OUR MISSION STATEMENT

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.
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FOREWORD
This Handbook is intended to be the authoritative resource for the articulation of personnel policy and practice for both faculty and non-faculty employees, except where specifically noted.

The Personnel Handbook does not constitute a contract, either expressed or implied, between UNE and any or all of its employees.

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

This Handbook is predicated, in part, on the legal and ethical obligation of the University of New England (UNE or University) to develop and apply policy in a uniform and consistent manner. Because of the dynamic, continually changing nature of UNE and of the legal and regulatory environments, UNE necessarily reserves the right to change provisions in this Handbook at any time. For that reason, your comments, suggestions, or recommendations are always welcomed. Neither this Handbook nor any of its provisions are intended to be a part of a contract between UNE and any employee. Please check with Human Resources to confirm UNE's policy in a particular situation.

EMPLOYMENT AT WILL
Employment with UNE is at the mutual consent of UNE and Staff; and either party may terminate that relationship at any time, with or without cause, and with or without notice. The relationship between the University of New England and tenured and tenure-track faculty is covered in the Faculty Handbook.

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

NOTE: In order to reduce redundancies, when referring to individuals, this Handbook uses the pronouns “her” or “she”. The University expects all employees to address individuals using their preferred pronoun.
1.00 BEGINNING WORK: IMPORTANT DETAILS

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

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

1.2 ORIENTATION & ON-BOARDING
All new faculty and staff members at UNE receive specific information from Human Resources and their supervisor to help them become oriented to their new position and the policies of UNE. It is also necessary for all new employees to provide UNE with information required by law before they begin working. This information includes proof of eligibility to work in the United States.

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

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

1.3 KEYS
Many employees of UNE need keys to various University locations. The following is the key procurement policy:

- Key requests should be made to the Facilities Management Department.
- If the key requested is not to the requestor's assigned area, then the person who occupies the area for which the key is requested must authorize the request before a key will be issued.
- No master keys will be issued unless the request is accompanied by a signed authorization form from the Senior Administrator member responsible for that area.
- All keys must be signed for by the person who will be responsible for and have possession of the keys.
- In no event will keys be given to any person other than the requestor.
- All keys issued and their subsequent uses are the sole responsibility of the person who signed for them.
- Lost keys are to be reported to the Facilities Management Department and Security Office immediately. Prompt notification will help maintain the security of your assigned area.
- All keys remain the property of UNE and are to be returned to the Facilities Management Department when no longer needed, upon request, or upon termination of employment.

1.4 PARKING
Faculty are allowed to park on either campus when displaying a parking decal on their vehicle. These decals are available online at http://www.thepermitstore.com/ and enter UNE as your destination. Registrations must be updated in August of each year. You may register as many as four vehicles under your one permit.

Staff are allowed to park on the Biddeford campus when displaying a parking decal on their vehicle. Staff are prohibited from parking on the Portland campus while classes are in session. Convenient parking is available behind the Congregational Church on Stevens Avenue near the Portland campus. Additional shuttle parking is available off-campus on Bishop Street in Portland.
Faculty and staff members may access parking regulations and campus maps with designated parking locations on the UNE website. Automobiles without permits or parked in improper areas will be ticketed and may be towed at owner’s expense. More information is available online at http://www.une.edu/sites/default/files/parking-policies.pdf.

1.5  **EMPLOYEE IDENTIFICATION CARDS**

All employees must make an appointment with the Security Office to obtain an ID card. The employee photo ID card is used for security purposes as well as your library card and permits your access to the recreation/sports facilities, cultural, and other University events on either campus. You may also be required to show your ID card as a condition of receiving employee discounts in the cafeteria, bookstore, and at retail businesses in the community. Part-time, adjunct, clinical faculty, long-term guests, or temporary employees will be issued identification cards on request that will be valid for the term of their contract.

2.00  **EMPLOYMENT POLICIES**

2.1  **DIVERSITY**

It is UNE’s goal to offer a living, learning and working environment that is fully reflective of the richness of society and which is welcoming of human differences. UNE is committed in working to create an academic and nonacademic climate that educates and celebrates people with diverse backgrounds; and to undertake outreach efforts toward students, faculty, and staff to increase diversity and inclusiveness in the community.

2.2  **EQUAL OPPORTUNITY**

Consistent with federal and state law and University policy, the University of New England is committed to the fundamental concept of equal opportunity for all of the members of the University community. The University prohibits and will not tolerate discrimination in employment, the provision of academic services or in any other area of University life based on race, color, sex, physical or mental disability, religion, age, ancestry, national origin, sexual orientation, gender identity and/or expression, ethnicity, genetic information, HIV status, or status as a veteran. Prohibited bias factors will not be permitted to have an adverse influence upon decisions regarding students, employees, applicants for admission, applicants for employment, contractors, volunteers or participants in and/or users of institutional programs, services, and activities.

This policy is enforced by Federal Law under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, and all other applicable civil rights laws and regulations. It is also enforced under Maine law through the Maine Human Rights Act at 5 M.R.S.A. section 4551 et. seq. Inquiries regarding compliance with these statutes may be directed to the Associate Vice President of Human Resources, UNE, 11 Hills Beach Road, Biddeford, ME 04005, 207-602-2339 or to the Director, Office of Civil Rights, Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921, 617-289-0111 or the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333-0051, 207-624-6290.

Every member of this University community is expected to uphold this policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to conduct himself/herself in accordance with this policy as a condition of enrollment. Further, every University employee has an obligation to observe UNE policies in implementation of federal and state law as a term of employment.

Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment and enrollment. No person will be penalized for good faith utilization of channels available for resolving concerns dealing with prohibited sexual misconduct, harassment or discrimination.
In addition, this policy specifically prohibits any and all forms of sexual or gender-based harassment, and all forms of sexual misconduct, including sexual assault, dating violence, domestic violence and stalking.

2.3 ANTI-HARASSMENT

UNE will not tolerate harassment of its employees or students. At the University of New England, discriminatory harassment is defined as unwelcome verbal or physical conduct based on 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, 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; or such conduct unreasonably interferes with or limits one’s ability to participate in or benefit from an educational program or activity. Pursuant to the Maine Human Rights Act, Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal or physical conduct of a sexual nature, when:

a. 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;
b. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
c. 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; or
   - of interfering with or limiting one’s ability to participate in or benefit from an educational program or activity.

The University wants to know of any harassment that occurs, in order that it may act promptly to investigate and resolve the situation. If you are uncomfortable about a situation that may, in your opinion, constitute sexual harassment or any other form of harassment, you are encouraged to discuss your concerns with the Associate Vice President of Human Resources or the Title IX Coordinator.

The University of New England, as an equal opportunity educational institution, is committed to both academic freedom and the fair treatment of all individuals. It, therefore, discourages the use of sexist or other discriminatory language. Language that reinforces sexism and/or discriminatory stereotypes can arise from imprecise word choices that may be interpreted as biased, discriminatory, or demeaning even if they are not intended to be.

Each member of the University community is urged to be sensitive to the impact of language and to make a personal commitment to eliminate sexist language. Supervisory personnel have a particular responsibility to discuss this policy with faculty and staff and to assure the dignity that all employees deserve. Complaints about the use of sexist language should be directed to the appropriate Dean, Senior Administrative Officer, or to the Associate Vice President of Human Resources.

To review Anti-Harassment/Anti-Discrimination Policy in its entirety, see Appendix A of the Handbook.

2.4 TITLE IX POLICY

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

The Title IX Coordinator is the individual designated by the President with responsibility for providing education and training about discrimination, harassment and sexual misconduct, including sexual assault, dating violence, domestic violence or stalking to the University community and for receiving and investigating reports and complaints of discrimination, harassment and sexual misconduct in accordance with this policy. The Title IX Coordinator is Angela Shambarger, 207-221-4554 or ashambarger@une.edu.

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

The Title IX Coordinator/ Deputy Title IX Coordinators will: (1) provide oversight of any investigation of claims of sexual misconduct, harassment or discrimination in violation of this policy; (2) be available to assist any individual to access the resources of the University or the community in the event of any complaint under this policy; (3) assist anyone who wishes to report a crime to local law enforcement; (4) be responsible for all training and education programs and monitoring the campus climate with regard to sexual misconduct, harassment and discrimination; and (5) complete required annual reports to government agencies.

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

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

2.5 ANTI-BULLYING
UNE treats all employees with dignity and respect and expects that its employees will treat others the same. UNE will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination. UNE defines bullying as repeated inappropriate behavior, either direct or indirect, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Bullying conduct includes, but is not limited to, verbal, nonverbal, psychological and/or physical abuse, and/or humiliation, and encompasses conduct that occurs both on and off the worksite, such as on business trips, at work-related events, or social functions. This policy covers bullying perpetrated by or against employees, contractors, and members of the public, such as vendors and customers. It also covers bullying perpetrated by third parties such as customers, suppliers, or visitors directed at UNE community members, including employees. When an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration with respect to discipline. Thus, employees must consider how their words and conduct might be perceived, and whether a reasonable person would find the words or conduct offensive. As with harassment, UNE takes all allegations of bullying seriously and will address them promptly. Any investigation will be conducted with the greatest degree of confidentiality consistent with the Anti-Harassment/Anti-Discrimination Policy.

2.6 NON-DISCRIMINATION & ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES
UNE’s goal is to provide access to students, faculty, and staff to participate in the academic, employment, cultural, and recreational life of the University.
Under University policy and Federal and State laws, people with disabilities who are otherwise qualified are entitled to reasonable accommodations that will allow them access to University programs, jobs, services, and activities. Questions from students should be directed to the Director of the Student Access Center (formerly called Office for Students with Disabilities (OSD)). Questions from all others should be directed to the Associate Vice President of Human Resources.

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

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

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

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

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

Employees must report any illegal retaliation to Human Resources immediately.

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

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

Contact the hotline’s 24/7 message service at any time. Employee calls will remain confidential to the extent permitted by law. Call Toll-Free: 1-866-587-6636
2.8 CONFLICT OF INTEREST
UNE attempts to conduct its affairs with a high standard of integrity and expects that administrators, faculty, and staff members will conduct themselves in a professional manner with students at all times. All employees are expected to avoid situations that might permit private interests to influence job performance.

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

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

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

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

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

UNE prohibits the hiring of the relative(s) of current UNE employees within the same department. UNE also prohibits the hiring or transfer of an employee into a position in which she will directly or indirectly supervise or be supervised by a family member. Nor shall close relatives be permitted to work in the same office, whether or not there is a supervisory relationship.

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

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

Any exceptions to this policy require the approval of both the Senior Administrator of the area and the Associate Vice President of Human Resources.
2.10  JOB POSTING
Consistent with UNE's commitment to Equal Employment Opportunity, notice of all full and half-time vacancies will typically be communicated through UNE Community e-mail and posted at http://www.une.edu/hr/jobs. Job postings allow current employees the opportunity to apply for positions that will enhance their personal career growth and their contribution to UNE.

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

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

2.11  PERSONNEL FILES
UNE complies with all laws that govern personnel records, their creation, handling, and retention. Information that may be included in a personnel file includes but is not limited to benefit election form, tax withholding, payroll, performance evaluations, disciplinary action, and a resume or an application for employment.

The information in personnel files is confidential and is safeguarded under lock and key.

Employees may review their personnel files but must request in advance a time to review the file. UNE will schedule a review within ten days of receiving the written request from the employee.

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

Employees are responsible for notifying Human Resources of changes in address, telephone number, and family status (birth, marriage, death, divorce, etc.). This can be done by completing an Employee Information Form that can be found at http://www.une.edu/hr/support/employee-support.

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

All staff members should be aware of their job descriptions and should perform accordingly. It is noted, however, that job descriptions are only guidelines and can normally be expected to change over time. It is the responsibility of both the supervisor and the employee to work with Human Resources to update job descriptions that become outdated.

2.13  JOB CLASSIFICATION SYSTEM
Job classifications for non-faculty personnel are listed in the classification and pay plan, available from Human Resources. There is an established procedure for reviewing significant and fundamental changes in job content that may warrant reclassification. The procedure is to provide an updated job description, which will be reviewed by the supervisor and Senior Administrator, and be evaluated by Human Resources. Questions regarding the classification system may be directed to your supervisor or to Human Resources. All classifications will comply with the Department of Labor regulations.
2.14 **WORKING HOURS**

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

2.15 **REGULAR FULL-TIME EXEMPT (Salaried)**

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

2.16 **REGULAR FULL-TIME NON-EXEMPT (Hourly)**

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

2.17 **FLEXIBLE WORK SCHEDULING**

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

2.18 **EMPLOYMENT STATUS**

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

**DEFINITIONS:**

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

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

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

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

**NON-EXEMPT** - Employees whose responsibilities and job functions are such that tests by Federal and State laws require that they be paid at least minimum wage and time and one-half of their regular rate of pay for any and all hours worked over forty in a week.
**REGULAR FULL-TIME** - Employees regularly working a minimum of 35 hours per week (nonexempt) or 40 hours per week (exempt) for at least nine months of the year in a position that is regularly budgeted as a full-time position.

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

**TEMPORARY AND PART-TIME** - Employees whose positions are budgeted at less than half-time (or not budgeted at all), and whose work hours are fewer than 20 hours per week, and/or whose work months are fewer than 9 per year.

**2.19 BREAKS AND REST PERIODS**
Employees are offered one half-hour unpaid meal period for every six consecutive hours worked.

**2.19.1 LACTATION POLICY**
As part of our family-friendly policies and benefits, the University supports breastfeeding individuals by accommodating employees or students who wish to express breast milk when separated from a newborn child. For up to three years after the child’s birth, any employee who is breastfeeding her child will be provided reasonable breaks to express breast milk for her baby. The University has designated a ‘Privacy Room’ on each campus. In Portland, the room is located in the Innovation Hall Building; and in Biddeford, it is located in the Human Resources office building for this purpose. Nursing employees wishing to use this room must request/reserve the room by contacting Human Resources. Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time sheet.

**2.20 PROBATIONARY PERIOD**
Full and half-time professional staff employees may experience a ninety-day probationary period at the start of employment or upon transfer or promotion. During these ninety calendar days, the employee is learning the functions and responsibilities of the employee’s new position, and the responsible supervisor is working closely with the employee to assist in the employee’s adjustment to UNE. If it is perceived by either the employee or the supervisor that an appropriate adjustment to the position is not occurring, or that the employee is not fully capable of carrying out the requirements of the position, then either party may choose to terminate the employment relationship. An employee’s successful completion of the probationary period does not alter the employee’s status as an at-will employee.

It is the responsibility of each supervisor to ensure that each employee is provided with sufficient training and guidance so that the employee's performance may be fairly assessed. Any supervisor may request an extension of the probationary period by an additional thirty days if in the supervisor’s judgment, the ninety days was not sufficient time to allow for the adequate adjustment of the employee to the position or to allow for adequate time to assess the employee. Certain positions at UNE may require a longer probationary period due to the complexity and responsibility of the position. This will be communicated to the employee at the time of employment and approved through the Human Resources Office.

At any time during employment, a non-faculty employee may be placed on probation for unsatisfactory conduct or service upon the recommendation of the supervisor, and with the concurrence of the Senior Administrator and Associate Vice President of Human Resources. UNE is not required to place an employee on probation before terminating the employee.

**2.21 PERFORMANCE EVALUATION**
The evaluation of employee performance is intended to be a continuous process of communication between
employees and supervisors and to serve several purposes:

- To evaluate each employee’s effectiveness in performing assigned duties and responsibilities;
- To identify factors which can improve job performance;
- To assist employees in developing additional knowledge, skills, and abilities for job advancement;
- To recognize exceptional performance;
- To document shortcomings of substandard performance;
- To determine retention of an employee at the end of the probationary period.

The performance evaluation process is designed to encourage employee participation and input including the option that each employee can evaluate their supervisor's effectiveness through a "supervisory feedback" process. Information and training materials relevant to the performance evaluation process are available in Human Resources.

UNE's goal is that performance appraisals are conducted after 90 days of employment, one year of employment, and on an annual basis after that.

Faculty members should consult the Faculty Handbook about performance evaluation.

2.22 PROMOTIONS AND TRANSFERS

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

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

Employees with less than six months of service in their current position at UNE will not be released for transfer or promotion. Human Resources can offer employees career counseling as well as information concerning career opportunities at UNE.

2.23 REFERENCES

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

2.24 EMPLOYMENT OF MINORS

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

2.25 VISITORS & CHILDREN ON CAMPUS

Safety is always a primary concern when considering the presence of children and other visitors on campus. Some facilities are not designed for unsupervised public access; therefore, UNE limits and prohibits access to these facilities by children and adult visitors.
For more information on the Children on Campus Policy see Appendix C of the Handbook.

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

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

3.00 PAYROLL PROCESSING AND PAY ADMINISTRATION

3.1 TIME SHEETS AND LEAVE REPORTS

3.1.1 TIME SHEETS FOR NON-EXEMPT EMPLOYEES
All non-exempt employees must keep accurate records of their time worked. Non-exempt employees record their work time and eligible leave time on authorized timesheets for the pay period. These time sheets must be fully and accurately completed by the employee, reviewed, and signed by their supervisor at the end of the pay period. Supervisors and managers are responsible for ensuring that employees’ complete accurate time sheets for all hours worked and that the time sheets are submitted in a timely fashion to the Payroll Office for processing. For a copy of the timesheet form, visit www.une.edu and search Timesheet.

Timesheets must be received in the Payroll Office (Biddeford Campus) by noon of the Monday immediately following the end of the pay period. Timesheets that are not received, received late, incomplete, or not approved by the supervisor may result in a payment delay beyond the normally scheduled pay date. Failure to submit a timesheet on time may result in an actual check versus direct deposit being issued.

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

3.2 PAY PERIODS AND PAY DAYS

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

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

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

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

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

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

3.3 COMPENSATION AND PAYROLL

3.3.1 PAYCHECKS AND DIRECT DEPOSIT
All employees paid by UNE must arrange for direct deposit of their entire net pay to any bank or credit union in the United States. Direct deposit is mandatory. Please complete UNE’s Direct Deposit Authorization form - [http://www.une.edu/hr/support/employee-support](http://www.une.edu/hr/support/employee-support) - to provide your banking information. There are no limits to the number of direct deposit accounts an employee may establish. However, direct deposits need to be in fixed dollar amounts except for the last net pay deposit. Employees may change their direct deposit accounts as frequently as they wish with submission of the Authorization Form at least seven days before the payday. In the infrequent circumstance that an actual paycheck is necessary, failure to timely enroll in direct deposit will result in paychecks to be available for the employee to pick up at the Payroll Office (Biddeford Campus) on or after the pay date.

3.3.2 ELECTRONIC PAY STATEMENTS
Pay statements are available electronically to all employees through U-Online by the payday. Please contact the Payroll Office or Information Technology for guidance for accessing this secure internet website.

Actual hard copy paychecks are not printed. U-Online provides all the required pay statement information such as the pay period, historical and current pay records, hours paid for non-exempt employees, pay rates, earnings type and amounts, deductions, and direct deposit bank or actual check information. Other supporting information is also available through U-Online, [http://uonline.une.edu/](http://uonline.une.edu/) for benefit selections, leave time balances and usage, tax withholdings, earnings history, deductions history, and prior years’ W-2 data.

3.3.3 PAY DEDUCTIONS
UNE is required to deduct certain federal and state income taxes and social security taxes from employees' pay. UNE is also required to withhold for authorized mandatory wage garnishments and tax levies as directed by respective creditors or the government. If an inadvertent overpayment occurs to an employee that is the responsibility of the University, recovery of the overpayment from the employee will be made with the employee or at least to the extent of the amount allowed to recover by law. If an overpayment occurs to an employee that is the responsibility of the employee, recovery of the overpayment from the employee will occur as allowed by law. Many pay deductions are established at the benefit open enrollment
period to be effective for the first of the calendar year. Other Deductions may also be made if the employee signs an authorization for the University to do so. Deductions from employees' pay are documented on the electronic pay statements. Voluntary deductions include, but are not limited to, the following: (Subject to employee eligibility.)

- Health Insurance
- Dental Insurance
- Life Insurance
- Flexible Spending Accounts
- Retirement Plan
- Long-term Disability Insurance
- Short-term Disability Insurance
- Annual Fund
- United Way
- Other Voluntary Contributions

3.4 **WAGE AND SALARY INCREASES**
UNE conducts pay evaluations on an annual basis and may make adjustments depending upon availability of funds. Increases will take into account cost of living, employee performance, and prevailing rates for comparable positions in the relevant employment community, changes in the pay scale, internal equity, available resources, and other relevant factors. Every effort is made to award any such salary increases at the beginning of the fiscal year (June 1).

3.5 **WAGE AND SALARY STRUCTURE**
Non-faculty employees are paid according to the classification and pay plan available from Human Resources.

3.6 **PAY ADVANCES**
It is the policy of UNE not to issue pay advances.

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

3.8 **HOLIDAY PAY**
Regular full-time and regular half-time salary and hourly paid employees are paid at their regular rate of pay for any holiday scheduled by UNE and posted on the UNE Holiday Schedule. The holiday hours entitled for payment are as follows:

<table>
<thead>
<tr>
<th>Regularly scheduled weekly work hours for....</th>
<th>Holiday hours available for each holiday....</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Regular half-time employees:</strong></td>
<td></td>
</tr>
<tr>
<td>20 to 34.75 hours (hourly)</td>
<td>4</td>
</tr>
<tr>
<td>20 to 39.75 hours (salary)</td>
<td>4</td>
</tr>
<tr>
<td><strong>Regular full-time employees:</strong></td>
<td></td>
</tr>
<tr>
<td>35 to 37.50 hours (hourly)</td>
<td>7</td>
</tr>
</tbody>
</table>
If a UNE scheduled holiday falls on a day of the week that is not within the employee’s normal work schedule, the employee is eligible to use the holiday time on an alternate day during that workweek. The employee’s supervisor shall approve the alternate day to use the holiday time. If the employee is unable to use the holiday time on an alternate day during that week, the employee is entitled to the compensatory holiday provision noted in Section 3.8. An employee’s last day of employment cannot end on a University holiday; holidays occurring after the employee’s last work day are not paid to the employee.

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

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

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

3.10 INCLEMENT WEATHER
A decision to delay the opening time or to cancel the entire school day at UNE due to inclement weather will be made by 5:45 a.m. for day classes based on conditions on each UNE campus and the immediate surrounding area after consulting with the weather service.

UNE’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 before the class or event. Employees are expected to use their discretion if they decide to travel to work on an inclement weather day when UNE remains open.

3.10.1 CLOSING ANNOUNCEMENTS


TELEPHONE BULLETIN BOARD - Call 207-602-2211 or 207-797-7688, x2211. Please do not call the switchboard or answering service for closing announcements because you cannot access the appropriate message as they are set up to handle emergency calls only. Please call one of the numbers above for closure information.

INTERNET - myUNE at http://my.une.edu

EMAIL – A community-wide email will be sent announcing the closure of campuses as it relates to inclement weather.
3.10.2 FACULTY
The Faculty are expected to be available to meet student needs when UNE is open. In extreme circumstances where faculty elect to not attend work on storm days when UNE is open, they should follow college protocol for notifying students, as established by the College Dean and Department Chair, and by placing an appropriate announcement on their voicemail at UNE and/or sending a message to their class group on myUNE.

3.10.3 STAFF
Regular full-time and half-time exempt and non-exempt paid staff should notify their immediate supervisor if they elect not to attend work on storm days when UNE is open. Temporary staff should do the same.

3.10.4 NON-ESSENTIAL PERSONNEL
Non-essential personnel are regular full-time and half-time exempt and non-exempt paid staff not required to work during inclement weather. All regular half-time and regular full-time exempt and non-exempt paid staff will be compensated for their regularly scheduled work hours when UNE makes the decision to be closed, open late, or closes early subject to the attendance and pay treatment scenarios outlined in this policy. Non-essential personnel should not report to work during inclement weather closure times. If an inclement weather closing day or partial day occurs while an employee is on a scheduled absence (for example, vacation or other leave time), that time off will nonetheless be charged to that appropriate leave category. Temporary employees are not eligible for inclement weather pay during a work closure.

3.10.5 ESSENTIAL PERSONNEL
All essential personnel required to work on days when UNE has been closed due to inclement weather are expected to make their best effort to arrive at work at their scheduled time. Essential personnel will be informed of their scheduled time in advance by their supervisor. During work closures/delays, only essential personnel are required to report to work at their normal starting times or at times arranged by their supervisor. Essential personnel should notify their immediate supervisor if they are unable to work during the inclement weather closing. Essential personnel include but are not necessarily limited to Facilities and Safety and Security Personnel.

Essential personnel that do not report to work at their normal starting time, or at an alternate time determined by the supervisor during inclement weather closings, will be required to use their available leave time (vacation, personal, Maine Earned Paid Leave and/or floating holiday time) or be unpaid for the hours the employee was not in attendance at work. If an inclement weather closing day or partial day occurs while an essential employee is on a scheduled absence (for example, vacation, sick, Maine Earned Paid Leave or other leave time), that time off will nonetheless be charged to that appropriate leave category.

3.10.6 COMPENSATION FOR ESSENTIAL NON-EXEMPT PERSONNEL
Temporary employees are not eligible for inclement weather pay provisions noted below in the event they work during inclement weather closure.

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

This double pay represents the time that non-essential personnel were paid for the day for not working plus pay for the time the essential personnel employee works. However, the double pay provision only applies to regular hours worked during the time between midnight and midnight for the full closure day.
When UNE delays the opening of school due to inclement weather conditions, essential regular full-time and regular half-time non-exempt employees required to work will receive pay at double their regular hourly rate for those hours worked during their regularly scheduled shift between midnight and the school opening time.

When UNE closes school early due to inclement weather conditions, essential regular full-time and regular half-time non-exempt employees required to work after UNE closes will receive pay at double their regular hourly rate for hours worked from the school closure time until the end of their work time or midnight, whichever comes first, and straight time after midnight if UNE opens the following day.

Essential Non-Exempt personnel hours worked during inclement weather closings are also considered hours worked for the determination of overtime. (See Section 3.2 – Overtime)

3.10.7 COMPENSATION FOR ESSENTIAL EXEMPT PERSONNEL
Exempt essential employees receive their regular pay period salary for time worked during an inclement weather closing. Salary employees are not entitled to the double pay provisions.

3.10.8 ATTENDANCE AND PAY TREATMENT SCENARIOS DURING INCLEMENT WEATHER CLOSINGS
Exempt and non-exempt staff employees (essential and non-essential) who elect, for whatever reason, not to attend work when UNE is open for the entire day will be required to use available leave time (vacation, personal, and floating holiday time) to the extent of their full scheduled workday. They are not entitled to inclement weather time pay.

Exempt and non-exempt staff employees (essential and non-essential) who elect, for whatever reason, not to attend work for the entire day when UNE opens late will be required to use available leave time (vacation, personal, and/or floating holiday time) to the extent of their full scheduled workday or be unpaid for the entire day.

Exempt and non-exempt staff employees (essential and non-essential) who elect, for whatever reason, when UNE delays opening, to report to work after the delayed opening time will have the entire time from the start of their normally scheduled work day until they arrive at work charged to available leave time (vacation, personal, and/or floating holiday time) or be unpaid. They are not entitled to inclement weather time pay since they did not report to work at the UNE opening time.

Exempt and non-exempt staff employees (essential and non-essential) who elect, for whatever reason, to leave early when UNE does not close or prior to UNE closing for the day, will be required to use available leave time (vacation, personal, and/or floating holiday time) for the remainder of their scheduled workday. They are not entitled to inclement weather time pay since they left before the inclement weather closing for the day.

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

3.11 SHIFT DIFFERENTIAL PAY POLICY
In recognition of the fact that the second and third shifts are considered by many to be less attractive than the first shift, UNE pays a 25 cent per hour second shift differential, and a 50 cent per hour third shift differential, subject to the following terms and conditions.
In order to give operating departments flexibility in designing work shifts that work best for them and their customers, for policy purposes, the second shift will be defined as any set of standard working hours that largely encompasses the late afternoon and the evening (usually before midnight) hours, and the third shift is any regular set of work hours that customarily begins around midnight and ends in the early morning.

Only regular full-time and regular half-time hourly paid employees working the shift in question on a regular and continuing basis are eligible for shift differential pay. Employees assigned to work during second or third shift hours temporarily, or as a result of call-in, overtime, or for other similar reasons are not eligible for shift differential pay.

Eligibility for shift differential pay shall be determined by the supervisor, with the written authorization of the Associate Vice President of Human Resources. The shift differential shall be considered as part of base pay for purposes of payment for all hours worked, leave time, including terminal vacation leave, and for purposes of computing overtime or other premium pay.

If a person is regularly scheduled to work on more than one shift (for example third shifts and second shifts), the shift differential will be prorated to reflect the normal work schedule. It will be changed only when the regularly scheduled work shift changes. The final determination will be made by the Associate Vice President of Human Resources.

4.00 EMPLOYEE BENEFITS

4.1 PLAN DESCRIPTIONS
The Personnel Handbook describes the benefits currently in effect; however, faculty and non-faculty employees may request a copy of the plan description for insurance or retirement plan carriers. In the event of a conflict between the Personnel Handbook and the plan description, the plan description is the controlling document. All Summary Plan Descriptions (SPDs) are available at http://www.une.edu/hr/benefits.

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

4.3 VOLUNTARY INSURANCES
In addition to the health, life, dental, and disability insurances funded by UNE as part of its cafeteria-style benefits program, UNE has worked out an arrangement that permits full-time and half-time employees to purchase many other types of insurance through payroll deduction. These include short-term disability insurance and life insurance for one’s self. Some of these insurances are at group discounted rates. Please contact Human Resources staff for details.

4.4 FLEXIBLE SPENDING ACCOUNTS
UNE offers flexible spending accounts available to its regular full-time and half-time employees. These allow employees to pay for certain types of medical expenses and dependent care expenses with pre-tax dollars. Please consult Human Resources for further information.
4.5 DOMESTIC PARTNER BENEFITS
UNE permits the participation in the health and dental insurance programs for partners and children of unmarried employees’ who can demonstrate by affidavit that they are in long-term, committed, mutually interdependent relationships. With certain narrow exceptions, UNE is required by law to tax the employee for the employer costs of providing the domestic partner health and dental insurance. Also, the employee’s contribution toward the insurance premium for the domestic partner is required to be deducted from the employee’s pay as an after-tax deduction. For details, consult with Human Resources.

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

4.7 RETIREMENT PLAN
Regular full-time and regular half-time faculty and staff are eligible to participate in the 403(b) retirement program administered by Fidelity.

Regular full-time and regular half-time employees may join the Fidelity 403(b) on the first payroll following their date of hire and are eligible for University matching contributions on the first payroll following completion of one year of service. The one year waiting period for University matching contributions is waived for those with at least one year of service in higher education, per the terms of the plan document. Upon meeting the matching requirements, eligible faculty and staff participating in the plan will receive dollar for dollar matching contributions from UNE, up to UNE’s maximum matching percentage at that time. UNE will not match participant post-tax contributions (referred to as a Roth).

Eligible employees may contribute to their account more than UNE’s maximum matching percentage on an unmatched basis.

Eligible faculty and staff may participate in the 403(b) with a contribution of at least .5% of their eligible salary, and a maximum percentage that will allow for employee contributions that do not exceed the IRS maximum contributions.

Retirement Plan Maximum Contributions
The IRS establishes the maximum calendar year employee 403(b) contributions based upon an employee’s eligible employment years at UNE and their age. Please consult with the Human Resources or the Payroll Office regarding any questions about contribution limits. It is the responsibility of the employee to determine or seek consultation about their annual limit and percentage contribution(s).

Loans from the Annuities
When plan document and IRS requirements are met, employees may take loans from their account.

While it is expected that this plan will continue indefinitely, UNE reserves the right to modify or discontinue it at any time.

The language above generally summarizes some of the terms and conditions of participation in the retirement programs. For detailed requirements, please refer to the plan documents or contact Human Resources.

4.8 EMPLOYEE ASSISTANCE PROGRAM
The Employee Assistance Program (EAP) is provided by Cigna to UNE employees to help with issues related to health, personal, legal, and family challenges. It provides UNE employees with direct access to qualified professionals trained to assess a wide range of personal problems for which they provide support, assistance, and
resolution.
This program has been created for the benefit of UNE employees and is completely voluntary and confidential. The toll-free number for the Employee Assistance Program is 1-877-622-4327. For more information contact Human Resources staff or visit the Human Resources Webpage.

5.00 EDUCATIONAL BENEFITS

5.1 TUITION BENEFITS: EMPLOYEES
Academic courses at the University are open to regular full- and half-time employees who seek professional advancement or personal enrichment. Employees are eligible for coursework at reduced rates on a space-available basis and only in programs of study that are not enrollment capped. Space availability will be determined on the first day of classes. The Registrar will not include discounted employee enrollments in calculating minimum course enrollments.

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

Regular full-time employees may take up to two courses per semester at discounted rates. Discounts on courses is for tuition only and does not include additional fees or materials. Additional coursework may be taken at a discount of 50% of the full-time matriculated tuition rate. Regular full-time employees who as of March 1, 1998 are currently taking more than two courses per semester are exempted, and are thus permitted to continue taking more than two courses per semester at discounted rates.

- $50 per course (maximum of four credits per course) for undergraduate courses taken for credit.
- $100 per course (maximum of four credits per course) for graduate courses taken for credit.
- $25 per course (maximum of four credits per course) for undergraduate courses taken not for credit (space available basis only).
- $50 per course (maximum of four credits per course) for non-matriculated graduate courses taken not for credit (space available basis only).
- 50% tuition reduction for not for credit continuing education courses, on a space-available basis, as determined by the Registrar.

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

Employees are not eligible for reduced tuition for CAGS, the Professional Science Masters through UNE North, Post-Master Certification programs, Post-Baccalaureate Certification Programs, certain web-based courses, video courses, or for independent study courses. If educational programs are created at the University which has as part of their tuition or fee structure provisions for payments to a third party, those programs shall be deemed automatically ineligible for reduced benefits under this provision. Discounts are for tuition/coursework only and other fees may apply. Additional information may be obtained from the Human Resources office.

5.2 TUITION BENEFITS: FAMILIES
All regular full-time employees of the University of New England are eligible for tuition grant-in-aid benefits for their families at the Colleges within UNE according to the following terms and conditions:

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

**Employee Dependents**

- Regular full-time employee’s dependents may take coursework at a discount for undergraduate coursework in non-enrollment capped programs for their dependent child(ren) or stepchild(ren) (to age 24). Discounts on courses is for tuition only and does not include additional fees or materials. After merit aid is awarded (if applicable), the remaining balance of tuition will be discounted by 20% for each year of continuous, uninterrupted service. The combined total of merit aid and tuition grant-in-aid shall not exceed the annual tuition cost. (Room and board and fees are not eligible expenses.)

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

- The chart below illustrates the tuition discount based on continuous years of service:

<table>
<thead>
<tr>
<th>Tuition Grant-in-Aid</th>
<th>Discount Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Continuous Full-Time Years of Service</td>
<td>20%</td>
</tr>
<tr>
<td>1 Year</td>
<td>20%</td>
</tr>
<tr>
<td>2 Years</td>
<td>40%</td>
</tr>
<tr>
<td>3 Years</td>
<td>60%</td>
</tr>
<tr>
<td>4 Years</td>
<td>80%</td>
</tr>
<tr>
<td>5 Years</td>
<td>100%</td>
</tr>
</tbody>
</table>

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

**Spouses and Domestic Partners**

- Spouses and domestic partners of regular full-time employees employed for at least one year may take one course per semester (not to exceed four credits per semester) at a discount that effectively reduces the costs as follows:
- Tuition for non-enrollment capped undergraduate courses will be reduced to $100.
- Tuition for non-enrollment capped graduate courses will be reduced to $200.
- Admission to courses will be on a "space-available" basis, as determined by the registrar.
- Student eligibility for participation in this program shall commence on the beginning of the semester following the employee's attainment of the requisite years of service.
• Discounts on courses is for tuition only and does not include additional fees or materials.

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

Family members are not eligible for reduced tuition for CAGS, the Professional Science Masters through UNE North, UNEit Program, certain web-based courses, video courses, independent study courses, or non-credit continuing education courses. If educational programs are created at the University which have as a part of their tuition or fee structure provisions for payments to a third party, those programs shall be deemed automatically ineligible for reduced tuition benefits under this provision. Discounts are for tuition/coursework only and other fees may apply.

5.3 CIC and TE - TUITION GRANT-IN-AID PROGRAM
The University participates in the Council of Independent Colleges Tuition Exchange Program (CIC) and the Tuition Exchange Program (TE). Under the terms of these programs, dependent children of regular full-time UNE employees who have one completed year of uninterrupted full-time service are eligible to apply for tuition-free acceptance to undergraduate programs of any members of the Council of Independent Colleges or Tuition Exchange Program. Restrictions and eligibility requirements apply. For further information, please contact the Human Resources Office staff.

5.3.1 CIC TUITION GRANT-IN-AID PROGRAM
The University participates in the Council of Independent Colleges Tuition Exchange Program. Listed below are several distinctive elements of CIC’s Tuition Exchange Program that provide significant advantages for participants. For further information, please contact the Human Resources Office staff.

CIC-TEP has no limitations on the number of exports nor are there any credit-debit limitations.

CIC-TEP does not limit exchange benefits to certain groups of employees. As long as an employee is designated as full-time by a participating institution, she or he is eligible to receive exchange benefits.
CIC-TEP does not limit benefits to the employee’s dependents. Employees, spouses, and dependents are all eligible for full tuition benefits.

Institutions have the option of making qualified employees immediately eligible or setting a waiting period consistent with their campus tuition remission programs.

Once an institution has become a CIC member and has paid its annual membership dues, it registers (annually) for CIC-TEP and pays the annual institutional registration fee of $350. CIC-TEP does not charge placement fees per student exported.

Institutions may not grant a partial tuition write-off. All CIC-TEP participants receive a full tuition remission benefit for each eligible student.

Institutions Are Not Required to Import More than Three New Students a Year. This provision is designed to protect the host institution from being inundated with Exchange students.

Host institutions may keep the student’s Pell and state scholarships. To offset expenses for the host institution and provide an additional benefit, CIC-TEP allows institutions this privilege.

CIC maintains an easily accessible and current listing of CIC-TEP participating institutions. Early registration provides maximum opportunity for student choice. Participating institutions can be found at https://www.cic.edu/member-services/tuition-exchange-program/participating-institutions.

Some host institutions may permit students to enroll in part-time, graduate, or study-abroad programs. (Eligibility for graduate program benefits is limited to the employee and spouse.)

Benefits are not limited to national exchanges. The CIC-TEP provides for international exchanges when exporting and host institutions allow it.

5.3.2 TUITION EXCHANGE
This program is available to regular full-time UNE employees who have completed fifteen years of uninterrupted full-time service (or its equivalent) with the University by their date of application.

Employees must continue to be employed full-time by The University of New England for the full duration of the tuition exchange period for the benefits to continue.

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

The scholarships are limited to full-time undergraduate study programs only. They are not available for part-time study, graduate school, summer session, intersession, external degree, or study abroad.

Duration and Coverage: Because the University must balance the number of TE students it “exports” with those it “imports” or enrolls at the University, there are a limited number of export scholarships available.

The maximum individual TE benefit will be eight semesters and will cover 100% of tuition. The University has established the following guidelines for awarding Tuition Exchange eligibility:

1) Seniority of employee length of service at University of New England
2) All things equal, academic achievement will be considered.
3) A maximum of four TE scholarships will be awarded each year.

Students renewing their TE scholarship must meet College eligibility guidelines each year and be re-certified by the Tuition Exchange Committee.

The deadline for employees to submit tuition exchange applications for consideration for any academic year is September 30th of the prior year. For example, if an employee’s child is applying for college acceptance for next fall, the tuition exchange application is due in Human Resource Office by the previous September 30th. Applications submitted after that date will be reviewed on a case-by-case basis.

5.4 UNE BLUE SCHOLAR PROGRAM

The UNE Blue Scholar Program annual tuition subsidy will vary based on years of service:

<table>
<thead>
<tr>
<th>Years of continuous uninterrupted service</th>
<th>Annual UNE Blue Scholar Award</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Years</td>
<td>$10,000</td>
</tr>
<tr>
<td>15 Years</td>
<td>$15,000</td>
</tr>
<tr>
<td>20 Years</td>
<td>$20,000</td>
</tr>
<tr>
<td>25 Years</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

Applications for UNE Blue Scholar annual dependent scholarship must be submitted each quarter or semester that an employee is requesting a scholarship payment. Applications along with a copy of the dependent’s detailed student statement or bill should be submitted to the Office of Human Resources. Payments will be made directly to the college or university and will not exceed the direct billed cost of attendance but may impact other aid awarded. It is important to check with the host institution regarding their internal policies.

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

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

Eligible employees include: 1. A full time faculty member. 2. A full time staff member.

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

Faculty Examples: A faculty member is hired 08/25/2007. The employee will reach their 10th year 08/25/2017 and will be eligible for the scholarship effective 09/01/2017. A faculty member is hired 09/25/2007. The employee will reach their 10th year on 09/25/2017 and will be eligible for the scholarship effective 09/01/2018.
Student eligibility for participation in this program shall commence on the beginning of the semester following the employee's attainment of the requisite years of service. The dependent scholarship applies to full-time undergraduate degree coursework.

The dependent must be enrolled on a full-time basis (to age 24).

The institution must be regionally accredited.

The institution must offer a bachelor’s degree or an associate’s degree in a field which the associate’s degree is considered terminal or in a program which at the end of the two years permits transfer to a four-year accredited institution.

This benefit will be granted for not more than eight semesters or twelve quarters to any one dependent. (Summer terms will count as one of the semesters or quarters.)

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

The employee agrees to promptly notify the University of New England’s Human Resources Department in the event that the child no longer meets the IRS dependent requirement.

In the event that the dependent withdraws from the accredited institution and receives a tuition refund, the employee must promptly notify the University of New England and immediately return any payment disbursed on the dependent’s behalf.

Please contact Human Resources or Student Financial Services for further information.

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

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

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

5.6 STAFF DEVELOPMENT
Whenever possible, the University will provide in-house training sessions to enhance the skills and performance of employees. The University encourages employees to consult with their supervisor for any financial support available to further their education in job-related courses, seminars, or workshops. Employees are encouraged to enroll in UNE courses as a means of furthering their education. Employees are also encouraged to join and become active in professional associations relevant to their occupations.
6.00 LEAVE TIME

UNE provides a variety of paid and unpaid leave to provide employees time away from work to relax, pursue special interests, and manage unexpected issues that might arise. The information below defines a variety of leave options including but is not limited to holidays, vacation time, Maine Earned Paid Leave, medical leave, and other leaves of absence. Any use of leave time must be approved by the employee’s supervisor or Human Resources. While parameters of each option vary, the last day of employment cannot consist of leave time such as sick leave, personal leave, floating holiday, Maine Earned Paid Leave and other leave time, regardless of the option being used.

6.1 HOLIDAYS

UNE guarantees its employees at least twelve paid holidays per year. The holiday schedule, which may vary for a variety of reasons (but which will always have at least twelve holidays), is posted after the Fall Assembly in August of each year. When a holiday falls on a Saturday or Sunday, it is observed on the preceding Friday or the following Monday.

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

The usual and customary University holidays are as follows: (Recognized on Monday thru Friday and not on Saturday or Sunday).

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Days</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year's Eve</td>
<td>1 day</td>
</tr>
<tr>
<td>New Year's Day</td>
<td>1 day</td>
</tr>
<tr>
<td>Martin Luther King Holiday</td>
<td>1 day</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>1 day</td>
</tr>
<tr>
<td>July 4th</td>
<td>1 day</td>
</tr>
<tr>
<td>Labor Day</td>
<td>1 day</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>1 day</td>
</tr>
<tr>
<td>Day after Thanksgiving</td>
<td>1 day</td>
</tr>
<tr>
<td>Christmas Eve</td>
<td>1 day</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>1 day</td>
</tr>
<tr>
<td>Floating Holidays</td>
<td>2 days</td>
</tr>
</tbody>
</table>

6.2 FLOATING HOLIDAYS

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

It is expected that a written notice will be given at least two weeks in advance to the supervisor to request a floating holiday. A floating holiday can be used only after it has been earned, approved in advance by the supervisor, and is to be accounted for on timesheets and leave reports. Floating holidays are not payable upon termination of employment.
6.3 RELIGIOUS HOLIDAYS
Employees wanting time off for observance of a religious holiday should request the time off with sufficient notice to allow the supervisor to accommodate both the employee's and the department's needs. The time off may be taken without pay, from accrued vacation, personal time, or earned floating holidays.

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

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

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

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

6.6 VACATION LEAVE

EARNING RATES
Regular full-time exempt non-faculty personnel and regular full-time 12-month faculty members earn twenty days (or 160 hours) of vacation leave per year. Notwithstanding the fact that vacation is earned on a monthly pro-rata basis (13.33 hours per month), employees in service on June 1 (the beginning of the fiscal year) will have access to their full vacation accumulation on that date. Vacation leave earnings for salaried hires during the fiscal year (after June 1) will be calculated at the rate of 13.33 hours for each full completed calendar month of service remaining in the fiscal year. Vacation time is not vested to the employees, and must be used by May 31 of the fiscal year, or it will be forfeited.

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

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

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

**COMPLETED CALENDAR MONTH OF SERVICE**

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

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

**LEAVE OF ABSENCE**

Vacation time will cease to accrue when an employee has been on a leave of absence, for any reason, for one full calendar month. A leave of absence for vacation time is defined by not having physically worked at least one day in that calendar month. Employees recording any leave time to account for all the paydays in the month, but not working at least one day in that calendar month, will not earn that month of vacation accrual.

**USAGE**

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

**MAXIMUM ACCUMULATION AND MAY 31ST USAGE REQUIREMENT**

Vacation time cannot be carried forward from one fiscal year to another. Time not used shall be forfeited. Vacation time is not vested to the employee. It is the employee’s responsibility to assure that vacation time is used by May 31st of each fiscal year and not forfeited.

**VACATION LEAVE ADVANCE AT TERMINATION**

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

**UNUSED Earned Vacation Time AT Termination**

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

**Maine Earned Paid Leave Law**

Vacation time accruals satisfy the requirements of the Maine Earned Paid Leave Law, effective January 1, 2021. Faculty and staff who earn vacation time may use that time to receive pay for time off requested under the provisions of the Maine Earned Paid Leave Law. The first forty hours of vacation time used in a fiscal year is considered to satisfy the Maine Earned Paid Leave Law requirements. Employees transferring from a vacation eligible position to a non-vacation eligible one will have previously unused earned vacation paid at time of transfer and will then begin to accrue Maine Earned Paid Leave if eligible.
6.7 SICK LEAVE
Sick leave is provided to regular full- and regular half-time faculty and staff as a form of short-term disability coverage. This is designed to protect the employee from loss of income should the employee become ill or temporarily disabled and are unable to work. Medical evidence may be required as a pre-condition for payment of sick leave benefits.
Sick time may be used:
- When the employee is unable to work because of illness or injury.
- When the employee has a scheduled medical or dental procedure or check-up.
- When the employee is required to care for the employee’s sick child, parent, domestic partner, or spouse who has an illness other than a serious health condition. If an employee has exhausted paid sick leave prior to taking up to 40 hours of paid leave during a 12 month period for an ill child, domestic partner or spouse, the employee may utilize other available accrued paid leave such as paid vacation time to complete taking up to 40 hours for this type of absence.
- When the employee is required to care for the employee’s child, domestic partner, or spouse, when they have a serious health condition as defined by the family medical leave policy.
- When the employee has been out due to a Workers’ Compensation claim, sick time may be used for the first 40 hours of the Workers’ Compensation waiting period. After Workers’ Compensation pays an employee for this time away from work, employee is required to reimburse the employee’s sick bank with the Workers’ Compensation check. See the Human Resources Department for information on processing any leave.

COMPLETED CALENDAR MONTH OF SERVICE
Sick time is earned by both exempt and non-exempt paid personnel on a monthly pro-rata basis, and is earned on the basis of completed calendar months of service. A calendar month of service is a month in which an employee works on the first working day of the month and the last working day of the month. For example, if the 1st of the month is a Sunday and the employee is hired (works) on the Monday the 2nd, they begin earning vacation time for that first month. Also, if the last day of the month is a Saturday and an employee is employed (works) through that Friday, the employee earns sick time for that month. As noted in other leave time provisions, the last day of employment cannot consist of use of leave time such as sick leave, personal leave, floating holiday, and other leave time.

EARNING RATE Regular full-time personnel earn sick leave at the rate of eight hours for each completed calendar month of service. A calendar month of service is a month in which a person is employed on both the first and the last days of the month.
Regular half-time employees earn one half the sick-leave earned by their full time counterparts. Sick leave is earned by probationary employees, but is not available for use until they attain non-probationary status.

Sick leave will cease to accrue when an employee has been on a leave of absence, for any reason, for one calendar month. A leave of absence for sick time is defined by not having physically worked at least one day in that calendar month.

MAXIMUM ACCUMULATION The maximum sick leave accumulation is 1,040 hours for regular full-time eligible employees (520 hours for regular half-time eligible employees). Unlike vacation leave, sick leave is intended to be used only if medical necessity requires it. Thus, like insurance, unused amounts are not paid upon termination of employment.

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

SICK LEAVE ADVANCE  Those employed for at least one year may apply to borrow up to ten days of sick leave not yet earned. Responsibility for approval shall rest with the Dean or Senior Administrative Officer, as appropriate, after consultation with the Executive Director of Human Resources and the employee's supervisor, and shall take into account both institutional needs and the compelling nature of reasons prompting the request. As a condition of receiving advanced sick leave, an employee must agree in writing to re-pay any advanced sick time still not earned and re-credited at the time of employment termination. The Authorization for Sick Leave Advance form is required to be fully completed and authorized. Furthermore, additional sick leave use will not be permitted until advanced time has been earned and re-credited.

6.8 CATASTROPHIC LEAVE
It is the policy of UNE that eligible employees who experience a catastrophic illness may petition for additional paid leave time from the Catastrophic Leave Bank.

Those eligible to petition for catastrophic leave benefits must have been employed by UNE on a regular full-time or half-time basis for at least two continuous years, must have experienced a catastrophic illness which results in a substantial loss of income because of exhaustion of earned sick, vacation and holiday leave, exhaustion of borrowed sick leave, and must in the opinion of the Catastrophic Leave Committee, have no history of injudicious use of sick leave.

DEFINITIONS:

CATASTROPHIC ILLNESS - A medical condition as certified by a physician, which requires an employee's absence from work for at least 30 working days which results in a substantial loss of income to the employee because of the exhaustion of earned sick, personal, vacation, and holiday leave, and exhaustion of borrowed sick leave.

MEDICAL CONDITION - A personal emergency, limited to catastrophic and debilitating medical situations, severely complicated disabilities, and severe accidental injuries which cause the faculty or staff member to be incapacitated from the performance of assigned job duties, which require a prolonged period of recuperation, and which require the employee's absence from duty as documented by a physician. Disabilities resulting from normal pregnancy, common illness, elective surgery, or illness covered by short-term disability insurance, long-term disability insurance, or Workers’ Compensation do not qualify for catastrophic leave.

PROLONGED PERIOD OF TIME - A prolonged period of time means a continuous period of time; whereby, a medical condition prevents the employee from performing his or her duties. A prolonged period of time is interpreted to be a minimum of 30 working days.

GUIDELINES

- No employee shall be eligible for approved Catastrophic Leave more than two weeks and in no case shall Catastrophic Leave be granted beyond the date that the physician certifies that the employee can return to work.
- No employee shall be eligible for Catastrophic Leave when the illness or injury is or may be covered by Workers’ Compensation.
- No employee shall be approved for Catastrophic Leave unless the employee has provided a medical certification from the physician supporting the absence and setting forth that the employee is and will continue to be incapacitated from performing the employee's job due to catastrophic illness.
- Catastrophic Leave which would result in a negative balance in the Catastrophic Leave budget will not be approved.
- Applications for Catastrophic Leave shall be reviewed by Human Resources on a first-filed, first-
considered basis and will forward requests to the Associate Vice President of Human Resources for a decision which shall be final, binding, and non-actionable.

**PROCEDURES** - Employees who desire to apply for Catastrophic Leave should write a letter of application to the Associate Vice President of Human Resources who will consider the request at the earliest reasonable opportunity. The letter should specify the reason prompting the request, the amount of leave requested, the beginning and ending dates of the leave, and a certificate from the employee’s physician as described above.

For purposes of this policy, Catastrophic Leave is a leave category that may be used, if approved, to fund a disability leave of absence. The availability of Catastrophic Leave does not change in any way the maximum time that disability leave may be available to an individual.

While an employee is using Catastrophic Leave, benefits continue in full force on the same terms and conditions as a disability leave of absence.

6.9 **FAMILY MEDICAL LEAVE ACT (FMLA)**
An employee is eligible for leave under this policy if the employee has been employed by UNE for a total of at least 12 months and has a minimum of 1,250 hours of service. The 12 months need not be consecutive.

FMLA entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.

Eligible employees are entitled to:

- Twelve workweeks of leave in a 12-month period for:
  - the birth of a child and to care for the newborn child within one year of birth;
  - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
  - to care for the employee’s spouse, child, or parent who has a serious health condition;
  - a serious health condition that makes the employee unable to perform the essential functions of his or her job;
  - any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty,” or

- Twenty-six workweeks of leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin (military caregiver leave).

**DEFINITIONS:**

**SERIOUS HEALTH CONDITION** – An illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential medical care facility;
- Continuing treatment by a healthcare provider;
- A serious health condition includes any period of incapacity related to pregnancy or for prenatal care.

**DOMESTIC PARTNER** –

- A mentally competent adult;
- Legally domiciled with the employee for at least 12 months;
• Not legally married to or legally separated from another individual;
• The sole partner of the employee and expects to remain so;
• Not a sibling of the employee; and
• Jointly responsible with the employee for each other’s common welfare as evidenced by joint living arrangements.

**SIBLING** - For the purpose of this Handbook, a sibling, who lives with the employee such that the employee and the employee’s sibling are jointly responsible for each other’s common welfare as evidenced by joint living arrangements and joint financial arrangements.

**PARENT** – A biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the employee.

**SON or DAUGHTER** – A biological, adopted, or foster child, a stepchild, or legal ward or a child for whom the employee stands in loco parentis, who is either under age 18, or age 18 or older and incapable of self-care such that the adult child requires active assistance or supervision to provide daily self-care as defined by the Family Medical Leave Act.

**COVERED MILITARY MEMBER** – A family member who is on active duty status in support of a contingency operation as a member of the Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve or a retired member of the Regular Armed Forces or a reserve component. A covered military member does not include a family member who is on active duty or called to active duty as a member of the Regular Armed Forces.

**Qualifying Exigency:**

• **Short-notice Deployment** – To address any issue that arises from the fact that a covered military member is notified of a contingency operation seven or less calendar days before the date of deployment. Leave taken for this purpose can be used for seven calendar days beginning on the date a covered military member is notified of an impending call to active duty.

• **Military Events and Related Activities** – To attend any official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty status of a covered military member; and to attend family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty status of a covered military member.

• **Childcare and School Activities** – To arrange for alternative childcare when the active duty or call to active duty status of a covered military member necessitates a change in the existing childcare arrangement for a child of the covered military member.
  
  o To provide childcare on an urgent, immediate need basis (but not on a routine regular, or everyday basis) when the need to provide such care for a child of a covered military member arises from the active duty or call to active duty status of that covered military member.

  o To enroll in a transfer to a new school or day facility a child of the covered military member, when enrollment or transfer is necessitated by the active duty or call to active duty status of a covered military member; and

  o To attend meetings with staff at a school or daycare facility such as meetings with school officials regarding disciplinary measures, parent-teacher conferences, or meetings with school counselors
for a child of a covered military member when such meetings are necessary due to circumstances arising from the active duty or call to active duty status of a covered military member.

- **Financial and Legal Arrangements** - To make or update financial or legal arrangements to address the covered military member’s absence while on active duty or call to active duty status, such as preparing and executing financial and healthcare powers of attorney, transferring bank account signature authority, enrolling in the [Defense Enrollment Eligibility Reporting System](#), obtaining military identification cards, or preparing or updating a will or living trust.

- **Counseling** – To attend counseling provided by someone other than a healthcare provider for oneself, for the covered military member or for the child or a covered military member, provided that the need for counseling arises from the active duty or call to active duty status of a covered military member.

- **Rest and Recuperation** – To spend time with a covered military member who is on a short-term temporary, rest and recuperation leave during the period of a deployment. Eligible employees may take up to five days of leave for each instance of rest and recuperation.

- **Post-deployment Activities** – To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of 90 days following the termination of the covered military member’s active duty status and to address issues that arise from the death of a covered military member while on active duty status, such as meeting and recovering the body of the covered military member and making funeral arrangements.

- **Additional Activities** – To address other events which arise out of the covered military member’s active duty or call to active duty status provided that the employer and employee agree that such leave shall qualify as an exigency, and agree to both the timing and duration of such leave.

**ONCE ELIGIBILITY IS ESTABLISHED:**

- Employee may take 12 total workweeks on a 12-month period. A rolling 12-month period shall be measured backward from the date an employee uses any FMLA leave.

- With regard to military caregiver leave, an employee may take up to 26 weeks of leave during a single 12-month period to care for a servicemember with a serious injury or illness. The single 12-month period in which the 26 weeks of leave entitlement may be taken shall be measured forward from the date of an employee’s first FMLA leave to care for the covered servicemember. During this single 12-month period, an eligible employee’s FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason.

- Leave may be taken on an intermittent basis for a serious health condition of an employee or employee’s spouse, child or parent. Leave taken after the birth or placement of a child for adoption or foster care may not be taken intermittently. However, intermittent leave is permitted before the birth of a child or placement for adoption or foster care if an absence from work is necessary for prenatal care or if an absence is required for the placement for adoption or foster care to proceed (examples include; counseling sessions, court appearances, and physical examinations).

- Leave will run concurrently with other applicable leave time and benefits such as leave time covered by Workers’ Compensation or other benefit programs.

For absenteeism due to unusual circumstances, an employee must follow UNE’s regular call-in procedures for reporting an absence.

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

**Status of Benefits**
As part of the FMLA leave, an employee requesting leave may be required to exhaust all accrued paid leave including sick days and vacation days while out on leave.

UNE will contribute to the cost of the health insurance of an employee on family medical leave during the leave on the same basis as if the employee remained actively employed. The employee is responsible for the employee portion of her benefit which may or may not include; medical, dental, short-term disability, and long-term disability. Employee must make arrangements with Payroll to set a payment schedule.

Benefit accruals such as vacation, sick leave, or holiday benefits will be suspended after one calendar month of leave; and the accrual of such benefits will resume upon return to active employment consistent with UNE policy regarding each benefit.

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

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

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

Faculty and Professional Staff under the above job classifications can accumulate a maximum of forty hours of Maine Earned Paid Leave time in a year.

Other characteristics of the UNE Maine Earned Paid Leave time:

- MEPL is **not** payable at termination.
- MEPL cannot be used after an employee’s last day physically worked.
- For the above referenced job classifications, a maximum of forty (40) hours of accumulated and unused MEPL may carry over to the subsequent year.
- If an MEPL eligible employee returns to work at UNE within one (1) year of ending their employment with UNE, they will have their prior MEPL balance reinstated.
- The one year period for determining the accrual, usage and carryover provisions of the policy is based upon the employee’s UNE employment anniversary date.
- MEPL is not earned when the employee is not working such when no worked is being performed, off-contract or breaks in employment service at UNE.

- MEPL can only be used to cover for regular work time missed and not as additional income over and above regular contracted income for salaried employees or above regularly schedule work hours for that week for hourly employees.

- The waiting period for eligibility to use MEPL is upon 90 days from start of employment at UNE.

- For hourly non-exempt employees, MEPL time used is not regarded as hours worked for the determination of overtime.

- For cases of absence due to sudden illness or emergency that last for three days or more, UNE may request medical certification.

- MEPL can be used in increments of at least one quarter hour.

- If an administrative closing day occurs while an employee is on MEPL, that MEPL will be charged to the employee’s MEPL bank.

- MEPL will cease to accrue when an employee has been on a leave of absence, for any reason, for one calendar month. A leave of absence for MEPL is defined by not having physically worked at least one day in that calendar month.

- In the event, an employee with a MEPL balance transfers to a vacation eligible position, their MEPL balance at the time of transfer will be taken in to consideration when calculating their advanced vacation time.

- MEPL can be used for any purpose such as emergency, illness, sudden necessity, planned time off.

- Reasonable notice must be provided by the employee for the supervisor prior to MEPL usage, except in the case of absence due to emergency, illness or sudden necessity. Supervisors may not require more than four weeks of notice for planned absences.

- Other than leave for an emergency, illness, or sudden necessity, departments may establish scheduling guidelines to avoid situations where multiple absences impact the university’s business and educational needs. The University may refuse requested time off that interferes with business or educational needs. Please check with your supervisor for specific departmental requirements.

- Reporting of MEPL:

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

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

7.0 LEAVE OF ABSENCE

7.1 DISABILITY LEAVE OF ABSENCE
An employee who is unable to work because of a non-work-related disabling condition of greater than a two week duration and who is not eligible for family medical leave, or whose serious illness is defined by family medical leave requires the employee to be absent from work beyond the 12 weeks available under family medical leave, may request a disability leave of absence.

Requests for a Disability Leave of Absence shall be made to the Vice-President or Dean, as appropriate, through the employee’s supervisor in written form as soon as it may be both reasonable and practical. The Vice President or Dean (as appropriate) will consult with the Associate Vice President of Human Resources before
approving/disapproving the request. Whether such leave is approved shall be dependent on the needs of UNE and whether providing such leave would create an undue burden on UNE.

This request must be accompanied by a statement from the employee's physician that contains the following information:

- The nature and extent of the disabling condition;
- The recommended date for commencement of leave;
- The expected duration of the leave;
- A medical certification may be requested by UNE.

UNE reserves the option of requiring that the employee be evaluated by a medical professional of UNE's choice, at UNE’s expense.

**DURATION** - Employees with greater than 5 years of service and less than 10 years of service who do not qualify for the Family Medical Leave Act are eligible to apply for up to 12 weeks (within a 12 month period) of Disability Leave of Absence.

Employees with 10 years of service or more are eligible for up to six months (within a 12 month period) of Disability Leave of Absence, which includes any period covered by the Family Medical Leave Act.

**DISABILITY INSURANCE** - UNE has a long-term disability insurance program for regular full-time faculty and staff that provides, in combination with Social Security, 50% of salary (to a maximum of $7,500 per month) after six months non-occupational disability. Please consult with Human Resources for additional information.

**COMPENSATION** - A Disability Leave of Absence shall be unpaid, except to the extent that the employee wishes to utilize accrued sick leave, vacation leave, accumulated floating holidays, and personal days. An employee may request an advance of sick leave of up to ten days. (see section 6.6- Sick Leave Advance)

**BENEFITS** - UNE will contribute to the cost of the health insurance of an employee on a disability medical leave during the leave on the same basis as if the employee remained actively employed. The employee is responsible for the employee portion of her benefit which may or may not include; medical, dental, short-term disability, and long-term disability. Employee must make arrangements with Payroll for establishing a payment schedule.

Leave time will cease to be earned and holidays will not be paid after one calendar month of leave. They will resume after employee has returned to work.

**RETURN TO WORK** – When a leave ends, the employee will be reinstated to a substantially equivalent position for which the employee is qualified. If an employee fails to return to work on the agreed upon return date, UNE will assume that the employee has resigned.

**7.2 NON-DISABILITY LEAVE OF ABSENCE**

An employee desiring time off for reasons other than those specifically provided for by other leave provisions in the Personnel or Faculty Handbooks may apply in writing for non-disability leave of absence.

Requests for a non-disability leave of absence shall be made to the Vice President or Dean (as appropriate) through the employee's supervisor in written form at least two weeks before the start date of the non-disability leave of absence. The Senior Administrative Office or Dean (as appropriate) will make a recommendation to the Associate Vice President of Human Resources and approval of the President/or designee is required.

This request must state the nature of the circumstances which compel the absence, the commencing date, and the duration of the leave requested. This leave policy is a non-intermittent leave policy.
**DURATION**
In no event, will a non-disability leave of absence be granted more than one year. Decision to grant a leave, or to limit the duration of the leave, will be based primarily upon the following factors:

- the effect of the leave on the efficient and effective functioning of the department;
- the compelling nature of the reasons which prompt the request;
- the employee's length of service;
- additional factors may be considered as appropriate.
- Once the absence reaches 30 days, an employee will need to pay the employee and employer portion of the benefits coverage.

**COMPENSATION** - A non-disability leave of absence shall be unpaid, except to the extent that accumulated vacation, personal, or holiday leave is available.

**BENEFITS** - The employee is responsible for BOTH the employee and the employer portion of ALL of her benefits such as; medical, dental, short-term disability, and long-term disability after a 30 day absence period. The employee must make arrangements with Payroll for establishing a payment schedule. Non-payment may affect eligibility and coverage.

Leave time will cease to be earned or accrued and holidays will not be paid after one calendar month of leave. They will resume after employee has returned to work.

**RETURN TO WORK** – When a leave ends, the employee will be reinstated to a substantially equivalent position for which the employee is qualified. If an employee fails to return to work on the agreed upon return date, UNE will assume that the employee has resigned.

**7.3 CHILDREARING LEAVE**
Regular full-time and regular half-time employees not eligible for family medical leave may apply for up to 8 weeks leave for childrearing following the birth of a child or the adoption or foster care placement of a child under 16 years of age. Leave requests should be written and directed to the supervisor. Leave requests will be granted subject to the operating needs of the employee’s department and the employee’s service record. One week of such leave will be paid. Such leaves must commence immediately following either the disability leave of absence (if a disability leave of absence has been approved) or following the event that gives rise to the leave. The employee is responsible for continuing to pay for benefits funded by her.

Employees who are on break for the summer when an event arises that might entitle one to childrearing leave are eligible for paid childrearing leave only if they are in an unpaid leave status when their contract resumes for the fall semester. Benefits will continue to be paid during the leave period, but other leave time and holidays will not be paid.

Employees eligible for family medical leave for childbirth, adoption, or foster care placement are eligible to have one of those weeks paid as childrearing leave, under the same terms specified above. This leave runs concurrently with FMLA and Maine Family Medical Leave, if applicable.

**7.4 PARENTAL LEAVE**
Regular full-time and regular half-time employees eligible for family medical leave will be granted one week of paid leave, whether or not the employee requests extended childrearing leave, at or about the time of birth of a child, or the adoption or foster care placement of a child under 16 years of age. The employee must give as much notice to the supervisor as possible. Employees who are on break for the summer when an event arises that might entitle one to parental leave, are eligible for paid parental leave only if they are in an unpaid leave status when their contract resumes for the fall semester.
7.5 **SABBATICAL LEAVE/ ACADEMIC LEAVE**
Faculty members should refer to the Faculty Handbook for policy guidance on this.

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

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

7.7 **JURY DUTY LEAVE/ WITNESS DUTY LEAVE**
Faculty and staff are encouraged to serve when called upon for jury duty or as court witnesses. Jury duty leave and witness duty leave are to be accounted for on timesheets and leave reports. For regular full-time and half-time faculty and staff, UNE will make up the loss, if any, between reimbursement offered by the court and the employee’s regular pay.
The employee is required to submit documentation of court payments as a pre-condition for reimbursement.

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

7.8 **FUNERAL LEAVE**
UNE provides one day off with pay for regular full-time and regular half-time faculty and staff to attend the funeral of parents, spouse, children, stepparents, stepchildren, siblings, stepsiblings, grandparents, grandchildren, current in-laws (inclusive only of father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law), or life partner. The one day is determined by the faculty or staff member’s normally scheduled working hours for the day of the funeral. Funeral time is to be accounted for on timesheets and leave reports.

7.9 **BEREAVEMENT LEAVE**
In addition to the funeral leave above, UNE provides up to four days of additional paid time off for a regular full-time and regular half-time faculty and staff member’s bereavement over the death of parents, spouse, child, stepchild, or life partner. The four days are determined by the faculty and staff member’s normally scheduled working hours for the four days used for bereavement. Bereavement days need not be used consecutively but should
be used within a reasonable period of time-based upon the circumstances. Bereavement time is to be accounted for on time sheets and leave reports.

8.00 STATUTORY BENEFITS

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

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

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

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

9.00 SERVICE RECOGNITION PROGRAM

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

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

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

9.3 IN-SERVICE AT TIME OF AWARD
In general, individuals will be recognized on their primary campus and must be considered employed in a benefits-eligible position with the University at the time of the Holly or Pork Pie lunch to receive their recognition award.

9.4 SERVICE AWARDS
Individuals will receive a Service Recognition Certificate and the following awards at each level of service. These awards may be adjusted at any time.
• 5 years: Service Recognition Certificate plus $100
• 10 years: Service Recognition Certificate plus $150
• 15 years: Service Recognition Certificate plus $200
• 20 years: Service Recognition Certificate plus $250
• 25 years: Service Recognition Certificate, Gold Service Recognition Pin plus $500 or $250 and a UNE Chair
• 30 years: Service Recognition Certificate, Gold Service Recognition Pin plus $750
• 35 years: Service Recognition Certificate, Gold Service Recognition Pin plus $1,000
• 40 years: Service Recognition Certificate, Gold Service Recognition Pin plus $1,250
• 45 years: Service Recognition Certificate, Gold Service Recognition Pin plus $1,500

9.5 SIGNIFICANT SERVICE ACHIEVEMENT AT TIME OF SEPARATION
If an individual has completed a significant service level of 20 years or more by the time of her resignation or retirement but end their employment before the Holly or Pork Pie Luncheons, the University will process and distribute their award and certificate at the time of award.

9.6 RETIREES
Individuals who leave employment and meet the general definition of “Retiree” will be invited to attend future Holly or Pork Pie Luncheons with the University Community. Invitations will be sent to your last known address and UNE email address. Additionally, every effort will be made to recognize retirees who RSVP to the invitation as a continuing member of the UNE community.

10.00 FACILITIES AND SERVICES

10.1 FACILITIES SCHEDULING

PORTLAND CAMPUS For University business only, reservations and scheduling of space are done through Ad Astra the University’s online scheduling tool. Non-university functions should be arranged through the UNE Campus Conferences Office.

BIDDEFORD CAMPUS University facility reservations and scheduling for on-campus activities are done through the Scheduling (Registrar’s) Office. Outside groups or employees wishing to reserve a space to hold non-University events on campus must do so through the Conferences Office.

10.2 DENTAL CLINIC
Regular full-time employees, their spouses, partners, and dependents may use the following services of UNE's Portland Campus dental hygiene clinic and Oral Health Center: preventive services, including oral inspection, teeth scaling, fluoride treatment, and x-rays. Regular half-time employees are eligible for this benefit for themselves, but not for dependents. Services are provided by students under the guidance of qualified faculty members. Since this is part of a student's educational experience, patients should expect two-hour appointments. For further information or to make an appointment at the clinic, call the dental clinic at 797-8999 or the Oral Health Center at 221-4747.

10.3 CAFETERIA/DINING HALL
The dining hall on the Portland Campus is located in Alexander Hall. The dining hall on the Biddeford Campus is located in the Ripich Commons. Each dining hall is for the use of students, faculty, staff, and guests. A variety of hot and cold meals is provided at a minimal charge. Full, half, and part-time faculty and staff members are offered discounted prices for breakfast, lunch, and dinner meals upon the presentation of a faculty or staff identification card.
There are four retail food locations on Biddeford Campus. "The Hang" is located in the Campus Center and features a casual lunch menu (burgers, pizza, salad, sandwiches) at modest prices. The Windward Café, located in the Bush Center, features Starbucks coffee, Freshens smoothies, and a full range of hot and cold items served in a relaxed atmosphere. The Alfond Forum offers Mexican-themed dining. There is also a snack bar in the Alfond Center for Health Sciences. On the Portland Campus, coffee and to-go food options are available in the Parker Pavilion.

10.4 BOOKSTORES
The bookstore is located in Alexander Hall on the Portland Campus, and in the Campus Center on the Biddeford Campus, and is available to all students, faculty, staff, alumni, and visitors. The bookstores stock a variety of textbooks, trade books, local and national newspapers, stationery, pens, paper, candy, discounted movie tickets, and greeting cards as well as a wide selection of Portland Campus and UNE gift items. A discount is available to staff on many items purchased at the bookstores. An identification card must be presented by faculty or staff to receive the discount.

10.5 LIBRARY RESOURCES
The Josephine S. Abplanalp Library on the Portland campus and the Jack S. Ketchum Library on the Biddeford campus are resources for personal as well as professional use. The Libraries are open to the public and are available to all students, alumni, faculty, and staff members. A valid UNE ID card is required to check out materials. As a member of cooperative library networks, the Libraries can provide access to information and library resources throughout the region, the nation, and the world. A complete description of library services may be found at: www.une.edu/library

10.6 CAREER CENTER
The Career Services Office on each campus offers career-oriented services for students, such as self-assessment, career exploration, job listings, and training in job search skills. The services are also available, on-a-limited-basis, to employees for guidance in such areas as educational and career goal setting. Instruments such as the Meyers-Briggs Type Indicator and the Strong-Campbell Interest Inventory are available.

10.7 CULTURAL AND SPORTS EVENTS
Faculty, staff, students, and the community are welcome to attend the campus lectures, concerts, art exhibits, sports events, and other activities that are presented to the community on either of the campuses of UNE. Events may have a minimal charge for attendance.

10.8 DISCOUNT PROGRAMS
UNE’s Human Resources Office maintains a directory of businesses that have agreed to give discounts for goods or services to UNE faculty, staff, and students. The directory is available at http://www.une.edu/employee-discounts. Members of the UNE Community who know of businesses who may be interested in joining the discount program are encouraged to consult with the Human Resources staff.

10.9 RECREATIONAL FACILITIES
Recreational facilities on both campuses include weight machines, cardiovascular equipment, basketball courts, and on the Biddeford campus, racquetball courts, a swimming pool and an indoor running track. Hours of operation are posted in each facility. A faculty or staff identification card is required to use these facilities. Each semester, exercise classes are available for a reduced fee.

Guests may accompany UNE faculty and staff for a small fee during the week and free on the weekends. UNE’s recreational facilities are considered adult complexes; however, on Friday evenings, Saturdays and Sundays, the facilities accommodate UNE full-time and regular half-time employees and their children for free.

10.10 POSTAL SERVICES
A broad range of postal services are available through the Mail Services Department on the Biddeford Campus
Located in the Facilities Management building. This includes stamps, mailing of letters and parcels through the U.S. postal service, UPS, or other carriers, as well as related services. These services can be accessed by faculty and staff on the Portland Campus through the Copy/Mailroom located in the lower level of Proctor Hall.

10.11 COPY CENTERS
The Copy Center on the Biddeford Campus (in the Facilities Management building) is staffed from 8 a.m. to 4:30 p.m. five days a week to provide high volume copy support to the faculty and staff of the institution. This Copy Center also provides binding, folding, cutting, stuffing, mailing, distribution, and fax service. Color copies are also available. A Copy Center form must be used when requesting services and is available by request, copycenter@une.edu. The turn-around time for regular copying is 48 hours, but a longer time is required for large orders. The Copy/Mailroom on the Portland Campus (located in the lower level of Proctor Hall) offers high volume copy support to the faculty and staff along with a limited line of other copy center service.

10.12 ALTERNATIVE TRANSPORTATION
The Nor’easter Shuttle offers a regular schedule seven days a week transporting University faculty, staff, and students to and from the University and designated stops in Biddeford. You just need to present a UNE ID card. Visit the Shuttlebus-Zoom website, http://www.shuttlebuszoom.com/schedules-fares/turnpike-express/ for routes and schedules.

Shuttlebus-Zoom offers weekday service from the Biddeford Campus to Portland, with stops in Old Orchard Beach, the Maine Mall, and Portland along the way. The Zoom bus is available for express service between Biddeford and Portland. Visit the Intercampus Connector website, http://www.une.edu/shuttle, for rates, routes, and schedules.

Intercampus Shuttle makes several runs between the Biddeford and Portland campuses during the academic year.

11.00 COMMUNICATION

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

The Communications Office then reviews for appropriate content and campus, edits for basic grammar and usage, then distributes to the designated University audiences. News of note is also posted daily to the UNE website under "Faculty and Staff News."

11.2 MICROSOFT OUTLOOK
UNE computers are equipped with the Microsoft Outlook E-Mail client which is part of the normal software suite installed on University-owned computers and laptops. Full-time, half-time, and part-time employees, including adjunct faculty, are added to the Outlook e-mail system after the employee submits all paperwork to Human Resources and the Supervisor has returned the “Account Request Form” to Information Technology Services.

11.3 PUBLICATIONS
UNE Magazine is UNE’s alumni magazine published once a year and is distributed to all graduates of UNE, Westbrook College, and St. Francis College, as well as faculty and staff. It includes the latest news of interest to all groups.

Numerous brochures, e-newsletters, posters, and other materials are developed and distributed both internally and
externally by the Communications Office to keep the community informed about UNE news and events.

11.4 TELEPHONE SYSTEM
UNE’s telephone system offers the opportunity to leave, make, transfer, and save messages along with many other options. An employee’s department supervisor or ITS can provide the appropriate training for their use.

Most office telephones have the ability to receive and place calls on or off campus. At management request, certain phones may be set up for local calling only and restrict from long-distance calls.

Courtesy phones (phones located in the hallways) have the capacity for local calls only. If you need to find someone’s campus extension, you may call extension 2411 for the voice automation. To make a long distance call from the courtesy phone you would need your department billing code that would be provided by your department head. Please familiarize yourself with the location of these phones should you need to report an emergency. Whenever possible and necessary, personal cell phones should be used to conduct personal business.

11.5 myUNE
Our student portal and e-mail system, myUNE, is your virtual campus. This is the system used for communicating with students, they with you, and with the larger University community as a whole. MyUNE provides an integrated web-based interface for email, personal calendar, course and group tools, and campus news. MyUNE is one of the primary ways UNE communicates with its students. Faculty members and those taking classes may find course information in myUNE, but U-Online remains the official source of your academic information.

11.6 HUMAN RESOURCES SUPPORT
UNE Human Resources has established a support site on the UNE website - http://www.une.edu/hr/support. This site provides employees detailed information regarding benefit options including Medical, Dental, Disability Insurance, Life Insurance, and Flexible Spending Accounts as well as information on policies, wellness, and training. Please note that this site does not contain personal information on an employee and does not take the place of U-Online. Human Resources’ goal is to continue providing the utmost service by enhancing its communication tools and offering systems that are comprehensive and user-friendly.

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

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

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

Guidelines for all types of engagement on social media on behalf of UNE
- Use of social networking tools for University business must be approved by the Department and the Communications Office in advance. Communications can assist with how to set up appropriate structures to support the site.
- Departments are responsible for maintaining the content, monitoring the appropriateness of posts, maintaining a regular presence appropriate for the type of networking being used, and allocating
appropriate resources to accomplish these objectives.

- Social networking reflects upon the University and must be given the same type of deliberate thought as any other publication or communication going to print or being posted on the University’s website. Please see the University of New England Social Networking Guidelines for additional information.
- Employees must adhere to all relevant UNE policies including Anti-Harassment, Sexual-Harassment and Code of Conduct.
- Employees must maintain the confidentiality of proprietary or protected information. Do not disclose, post or share proprietary UNE information, data, or communications. This includes, but is not limited to, intellectual property, operating plans, vendor communications, financial data, internal presentations and correspondence.
- Employees may not use or disclose personally identifiable information. Examples of such information include, but are not limited to, protected health information, student records, donor information, employee information, home addresses and social security numbers.
- Employees must be respectful of intellectual property rights and laws.
- Employees must use good judgment. The actions and statements of UNE employees have an impact on others at UNE and on the University as a whole. Please bear in mind that posts on social media may be replicated quickly, be taken out of context, and will remain public for an indeterminate amount of time.

Guidelines for an individual employee’s personal use of social media

- The guidelines for personal use of social media are not intended to and do not limit your right to engage in protected concerted activities related to terms and conditions of employment.
- The University’s name or logo, telephone, addresses, or email addresses may not be used except for referencing your employment relationship.
- UNE faculty, staff, students, and affiliates have a right to privacy and certain information is protected from disclosure pursuant to FERPA, HIPPA, and general confidentiality policies. Respecting this, University faculty, staff, students, clients, customers, partners, or similar associations with the University should not be noted as associated with the University in any communication or posting without expressed permission. This, however, does not restrict “friending” of co-workers and personal communications between co-workers.
- All legal compliance issues, such as Sexual Harassment, Anti-Harassment, should be observed on both personal and professional public forums.
- If a relationship with the University could be reasonably assumed, you must make it clear that any professionally related statements posted are your views and not the views of the University.
- Supervisors and Human Resources are restricted from providing references or recommendations unless they are clearly personal communications and cannot be viewed as University recommendations.

- The University does not regularly check personal social networking communications of its faculty and staff but can use information on these sites if complaints or concerns related to the employee’s job, employment setting, safety, or security issues of faculty, staff, or guests of the University or public reputation of the UNE are brought to the University’s attention. Concerns will be addressed in the same way that other personal, written, or public communications would be addressed.
- Personal use of social networking should be reserved for non-working hours.

12.00 EMPLOYEE SAFETY AND HEALTH

12.1 ENVIRONMENTAL HEALTH AND SAFETY
UNE commits to providing a safe and pleasant working and learning environment. To this end, Environmental
Health and Safety Office (EH&S) have developed an Environmental Health and Safety manual to comply with applicable Federal and State laws and regulations. In addition, a University-Wide Safety Committee (UWSC) has been established and acts as an advisory board to the EH&S in the implementation of the safety manual and other safety issues. Members of the UNE community are encouraged to direct any safety concerns they have to the EH&S. Employees are expected to understand and observe requirements of the safety manual and to conduct their jobs in a safe manner as well as report any hazards of which they are aware. UNE trains its employees in areas of safety applicable to their duties so that they have the information and resources to conduct their jobs in a safe manner.

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

The Portland Security office is responsible for safety, security, and coordination of emergency services at the Portland campus and may be reached twenty-four hours a day by dialing 207-797-7261.

Calls made to Security, at either campus, during regular business hours will be answered by a University switchboard operator who will relay your request to a Security Officer. At any other time, a radio/telephone interconnect will link the caller directly to a Security Officer on patrol. Officers are ready to respond to calls for service twenty-four hours a day, seven days a week.

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

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

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

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

12.3 ACCIDENT REPORTING
Any employee injured in the course of employment is expected to report the accident to her supervisor immediately and to complete and deliver to Human Resources an accident report within 24 hours. Accident reports are expected in every incident because they are evaluated and create the basis for corrective actions to be taken. Accident report forms are available in Human Resources, the Safety and Security Office, and the Facilities Management Office. If you witness an accident or an injury, please report it to the Safety and Security Office.

Employees are reminded that failure to report a work-related accident promptly may jeopardize eligibility for Workers’ Compensation payment for injury-related lost time or medical bills. Accident reporting information is available at http://www.une.edu/hr/support/employee-support.

12.4 VIDEO DISPLAY TERMINAL (VDT) TRAINING
The UNE provides education and training to VDT operators for two primary reasons:
• To decrease the likelihood of injuries
• To increase employee’s comfort level

This is accomplished by an ergonomic training session offered online through the Blackboard software within thirty days of hire. This training is required to be updated annually.

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

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

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

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

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

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

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

MARIJUANA REMAINS A PROHIBITED SUBSTANCE
Please note that although Maine has legalized, under state law, the medical and recreational use of marijuana, use of marijuana remains illegal under the Federal Control Substances Act (“CSA”) and remains a prohibited substance under UNE’s compliance obligations under the University’s Substance Abuse Policy and the Drug-Free Workplace Act.

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

For more information on the Substance Abuse Policy see Appendix F of the Handbook.
12.7 WEAPONS AND FIREWORKS
Firearms, Firearms Storage, Fireworks, Prohibited Items
No person shall possess weapons or any device(s) that, in the opinion of the Director of Campus Safety and Security, present a danger to the community. Examples of weapons include swords, axes, machetes, martial arts weapons of any kind, knives, slingshots, paintball guns, any device that propels an object including but not limited to pellet guns, soft pellet guns, bb guns and the like as well as bows, arrows, hunting knives and any firearm. Pepper spray and/or any other similar product are prohibited from all University buildings without the express consent of the Director of Campus Safety and Security. Small "pocket knives" for personal use with blades no longer than 2 ½ inches in length are 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 Campus 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 owners "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. The Department of Safety and Security will secure and store legitimate hunting devices, target shooting devices and equipment, a reasonable amount of ammunition, paintball guns, or legitimate martial arts weapons for any member of the community that may be picked up upon existing campus. 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 Campus 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.

12.8 WELLNESS
UNE encourages and supports its employees to live healthy lives. To achieve this goal; the Wellness Committee, comprised of staff and faculty, has organized different health-related activities, programs, and support groups.

Some of the Wellness activities sponsored are a wide variety of fitness classes, mental well-being and stress reduction classes, health screenings, health education, and nutrition classes.

13.00 STANDARDS OF CONDUCT AND DISCIPLINARY PROCEDURES

13.1 ATTENDANCE
Punctuality and regular attendance are expected of all employees of UNE and are essential to the proper functioning of UNE. Any employee who is unable to report to work on time or who needs to leave early must notify her supervisor as soon as possible. If the supervisor is not able to be reached, the employee must leave a message with the University's switchboard operator. All time off for vacations must have supervisory approval before use. Employees who do not give notice for time off (whether it is for sick time, vacation time, or for a personal appointment) will be subject to disciplinary action, up to and including termination.

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

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

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

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

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

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

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

- **Employee:** anyone employed by UNE as faculty or staff, full-time or part-time.

- **Supervisor:** anyone who oversees, directs or evaluates the work of others, including, but not limited to, managers, administrators, coaches, directors, physicians, deans, chairs, advisors, and teaching assistants, as well as faculty members in their roles as instructors, as supervisors of their staff, and as participants in decisions affecting the careers of other faculty members.

- **Faculty:** all those charged with academic instruction, including all ranks recognized as faculty under the bylaws of UNE, teaching assistants, academic advisors, coaches, and others who have a role in educating, supervising, or advising students as part of the programs of UNE and its various schools.

- **Students:** all those enrolled full-time or part-time in any program of UNE and its various schools.

- **Consensual relationships:** dating and sexual relationships willingly undertaken by the parties.

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

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

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

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

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

No faculty member should accept authority over a student with whom he or she has or has had a consensual relationship without agreement with the appropriate dean. Specifically, the faculty member should not, absent such agreement, allow the student to enroll for credit in a course which the faculty member is teaching or supervising; direct the student's independent study, thesis, or dissertation; employ the student as a teaching or research assistant; participate in decisions pertaining to a student's grades, honors, degrees; or consider disciplinary action involving the student.

Students and faculty alike should be aware that entering into a consensual relationship will limit the faculty member's ability to teach and mentor, direct work, employ, and promote the career of a student involved with him or her in a consensual relationship, and that the relationship should be disclosed in any letter of recommendation the faculty member may write on the student's behalf. Furthermore, should the faculty member be the only supervisor available in a particular area of study or research, the student may be compelled to avoid or change the special area of his or her study or research.

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

Termination includes, but is not limited to, the student withdrawing from a course taught by the faculty member; transfer of the student to another course or section, or assumption of the position of authority by a qualified alternative faculty member or teaching assistant; the student selecting or being assigned to another academic advisor and/or thesis or dissertation advisor; and changing the supervision of the student’s teaching or research assistantship. In order for these changes to be made and ratified appropriately, the faculty must disclose the consensual relationship to his or her superior, normally the chair, division head, or dean, and reach an agreement for remediation. In case of failure to reach agreement, the supervisor shall terminate the situation of authority.

**13.3 SOLICITATION/DISTRIBUTION**

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

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

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

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

13.4.1 DISPOSING OF CONFIDENTIAL INFORMATION
For security purposes, it is recommended that all confidential material that is to be discarded be shredded and disposed of in the recycle bin.

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

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

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

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

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

13.7 PERSONAL TELEPHONE USE
Telephone service is provided to each office or department for the conduct of University business. Personal calls for local numbers are permitted if they are brief and infrequent. Personal calls that result in toll charges must be reimbursed to UNE.

13.8 DISCIPLINARY POLICY
UNE is committed to providing a nurturing and supportive work environment in which faculty and staff members can perform to the best of their abilities. When performance problems arise, UNE commits to addressing them with full appreciation for institutional expectations of conduct, behavior, and performance, and manifesting full respect for human dignity.

It is intended, as much as is possible, that disciplinary interactions be respectful exchanges of information about expectations between people functioning as adults.

As much as is possible, focus should be placed on creating clear expectations of performance, getting the employee's commitment to take effective action to meet those expectations, and creating a clear understanding of the consequences of not meeting those expectations.

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

### 13.8.1 METHODS IN THE DISCIPLINE PROCESS WITH CONSULTATION FROM HUMAN RESOURCES

**1. ORAL REMINDER**

Oral reminders by immediate supervisors are designed to help the employee recognize problems that may exist. After gathering information, observing the situation first-hand when possible, the supervisor should plan a meeting to discuss the issue(s). During that private conference, the supervisor should:

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

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

**2. WRITTEN REMINDER**

If the problem continues, the supervisor should have a second conference with the employee. During the second counseling session, the supervisor should continue to pursue a problem-solving approach, rather than a punitive one. The objective is to prevent recurring problems, not to punish for prior wrongdoing. During the meeting, the supervisor should orally outline the issues as listed in the Oral Reminder Section above.

Following that meeting, the supervisor should provide the employee written notification which includes the following:

- A statement that this is a written reminder.
- A clear, objective statement of the problem.
- The desired changes not made to date.
- An additional opportunity to correct the problem and the time frame.
- An offer of assistance as her supervisor, if appropriate.
- Disciplinary consequences if the problem is not effectively addressed.
The employee's signature should be requested to acknowledge receipt, not necessarily agreement; one copy of the notification is given to the employee, and one copy is placed in the official personnel file.

3. DECISION-MAKING LEAVE
Should the problem continue, the supervisor should meet with the Associate Vice President of Human Resources to discuss the appropriateness of a decision-making leave for the affected employee. With the concurrence of the Associate Vice President of Human Resources, the supervisor should confer with the employee, express her concerns, and listen to the employee's perspective on the situation. If the supervisor remains convinced that there is a problem, the supervisor may put the employee on a day of paid decision-making leave.

The purpose of the leave is for the employee to take time to reflect on her willingness or ability to make commitments to improve performance to the level necessary.

A precondition to returning to work after a Decision-making Leave Day will be a conference with the supervisor. Before approving a return to work, the supervisor must be convinced of the employee's intention and ability to effectively address the problem. If the employee is unwilling or unable to make the necessary changes at that time, the employee may resign or may be advised to resign. The Supervisor may also immediately move to termination as set forth below.

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

Nothing in this policy should be construed to mean that all of these disciplinary steps must be taken in any individual case, that they must be taken in sequential order, or that a supervisor’s failure to do something that is suggested in this policy should be a basis for invalidating the disciplinary action. UNE, as an at-will employer, retains the right to take any disciplinary action which in its sole judgment may be appropriate.

14.00 LEAVING EMPLOYMENT

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

Employees who decide to leave employment at UNE must give appropriate notice in writing to their supervisors to leave in good standing. Leaving in good standing allows the employees to be eligible for rehire and more positive references. Appropriate notice for all exempt employees is a minimum of four weeks. Appropriate notice for all
non-exempt employees is a minimum of two weeks.

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

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

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

DEFINITIONS:

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

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

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

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

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

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

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

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

SEVERANCE PAY Accrued unused vacation leave shall be paid in full at termination of employment in accord with the vacation accumulation policy. In addition, and conditioned upon the employees signing a severance agreement:
● Those continuously employed for:  
  < 5 Years = 4 weeks severance pay

● Those continuously employed for:  
  > 5 but < 10 Years = 6 weeks severance pay

● Those continuously employed for:  
  > 10 Years = 8 weeks severance pay

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

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

EMPLOYMENT SEARCH SUPPORT
● Career Counseling (Counseling and Career Center)
● Interview Skills Training (Career Planning Office/Human Resources Office)
● Resume Writing Support (Career Planning Office/Human Resources Office)
● Job Search Techniques Refresher (Career Planning Office/Human Resources Office)
● Referral to Employment Resources (Human Resources Office)
● Dissemination of Resumes to area employers (Human Resources Office)

14.5 EXIT INTERVIEW
When an employee resigns their position with UNE, she will receive a packet of End of Employment paperwork including an Exit Interview Form. This form is for the purpose of soliciting constructive feedback about the employee's work experience at UNE. This feedback may allow UNE to provide a better work experience for other employees. If preferable, a departing employee can do their exit interview with HR in person.

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

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

14.6 COBRA BENEFITS
The Consolidated Omnibus Budget Reconciliation Act (COBRA) allows employees to continue their health coverage on UNE's group medical insurance plan after they leave employment. These employees are required to cover the cost of such continuation coverage. COBRA rights are provided consistent with Federal law. Current COBRA requirements are summarized here, but may be modified any time COBRA is amended.

To qualify for COBRA, the following conditions must be met:
● The employee must have left employment for a reason other than gross misconduct.
● The employee must make timely payments to the insurance company of 102% of the premium cost.
● The employee is not eligible for Medicare.
● The employee is not covered on another group medical insurance plan.
● UNE must have available to employees a group medical insurance plan.

The length of time which an employee may be enrolled in a COBRA plan depends on the following qualifying events:
● Termination of employment (except for gross misconduct) Up to 18 months
● Reduction of the employee's hours which result in the loss of coverage Up to 18 months
● Death of the employee
  Up to 36 months for dependents
● Divorce of the employee and the dependent spouse
  Up to 36 months for dependents
● The employee becomes entitled to Medicare
  Up to 36 months for dependents
● A dependent child no longer meets the definition of an Eligible dependent
  Up to 36 months for the child

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

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

15.00 MISCELLANEOUS INFORMATION

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

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

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

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

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

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

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

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

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

15.2 COPYRIGHT POLICY
It is the intent of UNE that all members of the University community adhere to the provisions of the United States Copyright Law of 1976, as amended (Title 17, U.S. Code). Members of the UNE community who willfully disregard the doctrine of "fair use" do so at their risk and assume all liability. The library does offer a “Fair Use Checklist” for UNE community members to work through the question of whether their intended use of a copyrighted item may be considered “fair use”: http://dune.une.edu/libserv_faucpub/1/

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

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

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

15.4 LOST AND FOUND
Valuable items that have been lost and found are returned to the Security and Safety office. Books, etc., will be left inside buildings where found. Valuable items lost then found on the Portland Campus are returned to the Switchboard located in Hersey Hall. If the Switchboard is closed, items should be given to the Security Office.

15.5 RECYCLING
Recycling is handled through Campus Services on each campus. A variety of materials are recycled on both campuses and there is a three-bin, color-coded system for waste: grey bins for trash, blue bins for returnable cans and bottles, and green bins for single-sort recycling. Plastics #1-7, paper, metal and glass can be co-mingled in the green bins for recycling. Both campuses also recycle cardboard in centrally located dumpsters. Each campus also has scrap metal and construction recycling dumpsters that are emptied periodically. Many other items are also recycled at UNE such as motor oil, batteries, fluorescent light bulbs, cooking oil, computers and electronics, refrigerants, ink and toner cartridges, yard waste, and pallets.
Any funds raised through recycling and the return of bottles and cans are reinvested into the program and used to support further recycling efforts. All individuals are asked to deposit their recyclable materials into the appropriate container at recycling stations on each campus. For more details about the recycling program, please visit www.une.edu/sustainability/recycle.

APPENDIX A

NON-DISCRIMINATION, ANTI-HARASSMENT, AND SEXUAL MISCONDUCT POLICY
UPDATED AUGUST 2020

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.
The University is required by Title IX of the Education Amendments of 1972, and the final Title IX regulations issued by the U.S. Department of Education’s Office for Civil Rights in May 2020, not to discriminate on the basis of sex and the following policy is designed to address such discrimination.

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 University prohibits and will not tolerate discrimination in employment, admission policies, scholarship and loan programs, the provision of academic services, or in any other area of University life based on race, color, sex, physical or mental disability, religion, age, ancestry, national origin, sexual orientation, gender identity and/or expression, ethnicity, genetic information, 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. Inquiries regarding compliance with these statutes may be directed to the Title IX Coordinator, Angela Shambarger (ashambarger@une.edu, (207)-221-4554, 11 Hills Beach Road, Biddeford, ME 04005) the Associate Vice President of Human Resources & Chief Human Resources Officer, Annmarie Allen (aallen17@une.edu, (207) 602-2339, 11 Hills Beach Road, Biddeford, ME 04005), or to the Director, Office of Civil Rights, Department of Education, 8th Floor, 5 Post Office Square, Boston, MA 02109-3921, 617-289-0111 or the Maine Human Rights Commission, 51 State House Station, Augusta, ME 04333-0051, 207-624-6290, and/or the U.S. Equal Employment Opportunity Commission, 131 M Street, NE, Washington, D.C. 20507, (202) 663-4900.

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.

Discrimination, harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking, undermines 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.

In addition, this policy specifically prohibits any and all forms of sexual or gender based harassment, and all forms of sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, and sexual exploitation. This policy also addresses consensual sexual or romantic interactions where a supervisory relationship and/or power imbalance exists. This policy covers conduct that falls within the jurisdiction set forth in the May 2020 Title IX regulations, as well as conduct that falls outside of Title IX such as gender-based and sexual harassment that does not meet the Title IX regulations’ definition and conduct that occurs outside of the United States but still within the University’s education programs or activities. The University condemns all forms of sexual misconduct, even conduct that does not meet the definition of sexual harassment under Title IX. Accordingly, this Policy provides procedures for reporting and investigating sexual harassment that falls outside of Title IX’s definition of sexual harassment or outside of Title IX’s geographic scope but is nonetheless detrimental to the safety and wellbeing of
the University community.

TITLE IX COORDINATOR/ DEPUTY TITLE IX COORDINATORS

The Title IX Coordinator is the individual designated by the President with responsibility for providing education and training about discrimination, harassment and sexual misconduct, including sexual assault, dating violence, domestic violence or stalking to the University community and for receiving and investigating reports and complaints of discrimination, harassment, and sexual misconduct in accordance with this policy. The Title IX Coordinator is Angela Shambarger, 207-221-4554 or ashambarger@une.edu. You may also contact one of the Deputy Title IX Coordinators: Jennifer DeBurro, Dean of Students and Assistant Provost for Student Affairs at 207-602-2372 or jdeburro@une.edu; Ray Handy, Associate Dean of Student Affairs at 207-221-4213 or rhandy@une.edu; Heather Davis, Director of Athletics at 207-602-2629 or hdavis@une.edu; Janna Merritt, Assistant Director of Human Resources, 207-602-2281 or jmerritt@une.edu; or Ed Doyle, Senior Associate Director of Human Resources, 207-221-4307 or edoyle@une.edu. In addition, Student Counseling Services may be reached at 207-602-2549 on the Biddeford campus and 207-221-4550 on the Portland campus. In case of an emergency dial 366 from any campus phone for both the Portland and the Biddeford campus. Local Law enforcement can be reached by dialing 911.

The Title IX Coordinator/ Deputy Title IX Coordinators will: (1) provide oversight of any investigation of claims of discrimination, harassment, or sexual misconduct in violation of this policy; (2) be available to assist any individual to access the resources of the University or the community in the event of any complaint under this policy; (3) assist anyone who wishes to report a crime to local law enforcement; (4) be responsible for all training and education programs and monitoring the campus climate with regard to discrimination, harassment, and sexual misconduct; and (5) complete required annual reports to government agencies.

APPLICABLE PROCESSES

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

When the reported conduct falls within the Title IX regulations, the University’s Title IX grievance process will be used for both employees and students, linked here: https://www.une.edu/title-ix.

When the reported conduct involves gender-based harassment or sexual misconduct by a student that does not fall within the Title IX regulations, the investigation and grievance process set forth in this Policy will be used.

When the reported conduct involves discriminatory harassment based on other protected categories by a student, the investigation and grievance process set forth in this Policy below will be utilized.

When the reported conduct involves discrimination or harassment, including gender-based or sexual harassment, by an employee that is not covered by Title IX, the investigation and grievance procedures below and in the University’s Personnel Handbook will apply. These grievance procedures are set forth in Appendix A and Appendix J of the Personnel Handbook. The complete Personnel Handbook can be found here: https://www.une.edu/title-ix.

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.

DEFINITIONS
DISCRIMINATORY HARASSMENT
At the University of New England, discriminatory harassment is defined as:

Unwelcome verbal or physical conduct based on 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, 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.

SEXUAL HARASSMENT
Sexual harassment includes two distinct, but overlapping definitions. Depending on the nature of the sexual harassment alleged and the status of the parties, the grievance procedures may differ as described above and in the accompanying policies and processes.

The Title IX regulations define Sexual Harassment as conduct on the basis of sex that must satisfy one or more of the following:

a. A University employee conditions the provision of an aid, benefit, or service of University on an individual’s participating in unwelcome sexual conduct (quid pro quo); or

b. Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s education program or activity;

c. Sexual Assault, Dating Violence, Domestic Violence, Stalking and Retaliation as defined below.

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:

a. 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;

b. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; and/or

c. 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; or
   - of interfering with or limiting one’s ability to participate in or benefit from an educational program or activity.

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

a. 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.

b. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation.

c. 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.

d. 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.

e. 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 supervisor.

**SEXUAL MISCONDUCT**

**A. Sexual Assault**

Sexual Assault is having or attempting to have sexual intercourse with another individual, including: (1) by use of force or threat; (2) without effective consent; or (3) 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.

**B. 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 party) for the purposes of sexual gratification through the (1) use of threat or force, (2) without effective consent, or (3) 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.

**C. Sexual Exploitation**

Sexual Exploitation is 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: (1) 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; (2) sharing visual images, audio recordings, videos of another individual in a state of undress or of a sexual nature without consent; (3) causing an individual to prostitute themselves through force, intimidation, or coercion; (4) knowingly exposing another individual to a sexually transmitted disease without their knowledge; (5) exposing one’s genitalia or causing another person’s genitalia to be exposed without effective consent.

**D. Dating Violence**
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. Dating violence also does not include incidents of Domestic Violence.

E. Domestic Violence

Domestic Violence includes asserted violent misdemeanor and felony offenses committed by the Complainant’s current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

F. Stalking

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

G. Consent

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

Maine law on consent: Minors who are 14 or 15 cannot legally consent to sexual activity if the other party is at least 5 years older. Minors under 14 can never legally consent to sexual activity. Such sexual acts are felonies under Maine law.

a. Consent given at the start of sexual activity may not be understood to apply to each individual sexual act during the encounter.

b. Each party must clearly consent to each act during the sexual encounter.

c. Consent may not be inferred from silence.

d. Consent is not voluntary if it is induced by force, threat, coercion or deception.

e. 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.

f. Consent may be withdrawn at any time and if it is, sexual activity of any kind must stop.

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

H. Coercion or Force: Coercion is verbal or physical conduct that would reasonably place an individual in fear of immediate or future harm and that is employed to compel someone to engage in sexual contact. Force is the use or threat of physical violence or intimidation to overcome an individual’s free will to choose to participate in sexual contact.

I. Incapacitation: Incapacitation is defined as the inability to make rational, reasonable decisions because the individual lacks 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 sober, reasonable person.

J. Consensual Relations in Regard to Sexual Misconduct/Sexual Harassment
When one party has a professional relationship toward the other, or stands in a position of authority over the other, even an apparently consensual sexual relationship may lead to sexual harassment or other breaches of professional obligations. For the personal protection of all members of the UNE community, the University strongly discourages all relationships where such a power differential exists. Consensual romantic or sexual relationships in which one party maintains a direct supervisory and/or evaluative role over the other party constitute a conflict of interest both intrinsic to the relationship and may be perceived by others as preferential. Therefore, the University requires that persons with direct supervisory and/or evaluative responsibilities who are involved in such romantic or sexual relationships act immediately to remove themselves from any decision making regarding the individual in the lesser power position including, but not limited to, grading, evaluating, supervising, or in any way influencing any of the terms or conditions of that individual’s education and/or position of employment, and bring the existence of the relationship to the attention of their senior administrator in a timely fashion. Failure to self-report such relationships can result in disciplinary action. For more information, please see “13.2 Consensual Relationships” in the Personnel Handbook here: https://www.une.edu/sites/default/files/personnel_handbook_effective_20191220_0.pdf.

SCOPE

A. Applicability
The University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy applies to 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. Off-Campus/ Non U.S. Based Programs
Off-campus programs and activities are covered by this Policy even though it may fall outside the jurisdiction set forth in the May 2020 Title IX regulations. 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, and applied learning, such as but not limited to, online course experiences. Depending on the particular facts and circumstances, the University may investigate and respond to complaints of discriminatory harassment or sexual misconduct by students or University employees that occur outside of the University’s “education program or activity” if such conduct directly and adversely disrupts the educational process on campus at any location or in any program sponsored by or affiliated with the University.

C. Employment Decisions
This policy is not meant to address differences in opinion regarding validity of employment determinations such as salary recommendations, promotion and tenure decisions, performance evaluations, hiring decisions, job classification decisions, transfers or reassignments, termination or layoff because of lack of work or elimination of a position, and normal supervisory counseling. Furthermore, this policy does not intend to address behaviors that do not constitute discrimination, harassment, or sexual misconduct. Offensive workplace behavior that does not violate this policy should be addressed to the appropriate supervisor and the Associate Vice President of Human Resources & Chief Human Resources Officer.

D. 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 the University’s, Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy.

E. Responsibility of Supervisors and Others in Positions of Authority
No individual who is in a position of authority over another, either in the employment or educational context, has the authority to discriminate against, harass, or engage in acts of sexual misconduct by virtue of his or her role. The University does not in any way, expressly or impliedly; condone discrimination, harassment, and/or sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, by any employee or person in a position of authority, including an administrator, or a supervisor. Furthermore, a supervisor, administrator, or person in a position of authority who does not appropriately handle reports or incidents of discrimination, harassment, and/or sexual misconduct or who does not report incidents about which they become aware to the Title IX Coordinator may be subject to disciplinary action. All members of the University community including students, contract vendors, trustees, employees, and others should report any discrimination, harassment, and/or sexual misconduct that they experience and/or observe to the Title IX Coordinator. 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. All incidents must be reported to the Title IX Coordinator.

F. Responsible Employees
Any employee of the University who is responsible in any way for student welfare, or who a student could reasonably believe is responsible for student welfare, and who is not by law, licensure or University regulation designated as a confidential resource, must forward any report of discrimination, harassment, or sexual misconduct to the Title IX Coordinator or a Deputy Title IX Coordinator as soon as possible after receiving it. This definition of “responsible employee” includes faculty, coaches, administrators, security officers, advisors, staff, RAs, and other student employees involved in promoting student welfare.
If a responsible employee receives or becomes aware of a report or incident covered by this Policy, if possible before hearing it fully, the responsible employee should be clear with the Complainant that (1) they are not a confidential resource, if they are not so designated, and (2) they are obligated to report any incident to the Title IX Coordinator.

G. Confidential Resources
Confidential campus professionals are those 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 the University of New England.
For general Counseling Services support:
Biddeford Campus: (207) 602-2549/toll-free 1-866-743-2230, or on the Portland Campus: (207) 221-4550 or toll-free: 1-866-798-9201.
Confidential and free to students.
[http://www.une.edu/studentlife/counseling](http://www.une.edu/studentlife/counseling)

**Student Health Care**
*207-602-2358 (BC) or 207-221-4242 (PC)*

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.

H. 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.

REPORTING OF COMPLAINTS OF, DISCRIMINATION, HARASSMENT, OR SEXUAL MISCONDUCT TO THE UNIVERSITY

Anyone who reports an incident of discriminatory harassment, or sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, will be assisted in understanding their reporting options and will not be forced to make any type of report with which they are uncomfortable. Any individual may make a report under this Policy regardless of whether or not the reporting person is the alleged victim of the conduct or a member of the University community. Reports can be made in person, by mail, by telephone, 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 or mailing address listed for the Title IX Coordinator or other persons familiar with this Policy including:

**The Title IX Coordinator** for the University of New England is Angela Shambarger, 207-221-4554,
ashambarger@une.edu, Human Resources Office, both campuses, 11 Hills Beach Road, Biddeford, ME 04005 and 716 Stevens Avenue, Portland, Maine, 04103.

The Deputy Title IX Coordinators are: (1) Jennifer DeBurro, Dean of Students and Assistant Provost for Student Affairs at 207-602-2372 or jdeburro@une.edu; (2) Ray Handy, Associate Dean of Student Affairs: 207-221-4213, rhandy@une.edu; (3) Heather Davis, Director of Athletics, 207-602-2629, hdavis@une.edu; (4) Janna Merritt, Assistant Director of Human Resources, 207-602-2281, jmerritt2@une.edu; or (5) Ed Doyle, Senior Associate Director of Human Resources, 207-221-4307, edoyle1@une.edu.

The Associate Vice President of Human Resources & Chief Human Resources Officer for the University of New England is Annmarie Allen, 207-602-2339, aallen17@une.edu, Human Resources Office, both campuses, 11 Hills Beach Road, Biddeford, Maine 04005 and 716 Stevens Avenue, Portland, Maine, 04103.

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 does not constitute a report to the University. Individuals may also file anonymous reports on the University’s Title IX webpage using the anonymous reporting feature here: https://www.une.edu/title-ix/reporting.

Amnesty Involving Alcohol or the Use of Controlled Substances

The University of New England encourages reporting of 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 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. Further, immunity from disciplinary actions has no effect on actions by law enforcement agencies. For more information, please see “F. Responsible Action Clause” in the University Student Handbook found here: https://www.une.edu/studentlife/handbook.

TIMELINE FOR REPORTING

Complaints and reports of sexual misconduct, including 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 though there is no time limit on reporting violations under this Policy. If a Respondent is no longer affiliated with the University (as a student or employee), the University may still provide reasonably available supportive measures to the complainant, assist the complainant in identifying external reporting options, and take other appropriate action to address the reported conduct.

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

When the Title IX Coordinator receives a report, the Title IX Coordinator will reach out to the Complainant to explain options for informal and formal resolution of a complaint, offer supportive measures, and 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
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 a 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 Student Conduct, the Director of Safety and Security, 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 a 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 Title IX (see the University’s Title IX Grievance Policy for definitions). If the alleged conduct falls outside of the definition of sexual harassment and/or geographic scope of Title IX, the University will then assess whether the alleged conduct, if true, would amount to a violation of this Policy. If the complaint proceeds to a formal investigation under either policy and the investigation reveals that the conduct was incorrectly placed within either policy, the University will transfer the complaint to the appropriate process for resolution or dismiss the complaint, as appropriate.

Supportive Measures: The University will make available reasonable and appropriate supportive measures designed to restore or preserve access to educational and employment opportunities without unreasonably burdening either party; address safety concerns of the Complainant, the Reporting Party, the Respondent or broader University community; maintain the integrity of the investigative and/or resolution process; and deter retaliation. Supportive Measures are available whether or not a Formal Complaint is filed and regardless of whether the Complainant or Title IX Coordinator file a Formal Complaint. Supportive Measures are non-disciplinary, non-punitive individualized measures offered as appropriate, as reasonably available and without fee or charge to the Complainant or Respondent.

Supportive Measures may include:

- 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;
- Voluntary changes in the Complainant’s or Respondent’s class schedule (including the ability to transfer course sections or withdraw from a course), work schedule, or job assignment;
- Voluntary change in the Complainant’s or Respondent’s campus housing;
• Escort and other safety planning steps;
• Voluntary agreement by the parties to a 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
• 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.

Other forms of Supportive Measures may involve more restrictive actions. Such Supportive Measures, listed below, are typically only available when the University has an articulable factual foundation that would support the taking of a restrictive measure against a Respondent prior to the conclusion of the investigation or in lieu of an investigation. More restrictive Supportive Measures, to the extent they are non-punitive, non-disciplinary and can be imposed without unreasonably burdening the Respondent, include:

• Imposition of a "no contact order" prohibiting the Respondent or other individuals from having contact or communications with the Complainant or other individuals, or a requirement to have such contact only in specified circumstances and under monitoring;
• Change in the Respondent’s class schedule;
• Change in the Respondent’s work schedule or job assignment; responsibilities;
• Emergency removal of a Student Respondent
• Paid or unpaid administrative leave for the Employee Respondent;
• Withdrawal from sponsored research projects;
• Change in the Respondent’s campus housing;
• 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.

FALSE CLAIMS

It is a violation of this Policy to make 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. The level of discipline will depend on the severity of the false claim and may include, but is not limited to: probation, suspension, expulsion, or termination.

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

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

SANCTIONS FOR VIOLATION OF THIS POLICY

Any party found responsible for violating the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy may be subject to disciplinary sanctioning.

Any student found responsible for violating the policies 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 warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.

Any employee of the University found responsible for any element of this policy will be referred to and disciplined in accordance with the applicable Disciplinary Policy for the employee, as outlined in both the University Personnel Handbook and the Faculty Handbook. Disciplinary responses will likely range from oral reminder to employment termination depending upon the severity of the incident and taking into account any previous disciplinary actions.

Disciplinary actions for conduct falling under the jurisdiction of Title IX will only be taken after the following the investigation and grievance procedures set forth in the University’s accompanying Title IX Grievance Policy and consistent with the range of sanctions set forth in this Policy.

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 for deciding who else might be of assistance.

If you or a university community member experiences discrimination, harassment, and/or sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, on or off campus, and have questions or need help, contact any of these resources below:

ON-CAMPUS RESOURCES FOR STUDENTS

The Title IX Coordinator for the University of New England is Angela Shambarger, 207-221-4554, ashambarger@une.edu, Human Resources Office, both campuses, 11 Hills Beach Road, Biddeford, ME 04005 and 716 Stevens Avenue, Portland, Maine, 04103.

The Deputy Title IX Coordinators are: (1) Jennifer DeBurro, Dean of Students and Assistant Provost for Student Affairs at 207-602-2372 or jdeburro@une.edu; (2) Ray Handy, Associate Dean of Student Affairs: 207-221-4213, rhandy@une.edu; (3) Heather Davis, Director of Athletics, 207-602-2629, hdavis@une.edu; (4) Janna Merritt,
Student Counseling Services for the University of New England.
For general Counseling Services support:
Biddeford Campus: (207) 602-2549/toll-free 1-866-743-2230, or on the Portland Campus: (207) 221-4550 or toll-free: 1-866-798-9201.
Confidential and free to students.
http://www.une.edu/studentlife/counseling

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.

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

Student Health Care
207-602-2358 (BC) or 207-221-4242 (PC)
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 referral and advice regarding campus and community resources.

Housing and Residential/Commuter Life Staff, Biddeford Campus, (BC)
(Resident Advisor or Professional Staff)
Individual R.A. extension or 207-602-2272 (BC) for Housing
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.

Intercultural Student Engagement
Biddeford Campus: Campus Center 100, 207-602-2461 or Portland Campus: 02 Proctor Hall, 207-221-4212. Online: http://www.une.edu/ise. Can help connect students to resources and support regarding spiritual or faith communities as well as provide information on gender expression and inclusivity.

Student Access Center
Biddeford Campus: (207) 602-2815, bestudentaccess@une.edu
Portland Campus: (207) 221-4438, pcestudentaccess@une.edu

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 to initiate 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 referral 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.
**Hospital Emergency Department**

**Maine Medical Center at 207-662-2381 or Southern Maine Medical Center at 207-294-5000**

These health care units can provide immediate medical care, STD (sexually transmitted disease) testing and pregnancy testing and prevention. The successful prosecution of sexual assault/rape cases often depends on physical evidence collected soon after the assault. Each hospital has health care providers trained to treat individuals who have experienced sexual assault/rape with attention to collecting physical evidence. In order to assure 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.

**Maine State Crisis Number**
1-888-568-1112

**National Crisis Text Line**
Text “TALK” to 74174

**National Suicide Prevention Lifeline**
1-800-273-TALK (8255)

**SEXUAL MISCONDUCT SPECIFIC OFF-CAMPUS RESOURCES**

**Sexual Assault Response Services of Southern Maine**
24 Hours: 1-800-871-7741, 207-828-1035 (Cumberland Administrative Office), or 207-571-3451

Provides confidential hotline counseling and referral for victims of sexual misconduct. They may accompany you to a medical facility and stay with you during an examination if you wish.

**Caring Unlimited**
1-800-239-7298

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, confidential emergency shelter.

**Through These Doors**
1-800-537-6066, or 207-874-1973

Cumberland County Domestic Violence Services. 24 hour confidential hotline counseling and referral, free court advocates for help obtaining orders for Protection from Abuse, confidential emergency shelter.

**Planned Parenthood of Maine**

Biddeford: 275 Main St, Suite 102, Biddeford, ME 04005 207-282-6620
Portland: 443 Congress Street, Portland, ME 04101, 1-800-230-7526, 207-221-4242 or online at [https://www.plannedparenthood.org/planned-parenthood-northern-new-england](https://www.plannedparenthood.org/planned-parenthood-northern-new-england)

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

**Rape, Abuse, and Incest National Network (RAINN) (confidential resource)**
800-656-HOPE (4673)
[https://www.rainn.org/](https://www.rainn.org/)

**National Sexual Violence Resource Center (NSVRC)**
[https://www.nsvrc.org/](https://www.nsvrc.org/)

**APPLICABLE PROCEDURES UNDER THIS POLICY**
In response to a report of 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 filing a formal complaint and initiating a formal investigation and grievance process; (3) by the Title IX Coordinator filing a formal complaint and initiating a formal investigation and grievance process; or (4) by both parties voluntarily and mutually entering into an informal resolution, as deemed appropriate by the Title IX Coordinator, after the filing of a formal complaint.

The nature of the reported conduct, the location of the reported conduct and the role of the Respondent determines the procedures that will be used to investigate and resolve formal 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 a fundamentally fair process for resolution of such complaints.

**For Title IX Covered Conduct (employees and students):** Please see the Title IX Grievance Policy linked here: [https://www.une.edu/title-ix](https://www.une.edu/title-ix).

**For Discriminatory Conduct, Harassment and Sexual Misconduct Not Covered by Title IX (employees):** Please see the University’s Personnel Handbook, linked here: [https://www.une.edu/pdfs/une-personnel-handbook](https://www.une.edu/pdfs/une-personnel-handbook) and the investigation process listed below.

**For Discriminatory Conduct, Harassment and Sexual Misconduct Not Covered by Title IX (undergraduate and graduate students):** Please see the process below.

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

### PROCEDURES FOR COMPLAINTS INVOLVING EMPLOYEES

**Informal Resolution**

The Title IX Coordinator and the Affirmative Action Officer/Associate Vice President of Human Resources have considerable training and expertise in discussing concerns about discrimination and harassment, and can serve as resources for people seeking to informally resolve concerns.

**Formal Complaint**

A formal complaint should be filed with one of the University's complaint officers, who are the Affirmative Action Officer/Associate Vice President of Human Resources and the Title IX Coordinator. Normally, the Affirmative Action Officer/Associate Vice President of Human Resources is expected to oversee the investigation of complaints involving employees, and the Title IX Coordinator is expected to oversee the investigation of complaints involving students.

The complaint officer or designee shall immediately begin an investigation. The purpose of the investigation is to determine whether, based upon a preponderance of the evidence, a violation of this policy has occurred. The complaint officer or designee has an obligation to conduct a thorough and objective investigation in a timely fashion, assuring appropriate confidentiality and assuring that the accused has a full and fair opportunity to respond to allegations.

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

UNE ensures that employees and applicants who complain about discrimination, oppose any discriminatory acts, or participate in the investigation of such complaints are protected against retaliation.

APPENDIX B

POLICY ON NONDISCRIMINATION AND ACCOMMODATION OF INDIVIDUALS WITH DISABILITIES

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

1. Ensure that qualified individuals with disabilities are treated in a nondiscriminatory manner in the pre-employment process and that employees with disabilities are treated in a nondiscriminatory manner in all terms, conditions, and privileges of employment.

2. Provide applicants and employees with disabilities with reasonable accommodation, to the extent one exists, except where such an accommodation would create undue hardship on UNE or would create a substantial risk of imminent significant harm to the applicant/employee requesting the accommodation or to others.

Procedure for Requesting an Accommodation

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

The appropriate University representative(s) will determine the feasibility of any proposed accommodation, considering various factors, including, but not limited to the nature and cost of the accommodation, and the
accommodation’s impact on the operation of UNE’s activities, including its impact on the ability of other employees to perform their duties and on UNE’s ability to meet its operational and programmatic needs.
UNE values its employees and strives to support them through employment policies and benefit programs in an environment where we balance work and family. We recognize that employees at the University invest a significant part of their time on campus, and we understand that there will be times when a child might need to accompany an employee to work. We want each employee to understand their responsibility for supervision of their child.

Safety is always a primary concern when considering the presence of children (and other visitors) on campus. UNE is a diverse environment of classrooms, offices, laboratories, recreational, and other common areas. Some of our facilities are not designed for unsupervised public access and, therefore, maintain the same appropriate limited access to children /visitors as at other academic institutions. Visitors to campus are welcome and encouraged. However, appropriate precautions and limitations on visitation are necessary to protect health and safety and to maintain productivity and regulatory compliance. To this end, UNE has instituted the following guidelines to ensure the safety and welfare of our employee children (or visitors).

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

- Children or visitors are not normally to be brought to work;
- Prior approval of the supervisor is required;
- The parent or guardian must provide direct supervision of children at all times. An exception is made in those areas, for example the Libraries, where employee children, like the general public, are welcomed;
- Children or visitors should not be left unaccompanied or left with other employees;
- Children or visitors should not interfere with workplace activities;
- Children or visitors are not allowed in high-risk areas such as:
  - Laboratories, shops, studios, mechanical rooms, power plants, garages, docks, food preparation areas, and fitness centers;
  - Any areas, indoors or out, containing power tools or machinery with exposed moving parts;
  - UNE vehicles, boats, or other motorized equipment; excepting incidental travel as a passenger in a University car, truck or van, consistent with the UNE Travel Policy;
  - Any other high-risk areas (no playing in stairwells, elevators or doorways, no access to rooftops, construction zones, etc.);
  - Children and visitors are allowed in the swimming pool, gymnasiums, and locker rooms in accordance with posted guidelines.
- A child should not be left unattended while the parent or guardian is attending class or conducting any other business or social function on campus;
- Line of sight supervision by the parent or guardian is required at all times;
- Children or visitors are not allowed in classrooms while classrooms are in session unless the faculty member grants permission. Should a child or visitor become disruptive, the employee and child or visitor may be asked to leave.
- Parent or guardian must ensure that children are not disruptive;
- Children and visitors must follow the Communicable Disease policy stated in this handbook.

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

TOBACCO AND SMOKE FREE UNIVERSITY POLICY

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

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

Signs will be posted at each building’s entrances and displayed in prominent, visible areas to inform all individuals entering or occupying UNE property that smoking and tobacco products are prohibited. This policy applies to all University of New England sites within and outside Maine.

The UNE Community will fully implement this policy related to smoking and tobacco use. All vendors and contractors retained by UNE will ensure that this policy is implemented when their employees are visiting or working on UNE property.

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

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

Smoke-Free and Tobacco-Free Policy Enforcement
The primary goal is to achieve voluntary compliance by educating students, faculty, staff, and visitors about the policy and providing smoking cessation assistance to those who seek it. There will be an enforcement agency monitoring compliance with the policy.
University Safety and Security Officers and Resident Advisors are authorized to issue smoking citations. Any faculty, staff, student, or visitor who does not comply with the policy is subject to the disciplinary actions listed below.

Faculty and staff who violate the policy are subject to a $75 fine and progressive disciplinary procedures in accordance with the University’s Human Resource policies. Supervisors will be notified of violations and will assist in the discipline process. Supervisors are expected to remind individuals of the policy and seek cooperation with compliance. Students who violate the policy are subject to a $75 fine and disciplinary action through the Office of Student Conduct. Visitors who violate the policy will be informed that University is a tobacco and smoke-free campus. Visitors who continue to violate the policy following a warning will be escorted off campus or property.

**How You Can Aid Enforcement**

Faculty, staff, and students who see individuals smoking on university grounds are asked to inform these individuals politely that University policy prohibits smoking anywhere on University grounds. This can be done verbally through conversation or by handing the smoker one of the policy reminder cards available at the Health Center, residence hall community centers, the Office of Human Resources, and the Campus Center Information Desk. Individuals who do not feel comfortable approaching someone violating the policy can submit the area and type of violation to enforcement staff using the smoke-free reporting form available below. Individuals should not contact the University Safety and Security Department to report a violation of the policy. A copy of the Smoke and Tobacco-Free Reporting Form can be found online at http://www.une.edu/tobaccofree/tobacco-free-reporting-form.

**Smoke-Free Citations**

Individuals who receive a smoking citation must pay the citation fine through the University Bursar's Office. Citation recipients will receive a bill.

To contest a smoking citation, the citation recipient must put in writing their reasons for contesting the citation and send it within 25 calendar days to: Smoking Citations Review Panel, c/o Administrator Smoking Citations Review Panel. The information will be reviewed by the Smoking Citations Review Panel, and the person will be informed of the Panel’s decision either by e-mail or in writing. The Panel is comprised of one student representative appointed by each student government, one staff representative appointed by the Staff Assembly, one faculty representative appointed by the University Faculty Assembly, and one Administrator, who serves as the panel's tiebreaker. All decisions made by the panel are final.
APPENDIX E

COMMUNICABLE DISEASE POLICY

Purpose of this Protocol
The University of New England (UNE) is committed to providing a safe working, living, and learning environment for its faculty, staff members, and students. Accordingly, the University has developed the following procedures to address concerns about communicable diseases.

This protocol addresses diseases that pose a potential threat to the University community due to risk of transmission of infections too, and among faculty, employees, and students. Examples of such infectious diseases include, but are not limited to: acute meningitis; acute respiratory illnesses (especially influenza or respiratory illness associated with international travel); possible or known active tuberculosis; vaccine-preventable viral illnesses (i.e., measles, mumps, rubella, whooping cough, or pertussis); viral conjunctivitis (pink eye), Community-acquired methicillin-resistant Staphylococcus Aureus (MRSA) skin infections; emerging infections of unknown severity, and others.

Administration of this Protocol
The person responsible for ensuring that this protocol is followed on a day-to-day basis is the Director of UNE Student Health Services. When this person is not available, an alternative Student Health Services 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 Services: 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 UNE Student Health Services (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 UNE Student Health Services or an appropriate licensed 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 Services 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 refer to the guidelines or consultation provided by federal or state CDC and guidelines issued by the American College Health Association when dealing with specific communicable illnesses. Reportable events will be submitted to Maine CDC by UNE Student Health Services.
In the event of a serious widespread threat or outbreak, the Vice President for Clinical Affairs and the Director of Student Health will convene or co-convene the Infectious Disease Committee to obtain input and feedback. Information shared with them will be on a need to know basis but may include potentially identifiable information on patients.

Information released to the UNE community and the public about potential health threats will be HIPAA and FERPA compliant, with sufficient information to protect public health.

UNE laboratories and UNE clinical settings are to be environmentally safe with respect to communicable diseases. UNE Safety Manual Guidelines (Chapter 8: Blood Borne Pathogens Exposure Control Plan) will be followed for decontamination of environmental surfaces and for the handling of equipment and objects that could come into contact with human blood or bodily fluids. In cases which require or which are likely to involve contact with blood and bodily fluids, UNE guidelines for equipment and surface decontamination will be strictly enforced.
APPENDIX F

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

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

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on University premises or while conducting University business (whether on or off premises) is prohibited. Violation of this policy will result in disciplinary action, up to, and including, termination of employment, and may have legal consequences.

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

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

2. An employee who has dependency on alcohol or any other drug needs to know that the University is supportive of an employee’s efforts to remedy that problem provided the employee seeks assistance prior to engaging job performance and/or workplace misconduct issues. Seeking assistance does not insulate an employee from discipline for performance issues and/or misconduct that arose prior to an employee’s request for assistance. Resources that are available may include the following:
   - The Substance Abuse Advisory Board is comprised of a broad spectrum of faculty, staff, and students who possess specialized knowledge of resources available to help employees deal in a confidential manner with drug dependency issues.
   - The University of New England Health Center is another confidential source of information for employees who may need information regarding drug dependency issues, treatment, and/or referral.
   - The University of New England's health insurance programs all have provisions for coverage of both inpatient and outpatient drug dependency treatment for both employees and dependents.
   - The University will arrange to provide reasonable time off, consistent with the University's Disability Leave of Absence Policy and any applicable law, for employees who may wish to or are required to undertake inpatient drug dependency treatment.
3. The University expressly reserves the right, in appropriate situations, to require as condition of continued employment, that an employee successfully complete a planned program of recovery from identified substance abuse. This plan, which will be in writing, may stipulate that failure to fully participate in the programs or meetings required therein, or to satisfactorily complete the requirements of the plan may result in the termination of employment.

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

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

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

EMPLOYEE CODE OF CONDUCT

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

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

- Conduct UNE business in good faith and with integrity and honesty;
- Strive to maintain a working knowledge of all current laws, rules, and regulations related to her job responsibilities and to conduct business in strict compliance with them;
- Observe non-disclosure of and protect against disclosure of confidential and/or proprietary information gained by reason of her official position and not to engage in any activity or otherwise use such information for her personal gain/benefit both during and subsequent to the employment relationship, including taking appropriate steps to protect such information from unauthorized use or disclosure, including, but not limited to, disclosure to family, friends, or acquaintances;
- Not engage in any activities that discriminate against persons on the basis of race, color, national origin, gender, sex, sexual orientation (including gender expression), genetic information, whistleblower status, age, religion, disability, veteran status, or any other basis prohibited by statute. This includes, but is not limited to, activities in student admissions, student housing, employment, financial aid, University Health Services, and all educational services;
- Not have any direct or indirect interest, financial or otherwise, that is in conflict with the proper discharge of her official duties;
- Not conduct any business, in her official capacity, with any business entity of which employee is an officer, agent, or member, or in which the employee or a member of her immediate family owns a substantial interest;
- Not make personal investments which could reasonably be expected to create a substantial conflict between the employee’s private interest and the interest of UNE or any of its divisions;
- Not pursue outside business and professional opportunities that compete with the interests of UNE. Employees have a responsibility to bring these opportunities to UNE’s attention;
- Not accept other employment or compensation which could reasonably be expected to impair the employee’s performance of, or her independence of, judgment in the performance of the employee’s duties for UNE;
- Disclose all potential conflicts of interest to the employee’s immediate supervisor or the Chief Compliance Officer;
- Not intentionally or knowingly misapply or misappropriate any asset, property, or “thing of value” belonging to UNE;
• Not accept, solicit, or agree to accept or solicit any gift, favor, service, or entertainment that might reasonably tend to influence the employee in the discharge of her official duties or that the employee knows or should know is being offered with the intent to influence her official conduct;

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

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

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

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

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

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

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

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

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

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

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

COMPUTER ACCEPTABLE USE POLICY

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

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

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

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

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

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

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

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

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

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

Examples of private, confidential information include, but are not limited to: Social Security Numbers, Financial Information, Financial Aid Applications, Copies of Tax Returns, Private Health Information,
Birth date, Home address or phone number, Passwords, Gender, Ethnicity, Citizenship, or Citizen visa code,

Veteran and disability status, Educational services received, Student academic information (grades, courses taken, schedule, test scores, Advising records, etc.), Disciplinary actions, and Student ID. Employees should take all necessary steps to prevent unauthorized access to this information.

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

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

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

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

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

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

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

Under no circumstances is an employee of UNE authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing UNE-owned resources.

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

SYSTEM AND NETWORK ACTIVITIES
The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent, or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by UNE.

2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books, or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which UNE or the end user does not have an active license is strictly prohibited.

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

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

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

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

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

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

9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.

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

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

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

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

14. Using any program/script/command or sending messages of any kind with the intent to interfere with, or disable, a user's terminal session via any means, locally or via the Internet/Intranet/Extranet.

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

EMAIL AND COMMUNICATION ACTIVITIES
Intentionally sending, receiving, downloading, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, libelous, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is strictly prohibited whether by computer, facsimile, or mail. Access to the Internet through UNE’s network, including the use of any of UNE’s e-mail system, should not be used for solicitations or other work for commercial or personal ventures, religious or political causes, outside organizations, or any other non-job-related use. Users shall not access any computer system without proper authorization and use of their own (as an example, rather than another employee’s) personal username and password. In addition, it is a violation of this policy to engage in any of the following conduct:

1. It is an unacceptable practice to move confidential information by e-mail that is not encrypted. UNE does not have an encryption system; therefore, at no time should anyone email confidential
information at any time for any reason.

2. Sending unsolicited email messages including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).

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

4. Unauthorized use or forging of email header information.

5. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.

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

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

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

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

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

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

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

**ENFORCEMENT**

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

BACKGROUND CHECK POLICY

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

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

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

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

B. Criminal Background Checks
Criminal record checks will be conducted through Human Resources as part of the hiring process for people in the following security sensitive categories of employment:
- Security Personnel
- Personnel who are likely to regularly travel overnight with students, teams, or student organizations
- Business Office personnel handling substantial amounts of money
- Personnel with access to controlled substances
- Personnel who regularly work with children under the age of 16
- Personnel who have access to student residential facilities
- Senior Administrators
- Other positions or other circumstances as deemed appropriate by UNE to protect the interests of UNE or its constituents.

C. Degree Verification
Highest degree status will be verified in each case when a degree is a requirement of the job. This applies only when the employee being hired is a faculty member, a health care provider, or otherwise is required by their profession to hold an academic degree. This will be done by including in standard offer letters a statement as follows:

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

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

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

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

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

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

PROCEDURES
All non-exempt candidates for employment must complete and sign an employment application which informs applicants that they are subject to a criminal records check and other background checks. All candidates for exempt employment who are offered an interview will be provided with an employment application before their interview on campus. In addition, if hired, they will be informed in the employment offer letter that the offer of employment is contingent upon the completion of the employment application. The candidate’s signature authorizes UNE to investigate all statements made on the application or other information submitted during the application process and authorizes educational institutions, employers, and others to respond to questions concerning information referenced. Candidates may be required to sign a separate authorization more specifically authorizing UNE to do particular background checks.

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

Convictions revealed in the employment process and as a result of the criminal history investigation will be carefully reviewed by the Associate Vice President of Human Resources and the Senior Administrator to determine whether or not the employee or candidate should be disqualified from employment. The Director of Security will be consulted where deemed appropriate by the Associate Vice President of Human Resources. Criminal convictions will not automatically disqualify an applicant from employment. Except where employment is expressly prohibited by law, UNE will consider factors such as (but not limited to) the nature of the crime, the age of the individual at the time the crime was committed, length of time since the conviction, the nature of the position and the job-relatedness of the conviction, the individual’s employment history, and employment references.

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

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

What is the Purpose of the Title IX Grievance Policy?

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

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

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


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

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

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

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

Specifically, our University has a **Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy** that defines certain behavior as a violation of campus policy, linked here: [https://www.une.edu/title-ix](https://www.une.edu/title-ix).

To the extent that alleged misconduct falls outside the Title IX Grievance Policy, or misconduct falling outside the Title IX Grievance Policy is discovered in the course of investigating covered Title IX misconduct, the institution retains authority to investigate and adjudicate the allegations under the policies and procedures defined within the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy, the University’s
The elements established in the Title IX Grievance Policy under the Final Rule have no effect and are not transferable to any other policy of the College for any violation of the Code of Conduct, employment policies, or any civil rights violation except as narrowly defined in this Policy. This Policy does not set a precedent for other policies or processes of the College and may not be cited for or against any right or aspect of any other policy or process.

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

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

**II. The Title IX Grievance Policy**

**General Rules of Application**

**Effective Date**

This Title IX Grievance Policy 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 Non-Discrimination, 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.

**Non-Discrimination in Application**

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. Please see the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy linked here: [https://www.une.edu/title-ix](https://www.une.edu/title-ix). All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution’s policy or process may contact the Department of Education’s Office for Civil Rights using contact information available at [https://ocrcas.ed.gov/contact-ocr](https://ocrcas.ed.gov/contact-ocr).

**Definitions**

**Covered by Sexual Harassment:**
For the purposes of this Title IX Grievance Policy, “covered sexual harassment” includes any conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning educational benefits on participation in unwelcome sexual conduct (i.e., quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution’s education program or activity;
3. Sexual assault (as defined in the Clery Act), which includes any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent;
4. Dating violence (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act), which includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; (iii) The frequency of interaction between the persons involved in the relationship.
5. Domestic violence (as defined in the VAWA amendments to the Clery Act), which 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.
6. Stalking (as defined in the VAWA amendments to the Clery Act), meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
   a. (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Note that conduct that does not meet one or more of these criteria may still be prohibited under the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy, the University’s Personnel Handbook, the University’s Professional Codes of Conduct and/or any other applicable University Conduct Policy.

**Consent**

For the purposes of this Title IX Grievance Policy, “consent” means Consent is the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Maine law on consent: Minors who are 14 or 15 cannot legally consent to sexual activity if the other party is at least 5 years older. Minors under 14 can never legally consent to sexual activity. Such sexual acts are felonies under Maine law. Please see the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy for the full definition, found here: [https://www.une.edu/title-ix](https://www.une.edu/title-ix).

**Education Program or Activity**

For the purposes of this Title IX Grievance Policy, the University’s “education program or activity” includes:

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

**Formal Complaint**

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

**Complainant**

For the purposes of this Title IX Grievance Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

**Relevant evidence and questions**

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

“Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Grievance Process:

• Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:
  o They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
  o 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.

**Respondent**

For the purposes of this Title IX Grievance policy, Respondent means any individual who has been reported to be the perpetrator of conduct that could constitute covered sexual harassment as defined under this policy.

**Privacy vs. Confidentiality**
Consistent with the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy, references made to confidentiality refer to the ability of identified confidential resources to not report crimes and violations to law enforcement or college officials without permission, except for extreme circumstances, such as a health and/or safety emergency or child abuse. References made to privacy mean University offices and employees who cannot guarantee confidentiality but will maintain privacy to the greatest extent possible, and information disclosed will be relayed only as necessary to investigate and/or seek a resolution and to notify the Title IX Coordinator or designee, who is responsible for tracking patterns and spotting systemic issues. The University will limit the disclosure as much as practicable, even if the Title IX Coordinator determines that the request for confidentiality cannot be honored.

**Disability Accommodations**

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

**III. Making a Report Regarding Covered Sexual Harassment to the Institution**

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment, and/or whether or not the person is a member of the University community), 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.

Contact Information for the University’s Title IX Coordinator:

- Angela Shambarger
- Title IX Coordinator
- McDougall Hall 201, Portland Campus
- ashambager@une.edu
- (207) 221-4554

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

**Confidential Reporting**

Please refer to the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy for information regarding confidential reporting.

**IV. Non-Investigatory Measures Available Under the Title IX Grievance Policy**

**Supportive Measures**

Complainants (as defined above), who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from the University regardless of whether they desire to
file a complaint. Supportive measures are non-disciplinary and non-punitive. Please see the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy for a full description of all available supportive measures.

Emergency Removal

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

If the University determines such removal is necessary, the respondent will be provided notice by the University’s Title IX Coordinator or designee. The respondent will have an opportunity to challenge the decision immediately following the removal. Members of the University’s Behavioral Risk Assessment Team or designee will review the respondent’s appeal to removal. The University retains the authority to place a non-student employee respondent on administrative leave during the Title IX Grievance Process, consistent with the University’s Personnel Handbook.

V. The Title IX Grievance Process

Filing a Formal Complaint

The timeframe for the Title IX Grievance Process begins with the filing of a Formal Complaint. The Grievance Process will be concluded within a reasonably prompt manner, and generally within one hundred (100) business days (approximately 60-75 days to conduct the investigation, 10 business days for the party to inspect and review evidence, and approximately 15 days for the investigator to complete the investigation report) after the filing of the Formal Complaint. The process provided that the Process may be extended for a good reason, including but not limited to the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; the need to replace an advisor due to the violation of the rules of decorum (see the University’s Rules of Decorum Policy for Title IX Grievance Process Hearing); or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of the University of New England, including as an employee. For complainants who do not meet this criteria, the University will utilize the existing policy in the Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy. For the latest version of this policy please refer to https://www.une.edu/title-ix.

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

Nothing in the Title IX Grievance Policy or the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy or any of the University’s Codes of Conduct prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process.

A complainant who files a Formal Complaint may elect, at any time, to address the matter through the Institution’s Informal Resolution Process. Information about this process is available here: https://www.une.edu/title-ix.
Multi-Party Situations

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

VI. Determining Jurisdiction

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

1. The conduct is alleged to have occurred on or after August 14, 2020;
2. The conduct is alleged to have occurred in the United States;
3. The conduct is alleged to have occurred in the University’s education program or activity; and
4. The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

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

Allegations Potentially Falling Under Two Policies

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Grievance Process will be applied in the investigation and adjudication of all of the allegations.

Mandatory Dismissal

If any one of these elements are not met, the Title IX Coordinator, The Associate Vice President of Human Resources & Chief Human Resources Officer, The Title IX Investigator, or designee will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Grievance Policy. Each party may appeal this dismissal using the procedure outlined in “Appeals,” below.

Discretionary Dismissal

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

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
- The respondent is no longer enrolled or employed by the University; and/or,
- If specific circumstances prevent the University from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

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

Notice of Dismissal

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

**Notice of Removal**

Upon dismissal for the purposes of Title IX, the University retains discretion to determine if a violation of one or more of the policies or standards set forth in the University’s Non-Discrimination, Anti-Harassment, and Sexual Misconduct Policy, Student Code of Conduct, Professional Codes of Conduct, Personnel Handbook, and Faculty Handbook(s) has occurred. If so, the University will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Grievance Process and removal of the allegations to the appropriate conduct process.

**VII. Notice of Allegations**

The Title IX Coordinator will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur within 5 business days, unless extended for good cause, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

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

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

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

**Contents of Notice**

The Notice of Allegations will include the following:

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

Ongoing Notice

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

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

VIII. Advisor of Choice and Participation of Advisor of Choice

The University will provide the parties equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

The University has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. The Advisor of Choice can be, but does not have to be an attorney. Except where explicitly stated by this Policy, as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of the University and as outlined in the University’s Non-Discrimination, Harassment and Sexual Misconduct Policy.

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

The University’s obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and the University cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The University will not be obligated to delay a meeting or hearing under this process more than five (5) business days due to the unavailability of an Advisor of Choice, and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the University.

Notice of Meetings and Interviews

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

Delays

Each party may request extensions in the Grievance Process, which may be granted or denied in the sole judgment of the Title IX Coordinator, the 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 generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall generally be granted.

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

**IX. Investigation**

**General Rules of Investigations**

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

The University and not the parties, has the burden of proof and the burden of gathering evidence, i.e. the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and the University may not draw an adverse inference from a party’s lack of participation.

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

**Inspection and Review of Evidence**

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation. Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

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

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

The institution will send the evidence made available for each party and each party’s advisor, if any, to inspect and review through an electronic format or hard copy. The Institution is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

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

The institution will provide copies of the parties’ written responses to the investigator to all parties and their advisors, if any.

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

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

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

Inclusion of Evidence Not Directly Related to the Allegations.

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

X. Investigation

The Title IX Coordinator and/or an investigator designated by the Title IX Coordinator will create an Investigative Report that fairly summarizes relevant evidence.

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

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

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

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

XI. Hearing

General Rules of Hearings

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

The live hearing may be conducted with all parties physically present in the same geographic location, or, at the University’s discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through a University-approved video conferencing option, including but not limited to Zoom. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors not within a party’s control.
All proceedings with the exception of the hearing deliberation will be recorded, which will be made available to the parties for inspection and review. Parties, advisors, and witnesses may not record the hearing.

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

**Continuances or Granting Extensions**

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

**Participants in the live hearing**

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows: *Complainant and Respondent (The Parties)*

- The parties cannot waive the right to a live hearing.
- The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party.
- For example, A verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement. In other words, a prior statement would not include a document, audio recording, audiovisual reading, and digital media, including but not limited to text messages, emails, and social media postings, that constitute the conduct alleged to have been the act of sexual harassment under the formal complaint. See, OCR Blog (May 22, 2020), available at [https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html](https://www2.ed.gov/about/offices/list/ocr/blog/20200522.html)
- The University will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.
- If a party does not submit to cross-examination by the other party’s advisor, the decision-maker cannot rely on any prior statements made by that party in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party.
- The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions.
- The parties shall be subject to the University’s Rules of Decorum, found here: [https://www.une.edu/title-ix](https://www.une.edu/title-ix).

**The Decision-maker**

- The hearing body will consist of a primary hearing officer and a two person panel of decision makers.
- No member of the hearing body will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the hearing body serve on the appeals body in the case.
• No member of the hearing body will have a conflict of interest or demonstrated bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.
• The hearing body will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing.
• The parties will have an opportunity to raise any objections regarding a decision-maker’s actual or perceived conflicts of interest or bias prior to the commencement of the live hearing.

Advisor of choice

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

Hearing Procedures

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

• The primary hearing officer will open and establish rules and expectations for the hearing;
• The Parties will each be given the opportunity to provide opening statements;
• The primary hearing officer and the hearing board will ask questions of the Parties and Witnesses;
• Parties will be given the opportunity for live cross-examination by advisors after the hearing board conducts its initial round of questioning; During the Parties’ cross-examination, the hearing board will have the authority to pause cross-examination at any time for the purposes of asking the hearing board’s own follow up questions; and any time necessary in order to enforce the established rules of decorum.
• Should a Party or the Party’s Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Hearing Board. A Party’s waiver of cross-examination does not eliminate the ability of the Hearing Board to use prior statements made by the Party.

Live Cross-Examination Procedure

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

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

**Review of Transcript**

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

**XII. Determination Regarding Responsibility**

**Standard of Proof**

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

**General Considerations for Evaluating Testimony and Evidence**

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

Decision-makers shall 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 on stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should consider the demeanor of the party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

Decision makers 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.

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

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

Where a party or witness’ conduct or statements demonstrate that the party or witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Board may draw an adverse inference as to that party or witness’ credibility.
Components of the Determination Regarding Responsibility

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

1. Identification of the allegations potentially constituting covered sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding which section of the Student Conduct Code, Professional Codes of Conduct, the Personnel Handbook and/or the Faculty Handbook, if any, the respondent has or has not violated.
5. For each allegation:
   a. A statement of, and rationale for, a determination regarding responsibility;
   b. A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
   c. A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient’s education program or activity will be provided by the recipient to the complainant; and
6. The recipient’s procedures and the permitted reasons for the complainant and respondent to appeal (described below in “Appeals”).

Timeline of Determination Regarding Responsibility

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

Finality

The determination regarding responsibility becomes final either on the date that the institution provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

XIII. Appeals

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 within five (5) 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 affected the outcome of the matter (i.e. a failure to follow the institution’s own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or demonstrated bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter.

Supportive measures and remote learning opportunities remain available during the pendency of the appeal. 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 five (5) pages (including attachments).

Appeals will be decided by a three person appeal board 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.

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

**XVI. Retaliation**

The University will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Grievance Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Grievance Policy.

No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Grievance Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment, as set forth in the University’s Amnesty policy in the University’s Anti-Discrimination, Anti-Harassment and Non-Discrimination Policy.

Complaints alleging retaliation may be filed according to the University’s Anti-Discrimination, Anti-Harassment, and Sexual Misconduct Policy.