

UNIVERSITY OF NEW ENGLAND



# STUDENT HANDBOOK

UPDATED  
SPRING 2025



UNIVERSITY OF NEW ENGLAND  
Housing and Residential/  
Commuter Life

## DISCLAIMER

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

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# Forward

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

Welcome to the University of New England where we pride ourselves on our personalized approach to everything we do. Our community is a special one that includes faculty, professional staff, and students who are committed to helping one another to be successful. I encourage you to ask questions and to take the opportunity to learn about the many resources, events, and people that will make your time at UNE most rewarding. The shared



experience of our community members and lots of research on the topic demonstrates that the more involved you are in your education and the more active you are in university programs, the more likely it is that you will graduate on time and report satisfaction with your collegiate experience.

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

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

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

Best wishes to you as you begin a new year!

**Jennifer DeBurro**

Vice President for Student Affairs and Dean of Students



# Images of the University

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## THE UNIVERSITY SEAL

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



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

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

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

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

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

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

## THE UNIVERSITY LOGO

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



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

## THE NOR'EASTERS ATHLETIC LOGO

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



# UNE History at a Glance

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- 1831** Westbrook Seminary, a co-ed boarding school, founded.
- 1834** Alumni Hall completed, featuring a cupola, which once topped Portland's City Hall. The Bell, which signaled class time, was added to cupola just after the Civil War.
- 1869** Hersey Hall, noted for its "bathing rooms", opens as dormitory. Building was later noted for its ghost. (See [www.une.edu/wc/history.asp](http://www.une.edu/wc/history.asp) for more of the story!)
- 1925** Two-year women's college curriculum started, thus beginning Westbrook Junior College.
- 1939** Franciscan Friars opened St. Francis College, a high school and 2-year college program for men on a site which had hosted a seasonal campground for Sokokis Indians, an orphanage and girl's school, and WWII patrol barracks.
- 1953** Charter granted, establishing St. Francis College as a four-year college
- 1961** Westbrook Junior College becomes first residential junior college in the United States to offer a Dental Hygiene degree program.
- 1973** First male students admitted to newly named Westbrook College, now a four-year curriculum.
- 1977** Westbrook College Art Gallery opens to house collection of Joan Whitney Payson.
- 1978** University of New England is founded when New England College of Osteopathic Medicine and St. Francis College combine. The new university structure features Maine's only medical school.
- 1985** University of New England offers its first Master's Degree program.
- 1988** Beverly Burpee Finley Center, housing a gymnasium, is built at Westbrook College.
- 1989** Campus Center opens at UNE in Biddeford.
- 1995** Construction of the Harold Alfond Center for Health Sciences begins in Biddeford.
- 1996** Westbrook College and the University of New England merge.
- 1998** The proposal providing for a university student to serve as a full voting Student Trustee member of the University's Board of Trustees was approved.

- 1999** UNE commits to becoming a significant research institution, leading to participation and leadership in the Maine Biomedical Research Coalition and the Maine Marine Research Coalition. Sets the stage for future biomedical research center.
- 2000** College of Arts & Sciences begins initiatives to expand and diversify its liberal arts curriculum, leading to new degree programs in art education, English, history, political science, psychology and sociology.
- 2002** UNE earns national top honors in NCAA Division III for its student-athlete graduation rate (100% of 1996 freshman class), receiving a \$20,000 grant and getting publicity in USA Today.
- 2002** Extensive renovations and opening of the Parker Pavilion on the Westbrook College Campus.
- 2002** Launching of the Integrated Interdisciplinary Health and Healing program (I2H2) within the College of Health Professions on the Westbrook College Campus.
- 2002** Dedication of the Marine Mammal Research and Rehabilitation Center on the Biddeford Campus.
- 2002** Opening of two suite-style residence halls on the Biddeford Campus
- 2004** UNE listed a "top school" (Tier 1) for regional universities in the Northeast in U.S. News & World Report's "America's Best Colleges."
- 2004** Nationally known physical therapy major becomes a doctoral program (DPT). UNE introduces on-line master of public health (MPH) degree and adds Women's Studies minor.
- 2004** UNE featured in fall issue of Down East magazine.
- 2005** UNE introduces several new degree programs including a communications major in business, a two-track master's program (marine sciences/applied biosciences) in biological sciences, and two specialty programs in the graduate education program.
- 2005** Champlain Residence Hall opens. Other buildings planned include a biomedical research center and George and Barbara Bush Cultural Center on the Biddeford Campus and a Performance Enhancement and Evaluation Center (PEEC) on the Westbrook College Campus (Portland).

- 2007** Featherman Residence Hall opens on the Biddeford Campus (Biddeford). College of Pharmacy opens its doors to first student cohort.
- 2008** George and Barbara Bush Cultural Center opens.
- 2009** College of Pharmacy welcomes its inaugural class.
- 2009** Owen Pickus and Morgane Halls open. New University Logos and campus designations are unveiled.
- 2010** Sokokis Residence Hall and new Athletic turf field open for Fall 2010.
- 2012** The Harold Alfond Forum opens in Fall 2012.
- 2013** College of Dental Medicine welcomes its inaugural class.
- 2014** The University opens its campus in Tangiers, Morocco.
- 2018** The University open the Danielle N. Ripich Commons on the Biddeford Campus and Innovation Hall on the Portland Campus. The Harold Alfond Forum expansion is also completed.

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# **Part I:**

## **Code of Student Conduct**

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# Section A: Who We Are

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## THE UNIVERSITY OF NEW ENGLAND AND THE OFFICE FOR STUDENT RESOLUTIONS

### University of New England Mission

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

### University of New England Vision

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

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

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

## UNIVERSITY OF NEW ENGLAND CORE VALUES

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

### Student Centeredness

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

### **Diversity, Equity, and Inclusion**

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

### **Relentless Inquiry**

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

### **Boundary Crossing**

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

### **Learning Everywhere**

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

### **Progressive Change**

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

### **Stewardship of Our Planet**

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

## **PURPOSE OF THE STUDENT HANDBOOK**

The University, like any community, must have rules and standards by which its members abide. This Student Handbook is designed to provide information that will assist you in your academic and extracurricular endeavors at the University of New England and to provide students with notice of the rules and standards under which their conduct will be adjudicated. Students are

responsible for knowing the information, policies and procedures outlined in this document as well as all other applicable policies or other applicable program-specific handbooks and manuals published by certain academic departments and colleges.

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

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

### **Membership in the University of New England Community**

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

# Section B: Definitions

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## UNIVERSITY OF NEW ENGLAND STUDENT HANDBOOK DEFINITIONS

### **Academic work, test, quiz, or other assignment**

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

### **Administrative Resolution**

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

### **Administrative Hold**

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

### **Advisor**

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

### **Intentional Conduct**

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

### **Knowing Conduct**

Knowing conduct is doing something when you are aware that it is practically certain that one's conduct will cause the result.

## **Member of the University Community**

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

## **Negligent Conduct**

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

## **Organization**

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

## **Policy**

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

## **Preponderance of the Evidence**

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

## **Reckless Conduct**

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

## **Restorative Outcomes**

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

## **Restorative Resolutions**

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

## **Student**

All persons taking courses at, through, or in affiliation with the University, both full-time and part-time, in undergraduate, graduate, clinical programs or professional studies programs, and those who attend post-secondary educational institutions other than University of New England and who reside in university residence halls. Persons engaged in a faculty-led, third-party provider, or any other University-approved study abroad experience and persons who are not officially enrolled for a particular term but who have a continuing relationship as a student with the University are considered "students".

## **University Official**

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

## **University Premises**

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

## **University Student Conduct Board**

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



# Section C: Code of Student Conduct

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

## 1. ACADEMIC MISCONDUCT

The University of New England (UNE) values academic integrity in all aspects of the educational experience. Any behavior that provides a student with an advantage or provides another student with an advantage or disadvantage may be considered academic misconduct. Academic misconduct in any form undermines academic integrity and devalues the original works and contributions of others. It is the responsibility of all members of the university community to actively uphold academic integrity. At UNE, the term “academic misconduct” includes, but is not limited to:

### a. Cheating

- Copying from another individual's academic work, test, quiz, or other assignment.
- Receiving, providing, and/or seeking assistance/aid from another individual to complete academic work, test, quiz, or other assignment.
- The use of materials or devices during academic work, test, quiz, or other assignment which are not authorized.
- Possession or use of current or previous course materials without the instructor's permission.
- Obtaining, or coercing another person to obtain, an un-administered test, test key, homework solution or computer program/software.
- Substituting for another person, or permitting another person to substitute for oneself, to complete academic work.
- Uploading, downloading, or accessing complete or incomplete academic work, test, quiz, or other assignment without the prior approval of the instructor.
- Falsifying research data, laboratory reports, and/or other academic work offered for credit.
- Altering and/or destroying the work of another student.

- Failing to comply with instructions given by the person administering the academic work, test, quiz, or other assignment that results in academic misconduct not enumerated above.

**b. Plagiarism/Self-Plagiarism**

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

**c. Collusion**

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

**d. Falsifying Academic Records**

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

**e. Misrepresenting Facts**

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

**f. Violation of Professional Standards**

- Any act or attempted act that violates specific Professional Standards or a published Code of Ethics.

**NOTE:** Students may be held accountable under this policy based on the applicable standards of their college or school of enrollment, declared major, degree program, and/or pre-professional program.

**g. Unfair Academic Advantage**

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

## **2. ALCOHOLIC BEVERAGES**

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

**a. Intoxication**

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

**b. Intoxication of underage students**

Intoxication of underage students is prohibited.

**c. High Risk Events**

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

**d. Common Source Containers**

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

**e. Drinking Games**

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

**f. Social Events**

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

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

- Student organization funds may not be used for the purchase of alcohol.
- Alcohol served at registered campus events may not be taken from the premises, as defined by the lawfully posted and controlling Maine State liquor license, where it is served.

**g. Open Containers**

Alcoholic beverages may not be consumed on campus outdoors, unless served at an event sanctioned by the University and licensed by the Maine State Liquor Commission for the dispensing and consumption of alcoholic beverages. The consumption of alcohol or the possession of an open alcohol container is prohibited in all public places.

**h. Alcohol as Prize or Promotion**

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

**i. Consumption at UNE Activities**

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

**j. Public Consumption**

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

**k. Underage**

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

**l. Furnishing**

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

**m. Force or Deception**

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

**n. Serving to Intoxicated Person(s)**

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

**o. Discounted Alcohol**

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

**NOTE:** The procedures for addressing a violation of this Subsection 1 are contained in Part I, Section H of this Handbook. Alcohol Guidance Specific to University Residence Halls can be found in the Housing Handbook.

### **3. NARCOTICS OR OTHER DRUGS**

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

**a. Illegal Drugs**

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

**b. Marijuana**

Possession and use of marijuana are prohibited by University of New England policy and federal law. Other analogs, derivatives, and products of marijuana are also prohibited. The presence of smoke or other types of residues, including but not limited to seeds,



stems, strong odor as determined by a university official, from illegal drugs provides justifiable grounds for disciplinary action.

**c. Prescription Drugs**

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

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

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

## **4. ACTIONS AGAINST MEMBERS OF THE UNIVERSITY COMMUNITY AND OTHERS**

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

**a. Disruptive or Obstructive Conduct**

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

**b. Harmful, Threatening, or Endangering Conduct**

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

**c. Assault**

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

**d. Threats/Intimidation/Fighting**

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

**e. Bullying/Cyberbullying**

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

**f. Hazing**

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

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

- any type of physical assaultive behavior, including whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity;

- causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, personal servitude, or other similar activity;
- causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
- causing, coercing, or otherwise inducing another person to perform sexual acts;
- any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
- any activity against another person that includes a criminal violation of local, State, Tribal, or Federal law;
- any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law; and
- any activity in which a person intentionally, knowingly, and/or recklessly solicits, encourages, directs, aids, and/or attempts to aid another person in engaging in hazing. This includes witnesses and/or having knowledge of a specific hazing incident and failing to report the incident; and
- any activity in which hazing is either condoned or encouraged, or any action by an officer or combination of members, pledges, associates and/or alumni of the organization/team in committing or assisting in the commission of hazing.

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

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

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

#### **g. Complicity**

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

#### **h. Discrimination and Harassment**

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

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

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

#### **i. Sex-Based Discrimination and Sex-Based Harassment**

**NOTE:** For more information on UNE's Title IX Grievance Policy for Students, Section E of this Handbook or <https://www.une.edu/title-ix>

## **5. ABUSE OF THE DISCIPLINE SYSTEM**

The following is a violation of this Subsection:

- Knowing falsification, distortion, or misrepresentation of information during any conduct process provided for in this Handbook.
- Disruption or interference with the procedural soundness of any investigation, hearing, or resolution process provided for in this Handbook.

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

## 6. ELECTRONICALLY FACILITATED MISCONDUCT

The following is a violation of this Subsection:

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

## 7. FIRE SAFETY

**NOTE:** The Office of Residential and Commuter Life has a more exhaustive list of what may be considered a fire hazard in their Residence Hall policies.

The following is a violation of this Subsection:

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

## 8. GAMBLING

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

**NOTE:** See also the NCAA Policy on Gambling Below in Part II, Section I.

## 9. GUESTS OF THE UNIVERSITY

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

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

## 10. FAILURE TO COMPLY

The following is a violation of this Subsection:

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

## 11. ANIMAL/PET POLICY

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

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

## 12. MOTOR VEHICLES

The following is a violation of this Subsection:

### a. Driving

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

### b. Parking

Failing to park in designated student lots, failure by a guest to park in guest parking, or disregarding other posted signage as it relates to parking on campus. Campus Safety and

Security may refer a student to the Office of Student Conduct once they have been cited 10 times or more for parking violations on campus.

**c. Idling**

Idling for more than 5 minutes in any 60-minute period or idling for any period of time without an operator present. (Idling is permitted for 15 minutes in any 60-minute period for the purpose of providing heat when ambient temperature is 32 degrees or below, or as needed when ambient air temperature is below 0 degrees.) Student vehicle operators refusing to comply, or found to be in violation of the policy more than three times, may be referred to Student Conduct for further consideration.

## **13. THEFT, DAMAGE, UNAUTHORIZED USE**

The following is a violation of this Subsection:

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

## **14. SMOKING: TOBACCO AND SMOKE-FREE CAMPUS**

The University of New England is a tobacco and smoke-free campus. Smoking of tobacco or other substances and/or use of all tobacco products, including electronic cigarettes or any form of vaping, is not be permitted on university premises. 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. Only FDA-approved nicotine replacement therapy products will be permitted on campus.

**NOTE:** Violations that include the smoking of marijuana or THC in any form will be adjudicated under the University's Narcotics or Other Drugs policy.

## 15. TRESPASSING

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

## 16. WEAPONS

No student(s) or guest(s) shall possess weapons or any device that presents a danger to the community. Examples of such weapons or devices include swords, axes, machetes, martial arts weapons, knives exceeding 2.5" 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. Students wishing to carry pepper spray should contact Director of Safety and Security Jeff Greene ([jgreene2@une.edu](mailto:jgreene2@une.edu)) to discuss appropriate use of this personal safety device.

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

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

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

## **VIOLATION OF PUBLISHED UNIVERSITY POLICIES, RULES, AND/OR REGULATIONS**

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

- a. Residence Hall Policies**
- b. Campus Safety and Security**
- c. Athletics**
- d. Student Organizations**
- e. Other University Policies**

## **Section D: Procedures**

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

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

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

### **REPORTING PROCESS**

Any person can report conduct that they believe in good faith violated the Code of Student Conduct to Campus Security staff, University administrators, faculty members, or Residential Life staff who are carrying out their duty to uphold the regulations, policies, and mission of the University. A suspected violation of any applicable professional code of conduct may first be reported the Dean of the student's college. In cases involving Sexual Misconduct, Harassment,

and Discrimination a report should be made to the Title IX Coordinator or a Deputy Title IX Coordinator regardless of whether the allegation is believed to be covered or not covered by Title IX.

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

Student Conduct Records and related files are maintained by the Office of Student Affairs and/or Department of Housing and Residence/Commuter Life.

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

## AUTHORITY

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

## CONFLICT OF INTEREST POLICY

If any involved party thinks there is a conflict of interest in filing a report with or having a report reviewed by the Director or designee, the party should inform the Vice President for Student Affairs and Dean of Students of their specific concern. The Vice President for Student Affairs and Dean of Students will consider the matter, determine whether there is a conflict of interest, and may seek to resolve the potential conflict of interest before the process proceeds. If the

conflict cannot be resolved, the Vice President for Student Affairs and Dean of Students will assign another person who does not have a conflict of interest to make determinations in place of the Director.

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

## JURISDICTION

### UNE Students

The jurisdiction of the University of New England to enforce the Code of Student Conduct and take disciplinary action extends to conduct 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, and any off-campus conduct that directly and adversely disrupts the educational environment and/or the mission or objectives of the University. If a student is charged with an off-campus violation of a federal, state, and/ or local law which causes substantial disruption to the educational program on campus, but not with any other violation of this Code, disciplinary action may be taken and sanctions imposed. Information posted or shared on-line, including social media, which violates the University Student Conduct Code and/or creates a potentially hostile learning environment may also be acted upon by the University.

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

### Non-UNE Students

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

## **When Alleged Conduct May Also Be a Violation of The Law**

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

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

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

## **Student Nonparticipation**

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

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

## **Retaliation**

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

# Resolution Process

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

### Receipt and Review of Information

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

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

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

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

### Interim Action Measures

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

- Issuing no contact orders,
- Changing class and/or work schedules,
- Changing residence assignments, or

- Issuing an interim suspension if the Respondent is determined to be a threat to the safety of any person or the community as a whole.

Either student, Complainant or Respondent, may request interim action measures from the Director. The final decision on whether or not such measures will be taken rests with the University. The decision by the Director or designee to take such interim action creates no presumption that the Respondent has engaged in the alleged violation of the Code of Student Conduct.

### **Investigation**

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

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

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

### **Selection of Resolution Process**

After the Director or designee completes their investigation, the Director or designee will decide whether to refer the matter for (1) the Restorative Resolution Process, (2) the Administrative Resolution Process, or (3) the Student Conduct Board Process. The Director is the final decisionmaker regarding whether or not a matter should be referred for the Restorative Resolution Process. Restorative Resolutions is typically an option for minor, first-time violations. The Director may consider mitigating and aggravating circumstances revealed during the investigation in determining which process to follow. In rare circumstances, Restorative Resolutions may be reached without an acceptance of responsibility.

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

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

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

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

### **Restorative Resolution Process**

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

The Director (hereinafter “the Decision Maker”) will propose to the Respondent the outcomes they deem appropriate, either in person or in writing via email. The Respondent may respond with suggestions for alterations to the outcomes. There may be several rounds of correspondence between the Respondent and Decision Maker. Although the Decision Maker



and the Respondent should try to agree on the process and outcomes, the Decision Maker will make the final decision about the process and the outcomes. If the Respondent is not willing to engage in good faith in the process and outcomes as either agreed to by the Respondent or as determined by the Decision Maker, the Decision Maker will refer the matter for resolution through the Administrative Resolution Process or Conduct Board Process. The Decision Maker's determination with respect to the process and outcomes is not appealable.

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

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

### **Administrative Resolution Process**

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

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

Within ten (10) business days of determining whether the Respondent committed any of the alleged violations, the Decision Maker will provide the Respondent a letter outlining (1) their decision, (2) the Code of Student Conduct sections for which the student is found responsible for

violating, (3) a brief rationale; (4) the sanctions imposed, as well as the timelines within which the student is expected to complete the sanction(s), and (5) the student's right to appeal the decision. The Decision Letter will be emailed to the student's UNE email address. In cases resolved in an Administrative Resolution process involving a student Complainant, the Complainant will be informed of the finding rendered in writing via the student's UNE email address.

### **Appeal Process for Administrative Resolution Decisions**

If a Respondent or Complainant (if applicable) disagrees with the Decision Maker's decision, either party may appeal the Decision Maker's decision to the Dean of Students or designee. The appealing party must provide their appeal to the Dean of Students or designee ("the Appeal Officer") within five (5) business days of the receipt of the Decision Maker's written decision. The appeal must be in writing and must clearly set forth the reason for the appeal. The two grounds upon which a student may appeal include:

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

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

- uphold the decision of the Decision Maker,
- send the decision back to the Decision Maker for further consideration based on new evidence or a material procedural error, or
- request the Decision Maker to convene the University Student Conduct Board.

If the matter is sent back to the Decision Maker by the Appeal Officer, the Decision Maker will provide to the parties a written reconsideration decision by the Decision Maker shall be completed within seven (7) business days of receipt of the request for reconsideration and shall be considered final.

### **University Student Conduct Board Process**

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

### **Composition of University Student Conduct Board**

At the start of each academic year, the Dean of each college shall propose the names of five faculty to serve on the student conduct board. The names of the faculty shall be sent to the Assistant Vice President of Human Resources for review and approval before they are appointed. When the Decision Maker requests the Dean of Students or designee to convene the University Student Conduct Board, the Dean of Students or designee will select four (4) faculty members from among the appointed and trained representatives to sit on that panel. At least two of the faculty members must be from the Respondent's College.

The Dean of Students, or designee, (hereafter "Chair") will Chair the University Student Conduct Board and is a voting member. If the undergraduate, graduate, or professional student is in a program with a professional code of conduct, the Dean or the Program Director of the student's College or program or designee shall also sit on the panel as a non-voting member and may address any issues under a Professional Code of Conduct that may applicable to the Respondent.

Within five (5) business days of the members of the Student Conduct Board being confirmed to consider the matter referred to them by the Decision Maker, through the Dean of Students, the Respondent and Complainant (if applicable) will be notified by the Dean of the members who will adjudicate the matter. The Respondent and Complainant (if applicable) will then have two (2) business days to object to any member(s) of the Student Conduct Board on the basis that the member(s) have a conflict of interest with respect to either party or bias toward either party such that the member(s) could not objectively consider the facts and adjudicate the matter fairly and appropriately irrespective of any prior interaction with either party or any other reason for the

claim of a conflict or bias. Within five (5) business days, the Dean will consider the objection, decide whether the member(s) should be excused, replace the excused member(s), and notify the parties of such replacement, allowing the same process.

### **Presentation of Case to University Student Conduct Board**

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

### **Parties' Ability to Present Evidence and Recommend Witnesses**

After the Complainant and the Respondent receive the written notice from the Decision Maker that the University Student Conduct Board shall be convened, within five (5) business days, they may provide the Chair with copies of any documents they would like presented to the University Student Conduct Board and provide a written explanation of why they should be presented. The Decision Maker and the Chair shall have the discretion to determine what, if any, additional documentary evidence shall be presented to the University Student Conduct Board.

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

Five (5) business days prior to any meeting where the Student Conduct Board is to consider the evidence and hear from witnesses, the Complainant and the Respondent shall both be provided with a final witness list and copies of all documents to be presented to the Student Conduct Board.

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

## **Board Meetings**

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

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

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

Advisors are not permitted to speak to the Chair or the Student Conduct Board or to participate directly in any review before the University Student Conduct Board, except that the student conduct advisor may ask a question of the Chair for clarification about process. The purpose of the student conduct advisor is to assist either student through the process and not to act in a manner similar to a legal advocate. Either student may pause to confer with their student conduct advisor and any student conduct advisor may suggest to the student that there is a need for conferring. Except when the student is being questioned by the Chair or other members of the Student Conduct Board, the student and the student conduct advisor may pass notes to each other or otherwise confer with each other through appropriate technology. At no time may a student conduct advisor provide answers to a student or otherwise coach a student who is being questioned by the Chair or any member of the Student Conduct Board.

Any student conduct advisor who attempts to coach a student or disrupts the hearing process in any way or who attempts to participate improperly may be removed from the hearing. In

addition, the University may, in its discretion, but is not required to postpone a hearing because a student conduct advisor cannot attend or is removed, if the University has provided at least five (5) business days' notice of the hearing date and time.

### **Board Decision**

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

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

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

### **Appeal Process for Conduct Board Decisions**

The decision of the University Student Conduct Board may be appealed by either party to the Provost of the University or designee (hereafter "Appeal Officer"). The appeal must be in writing and it must be filed in the Provost's Office within five (5) business days of the date upon which the parties received the University Student Conduct Board's written decision. The appeal must be:

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

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

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

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

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

## POTENTIAL DISCIPLINARY SANCTIONS AND RESTORATIVE OUTCOMES

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

### **Disciplinary Dismissal**

Permanent separation of the student from the University.

### **Time-Limited Disciplinary Suspension**

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

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

### **Deferred Disciplinary Suspension**

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

### **Referral**

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

### **Loss of Privileges**

Denial of specified privileges for a designated period of time.

### **Discretionary Sanctions**

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

### **Restitution**

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

### **Fines**

A charge levied against an individual or group.

### **Disciplinary Reprimand**

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

### **Letter to Parent(s) or Guardian**

Primarily used when a student is in violation of the University's Alcoholic Beverages and/or Narcotics or Drug Policies.

### **Deactivation of Student Organizations**

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

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

### **Referral Meetings**

A University official may request a meeting with a student in order to discuss a referral made to the Office for Student Resolutions or other department when the referral may not be deemed a violation of the Code of Student Conduct, but when the Director of the Office for Student Resolutions or designee determines the referral warrants a discussion. The purpose of the discussion is to clarify concerns of the involved parties, to offer assistance to all involved parties, and to explain to the reported student(s) that repeated referrals may warrant opening an investigation in the future and may impact the severity of sanctions imposed for later violations that are determined to have occurred after referral meetings with the reported student(s).

### **Policy Clarification**

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

# Section E: Grievance Policy

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## NONDISCRIMINATION GRIEVANCE POLICY FOR STUDENTS

August 1, 2024. Policy in Development as of the date of Publication of this Document. For most current information regarding the University's Non-Discrimination Policies, please go to <https://www.une.edu/title-ix>

### Policy Statement

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, sex, sexual orientation, gender identity and/or expression, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran.

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

# Section F: Title IX Grievance Policy

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## TITLE IX GRIEVANCE POLICY FOR STUDENTS

Addressing Complaints of Sex Discrimination and Sex-Based Harassment (AUGUST 1, 2024. Go to <https://www.une.edu/title-ix> for the most current version of this policy)

In compliance with Federal regulations, this policy will be updated on August 1, 2024 to reflect the new changes to Title IX that go into effect on this date. For the most current and accurate

policy at any time, please go to <https://www.une.edu/title-ix-civil-rights-compliance>. The University of New England Community will receive communications and information regarding these changes through multiple tools over the next several months.

## INTRODUCTION

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 when a student is a party.

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, sex, sexual orientation, gender identity and/or expression, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran.

This Policy specifically prohibits any and all forms of sex discrimination or sex-based 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, sex-based 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.

### **Effective Date**

This Policy will become effective on August 1, 2024, and will only apply to formal complaints of sex discrimination and sex-based harassment brought on or after August 1, 2024. Complaints brought prior to August 1, 2024 or complaints regarding conduct alleged to have occurred prior to August 1, 2024 will be investigated and adjudicated according to the University's former "Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy or Title IX Grievance Policy" or other appropriate policies.

### **Revocation by Operation of Law**

Should any portion of the Title IX Final Rule, 89 CFR 33474 (April 29, 2024), 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.

### **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.

# The Title IX Grievance Policy

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## GENERAL RULES OF APPLICATION

### Effective Date

This Title IX Grievance Policy will become 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 University's Nondiscrimination, Anti-Harassment, Sexual Misconduct Policy.

### 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 Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy.

## 1. 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 Title IX of the Education Amendments of 1972 and its regulations as well as other applicable state and federal laws. This Policy applies to allegedly aggrieved students who have gained admission to UNE at the time of the alleged sex 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, harassment, or sexual misconduct 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.

#### **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, and which violates the University Student Conduct Code and/or creates a potentially hostile learning environment. In addition, any off-campus conduct that contributes to the alleged sex discrimination or sex-based 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 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, harassment, or sexual misconduct. However, raising issues of academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or this Policy.

## 2. 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 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:

Angela Shambarger Title IX Coordinator	207-221-4554	<a href="mailto:ashambarger@une.edu">ashambarger@une.edu</a>	11 Hills Beach Road, Biddeford, ME 04005)
Bobbie Kallner Associate Vice President of Human	207-602-2339	<a href="mailto:bkallner@une.edu">bkallner@une.edu</a>	11 Hills Beach Road, Biddeford, ME 04005)



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

### 3. DEFINITIONS

#### a. Sex Discrimination

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

#### b. Sex-Based Harassment

Sex-based 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 sex-based 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 sex-based harassment in UNE's education program or activity.

### 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 Title IX regulations, 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 Title IX regulations, 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 Title IX regulations, 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. Sexual Harassment**

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 sex-based 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.

#### **j. 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.

- Consent given at the start of sexual activity may not be understood to apply to each individual sexual act during the encounter.
- Each party must clearly consent to each act during the sexual encounter.
- Consent may not be inferred from 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 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.

#### **k. 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, and blackmail. 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.

Examples of coercion include threatening to "out" someone based on sexual orientation, gender identity, or gender expression and threatening to harm oneself if the other party does not engage in the sexual activity.

#### **l. 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.

#### **m. 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 sex-based harassment, and could result in disciplinary actions even if the relationship itself was not the product of sex discrimination or sex-based harassment. The complete policy is contained in the UNE Personnel Handbook, Section 12.2, <https://www.une.edu/pdfs/une-personnel-handbook>

#### n. **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 sex-based 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 sex-based 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 sex-based 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 sex-based 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 sex-based 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 sex-based 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 sex-based harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination or sex-based 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 sex-based 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 sex-based harassment occurred.



- **Respondent** means a person who is alleged to have violated the University's prohibition on sex discrimination or sex-based 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 a person who has gained Admission.

## 4. 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 Sex-Based Harassment (whether or not the person reporting is the person alleged to be the victim of the conduct that may constitute sex discrimination or Sex-Based 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 <i>Title IX Coordinator; Senior Director, Office of Title IX and Civil Rights Compliance</i>			
<a href="mailto:ashambarger@une.edu">ashambarger@une.edu</a>	207-221-4554	Mailing Address: 11 Hills Beach Road Biddeford, ME 04005	Office Locations:  Biddeford Campus: HR Building

			Portland Campus: McDougall Hall 102
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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	<a href="mailto:hpatterson@une.edu">hpatterson@une.edu</a>
Ray Handy	Associate Dean of Student Affairs	207-221-4213	<a href="mailto:rhandy@une.edu">rhandy@une.edu</a>
Shane Long	Assistant Dean of Students	207-602-2372	<a href="mailto:slong11@une.edu">slong11@une.edu</a>
Heather Davis	Director of Athletics	207-602-2629	<a href="mailto:hdavis@une.edu">hdavis@une.edu</a>
Janna Merritt	Assistant Director of Human Resources	207-602-2281	<a href="mailto:jmerritt2@une.edu">jmerritt2@une.edu</a>
Shaylah Kelly	Senior Employee Relations and Talent Development Manager	207-602-2524	<a href="mailto:skelly14@une.edu">skelly14@une.edu</a>

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.

Anne Barton	Counselor and Confidential Resource Advisor	207-602-2549	<a href="mailto:abarton4@une.edu">abarton4@une.edu</a> .
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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

## 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 sex-based harassment; or

- Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex-based harassment to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination or sex-based 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 sex-based 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 sex-based 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 sex-based 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 sex-based harassment under Title IX or this policy that was provided by a person during a public event to raise awareness about sex-based 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 sex-based harassment, including by providing tailored training to address alleged sex-based 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 sex-based 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.

## **5. 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 at least some of the reported conduct alleges sex discrimination, including sex-based harassment, and does not involve a student as a party but involves at least one employee, the process outlined in the **UNE PERSONNEL HANDBOOK** will be used for employees linked here: <https://www.une.edu/hr/policies>.
- When a reported behavior involves a student and is subject to both this Policy and other University policies, which include both Title IX and non-Title IX issues 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.

## 6. REPORTING SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT, TO THE INSTITUTION

Anyone who experiences or is aware of what they believe constitutes sex discrimination or sex-based 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.

### a. Amnesty Involving Alcohol or the Use of Controlled Substances

The University of New England encourages reporting of sex discrimination and sex-based 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 sex-based 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>.

#### **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 Title IX Coordinator at any point before or during the Title IX Grievance Procedure 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.

#### **c. 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 sex-based 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.

#### **d. 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.

#### **e. 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.

The University will make available reasonable and appropriate supportive measures, which 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.

More restrictive supportive measures are typically only available if there is an articulable factual foundation that would support taking such a measure and is interim in nature while the investigation is pending unless voluntarily agreed to by the restricted party. 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;
- 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 sex-based 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.
- Emergency removal of a Student Respondent
- Paid or unpaid administrative leave for the Employee Respondent;
- Withdrawal from sponsored research projects;
- Exclusion from all or part of campus housing;
- Exclusion from specified activities or areas of campus;
- Prohibition from participating in student activities or representing the University in any capacity, such as playing on an official team; serving in student government; participating in a recognized student organization; or participating in academic honor ceremonies;
- Interim suspension; or

- Any other protective restrictive measure that 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.

### *Challenges to Supportive Measures*

Within ten (10) business days of being notified of any supportive measures implemented, either a Complainant or a Respondent may seek modification or reversal UNE's decision to provide, deny, modify, or terminate supportive measures applicable to them. Students may seek such modification or reversal by appealing to the Vice-President of Student Affairs/Dean of Students. Employees may seek such modification or reversal by appealing to the Associate Vice-President of Human Affairs/Chief Human Resources Officer. In either case, as applicable, the Vice-President of Student Affairs/Dean of Students or the Associate Vice-President of Human Affairs/Chief Human Resources will have the authority to modify or reverse the initial decision if they determine that the initial decision to provide, deny, modify, or terminate the supportive measure was inconsistent with the definition and purpose of supportive measures as set forth above.

Parties are only allowed to challenge their own individual Supportive Measures. Challenges by one Party will not be heard to Supportive Measures afforded to the opposite Party, unless that supportive measure directly impacts the Party making such challenge (i.e., two-way no contact orders).

### *Process for Review of Supportive Measures*

The Vice-President of Student Affairs/Dean of Students or the Associate Vice-President of Human Affairs/Chief Human Resources of the University, as applicable, will have the authority to modify or reverse the decision they determine that the decision to provide, deny, modify or terminate the supportive measure was inconsistent with definition and purpose of providing Supportive Measures as set forth above. The Vice-President of Student Affairs/Dean of Students or the Associate Vice-President of Human Affairs/Chief Human Resources of the University, as applicable, will make and communicate their decision within seven (7) business days of receipt of the challenge to the initial decision on the provision of Supportive Measures.

Grounds for challenge of Supportive Measures include, but are not limited to:

- Whether a Supportive Measure is reasonably burdensome;
- Whether a Supportive Measure is reasonably available;

- Whether a Supportive Measure is being imposed for punitive or disciplinary reasons;
- Whether the Supportive Measure is being imposed without fee or charge; and
- Whether the Supportive Measure is effective in meeting the purposes for which it is intended, including to restore or preserve access to the Education Program or Activity, provide safety, or provide support during the Grievance Procedure.

#### **f. False Claims**

It is a violation of this Policy to knowingly make false statements or to knowingly submit false information during the grievance procedure deliberate false statements or knowingly submit false information in the investigation or grievance proceedings of conduct covered under this Policy and the Title IX Grievance Process. In such instances, the parties may be subject to disciplinary action, which may be determined by the body adjudicating the underlying 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.

#### **g. 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 sex-based 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.

#### **h. 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.

#### **i. Applicable Procedures Under this Policy**

In response to a report of sex discrimination, sex-based harassment, sexual misconduct under this Policy, including conduct covered by Title IX, 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.
- For Conduct Covered by this Policy not involving students but involving employees or any other person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex-based harassment under this Policy and who was participating or attempting to participate UNE's education program or activity at the time of the alleged sex-based harassment. Please see the process in the Personnel Handbook (Appendix J <https://www.une.edu/hr/policies>)

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.

## 7. TITLE IX GRIEVANCE PROCEDURE FOR ALLEGATIONS OF SEX DISCRIMINATION, INCLUDING SEX-BASED HARASSMENT, INVOLVING A STUDENT AS A PARTY

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

### a. Filing a Complaint

#### *Who can make a Complaint?*

The following persons have a right to make a complaint of sex discrimination, including complaints of sex-based 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 sex-based 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 sex-based 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 sex-based 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 sex-based 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 Sex-Based 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 sex-based 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 sex-based 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 sex-based harassment would occur if a Complaint were not initiated;
- The severity of the alleged sex discrimination or sex-based harassment, including whether the sex discrimination or sex-based harassment, if established, would require the

removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex discrimination or sex-based 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 sex-based harassment, including information suggesting a pattern, ongoing sex discrimination or sex-based harassment alleged to have impacted multiple individuals;
- The availability of evidence to assist a decisionmaker in determining whether sex discrimination or sex-based harassment occurred; and
- Whether the University could end the alleged sex discrimination or sex-based 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 sex-based harassment at the institution.

#### **b. Multi-Party Situation**

The University may consolidate Complaints alleging sex discrimination or sex-based 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 sex-based 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.

### **c. 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 sex-based 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 sex-based harassment under Title IX or this part.

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 sex-based harassment does not continue or recur within UNE's education program or activity.

#### **d. Allegations Potentially Falling Under Two Policies**

If the alleged conduct, if true, includes conduct that would constitute covered sex discrimination or sex-based harassment and conduct that would not constitute covered conduct under this Policy, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

#### **e. 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.

#### **f. 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 sex-based harassment until a determination is made at the conclusion of UNE's grievance procedures for complaints of sex discrimination, including sex-based 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 sex-based 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 sex-based 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 sex-based 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 Grievance Process, which may be granted or denied for good cause shown in the sole judgment of the Title IX Coordinator, the Associate Vice President of Human Resources & Chief Human Resources Officer, the Title IX Investigator, or 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 Associate 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.

#### 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.

#### 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 IX 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 sex-based 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.

#### **g. 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 sex-based 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 sex-based 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 sex-based harassment occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that sex discrimination or sex-based 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.

### *Standard of Proof*

UNE uses the preponderance of the evidence standard of proof to determine whether or not sex discrimination or sex-based 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 sex-based 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 sex-based harassment; and

- The procedures for the complainant and respondent to appeal.

Once the Panel has reached its decision, the Director of the Office for Student Resolution shall report the decision of the Panel to the Title IX Coordinator who shall inform the Complainant and the Respondent of the decision in writing.

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.

## 8. APPEALS

For appeals resulting from dismissal of a Complaint, please see the section on Dismissal of Complaints.

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal to the Vice President of Student Affairs, Associate Vice President of Human Resources, or 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 sex-based 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.

## 9. INFORMAL RESOLUTION

At any time prior to determining whether sex-discrimination, including sex-based 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 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 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 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 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:

- 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.

## 10. RESOURCES FOR REPORTING AND RESPONDING PARTIES

In the event that a student experiences sexual misconduct in any form, they should treat it seriously and tell someone. There are long-term effects, even if the immediate effects may not appear obvious. Help is important. Which service one starts with is not important. Each service is designed to address the specific concerns of a situation. These resources are not isolated but cooperate to provide a web of support for the student who has experienced discrimination, harassment, or sexual misconduct. After the first contact, there is help in deciding who else might be of assistance.

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

### a. 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:
<b>Phone:</b> 207-602-2549 <b>Email:</b> <a href="mailto:bcstudentcounseling@une.edu">bcstudentcounseling@une.edu</a> Petts Health Center	<b>Phone:</b> 207-221-4550 <b>Email:</b> <a href="mailto:pcstudentcounseling@une.edu">pcstudentcounseling@une.edu</a> 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: <a href="http://www.une.edu/studentlife/counseling">http://www.une.edu/studentlife/counseling</a>	

### [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:
<b>Phone:</b> 207-602-2358 Lower Level Petts Health Center	<b>Phone:</b> 207-221-4242 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:
The designated UNE Employee who serves as a confidential resource advisor is: <a href="#">Anne Barton, MA, LCPC</a> Phone: 207-602-2549 Email: <a href="mailto:abarton4@une.edu">abarton4@une.edu</a> .

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

**Deputy Title IX Coordinators:**

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

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

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.

<b>Biddeford Campus:</b>
<b>Office Phone:</b> 207-602-2272
<b>Area Coordinator Duty Phone:</b> 207-468-2389
<b>Email:</b> <a href="mailto:housing-office@une.edu">housing-office@une.edu</a>
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.

<b>Biddeford Campus:</b>	<b>Portland Campus:</b>
<b>Phone:</b> 207-602-2826	<b>Phone:</b> 207-221-4212
Ripich Commons	02 Proctor Hall
<b>Online:</b> <a href="http://www.une.edu/ise">http://www.une.edu/ise</a>	

### [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.

<b>Biddeford Campus:</b>	<b>Portland Campus:</b>
<b>Phone:</b> 207-602-2815	<b>Phone:</b> 207-221-4212
<b>Email:</b> <a href="mailto:bcstudentaccess@une.edu">bcstudentaccess@une.edu</a>	<b>Email:</b> <a href="mailto:pcstudentaccess@une.edu">pcstudentaccess@une.edu</a>
Student Access Center Building	Linnell Hall, First Floor

## **c. 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>.

<b>Biddeford Police Department</b>	<b>Portland Police Department</b>
39 Alfred Street Biddeford, ME 04005 Emergency: 911 Non-Emergency Phone: 207-282-5127 Website: <a href="https://www.biddefordmaine.org/2198/Police">https://www.biddefordmaine.org/2198/Police</a>	109 Middle Street Portland, ME 04101 Emergency: 911 Non-Emergency: 207-874-8497 Website: <a href="https://www.portlandmaine.gov/436/Police">https://www.portlandmaine.gov/436/Police</a>
<b>Saco Police Department</b>	<b>Tangier Morocco Emergency Numbers</b>
20 Storer Street Saco, ME 04072 Non-Emergency Dispatch: (207) 284-4535 Police Administration: (207)-282-8214 Website: <a href="https://www.sacomaine.org/departments/police_department/index.php">https://www.sacomaine.org/departments/police_department/index.php</a>	Campus Address: Rue Abi Chouaib Doukkali University of New England Tangier 90000, Morocco  Director of UNE Tangier: Ms. Douaa Ben Imran Phone: 212 636 93 62 77 Email: <a href="mailto:dimran@une.edu">dimran@une.edu</a>

	Police: 19 Fire/Ambulance: 115  US Embassy American Citizen Services: 05376-37200 US Consulate for Emergencies: 05226-42000
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### *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](tel:1-800-871-7741) to ask for an advocate to meet you or ask the hospital to call for you. There is no cost associated with requesting an advocate.

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

### *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
<b>Call/Text:</b> 1-888-568-1112 <b>Chat:</b> <a href="https://heretohelpmaine.com/resources/">https://heretohelpmaine.com/resources/</a>

*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
<b>Text:</b> Text "TALK" to 74174 <b>Chat:</b> <a href="https://www.crisistextline.org/text-us/">https://www.crisistextline.org/text-us/</a> <b>WhatsApp:</b> <a href="https://www.crisistextline.org/text-us/">https://www.crisistextline.org/text-us/</a>

*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
<b>Call/Text:</b> 988 <b>Chat:</b> 988lifeline.org

**d. 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 <b>Website:</b> <a href="https://www.sarssm.org/">https://www.sarssm.org/</a>



### [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
<b>Website:</b> <a href="https://www.mecasa.org/">https://www.mecasa.org/</a>

### [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
<b>24/7 Hotline:</b> 1-800-239-7298
<b>Chat Online:</b> <a href="https://www.caring-unlimited.org/helpline">https://www.caring-unlimited.org/helpline</a> (Mondays 1:00PM-5PM)
<b>Website:</b> <a href="https://www.caring-unlimited.org/">https://www.caring-unlimited.org/</a>

### [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
<b>Call:</b> 1-800-537-6066, or 207-874-1973
<b>Website:</b> <a href="https://www.throughtheseddoors.org/">https://www.throughtheseddoors.org/</a>

### [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, Biddeford, ME 04005 <b>Phone:</b> 207-282-6620	443 Congress Street, Portland, ME 04101, <b>Phone:</b> 1-800-230-7526, or 207-221-4242

<b>Website:</b> <a href="https://www.plannedparenthood.org/planned-parenthood-northern-new-england">https://www.plannedparenthood.org/planned-parenthood-northern-new-england</a>
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### [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

<b>RAINN</b>
<b>Call:</b> 800-656-4673 <b>Chat:</b> <a href="https://online.rainn.org">online.rainn.org</a> <b>Website:</b> <a href="https://www.rainn.org/">https://www.rainn.org/</a>

### [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.

<b>National Sexual Violence Resource Center:</b>
<b>Website:</b> <a href="https://www.nsvrc.org/">https://www.nsvrc.org/</a>

### [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.

<b>Stalking Prevention, Awareness, Resource Center:</b>
<b>Website:</b> <a href="https://www.stalkingawareness.org/">https://www.stalkingawareness.org/</a>

### **e. 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 Care 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>

**f. [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](https://www.maine.gov/ag/crime/victims_compensation/index.shtml)

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

## Section H: Academic Misconduct Policies, Procedures, and Progression Appeals for Students

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*Adopted by University Council September 30, 2010*

### ACADEMIC MISCONDUCT POLICIES

The University of New England values academic integrity in all aspects of the educational experience. Academic misconduct in any form undermines this standard and devalues the original contributions of others. It is the responsibility of all members of the university community to actively uphold the integrity of the university; failure to act, for any reason, is not acceptable.

## ACADEMIC MISCONDUCT PROCEDURES

Charges of academic misconduct, as defined in Part 1. Section C of Student Conduct in this Handbook, that may result in a minimum of a failing grade on the assignment and a maximum up to two-week suspension will be reviewed by the Dean or their designee of the appropriate College for investigation and sanction in accordance with University code of student conduct. Charges of academic misconduct, that may result in suspension (Probation, Jeopardy) or dismissal from a university program/college or the University of New England must be reported to the Office of Student Resolutions and will be reviewed by either the Director of Student Resolutions, their designee or a Conduct Board. All incidents are reported to the Director of Student Resolution for the purpose of tracking violations. Programs and/or colleges may have their own procedure for academic misconduct cases that do not exceed two-week suspension.

## ACADEMIC PROGRESSION APPEALS

### **Academic Progression Appeals will proceed as follows:**

- Appeals regarding decisions on Academic Progression will be submitted to the student's Academic Dean or designee and may require the submission of an Academic Petition <http://www.une.edu/registrar/registration/registration-forms>.
- A decision regarding academic progression reached by the individual faculty member, department chair or other designated academic administrator, hereafter referred to as the academic review officer, or a decision imposed by an academic review committee may be appealed by the accused student(s) or Complainant(s) to the appropriate academic Dean within seven (7) business days of the decision.
- Such appeals shall be in writing and shall be delivered to the appropriate Dean and must be based on;
  - new evidence that could not have been presented to the academic review officer or committee at the time of the original decision, or
  - procedural errors in the original review process that had a substantial impact on or otherwise prejudiced the original determination. Students may also appeal a decision denying readmission to the University.
- Failure to file a written request for an appeal within the allotted time will render the original decision final and conclusive.
- Appeals will only be accepted by the Academic Dean's office if the student has exhausted all required procedural options at the instructor, departmental or other appropriate level(s).

- The appropriate Dean will make a determination whether grounds are present in the petition to warrant a review.
- This decision is generally based on the merit(s) of the cause outlined in the petition, and/or the weight of the consequences on the student and the University.
- The appeal is not intended to afford a full rehearing of the case but to serve as a method of reviewing the written content and grounds for appeal submitted by the student.
- The appropriate Dean will inform the student in writing of the decision within fifteen (15) business days of the receipt of the appeal.
- If it is deemed by the appropriate Dean that an appeal is warranted, the following procedures will be followed:
  - When possible, appeals will be heard by the appropriate Dean. This will generally be true for decisions made on an academic departmental level. The Dean will request from appropriate parties any information which will assist in the review.
  - The student will be afforded the opportunity to meet with the Dean if s/he requests, in writing, a personal meeting.
  - The Dean will inform the student of the decision within fifteen (15) working days of the final date of the review process. The decision of the Dean is final.
- If the Dean was the original decision maker, the appeal will be referred to the provost or designee.
- If the Dean or Provost deems that the appeal would be better addressed by a committee, an appropriate appeal committee will be convened and a review will be conducted.

Composition of the Appeal Review Committee will be as follows:

- Four (4) faculty members from the student's college.
- A faculty member from the accused student's program will serve in an ad hoc capacity, will sit in on the review but not on the deliberation.
- A member of the Student Affairs staff who has not served in an advisory capacity to the student in this matter, except in cases involving programs out of the United States when no member of the Student Affairs staff is available.
- Persons may not serve on an Appeal Review Committee unless they can be available for the entire review process.
- A person may not serve as a member of the Appeal Review Committee if s/he is the Complainant, is to be a person providing information for or against the accused student or has been involved in any capacity in events leading to the appeal. Should a conflict of interest be perceived by any party involved, the Appeal Review Committee will decide whether any member will be replaced. The Dean will appoint a new member at the recommendation of the Committee.

## APPEAL REVIEW COMMITTEE PROTOCOLS

### **Academic Progress Review Protocols will include the following:**

- In advance of the review, the Dean will supply each member with copies of the written appeal plus relevant documentation, material requested by members of the Committee, and the names of individuals who will be appearing before the Committee. The Dean will also forward copies to the student.
- The Dean will notify the student, in writing, of the time and place of the Review.
- The student has the option of being present throughout the proceedings.
- The student may have an Advisor present from the University community, but not legal counsel or family/parent(s)/ guardian(s). Neither the student nor Advisor may be present for Committee deliberations.
- All meetings will be conducted in private.
- The Committee will focus on information relevant to the appeal and not review the original case.
- All information upon which a decision will be based must be introduced into evidence at the proceedings before the Committee; the decision will be based solely upon such information.
- It may call persons providing information of its own and/or hear from persons providing information provided by the student and by other principals involved.
- The Chair may limit the number of persons providing information to be heard, and may require statements in advance. Individuals, however, cannot be compelled to testify.
- The Committee may also require the Dean to produce University, student, or other records as permitted by law.
- Unless deadlines have been extended by the Dean, the final findings and recommendations of the Committee will be forwarded to the Dean no later than thirty (30) business days subsequent to the Committee's first meeting. The report will consist of a summary of the reviews, evidence presented, and recommendations of the Committee.
- The Dean will make a decision and report it to all parties involved within ten (10) working days of receipt of the Committee's findings and recommendations. The decision of the Dean will be final.

- If an appeal is upheld by the Appeal Review Committee, the matter may be remanded to the original academic review officer or committee for re-opening of the review and reconsideration of the original finding and/or sanction(s). A new academic review officer may be assigned as determined appropriate by the Dean.
- In cases involving appeals by persons other than students accused of violating the University Conduct Code, the Dean may, upon review of the case, reduce or increase the sanctions imposed by the academic review officer or remand the case to the original academic review officer or committee.

## Section I: Additional Administrative Policies/Procedures

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### ACADEMIC CATALOGS

Academic policies and procedures are generally specific to the college in which a student is enrolled. Complete information regarding academic policies can be found online at [Registrar Catalog](#).



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## **Part II:**

# **Community Guidance**

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# Section A: Alcohol, Marijuana, Other Drug, and Smoking/Tobacco Use Guidance

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## Overview

The University of New England has adopted a public health philosophy regarding alcohol, marijuana, and other drugs. Policies, guidelines, student conduct resolution options, and systems of assistance have been framed to support that philosophy. UNE seeks to create a campus environment that promotes healthy, responsible living; affirms civility; and is consistent with federal and state law and institutional regulations governing behavior. The University provides clear statements of expectations to members of the community. The University is also committed to assisting those individuals exhibiting behaviors reflecting misuse or abuse of alcohol and other drugs through the availability of assessment and referral mechanisms. At the same time, it should be understood that being under the influence of drugs or alcohol will not be accepted as an excuse for violations of the *Code of Student Conduct*. For purposes of this policy, a student who is 21 years of age or older is considered “of age” and students under the age of 21 years is considered “underage.”

The University of New England does not permit or condone the illicit or unauthorized possession (including empty alcohol containers), use, manufacturing, consumption, sale, or distribution of illicit drugs and/or alcohol by students or employees on university-owned or controlled property or as part of any University sponsored activity. Students are personally responsible for adhering to federal, state, and local laws and University policy. The University respects students' privacy and autonomy and assumes that they will behave legally and responsibly. In keeping with the University's commitment to public health as related to alcohol, marijuana, and other drug use/abuse, when violations of law and/or policy come to the attention of university officials, appropriate disciplinary measures will be taken, up to and including suspension or dismissal, and may include notification of parent or guardian. Such disciplinary measures may include any of the sanctions or outcomes as defined in this Handbook. In addition, these persons may become involved with law enforcement authorities. All controlled substances and paraphernalia found or taken by university officials in their official capacity may be turned over to the police department of jurisdiction. University Safety and Security Reports describing how the University came into

possession of the materials may also be provided to the police department of jurisdiction. These reports may be the basis of a summons to court or arrest of the student.

Any faculty, staff member, or student employee engaged in activities supported by a federal grant or contract must report any criminal conviction or Office for Student Resolution disciplinary sanction related to possession or use of a controlled substance in the workplace, to the Office of Human Resources of the University of New England within five (5) calendar days of conviction and/or sanction. The term "conviction" means a finding of guilt (including a plea of nolo contendere) to determine violations of federal or state criminal drug statutes. The term "disciplinary sanction," as defined in Part I. Section B., "The sanction that determines a student's standing with the University. A disciplinary sanction is assigned after a student has been found responsible for a violation(s) of the Code of Student Conduct. Potential disciplinary sanctions are Reprimand, Disciplinary Probation, Deferred Disciplinary Suspension, Time-Limited Disciplinary Suspension, or Dismissal." The University is obligated to notify the appropriate federal contracting agency within ten (10) days of receipt of notice of an employee's conviction.

### **University of New England Alcohol Guidance**

All University alcohol regulations are applicable to all University Students and their visitors. Intoxication will not be accepted as a defense or an excuse for not abiding by federal, state, or local laws and University regulations or guidelines.

### **University of New England Marijuana Guidance**

Even though the recreational use and possession of up to 2.5 ounces of marijuana (also known as cannabis) is legal in the State of Maine, students must be aware that the use and possession of marijuana is still prohibited by University of New England policy and federal law. Other analogs, derivatives, and products of marijuana are also prohibited.

- Even though the recreational use and possession of up to 2.5 ounces of marijuana (also known as cannabis) is legal in the State of Maine, students must be aware that the use and possession and use of marijuana is prohibited by University of New England policy and federal law.
- The possession and use of what is commonly referred to as "medical marijuana" is also prohibited since no institution receiving Federal funding can allow any use of marijuana. Thus, the University prohibits the possession and use of marijuana even for those students who are registered users under the care of a physician.
- UNE, like all institutions of higher education, is subject to the Drug-Free Schools and Community Act and the Drug-Free Workplace Act. These laws state that in order to

receive any federal funding (work-study, financial aid, and federal research grants), the University must prohibit all illegal drugs, and marijuana is still illegal under federal law.

- Another consideration for many students is that clinical health care sites also receive federal funding and thus have policies that also prohibit the use of marijuana by providers. These policies will also apply to students during their clinical experiences at these sites.

### **University of New England Controlled Substance/Illegal/Other Drug Guidance**

- Being under the influence of any illegal drug will not be accepted as a defense or an excuse for not abiding by federal, state, or local laws and the University Student Conduct Code, Policies, or guidelines.
- Displays that contain content regarding drugs may not be placed in areas of public view, such as room windows facing out and room door exteriors. This includes but is not limited to neon signs, posters, and empty container displays. All decisions about public view compliance rest with the Housing and Residence/Commuter Life Professional Staff or designee.
- All drugs are subject to side effects, some of which may be immediately life threatening. Many prescription drugs, when combined with alcohol or other substances, may lead to harmful or fatal effects. Prescription drugs are dispensed within stringent guidelines for treatment, prevention, and monitoring of an individual's specific condition. Attention to possible side effects is part of the educational and healing process. Prescription drugs are not to be shared even with those known to be on a similar prescription. Ramifications can be detrimental, as they may alter conditions leading to improper testing and/or treatment and could therefore be life-threatening.
- Students may not possess on campus any substance, such as bath salts, Salvia, or K-Spice, which although not designed or sold for human consumption is often misused in this manner.

### **University of New England's Relationship to a Student**

In regard to alcohol, marijuana, and other drug use, the University realizes that students are adults who are ultimately responsible for their own behavior. Failure to comply with the University's Alcoholic Beverages and/or Narcotics or Other Drugs Policies will result in appropriate actions and/or disciplinary sanctions/outcomes, including potential reporting to appropriate law enforcement authorities.

Consumption of alcohol or other controlled substances can create circumstances where an individual may need medical or other assistance. Whenever possible, the University will respond educationally rather than punitively to the illegal use of drugs and/or alcohol by a student who becomes in need of emergency assistance or a student seeking assistance for a peer.

### **Responsible Action Clause**

The primary concern of the University of New England with respect to alcohol, marijuana, and other drugs is to ensure the safety and well-being of our students. The University is committed to providing guidance to students who choose to consume alcohol so that students can learn to develop a responsible approach to their own use. This includes how to do so in moderation and how to comply with local, state, and federal laws governing alcohol. UNE expects students to abide by laws and University policies regarding alcohol as well as marijuana, other drug possession and consumption.

For those students who choose to consume alcohol in accordance with university policy and who choose to violate University policy by using marijuana or other drugs, UNE assumes that they do so in moderation and thereby minimize the incidence of alcohol, marijuana, or other drug related injuries, alcohol poisoning, or drug overdose. The University, however, acknowledges there may be times when students may face medical emergencies involving excessive drinking, marijuana, or drug use. In these situations, students are expected to call for assistance (e.g., Resident Advisor, Campus Safety, 911) when concerned for their own health or welfare, or that of another student.

In order to encourage students to seek prompt and appropriate attention for any emergencies where alcohol, marijuana, or any other drugs are involved, the University has instituted a “Responsible Action Clause” to the Alcoholic Beverages and Narcotics or Other Drugs Policies [Responsible Action Clause]. UNE’s Responsible Action Clause is applicable to the student requesting medical assistance for oneself, the student seeking medical assistance for another person, and the student for whom medical assistance was sought.

The University values and promotes responsible decision making. Upon receipt of a report that a student was acting responsibly to seek medical attention for themselves or another person, the Director for Student Resolutions or the Office of Residential/Commuter Life will reach out to the students involved, which may include the student(s) who sought medical assistance to process the incident. Students contacted are expected to cooperate with any instructions provided in the Office for Student Resolution process.

When the Responsible Action Clause is applied to an incident, there will not be a formal hearing, however students may be part of the University's investigation into and/or resolution of the incident.

Students involved in the incident may be required to participate in educational outcomes designed to help prevent future risks regarding their alcohol, marijuana, or drug use.

When processing an incident where the Responsible Action Clause may be used, the Director for Student Resolutions or the Office of Residential/Commuter Life may not report the incident to a student's parents or guardians.

To the extent permitted by law and University policy, the University may inform a student's emergency contact of a student's transport to a hospital or medical facility for the reported misuse of alcohol, marijuana, or other drugs. The University's response to these incidents is independent of any action taken by local law enforcement.

A record of the incident and use of the Responsible Action Clause will remain on file. Please note that this policy does not excuse or protect those who repeatedly or flagrantly violate the Alcoholic Beverages and/or Narcotics or Other Drugs Policies. If the Responsible Action Clause has been applied to a student for a prior incident, the availability of the Responsible Action Clause for a subsequent incident is at the discretion of the Director for Student Resolutions or a designee. The Responsible Action Clause for alcohol, marijuana, or other drug violations, however, will not be given to students whose conduct placed the health or safety of any other person at risk.

### **Responsible Action and Reporting Sexual Misconduct**

The University of New England encourages reporting of sexual misconduct and seeks to remove any barriers to reporting an incident of sexual misconduct ("an incident"). The University recognizes that a student who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential disciplinary consequences for their own conduct. Thus, a student who reports sexual misconduct, either as a Complainant or as a witness, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. Alcohol and/or drug use may affect the memory of involved parties and may affect the outcome of the complaint (For complete University policy, see Part I. Section E: Sexual Misconduct

Procedures for Students, Part II. Section B: Nondiscrimination, Anti-Harassment, and Sexual Misconduct).

### **Smoking/Tobacco Use on Campus**

Smoke and tobacco use in the workplace has become an important public health issue as evidenced by the many local and national initiatives plus the implementation of new policies by many colleges and universities. There is considerable evidence that smoke is harmful not only to smokers but also nonsmokers. The University of New England, as an Innovative Health Sciences University grounded in the Liberal Arts, strives to provide a healthy learning and work environment. Every student, employee, contractor/vendor, and visitor should be able to breathe clean air plus 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.

## **Section B: Study Abroad and the Code of Student Conduct**

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The following section of the handbook is in reference to the University's Study Abroad site in Morocco and any other site where a UNE student may be studying through a third-party program.

### **Study Abroad**

- Students on University of New England semester abroad or faculty-led programs are still considered to be University of New England students and are subject to the University of New England Code of Student Conduct.
- Students will also be subject to the Code(s) of Conduct for any third-party provider or host university.
- Students are expected to participate fully and be engaged in the academic and cultural experience.
- Any behavior that is a violation of university policy or results in the individual student not being able to participate fully in the program may result in removal from the program at the student's expense.
- Any behavior on the part of an individual student or group of students that impairs the ability of others in the program to participate fully may also result in removal from the program.

- Students will receive information about the behavior expectations and possible ramifications of conduct violations in the pre-departure orientation sessions conducted by Global Education Program staff.
- Student conduct issues will be addressed in-country by campus staff, faculty member and/or the third-party provider or host institution to ensure that behavior concerns do not affect the success of the program.
- Information regarding these issues will then be sent to the Vice President for Student Affairs and Dean of Students for potential student conduct review.
- For very serious infractions, UNE and/or the third-party provider, or host institution may dismiss a student for inappropriate conduct, disruption of the program, or posing a threat to him/herself or other students.
- In such cases, the student will incur the expenses related to dismissal. A student is expected to contact Student Affairs at the University of New England to determine the appropriate student conduct review process if any.
- All inappropriate behavior, even that not resulting in program removal, will be referred to the University of New England Student Affairs Office for potential student conduct review.
- In certain circumstances where it is determined that a student's physical or mental condition presents a direct threat of substantial harm to him/herself or others, the Director for the Global Education Program and the Dean of Students and Assistant Provost for Student Affairs, or designee, in consultation with appropriate health professionals, may impose an immediate removal from the program and/or impose an Administrative Mandatory Medical or Psychological Leave of Absence.
  - In such cases, the student may incur expenses related to dismissal.
  - The terms of the Leave of Absence and the policy in its entirety will be provided to the student at the time any Leave of Absence is imposed.
  - Students may also request a copy of the policy from the Office of Student Affairs or online at **Student Handbook**.

### Discipline Issues and Third-Party Programs

- While on third party programs, students must abide by the University Student Conduct Code outlined by the program provider and are subject to the program's conduct process which may be resolved in country by the resident staff at the study abroad site.



- Most student conduct issues are reported by the in-country provider to the US-based provider office, and a representative from the US-based provider office will contact the University of New England Global Education Program.
- In the event UNE's Global Education Program is contacted by the program provider, the Director will consult with appropriate campus entities (including the Vice President for Student Affairs and Dean of Students or designee) to evaluate the incident and determine appropriate university response (if any) beyond that of the program provider.
- Reports of discrimination, harassment, and/or sexual misconduct will be addressed in accordance with the University Non-Discrimination and Anti-Harassment Policy and the University Sexual Misconduct Policy.

### General Statements that Apply to All Models of Study Abroad

It should be understood that a student is subject to the laws of the host country and the rules of the host institution.

NOTE: Please see published Tangier Student Handbook for further expectations.

## Section C: Weapons and Fireworks Policy Guidance

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Please note that this section of the Handbook constitutes guidance around the *Code of Student Conduct* policy related to weapons and fireworks. Please see the Code for said policy language.

- Pepper spray and or any other similar product are prohibited from all University buildings without the express consent of the Director of Safety and Security. Small "pocketknives" for personal use with blades no longer than 2 ½ inches in length are generally acceptable. No person shall possess replica or toy firearms that resemble an actual firearm or weapon.
- Recognizing that any object could be a potential weapon, the Director of Safety and Security shall evaluate any questionable object and determine if the device shall be prohibited under the terms of this policy.
- This policy shall in no way be used to prohibit the possession of kitchen type knives used for food preparation so long as they remain in the owner's "kitchen" area.

- Weapons are not allowed on any University-owned or leased property, including parking lots and roadways and are not permitted at any University sponsored event on or off university property.
- Individuals should contact the Department of Safety and Security if they are unsure if an item would be considered a weapon or prohibited item.
- Any weapon as defined by the policy or determined to be so by the Director of Safety and Security that is found on campus, including any Residence Hall space, will be confiscated.
- The violation will be addressed expeditiously through the student conduct review process with related sanctions including the potential of suspension or removal of the individual(s) from all campus properties.
- Violations of this policy by employees/vendors of the university shall be handled in accordance with the UNE Employee Handbook and may result in disciplinary action up to and including termination from employment.

## Section D: Hazing Policy Guidance

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The University of New England supports the Stop Campus Hazing Act, which amended the Jeanne Clery Campus Safety Act, and Maine State Law and does not condone or tolerate any acts of hazing. Any such acts, on or off University property or at University affiliates, are expressly prohibited. In accordance with UNE's policy and both federal and state law, UNE will impose severe sanctions on those individuals found responsible for being in violation of the Hazing Policy. Individuals should understand that disciplinary action by the University does not offer protection from civil or criminal action or penalties.

### Hazing Definitions

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

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

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

## Responsibilities

A person is responsible for violating the University's Hazing Policy if such person:

- Knowingly participates as an actor in any student hazing; or
- Is present at or otherwise has direct knowledge of any student hazing and fails to report such hazing to the Vice President for Student Affairs and Dean of Students or designee(s).

A group or organization is responsible of violating the Hazing Policy if it:

- Knowingly permits or condones student hazing; or
- Knowingly or negligently fails to take reasonable measures within the scope of its authority to prevent student hazing; or
- Fails to report to the Dean of Students and Assistant Provost for Student Affairs, or designee(s), any hazing reported to it by others or of which it otherwise has knowledge.

### **Consent**

The implied or express consent of any person toward whom an act of hazing is directed will not be a defense in any action brought under this section.

### **Report**

Any person should report hazing to the Dean of Students, Assistant Provost for Student Affairs, the Director of Safety and Security, the Director of Student Resolutions, the Senior Director of the Office of Title IX and Civil Rights Compliance, the Director of Athletics, the Director of Housing, or their resident advisor. This reporting suggestion does not affect or interfere with a person's right to report any behavior to law enforcement or an appropriate regulatory agency.

### **Penalties**

Violation of the Hazing Policy may result in suspension, dismissal, or other disciplinary action or, in the case of an organization or group, revocation of organization recognition and permission to operate on campus or the denial of other benefits.

### **Maine Law Regarding Hazing**

Pursuant to 20-A M.R.S. § 10004, which prohibits hazing, "injurious hazing" means any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled at an institution in this State or any activity expected of a student as a condition of joining or maintaining membership in a group that humiliates, degrades, abuses or endangers the student, regardless of the student's willingness to participate in the activity."

Forms of hazing, and can also constitute crimes under Maine law, which outlaws, for example, conduct that constitutes assault, criminal threatening, criminal mischief, and false imprisonment. *See generally* Title 17-A of the Maine Revised Statutes, which is referred to as the Maine Criminal Code.

# Section E: UNE Expression, Demonstration, and Gathering Policy

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University of New England believes in the rights of its community members to pursue their academic and career objectives without unreasonable obstruction or hindrance. We also believe that members of the university community should be free to communicate, by lawful demonstration, the positions that they support on vital issues of the day. The University welcomes speakers from a variety of viewpoints and provides them platforms from which to express their views in an unconstrained manner.

The University, through its teaching, research, and co-curriculum, engages community members in the broadening of knowledge. A freedom of expression is critical to the process of learning, and the University of New England values in its members a diversity of thought. Peaceful, public expression, protests and/or rallies present our community with the opportunity to further share information.

As a private educational institution, UNE retains the right to direct the time, place, and manner of public expression as well as whether and who may engage in public expression on its campus. Any person is expressly prohibited from engaging in any conduct that endangers community members, disrupts University operations, or interferes with student access to UNE's programs, buildings, or common property. University administrators may choose not to permit a rally or demonstration if the University determines in its sole discretion that health and safety of any individual(s) or the performance of university business may be compromised.

No act of public expression may violate or conflict with any UNE policy or federal, state, local law, or regulation. No conduct or speech may violate UNE's Student Code of Conduct, including its non-discrimination, harassment policies. No single person or group of people may prevent public expression of others, such as preventing an invited speaker from being heard.

This policy applies to all students of the University of New England. Failure to abide by the policy may result in referrals to the Office for Student Resolutions for disciplinary sanctions under UNE's Student Code of Conduct.

## **UNE's Status as a Private Institution**

There are differences between public and private institutions. UNE is a private, non-profit educational institution and is not a state actor subject to the constraints of the United States or

Maine Constitutions in the way a public institution may be. To that end, the University has the right to develop and create its own policies, procedures and rules about how it operates, which includes the right to determine who can and cannot come to its campuses.

### **Events Covered by this Policy**

UNE students are permitted to engage in the events covered by this policy. Unless specifically set forth in this policy, individuals other than UNE students, faculty, and staff are not permitted to engage in the events covered this policy on UNE's campuses. Any person who is not a member of the UNE community may be removed or cause to be removed from UNE property.

NOTE: For the purpose of this document the terms public speech, public expression, gathering, rally, march, demonstration and protest are used interchangeably.

### **Classroom Speakers/Invited Guests**

Speakers, including speakers who are not members of the UNE community, who are invited by the faculty of the University and sponsored by faculty through their departments, programs, or as part of a class, and presenting in an academic space (classrooms and lecture halls), enjoy the benefits of academic freedom as long as the primary intended audience is the UNE community. Speakers or presenters invited by faculty instructors for the purposes of instruction within an individual course curriculum can do so with department/college approval.

An individual member or group of members of the UNE community may also invite any person to address the community as long as the procedures in this document are followed.

Students, faculty, and staff are responsible for their guests and are accountable for their guests' conduct on campus, including conduct that violates UNE policy or Federal, State, local law or regulation, and any property damage that occurs.

### **Planned Protests, Rallies, or Demonstrations**

Protests, rallies, or demonstrations under this policy are classified as any event planned with the expressed purpose of gathering multiple people to raise awareness about, or express a viewpoint on, any issue or cause. These events require advanced arrangements with the University as outlines below (Advance Arrangements).

### **Spontaneous Events**

A spontaneous event is permitted involving University members only. These include responses to world or local events, vigils, and/or celebratory gatherings (e.g., Red Sox win the World Series, UNE wins a championship).

Recognizing that there are times when things happen that preclude the ability to plan an event, the University has designated areas on both Biddeford and Portland campuses where these events may occur (see section below). Although spontaneous and not preplanned or preapproved, still, such events must not disrupt university operations, block traffic or pathways, result in any illegal conduct, endanger community members, or interfere with student access to UNE's programs, buildings, or common property. In addition, because the spontaneous nature of such events, they must not last longer than four (4) hours, must take place between the hours of 9:00 a.m.-10:00 p.m., may not include amplified speech, and may not involve the construction of staging or the like.

### **Counter Protests**

Planned protests, rallies, or demonstrations may invite protest by persons or groups whose ideas lie in contrast. Student organizations and University departments are required to plan for the possibility of counter protests when organizing events. In cases where dissenting views are likely to be expressed, the University will reserve the right to identify areas designated for counter protest to protect the freedom of expression of all parties. Student organizations and University departments are required to plan for the possibility of counter protests when organizing events.

## **PLANNING AND EXECUTION OF EVENT**

### **Community Notification**

Whenever possible, the UNE community will be notified to the extent possible that a protest or demonstration will be, or is, taking place.

### **Advance Arrangements**

Individual students and recognized clubs and organizations may organize protests, rallies, or demonstrations in concert with the Office of Student Engagement or College of Osteopathic Medicine Office of Recruitment, Student & Alumni Services (Biddeford Campus) or the Office of Graduate and Professional Student Affairs (Portland Campus). Working with this office as they would for the planning of any community program, students and clubs/organizations must submit a request no less than two business days prior to the date of the proposed protest, rally, or demonstration. This will ensure that University officials can assist students in the planning of their event, and to help anticipate the possibility of counter protests (see Counter Protests).

UNE staff will be present during protests, rallies, or demonstrations to monitor the event's safety and to ensure the event does not interrupt University operations. Protests, rallies, or demonstrations slated to occur on an adjacent street or sidewalk (see Approved Locations) may require city permits and/or adherence to city ordinances. Students proposing such events will need to work within the parameters as set forth by local and state government.

## APPROVED LOCATIONS

Protests and demonstrations may not take place inside any university buildings or near administrative offices. The approved locations are as follows:

### **Biddeford Campus**

Area in front of the Campus Center, Compass Rose, area outside of the Ripich Commons, Alford Lawn, the Peace Grove, and the lawn adjacent to the Campus Center.

### **Portland Campus**

Main Campus Green, and Hersey/Blewett Courtyard.

The entirety of the Biddeford and Portland campuses and all University-owned buildings (in Biddeford and Portland) are private property.

On the Biddeford campus, public spaces include the sidewalks, Hills Beach Road, Newtown Road, Old Pool Road, and Route 9 including the publicly-owned sidewalks.

On the Portland campus, public spaces include Stevens Avenue, Forest Avenue, and College Street and the publicly owned sidewalks adjacent to university property. The Evergreen Cemetery adjacent to the Portland Campus is also owned by the City of Portland.

### **Restriction from Buildings (individuals and groups)**

The University may remove any person who is not a member UNE's community and who is engaged in a protest on UNE property. The University may deny any individual, including a member of the UNE community, access to or remove them from all or some University property, if such person(s) is has engaged or is engaging in criminal activity, suspicious activity, or behavior that is or is likely to be threatening, violent, or disruptive to university operations and activities. UNE may restrict access to buildings and outdoor areas during both business and nonbusiness hours.



## Structures

Under no circumstances is any person permitted to erect on UNE property a tent or other structure that is commonly used for shelter, living, or sleeping for any event that could be covered by this Policy. The Director of Student Engagement (Biddeford Campus) or the Associate Dean of Students (Portland Campus) must approve any structure such as a stage, a function tent, and the like to be erected for use during a protest, rally, or demonstration. Necessary consultation will occur with the Office of Safety and Security and/or Facilities.

## Disorderly Conduct

Conduct which is disorderly, a breach of peace, or aiding, abetting, or procuring another person to breach the peace on university premises or at functions sponsored by, or participated in by, the University is prohibited.

## Disruptions and Obstruction

The following actions are prohibited: Intentional or unintentional obstruction of the free flow of pedestrian or vehicular traffic on university premises or at University-sponsored or supervised functions. Participation in any behavior which disrupts the normal operations of the University and infringes on the rights of other members of the University community is also prohibited.

## Noise Levels

While amplified sounds (voices, music) may be part of a protest, rally, or demonstration, those that impact the operations of the University may need to be lowered at the discretion of the University official on site. Amplified sound may only be used as approved pursuant to this Policy and only during the hours of 9:00 AM and 10:00 PM.

## Special Circumstances

The University recognizes that some demonstrations may occur over a period of hours or days (i.e., late night into morning events). Similarly, some protests, rallies, or demonstrations may draw large attendance warranting the need for an increased presence among university officials including Safety and Security. Any such events require the approval of the Dean of Students/Assistant Provost for Student Affairs (or designee), who will consult with the Office of Safety and Security, Facilities, etc. It will also be necessary that the faculty or staff advisor associated with the club or organization be present throughout the duration of the event when it occurs over a period of hours or days, is expected to draw a large crowd, or when a counter protest should be anticipated.

### **Solicitation and Distribution of Information**

Handbills, pamphlets, flyers and quarter-sheets may be distributed on any location on campus (Portland/Biddeford) except in classrooms or offices in use. When handbill distribution is associated with a particular event, the locations of distribution may be restricted to preserve safety and security but material distribution should not be wholly prevented or unnecessarily restricted. Distribution is subject to the University of New England Sign Posting Policy.

### **Posters, Placards, Banners, and Signs**

Students, student organizations, faculty, staff, and employees commonly post signs and flyers to inform the University community of upcoming events or expressing their opinions. The University allows this practice within regulations designed to reasonably govern what, when and where the event takes place for the protection of the students, University property, and appearance of the campus. Banners and/or signs must be approved in accordance with the policies of the Office of Student Engagement or College of Osteopathic Medicine Office of Recruitment, Student & Alumni Services (Biddeford Campus) or with the Office of Graduate and Professional Student Affairs (Portland Campus). Placards, banners, and signs used during a protest, rally, or demonstration may not impede upon the operations of the University and thus should not block sidewalks, entryways, or the like. While allowed, if found to impede upon the operation of the University, placards, banners, and signs may be relocated at the request of university officials.

### **Media and Public Relations**

The Office of Communications is responsible for communications including media relations, public relations, publications, advertising/marketing and web sites for the University. All communications with the media should be coordinated through the Office of Communications. Students are encouraged to contact the Office of Communications with items that might be of interest. Faculty, staff and students may not speak on behalf of the university unless previously approved.

## **Lactation, Pregnant, and Parenting Student Policy**

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The University of New England (The University) is committed to creating and maintaining a community where all individuals enjoy freedom from discrimination, including discrimination on

the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on pregnancy or related conditions, lactation status, family status, marital status, or parental status, is prohibited and illegal in admissions, educational programs and activities, hiring, leave policies, employment policies, and health insurance coverage. In accordance with Federal and State Laws, the University has established processes and procedures to train faculty and staff in supporting students who are pregnant and/or parenting to ensure the protection and equal treatment of pregnant persons, individuals with pregnancy-related conditions, and new parents. Requests for support and additional information must be directed to the Title IX Coordinator, Angela Shambarger, at [ashambarger@une.edu](mailto:ashambarger@une.edu) or 207-221-4554.

## Administrative, Medical, or Psychological Leave of Absence Policy

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### MANDATORY ADMINISTRATIVE MEDICAL OR PSYCHOLOGICAL LEAVE OF ABSENCE

In certain circumstances, a student will be required to take a Leave of Absence in response to exhibited behaviors:

- Ongoing behaviors which cause significant and pervasive disruption to the learning community, either in the classroom or elsewhere on campus, or
- If a student presents a clear and imminent danger to themselves and/or others.

#### Procedure

The University's Medical Officer (defined for purposes of this section as the Medical Officer designated by the President of the University, or the designee of either, as appropriate), in consultation with the provost, may place a student on a Mandatory Medical or Psychological Leave of Absence, without the student's agreement or consent, if the Medical Officer determines that the student's condition presents a clear and imminent danger to themselves and/or others.

As part of the Mandatory Medical or Psychological Leave of Absence process, the Medical Officer or the Vice President for Student Affairs and Dean of Students or their designees, may

inform the student's parents, guardians, or other appropriate person of the existence of a health and safety emergency.

Before a student is placed on a Mandatory Medical or Psychological Leave of Absence, the Medical Officer will assess the student's ability to participate safely in applicable University programs. In making this assessment, the Medical Officer will exercise his or her reasonable judgment based upon the evidence available, consultation with the Vice President for Student Affairs and Dean of Students or his/her designee, and his or her knowledge of the student's condition. The Medical Officer will provide the student (and the student's parents, guardians or other appropriate persons in the event they have been notified) an opportunity to address the evidence being considered, unless the Medical Officer determines in his or her discretion that the circumstances require immediate action before the consideration of additional information.

If the Medical Officer decides to impose a Mandatory Medical or Psychological Leave of Absence, the Leave will take effect immediately. The Medical Officer will thereafter explain the basis for the decision in writing, and may include conditions for the student's return, including a condition that the student grant permission for the Medical Officer to talk with, or receive documentation from, his or her treating professionals. The written decision will be provided to the student. The Medical Officer's decision remains effective unless modified on appeal.

The student may request an appeal review within five (5) business days of the date of the Medical Officer's written decision by submitting a written request for a review to the Dean of Students and Assistant Provost for Student Affairs. The written request for review must include a summary of the basis for the request for review. The Vice President for Student Affairs and Dean of Students will review the written decision of the Medical Officer and the summary of the basis for the request for review. The Vice President for Student Affairs and Dean of Students will determine whether:

- to dismiss the request for review as obviously without merit,
- to conduct the review, him or herself or to appoint a hearing panel to conduct the review.

If the Vice President for Student Affairs and Dean of Students opts to appoint a panel, the panel will consist of him or herself (or his or her designee) and two health care providers. The Vice President for Student Affairs and Dean of Students or the hearing panel may retain legal counsel to advise it during the review hearing and deliberations.

If no timely request for an appeal review is submitted, the Medical Officer's decision is final.

The student may be accompanied at the appeal review, but not the deliberations, by an Advisor, who shall ordinarily be a person from within the University community. The student may for good cause request that his or her Advisor be a parent, legal guardian, or other family member. This request will be reviewed and decided upon before the review by the Vice President for Student Affairs and Dean of Students or the hearing panel. The student may also be accompanied by his or her health care provider(s), if the provider(s) will provide evidence at the review hearing.

At the appeal review hearing, the Medical Officer will explain the basis of his or her decision on a Mandatory Medical or Psychological Leave of Absence.

The student may present evidence in opposition to the Medical Officer's decision. If the student has a proposal that is different from the Medical Officer's Mandatory Medical or Psychological Leave of Absence, the student is encouraged to present that alternative proposal at or before the review hearing. Information may be presented by telephone.

After the conclusion of the APPEAL review, the Vice President for Student Affairs and Dean of Students or hearing panel will deliberate in private.

In reaching its final decision on a Mandatory Medical or Psychological Leave of Absence, the Vice President for Student Affairs and Dean of Students or hearing panel will determine, based on the evidence presented, whether the student's condition presented a direct threat to the health or safety of him or herself or others. The Vice President for Student Affairs and Dean of Students or hearing panel may affirm the Mandatory Medical or Psychological Leave of Absence, adopt any alternative proposed by the student, or develop its own terms and conditions, including terms and conditions for the student's return, which may include that the student grant permission for the Medical Officer to talk with his or her treating professionals.

# UNE Protocol for Health Professions Students Infected with Blood-Borne Pathogens (Updated May 2015)

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## PURPOSE

The purpose of this protocol is to promote patient safety and to provide risk management and guidance to an applicant (otherwise eligible for acceptance) or an existing student in a University of New England (UNE) health professions program who presents with an infection with a blood-borne pathogen (BBP), such as human immunodeficiency virus (HIV), hepatitis B (HBV) or hepatitis C (HCV). Health professions students are those who are students in UNE programs with a clinical training component, such as is found in the College of Dental Medicine, College of Osteopathic Medicine, College of Pharmacy, and Westbrook College of Health Professions.

## BACKGROUND

The University of New England (UNE) is committed to protecting the health of the public as well as the legal rights and privacy of students infected with blood-borne pathogens, and to non-discrimination.

Health professions students infected with a blood-borne pathogen (BBP), including but not limited to hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV), may attend UNE and may complete their clinical education, subject to appropriate limitations as deemed necessary to ensure the safety of patients. This protocol and any limitations on a student's clinical activities are not intended in any way to preclude or discourage any applicant or student from pursuing the study or practice of medicine, surgery, dentistry or any health profession. Any restrictions and limitations imposed on the scope of an infected student's clinical training will be intended to protect patient health and safety while facilitating the student's education, all in a manner consistent with the best currently available scientific knowledge, standards of practice, and established recommendations from the U.S. Centers for Disease Control and Prevention (US CDC) and any other applicable guidelines regarding limitations needed to be applied to clinical activity, and the protocols and informed-recommendations established by the UNE Infectious Disease Committee (UNE ID Committee).

# Cancellation/Delay Policy

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A decision to delay the opening time or to cancel school at the University due to inclement weather (snow or ice storms) will be made by 6:30 AM for day classes based on conditions at the University (each campus) and the immediate surrounding area after consulting with the weather service. The University's decision to cancel school or activities later in the day, evening, or weekends due to inclement weather will be made at least two hours prior to the class or event.

- It is understood that a decision to either delay school opening or to close down the school early impacts classes as illustrated in the following examples and protocols:  
One-hour delay - 8 a.m. classes are canceled. Attend 9 a.m. class if applicable.
- Two-hour delay: 8 a.m. and 9 a.m. classes are canceled. Attend 10 a.m. classes or remaining portion of a scheduled class not ended by 10 a.m.
- School closing at 3 p.m.: Students will be excused at 3 p.m. and all remaining classes will be canceled.
- Use these examples as a guide to delays or cancellations that may take place any time other than those designated above.
- **Final Exam Schedule** impact
- Student interns who have clinical responsibilities outside of the University or in university clinics should follow protocol established by the clinical site.

## Announcements will be made for each campus as follows:

- Internet/Television - WCSH-TV Channel 6 - [www.wcsh6.com](http://www.wcsh6.com), WMTW-TV Channel 8 - [www.wmtw.com](http://www.wmtw.com), and WGME-TV Channel 13 - [www.wgme.com](http://www.wgme.com)
- Telephone/Bulletin Board - Call 602-2211 or 797-7688, x2211. Please do not call the switchboard or answering service because you cannot access the appropriate message since they are set up to handle emergency calls only
- myUNE - <http://my.une.edu>
- une.edu - <http://www.une.edu>
- @unetweets - <https://www.twitter.com/unetweets>
- @unealerts - <https://www.twitter.com/unealerts>
- Portland Radio Group - [www.portlandradiogroup.com](http://www.portlandradiogroup.com); FM Stations 93.1, 101.9, 100.9, and 98.9

During work cancellations/delays, only *essential personnel* are required to report to work at their normal starting times or at times arranged by their supervisor including Facilities Management Staff, University Health Care Personnel, Food Service Personnel, Security and Safety Personnel.

The University switchboard or answering service will be in operation at all times.

Faculty and Staff: Consistent with the University's mission, faculty and staff are expected to be available to meet student needs when the University is open. In extreme circumstances where faculty elect, for their own reasons, not to attend work on storm days when the University is open, should follow college protocol for notifying students by placing an appropriate announcement on their voice mail at UNE, and/or for those that have Internet access on a home computer, sending a message to their class group on myUNE.

Faculty are reminded that some students leave their homes very early to attend classes, so messages should be timely. Similarly, staff should notify their immediate supervisor. Employees working on any shift other than the day shift will be notified of a delayed starting time or cancellation of their shift by the Department or Division Director. Employees who elect, for whatever reason, not to attend work when the University opens late, or leave early when the University does not close, will have time charged against the appropriate leave category.

## Change of Address or Name Procedure

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The University must retain accurate address information on students for purposes of distributing important information, billing, grade mailing, or emergency contact. When a student name or any address information changes, please complete a "Change of Name or Address" form available in the Registrar's Office, Student Affairs, Student Accounts and several other offices. Certain programs or departments require that their students also notify them immediately of changes in name or address information. Note that name changes must be reported to the Registrar's Office, and copies of legal documentation must be provided. A change of address or phone number may also be made by using the UOnline portal, <http://uonline.une.edu>.

## Change of Enrollment Status

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Matriculating students, in all programs, who wish to change their enrollment status, whether by requesting a Leave of Absence or Withdrawal, must complete necessary forms. These processes



serve to notify essential departments at the University and will avoid potential problems for the student including: transcript, billing, financial aid, or loan problems.

# Leave of Absence

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## UNE POLICY REGARDING LEAVE OF ABSENCE

A Leave of Absence for a specified period of time, not to exceed one (1) academic year, may be granted to a matriculated student with the authorization of the Academic Dean, Program/School Director or designate and upon completion of the required "Request for Leave of Absence" form available from Program/School Directors or Department Chairs, Academic Dean's Offices, Student Affairs, Student Administrative Services Center (PC), or the Office of the Registrar (BC). Application for readmission is not necessary if the student returns as planned; however, the student who does not return at the specified time will be administratively withdrawn and will be subject to readmission procedures. The University's policy on Leave of Absence Tuition Credit is found in the UNE <http://www.une.edu/registrar/catalog/index.cfm> relevant to the student's program.

NOTE: It is the responsibility of the student to contact the office of the appropriate Dean (COM) or Program/School Director (Graduate) or Registrar (Undergraduate) to indicate change of plans.

### Medical Leave of Absence

Sometimes a student may need to interrupt his or her studies for medical reasons. The university can assist a student making this decision on taking a medical leave and advise him or her about the necessary steps for successful return. Students requesting a Leave of Absence do not need additional permission to take the leave for medical reasons, however, to return from a Medical Leave of Absence, a student must provide documentation. Documentation needed to support this finding will be determined by the University Medical Officer or designee, but will generally include information from the student's clinician indicating that they are able to return to the University. The University also reserves the right to require an involuntary medical leave of absence if it determines that a student's continued enrollment would create a significant or imminent risk to the health and safety of the student or others.

### Medical Leave of Absence Reinstatement

A student seeking to re-enroll after a medical leave must demonstrate to the university that the student's health permits successful pursuit of studies. Documentation needed to support this

finding will be determined by the University Medical Officer or designee, but will generally include information from the student's clinician. The decision whether to permit a student to re-enroll is in the sole discretion of the University.

## Withdrawal from UNE

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### UNE POLICY REGARDING WITHDRAWAL NOTIFICATION

All matriculated students who wish to withdraw from the University of New England must complete notification documentation available from respective Program/School Director or Department Chair, Academic Dean's Office, Student Affairs, Student Administrative Services Center (PC), or the Office of the Registrar (BC). Documentation must be signed by designated academic and administrative authorities. Student responsibilities include:

- knowledge of the University's policies regarding refund of tuition and/or fees as stated in your respective catalog;
- return of university identification (ID) card to the Office of Student Affairs;
- return of any University keys in his/her possession to the appropriate departments.

The University reserves the right to withhold the issuance of refunds and transcripts until the process has been completed. Following withdrawal, any student wishing to re-enroll at the University of New England must apply through the Office of Admissions.

Forms for both processes may be found online at [Registrar Forms](#).

## Children on Campus Policy

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The University of New England is a diverse environment of classrooms, offices, laboratories, recreational and other common areas. Visitors to campus are welcome and encouraged. However, appropriate precautions and limitations on visitation are necessary to protect health and safety and to maintain productivity and regulatory compliance. The University of New England values its students and employees and strives to support them in an environment where we balance work and family.

Safety is always a primary concern when considering the presence of children and other visitors on campus. A number of our facilities are not designed for unsupervised public access and therefore maintain the same appropriate limited access to children /visitors as at other academic institutions. We want each employee and student to understand their responsibility for supervision of their child. To this end, the University has instituted the following guidelines to ensure the safety and welfare of our employee or students' children (or visitors).

### **Student Guidelines**

- A child should not be left unattended while the parent or guardian is attending class or conducting any other business or social function on campus;
- Line of sight supervision by the parent or guardian is required at all times;
- Children are not allowed in the high-risk areas:
  - Laboratories, shops, studios, mechanical rooms, power plants, garages, docks, food preparation areas, and fitness centers.
  - Any areas, indoors or out, containing power tools or machinery with exposed moving parts.
  - UNE vehicles, boats, or other motorized equipment; excepting incidental travel 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 are not allowed in classrooms while classrooms are in session unless the faculty member grants permission. Should a child become disruptive, the student and child may be asked to leave.

### **Visitor Guidelines**

- Line of sight supervision by the parent or legal guardian is required at all times;
- Parent or guardian must assure that children are not disruptive;
- Parent or guardian must not leave children unattended at athletic or other University activities;
- Children are not allowed in the high-risk areas defined above.

### **Exceptions**

These guidelines do not apply to sports camps and other University of New England sponsored programs for children.

# Class Attendance

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## Intercollegiate Athletic Competition

When an athlete misses class for a scheduled varsity intercollegiate competition, it is an excused absence. The student athlete should not suffer any academic penalty because of this absence. This policy does not apply to students on clinical rotations.

When such absences occur, the student athlete is responsible for initiating collaboration with faculty and making arrangements to obtain all information and/or training contained in each missed class. The athlete must make arrangements to take exams scheduled for a day of absence early or late, at the instructor's preference. All assignments must be handed in on time.

Faculty are not required to remediate student athletes as a result of these absences.

## Religious Observances

When a student misses' class for any religious observances, it is an excused absence. The student should not suffer any academic penalty because of this absence. Before the absence, the student is responsible for initiating collaboration with faculty to arrange to obtain all information contained in each missed class. The student must plan, at the discretion of the faculty member to take any missed exam either prior to or following the scheduled exam time. All assignments must be handed in on time.

## Undergraduate Students

All students are expected to attend all classes for which they have registered. Attendance policies regarding unexcused absences are established and announced by the individual instructor for his/her classes. If a student is absent to the extent that his/her work is adversely affected, the instructor will report the student's absence to the Department Chair with comments on the status of the student in the course.

Whenever a student is specifically reported in writing by an instructor to the Department Chair as being excessively absent from class, the instructor, with the approval of the Department Chair, may drop the student from that course with an appropriate grade.

## Graduate and COM Students

Please consult individual academic program handbooks for specific policies on class attendance and absences.

# Commercial Activity/Solicitation

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The University reserves all rights to commercial activity, the sale of merchandise or services, or the solicitation of charitable contributions on its property, or on premises leased to or from others. This is done in order to protect the interests of the University, and all members of the UNE Community. This restriction applies equally to students of all UNE member colleges, to related student associations, and affiliate organization chapters at UNE.

- Groups or individuals wishing to sell items or services on campus, in connection with UNE programs or to UNE constituencies, must obtain the approval of the Office of Student Affairs, and may be required to obtain additional approvals as appropriate.
- Groups or individuals wishing to solicit contributions or patronage benefiting recognized public charities must seek approval from the Office of Student Affairs, and may be required to coordinate their activities with the Office of Institutional Advancement.
- Groups wishing to solicit support in any form for the University of New England or its member colleges must seek the approval of the Office of Student Affairs. Authorization from the Office of Institutional Advancement, which regulates all charitable solicitation for university benefit; it is also required for the solicitation of cash donations greater than \$50 or sponsorships involving promotional benefits. However, prior approval is NOT required for solicitation of small premiums or gift certificates, etc.
- Whether or not the result of solicitation, all members of the UNE Community or affiliated groups are required to report to the Office of Student Affairs and the Office of Institutional Advancement all contributions received from sources external to the University, including gifts in kind.
- Approval to solicit for commercial or charitable purposes notwithstanding, persons engaging in solicitation must respect fully the rights of other students; entrance to the residence of another student requires the student's approval, and it is within the student's rights to require the solicitor's departure. This must occur promptly when requested.
- Approval to solicit is conditional, and may be revoked at any time by the Office of Student Affairs.

- The rights of all members of the University community to decline any solicitation is hereby affirmed; moreover, their right to request proof of authorization for such activity, and to report unauthorized solicitation is also affirmed.

# Communicable Disease Policy

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(Updated: August 2021)

## 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/or among employees and students. Examples of such infectious diseases include, but are not limited to: acute meningitis; acute respiratory illnesses (especially influenza or respiratory illness associated with international travel); possible or known active tuberculosis; vaccine preventable viral illnesses (i.e., measles, mumps, rubella, whooping-cough or pertussis); viral conjunctivitis (pink eye), community-acquired methicillin-resistant *Staphylococcus Aureus* (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 the UNE Student Health Center. When this person is not available, an alternative UNE Student Health Center health care provider will be temporarily in charge so that a health care provider is always available to assist with the implementation of this protocol

UNE Student Health Center: (207) 602-2358 (Biddeford Campus) or 207-221-4242 (Portland Campus)

## Procedural Guidelines

Employees and students who are infected with communicable diseases will not be barred from working, teaching, residing, or participating in university-sponsored activities or attending classes at UNE unless the individual poses a public health threat.

All students are strongly encouraged to seek medical assistance or guidance from the UNE Student Health Center (or another appropriate licensed health care provider) in the event they have concerns about communicable diseases. Any student with symptoms suggesting an acute infectious disease (fever, fever and rash, fever and cough, severe headache and fever, flu-like symptoms, fever and shaking chills, pinkeye, sputum with blood, etc.) should consider being evaluated by the UNE Student Health Center or an appropriate licensed personal health care provider. When such evaluation is made of a student by a personal provider, and a communicable disease with public health implications is diagnosed or suspected, UNE Student Health Center should be notified by the student and his/her health care 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 generally refer to the guidelines or consultation provided by federal or state CDC and/or guidelines issued by the American College Health Association when dealing with specific communicable illnesses. Reportable events will be submitted to Maine CDC by UNE Student Health Services.

In the event of a serious widespread threat or outbreak, the Vice President for Clinical Affairs and/or the Director of Student Health will convene or co-convene the Infectious Disease Committee in order 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 /or bodily fluids, UNE guidelines for equipment and surface decontamination will be strictly enforced.

# Computer Use and Email Policies

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## ACCEPTABLE USE POLICY FOR STUDENTS

### Purpose

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

### ITS Service Policy and Enforcement

All students and others that are provided access to UNE's network must agree to install and update their virus signatures and OS patches on a regular basis. Any student not in compliance and found with a virus will have their Internet Access revoked until the student has proven compliance by having their computer cleaned, and protected by virus software and security updates.

File sharing that violates copyright laws is illegal. Illegal file sharing is detectable on our network through network monitoring, network overload, and the millions of connections it creates.

If network monitoring finds you participating in illegal file sharing, the computer in question will be blocked from the Internet. If the student wishes to have it done somewhere else, they may do so. Although the computer will need to be checked by ITS before they will be allowed back on the network. They will be reported to the Office for Student Resolutions for further disciplinary action and may be criminally referred for prosecution.

For all other installation, repairs, hardware, software, peripherals, and troubleshooting of computer problems, students will need to call their hardware vendors for service. ITS will not fix, repair, or install computer equipment and software.

ITS will answer any help calls with issues regarding connecting to the Internet services, U-Online, and Office 365. We will be glad to direct you to a local computer vendor for all other repairs.



## UNACCEPTABLE USE

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee or student of University of New England authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing University of New England-owned resources. **All students and employees are responsible for their own computers and the activities initiated on their computers no matter who is behind the keyboard.**

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

### System and Network Activities

The following activities are strictly prohibited, with no exceptions:

- 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 University of New England.
- 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 University of New England or the end user does not have an active license is strictly prohibited.
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
- Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
- 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.
- Using a University of New England computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.

- Making fraudulent offers of products, items, or services originating from any University of New England account.
- Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging 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.
- Port scanning or security scanning is expressly prohibited unless prior notification to InfoSec is made.
- 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.
- Circumventing user authentication or security of any host, network or account.
- Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
- 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

- It is an unacceptable practice to move confidential information by e-mail that is not encrypted. UNE currently does not have an encryption system, therefore at no time should anyone email confidential information at any time for any reason.
- Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
- Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
- Unauthorized use, or forging, of email header information.
- Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
- Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.

- Use of unsolicited email originating from within University of New England's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by University of New England or connected via University of New England's network.
- Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).
- If you receive email from patients containing private health information, you may print and file in medical records and destroy email immediately.
- Do not forward University email from external sources containing PHI to your personal e-mail.
- If accessing work e-mail from home, secure e-mail from household members and shred any printed materials of a sensitive or confidential nature.

## ENFORCEMENT

Repeating violators of this policy may face disciplinary action.

# Contributions to Other Groups or Non-Profits

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When an outside group or non-profit asks UNE for a contribution, whether as cash or through goods and services, general policy is to decline the request.

There can be exceptions to this recommended policy. These include:

- A group or non-profit with which UNE is a co- or partial beneficiary of external support.
- A group or non-profit which is clearly a partner with UNE on a project or program.
- A continuous history of the University's involvement with a specific non-profit, which operates as a type of "Grandfather Clause," such as with a regularly scheduled annual event hosted by UNE.
- There can be established a clear and quantifiable quid-pro-quo between UNE and the particular non-profit which equals the value of the contribution UNE is making. This exception should be applied with great care and must be supported by strong justification.

For more information on this policy, please contact **Student Affairs**.

## Copyright Policy (Text & Software)

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Excerpted from the **University of New England Copyright Policy**. Full policy is available at [University of New England Copyright Policy](#).

It is the policy of the University of New England that all members of the University Community adhere to the provisions of the United States Copyright Law of 1976, as amended (Title 17, U.S. Code), hereinafter referred to as the “1976 Copyright Act”; the Digital Millennium Copyright Act of 1998; and the Technology, Education, and Copyright Harmonization (TEACH) Act of 2002.

The purpose of the University of New England Copyright Policy is to provide guidance to university faculty, staff, and students in the responsible use of copyrighted works in the creation, exchange, and dissemination of ideas and information in the pursuit of research, teaching, and learning.

Copyright ownership and intellectual property rights of works created by University of New England faculty, staff, and students are defined in: Intellectual Property Policy: Rights and Responsibilities with Respect to Intellectual Property at the University of New England.

The policy provides useful information about:

- What items are Protected by Copyright
- What Is Not Protected by Copyright
- Rights of the Copyright Owner
- Copyright Registration, Copyright Notice, Public Domain
- 1976 Copyright Act Provisions for Nonprofit Educational Institutions
- Fair Use
- Reproduction by Libraries and Archives
- Computer Software
- Digital Millennium Copyright Act of 1998
- Technology, Education, and Copyright Harmonization (TEACH) Act

# Fire Safety

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## Fire Drills

Whenever a fire alarm sounds, day or night, buildings are to be evacuated immediately. Everyone should particularly note the available exit routes. Fire drills will be held periodically throughout the year in all of the residence halls and administrative classroom buildings. Evacuation is mandatory.

## Fire Equipment

Fire extinguishers, smoke detectors, heat detectors and other related fire protection equipment are provided to protect life in the event of a fire. Any tampering with this equipment, including false alarms, will result in a minimum assessment of a fine of two hundred and fifty dollars (\$250.00) for a first-time violation and five hundred dollars (\$500) for subsequent violations, being levied against the individual in addition to other disciplinary sanctions. Tampering with fire alarms or sending false communication of a fire is a felony. Criminal charges may be brought against the violator(s).

# Gambling—NCAA Policy

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The following sections are taken directly from the manual of the National Collegiate Athletic Association (NCAA), of which the University is a Division III member and therefore bound by certain guidelines. It is useful for students, especially student-athletes, and staff to be informed.

## Gambling Activities

Staff members of a member conference, staff members of the athletics department of a member institution and student-athletes shall not knowingly:

- Provide information to individuals involved in organized gambling activities concerning intercollegiate athletics competition;
- Solicit a bet on any intercollegiate team;
- Accept a bet on any team representing the institution;
- Solicit or accept a bet on any intercollegiate competition for any item (e.g., cash, shirt or dinner) that has tangible value; or

- Participate in any gambling activity that involves intercollegiate athletics or professional athletics, through a bookmaker, a parlay card or any other method employed by organized gambling.

### Disciplinary Action

Prospective or enrolled student-athletes found in violation of the provisions of the regulation shall be ineligible for further intercollegiate competition, subject to appeal to the NCAA Eligibility Subcommittee for restoration of eligibility. Institutional staff members found in violation of the provisions of the regulation shall be subject to disciplinary or corrective action as set forth in 19.6.2.2 of the NCAA enforcement procedures, whether such violations occurred at the certifying institution or during the individual's previous employment at another member institution.

## Health Insurance Portability and Accountability (HIPAA)

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The Full HIPAA Policy and Manual may be found online at [HIPAA Policy and Manual](#).

It shall be the policy of the University of New England to protect and safeguard Protected Health Information (PHI) created, acquired, maintained or inspected by units classified as covered entities and for clinical training programs and at all other affiliated covered entities, in accordance with the HIPAA Privacy Regulations promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 and applicable state laws.

The Policies contained in this manual are intended to provide guidance to UNE personnel and students in regard to the protection and enhancement of the privacy rights of eligible participants by:

- establishing rules related to the internal and external use and disclosure of Protected Health Information;
- affording eligible participants access and information regarding the use and disclosure of their protected health information; and
- implementing administrative procedures intended to assist eligible participants and UNE personnel to effectuate these Policies.

These Policies will apply to all Protected Health Information collected by UNE covered entities and affiliates after April 14, 2003, regardless of the form in which it is created or maintained (i.e., whether oral, written or electronic) for both living and deceased eligible participants. The policies apply to all eligible UNE workforce including employees, students, trainees, and volunteers. UNE covered entities may create separate Policies and Procedures relating to the use and disclosure of PHI to the extent that they do not conflict with HIPAA requirements or State law whichever is greater. UNE can add to or supplement the Policies and Procedures or the forms attached hereto, but may not delete or change HIPAA Policies without the approval of the University privacy officer and the Audit Committee of the Board of Trustees.

## Identification Card Policy

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### LOST, STOLEN, OR DAMAGED UNECARDS

Lost, stolen, or damaged UNECards on either campus should be reported immediately to the ID Office at (207) 602-2900. A student on a meal plan may have to sign and pay for meals until the card is replaced. There is no charge for a card replacement due to a name change. Stolen cards will be replaced at no charge with a police report. Lost and damaged cards will be replaced at a fee of \$10 per card. Temporary cards not returned at the time designated will be electronically deleted and the holder assessed a \$20.00 fee. Only the latest card version is valid.

Immediate notification of a lost or stolen card will protect the on-line accounts and campus access privileges. The computer codes that control the account (other than vending money applied through cash machine) and access stripe will be changed as soon as the card is reported lost, ensuring that no one will be able to use the account or access privileges. The UNECard should be protected the same way a credit or bankcard would be protected. The UNECard should be treated with care. Holes, stickers, creases, cracks, etc. will render the card damaged and inoperable. Access to University facilities and services may be denied if the card's chip is damaged.

The UNECard is non-transferable. Use of the UNECard, your official ID Card, is governed by university policies, rules and regulations. Misuse of the ID Card may be referred to the Office for Student Resolutions for disciplinary action.

# Intellectual Property

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The Intellectual Property (IP) Policy is listed on the Office of Sponsored Programs website:  
[https://www.une.edu/sites/default/files/ip\\_policy\\_rev.5.12.20.pdf](https://www.une.edu/sites/default/files/ip_policy_rev.5.12.20.pdf).

## Mail Services Policies

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### FIRST CLASS MAIL

- All resident students are automatically assigned a full-service box to receive their first-class mail on campus. Mailboxes for resident students living in East, South, and West Halls on the University Campus are located off of East Hall lobby. Box numbers in East and West Halls will be preceded by “R” to differentiate them from mailboxes in Avila Hall. There is no charge for the box for resident students. Please note that, in some cases, two students may share a single box.
- All mailboxes on the Portland Campus are located in Alexander Hall.
- Commuters who would like to receive their first-class mail on campus are welcome to reserve a full-service campus mailbox (based on availability) at \$25.00 per year.
- Only resident students and full-service box holders will be entitled to receive first class mail on campus. Students must notify correspondents of their current box number.
- If you lose your key, or if the key is not returned when you no longer need the box, the lock will be changed and a \$25 lock-change-charge will be billed to the box holder.
- Students must promptly remove their mail from their boxes consistent with United States Postal Service regulations. Mail that is not picked up within 30 days, and for which a forwarding card has not been filled out, will be returned to sender.
- Mail Services must be notified if first class mail is to be forwarded, whether the forwarding order will be temporary, for the summer, or permanent.
- Students remaining in the area during the summer should notify Mail Services to receive first class mail at the University during the summer.
- Students are responsible for vandalism to their mailboxes.
- Students must pick up their mail by utilizing their assigned key. Federal law does not permit the dispensing of mail at the service window when locked boxes are available.



- Students will receive a Package Pick-Up Notice in their mailbox for any oversized mail/parcel. This notice must be signed and presented at the Service Window in order to retrieve the item.
- Do not use the word “box” in your address, as mail sometimes is diverted to boxes at the city Post Office.
- U.S. mail received must be addressed as follows:

**Ex. 1)**

J. DOE

UNIVERSITY OF NEW ENGLAND - #000 (#R000 if East/South/West Hall)

11 HILLS BEACH ROAD

BIDDEFORD, ME 04005-9599

**Ex. 2)**

J. DOE

UNIVERSITY OF NEW ENGLAND

716 STEVENS AVENUE - # 000

PORTLAND, ME 04103-7261

## Transportation and Wheeled Vehicles

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### MOTORCYCLE/BICYCLE STORAGE

Life Safety Code regulations prohibit bicycles from being stored or parked in residence halls or in stairwells, corridors of academic buildings, or in any place that blocks a building exit.

Motorcycles, motor scooters, motorized bicycles and mopeds must comply with all parking and traffic laws. No motorized vehicle may be stored in any University building or near exits. The owner shall be responsible for any fee required to remove a motorized vehicle from a University building.

## WHEELED VEHICLES IN BUILDINGS

Use of any wheeled recreational vehicles/equipment including but not limited to in-line skates, skateboards, scooters, and bicycles inside university buildings is prohibited. Violators may be billed for any damage caused by prohibited use.

## IDLE-FREE CAMPUS

The purpose of this policy is to eliminate unnecessary idling of all vehicles on university property. Vehicle idling wastes fuel, degrades air quality, impacts human health, and contributes emissions that cause and worsen climate change. This policy aligns with University of New England's adoption of the Carbon Commitment, which aims to achieve climate neutrality by 2040, and with the Maine statute, "Idling Requirements for Motor Vehicles".

- This policy applies to all university-owned vehicles, including gators and golf carts, as well as vendor/contractor-owned vehicles.
- Faculty, professional staff, and students are also expected to adhere to the policy.
- Idling is prohibited for more than 5 minutes in any 60-minute period, except at noted below.
- Vehicles are prohibited from idling without an operator present, with limited exceptions noted below.

### Exceptions:

- Emergency response vehicles, when responding to an emergency
- University vehicles in the course of official business, when attended and temperature controls are required
- Health or safety reasons (e.g., severe weather conditions and use of vehicle safety features)
- Vehicles with special features, while specialty equipment is in operation (e.g., bucket trucks or liftgates)
- Idling for no more than 15 minutes in any 60-minute period when ambient air temperature is 32° F or below
- Idling as needed for the purpose of providing heat when the ambient air temperature is below 0°F.

# Photography and Videography Policy

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The University of New England is a private non-profit institution that uses staff and independent contractor produced images of public campus life, events, ceremonies and other activities to advance the mission of the university.

## USE OF PHOTOS AND VIDEOGRAPHY

All photographs and videography created by the University of New England, regardless of which campus (Biddeford, Portland or Tangier, Morocco) or off-campus events involving students in any capacity remain the property of the University of New England Office of Communications. By registering at, enrolling in, visiting or being employed by the University of New England and being present in public settings, you authorize the use and reproduction by the university, or anyone authorized by the university, of any photographs or videography taken while at UNE, without compensation. All negatives and positives, photographic prints and digital photo and videography files shall constitute UNE property, solely and completely. If you wish to opt out of this policy, please notify the Director of Communications via email at [ccanney1@une.edu](mailto:ccanney1@une.edu).

The University of New England reserves the right to grant or deny permission to photograph film or videotape any aspect of its Biddeford and Portland campuses by any individual, group or organization. Requests to photograph, film or videotape must be made to the director of the University's Communications Office.

Students who are photographed for use in university publications and/or advertising are asked to sign a photo release form which is kept on file in the Communications Office.

*A special rule applies to cadavers in the Gross Anatomy Lab.* No photographs, film or videotape of a body or any of its parts may be taken without the express written consent of the Director of the Body Donation Program. The Director of the Body Donation Program retains the right to edit, with respect to propriety, all photographs, film or videotape utilizing gross anatomical human material intended for publication, and must be notified of intention to publish such material.

## Political Candidate/Campaigns/PACS

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Unless the University of New England's interests are directly affected by votes in elections such as Bond Issues or Special Referendums, the University cannot, in any way, endorse or make a

contribution to a political candidate or campaign, or contribute to any Political Action Committee (PAC). For more information on this policy, please contact Student Affairs at (207) 602-2372 (BC) or (207) 221-4213 (PC).

## Use of Human Subjects in Research

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All research activities conducted by University of New England faculty, staff, or students proposing to involve human subjects must be reviewed and receive unconditional approval from the Institutional Review Board (IRB) for the Protection of Human Subjects before commencing. This applies to all research regardless of whether or not the activities are funded. This research must be conducted in accordance with federal, state, and local laws and regulations that are applicable to the use of human subjects in research. These regulations include, but are not limited to, Federal Policy for the Protection of Human Subjects, Title 45 Code of Federal Regulations Part 46; Food and Drug Administration Regulations for Human Subjects Protections, Title 21 Code of Federal Regulations Parts 50 and 56; Health Insurance Portability and Accountability Act of 1996 (HIPAA); the principles set forth in the Belmont Report; and applicable UNE policy. The full policy, contacts, and process information may be found online at, <http://www.une.edu/research/compliance/irb>.

### Definitions

**Human Subject:** an individual about whom an investigator (whether professional or student) conducting research obtains data through intervention or interaction with the individual or obtains identifiable private information.

**Institutional Review Board (IRB) for the Protection of Human Subjects:** the committee appointed by the UNE President to oversee the use of human subjects in research conducted under the auspices of UNE.

**Research:** a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge.

**The Belmont Report:** The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research titled *Ethical Principles and Guidelines for the Protection of Human Subjects of Research*.

# Sign Posting

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Students, student organizations, faculty, staff, and employees commonly post signs and flyers in approved locations as a means of informing the University community of events they are sponsoring or expressing their opinions. The University allows this practice within regulations designed to reasonably govern the time, place, and manner for the protection of the students, University property, and appearance of the campus. Official University of New England signage—building designators, regulatory and traffic control, etc.—are not governed by this policy.

## APPROVAL PROCESS

All signs/flyers/banners must be approved and stamped with an approval symbol and end date by any of the following individuals:

### Biddeford Campus Sign Managers

- Office of Student Activities/Organizations
- Office of Housing and Residential/Commuter Life (for posting in Residence Halls)

### Portland Campus Sign Managers

- Graduate and Professional Student Affairs Office in 02 Proctor Hall

### General Guidelines

- All bulletin boards will be labeled as open or dedicated. Departments or Offices are responsible for monitoring the content of their dedicated board space. Signs/flyers that are posted on any dedicated spaces without approval will be removed.
- Signs/flyers/banners may not be displayed without appropriate University approval. Signs/flyers/banners found posted by internal or external groups or individuals without university consent will be removed.
- The name of the sponsor/sponsoring organization must appear prominently on all signs/flyers/banners.
- Signs/flyers/banners announcing events should be removed within 48 hours of the end of the event. It is the responsibility of the sponsor/sponsoring organization to remove their sign/flyers/banners within the appropriate time period. Failure to remove may result in a removal fee (Facilities Management will need to approve banners for installation location and method of installation and removal).

- Tattered or torn signs/flyers/banners that have become worn to the extent that they are no longer legible will be removed.
- The right to distribute or post signs/flyers/banners shall not extend to libelous, obscene, or personally defamatory statements. Neither shall this right extend to materials encouraging and promoting violations of university regulations.
- Signs/flyers/banners will not portray the consumption of alcohol as the focus of an event. Signs/flyers/banners advertising products containing alcohol are not permitted.

### **Indoor Signs/Flyers/Banners**

Approved signs/flyers/banners may be hung on any designated open bulletin board space with appropriate thumb tacks or on any approved flat wall surfaces using only sticky tack or scotch removable mounting squares. The use of walls should be limited, if open bulletin board space is unavailable.

Signs/Flyers may be posted on doors providing they:

- Are not obstructing handles
- Are not placed on the inside of doorways to stairwells.
- Do not impair visibility

Use of non-approved materials (tape of any kind, tacks on a surface other than a bulletin board surface, etc.) to hang signs on wall surfaces is prohibited and will be removed. Any damage repairs to the surface may be charged to the sponsor/sponsoring organization.

Approved signs/flyers and table tents may be placed on Cafeteria and other public access areas/lounges tables.

### **Outdoor Signs/Flyers/Banners**

- All outside posting locations must be approved for each specific sign/flyer/banner (Facilities Management will approve installation location and installation and removal method).
- Signs/flyers/banners may not be placed on directional signposts, building identification signs, or building windows.
- Water-soluble chalk may be used on sidewalks only.
- The sponsor/sponsoring organization is responsible for any clean-up associated with the distribution of printed materials placed on automobile windshields. Failure to remove waste may result in a removal fee.

# Student Records and Family Educational Rights and Privacy Act (FERPA)

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## STUDENT ACADEMIC RECORDS

Student academic (and related) records are kept in Registrar's office on both the Biddeford campus and the Portland campus.

Under the terms of the Buckley/Pell amendment to the Family Educational Rights and Privacy Act (FERPA), students have the right to review and inspect all official records, files, and data, including all material that is incorporated into each student's cumulative record folder. However, Department of Health, Education, and Welfare has said that clarifying amendments provide that letter of recommendation submitted on the basis of a pledge of confidentiality prior to January 1, 1975 need not be shown to students, and that a student may be allowed but not required to waive his/her right of access to letters of recommendation received after that date. The amendments also provide that a financial statement submitted by a parent need not be shown to the student. Release of records is allowed only upon written student approval, with noted exceptions listed below.

University students wishing to review their records may do so by providing a written request to Registrar's office at least 48 hours in advance of the desired appointment.

## STUDENT CONDUCT RECORDS

Student Conduct Records and related files are maintained by the Dean of Students in the Student Affairs offices on each campus. Student conduct records/files are maintained under the **Family Educational Rights and Privacy Act (FERPA)**. All student conduct and related files are maintained by the Office of Student Affairs for a period of no less than four years after separation from the University. Records may be destroyed at that time. Disciplinary records may be retained for longer periods of time or permanently if specified in the terms of disciplinary sanctions.

## STUDENT ACCESS AND ANNUAL NOTIFICATION

FERPA affords students certain rights with respect to their education records. They are:

- The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. The student should submit a written request that identifies the records which they wish to inspect to Registrar's office. The office will notify the student of the time and place where the records may be inspected.
- The right to request the amendment of the student's education records that the student believes are inaccurate or misleading. Students should write to the University Registrar, clearly identifying the part of the record they want amended, and explain how it is inaccurate or misleading. If it is determined not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of the right to a hearing regarding the request for amendment. Additional information regarding hearing procedures will accompany this notification.
- The right to consent to disclosure of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, or assisting another school official in performing his or her task; or the Veterans Administration for students registered for various GI Bill programs. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
- The right to file a complaint with the U.S. Department of Education concerning alleged failure(s) by The University of New England to comply with the requirements of FERPA.
- The name and address of the Office that administers FERPA is:
  - Family Policy Compliance Office  
US Department of Education  
600 Independence Avenue, SW  
Washington, DC 20202-4605

### Directory Information and Disclosure

The University normally will not supply non-related organizations with personally identifiable student information, including "directory information." One exception to this policy is the result of a federal law known as the "Solomon Amendment" which requires the University to release directory information to military recruiters upon request. For this purpose, directory information



is defined as: name, address, telephone listing, date and place of birth, level of education, academic major, degrees received, and educational institution in which a student most recently was enrolled. Information not required or permitted by the Solomon Amendment and not considered directory information under FERPA will not be released without written permission of the student.

Active students who wish to have directory information withheld from release must do so in writing on a “per-academic-year” basis. Request forms are available in the Registrar's office and the Student Affairs offices at either campus. Requests must be submitted prior to September 30th (if first-time enrollment for academic year is fall semester) or January 30th (if first-time enrollment for academic year is spring semester) to affect a “withhold” status.

Please remember: active students must renew a request for non-disclosure each year to keep such requests in effect. The University may disclose directory information about former students without meeting notification requirements; however, at the last opportunity as a student (just prior to departure from the University), written requests for nondisclosure will remain in effect until a written request to change non-disclosure status is made by the student.

## University Emergency Protocols

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### SUMMARY OF EMERGENCY PROTOCOL

The University of New England has a Crisis and Emergency response protocol in place in case of an on-campus emergency or to initiate in response to an external situation. There are many mechanisms for communicating with UNE community members and their emergency contacts.

The University of New England's Department of Safety & Security will send out emergency notifications via Rave Mobile to advise students, faculty, and staff of any emergent situation (including security emergencies, inclement weather, school cancellations/delays) that may impact the UNE community. Messages are sent by phone, email or text depending on the contact information entered into U-Online.



The process to add/edit emergency notification phone numbers and emails will be changing to UNE Compass in July 2024. When the new platform has been released, more information will be shared at that time. It is the responsibility of the individual community members to keep their personal and emergency contact information up to date with the University.

A new feature available is the Rave Guardian app that includes important emergency contact information and website links, a safety timer, emergency call feature with GPS locator and the ability to call 911 directly from the app. This is available for download on the App Store and Google Play (scan QR code to download).

Download the Rave Guardian app for your smartphone (free from the Apple App Store and Google Play). You will need to use your **une.edu** email address to log in once you have downloaded the app.

There are three major components to Rave Guardian:

- **Emergency call function.** Quick dial for local 911 or to the UNE Security Office. Locations can also be shared.
- **A Safety timer.** Schedule your trip, designate a “friend” or have Security track your route and timing electronically, so they will know right away if you encounter difficulty.
- **Security Emergency Chat.** Text with a dispatcher in the Security Office for emergency situations. Locations can also be shared while texting.

Emergency notifications will be sent out via text, phone call, email and to the Rave Guardian App (if downloaded). Emergency notifications will also appear on the UNE website. The University of New England does not charge for this service; however, your mobile phone company may charge for text messages. Please refer to your mobile phone's service plan for more information.

This service is provided per the following:

- Terms of Use - <https://www.getrave.com/help/Terms.action>
- Privacy Policy - <https://www.getrave.com/help/Privacy.action>

### **Shelter in Place/Lockdown Plan**

In the event of a serious, ongoing emergency requiring member of the community to Shelter in Place/Lockdown, The UNE Department of Safety and Security will send an emergency message by e-mail, text or phone or any combination of these methods. In order to receive these emergency messages, you must enter your contact information as described above. For more information about UNE's emergency plans go to: [www.une.edu/emergency](http://www.une.edu/emergency).

## University-Wide Protocol in Cases of Medical Emergency

The following procedure is the University-wide protocol in cases of medical emergency:

- The first person at the scene of a medical emergency has a vital role in the overall pre-hospital care of the victim. Above all remain calm and call for help by dialing 911 from any campus phone. Before approaching the victim take a quick look around you to make sure the scene is safe. Electrical wires, broken glass or chemicals can also injure you making the matter worse.
- Provide first aid to the victim only to the extent you are trained.
- To activate the Emergency Medical Care System, dial 911.
- Call Campus Security at Ext. 366 (either campus) or (207) 283-0176 (either campus).
- Keep the phone line free in case the dispatcher needs to call you back for additional information.
- Assign a responsible person to direct emergency (ambulance) personnel to the victim, if a person is available.
- In the event of a spinal injury, the victim should be directed to lie still until emergency help arrives. Do not move the victim unless CPR becomes necessary.
- In the Campus Center pool, all lifeguards are trained in back boarding procedures.

## University-Wide Protocol in Cases of Fire Emergency

The following procedure is the University-wide protocol in cases of fire emergency:

- Pull the fire alarm as you exit the building.
- Dial 911 from a safe location.
- State that you are calling from UNE.
- Provide the proper name of the building, floor and room numbers.
- Specify fire type (chemical, paper, wood, electrical, etc.) and direct fire/emergency personnel to location.
- Notify Campus Safety & Security department at extension 366 or (207) 283-0176.
- Proceed to your designated muster location (see card posted in offices throughout both campuses).
- If you are unable to use the stairs for any reason wait for rescue in the nearest stairwell. Stairwells are designated “areas of refuge.”

Do not attempt to extinguish a fire unless trained and in a controlled environment with proper equipment available.

Evacuation of all UNE buildings are mandatory when a fire alarm is activated for any reason.

All fires, even if extinguished, must be reported to the Biddeford Fire Department for the Biddeford Campus and Portland Fire Department for the Portland Campus. Additionally, the Department of Safety and Security on your respective campus must be notified.

## University Relations with Media, Public, and Alumni

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The Office of Communications is responsible for communications including media relations, public relations, publications, advertising/marketing and web site for the University.

### MEDIA RELATIONS

All University-related communications with the media should be coordinated through the Office of Communications. Students are encouraged to contact Office of Communications with items that might be of interest. The Office publicizes University events and suggests feature stories to off-campus news media, both locally and in hometown areas. Students who have received notable recognition or are engaged in a campus project of unusual interest are encouraged to contact the office.

### PUBLICATIONS

Any publication that is intended to be distributed off-campus should be reviewed, in advance, with the Office of Communications in order to assure consistency of content and quality. The names UNIVERSITY OF NEW ENGLAND, UNIVERSITY OF NEW ENGLAND COLLEGE OF OSTEOPATHIC MEDICINE, UNE, WESTBROOK COLLEGE and the University seal and logo are the private property of the University to be used for official purposes only. Permission to use these by any student or student organization must be requested, in writing, and responded to, in writing, by the Office of Communications. The above named are not to be used in any manner that may imply endorsement or sponsorship without specific written authorization from the Office of Communications.

The University of New England Magazine features stories on our students, faculty, programs, research, alumni and donors. *The Insider* (St. Francis College and UNE Alumni), *Inside UNECOM* (College of Osteopathic Medicine), and *The Brook* (Westbrook College Alumni), are annual alumni newsletters containing class notes. An electronic newsletter, UNE Online, is sent via email

quarterly. In addition, the UNE website is a useful way to keep up with news of your university. All alumni are encouraged to keep the Alumni Office apprised of address, marital, and job updates, and to contribute as generously and as often as they can. Contributing alumni receive certain on-campus privileges.

## University Student Services

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The following services are available to all students—undergraduate, graduate and medical—at the University of New England. Where information or procedures differ between campuses, services are further described under the Biddeford Campus or the Portland Campus sub-sections. Due to on-going service changes, information regarding telephone extensions, locations, and e-mail is subject to change.

## University Administration

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UNIVERSITY OF  
NEW ENGLAND

INNOVATION FOR A HEALTHIER PLANET