year after completion of five years of continuous service. A continuous year of service is met with 12 consecutive calendar months of service, as defined below. Vacation time is earned on a monthly pro-rata basis. Non-exempt personnel will earn, use, and forfeit vacation time under the same terms and conditions as exempt personnel, excepting that the earning rate is different as noted in this policy.

Regular full-time hourly or salaried *non-faculty* personnel who work nine, ten, or eleven months per year earn 9/12ths, 10/12ths, or 11/12ths (respectively) of the leave time earned by their twelve-month counterparts with the same length of service under the same rules as noted in this policy.

Regular half-time hourly or salaried non-faculty personnel working at least nine months per year earn one-half the vacation time earned by their full-time counterparts working the same number of months with the same length of service, under the same rules as above.

### 6.6.2 COMPLETED CALENDAR MONTH OF SERVICE

Vacation time is earned by both exempt and non-exempt paid personnel on a monthly pro-rata basis and is earned on the basis of completed calendar months of service. A calendar month of service is a month in which an employee works on the first working day of the month **and** the last working day of the month. For example, if the 1st of the month is a Sunday and the employee is hired (works) on the Monday the 2nd, they begin earning vacation time for that first month.

Also, if the last day of the month is a Saturday and an employee is employed (works) through that Friday, the employee earns vacation time for that month. As noted in other leave time provisions, the last day of employment cannot consist of use of leave time such as sick leave, personal leave, floating holiday, and other leave time.

### 6.6.3 LEAVE OF ABSENCE

Vacation ceases to accrue when an employee has been on leave for one full calendar month and has not physically worked at least one day that month, except where continued accrual is required by law, including during leave covered by the Maine Paid Family and Medical Leave law.

### 6.6.4 USAGE

A request for vacation time should be made by the employee and approved by the supervisor as far in advance as possible. Vacation time can be taken in increments of at least .25 hours. It is recognized that there are times when University needs, such as graduation or the opening of school, may restrict some department's personnel use of vacation time. It will be up to the supervisor in those departments to make

those times clear to personnel and to schedule appropriate staffing to cover during those times.

#### 6.6.5 MAXIMUM ACCUMULATION AND MAY 31st CARRY FORWARD

Half-time and full-time faculty and professional staff who are eligible for vacation time may carry forward up to five earned and unused vacation days at May 31st into the new fiscal year beginning June 1st. For full-time and half-time faculty and professional staff who are eligible for vacation time, five days is 40 hours of vacation time.

#### 6.6.6 VACATION LEAVE ADVANCE AT TERMINATION

A vacation time advance, as noted above, is given before an employee earns it. Accordingly, if an employee terminates employment having used more time than was earned, they shall be responsible to reimburse UNE for the time. Repayment may be made by direct deduction from their paycheck or by check to cover the shortfall.

#### 6.6.7 UNUSED EARNED VACATION TIME AT TERMINATION

Unused earned, and non-forfeited, vacation time shall be paid to the employee or their beneficiary in the event of termination of employment, transfer to a non-vacation eligible position, retirement, or death.

### 6.7 SICK LEAVE

Sick leave is provided to regular full-time and regular half-time faculty and professional staff as a form of short-term disability coverage. This is designed to protect the employee from loss of income should the employee become ill or temporarily disabled and is unable to work. Medical evidence may be required as a pre-condition for payment of sick leave benefits.

Sick time may be used:

- When the employee is unable to work because of illness or injury.
- When the employee has a scheduled medical or dental procedure or check-up.
- When the employee is required to care for the employee's sick child, parent, domestic partner, or spouse who has an illness other than a serious health condition the employee can take up to 40 hours of paid leave time (if available).
- When the employee is required to care for the employee's child, domestic partner, or spouse, when they have a serious health condition as defined by the Family Medical Leave Policy.
- When the employee has been out due to a Workers' Compensation claim, for the first seven days of leave an employee may use their earned sick time. After day eight, Workers' Compensation may pay the employee at a reduced rate *or* the employee can choose to continue to use their earned sick leave.

#### 6.7.1 COMPLETED CALENDAR MONTH OF SERVICE

Sick time is earned by both exempt and non-exempt paid personnel on a monthly pro-rata basis and is earned on the basis of completed calendar months of service. A calendar month of service is a month in which an employee works on the first working day of the month **and** the last working day of the month.

For example, if the 1st of the month is a Sunday and the employee is hired (works) on the Monday the 2nd, they begin earning sick time for that first month. Also, if the last day of the month is a Saturday and an employee is employed (works) through that Friday, the employee earns sick time for that month. As noted in other leave time provisions, the last day of employment cannot consist of use of leave time such as sick leave, personal leave, floating holiday, and other leave time.

#### 6.7.2 EARNING RATE

Regular full-time personnel earn sick leave at the rate of eight hours for each completed calendar month of service. A calendar month of service is a month in which a person is employed on both the first and

the last days of the month.

Regular half-time employees earn one-half the sick leave earned by their full-time counterparts.

Sick leave ceases to accrue when an employee has been on leave for one calendar month and has not physically worked at least one day that month, except where continued accrual is required by law, including during leave covered by the Maine Paid Family and Medical Leave law.

### 6.7.3 MAXIMUM ACCUMULATION

The maximum sick leave accumulation is 1,040 hours for regular full-time eligible employees (520 hours for regular half-time eligible employees). Unlike vacation leave, sick leave is intended to be used only if medical necessity requires it. Unused time is not payable upon termination of employment.

### 6.7.4 USAGE

When an employee is unable to work because of personal illness or the need to care for family members (see above) who are ill, the employee's immediate supervisor should be notified as early as possible during the first day of the absence. Medical evidence may be required if an employee is out for three (3) or more days due to the illness as a pre-condition for payment of sick leave benefits. Inappropriate use of sick leave may be cause for disciplinary action. If an administrative closing day occurs while an employee is on sick leave, that sick day WILL be charged to the employee's sick bank.

## 6.8 FAMILY AND MEDICAL LEAVE POLICY (FMLA)

UNE employees may be entitled to unpaid, job-protected family and medical leave under the federal Family and Medical Leave Act ("FMLA") and/or the Maine Family Medical Leave law when they meet all of the eligibility requirements of these laws. This policy sets forth several rules that must be applied uniformly to all employees who may be eligible for either or both types of family and medical leave. If leave qualifies under both federal and state laws, the leave amount will run concurrent under both laws. As used in this policy, "family and medical leave (FML)" means leave available under both the federal and state laws. Any questions concerning the following family and medical leave should be directed to Human Resources.

**A. The Federal Employee Eligibility Periods**

UNE employees who have been employed for at least 12 months and have worked at least 1,250 hours in the 12 months before taking leave are eligible for FMLA leave under the federal law.

There are two types of eligibility periods under the federal law as described below.

**1. 12-Month Period for Birth, Adoption or Placement for Adoption or Foster Care; Serious Health Condition Purposes; Qualifying Exigency***

There is a 12-month eligibility period for 12 weeks of FMLA leave taken for the following qualifying purposes:

a. The birth of a child or placement of a child for adoption or foster care;
b. To bond with a child (leave must be taken within one year of the child's birth or placement);
c. To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
d. For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
e. For qualifying exigencies* related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

*"Qualifying exigency leave" allows eligible family members to attend to business related to the covered military member's deployment, including activities such as military events; arranging child and/or parent care; making financial and/or legal arrangements; attending counseling; rest and recuperation with the military member while on leave from activity duty; and certain post-deployment activities. Contact Human Resources for more information.

The 12-month period used to determine an employee's eligibility for FMLA for the purposes described above shall be the 12-month period measured backward from the date an employee's first leave begins.

**2. 12-Month Period for Military Caregiver Leave**
There is a separate 12-month period for employees eligible for military caregiver leave of up to 26 weeks. Such leave may be taken to care for a spouse, child, parent or next of kin of an eligible service member or veteran with a serious injury or illness. The single 12-month period in which the 26 weeks of leave entitlement may be taken shall be measured forward from the date of an employee's first FMLA leave to care for the covered servicemember. During this single 12-month period, an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. Any military caregiver leave that is not taken within the specific 12-month period is forfeited.

**B. Maine Requirements**

**1. Employee Eligibility**
UNE employees who have been employed for at least 12 consecutive months are eligible for leave under the Maine Family Medical Leave law.

**2. Leave Amount and Eligibility**
The amount of family and medical leave available to employees under the Maine law is 10 work weeks in any two years.

**3. Qualifying Purposes**
Leave may be used for the following qualifying purposes:

a. Serious health condition of the employee;
b. The birth of the employee's child or the employee's domestic partner's child;
c. The placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
d. A child, domestic partner's child, grandchild, domestic partner's grandchild, parent, domestic partner, sibling or spouse with a serious health condition;
e. The donation of an organ of that employee for a human organ transplant; or
f. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces or United States Armed Forces (including National Guard and Reserves) dies or incurs a serious health condition while on active duty.

**4. Notice by Employee**
If the situation is foreseeable, an employee requesting leave must notify Human Resources at least 30 days in advance of the requested leave. UNE will require a complete and sufficient medical certification to take a leave and to return to work from a leave (if applicable). UNE may also require appropriate documentation to support a military exigency or military caregiver leave. Second and third medical opinions may be required. For more information please contact Human Resources.

**5. Coordination with Other Leave**

When leave is taken that qualifies both as FML and as permitted leave under any employment contract or leave policy, the employee shall use FML and the other type of leave concurrently, provided that the employee meets all of the eligibility requirements for each type of leave. Types of leave that shall run concurrently with FML include, but are not necessarily limited to: personal time, floating holiday time, sick time, vacation time, STD, LTD, parental leave, unpaid leave, absence for work-related injuries, and any other applicable types of leave available. To the extent that paid leave is not available and/or used during FML leave, FML leave is unpaid. As part of the FMLA leave, an employee requesting leave may be required to exhaust all accrued paid leave including sick days and vacation days while out on leave.

**6. Benefits During Family and Medical Leave**

For employees covered under UNE's benefit plans prior to a FML leave, UNE will continue coverage of the employee's benefit plans (including medical, dental and short-term disability) during an approved leave and will continue its contributions toward coverage. The employee must make arrangements with Payroll prior to the leave or as soon as possible to continue to pay any required employee contributions which may or may not include: medical, dental, supplemental life insurance, and short-term disability. While the employee remains in "paid" status, the employee's contributions will continue through payroll deduction. When the leave becomes unpaid, the employee is responsible for making necessary payment arrangements through Payroll. During FML leave, all other insurance plans fully paid by UNE (e.g., basic life insurance and long-term disability insurance), continue to be paid by UNE.

Vacation, sick and holiday benefit accruals are suspended after one calendar month, except where continued accrual is required by law, including during leave covered by the Maine Paid Family and Medical Leave law.

**7. Communicating with Human Resources During FML Leave**

Employees who are out of work on FML leave are required to inform Human Resources of any change in status, including but not limited to a release to return to work, a need for additional leave, or a decision not to return to work at UNE. Failure to inform Human Resources of a change in status may result in disciplinary action.

**8. Fitness for Duty Certificate (Returning to Work)**

For an employee's return to work to be properly scheduled, an employee on leave is requested to provide UNE with at least (2) weeks' notice of the date the employee intends to return to work. When a leave ends, the employee will be reinstated to a substantially equivalent position for which the employee is qualified. All returning employees must provide a fit for duty medical certification from their attending physician indicating that they are able to return to work and perform the essential functions of the position. If an employee fails to return to work on the agreed upon return date, UNE will assume that the employee has resigned.

## 6.9 MAINE EARNED PAID LEAVE (MEPL)

The State of Maine has issued a Maine Earned Paid Leave Law (MEPL). Effective January 1, 2021, for faculty and professional staff in the following job classifications, UNE provides qualifying time off benefits under Maine Earned Paid Leave as follows:

- "Temporary Hourly Employees": Earn one (1) hour of Maine Earned Paid Leave time for every forty (40) hours worked as determined by submitted timesheets.
- "Temporary Salaried Employees", "Adjunct Faculty", and "Nine- and Ten-Month Regular Full- and Half-Time Faculty": Earn one (1) hour for each week of work. Work performed within the UNE seven-day work week of Sunday through Saturday results in 1 hour of MEPL earned, irrespective of the number of actual hours worked. Therefore, for every semi-monthly pay period worked, UNE will provide 2.25 hours of earned MEPL.

Effective September 24, 2025, Faculty and Professional Staff under the above job classifications can accumulate a maximum of eighty (80) hours of Maine Earned Paid Leave time (up to 40 hours carried over plus 40 hours newly accrued) in a year, based on one's employment anniversary date.

Other characteristics of the UNE Maine Earned Paid Leave time:

- MEPL is not payable at termination.
- MEPL cannot be used after an employee's last day physically worked.
- For the above referenced job classifications, a maximum of forty (40) hours of accumulated and unused MEPL may carry over to the employee's subsequent employment anniversary year.
- If an MEPL eligible employee returns to work at UNE within one (1) year of ending their employment with UNE, they will have their prior MEPL balance reinstated.
- The one-year period for determining the accrual, usage and carryover provisions of the policy is based upon the employee's UNE employment anniversary date.
- MEPL is not earned when the employee is not working such when no worked is being performed, off-contract or breaks in employment service at UNE.
- MEPL can only be used to cover for regular work time missed and not as additional income over and above regular contracted income for salaried employees or above regularly schedule work hours for that week for hourly employees.
- The waiting period for eligibility to use MEPL is upon 90 days from start of employment at UNE.
- For hourly non-exempt employees, MEPL time used is not regarded as hours worked for the determination of overtime.
- For cases of absence due to sudden illness or emergency that last for three days or more, UNE may request medical certification.
- MEPL can be used in increments of at least one quarter hour.
- If an administrative closing day occurs while an employee is on MEPL, that MEPL will be charged to the employee's MEPL bank.
- MEPL ceases to accrue when an employee has been on leave for one calendar month, except where continued accrual is required by law, including during leave covered by the Maine Paid Family and Medical Leave law.
- In the event, an employee with a MEPL balance transfers to a vacation eligible position, their MEPL balance at the time of transfer will be taken into consideration when calculating their advanced vacation time.
- MEPL can be used for any purpose such as emergency, illness, sudden necessity, planned time off.
- All employees are expected to provide reasonable notice for leave for an emergency, illness or other sudden necessity although UNE recognizes that advance notice may not be feasible under particular circumstances.
- Employees are required to provide at least four (4) weeks' notice of intent to use MEPL except when the reason for leave is an emergency, illness, or other sudden necessity.
- Faculty may not use MEPL for vacation during days when faculty are scheduled to teach, mentor, instruct, or otherwise interact with students because UNE has concluded that it would be an undue hardship on UNE's operation and educational mission and promise to students to permit faculty to take vacation while they are scheduled to teach, mentor, instruct, or otherwise interact with students.
- Other than leave for an emergency, illness, or sudden necessity, departments may establish scheduling guidelines to avoid situations where multiple absences impact the university's business and educational needs. The University may refuse requested time off that interferes with business or educational needs. Please check with your supervisor for specific departmental requirements.

Reporting of MEPL:

- For Temporary Hourly Employees: Report MEPL used time on the bi-weekly time sheet.

- For Temporary Salaried Employees, Adjunct Faculty, and Nine- and Ten-Month Regular Full- and Half-Time Faculty:  Report MEPL used time on the Salaried Employee Monthly Leave Report.

# 7.00 LEAVE OF ABSENCE

## 7.1 PARENTAL LEAVE

Regular full-time and regular half-time employees who are not eligible for family medical leave may apply for up to 8 weeks of leave following the birth of a child, the placement of a child for adoption or foster care (under 16 years of age), becoming a parent through gestational surrogacy, or following a miscarriage or stillbirth. Leave request forms should be obtained by contacting the Associate Director of Benefits & Leave and should be written and directed to the supervisor. Leave requests will be granted subject to the operating needs of the employee's department and the employee's service record. For approved leaves that begin on or after September 1, 2024, up to four weeks of such leave will be paid. Approved paid parental leave must be used within six months of the event that gives rise to the leave. The employee is responsible for continuing to pay for benefits funded by them.

Employees eligible for family medical leave may apply for up to 12 weeks of leave following the birth of a child, the placement of a child for adoption or foster care (under 16 years of age), becoming a parent through gestational surrogacy, or following a miscarriage or stillbirth. For approved leaves that begin on or after September 1, 2024, up to six weeks of such leave will be paid, under the same terms specified above.

Parental leave runs concurrently with all applicable federal and state leave laws and wage replacement benefits, including the federal Family and Medical Leave Act (FMLA), the Maine Family Medical Leave Requirements law (Maine FML), and Maine Paid Family and Medical Leave (PFML), when applicable. This policy is not intended to provide additional job-protected leave or extend or "stack" the total amount of leave otherwise available under applicable law.

The University recognizes that miscarriage, stillbirth, and other pregnancy loss can have significant physical and emotional impacts. Employees experiencing these events are encouraged to contact the Associate Director of Benefits & Leave to discuss available leave benefits, accommodations, and support resources.

Please contact the Associate Director of Benefits & Leave to confirm your eligibility.

## 7.2 SABBATICAL LEAVE/ ACADEMIC LEAVE

Faculty members should refer to the Faculty Handbook for policy guidance on this.

## 7.3 MILITARY/ RESERVE SERVICE LEAVE

UNE supports those persons who choose to perform service in the uniformed service and comply with the Uniformed Services Employment and Reemployment Rights Act ("USERRA"). Pursuant to USERRA, an employee has the right to be re-employed in the employee's UNE job, if the employee leaves their job at UNE to perform service in the uniformed service and the employee provides UNE with notice of service; the employee has five years or less of cumulative service in the uniformed services while with UNE; the employee returns to work or applies for reemployment in a discharge or under other than honorable conditions. If an employee leaves UNE job to perform military service, the employee has the right to elect to continue the employee's existing UNE health plan with coverage for both the employee and the employee's dependents for up to 24 months, provided the employee pays for the cost of such health insurance continuation. UNE is committed to ensure that employees who exercise their rights to perform service in the uniformed service as outlined in USERRA are not subject to discrimination or retaliation because of such participation. The duration of the military leave will be regarded as time worked for purposes of determining eligibility for benefits for which seniority or time in service is a factor.

<u>Annual Training</u>

UNE will grant a proper request for a leave of absence of up to two weeks duration per calendar year to enable a

person to take annual training. Such request shall be in written form, accompanied by relevant military orders, and shall be made as soon as possible. During the leave, UNE will make up the loss, if any, between military leave pay and the employee's regular pay.
The employee is required to document receipt of military pay as a pre-condition for reimbursement. If the employee doesn't document the military pay received, the employee will either be unpaid from University for this two week period or the employee may elect to be paid with the use of accumulated leave time such as vacation, personal, and floating holiday, but not sick time.

### 7.4 JURY DUTY LEAVE/ WITNESS DUTY LEAVE

Faculty and staff are encouraged to serve when called upon for jury duty or as court witnesses. Jury duty leave and witness duty leave are to be accounted for on timesheets and leave reports. The employee may be required to submit documentation of court payments to Human Resources as a pre-condition for reimbursement. Employees are expected to have their responsibilities covered according to the individual needs of their departments and to return to work after they have discharged their court obligations for the day. If the jury duty period requested would represent a hardship to the employee's department they should request a deferment from the court. Such a request must be made in writing to the appropriate court explaining the hardship and providing an alternate available time to serve. Employees will receive full compensation from UNE for up to 30 days served.

Paid witness duty leave is not available to an employee when the case is a personal case in which the employee or family member is the named plaintiff or defendant. Unpaid leave is available for such circumstances.

### 7.5 FUNERAL LEAVE

UNE provides one day off with pay for regular full-time and regular half-time faculty and staff to attend the funeral of an immediate family member. The one day is determined by the faculty or staff member's normally scheduled working hours for the day of the funeral. Funeral time is to be accounted for on timesheets and leave reports.

For the purposes of this leave, "immediate family" is defined as parents (or person who acted as the employee's parent when the employee was a child), guardian, spouse, children (or person for whom the employee acted as parent), foster children, stepparents, stepchildren, siblings, stepsiblings, half siblings, grandparents, grandchildren, current-in-laws (only father, mother, brother, sister, son, daughter), or domestic partner.

### 7.6 BEREAVEMENT LEAVE

In addition to the funeral leave above, UNE provides up to four days of additional paid time off for a regular full-time and regular half-time faculty and staff member's bereavement over the death of immediate family members. The four days are determined by the faculty and staff member's normally scheduled working hours for the four days used for bereavement. Bereavement days need not be used consecutively but should be used within a reasonable period of time-based upon the circumstances. Bereavement time is to be accounted for on time sheets and leave reports.

For the purposes of this leave, "immediate family" is defined as parents (or person who acted as the employee's parent when the employee was a child), guardian, spouse, children (or person for whom the employee acted as parent), foster children, stepparents, stepchildren, siblings, stepsiblings, half siblings, grandparents, grandchildren, current-in-laws (only father, mother, brother, sister, son, daughter), or domestic partner.

### 7.7 ACADEMIC LEAVE WITHOUT PAY

Members of the regular full-time faculty may apply for up to one year of academic leave without pay for purposes such as: acceptance of a fellowship; professional development; work on an advanced degree; acceptance of assignments of limited duration with other institutions of higher learning, governmental agencies,

private foundations, or corporations; or to serve as an expert consultant for purposes consistent with the University's mission. Each application should include a detailed statement of the purpose for which the leave is requested and must be approved by the relevant chair/director and dean, the Provost, and Human Resources. Ordinarily, time spent on academic leave without pay will be counted towards eligibility for promotion and tenure (see SECTION THREE, II, G in the Faculty Handbook). After one month on academic leave without pay, the faculty member may continue health and/or dental benefits at their own expense. Long- and Short-Term Disability coverage will end after 30 days of leave. Basic and Supplemental Life Insurance will end after 60 days of leave. The employee has the option to convert their life insurance plan with The Standard or to consider options provided by Colonial Life (please reach out to Human Resources for conversion and/or enrollment details). When an employee returns from leave, they will be treated as a “new hire” in regards to being able to elect Short Term Disability and/or Supplemental Life Insurance at that time, with no penalties.

# 8.00 STATUTORY BENEFITS

Statutory benefits are those benefits provided on behalf of each employee by UNE as required by law. They include:

## 8.1 SOCIAL SECURITY

All employees are covered by the Federal Social Security Act. Social Security pays benefits when employees retire, become disabled, or die. Employees and UNE pay taxes for this benefit. An employee's taxes are deducted from their pay, and UNE matches these taxes dollar for dollar. The federal government sets a limit each year on earnings which are taxed; and a tax rate or percentage is applied to that limit. For more information on social security benefits and the limits established each year, contact Human Resources.

## 8.2 WORKERS' COMPENSATION

UNE carries insurance to cover the cost of employee's work-related injuries or illnesses. This benefit pays for medical treatment and part of an employee's income lost while recovering. It is highly recommended that work-related injuries, including minor ones, be reported on the day of injury to the supervisor and Human Resources. An Accident Report form must be filled out by the employee. Forms may be found on the local V:/ drive, at Safety & Security, and at Human Resources. See 6.52 for login information.

## 8.3 UNEMPLOYMENT INSURANCE

Under State laws, unemployment benefits are provided to those employees who are terminated from employment for reasons other than willful misconduct or voluntary resignation without good cause attributable to the employment.

# 9.00 SERVICE RECOGNITION PROGRAM

The University proudly recognizes faculty and staff with significant years of service within the calendar year for every five (5) years of service. Individuals receiving these awards will be recognized at the Holly or Pork Pie Luncheons in December. These awards celebrate the accomplishments, commitment, and dedication of our long-service employees.

## 9.1 YEARS OF SERVICE

Individuals must have completed their years of service by the end of the current calendar year to be eligible for recognition at the luncheons. Completed service years will be calculated based on the date of hire in a benefits eligible position.

## 9.2 BREAKS IN EMPLOYMENT

Individuals who leave employment with the University and return within 12 months will maintain the service date at the time of their most recent separation of employment. Individuals with breaks of employment greater than 12 months will establish a new service date based on the re-hire date.

## 9.3 IN-SERVICE AT TIME OF AWARD

In general, individuals will be recognized on their primary campus and must be considered employed in a benefits-eligible position with the University at the time of the Holly or the Tourtière lunch to receive their recognition award.

## 9.4 SERVICE AWARDS

Individuals will receive a Service Recognition Certificate and the following awards at each level of service. These awards may be adjusted at any time.

- 5 years: Service Recognition Certificate plus $100
- 10 years: Service Recognition Certificate plus $150
- 15 years: Service Recognition Certificate plus $200
- 20 years: Service Recognition Certificate plus $250
- 25 years: Service Recognition Certificate plus $600 or $300 and a UNE Chair
- 30 years: Service Recognition Certificate plus $850
- 35 years: Service Recognition Certificate plus $1,100
- 40 years: Service Recognition Certificate plus $1,350
- 45 years: Service Recognition Certificate plus $1,600

## 9.5 SIGNIFICANT SERVICE ACHIEVEMENT AT TIME OF SEPARATION

If an individual completed a significant service level of 20 years or more by the time of their resignation or retirement but ended their employment before the Holly or the Tourtière Luncheons, the University will process and distribute their award and certificate at the time of award.

## 9.6 RETIREES

Individuals who leave the University on good terms, have worked full-time or half-time for at least 10 years immediately preceding their retirement date, and who are over 60 years of age will be invited to attend future Service Recognition Luncheons with the University Community. Invitations will be sent to the individual's last known mailing address.

# 10.00 COMMUNICATION

## 10.1 UNE COMMUNITY E-MAIL

UNE informs faculty and professional staff of news, events, policy changes, etc., on a weekly basis through the use of "UNE Community" e-mail. All faculty and professional staff are welcome to submit their UNE-related news to the UNE Community e-mail address for consideration. A contact name and telephone number is required with submission.

In turn, the Communications Office reviews for appropriate content and campus, edits for basic grammar and usage, then distributes to the designated University audiences.

## 10.2 MICROSOFT OUTLOOK

UNE computers are equipped with the Microsoft Outlook E-Mail client which is part of the normal software suite installed on University-owned computers and laptops. Full-time, half-time, and part-time employees, including adjunct faculty, are added to the Outlook e-mail system once all required paperwork is completed and submitted to Human Resources and the appropriate information has been provided to Information Technology Services. Personal or alternative work email addresses should not be used to conduct university related business.

## 10.3 HUMAN RESOURCES SUPPORT

For support with UNE Human Resources related needs please refer to the website at https://une.edu/hr. Human Resources' goal is to continue providing the utmost service by enhancing its communication tools and offering systems that are comprehensive and user-friendly.

## 10.4 SOCIAL MEDIA

These guidelines are designed to help UNE employees in making appropriate decisions when managing and/or developing social media initiatives on behalf of the University. Additionally, the guidelines are intended to advise UNE employees who indicate an institutional affiliation on their personal social media profiles on how to balance their affiliation with personal conversation.

While social media brings new and interesting opportunities to the University, it also involves risks, including but not limited to, the introduction of viruses, legal and interpersonal conflicts, and potentially inaccurate or inappropriate communication.

It is important to remember that communication using social media is public, worldwide, not always retractable, and subject to the same laws, regulations and policies, as email, personal, phone, and print communications, including but not limited to, FERPA, HIPAA, and Anti-Harassment policies. Your communication on social media whether for business or personal use reflects upon you and the University and requires thoughtful consideration and planning.

**Guidelines for an individual employee's personal use of social media**

- The guidelines for personal use of social media are not intended to and do not limit your right to engage in protected concerted activities related to terms and conditions of employment.
- The University's name or logo, telephone, addresses, or email addresses may not be used except for referencing your employment relationship.
- UNE faculty, staff, students, and affiliates have a right to privacy and certain information is protected from disclosure pursuant to FERPA, HIPPA, and general confidentiality policies. Respecting this, University faculty, staff, students, clients, customers, partners, or similar associations with the University should not be noted as associated with the University in any communication or posting without

expressed permission. This, however, does not restrict “friending” of co-workers and personal communications between co-workers.

- All legal compliance issues, such as Sexual Harassment, Anti-Harassment, should be observed on both personal and professional public forums.
- If a relationship with the University could be reasonably assumed, you must make it clear that any professionally related statements posted are your views and not the views of the University.
- Supervisors and Human Resources are restricted from providing references or recommendations unless they are clearly personal communications and cannot be viewed as University recommendations.
- Personal use of social networking should be reserved for non-working hours.
- The University does not regularly check personal social networking communications of its faculty and staff but can use information on these sites if complaints or concerns related to the employee’s job, employment setting, safety, employee’s fitness, employee’s improper bias, or security issues of faculty, staff, or guests of the University or public reputation of the UNE are brought to the University’s attention. Employees should understand that what they post or communicate in any forum may reveal a bias that may raise a question about or can be used to question the decisions they make at UNE or their ability to carry out their duties at UNE in a manner consistent with UNE’s mission and values. Concerns will be addressed in the same way that other personal, written, or public communications would be addressed, and may result in discipline up to and including separation of employment.

# 11.00 EMPLOYEE SAFETY AND HEALTH

## 11.1 ENVIRONMENTAL HEALTH AND SAFETY

UNE commits to providing a safe and pleasant working and learning environment. To this end, Environmental Health and Safety Office (EH&S) have developed an Environmental Health and Safety manual to comply with applicable Federal and State laws and regulations. In addition, a University-Wide Safety Committee (UWSC) has been established and acts as an advisory board to the EH&S in the implementation of the safety manual and other safety issues.

Members of the UNE community are encouraged to direct any safety concerns they have to the EH&S. Employees are expected to understand and observe requirements of the safety manual and to conduct their jobs in a safe manner, as well as, report any hazards of which they are aware. UNE trains its employees in areas of safety applicable to their duties so that they have the information and resources to conduct their jobs in a safe manner.

## 11.2 ON-CAMPUS EMERGENCIES

The Department of Safety and Security is the unit responsible for safety, security, and coordination of emergency services at UNE. On the Biddeford campus, it is located in the Facilities Management Building. Biddeford campus security may be reached twenty-four hours a day by dialing extension **366 from any on-campus phone or by dialing 207-283-0176 from a private phone.** On the Portland campus, it is located in the Security Building. Portland campus security may be reached twenty-four hours a day by dialing207-797-7261 from a private phone.

Calls made to Security, at either campus, will be answered by a Security Officer at the dispatch desk. Officers are ready to respond to calls for service twenty-four hours a day, seven days a week.

Regular Security Officers are certified in CPR and trained in First Aid. Security Officers make routine vehicle and foot patrols of the campus grounds, academic buildings and residence halls, particularly during hours of darkness.

The Biddeford, Saco, and Portland Police and Fire Departments are the primary providers of law enforcement, fire protection, and ambulance services. To report a crime or emergency at any UNE campus or facility dial 911 from any phone. After calling 911, in an emergency situation, please contact the Campus Security Office at 366 from any campus phone. For non-emergency situations contact 207-602-2298 if on campus and 207-283-0176 if off campus.

The Department of Safety and Security maintains telephone and radio links with surrounding police agencies. The Biddeford, Saco, and Portland Police Departments share concurrent jurisdiction over UNE property with the York County Sheriff's Office and Maine State Police.

Response times will vary according to the nature of the call and the nearness of the closest available unit(s).

## 11.3 ACCIDENT REPORTING

Any employee injured in the course of employment is expected to report the accident to UNE Security immediately, no matter how minor or major the accident/injury is perceived to be. Please return a completed Accident Report to Security and Human Resources within 24 hours. Accident Reports are expected in every incident because they are evaluated and create the basis for corrective actions to be taken. Accident Reports are available in Human Resources and the UNE Security Office**.** If you witness an accident or an injury, please report it to the UNE Security Office. Employees are reminded that failure to report a work-related accident promptly may jeopardize eligibility for Workers' Compensation payment for injury-related lost time or medical bills. Accident reporting information is available at http://www.une.edu/hr/support/employee-support.

### 11.4 VIDEO DISPLAY TERMINAL (VDT) TRAINING

UNE provides education and training to VDT operators for two primary reasons:

- To decrease the likelihood of injuries
- To increase employee's comfort level

This is accomplished by an ergonomic training session offered online within thirty days of hire. This training is required to be completed annually.

UNE encourages all VDT operators to get an individualized worksite evaluation, regardless of how much time they may spend with a VDT. UNE similarly encourages those supervising VDT operators to undergo training so that they may be sensitive to the needs of those whom they supervise.

UNE requires training of all VDT operators who, in the judgment of their Senior Administrator, spend a substantial percentage of their work hours operating a VDT, consistent with the minimum provisions of the law.

UNE will take all reasonable measures to provide support to employees who may need to alter or adjust parts of their workstation to meet the intended goals of this training.

### 11.5 COMMUNICABLE DISEASE

UNE is committed to providing a safe working, living and learning environment for its faculty, staff members and students.

Accordingly, UNE has developed the following procedures to address concerns about communicable diseases. Employees and students who have communicable diseases (including tuberculosis, Hepatitis B, or HIV infection) will not be barred from working, teaching, residing, or participating in University-sponsored activities or attending classes at UNE unless the individual poses a substantial threat to themselves or to others.

**For more information on the Communicable Disease Policy see Appendix E of the Handbook.**

### 11.6 SUBSTANCE ABUSE

The University of New England intends to provide a drug-free, healthy, safe, and secure work environment. Use or abuse of alcohol or any other drug in a manner that affects or impairs an individual's ability to carry out their job responsibilities is prohibited. In addition, the Drug-Free Workplace Act of 1988 requires that federal grant recipients (such as UNE) take several very specific steps to ensure a drug-free workplace. As an example, the law requires that employers notify employees and students of the health risks associated with alcohol or drug use. Also, as a condition of employment, employees must abide by the terms of this policy.

**MARIJUANA REMAINS A PROHIBITED SUBSTANCE**

Please note that although Maine has legalized, under state law, the medical and recreational use of marijuana, ***use of marijuana remains illegal under the Federal Control Substances Act ("CSA") and remains a prohibited substance under UNE's compliance obligations under the University's Substance Abuse Policy and the Drug-Free Workplace Act.***

Because of the federal CSA, employees should understand that the possession of a medical marijuana card does not make the use of marijuana legal under federal law. Therefore, a medical marijuana card will not provide an employee with any protection from discipline up to and including termination of employment if the employee's possession or use of marijuana violates UNE's policy.

**For more information on the Substance Abuse Policy see Appendix F of the Handbook.**

## 11.7 WEAPONS AND FIREWORKS

No employee(s), 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" in length, slingshots, bows, arrows, and pepper spray. Firearms, paintball guns, ammunition, pellet guns, "soft" pellet guns, bb guns, toy or replica, 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 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. Employees or students wishing to carry pepper spray should contact Director of Safety and Security to discuss appropriate use of this personal safety device.

# 12.00 STANDARDS OF CONDUCT AND DISCIPLINARY PROCEDURES

## 12.1 ATTENDANCE

Punctuality and regular attendance are expected of all employees of UNE and are essential to the proper functioning of the University. Any employee who is unable to report to work on time or who needs to leave early must notify their supervisor as soon as possible. If the supervisor is not able to be reached, the employee must leave a message for their supervisor or appropriate designee. Failure to notify the supervisor (no-call/no-show) is considered a serious attendance violation.

All time off for vacations must have supervisory approval before use. Employees who do not give notice for time off (whether it is for sick time, vacation time, or for a personal appointment) will be subject to disciplinary action, up to and including termination.

If an employee is absent for three (3) consecutive scheduled workdays without notifying their supervisor, the absence will be considered a voluntary resignation due to job abandonment. Exceptions may be made only in cases of verified emergency or extenuating circumstances.

An employee's attendance record, other than statutorily protected absences, is considered in decisions on continuing employment, in disciplinary matters, and in performance evaluation and salary determination.

## 12.2 CONSENSUAL INTIMATE RELATIONSHIPS

UNE is committed to maintaining learning and work environments as free as possible from conflicts of interest, exploitation and favoritism. Where a party uses a position of authority to induce another person to enter into a non-consensual relationship, the harm both to that person and to the University is clear. Even where the relationship is consensual, there is potential for harm when there is an institutional power difference between the parties involved, as is the case, for instance, between supervisor and employee, faculty and student, or academic advisor and advisee. Such relationships may cast doubt on the objectivity of any supervision and evaluation provided.

Having consensual relationships with subordinates is likely to interfere with the ability of a superior to act and make decisions fairly and without favoritism. Even if the superior is able to avoid being biased, others in the workplace or learning environment are likely to see themselves as being less favored and as disadvantaged by the personal relationship. In addition, the damage can continue long beyond the actual time span of the relationship and can make people suspicious of any future professional interactions between the parties.

The following policy is articulated in two parts, the first directed to employee relationships, the second to faculty-student relationships. Although these categories have many elements in common, the student-teacher relationship represents a special case, because the integrity of this relationship is of such fundamental importance to the central mission of the University. Students look to their professors for guidance and depend upon them for assessment, advancement, and advice. Faculty-student consensual relationships create obvious dangers for abuse of authority and conflict of interest actual, potential, and apparent. Especially problematic is such a relationship between a faculty member and a graduate student who is particularly dependent upon them for access to research opportunities, supervision of thesis or dissertation work and assistance in pursuing job opportunities.

UNE has adopted a consensual relationship policy for the following reasons: to avoid the types of problems outlined above, to protect people from the kind of injury that either a subordinate or superior party to such a relationship can suffer and to provide information and guidance to members of the UNE community. Most of all, this policy seeks to help ensure that each member of the UNE community is treated with dignity and without regard to any factors that are not relevant to that person’s work.

*Note:* Non-consensual situations are covered under the University's policy on Sexual Harassment and marital relationships are covered under the University's policy on Nepotism.

For purposes of this policy, the terms "employee," "supervisor," "student," and "consensual relationships" are defined as follows:

- Employee: anyone employed by UNE as full-time, half time, or temporary faculty or professional staff.
- Supervisor: anyone who oversees, directs or evaluates the work of others, including, but not limited to, managers, administrators, coaches, directors, physicians, deans, chairs, advisors, and teaching assistants, as well as, faculty members in their roles as instructors, as supervisors of their staff, and as participants in decisions affecting the careers of other faculty members.
- Students: all those enrolled full-time or part-time in any program of UNE and its various schools.
- Consensual intimate relationships: dating and/or sexual relationships willingly undertaken by the parties.

**Employee- Employee Relationships:** Except in unusual circumstances, where explicit authorization has been obtained from the appropriate superior, no one who is employed at UNE should participate in supervision, employment actions, evaluation, decisions pertaining to promotion, or the direct setting of salary or wages for someone employed at UNE with whom that person has or has had a consensual intimate relationship.

Except in special circumstances, where explicit authorization has been obtained from the appropriate superior, a supervisor should not employ anyone with whom they have or have had a consensual intimate relationship.

Employees should be aware that entering into such a relationship with a supervisor creates the potential for risk to both parties. In particular, such a relationship will limit that supervisor's ability to direct work or promote that employee's career.

In the event that a personal relationship of this kind does exist in a supervisory context, the supervisor must disclose the relationship to the appropriate superior and initiate arrangements to address any issues of conflict of interest.

**Faculty- Student Consensual Relationships:** No faculty member should enter into a consensual intimate relationship with a student who is directly or indirectly under that faculty member's authority. Situations of authority include, but are not limited to, teaching, formal mentoring, supervision of research, and employment of a student as a research or teaching assistant; and exercising substantial responsibility for grades, honors, or degrees; and considering disciplinary or academic action involving the student, including having supervision of appeals of discipline or academic decisions.

No faculty member should accept or exercise authority over a student with whom they currently have a consensual intimate relationship. Except as provided below, no faculty member should accept or exercise authority over a student with whom they previously had a consensual intimate relationship. No faculty member should allow the student to enroll for credit in a course which the faculty member is teaching or supervising; direct the student's independent study, thesis, or dissertation; employ the student as a teaching or research assistant; participate in decisions pertaining to a student's grades, honors, degrees; or consider disciplinary or academic action involving the student. Entering into a consensual intimate relationship prohibited under this policy constitutes grounds for discipline, up to and including termination for cause, of the faculty member.

Students and faculty alike should be aware that entering into a consensual relationship will limit the faculty member's ability to teach and mentor, direct work, employ, and promote the career of a student involved with them in a consensual intimate relationship, and that the relationship should be disclosed in any letter of

recommendation the faculty member may write on the student's behalf. Furthermore, should the faculty member be the only supervisor available in a particular area of study or research, the student may be compelled to avoid or change the special area of their study or research.

If nevertheless a consensual intimate relationship exists or develops between a faculty member and a student involving any situation of authority, that situation of authority must be terminated.

Termination of the situation of authority may include , but is not limited to, the suspension or termination for cause of the professor, removal of the professor from the role of teaching the class, or assumption of the position of authority by a qualified alternative faculty member or teaching assistant, the student selecting or being assigned to another faculty academic advisor and/or thesis or dissertation advisor, and changing the supervision of the student's teaching or research assistantship. In order for these changes to be made and ratified appropriately, the faculty must disclose the consensual relationship to their superior, normally the chair, division head, or dean. Failing to promptly disclose such a relationship constitutes grounds for discipline, including termination for cause, of the faculty member.

## 12.3 SOLICITATION/DISTRIBUTION

To assure a productive and harmonious work environment, UNE does not allow third parties to solicit or distribute literature to employees in the workplace or on University property.

UNE recognizes that the employees may have interests in events and organizations outside the workplace. Solicitation or distribution of literature concerning these activities may not occur during the working time of either the employee doing the solicitation or distribution or the employee receiving the solicitation or distribution. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.) In addition, distribution of literature should not take place in work areas at any time.

The posting of written materials on University bulletin boards is prohibited. Bulletin boards are reserved for official organization communications on such items as internal memoranda, job posting, organizational announcements and government posters. The University does not interfere with, restrain or coerce employees in exercising their rights under federal or state labor laws, including the Fair Labor Standards Act. UNE allows employees to solicit co-workers about causes, interests, political issues, unions, or union organizing during working time so long as the employees do not disrupt or interfere with on-going university operations or harass other employees.

## 12.4 HANDLING CONFIDENTIAL INFORMATION

Employees of the University may come in contact with information that, if released without authorization or carelessly handled, could have critical consequences. It is important to handle all confidential information with discretion, labeling it "confidential," safeguarding it when in use, filing it properly when not in use, and discussing it only with those who have a need to know for a legitimate business reason. All personal and personal information should be treated as confidential.

### 12.4.1 DISPOSING OF CONFIDENTIAL INFORMATION

For security purposes, all confidential material that is to be discarded be put in a designated shred bin available throughout campus.

## 12.5 COMPUTER ACCEPTABLE USE

The purpose of this policy is to outline the acceptable use of computer equipment at UNE. These rules are in place to protect the employee and UNE. Inappropriate use exposes UNE to risks including virus attacks, compromise of network systems and services, and legal issues.

**For more information on the Computer Acceptable Use Policy see Appendix H of the Handbook.**

### 12.6 PERSONAL APPEARANCE AND DRESS

Maintaining a professional appearance is essential to creating a positive impression for students, co-workers, and visitors. It plays a vital role in the protection of the reputation of the University reflecting employee pride and inspiring confidence.

Given the varied departmental responsibilities, the University does not have an absolute dress and appearance code. It is expected that employees dress in a manner appropriate to their work environment, which requires that clothing be in a neat and clean condition at all times. Beyond that, the code will vary from department to department based on the work environment and duties associated with particular positions. Department managers may exercise reasonable discretion to determine the appropriateness of their employees' dress and appearance.

Employees who do not meet a professional standard may be sent home to change. Non-exempt employees will not be paid for that time away from work.

### 12.7 PERSONAL TELEPHONE USE

Telephone service is provided to each office or department for the conduct of University business. Personal calls are permitted if they are brief and infrequent.

### 12.8 DISCIPLINARY POLICY

UNE is committed to providing a nurturing and supportive work environment in which faculty and professional staff members can perform to the best of their abilities. When performance problems arise, ideally those performance issues will be addressed by the supervisor to ensure that an employee understands fully what is expected of them prior to the need for discipline. Misconduct in the workplace should be addressed as well but employees must understand that there may be no coaching or discussion before disciplinary action is taken, including termination of employment. UNE wishes for all of its employees to be successful in their respective positions and will take steps to assist employees in being successful, but employees must understand that they are expected to perform within their roles in a manner that meets all expectations for conduct, behavior, and performance.

It is intended, as much as is possible, that disciplinary interactions be respectful exchanges of information about expectation, conduct, behavior, and performance.

As much as is possible, a supervisor should focus on creating clear expectations for performance, obtaining the employee's commitment to take effective action to meet those expectations, and being clear about the consequences of the employee not meeting those expectations.

Nothing in these procedures prevents a supervisor from requesting immediate suspension, demotion, or dismissal of an employee if the situation, in the opinion of the supervisor, and in consultation with the Vice President of Human Resources, warrants it. **Management must consult with Human Resources prior to taking disciplinary action of any kind.**

Violation of UNE policies or procedures is misconduct that may result in a range of disciplinary consequences.

Types of discipline for misconduct, performance concerns, and violations of any UNE policy or procedure include:

- Termination

- Performance Improvement Plan (PIP)
- Written Warning
- Oral warning confirmed in writing
- Paid or unpaid administrative leave, probationary period, or suspension

It is UNE's policy that discipline is not progressive and no employee can expect that they will receive levels of discipline in order of severity of discipline in a progressive manner. The level of discipline will generally be based on the level of seriousness of an employee's misconduct, poor performance, or violation of UNE policy or procedure or the number of times that such conduct has occurred and not on whether the employee had previously received any form of warning, although a previous discussion or warning can and most likely will factor into an employee receiving a more severe level of discipline than the employee might otherwise have received. UNE may consider all the facts and circumstances to impose whatever level of discipline it deems appropriate regardless of the employee's past disciplinary history. In keeping with the "at will" nature of employment at UNE for most UNE employees, UNE has complete discretion in making discipline decisions and may terminate an employee for a first offense if it determines that that level of discipline is warranted.

Understand that while UNE is concerned with consistent enforcement of our policies, UNE is not obligated to follow any disciplinary or grievance procedure and that depending on the circumstances, employees may be disciplined or terminated without any prior warning or procedure.

**Documented coaching** is a written record of a conversation between a supervisor and employee that outlines specific concerns, expectations for improvement, and any support or resources available. When performance or conduct concerns arise, supervisors will typically begin with documented coaching as an initial step in the discipline process. It is intended to provide clear guidance and allow the employee an opportunity to improve before formal disciplinary action is taken. Coaching is not necessarily discipline and should be considered a method of setting expectations and managing performance or behavior.

**A Verbal Warning is considered discipline.** It is designed to help the employee recognize problems that may exist. After gathering information, and observing the situation first-hand, when possible, the supervisor should plan a meeting to discuss the issue(s). During that private conference, the supervisor should:

- State the problem clearly.
- Identify the changes that are expected.
- Ask for and listen to the employee's point of view.
- Encourage the employee to offer solutions.
- Reach agreement on actions that will be taken and a timetable for that action.

Immediately after the meeting, the supervisor should document the discussion and any resulting agreement in a memo to the employee, a copy of which should be forwarded for filing in the employee's personnel file in Human Resources.

**A written warning, a Performance Improvement Plan, and suspensions are considered more serious forms of discipline, which may be a final step prior to termination** if the employee's performance or behavior does not improve promptly or as otherwise mandated by a PIP or other documentation to the employee. Prior to meeting with an employee to issue a written warning, institute a PIP or suspend an employee, the supervisor must reach out to, and work alongside, Human Resources to determine what recommended actions should be taken based on the situation. Any document that results from that consultation should highlight the area(s) that need to be improved, along with any examples that substantiate the area(s) of improvement. The written document should

also include clear expectations for performance and success moving forward.

During a subsequent meeting with the employee, the supervisor should orally outline all areas of improvement while referencing the information contained within the written document. During the meeting, the supervisor should provide the employee information which includes the following:

- A statement that this is a written reminder.
- A clear, objective statement of the problem.
- The desired changes not made to date.
- An additional opportunity to correct the problem and the time frame.
- An offer of assistance as their supervisor, if appropriate.
- Disciplinary consequences if the problem is not effectively addressed.

The employee is expected to sign whatever document is provided to confirm receipt of the document. An employee's signature does not indicate agreement with the content of the document. An employee may if the employee so chooses provide a response to the content of the document. One copy of the notification is given to the employee and one copy is placed in the official personnel file.

**EMPLOYMENT TERMINATION**

Should it be necessary to terminate an individual's employment, it should be done after the supervisor has consulted with their Senior Administrator and Human Resources, and approval has been obtained from the Vice President of Human Resources.

# 13.00 LEAVING EMPLOYMENT

## 13.1 RESIGNATION

Employment at UNE is entered into voluntarily and employees are free to resign at any time, for any reason, with or without notice. Similarly, UNE is free to conclude employment relationship at any time, for any reason, with or without notice other than for discriminatory reasons described in section 2.0 (see section 14.3 for the Termination Policy), except as specifically provided in the Faculty Handbook.

Employees who decide to leave employment at UNE must give appropriate notice in writing to their supervisors to leave in good standing. Leaving in good standing allows the employees to be eligible for rehire and allows for the possibility of more positive references. It is encouraged that appropriate notice for employees is a minimum of two weeks.

## 13.2 BREAK IN SERVICE

If there is a break in service due to the employee leaving UNE and being rehired at a later date, the following applies to the establishment of seniority: Employees who end their employment with UNE, but return to employment within one year, will have their seniority reinstated as if there were no break in service. If an employee leaves the employment of UNE for more than one year, the seniority clock will begin at the time of re-employment and they will be considered as if they were a new employee.

## 13.3 TERMINATION

UNE is free to terminate employment at any time for any reason not prohibited by law.

## 13.4 REDUCTION IN FORCE

If a reduction-in-force is necessary, UNE will endeavor to provide support to help affected employees find other employment.

### 13.4.1 DEFINITIONS:

**REDUCTION IN FORCE** For this purpose, a reduction in force means job loss that results from UNE's reorganization or restricting of a department or work unit that results in the elimination of a person's position or a termination of employment that results from UNE's desire to conserve institutional financial resources. It does not mean job loss occasioned by disciplinary action, job loss due to poor performance, job loss that results from the expiration of soft funding (such as grants or contracts), job loss that results from the expiration of an employment contract, or job loss that results from of the expiration of a job that was intended to be of fixed duration. UNE reserves, in its sole discretion, to determine whether a particular job loss is covered by this Reduction in Force Policy.

**ELIGIBILITY** Only regular full- and half-time employees who meet the definition in Section 2.18 are eligible to be considered under this policy.

**CRITERIA** The primary criterion for determining who shall be affected by a reduction in force is identification of the services that, while still important, are the least vital in assisting the Institution to meet its educational mission.

Upon identification of the services affected, identification of the individual affected will be done by the appropriate Dean or Senior Administrative Officer, with the concurrence of the President. If there is more than one person who could arguably be affected by the identified service reduction, the appropriate Dean or Senior Administrative Officer shall make the decision based upon the capability of the service area providers to perform their mission with a reduced force level.

The Vice President of Human Resources will review the recommendations of the Dean(s) and Senior Administrative Officer(s) to assure that only non-discriminatory factors have been used in the process.

### 13.4.2 NOTICE

Generally, notice to affected individuals of a reduction in force will be communicated as quickly as is prudent.

Notice for faculty shall be given as per the terms of the Faculty Handbook.

### 13.4.3 CONSIDERATIONS

The considerations afforded by UNE to those affected by a reduction-in-force shall be as follows:

**SEVERANCE PAY** Accrued unused vacation leave shall be paid in full at termination of employment in accord with the vacation accumulation policy. In addition, and conditioned upon the employees signing a severance agreement:

- Those continuously employed for less than 5 years = 4 weeks' severance pay
- Those continuously employed for greater than 5 years but less than 10 years = 6 weeks' severance pay
- Those continuously employed for greater than 10 years = 8 weeks' severance pay

**UNEMPLOYMENT COMPENSATION** - UNE will support affected employees in their claims for unemployment compensation.

**BENEFITS**

- Health insurance shall continue in full force for the remainder of the month during which employment ceases.
- Employees have an option to continue health insurance coverage under COBRA after termination of employment at group rates, and under group policy terms and conditions, for up to 18 months.

## 13.5 VOLUNTARY TERMINATION OF EMPLOYMENT

Exit Interview: When an employee resigns their position with UNE, they will receive a packet with End of Employment paperwork including an Exit Questionnaire Form. This form is for the purpose of soliciting constructive feedback about the employees' work experience at UNE. This feedback may be helpful to UNE in providing a productive work experience for other employees. If the employee prefers, a departing employee can also do their exit interview with HR in person.

Benefits and Leave: The employee will be given COBRA information (see section 14.6), informed of any possible vacation time available to be paid upon leaving employment, and briefed about UNE's information release policy.

University Property: All University property not previously returned to UNE (e.g., credit cards, telephone cards, employee identification cards) must be returned to Human Resources. If there are questions about whether items or information belong to the individual or the institution, the individual's Senior Administrator shall be the arbitrator. Keys should be turned into the Facilities Management Office.

## 13.6 COBRA BENEFITS

The Consolidated Omnibus Budget Reconciliation Act (COBRA) allows employees to continue their health coverage on UNE's group medical insurance plan after they leave employment. These employees are required to cover the cost of such continuation coverage. COBRA rights are provided consistent with Federal law. Current

COBRA requirements are summarized here, but may be modified any time COBRA is amended.

To qualify for COBRA, the following conditions must be met:

- The employee must have left employment for a reason other than gross misconduct.
- The employee must make timely payments to the insurance company of 102% of the premium cost.
- The employee is not eligible for Medicare.
- The employee is not covered on another group medical insurance plan.
- UNE must have available to employees a group medical insurance plan.

The length of time which an employee may be enrolled in a COBRA plan depends on the following qualifying events:

| | |
|---|---|
| Termination of employment (except for gross misconduct) | Up to 18 months |
| Reduction of the employee's hours which result in loss of coverage | Up to 18 months |
| Death of an employee | Up to 36 months for dependents |
| Divorce of the employee and the dependent spouse | Up to 36 months for dependents |
| The employee becomes entitled to Medicare | Up to 36 months for dependents |
| A dependent child no longer meets the definition of a child | Up to 36 months for eligible dependents |

A former employee who is determined by Social Security to be, or to have been, disabled on the date of terminated employment or had a reduction in work hours may be able to continue coverage for themselves and their covered dependents for up to 29 months.

A former employee who has coverage with another group medical plan, which limits or excludes a pre-existing condition, may retain coverage under both plans. That is, COBRA continuation coverage of the original plan may stay in effect after the employee becomes covered under a new plan, as long as the new plan contains a pre-existing condition limitation or exclusion applicable to the employee.

### 13.7 FACULTY EARLY RETIREE PLAN

The University of New England is proud to offer a voluntary early retirement benefit plan for faculty aged 62 years and above with 20 years or more of continuous, benefits-eligible service.

Early retirement plans can enable an employee to finish out their career, begin a life of relaxation, or start a second career earlier than originally planned. These decisions are very individualized so it will be important for employees to evaluate the plan's offerings carefully to decide whether it's right for them.

The University's early retirement plan is a great opportunity for employees to be able to share their knowledge and expertise with other employees as they transition into their full retirement.

Employees who enroll in the early retirement plan will have their work load, employment status, and salary reduced to half time and will remain as a half time employee over the course of three years. During this time employees will maintain their full-time health, dental and vision benefits with the same premium costs they were previously paying as a full-time employee. All other half time employment status benefits apply including the University's 403 (b) retirement plan. Faculty members may find a reduction in their service committee

obligations if applicable.

Those faculty members who enroll in the early retirement plan will receive a three-year terminal contract. If a faculty member obtained Tenure at the University of New England their Tenure status will remain until their last day of employment.

# 14.00 MISCELLANEOUS INFORMATION

## 14.1 PUBLIC INFORMATION POLICY

UNE faculty and staff communicate on a daily basis with our various publics or constituencies -- electronically, in print, on the phone, and in person. It is critical that UNE speaks with a single voice and responds to the public accurately, respectfully, and diplomatically. For these reasons, the following policies regarding public information are to be observed.

### 14.1.1 PRINTED MATERIAL

Copies of all materials, announcements, and information pieces such as advertisements, direct-mail packages, newsletters, mass representations from UNE, as well as drafts of news media releases, publications for conferences, and special events prepared for the public will be reviewed by the Office of Communications regarding the appropriateness of the institutional image conveyed and for possible publication strategies.

Under no circumstances will mailing lists of special constituencies such as trustees, fellows, donors, alumni, faculty, staff, patients, or students be conveyed, sold, or loaned to any group or individual on- or off-campus without the express permission of the Communications Office.

All requests for possible funding (including from public agencies) will be prepared in cooperation with the Communications Office.

### 14.1.2 PERSONAL

When invited to speak or make a presentation at a meeting held off-campus, faculty and professional staff of UNE need to remember that they are representatives of UNE and should conduct themselves accordingly. While there may be no official meaning attached to the presentation, they often will be perceived as representatives of UNE.

### 14.1.3 INQUIRIES

Inquiries from off campus come in many and varied forms (request for directions to an investigative news report). UNE's response to these inquiries should be handled according to the following policies: Anyone can and should answer questions about the following only: location and directions, calendar items, names (including correct spelling) of appropriate personnel to whom correspondence can be addressed, and items listed in the course catalog (no comments, just listing).

Questions about the programs, **specific** faculty, **specific** students, admissions and enrollment, tuition and fees, grades, transcripts, college policies, personnel, vendors, extracurricular activities and clubs, departmental planning, forecasting or projections, and any budgeting areas, information must be referred to the appropriate senior staff for disposition.

Inquiries from media representatives must be referred to the Director of Marketing & Communications, who will route the request accordingly. Related interviews whether on the phone or in person must be arranged through the Office of Communications. It is recommended that notes be taken to include the name of the inquiring reporter, the media represented, the subject, and time of the inquiry. This information should be forwarded immediately to the Communications Office.

Whenever possible, it is advisable to hold interviews with media representatives on campus. In the unlikely event of an emergency, tragedy, or other event that might attract media attention at UNE, the President is to be notified at once (24 hours a day). All subsequent media inquiries related to the event should be directed to the Communications Office, which will coordinate UNE's response in keeping with

protocols established by the UNE Emergency Response Team.

### 14.2 COPYRIGHT POLICY

It is the intent of UNE 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). Members of the UNE community who willfully disregard the doctrine of "fair use" do so at their risk and assume all liability. The library does offer a “Fair Use Checklist” for UNE community members to work through the question of whether their intended use of a copyrighted item may be considered “fair use”: http://dune.une.edu/libserv_facpub/1/.

The use of copyrighted material is strictly governed by Federal copyright law. UNE Guidelines for copyright laws are as follows:

UNE’s copyright policy: http://www.une.edu/academics/copyright-policy
UNE’s copyright guidelines: http://www.une.edu/academics/copyright-policy/copyright-guidelines

### 14.3 PETS ON CAMPUS

Pets (dogs, cats, etc.) are not permitted in University buildings which include the residence halls. However, certain exceptions may apply such as guide/service/comfort animals in the company of their owners. The ability to have such animal in a University building must be vetted and approved by the Vice President of Human Resources. Dogs, cats, and other domestic animals are permitted on campus grounds only when leashed or in a carrier held by and under the direct control of the owner. The owner is responsible for properly disposing of any waste created by the animal.

### 14.4 LOST AND FOUND

Valuable items that have been lost and found are returned to the Security and Safety office on each campus. Books, etc., will be left inside buildings where found.

# APPENDIX A

## UNIVERSITY OF NEW ENGLAND'S NONDISCRIMINATION GRIEVANCE PROCEDURE, POLICY AND NOTICE OF NONDISCRIMINATION FOR EMPLOYEES

*Please refer to https://www.une.edu/title-ix-civil-rights-compliance for the most current Policy.*

**GRIEVANCE PROCEDURE FOR COMPLAINTS OF DISCRIMINATION BY EMPLOYEES**

***(A) Policy Statement***

This Policy applies to all forms of discrimination, which includes harassment and retaliation (other than sex discrimination which is covered by UNE's Title IX Grievance policies). The University of New England ("the University") 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, 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, color, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, genetic information, physical or mental disability, HIV status, veteran status, status as an individual who asserted a claim or right under Maine's Workers' Compensation law, status as an individual who sought and received a final protection order issued pursuant to Maine law or pursuant to a substantially similar provision of the law of another state or nation, or any other status protected by applicable federal, state, or local law.

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 employee of this institution has a responsibility to behave in accordance with this Policy as a condition of employment. Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment. Employees who engage in conduct prohibited under this Policy may be subject to disciplinary action, including 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. No person will be penalized for good faith utilization of or participation in channels available for resolving concerns dealing with prohibited discrimination, harassment, or retaliation.

***(B) Clery 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 United States 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

**Compliance Inquiries**

Inquiries regarding compliance with this Policy may be directed to any of the following:

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|---|---|---|---|
| **Angela Shambarger**<br>*Senior Director for the Office of Title IX and Civil* | 207-221-4554 | ashambarger@une.edu | 11 Hills Beach Road, Biddeford, ME 04005) |

| | | | |
|---|---|---|---|
| *Rights Compliance/ Title IX Coordinator* | | | |
| **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 of Civil Rights, Department of Education** | 617-289-0111 | OCR.Boston@ed.gov | 8th Floor 5 Post Office Square, Boston, MA 02109-3921 |
| **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, D.C. 20507 |

**SCOPE**

The University has adopted a grievance procedure that seeks to provide for the prompt and equitable resolution of reports of discrimination Complaints made by UNE employees, including student employees, or other individuals who are participating or attempting to participate in its UNE's Education Program or Activity or by the Director, alleging any action that would be prohibited by state or federal law.

For the purposes of this Policy, discrimination includes harassment and retaliation.

Generally, discriminatory harassment is unwelcome verbal or physical conduct that is objectively and subjectively offensive, is severe or pervasive, and is based on a person's race, color, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, genetic information, physical or mental disability, HIV status, veteran status, status as an individual who asserted a claim or right under Maine's Workers' Compensation law, status as an individual who sought and received a final protection order issued pursuant to Maine law or pursuant to a substantially similar provision of the law of another state or nation, or any other status protected by applicable federal, state, or local law 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 and/or
- Such conduct unreasonably interferes with or limits one's ability to participate in or benefit from an educational program or activity.

Generally, retaliation means intimidation, threats, coercion, harassment, 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 this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated in a 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. UNE prohibits all retaliation, including peer-to-peer relations, in all of its education programs and activities, including the workplace.

### *(A) Applicability*

This Policy applies to allegedly aggrieved employees who were participating or attempting to work or otherwise participate in UNE's education program or activity at the time of the alleged discrimination. 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 in any University education program or activity, which means all academic, educational, extracurricular, athletic, and other programs.

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

Other policies may govern reported conduct in place of this Policy.

- When the reported conduct by an employee involves sex discrimination, which includes sex-based harassment covered under Title IX and the University's University Of New England's Title IX Grievance Policy For Employees the investigation and grievance process outlined in that policy will be used and can be found https://www.une.edu/title-ix or in Appendix J of the Personnel Handbook located https://www.une.edu/hr/policies.

- When a student's reported conduct involves discrimination toward an employee, the investigation and grievance process set forth in the University Of New England's Title IX Grievance Policy For Students will be used and can be found at https://www.une.edu/title-ix.

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.

### *(B) Jurisdiction of Policy*

This Procedure applies to all forms of discrimination occurring under the University's Education Program or Activity. Generally, the jurisdiction of the University to take disciplinary action shall be limited to conduct which occurs on University premises, while working remotely, at off-campus University sponsored, supervised, or related activities, at affiliated and clinical sites, during internships, with respect to student teaching, during applied learning, such as, but not limited to, online course experiences, on the UNE international campuses, and on Study Abroad Programs.

However, conduct that occurs outside of the workplace and off campus may violate this Policy and fall within the jurisdiction of the University. For example, any outside of the workplace and off-campus conduct that contributes to the alleged discrimination that disrupts the work or educational environment and/or the mission or objectives of the University or that results in another employee or 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 the University Employee Code of 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 has an obligation to address a Hostile Environment under its Education Program or Activity, even when some conduct alleged to be contributing to the Hostile Environment occurred outside UNE's Education

Program or Activity or outside of the United States. UNE's Senior Director for Title IX and Civil Rights Compliance will work with all Complainants to assess such Complaints that may fall under these criteria and direct to appropriate University Policies and Procedures that may apply if this Grievance Procedure does not. UNE will communicate all such decisions in writing to the Complainant. Any such dismissals shall be subject to appropriate appeal rights under this Grievance Procedure as outlined in the Dismissals section.

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.

### *(C) Academic Freedom and Freedom of Expression*

The University is committed to protecting, maintaining, and encouraging both freedom of expression and academic freedom of inquiry, teaching, service, and research. However, these freedoms 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 shall be strongly considered in investigating and reviewing complaints and reports of discrimination. However, raising issues of academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or this Policy.

## REPORTING DISCRIMINATION TO THE INSTITUTION

### *(A) Reporting Options*

***Who can I report a Complaint to?***

The Senior Director of Title IX and Civil Rights Compliance/Title IX Coordinator (Director) is the individual designated by the President with responsibility for providing education and training about discrimination to the University community, and for receiving and investigating reports and complaints of discrimination, harassment, and retaliation in accordance with this Policy.

Anyone who reports what they believe constitutes an incident of discrimination as defined above will be assisted in understanding their reporting and complaint options and will not be forced to make any type of report or complaint. Any person making a report may be asked, but is not required, to put their report in writing. While some UNE employees are mandated reporters, anyone may report under this Policy regardless of whether the reporting person allegedly experienced the violation or is a member of the University community. Reports can be made in person, by mail, by telephone, online, or by electronic mail, using the contact information listed for the Senior Director of Title IX and Civil Rights Compliance/Title IX Coordinator or by any means that results in the Director receiving the person's verbal or written report. A report may be made at any time (including during non-business hours) by using the telephone number, email, online reporting link (https://www.une.edu/title-ix/reporting), or mailing address listed for the Director or other persons familiar with this Policy, including:

**Angela Shambarger**
*Senior Director of Title IX and Civil Rights Compliance/Title IX Coordinator*
ashambarger@une.edu | 207-221-4554
The Office of Title IX and Civil Rights Compliance
Human Resources Office (both campuses)
11 Hills Beach Road, Biddeford, ME 04005 and
716 Stevens Avenue, Portland, Maine, 04103.

Deputy Coordinators with Responsibilities for Student or Employee Conduct

| | | | | |
|---|---|---|---|---|
| **Ray Handy** | Associate Dean of | 207-221-4213 | rhandy@une.edu | For complaints |

| | | | | |
|---|---|---|---|---|
| | Student Affairs | | | involving students |
| **Shaylah Kelly** | Assistant Director, Employee Relations and Leadership Development | 207-602-2524 | skelly14@une.edu | For complaints involving employees |

The Vice President of Human Resources & Chief Human Resources Officer for the University of New England is Bobbie Kallner, 207-602-2339, bkallner@une.edu, Human Resources Office, both campuses, 11 Hills Beach Road, Biddeford, Maine 04005 and 716 Stevens Avenue, Portland, Maine, 04103.

The Director/ Deputy Title IX Coordinators will:

- Provide oversight of any investigation of claims of discrimination, harassment, or retaliation 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;

At the request of an employee Complainant, the information they provide will be kept as private as possible, but the University may not be able to fully maintain confidentiality in certain circumstances. Employee records will be maintained in accordance with employee privacy laws. Individuals may also file anonymous reports that can be anonymous on the University's Title IX and Civil Rights Compliance 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.

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

***Provision of Information***

Any employee of the University who is responsible in any way for student welfare, or who a student could reasonably believe is responsible for student welfare, and who is not by law, licensure or University regulation designated as a confidential resource, must forward any report of discrimination to the Senior Director of the Office of Title IX and Civil Rights Compliance or a Deputy Title IX Coordinator as soon as possible after receiving it. This definition of "responsible employee" includes faculty, coaches, administrators, security officers, advisors, staff, RAs, and other student employees involved in promoting student welfare. Similarly, an employee who has authority or management over other employees and becomes aware of a concern of discrimination involving a supervisee is expected to report this to the Senior Director of the Office of Title IX and Civil Rights Compliance or the appropriate Deputy Title IX Coordinator as soon as possible after receiving it.

If a responsible employee receives or becomes aware of a report or incident covered by this Policy, if possible before hearing it fully, the responsible employee should be clear with the Complainant that (1) they are not a confidential resource, if they are not so designated, and (2) they are obligated to report any incident to the Senior Director of the Office of Title IX and Civil Rights Compliance.

***Timeline for Reporting a Complaint of Discriminatory Harassment***
Complaints and reports of discrimination or discriminatory harassment should be reported as soon as possible after the incident(s) in order to be most effectively investigated, though there is no time limit on reporting violations under this Policy. 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, may investigate and adjudicate the alleged misconduct, and take other appropriate action to address the reported conduct.

***Format of the Complaint***
Complaints 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 discrimination at the institution.

***(B) 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 Senior Director of the Office of Title IX and Civil Rights Compliance at any point before or during this Grievance Procedure that do not fundamentally alter the Procedure. The Director will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

If the Complainant or Respondent discloses a disability, the Director or designee may consult, as appropriate, with the Associate Director of Benefits and Leave in Human Resources to provide support to employees 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.

***(C) False Claims***

It is a violation of this Policy to knowingly make false statements or to knowingly submit false information during the grievance procedure covered under this Policy. In such instances, the parties may be subject to disciplinary action. 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, or termination.

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

***(D) Retaliation***

When UNE receives information about conduct that reasonably may constitute retaliation, 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 sex-based harassment involving a student complainant or student respondent, the grievance procedures initiated by the consolidated complaint will comply with the University Of New England's Title IX Grievance Policy For Employees.

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

***(E) Sanctions for Violation of this Policy***

Any Party found responsible for violating this Policy may be subject to disciplinary sanctioning. Sanctions are

determined on a case-by-case basis.

Any student found responsible for any element of this Policy will be referred to and disciplined in accordance with the University of New England Student Conduct Code as outlined in the University Student Handbook, an applicable academic professional code, and any other applicable policy.

Any employee of the University found responsible for 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.

**GRIEVANCE PROCEDURE FOR DISCRIMINATION**

***(A) Initial Assessment Upon Receipt of a Report and Filing of Complaint by the Senior Director of Title IX and Civil Rights Compliance***

When the Senior Director of Title IX and Civil Rights Compliance or their designee, (hereafter "Director"), receives a report of a potential violation of this Policy, the Director 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 Director 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. A Complainant can request verbally or in writing to have their report processed as a "Formal Complaint" through the process outlined within this policy.

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. The University, however, reserves the right to take whatever action it deems necessary to enforce this Policy, which is intended to assist UNE is preventing and remedying discrimination, including hostile environments. For example, whether a hostile environment exists is not necessarily dependent only on the expressed concerns of the Complainant.

Any request for confidentiality must be balanced against the University's obligation to provide a safe and non-discriminatory environment for the entire University community. The University may also be severely limited in its ability to adjudicate a claim and take action against a Respondent if strict confidentiality is maintained. The Director, the Vice President of Human Resources, 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.

Where 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, the Director may need to initiate a formal complaint against a Complainant's wishes. In such cases, the Director 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 Director 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 either this Policy or another policy and the investigation reveals that the wrong policy was initially applied, the conduct was incorrectly placed within either Policy, the University will transfer the complaint to the appropriate process for resolution or dismiss the complaint, as appropriate.

***(B) Consolidation of Complaints***

UNE may consolidate Complaints of discrimination 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 discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

***(C) Allegations Potentially Falling Under Two Policies***

If the alleged conduct, if true, includes conduct that would constitute a violation of this Policy and conduct that would constitute a violation of another policy, the Non-Discrimination Grievance Process in this Policy will be applied in the investigation and adjudication of all of the allegations, unless, as provided above, the allegations include claims of sex discrimination.

***(D) Providing Interim or Supportive Measures***

The University may be imposed to remedy or stop further discrimination during the investigation of any alleged violations of this Policy.

Below are examples of Interim and Supportive Measures that may be appropriate:

- Assistance in arranging rescheduling assignments and extensions of deadlines;
- Assistance in requesting accommodations through the appropriate office, if the Complainant or Respondent qualifies as an individual with a disability;
- 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;
- Training and education programs related to discrimination;
- Emergency removal of a Respondent
- Paid or unpaid administrative leave for the Employee Respondent;
- Withdrawal from sponsored research projects;
- Exclusion from specified activities or areas of campus;
- Prohibition from participating in activities or representing the University in any capacity; or
- Any other protective restrictive measure that can be used to achieve the goals of this Policy. Any other remedial Supportive Measure.

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.

***(E) Applicable Procedures for Employees Under This Policy***

**Informal or Alternative Resolution**

The Director and the Affirmative Action Officer/Vice President of Human Resources have considerable training

and expertise in discussing concerns about discrimination and harassment and can serve as resources for people seeking to informally resolve concerns.

**Complaint**

Once information has been received by the Affirmative Action Officer/Vice President of Human Resources (CHRO) or the Senior Director of Title IX and Civil Rights Compliance (Director) such that an investigation is warranted, the Affirmative Action Officer/Vice President of Human Resources is expected to oversee the investigation of complaints involving employees, and the Senior Director of Title IX and Civil Rights Compliance is expected to oversee the investigation of complaints involving students.

The CHRO or the Director or their designee shall immediately begin an investigation. The purpose of the investigation is to determine whether, based upon a preponderance of the evidence, a violation of this policy has occurred. The complaint officer or designee has an obligation to conduct a complete and objective investigation in a timely fashion, maintaining appropriate confidentiality when possible and working to provide the person accused of misconduct with a reasonable and fair opportunity to respond to the allegations.

At the conclusion of the investigation, the active complaint officer, in consultation with the other complaint officer, will submit a written report of findings and recommendations to the appropriate Senior Administrator. That Senior Administrator shall review the report and take corrective action as appropriate. The Senior Administrator shall consult with the CHRO and may consult with their direct supervisor before any decision on action is made. Upon completion of the proceedings, the parties will be promptly informed of the results of the investigation and the outcome of the proceedings to the extent permitted by law.

UNE prohibits retaliation against any employees or applicants who complain about discrimination, oppose any discriminatory acts, or participate in the investigation of such complaints.

# APPENDIX B

## POLICY ON NONDISCRIMINATION AND ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

UNE complies with the Americans with Disabilities Act and the Maine Human Rights Act providing for nondiscrimination in employment against qualified individuals with disabilities. It is UNE's policy to:

1. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.
2. Provide applicants and employees with disabilities with reasonable accommodation, to the extent one exists, except where such an accommodation would create undue hardship on UNE or would create a substantial risk of imminent significant harm to the applicant/employee requesting the accommodation or to others.

**Procedure for Requesting an Accommodation**

Qualified individuals with disabilities may make requests for reasonable accommodation to Human Resources. Human Resources will work with appropriate manager(s) to work with the requesting employee to discuss and identify the precise limitations resulting from the disability and the potential reasonable accommodations that UNE might make to help overcome those limitations. Human Resources may also consult with resources outside of UNE, such as a requesting employee's medical provider, to develop possible accommodations to consider. The requesting applicant/employee is also encouraged to suggest possible accommodations for UNE to consider.

The appropriate University representative(s) will determine the feasibility of any proposed accommodation, considering various factors, including, but not limited to the nature and cost of the accommodation, and the accommodation's impact on the operation of UNE's activities, including its impact on the ability of other employees to perform their duties and on UNE's ability to meet its operational and programmatic needs.

# APPENDIX C

## CHILDREN AND VISITORS ON CAMPUS GUIDELINES

UNE values its employees and strives to support them through employment policies and benefit programs in an environment where we balance work and family. We recognize that employees at the University invest a significant part of their time on campus, and we understand that there will be times when a child might need to accompany an employee to work. We want each employee to understand their responsibility for supervision of their child.

Safety is always a primary concern when considering the presence of children (and other visitors) on campus. UNE is a diverse environment of classrooms, offices, laboratories, recreational spaces and other common areas. Some 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. 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. To this end, UNE has instituted the following guidelines to ensure the safety and welfare of our employee children or visitors.

### EMPLOYEE GUIDELINES

The following guidelines apply to bringing children or visitors to the workplace:

- Children or visitors are not normally to be brought to work;
- Prior approval of the supervisor is required;
- The parent or guardian must provide direct supervision of children at all times. An exception is made in those areas, for example the Libraries, where employee children, like the general public, are welcomed;
- Children or visitors should not be left unaccompanied or left with other employees;
- Children or visitors should not interfere with workplace activities;
- Children or visitors are not allowed in high-risk areas such as:
    - 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; excepting incidental travel as a passenger in a University car, truck or van, consistent with the UNE Travel Policy;
    - Any other high-risk areas (no playing in stairwells, elevators or doorways, no access to rooftops, construction zones, etc.);
    - Children and visitors are allowed in the swimming pool, gymnasiums, and locker rooms in accordance with posted 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 or visitors are not allowed in classrooms while classrooms are in session unless the faculty member grants permission. Should a child or visitor become disruptive, the employee and child or visitor may be asked to leave.
    - Parent or guardian must ensure that children are not disruptive;
    - Children and visitors must follow the Communicable Disease policy stated in this handbook.

### EXCEPTIONS

Exceptions to the above restrictions on having children or visitors in the workplace may be granted at the discretion of the requesting employee's Senior Administrator with the following considerations in mind:

- That no risk of injury or illness, more than everyday risks, are present in the workplace; no significant disruption of the working environment of either the requesting employee or other employees will occur;
- The requesting parent and guardian signs an agreement promising to indemnify the University and its agents and employees for any claims (including attorney's fees and court costs) made against UNE or its agents or employees that arise out of the presence of the child (or visitor) in the workplace. The parent or guardian must be a UNE employee. Children of non-employees are not allowed on University premises during regular work hours.
- These guidelines do not apply to sports camp, other UNE sponsored programs for children, or on-campus events open to the public.

# APPENDIX D

## TOBACCO AND SMOKE FREE UNIVERSITY POLICY

Smoke and tobacco use in the workplace has become an important public health issue as evidenced by the many local and national initiatives and through the implementation of new policies by many colleges and universities. There is considerable evidence that smoke is harmful not only to smokers but also non-smokers. 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 should be able to breathe clean air and have the right to avoid exposure to the effects of smoke and tobacco. The University of New England, therefore, establishes the following tobacco and smoke-free policy.

**Policy Statement:**
Effective July 1, 2014, the University of New England is a tobacco and smoke-free campus. Smoking of tobacco or other substances and use of all tobacco products, including electronic cigarettes, will not be permitted anywhere or anytime on the University campuses or properties. This includes all parking lots, (including personal vehicles), buildings, residence halls and their grounds, clinics, laboratories, classrooms, private offices, balconies, roofs, plazas, vestibules, loading docks, sidewalks, and on any other campus property as well as within close proximity to or causing the obstruction of any building entrance, covered walkway, or ventilation system. Please note only FDA-approved nicotine replacement therapy products will be permitted (See Questions and Answers below for more information).

Signs will be posted at each building's entrances and displayed in prominent, visible areas to inform all individuals entering or occupying UNE property that smoking and tobacco products are prohibited. This policy applies to all University of New England sites within and outside Maine. The UNE Community will fully implement this policy related to smoking and tobacco use. All vendors and contractors retained by UNE will ensure that this policy is implemented when their employees are visiting or working on UNE property.

**Compliance**
The success of this policy depends on the thoughtfulness, consideration, and cooperation of smokers and non-smokers. It is the responsibility of all members of the University Community to comply with this policy. Conflicts among employees related to smoking should be brought to the attention of the appropriate supervisory personnel and, if necessary, referred to the Office of Human Resources. Conflicts among students should be referred to the Judicial Affairs Office for Student Affairs; or if the conflict occurs outside of business hours, the conflict should be referred to the UNE's Offices of Campus Safety and Security. Members of the UNE community alleged to be smoking in University facilities or on University property in violation of this policy may be subject to disciplinary action through the applicable process. Students alleged to be violating the policy are subject to disciplinary action through the appropriate student judicial process. Visitors, including vendors, contractors and any service providers, will be subject to whatever remedies are available to the University up to and including exclusion from UNE property.

In accordance with the applicable law and UNE policy, any individual can voice objections to smoke that gathers in any smoke-free area without fear of retaliation.

# APPENDIX E

## COMMUNICABLE DISEASE POLICY

**Purpose of this Protocol**
The University of New England (UNE) is committed to providing a safe working, living, and learning environment for its faculty, staff members, 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 of infections to, and among, faculty, 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* (MRSA) skin infections; 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 UNE Student Health Services. When this person is not available, an alternative Student Health Services 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 Services can be reached at 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 employees and students are strongly encouraged to seek medical assistance or guidance from UNE Student Health Services (or another appropriate licensed healthcare provider) in the event they have concerns about communicable diseases. Any employee or 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, pinkeye, sputum with blood, etc.) should consider being evaluated by UNE Student Health Services or an appropriate licensed healthcare provider.

When such evaluation is made of an employee or student by a personal provider, and a communicable disease with public health implications is diagnosed or suspected, UNE Student Health Services should be notified by the employee/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.), then 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 refer to the guidelines or consultation provided by federal or state CDC and guidelines issued by the American College Health Association when dealing with specific communicable illnesses. Reportable events will be submitted to Maine CDC by UNE Student Health Services.

In the event of a serious widespread threat or outbreak, the Vice President for Clinical Affairs and 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 which require or which are likely to involve contact with blood and bodily fluids, UNE guidelines for equipment and surface decontamination will be strictly enforced.

# APPENDIX F

## SUBSTANCE ABUSE POLICY

(Also refer to the Student Handbook, www.une.edu/studentlife/handbook, Substance Policy)

The University of New England intends to provide a drug-free, healthy, safe, and secure work environment. Use or abuse of alcohol or any other drug in a manner that affects or impairs an individual's ability to carry out their job responsibilities, or educational responsibilities, is prohibited. In addition, the Drug-Free Workplace Act of 1988 requires that Federal Grant recipients (such as UNE) take several very specific steps to ensure a drug-free workplace. Follow up legislation also requires that employers notify employees and students of the health risks associated with alcohol or drug use. As a condition of employment, employees must abide by the terms of this policy. Therefore, it is the University's policy that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on University premises or while conducting University business (whether on or off premises) is prohibited. Violation of this policy will result in disciplinary action, up to, and including, termination of employment, and may have legal consequences. Further, it is the University's policy that:

1. Employees must notify the Human Resources Office in writing of any charges and/or convictions under a criminal drug statute (for violations occurring on or off University premises) within 5 days. The University, through the President, will determine within 30 days if charges warrant University action based upon interests of the campus community, the rights of the individual and personnel guidelines. For employees participating in Federal grants, the University will notify the granting Federal agency within 10 days of receiving a notice of a criminal drug statute conviction for a violation occurring in the workplace. Please note that although Maine has legalized, under state law, the medical and recreational use of marijuana, ***use of marijuana remains illegal under the Federal Control Substances Act ("CSA") and remains a prohibited substance under UNE's compliance obligations under the University's Substance Abuse Policy and the Drug-Free Workplace Act.***

   Because of the federal CSA, employees should understand that the possession of a medical marijuana card does not make the use of marijuana legal under federal law. Therefore, a medical marijuana card will not provide an employee with any protection from discipline up to and including termination of employment if the employee's possession or use of marijuana violates UNE's policy.

2. An employee who has dependency on alcohol or any other drug needs to know that the University is supportive of an employee's efforts to remedy that problem provided the employee seeks assistance prior to engaging job performance and/or workplace misconduct issues. Seeking assistance does not insulate an employee from discipline for performance issues and/or misconduct that arose prior to an employee's request for assistance. Resources that are available may include the following:
   - The Substance Abuse Advisory Board is comprised of a broad spectrum of faculty, staff, and students who possess specialized knowledge of resources available to help employees deal in a confidential manner with drug dependency issues.
   - The University of New England Health Center is another confidential source of information for employees who may need information regarding drug dependency issues, treatment, and/or referral.
   - The University of New England's health insurance programs all have provisions for coverage of both inpatient and outpatient drug dependency treatment for both employees and dependents.
   - The University will arrange to provide reasonable time off, consistent with the University's Disability Leave of Absence Policy and any applicable law, for employees who may wish to or are required to undertake inpatient drug dependency treatment.

3. The University expressly reserves the right, in appropriate situations, to require as condition of continued employment, that an employee successfully complete a planned program of recovery from identified substance abuse. This plan, which will be in writing, may stipulate that failure to fully participate in the programs or meetings required therein, or to satisfactorily complete the requirements of the plan, may result in the termination of employment.

4. The University commits to continuing efforts to heighten awareness of dependency issues and of resources available to assist employees in effectively resolving these issues.

5. An employee who loses eligibility for professional licensing, certification, or registration through substance abuse is subject to disciplinary action including termination of employment.

6. Employees and students of UNE are advised that there are distinct health risks associated with the use of illicit drugs and the abuse of alcohol. The potential for both physical and psychological addiction always exists, as well as. the known effects that alcohol and other dangerous drugs have on blood pressure, respiration, and organ dysfunction (heart, lungs, kidneys, liver and brain). Pregnant women are at particular risk for birth defects in their unborn children with any use of these substances. Other specific health risks directly attributed to alcohol and other dangerous drug use are: cirrhosis of the liver, pancreatitis, gastritis, organic brain syndrome, sudden cardiac arrest, testicular atrophy, hypertension, hepatitis, seizures, AIDS, coma, respiratory arrest and death.

# APPENDIX G

## EMPLOYEE CODE OF CONDUCT

UNE establishes standards of conduct for all employees based on a commitment to compliance by UNE's senior administration and its departments. These standards of conduct convey UNE's commitment to comply with all federal and state standards, with an additional emphasis on preventing fraud and abuse.

It is expected that all UNE administration, faculty, and professional staff, will:

- Conduct UNE business and engage with colleagues, students, consumers in good faith and with integrity, honesty, respect and professionalism;

- Strive to maintain a working knowledge of all current laws, rules, and regulations related to their job responsibilities and to conduct business in strict compliance with them;

- Observe non-disclosure of and protect against disclosure of confidential and/or proprietary information gained by reason of their official position and not to engage in any activity or otherwise use such information for their personal gain/benefit both during and subsequent to the employment relationship, including taking appropriate steps to protect such information from unauthorized use or disclosure, including, but not limited to, disclosure to family, friends, or acquaintances;

- Not engage in any activities that discriminate against persons on the basis of race, color, ancestry, national origin, HIV status, gender identity and expression, sex, sexual orientation (including gender expression), genetic information, pregnancy and familial status, whistleblower status, age, religion, physical or mental disability, veteran status, or any other basis prohibited by statute. This includes, but is not limited to, activities in student admissions, student housing, employment, financial aid, University Health Services, and all educational services;

- Not have any direct or indirect interest, financial or otherwise, that is in conflict with the proper discharge of their official duties and will make every effort to avoid the appearance of any conflicts;

- Not conduct any business, in their official capacity, with any business entity of which employee is an officer, agent, or member, or in which the employee or a member of their immediate family owns a substantial interest;

- Not make personal investments which could reasonably be expected to create a substantial conflict between the employee's private interest and the interest of UNE or any of its divisions;

- Not pursue outside business and professional opportunities that compete with the interests of UNE. Employees have a responsibility to bring these opportunities to UNE's attention;

- Not accept other employment or compensation which could reasonably be expected to impair the employee's performance of, or their independence of, judgment in the performance of the employee's duties for UNE;

- Disclose all potential conflicts of interest to the employee's immediate supervisor or the Chief Compliance Officer;

- Not intentionally or knowingly recklessly or negligently misapply or misappropriate any asset, property,

or asset, property of thing of value belonging to UNE;

- Not accept, solicit, or agree to accept or solicit any gift, favor, service, or entertainment that might reasonably tend to influence the employee in the discharge of their official duties or that the employee knows or should know is being offered with the intent to influence their official conduct;

- Not solicit, accept, or agree to accept any benefit for having exercised their official powers or performed their official duties in favor of another;

- Not accept, solicit, or agree to accept any gift, favor, service, or entertainment from or to a public official. Various laws strictly control the giving of gifts to and the entertainment of public officials. The illegal or improper giving of gifts or entertaining can result in fines, imprisonment, or both for the employee, as well as, the official;

- Not intentionally make false or misleading statements in any UNE document;

- Promptly notify the UNE Chief Compliance Officer and any relevant UNE Compliance Officer of any inquiries for information from any local, state, or federal government agency regarding compliance with mandated laws or regulations;

- Report, within a reasonable time, suspected violations or questionable conduct that may violate applicable federal, state, or local laws, or UNE policies or procedures. Reporting may be done through established reporting channels to the UNE Chief Compliance Officer or through the **UNE Toll-Free Compliance Hotline 866-587-6636**;

- Not engage in retaliation or any form of harassment directed against an employee or faculty member who reports a wrongdoing or possible wrongdoing;

- Cooperate fully, subject to the direction of UNE's assigned legal counsel, with all authorized inquiries or investigations related to any suspected violation of the UNE Compliance Plan or Codes of Conduct or any applicable federal, state, or local laws;

- Collect only those amounts to which UNE is entitled for any reimbursement, and promptly refund amounts billed and collected in error.

- Adhere to all required practices regarding expenses and reimbursement when engaged in travel on official business of the institution;

- Adhere to any and all policies not stated here but outlined in the current Compliance Plans of individual units, Codes of Conduct established in the UNE Faculty Handbook, Personnel, and Student Handbook, and/or guidelines from the Office of the Inspector General (where applicable);

- Avoid or report any conflict of interest with their responsibilities to UNE. Employees are encouraged to participate in outside activities that benefit the community and to exercise their political and civil rights. UNE supports involvement in other non-profit activities. However, employees should not participate in outside activities, including outside directorships and fiduciary appointments, which create, or are likely to be perceived as creating, a conflict of interest with their responsibilities to UNE. Outside directorships are only appropriate when the organization has no relation to UNE or when its policies ensure nonparticipation of the employee in business decisions regarding its relationship with UNE.

# APPENDIX H

## COMPUTER ACCEPTABLE USE POLICY

**PURPOSE**
The purpose of this policy is to outline the acceptable use of computer equipment at UNE. These rules are in place to protect the employee and UNE. Inappropriate use exposes UNE to risks including virus attacks, compromise of network systems and services, and legal issues.

**POLICY**
Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, WWW browsing, and FTP, are the property of UNE. These systems are to be used for business purposes in serving the interests of UNE in the success of meeting its daily goals of operation.

Effective security is a team effort involving the participation and support of every UNE employee and affiliate who deals with information and information systems. It is the responsibility of every computer user to know these guidelines and to conduct their activities accordingly.

This policy applies to employees, contractors, consultants, and other workers at UNE, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by UNE.

**GENERAL USE AND OWNERSHIP**

1. While UNE's network administration desires to provide a reasonable level of privacy, users should be aware that the data they create on UNE systems remains the property of UNE. Because of the need to protect UNE's network, management cannot guarantee the confidentiality of information stored on any network device belonging to UNE.

2. Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use; and if there is any uncertainty, employees should consult their supervisor or manager.

3. It is recommended that any information that users consider sensitive or vulnerable be encrypted.

4. For security and network maintenance purposes, authorized individuals within UNE may monitor equipment, systems, and network traffic at any time, per *UNE Audit Policy*.

5. UNE reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

**SECURITY AND PROPRIETARY INFORMATION**

1. The user interface for information contained on Internet/Intranet/Extranet-related systems should be classified as either confidential or not confidential, as defined by UNE Employee Confidentiality Agreement guidelines, details of which can be found in Human Resources policies – Confidentiality Agreement.

Examples of private, confidential information include, but are not limited to: Social Security Numbers, Financial Information, Financial Aid Applications, Copies of Tax Returns, Private Health Information, Birth date, Home address or phone number, Passwords, Gender, Ethnicity, Citizenship, or Citizen visa code,Veteran and disability status, Educational services received, Student academic information (grades, courses taken, schedule, test scores, Advising records, etc.), Disciplinary actions, and Student ID. Employees should take all necessary steps to prevent unauthorized access to this information.

2. Keep passwords secure, and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly; user level passwords should be changed every 45 days.

3. All PCs, laptops, and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less or by logging-off (control-alt-delete for Win2K users) when the host will be unattended.

4. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with the *"Laptop Security Tips*."

5. Postings by employees from a UNE email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of UNE, unless posting is in the course of business duties.

6. All hosts used by the employee that are connected to the UNE Internet/Intranet/Extranet, whether owned by the employee or UNE, shall be continually executing approved virus-scanning software with a current virus database and be in compliance of *UNE Anti-Virus Policy*.

7. Employees must use extreme caution when opening e-mail attachments received from unknown senders which may contain viruses, e-mail bombs, or Trojan horse code.

**UNACCEPTABLE USE**

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during 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 of UNE authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing UNE-owned resources.

The lists below are by no means exhaustive but attempt to provide a framework for activities which fall into the category of unacceptable use.

**SYSTEM AND NETWORK ACTIVITIES**

The following activities are strictly prohibited, with no exceptions:

1. Violations of 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 installation or distribution of "pirated" or other software products that are not appropriately licensed for use by UNE.

2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, and the

installation of any copyrighted software for which UNE or the end user does not have an active license is strictly prohibited.

3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted before export of any material that is in question.

4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).

5. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.

6. Using a UNE computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile environment workplace laws in the user's local jurisdiction.

7. Making fraudulent offers of products, items, or services originating from any UNE account.

8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.

9. 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 into 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.

10. Port scanning or security scanning is expressly prohibited unless prior notification to InfoSec is made.

11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.

12. Circumventing user authentication or security of any host, network, or account.

13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).

14. Using any program/script/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/Extranet.

Providing information about, or lists of, University of New England employees to parties outside University of New England.

**EMAIL AND COMMUNICATION ACTIVITIES**

Intentionally sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, libelous, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is strictly prohibited whether by computer, facsimile, or mail. Access to the Internet through UNE's network, including the use of any of UNE's e-mail system, should not be used for solicitations or other work for commercial or personal ventures, religious or political causes, outside organizations, or any other non-job-related use. Users shall not access any computer system without proper authorization and use of their own (as an example, rather

than another employee's) personal username and password. In addition, it is a violation of this policy to engage in any of the following conduct:

1. It is an unacceptable practice to move confidential information by e-mail that is not encrypted.
2. 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).

3. Any form of harassment via email, telephone, or paging, whether through language, frequency, or size of messages.

4. Unauthorized use or forging of email header information.

5. 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.

6. Creating or forwarding "chain letters," "Ponzi," or other "pyramid" schemes of any type.

7. Use of unsolicited email originating from within UNE's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by UNE or connected via UNE's network.

8. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

9. If you receive email from patients containing private health information, you may print and file in medical records and destroy email immediately.

10. Do not forward University email from external sources containing PHI to your personal e-mail.

11. If accessing work e-mail from home, secure e-mail from household members; and shred any printed materials of a sensitive or confidential nature.

12. All email going out of the UNE network will have a footer containing: This message may contain privileged and confidential information. This information is intended only for the use of the individual(s) or entity to who it is intended even if addressed incorrectly. If you have received this email in error or are not the intended recipient, you may not use, copy, disseminate, or distribute it; do not open any attachments, delete it immediately from your system, and notify the sender promptly by email that you have done so. Thank you.

**ENFORCEMENT**

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

# APPENDIX I

## BACKGROUND CHECK POLICY

**POLICY**
It is the policy of UNE that its supervisors and managers are responsible for safeguarding faculty, professional staff, and students of UNE, as well as the University's resources through the use of appropriate pre-employment background checks. Use of such procedures may minimize or avoid post-hire fraud, theft, embezzlement, or other criminal acts.

Background checks refer to the totality of activities associated with determining an applicant's suitability for a position and may include reference checks, criminal background checks, degree verifications, credential verifications, and driver's license checks.

**TYPES OF BACKGROUND CHECKS**
The type of background check performed in any given hiring situation depends on the nature of the position as follows:

**A. Reference Checks**
Reference checks will be conducted on a pre-employment basis by the hiring supervisor, manager, or search committee for all new hires of faculty and staff in order to validate that the person hired has the knowledge, skills, abilities and personal skills necessary to do the job in question and also to assure that relevant information presented in the hiring process has been accurately presented. This applies to all regular full- and half-time positions as well as all temporary or part-time positions.

**B. Criminal Background Checks**
Prior to employment and every five years after a person begins their employment with UNE, criminal record checks, including sex offender registry checks and including civil offense, will be conducted through Human Resources for all positions including those in benefits eligible, temporary and adjunct positions. Students will not be required to complete a background check except in unusual circumstances as deemed appropriate by UNE to protect the interests of UNE or its constituents.

Pre-employment background checks will be completed after a conditional offer has been made to an applicant. No employee should begin work prior to the initial pre-employment background check is made, unless operational circumstances require that a person begin their employment prior to the completion of the background checks. In such cases where a person begins their employment prior to the completion of the background checks, that person's continued employment is subject to the completion of the background checks and may be terminated based on the results of the completed background checks.

For the following positions, under no circumstance may a person begin employment prior to a completed background checks being received and reviewed by UNE:

- Security Personnel
- Personnel who are likely to regularly travel overnight with students, teams, or student organizations
- Business Office personnel
- Personnel with access to controlled substances
- Personnel who regularly work with minors
- Personnel who have access to student residential facilities
- Senior Administrators
- Other positions or other circumstances as deemed appropriate by UNE to protect the interests of UNE or its constituents.

**C. Degree Verification**
Highest degree status will be verified in each case when a degree is a requirement of the job. This will be done by including in standard offer letters a statement as follows:

"This offer of employment is conditioned upon your submission on a pre-employment basis of an official transcript from the institution from which you received your highest degree, or in some instances, the degree most relevant to the job for which you are being hired."

The transcript will be sent to Human Resources, where it will be enclosed in the individual's personnel file. Employees will not be permitted to begin work unless the transcript is on file.

**D. Credential Verification**
When a credential, license, or certificate is required for a job, the applicant must furnish a copy of the most recent evidence of licensure or credential on a pre-employment basis. The standard offer letter will include the following sentence:

"This offer of employment is conditioned upon your submission on a pre-employment basis of a copy of any professional license or certification required in the performance of your job."

This would be sent to the relevant Dean or Senior Administrator's office or the office of the Executive Director of University Health services where it will be stored in the employee's personnel file. As with transcripts, employees will not be able to begin work without a copy of current credentials being on file.

**E. Driver's License Check**
Per the UNE Motor Vehicle policy (Index B-9, pages 1-9), driver's license checks are required for all persons who drive University owned or leased vehicles before their use of such vehicles. This includes golf carts. Employees are required to report infractions in violation of the policy.

**PROCEDURES**
All candidates for employment must complete and sign an employment application which informs applicants that they are subject to a criminal records check and other background checks. In addition, if hired, they will be informed in the employment offer letter that the offer of employment is contingent upon the completion of the employment application. Candidates will be informed on a separate notice from UNE's third party background check provider that UNE might use information contained in a background report to make a decision as to the candidate's employment with UNE and will obtain the candidate's written permission to do a background check.

Human Resources will initiate a criminal history investigation for candidates who have been offered employment in security sensitive positions. Criminal history investigations may also be initiated for current employees in such positions, or as may be necessary. Only information about criminal convictions (not arrests) will be sought. An Authorization and Release for Criminal History Investigation will be signed by the employee within three days of the employment offer, and employment offered is contingent upon the results of the records check.

Convictions revealed in the employment process and as a result of the criminal history investigation will be carefully reviewed by Human Resources to determine whether or not the employee or candidate should be disqualified from employment. The Director of Security will be consulted where deemed appropriate by Human Resources. Criminal convictions will not automatically disqualify an applicant from employment. Except where employment is expressly prohibited by law, UNE will consider factors such as (but not limited to) the nature of

the crime, the age of the individual at the time the crime was committed, length of time since the conviction, the nature of the position and the job-relatedness of the conviction, the individual's employment history, and employment references.

If UNE intends to take adverse action based on the information contained in the background check, UNE will inform the employee or applicant of the intent and UNE's third party administrator will provide a copy of the background check report, and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act" which will give the candidate or employee an opportunity to review the report and tell UNE if the information is accurate. If UNE takes adverse action based on the background check report, the candidate or employee has the right to dispute information with the reporting company and obtain an additional, free report from the reporting company if they ask for it within 60 days.

Failure to disclose a conviction or material misrepresentation of information are deemed to be falsification of the application and may result in employment termination or withdrawal of the employment offer, whenever discovered. Failure of the employee to present appropriate transcript or credential information will be a barrier to the employee's ability to begin employment, or if discovered after beginning employment, may be cause for employment termination.

Background checks will not be done for those in employment before the policy going into effect, unless exceptional circumstances so warrant.

# APPENDIX J

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

UNIVERSITY OF NEW ENGLAND'S TITLE IX GRIEVANCE POLICY FOR ADDRESSING COMPLAINTS OF SEX DISCRIMINATION AND SEX-BASED HARASSMENT

April 2025 Please refer to https://www.une.edu/title-ix-civil-rights-compliance for the most current policy.

## I. 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, and
- 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 short-hand 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, our University has a **UNIVERSITY OF NEW ENGLAND'S 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 Non-Discrimination 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 College for any violation of the Code of Conduct, 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 College 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.

## II. THE TITLE IX GRIEVANCE POLICY

### General Rules of Application

**Effective Date**

This Title IX Grievance Policy became effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020. Complaints brought prior to August 14, 2020 will be investigated and adjudicated according to the processes contained within **University of New England Policy for Non-Title IX Sex Discrimination and Harassment.**

**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.

**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.

**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 over 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 operations 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 which occurs on University premises, at off-campus University sponsored, supervised, or related activities, at affiliated and clinical sites, , and which violates the University Student Conduct Code 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 the UNE international campuses or on 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 Student Conduct Code, 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.

**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 circumstance when investigating and reviewing complaints and reports of discrimination, harassment, or sexual misconduct. However, academic freedom and freedom of expression never excuses behavior that constitutes a violation of the law or this Policy.

## III. NON-DISCRIMINATION 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 of the members of the University community. UNE does not discriminate on the basis of race, color, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, genetic information, physical or mental disability, HIV status, veteran status, status as an individual who asserted a claim or right under Maine's Workers' Compensation law, status as an individual who sought and received a final protection order issued pursuant to Maine law or pursuant to a substantially similar provision of the law of another state or nation, or any other status protected by applicable federal, state, or local 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 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:

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| **Angela Shambarger**<br>*Title IX Coordinator* | 207-221-4554 | ashambarger@une.edu | 11 Hills Beach Road, Biddeford, ME 04005) |
| **Bobbie Kallner**<br>*Vice President of Human* | 207-602-2339 | bkallner@une.edu | 11 Hills Beach Road, Biddeford, ME 04005) |

| | | | |
|---|---|---|---|
| *Resources & Chief Human Resources Officer* | | | |
| **Office of Civil Rights, Department of Education** | 617-289-0111 | OCR.Boston@ed.gov | 8th Floor<br>5 Post Office Square,<br>Boston, MA 02109-3921 |
| **The Maine Human Rights Commission** | 207-624-6290 | info@mhrc.maine.gov | 19 Union Street, 2nd Floor<br>Augusta, ME 04330 |
| **The U.S. Equal Employment Opportunity Commission** | 202-663-4900 | info@eeoc.gov. | 131 M Street, NE,<br>Washington, D.C. 20507 |

## IV. 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 satisfies 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 non-consensual 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, 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 consent of the victim, including instances where the victim is 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.

**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.

**(D) 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.

(E) **Stalking**

As defined in the VAWA amendments to the Clery Act, is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, theirs, 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.

**(F) Non-Consensual Contact (includes “Fondling”)**

Non-Consensual Sexual Contact is contact with the intimate parts of another individual (including but not limited to contact with breasts, buttocks, groin, genitals, or other intimate body parts) for the purposes of sexual

gratification through the

- use of threat or force,
- without effective consent, or
- where the actor knew or should have known the individual was incapacitated or physically or mentally unable to make informed, reasonable judgments or provide consent.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the University's **University of New England Policy for Non-Title IX Sex Discrimination and Harassment** the University's Non-Discrimination 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.

### (G) 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.

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- 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, 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 5 years older. Minors under 14 years of age can never legally consent to sexual activity. Such sexual acts are felonies under Maine law.

### (H) 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.

### (I) 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. Where 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.

### (J) 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 )

### (K) Additional Policy Definitions

#### a. 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.

#### b. 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.

#### c. 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.

"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, or
  - 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, e.g., 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.

**d. 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.

**e. 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 where the Parties may be receiving accommodations in other institutional programs and activities.

## V. TITLE IX COORDINATOR, DEPUTY TITLE IX COORDINATORS, AND CONFIDENTIAL RESOURCE ADVISOR

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

The following officials at the University have been designated as **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** | *Director of Human Resources* | 207-602-2281 | jmerritt2@une.edu |
| **Shaylah Kelly** | *Assistant Director, Employee Relations and Leadership Development* | 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 education programs and monitoring the campus climate with regard to discrimination, harassment, and sexual misconduct; and
- Complete required annual reports to government agencies.

**Confidential Resource Advisor (Confidential Reporting)**

The University has a designated **Confidential Resource Advisor (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 SARSSM for full advocacy support services.

| | | | |
|---|---|---|---|
| **Natalie Freiheit** | *Counselor and Confidential Resource Advisor* | 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 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 that can be anonymous 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

## VI. 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 either:

- Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination or sexual harassment; or
- 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 privilege or confidentiality applies;
- A UNE employee whom UNE has designated as confidential under this Policy 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; or
- 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 United States 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, any students, employees, or other persons.

However, in all cases UNE will use this information to inform its efforts to prevent sexual harassment 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.

## VII. 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, non-punitive 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 where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the UNE's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the UNE's educational environment, or 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 the 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.

Below are examples of Supportive Measures that may be appropriate so long as they consistent with this Policy:

- Facilitating access to counseling and medical services;
- Guidance in obtaining a sexual assault forensic examination;
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- Academic supports;
- Assistance in requesting accommodations through the appropriate office, if the Complainant or Respondent qualifies as an individual with a disability;
- Changes in class (including the ability to transfer course sections or withdraw from a course), work, housing, or extracurricular or any other activity, 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; or
- 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, where 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 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

(VPSA) for student respondents or to the Vice President for Human Resources & Chief Human Resources Officer (CHRO) for employee respondents or their designees. Members of the University's Behavioral Risk Assessment Team or designee will review the respondent's appeal to removal.

**Administrative Leave**

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

**False Claims**

It is a violation of this Policy to make 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, it 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 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 retaliation.

UNE prohibits all such retaliation, including student to student (peer to peer) relation, in all of its education 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 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.

### Sanctions for Violation of this Policy

Any party found responsible for violating this Policy may be subject to disciplinary sanctioning. 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 for 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 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 level hearing. Specific restrictions may also include, but are not limited to:
    - Ineligibility to hold an office in a campus organization, and/or;
    - 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 re-enrolling until certain conditions have been met.
- *Residence Hall Dismissal*: permanent separation of the student from the residence halls. In matters where 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 where 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 sanction(s) 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 regulation(s) 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 Parent(s) or Guardian*

Any student found responsible for violating the policy on **Non-Consensual 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 student conduct code 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 campus conduct code violations.

## Applicable Procedures Under this Policy

In response to a report of sex discrimination, including sexual harassment and sexual misconduct 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 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, where applicable, will be referred to the applicable grievance procedures for resolution.

## VIII. THE TITLE IX GRIEVANCE PROCESS

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

The timeframe 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, and generally within one hundred (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 investigator to 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 advisor, or a witness; concurrent law enforcement activity; the need to replace an advisor 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 OF NEW ENGLAND'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 Institution's Informal Resolution Process. Information about this process is available here: https://www.une.edu/title-ix-civil-rights-compliance .

**Multi-Party Situations**

The institution 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 the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

## I. Determining Jurisdiction

At any point, the Title IX Coordinator, the Vice President of Human Resources & Chief Human Resources Officer, the Title IX Investigator, or 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:

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred against a person in the United States;
3. The conduct is alleged to have occurred in the University's education program or activity;
4. The institution has or had control over the respondent and the context in which the sexual harassment is alleged to have occurred; and
5. 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.

**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 of the allegations. This includes conduct that falls under employee policies, the student code of conduct, and other professional codes of conduct (student and employee).

**Mandatory Dismissal**

A Formal Complaint must be dismissed under the following circumstances:

- If the conduct alleged in the Formal Complaint would not constitute sexual harassment as defined above even if proved;
- If the conduct alleged in the Formal Complaint did not occur in UNE's education program or activity, or
- If 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, such as the Student Handbook or the Personnel Handbook.

**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; and/or,
- If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

**Notice of Dismissal**

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

**Appeal of Dismissal**

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

**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 OF NEW ENGLAND'S Policy for Non-Title IX Sex Discrimination and Harassmen**t, Student Code of Conduct, Professional Codes of Conduct, Personnel Handbook, and Faculty Handbook(s) 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.

## IX. 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 5 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 by 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 institution'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 advisor 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 institution 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 other source.
- A statement that knowingly making or submitting false statements during the investigation and grievance process is prohibited by this Policy and UNE's Student Code of 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 by 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.

## X. ADVISOR OF CHOICE AND PARTICIPATION OF ADVISOR OF CHOICE

The University will provide each party equal access to one advisor 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 Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. The Advisor 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, Advisors 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 **University of New England 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 advisor and/or a support person with them. The advisor 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 advisor 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 advisor or support person but cannot serve in the capacity as an attorney if the party is represented by another attorney. The advisor is there for support and may not address the Investigator. If the advisor and/ or the support person is in any way disruptive of the investigatory process, the Investigator shall ask the advisor 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 where the Advisors of Choice for all parties are not available, provided that the Advisors 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 timeframe under Title IX and other college policies apply to matters governed under this Policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor 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 (5) business days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the University.

**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 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 designee. The requestor 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 advisors have traveled to and prepared for 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 designee shall have sole judgment to grant further pauses in the Process.

## XI. INVESTIGATION

**General Rules of Investigations**

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

The University and 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 and 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. It will include any:

1. Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;

2. 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 institution will send the evidence will be made available to each party and each party's advisor, 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 ten (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 advisors, 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 advisors 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 advisors 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 advisors, if any.

## XII. 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 ten (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/are 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 evidence, and identify potential biases/motives of parties and witnesses.

## XIII. 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 appear at the live hearing virtually 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, advisors, and witnesses may not record the hearing.

Prior to obtaining access to any evidence, the parties and their advisors 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 follows:

***Complainant and Respondent (The Parties)***

- The parties cannot waive the right to a live hearing.
- The institution 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 advisor 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 VPSA or AVPHR or designee within three days of receiving the Notice of Hearing.

***Advisor of choice***

- The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.
- The advisor 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 advisor to conduct cross-examination, the parties may select a process advisor and/or support person who may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party.
- The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor 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 advisor may appear and conduct cross-examination on their behalf.
- If neither a party nor their advisor appear at the hearing, the University will provide an advisor to appear on behalf of the non-appearing party.
- Advisors shall be subject to the institution's Rules of Decorum, and may be removed upon violation of those Rules (see the University's Policy for Title IX Grievance Process Hearings).

**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 advisors 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 any time necessary in order to enforce the established rules of decorum.
- Should a Party or the Party's Advisor 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 advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor 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.

## XIV. 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 of 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 its reliability in light of corroborating or conflicting testimony or evidence. Decision makers may give greater to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred relative to other testimony.

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Except where specifically barred by the Title IX Final Rule, a witness' 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 non-factual 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.

Where a party or witness' 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 or witness' credibility.

**Components of the Determination Regarding Responsibility**

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

1. Identification of the allegations potentially constituting covered sexual harassment;
2. 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;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Student Conduct Code, Professional Codes of Conduct, the Personnel Handbook and/or the Faculty Handbook, if any, the respondent has or has not violated.
5. For each allegation:
    a. A statement of, and rationale for, a determination regarding responsibility;
    b. A statement of, and rationale for, any disciplinary sanctions imposed on the respondent; and
    c. 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; and
6. UNE's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").

**Timeline of Determination Regarding Responsibility**

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within ten business days of the completion of the hearing.

**Finality**

The determination regarding responsibility becomes final either on the date that the institution 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 "Appeals" below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

## XV. 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 designee, within **ten (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:

- 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; and/or
- The Title IX Coordinator, investigator, or decisionmaker(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 ten (10) pages with no more than twenty (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 conflict 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 in writing, including via email, simultaneously to both parties, and include rationale for the decision.

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

## XVI. 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 Procedure, 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 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 participating 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, or 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 before 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 timeframes governing the Grievance Procedure will temporarily cease, and 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 decisionmaker 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 included in an informal resolution agreement include but are not limited to:

(i) Restrictions on contact; and

(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.

## XVII. 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 these 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" in order 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 assure 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:

***Student Counseling Services***

For general counseling services support:

| **Biddeford Campus:** | **Portland Campus:** |
|---|---|
| **Phone:** 207-602-2549<br>**Email**: bcstudentcounseling@une.edu<br>Petts Health Center | **Phone:** 207-221-4550<br>**Email:** pcstudentcounseling@une.edu<br>Second Floor 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, staff can provide immediate emergency and ongoing medical care, STD (sexually transmitted disease) testing, and pregnancy testing and prevention. With the complainant's consent, they will make arrangements with local hospitals, municipal Police Departments, and Campus Safety and Security for transportation and medical protocol used to provide evidence for prosecution. They will also provide referrals and advice regarding campus and community resources.

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

**Confidential Resource Advisor (CRA) Support**

The University has a designated Confidential Resource Advisor (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 biases related to race, gender, and sexuality; Training regarding awareness and prevention of sexual violence, intimate partner violence or stalking, relevant federal policies, the institution's policy and the support resources available on and off campus, and trauma-informed response.

| **UNE Confidential Resource Advisor for students:** |
|---|
| The designated UNE Employee who serves as a confidential resource advisor for students is:<br>**Natalie A. Freiheit, MA, NCC, LCPC**<br>**Phone**: 207-602-2549<br>**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 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 of New England is:**

| **Angela Shambarger**<br>*Title IX Coordinator; Senior Director, Office of Title IX and Civil Rights Compliance* | | | |
|---|---|---|---|
| ashambarger@une.edu | 207-221-4554 | Mailing Address:<br>11 Hills Beach Road<br>Biddeford, ME 04005 | Office Locations:<br>*Biddeford Campus:*<br>HR Building<br>*Portland Campus:*<br>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** | *Director of Human Resources* | 207-602-2281 | jmerritt2@une.edu |
| **Shaylah Kelly** | *Assistant Director, Employee Relations and Leadership Development* | 207-602-2524 | skelly14@une.edu |

***University Safety and Security:***

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

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

In non-emergency situations, University 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 assure safety.

| Biddeford Campus: |
|---|
| **Office Phone:** 207-602-2272<br>**Area Coordinator Duty Phone:** 207-468-2389<br>**Email:** housing-office@une.edu<br>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<br>Ripich Commons | **Phone**: 207-221-4212<br>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<br>**Email:** bcstudentaccess@une.edu<br>Student Access Center Building | **Phone:** 207-221-4212<br>**Email:** pcstudentaccess@une.edu<br>Linnell Hall, First Floor |

## Off-Campus Resources

***Police Department (911)***

Any individual who experiences sexual misconduct can contact the Police Department or Department 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, County Attorney, and 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, then dial (207) 283-0176 for UNE Safety and Security. If you are using a campus phone, dial 366 for UNE 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 Department 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<br>Biddeford, ME 04005<br>**Emergency:** 911<br>**Non-Emergency Phone:** 207-282-5127<br>**Website:** https://www.biddefordmaine.org/2198/Police | 109 Middle Street<br>Portland, ME04101<br>**Emergency:** 911<br>**Non-Emergency:** 207-874-8497<br>**Website:**<br>https://www.portlandmaine.gov/436/Police |
| **Saco Police Department** | **Tangier Morocco Emergency Numbers** |
| 20 Storer Street<br>Saco, ME 04072<br>**Non-Emergency Dispatch:**<br>(207) 284-4535<br>**Police Administration:**<br>(207)-282-8214<br>**Website:**<br>https://www.sacomaine.org/departments/police_department/index.php | **Campus Address:**<br>Rue Abi Chouaib Doukkali<br>University of New England<br>Tangier 90000, Morocco<br><br>**Director of UNE Tangier:**<br>Ms. Douaa Ben Imran<br>**Phone:** 212 636 93 62 77<br>**EMail**: dimran@une.edu<br><br>**Police:** 19<br>**Fire/Ambulance:** 115<br><br>**US Embassy American Citizen Services:**<br>05376-37200<br>**US Consulate for Emergencies:**<br>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, STD (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. In order 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<br>Portland, ME 04102<br>**Phone:** 207-662-0111<br>**Website:**<br>https://www.mainehealth.org/maine-medical-center | 1 Medical Center Drive<br>Biddeford, ME 04005<br>**Phone**: 207-294-5000<br>**Website:**<br>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 or families experiencing a behavioral health crisis or having thoughts of suicide and/or self-harm. Trained crisis call specialists answer the line and provide free and confidential telephone support and stabilization 24 hours a day, 7 days a week.

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

***National Crisis Text Line (Confidential Resource)***

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<br>**Chat:** https://www.crisistextline.org/text-us/<br>**WhatsApp:** https://www.crisistextline.org/text-us/ |

***National Suicide Prevention Lifeline (Confidential Resource)***

988 (formerly called the National Suicide Prevention Lifeline) 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<br>**Chat:** 988lifeline.org |

## Sexual Misconduct/Relationship Violence/Stalking Specific Off-Campus Resources

***Sexual Assault Response Services Of Southern Maine (SARSSM) (Confidential Resource)***

Provides confidential hotline counseling and referrals for victims of sexual misconduct. They 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<br>**Website:** https://www.sarssm.org/ |

***Maine Coalition Against Sexual Assault (Mecasa) (Confidential Resource)***

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<br>**Website:** https://www.mecasa.org/ |

***Caring Unlimited (Confidential Resource)***

York County's Dating/Domestic Violence Program. 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<br>**Chat Online:** https://www.caring-unlimited.org/helpline (Mondays 1:00PM-5PM)<br>**Website:** https://www.caring-unlimited.org/ |

***Through These Doors( Confidential Resource)***

Cumberland County Domestic Violence Services. 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<br>**Website:** https://www.throughthesedoors.org/ |

***Planned Parenthood Of Maine (Confidential Resource)***

Confidential services and can provide information about emergency contraception and information about sexually transmitted diseases.

| **Biddeford Location** | **Portland Location** |
|---|---|
| 275 Main St, Suite 102, | 443 Congress Street, |

| | |
|---|---|
| Biddeford, ME 04005<br>**Phone**: 207-282-6620 | Portland, ME 04101,<br>**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 (Rape, Abuse & Incest National Network) 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. The National Sexual Assault Hotline

| **RAINN** |
|---|
| **Call:** 800-656-4673<br>**Chat:** online.rainn.org<br>**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.

| **National Sexual Violence Resource Center:** |
|---|
| **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.

| **Stalking Prevention, Awareness, Resource Center:** |
|---|
| **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 departments, etc.

***Emergency Room Transportation:***

Ambulance Service, 911: In case of an Emergency, individual students, UNE Security Officers, Student Health Services 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, 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 University 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, Maine 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.

# APPENDIX K

## FULL-TIME PROFESSIONAL STAFF FLEXIBLE WORK MODEL

### 1. Introduction

The University values excellence in performance and employee well-being and strives to provide professional staff with the opportunity to have a balanced and rich life where they can thrive both at home and at work. At the heart of UNE's core values are our students. Students are our top priority, and they expect the in-person, world-class learning environment that UNE is known for. UNE is committed to making its campuses vibrant, sustainable, safe, and engaging places where students and employees can study and perform their best work. UNE is a workplace that values the in-person experience, supports a student-first focus, and emphasizes a sense of belonging for all students, employees, and other stakeholders. This is best achieved through collaborative communities within colleges, schools, and departments across all UNE locations.

For the vast majority of positions, in-person, on-campus, regular, and predictable attendance at work is an essential function of the position. Accordingly, remote/hybrid work and flexible scheduling is an exception as the vast majority of UNE's employees are expected to work from campus consistent with their regularly scheduled hours. Remote/hybrid work and flexible scheduling may be considered for some positions but only in circumstances in which exceptions to the fully on-campus expectation make sense.

UNE is also committed to providing professional staff with a flexible and responsive work environment that contributes to high productivity, job satisfaction, autonomy, and a healthy work-life balance. Where appropriate, a hybrid model in which some work is conducted remotely can provide beneficial flexibility to employees while also decreasing the need for parking and office facilities and reducing commuting time, traffic congestion, and air pollution.

### 2. Basic Eligibility for Flexible Work Arrangement

Professional staff member eligibility factors include, but are not necessarily limited to, all of the following:

- Professional staff members must have successfully completed the probationary period for their current position unless schedule is part of a pre-employment agreement.
- Professional staff members must be in good standing without any current performance issues (last 12 months) and/or must not be participating in an active performance improvement plan.
- Professional staff members' job duties must not include regular and expected face-to-face interaction with students, regular and expected in-person interactions with other members of the UNE community, or office/clinic reception.
- Overall performance review must be a minimum of "meets expectations."
- If working remotely, the professional staff member should be available remotely during core business hours as determined by the department, unless a flex schedule (defined below) is approved.
- Employee must be able to use telecommuting tools proficiently and appropriately such as Zoom, Teams, WebEx, softphone, or other tools as defined by the department manager.

### 3. Flexible Work Principles

3.1 Flexible work arrangements are open to all UNE professional staff members where it is operationally viable within their role for such an arrangement to be implemented. UNE's Flexible Work Principles set out the standards that underpin UNE's culture of respect and professionalism and provide guidance to professional staff and managers in carrying out their respective roles and responsibilities, ensuring at all times that performance expectations and stakeholder needs

are met. The guiding Flexible Work Principles are:

3.2 Decisions regarding remote/hybrid or flexible scheduling must continue to allow the University to achieve institutional goals and meet educational and business needs. There are a range of flexible work options available that may be considered, and the most appropriate options will meet the needs of both the University and the individual. As noted above, remote/hybrid work and flexible scheduling are the exception to regularly scheduled campus-based work, and are not appropriate for many positions.

3.3 Flexible work arrangements reflect the needs of the University, the team, and the individual, and will consider:

a. The professional staff member's role and responsibilities;
b. The professional staff member's performance;
c. University requirements (including but not limited to efficiency, productivity, and service);
d. Stakeholder needs (including students and both internal and external constituencies);
e. Individual circumstances
f. Team culture, connection, and relationship building;
g. Need for collaboration;
h. Face-to-face student, colleague, and internal stakeholder interactions;
i. Learning and development;
j. Onboarding, training, and welcoming new team members; and
k. Maintaining a vibrant campus.

3.4 Included as a part of any remote/hybrid or flexible work agreement, measurable performance outcomes and expectations must be detailed, and a mechanism for regular check-ins must be established. Communication is key between a professional staff member and their manager when agreeing, evaluating, and reviewing flexible work arrangements. Communication about agreed arrangements with team members, colleagues, and students is also important.

3.5 Professional staff are expected to work their regularly agreed-upon work schedule and work hours (unless otherwise approved by their supervisor, department head, and senior administrator). In all cases, professional staff should have a regular work schedule that allows colleagues and others to interact predictably with the individual working remotely.

3.6 When applicable to their position, professional staff must accurately and completely report all hours that they work and leave time taken.

3.7 Hourly professional staff should not work overtime unless that overtime work is specifically pre-approved.

3.8 All professional staff who are new to UNE or to a new position within UNE are expected to be fully onboarded on campus to best initiate them to the Department, Division, and/or College and University culture.

3.9 Remote work arrangements are subject to a presumption that they will be hybrid remote arrangements with the professional staff member working remotely for up to two (2) days and on campus the remaining days of their scheduled workdays. Remote work arrangements of more than two (2) days are available subject to agreement, but reflect an exceptional (or atypical) arrangement.

3.10 Offices should be open for their standard hours (typically 8:00 a.m. to 4:30 p.m.)

3.11 Generally, supervisors should be available for standard hours of coverage.

3.12 Professional staff working remote/hybrid or flexible schedules must agree to report on-site when directed to do so by their supervisor to attend in-person meetings, in-person training, or for other reasons that the supervisor determines are required based on the operational needs of the Department.

3.13 When it is appropriate for professional staff to attend meetings or trainings remotely because they are able to participate fully in the meeting, supervisors should take steps to include all members of their teams in departmental meetings, trainings, etc. Professional staff attending meetings or trainings remotely have an obligation to fully participate in the event and have a responsibility to let their supervisors know if they have concerns over their inclusivity.

3.14 As has always been the case at UNE, department heads and supervisors are encouraged to be flexible with professional staff when attending to personal matters from time-to-time. If an employee occasionally needs to be home to provide childcare, meet a worker at their home, or attend to another personal matter, department heads and supervisors should attempt to allow the employee the flexibility to perform their work duties remotely or to use flexible scheduling to the extent practicable and to account for the time they did not work by using the appropriate leave. These kinds of occasional situations are not formal remote or flexible work arrangements covered by this policy.

## 4. Types of Flexible Work

There are a range of flexible work options available for professional staff and managers as set out below. These options may be considered on their own, or multiple options may apply at the same time.

4.1 Flex Place or Remote Work – Locations of work
A flex place or remote work arrangement is one whereby the employee works from home or in an alternative work location outside the office that is both safe and productive. This may include full or partial days away from campus working from home or an alternative location (including other UNE campuses).

4.2 Flex Schedule – Varying start and finish times
A flex schedule is one that allows employees to adjust the start and end times of their work day, but maintains the total number of hours worked in a day or week. This may include, but not be limited to, varied start/finish times to manage commutes, caring responsibilities, or engaging in activities to enhance wellbeing. Professional staff should note that the span of hours for all positions is set out in the Flexible Work Model Request Form.

4.3 Flex Hours – Compressed work week

A flex hour schedule is one that permits an employee to work a standard workweek in fewer than five (5) – 7 or 8-hour workdays without being subject to overtime pay. A flexible work schedule provides the opportunity for professional staff to work in different ways for a specified period or on an ongoing basis. A compressed work week may mean working longer hours across fewer days.

4.4 Flex Role – Job and role sharing

Job and role sharing enables development opportunities and provides options for professional staff who wish to gain a broader mix of skills and experience in different areas. Examples of role sharing opportunities include:

- An arrangement where two part-time professional staff members with similar skills and experience share a role
- An arrangement where professional staff with complementary skills share a role based on individual or work needs or as a development opportunity
- An arrangement where one professional staff member works across two functions or roles. This could include combining different roles, filling two part-time positions, or facilitating a temporary development opportunity.

Without prior formal approval of a change in a job description or classification of a position, such arrangements may not eliminate or alter essential functions of a position, requirements for a position, or classification of a position, including but not limited to, whether that position is a full-time or part-time position.

## 5. Applying for Flexible Work

An eligible professional staff member may discuss a flexible work arrangement with their supervisor at any time. Each request will be reviewed and considered jointly by the professional staff member's immediate supervisor, the senior supervisor of the department, i.e. the appropriate dean or director, and the vice-president supervising department applying this policy, the Flexible Work Eligibility Checklist, and the information contained in the Flexible Work Arrangement Request Form.

A flexible work arrangement that changes any of the following employment conditions will require the relevant manager and HR approval and that the change be confirmed in an employment contract variation if applicable:

- The number of hours worked in a day and/or week
- Changes to the days worked across a week
- Changes that impact salary or leave accruals
- Changes that alter or eliminate any requirements or essential function of a particular position
- Changes that alter the classification of a position, including whether that position is salaried or hourly or full-time or part-time.

Flexible work arrangements are subject to ongoing review and may be subject to modification or termination at any time based on performance concerns, business needs, noncompliance with this policy or the affirmations made on the Flexible Work Arrangement Request Form, or management discretion. When the arrangement is being terminated or modified for any reason, the supervisor/manager or the professional staff member should give at least 14 days' notice in advance of ending or changing an arrangement, business needs permitting. If the arrangement is modified, the supervisor and professional staff member must create an updated Flexible Work Arrangement Request Form to reflect the modified arrangement.

This policy does not apply to requests for an accommodation under the Americans with Disabilities Act (ADA) or the Maine Human Rights Act or any type of leave under the Maine or Federal Family Medical Leave Act.

The ADA requires covered employers to provide a reasonable accommodation to employees with disabilities, unless doing so would cause undue hardship or require the elimination of an essential function of a job. If a member of the professional staff seeks to work remotely as accommodation based on a medical or other condition covered under ADA, they must initiate the interactive accommodations process by contacting Human Resources at cmartins@une.edu. Supervisors should not informally authorize remote work as a disability accommodation outside the formal accommodations process. Similarly, if a professional staff seeks complete or intermittent leave under the Maine or Federal Family Medical Leave Act, that employee should initiate that request by contacting Human Resources at cmartins@une.edu.

**Existing Flexible Work Arrangements**

All non-disability-related, existing flexible work arrangements, whether formal or informal, must be reviewed by appropriate supervisors, approved as provided by this policy, and memorialized with professional staff affirmations using the Flexible Work Arrangement Request Form.

**6. Remote Space Requirements**

Remote work must be done in an appropriate environment, and professional staff members who work remotely, whether as part of their regular schedule or with periodic approval from management, must ensure that their working environment is professional, is productive, allows for access to and by co-workers, provides for protection of private or confidential information, and is free from any form of distraction, which may include but not limited to: family care, barking dogs, housework, yardwork, television, visual/audio distractions, etc. Professional staff are responsible for ensuring their health and safety when working remotely and must report any work-related injury.
Costs associated with setting up a flexible, safe, and productive remote workspace is the responsibility of the professional staff member. Professional staff members must be able to support their own hardware environment setup with telephonic support. Hands on support must be done at a UNE location with Information Technology Services (ITS) staff. Internet service must be secure and of a bandwidth and speed to support the work requirements. The professional staff member is responsible for providing the remote work location, as well as appropriate networking and Internet access, and will not be reimbursed by UNE for these or related expenses. Beyond the equipment and tools that the University provides to professional staff that is necessary for completion of job duties on campus, the University will not provide additional equipment, including furniture, computer hardware, monitors, printers, phones, etc. for a remote work location.

**7. Adherence to UNE Policies**

Approved remote/hybrid and flexible work scheduling is not intended to and should not alter the professional staff member's normal work responsibilities. While working remotely, the professional staff member must comply with all applicable UNE policies and procedures and is expected to perform their normal work responsibilities and duties in the same manner and with the same level of professionalism as would take place under a standard working arrangement. When attending any event via video conferencing, professional staff must be attired in the same manner they would be for in-person attendance at work and must ensure that their environment visible on video is professional and appropriate.

**8. Tax and other legal implications**

Without specific prior approval by senior leadership and Human Resources, an employee may not work

remotely outside of the state of Maine, except in situations in which the work is temporary, and in all cases with the knowledge and approval of the employee's direct supervisor. The employee and supervisor, with the assistance of Human Resources, may need to consider and resolve any tax or legal implications, state and local government laws, and/or restrictions of working outside of the state of Maine. For instance, working remotely from certain states may not be permissible due to requirements to register as an employer in that state.

# APPENDIX L

**UNIVERSITY OF NEW ENGLAND'S POLICY FOR NON-TITLE IX SEX DISCRIMINATION AND HARASSMENT April 2025**

Please refer to https://www.une.edu/title-ix-civil-rights-compliance for the most current Policy.

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This Policy has several components that can be accessed through the use of the hyperlinks provided below. Those components are:

- **Scope and applicability of this Policy**
- **Resources to address concerns regardless of a complaint is made**
- **Reporting potential violations of this Policy**
- **Procedures for adjudicating a complaint**

**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 ("the University" or "UNE") 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, 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, color, sex, sexual orientation, gender identity and/or expression, familial status, pregnancy, ethnicity or national origin, religion, age, creed, genetic information, physical or mental disability, HIV status, veteran status, status as an individual who asserted a claim or right under Maine's Workers' Compensation law, status as an individual who sought and received a final protection order issued pursuant to Maine law or pursuant to a substantially similar provision of the law of another state or nation, or any other status protected by applicable federal, state, or local law.
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 where 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 education

programs or activities where a determination of responsibility has been made against a Respondent.
sexual.

## XVIII. SCOPE OF POLICY

### (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 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 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 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 over which the University exercised substantial control over both the Respondent and the context in which the conduct occurs, 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 of New England to take disciplinary action shall be limited to conduct which occurs on University premises, at off-campus University sponsored, supervised, or related activities, at affiliated and clinical sites, on the UNE international campuses, or on 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 Student Conduct Code, 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 circumstance when in investigating and reviewing complaints and reports of discrimination, harassment, or sexual misconduct. However, academic freedom and freedom of expression never excuses behavior that constitutes a violation of the law or this Policy.

## XIX. NON-DISCRIMINATION 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 of the 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:

| | | | |
|---|---|---|---|
| **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 of Civil Rights, Department of Education** | 617-289-0111 | OCR.Boston@ed.gov | 8th Floor 5 Post Office Square, Boston, MA 02109-3921 |
| **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, D.C. 20507 |

## XX. 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 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 complainant'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, 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; and

- 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, non-verbal, 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; and/or
- Such conduct has the purpose or effect:
- of interfering with the individual's work or educational performance;
- of creating an intimidating, hostile, or offensive working and/or learning environment; and/or
- of 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 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, 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 his/her/their supervisor.

**(C) Sexual Assault**

For the purposes of this Policy, which 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; or
- where the actor knew or should have known the individual is 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 these regulations, 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 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, which 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 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 a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Maine domestic or family violence laws or by 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, is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, theirs, 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) Non-Consensual Sexual Contact (Includes "Fondling")**

Non-Consensual Sexual Contact is contact with the intimate parts of another individual (including but not limited to contact with breasts, buttocks, groin, genitals, or other intimate body parts) for the purposes of sexual gratification through the

- use of threat or force,
- without effective consent, or
- where the actor knew or should have known the individual was incapacitated or physically or mentally unable to make informed, reasonable judgments or provide consent.

**(H) Sexual exploitation**

The taking non-consensual 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, 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.

### (I) Consent

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. Non-verbal 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, spending money, or 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, 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 5 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 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.

**(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. Where 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; or

- 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 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 decisionmaker 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, by 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 privileged 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 is a candidate for a degree or diploma or graduate certificate or 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 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.

## XXI. TITLE IX COORDINATOR, DEPUTY TITLE IX COORDINATORS, AND CONFIDENTIAL RESOURCE ADVISOR

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

The following officials at the University have been designated as **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** | *Director of Human Resources* | 207-602-2281 | jmerritt2@une.edu |
| **Shaylah Kelly** | *Assistant Director, Employee Relations and Leadership Development* | 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 education programs and monitoring the campus climate with regard to discrimination, harassment, and sexual misconduct; and
- Complete required annual reports to government agencies.

***Confidential Resource Advisor (Confidential Reporting)***

The University has a designated **Confidential Resource Advisor (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 SARSSM for full advocacy support services.

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|---|---|---|---|
| **Natalie Freiheit** | *Counselor and Confidential Resource Advisor* | 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 with Sexual Assault Response Services of Southern Maine (SARSSM) to serve as the **Confidential Resource Advisor (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 Advisor/Advocacy Services* | 800-871-7741 | https://www.sarssm.org/ |

As noted above, individuals may disclose incidents and seek support in a confidential manner 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 that can be anonymous 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

**(A) 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 either:

- Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination or sexual harassment; or
- 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 privilege or confidentiality applies;

- A UNE employee whom UNE has designated as confidential under this Policy 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; or

- 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 United States 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, 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.

## XXII. 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, generally the University will 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 Non-Discrimination 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.

## XXIII. 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 electronic mail, 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 non-business 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.

### (B) Amnesty Involving Alcohol or the Use of Controlled Substances

The University of New England encourages reporting of 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 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 "Responsible Action Clause" in the University Student Handbook found here: https://www.une.edu/studentlife/handbook.

### (C) 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 where 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.

### (D) 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 sexual assault, dating violence, domestic violence or stalking, and/or sexual harassment, should be reported as soon as possible after the incident(s) in order 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.

### (E) Initial Assessment Upon Receipt of a Report and Filing of Complaint by Title IX Coordinator

Within **ten (10) business days** of receiving a report 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 non-discriminatory 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 where 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.

### (F) Supportive Measures

**Providing Supportive Measures**

Supportive measures are available to both parties. They are individualized measures offered as appropriate, 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 the 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 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.

Below are examples of Supportive Measures that may be appropriate so long as they are consistent with this Policy:

- Facilitating access to counseling and medical services;
- Guidance in obtaining a sexual assault forensic examination;
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;
- Academic supports;
- Assistance in requesting accommodations through the appropriate office, if the Complainant or Respondent qualifies as an individual with a disability;
- Changes in class (including the ability to transfer course sections or withdraw from a course), work, housing, or extracurricular or any other activity, 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; or
- 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, where 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 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 (VPSA) for student respondents or to the Vice President for Human Resources & Chief Human Resources Officer (CHRO) for employee respondents or their designees. Members of the University's Behavioral Risk Assessment Team or designee will review the respondent's appeal to removal.

**Administrative Leave**

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

### (G) False Claims

It is a violation of this Policy to make 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 allegation(s). 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.

### (H) Retaliation

UNE prohibits all retaliation, including student to student (peer to peer) relation, in all of its education 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.

### *(I) Sanctions for Violation of this Policy*

Any party found responsible for violating this Policy may be subject to disciplinary sanctioning. 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 for 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 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 level hearing. Specific restrictions may also include, but are not limited to:

- Ineligibility to hold an office in a campus organization, and/or;
- 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 re-enrolling until certain conditions have been met.
- *Residence Hall Dismissal*: permanent separation of the student from the residence halls. In matters where 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 where 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 sanction(s) 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 regulation(s) 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 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 **Non-Consensual 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 student conduct code 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 campus conduct code violations.

### (J) Applicable Procedures Under this Policy

In response to a report of sex discrimination, sexual harassment, 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 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 involving students,** please see the process below.

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

## XXIV. 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.

### (K) 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 Complainant, which includes:
- a student or employee of the University who is alleged to have been subjected to conduct that could constitute sexual harassment under Title IX;
- or 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; or
- The Title IX Coordinator, after making the determination specified below.

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

- Any student; or
- 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 may report 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, ongoing sex discrimination or sexual harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination or sexual harassment occurred; and
- 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 present 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.

### (L) Multi-Party Situation

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 the other Party, where 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 when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

**(M) 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; or
- 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 notify the respondent of the dismissal and the basis for the dismissal promptly 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 decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker 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; and

- 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 take other appropriate prompt and effective steps to ensure that sexual harassment does not continue or recur within UNE's education program or activity.

**(N) Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, 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 of the allegations.

**(O) Advisor of Choice and Participation of Advisor of Choice**

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

**(P) Complaint Investigation**

Throughout its grievance procedures, UNE will treat both complainants and respondents equitably. The Title IX Coordinator, investigator, and decisionmakers 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 **ten** (**10) business days** of the determination that the grievance procedures under this section applies 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 set forth in this Policy;

- Sufficient information available at the time to allow the parties to respond to the allegations, which includes:

    - 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;

- 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 decisionmaker;

- A statement that retaliation, including peer retaliation, is prohibited;

- Notice 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; and if the postsecondary institution provides access to an investigative report, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.

- Notice that the parties may have an advisor 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;

- Notice 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 notice of allegations, UNE may reasonably delay providing written notice of the allegations in order to address the safety concern appropriately. Reasonable concerns will be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

***Participation of Students in 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 Investigator and Prevention Specialist, or designee, or at the University's sole discretion by an outside Investigator (hereafter referred to as "Investigator").
Within **one hundred (100) business days**, the Investigator will 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 Investigator will make best efforts to be expeditious in conducting interviews, gathering evidence, and producing a final report but will not sacrifice thoroughness for a specific time frame for completion. Extensions of any timeframes 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 Investigator will 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 Investigator to consider as evidence.

The Investigator may meet with the Complainant, the Respondent, and any witnesses deemed to have relevant information in any order the Investigator deems appropriate. The Investigator may 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 advisor and/or a support person with them. The advisor 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 advisor 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 advisor or support person but cannot serve in the capacity as an attorney if the party is represented by another attorney. The advisor is there for support and may not address the Investigator. If the advisor and/ or the support person is in any way disruptive of the investigatory process, the Investigator shall ask the advisor 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 Vice President of Human Resources & Chief Human Resources Officer, the Title IX Investigator, or designee. The requestor 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 advisors have traveled to and prepared for shall 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 shall will generally be granted.

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

***Other Information Gathering***
The Investigator will gather other relevant information or evidence, including documents, photographs, communications, card swipe records, video evidence, and electronic records.
The Investigator will 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 "irrelevant" or 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, or
    - 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, e.g., 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 Investigator may visit relevant sites and locations. The Investigator may also consider publicly available social media or online sources, though will generally not actively monitor online information.
- The Investigator may, in certain cases, consult with witnesses who have subject matter expertise related to issues involved in the investigation (e.g., 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 Investigator has 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 Investigator that they want to be asked of the other party and/or witnesses by the Investigator. The Investigator has 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 investigators will 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 Investigator with questions they wish the Investigator to pose to the other parties or witnesses. Questions must be submitted to the Investigator in writing.

- The Investigator will ask the parties as part of initial interviews if they have any questions they wish the Investigator to pose of the other parties and a reasonable time frame within which to provide these questions.

- In subsequent meetings with the parties, the Investigator will provide additional information gathered including answers to questions posed by the parties. The Investigator will also provide additional opportunities for the party to provide new questions for the Investigator to pose for the other party 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 Investigator will 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 Investigator may reframe questions to align with rules outlined above regarding *Relevant Information* and/or *Irrelevant Information* and may choose not to ask a question if it does not comply with these requirements. The Investigator may also combine questions. The Investigator will document for the Record the questions requested by each party, the questions the Investigator posed 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 process below: ***Parties' Review and Response to the Record***).

***Parties' Review of and Response to the Record***
After all interviews have been completed, documentary evidence 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 Investigator deems 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 where appropriate consents for disclosure have not been obtained (e.g., information subject to rape shield protection or personal health information) to protect students' personally identifiable information involving matters outside the scope of the investigation.

The parties will have ten (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 investigator will 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 Investigator will 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 Investigator will review and consider the parties' statements (to the extent timely submitted) in the investigation report.

***Creation and Review of Investigation Report***
The Investigator will 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 and the applicable provisions of University policy, the Investigator will make a recommended finding based on the preponderance of the evidence standard as to whether or not the Investigator finds the Respondent responsible for any of the

allegations of violation of University policy set forth in the letter of specific allegations sent to the Respondent prior to the start of the investigation. The Investigator shall 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 are prohibited by this Policy, the Investigator may recommend to the Title IX Coordinator either (1) dismiss the complaint or (2) refer the complaint for resolution under a separate University policy and process, as applicable. If the Investigator recommends a 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 under **Section VIII Appeals below.**

The Parties will be given access to the investigative report at least ten (10) business days prior to the beginning of the process by which the Hearing Panel 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.

### (Q) 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 for Student Resolution and request that the Director convene a three-person Hearing Panel. Following the conclusion of the Hearing Panel, the Panelists will convene to deliberate in order to make a determination of responsibility.

***Hearing Panelist Duties***
The Hearing Panel will be chaired by the Director of the Office for Student Resolution (or designee) and a two-person panel of decision-makers. Based on the findings of facts, the Hearing Panel shall meet to consider the recommended findings of the investigator to 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 code 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 investigator to 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.

***Advisor Attendance and Conduct at Hearing Panel***
If either or both choose to appear they may each have an advisor with them. The advisor may be a member of the UNE community or if allegations involve conduct covered by the Title IX or Clery Act, they may have an advisor of their choice (who may be an attorney). The advisor is there for support and may not address the Hearing Panel. If the advisor is in any way disruptive of the Hearing process, the Hearing Chair shall ask the advisor 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 decisionmakers, are permitted, but are not required, to question parties and/or witnesses, to adequately assess creditability 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 decisionmakers have or permit questions, the decisionmakers 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 decisionmakers determines 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 decisionmakers must give a party an opportunity to clarify or revise a question that the decisionmaker 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 when 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, at the conclusion of the hearing process, from the virtual hearing room. The Hearing Panel shall meet to consider all of the information presented to them, including the report of the Investigator and the recommended findings of the Investigator to 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 code 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 Investigator to conduct any follow-up inquiry or investigation the Hearing Panel deems necessary to reach a final determination.

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

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decisionmaker. Decisionmakers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments in 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 its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decisionmakers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.
A witness' 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 or not 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 the of this Policy occurred.

***Hearing Panel Written Determination***

Within thirty (30) business days from the beginning of the process described immediately 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 the provisions 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 Student Conduct Code 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 determination whether a violation of this Policy occurred;
- If the Hearing Panel concludes that a violation occurred, the letter will set forth any disciplinary sanctions to be imposed on the respondent, 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; and
- The procedures for the complainant and respondent to appeal.

Once the Panel has finalized its written determination, the Panel will send the written determination to the Title IX Coordinator on the same day that the written determination finalized. The Title IX Coordinator will then inform the Complainant and the Respondent of the decision in writing no later than seven (7) business days after the written determination was finalized.

## XXV. 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 designee, within **ten (10) business** days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available 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; and
- The Title IX Coordinator, investigator, or decisionmaker 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 ten (10) pages with no more than twenty (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 conflict 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 in writing, including via email, simultaneously to both parties, and include rationale for the decision.

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

## XXVI. 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 participating 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, or 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 timeframes governing the Grievance Procedure will temporarily cease, and 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;

(ii) 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 the 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; 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 decisionmaker 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 included in an informal resolution agreement include but are not limited to:

(ii) Restrictions on contact; and

(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.

## XXVII. 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 these resources below:

### (R) 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" in order 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 assure 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:

***Student Counseling Services***

For general counseling services support:

| Biddeford Campus: | Portland Campus: |
|---|---|
| **Phone:** 207-602-2549<br>**Email**: bcstudentcounseling@une.edu<br>Petts Health Center | **Phone:** 207-221-4550<br>**Email:** pcstudentcounseling@une.edu<br>Second Floor 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, staff can provide immediate emergency and ongoing medical care, STD (sexually transmitted disease) testing, and pregnancy testing and prevention. With the complainant's consent, they will make arrangements with local hospitals, municipal Police Departments, and Campus Safety and Security for transportation and medical protocol used to provide evidence for prosecution. They will also provide referrals and advice regarding campus and community resources.

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

***Confidential Resource Advisor (CRA) Support***

The University has a designated **Confidential Resource Advisor (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 do a direct referral to SARSSM for full advocacy support services.

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

The University has arranged with Sexual Assault Response Services of Southern Maine (SARSSM) to serve as the **Confidential Resource Advisor (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 Advisor/Advocacy Services* | 800-871-7741 | https://www.sarssm.org/ |

**(S) 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 of New England is:

| **Angela Shambarger**<br>*Title IX Coordinator; Senior Director, Office of Title IX and Civil Rights Compliance* | | | |
|---|---|---|---|
| ashambarger@une.edu | 207-221-4554 | Mailing Address:<br>11 Hills Beach Road<br>Biddeford, ME 04005 | Office Locations:<br>*Biddeford Campus:*<br>HR Building<br>*Portland Campus:*<br>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** | *Director of Human Resources* | 207-602-2281 | jmerritt2@une.edu |
| **Shaylah Kelly** | *Assistant Director, Employee Relations and Leadership Development* | 207-602-2524 | skelly14@une.edu |

***University Safety and Security:***

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

| **Biddeford Campus:** | **Portland Campus:** |
|---|---|

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

In non-emergency situations, University 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 assure safety.

| Biddeford Campus: |
|---|
| **Office Phone:** 207-602-2272<br>**Area Coordinator Duty Phone:** 207-468-2389<br>**Email:** housing-office@une.edu<br>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<br>Ripich Commons | **Phone**: 207-221-4212<br>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<br>**Email:** bcstudentaccess@une.edu<br>Student Access Center Building | **Phone:** 207-221-4212<br>**Email:** pcstudentaccess@une.edu<br>Linnell Hall, First Floor |

Employee Assistance Program

The Standard offers EAP benefits through HealthAdvocate to eligible employees and their dependents/household members. Covered individuals may contact master's-degreed clinicians 24/7 by phone, online, live chat, email, and text. 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<br>https://www.une.edu/hr/benefits/employee-assistance-program |
|---|
| **Eligibility**<br>All employees, your spouse, domestic partner, married or unmarried dependent children up to age 26 |

All other household members

**Contact**
Contact The Standard EAP services 24/7 for confidential support and resources 877-851-1631

**healthadvocate.com/standard6**

**Services include:**
Counseling Services
Work/Life Services
Legal Services

### (T) Off-Campus Resources

***Police Department (911)***
Any individual who experiences sexual misconduct can contact the Police Department or Department 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, County Attorney, and 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, then dial (207) 283-0176 for UNE Safety and Security. If you are using a campus phone, dial 366 for UNE 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 Department 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<br>Biddeford, ME 04005<br>**Emergency:** 911<br>**Non-Emergency Phone:** 207-282-5127<br>**Website:** https://www.biddefordmaine.org/2198/Police | 109 Middle Street<br>Portland, ME04101<br>**Emergency:** 911<br>**Non-Emergency:** 207-874-8497<br>**Website:**<br>https://www.portlandmaine.gov/436/Police |
| **Saco Police Department** | **Tangier Morocco Emergency Numbers** |
| 20 Storer Street<br>Saco, ME 04072<br>**Non-Emergency Dispatch:** | **Campus Address:**<br>Rue Abi Chouaib Doukkali<br>University of New England |

| | |
|---|---|
| (207) 284-4535<br>**Police Administration:**<br>(207)-282-8214<br>**Website:**<br>https://www.sacomaine.org/departments/police_department/index.php | Tangier 90000, Morocco<br><br>**Director of UNE Tangier:**<br>Ms. Douaa Ben Imran<br>**Phone:** 212 636 93 62 77<br>**EMail**: dimran@une.edu<br><br>**Police:** 19<br>**Fire/Ambulance:** 115<br><br>**US Embassy American Citizen Services:**<br>05376-37200<br>**US Consulate for Emergencies:**<br>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, STD (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. In order 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<br>Portland, ME 04102<br>**Phone:** 207-662-0111<br>**Website:**<br>https://www.mainehealth.org/maine-medical-center | 1 Medical Center Drive<br>Biddeford, ME 04005<br>**Phone**: 207-294-5000<br>**Website:**<br>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 or families experiencing a behavioral health crisis or having thoughts of suicide and/or self-harm. Trained crisis call specialists answer the line and provide free and confidential telephone support and stabilization 24 hours a day, 7 days a week.

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

***National Crisis Text Line (Confidential Resource)***
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<br>**Chat:** https://www.crisistextline.org/text-us/<br>**WhatsApp:** https://www.crisistextline.org/text-us/ |

***National Suicide Prevention Lifeline (Confidential Resource)***
988 (formerly called the National Suicide Prevention Lifeline) 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<br>**Chat:** 988lifeline.org |

**(U) Sexual Misconduct/Relationship Violence/Stalking Specific Off-Campus Resources**

***Sexual Assault Response Services Of Southern Maine (SARSSM) (Confidential Resource)***
Provides confidential hotline counseling and referrals for victims of sexual misconduct. They 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<br>**Website:** https://www.sarssm.org/ |

***Maine Coalition Against Sexual Assault (Mecasa) (Confidential Resource)***
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<br>**Website:** https://www.mecasa.org/ |

***Caring Unlimited (Confidential Resource)***
York County's Dating/Domestic Violence Program. 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<br>**Chat Online:** https://www.caring-unlimited.org/helpline (Mondays 1:00PM-5PM)<br>**Website:** https://www.caring-unlimited.org/ |

***Through These Doors( Confidential Resource)***
Cumberland County Domestic Violence Services. 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<br>**Website:** https://www.throughthesedoors.org/ |

***Planned Parenthood Of Maine (Confidential Resource)***

Confidential services and can provide information about emergency contraception and information about sexually transmitted diseases.

| Biddeford Location | Portland Location |
|---|---|
| 275 Main St, Suite 102,<br>Biddeford, ME 04005<br>**Phone**: 207-282-6620 | 443 Congress Street,<br>Portland, ME 04101,<br>**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 (Rape, Abuse & Incest National Network) 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. The National Sexual Assault Hotline

| RAINN |
|---|
| **Call:** 800-656-4673<br>**Chat:** online.rainn.org<br>**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.

| National Sexual Violence Resource Center: |
|---|
| **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.

| Stalking Prevention, Awareness, Resource Center: |
|---|
| **Website:** https://www.stalkingawareness.org/ |

### (V) 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 departments, etc.

***Emergency Room Transportation:***
Ambulance Service, 911: In case of an Emergency, individual students, UNE Security Officers, Student Health Services 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, 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 University 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

### (W) 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, Maine 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.



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