

TITLE IX SEXUAL MISCONDUCT, NON-DISCRIMINATION, AND ANTI-HARASSMENT POLICY

February 2019. Please refer to <https://www.une.edu/title-ix> for most current 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.

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, Associate Director of Athletics for Compliance and Senior Women’s Athletic Administrator at 207-602-2629 or hdavis@une.edu; Janna Merritt, Assistant Director of Human Resources, 207-602-2281 or jmerritt2@une.edu; or Ed Doyle, Senior Associate Director of Human Resources, 207-221-4307 or edoyle1@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. Dial 207-283-0176 from any non-campus phone. Local Law enforcement can be reached by dialing 911.

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.

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, 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, 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. Inquiries regarding compliance with these statutes may be directed to the Executive Director of Human Resources, UNE, 11 Hills Beach Road, Biddeford, ME 04005, 207-602-2383 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 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.

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

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; 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 rape, sexual assault, 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, or respective sex of the parties. Same sex harassment violates this policy as does harassment by a student of a faculty member or a subordinate employee of his/her supervisor.

SEXUAL MISCONDUCT

A. Sexual Assault or Sexual Violence

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 drug and/or alcohol or was physically or mentally unable to make informed or reasonable judgments or provide consent. 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 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 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 without consent; (3) causing an individual to prostitute them 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 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.

G. Consent:

- a. Consent is the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter.
- b. Consent given at the start of sexual activity may not be understood to apply to each individual sexual action during the encounter.
- c. Each party must clearly consent to each act during the sexual encounter.
- d. Consent may not be inferred from silence.
- e. Consent is not voluntary if it is induced by force, threat, or deception.
- f. An individual who is incapacitated by drugs or alcohol, who is asleep, unconscious, or otherwise physically or mentally incapacitated is not capable of consent and consent may never be assumed
- g. Acts of sexual misconduct and the failure to obtain consent are never excused by incapacitation because of drug or alcohol consumption.
- h. Consent may be withdrawn at any time and if it is, sexual activity of any kind must stop.
- i. 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.

- j. 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.

SCOPE

A. Applicability

The University's Sexual Misconduct, Non-Discrimination, and Anti-Harassment Policy applies to all faculty, trustees, staff, administration, supervisors, employees, the student body, athletes, vendors, volunteers, and visitors to campus. This includes guests, patrons, independent contractors, or clients of the University of New England. This Policy prohibits sexual misconduct, sexual harassment, and discrimination in any University education program or activity, which means all academic, educational, extracurricular, athletic, and other programs.

The applicable processes for resolving complaints of a violation of the University's Title IX policy by undergraduate, graduate, and professional students are set forth herein.

The applicable processes for resolving reports of sexual misconduct, non-discrimination and anti-harassment involving employees (faculty and staff) are set forth in Appendix A and Appendix J of the Personnel Handbook.

B. Off -Campus Programs

Off –campus programs and activities are covered by this policy and include, but are not limited to, study abroad programs, internships, participation in affiliated programs, clinical programs, student teaching, and applied learning, such as but not limited to, on-line course experiences. Faculty, staff, administration, supervisors, employees, volunteers, and students who feel that they have experienced sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, discrimination, and/or harassment while participating in off-campus programs and activities should immediately report such incidents to the program director, Student Affairs, and the Title IX Coordinator. Non-University visitors, guests, patrons, independent contractors, or clients who fail to address sexual misconduct, discrimination and/or harassment of administrators, faculty, staff, supervisors, volunteers, students, or employees by their personnel which they knew about or should have known about may be subjected to whatever sanctions the relationship of the guest, client, vendor, organization, contractor, or business to the University permits.

Please note: The University may and will act on any complaints of sexual misconduct, discrimination, or harassment by students or University employees off campus if that activity results in substantial disruption to 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 sexual misconduct, discrimination, or harassment. Offensive workplace behavior that does not violate this

policy should be addressed to the appropriate supervisor and the Executive Director of Human Resources.

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 Sexual Misconduct, Non-Discrimination, and Anti-Harassment 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 sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, discrimination or harassment 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 sexual misconduct, discrimination and/or harassment, 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 sexual misconduct, discrimination, and/or harassment 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 sexual misconduct, discrimination, or harassment. 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 a complaint, 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. 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. The notification will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities or to shift the individual out of being supervised or evaluated by the person with whom the individual is in the consenting relationship. Failure to self-report such relationships can result in disciplinary action.

REPORTING OF COMPLAINTS OF SEXUAL MISCONDUCT, HARASSMENT, OR DISCRIMINATION

Anyone who reports an incident of sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, harassment, or discrimination will be assisted in understanding their reporting options and will not be forced to make any type of report with which they are uncomfortable.

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, the Associate Dean of Student Affairs: 207-221-4213, rhandy@une.edu; (3) Heather Davis, Associate Director of Athletics for Compliance and Senior Women's Athletic Administrator, 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.

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.

Complaints 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 an incident of sexual misconduct (“an incident”). The University recognizes that a student who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential disciplinary consequences for their own conduct. Thus, a student who reports sexual misconduct, either as a Complainant or as a witness, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. Alcohol and/or drug use may affect the memory of involved parties and may affect the outcome of the complaint.

TIMELINE FOR REPORTING AND CONFIDENTIALITY

Complaints and reports of discrimination, 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. All reports and complaints of discrimination, sexual misconduct, and/or harassment will be promptly investigated and appropriate action will be taken as expeditiously as possible. The University will make all reasonable efforts to protect the rights of both the Complainant and the Respondent. The University will respect the privacy of the Complainant, the individual(s) against whom the complaint is filed, and the witnesses in a manner consistent with the University’s legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations required by law.

The University will, whenever possible, honor a request by the Complainant for confidentiality. 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 any case where a complaint discloses a serious, immediate or continuing threat to others in the University community, the University will issue a campus-wide alert. However, such an alert shall not contain any identifying information about the Complainant. In addition, no information about the Complainant will be released to the public in any fashion without the consent of the Complainant.

The University reserves the right to investigate and resolve a complaint or report of discrimination, sexual misconduct, and/or harassment regardless of whether the Complainant ultimately desires the University to pursue the complaint. In such cases, the parties shall be informed of the status of the investigation at reasonable times until the University’s final disposition of the investigation. The University also reserves the right to contract with a third party to conduct the investigation on behalf

of the institution.

FALSE CLAIMS

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

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

RETALIATION

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

SANCTIONS FOR VIOLATION OF THIS POLICY

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.

The University Student Conduct Board reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating or aggravating circumstances. Neither the initial hearing officers nor the Appeal Officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

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.

RESOURCES FOR HELP WITH COMPLAINTS OF SEXUAL MISCONDUCT

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 sexual misconduct. After the first contact, there is help for deciding who else might be of assistance.

If you or a friend experience 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:

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, Associate Director of Athletics for Compliance and Senior Women's Athletic Administrator, 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.

Student Counseling Services for the University of New England:
Biddeford Campus 207-602-2549/toll free 1-866-743-2230, or on the
Portland Campus 207-221-4550,
or toll free: 1-866-798-9201, <http://www.une.edu/studentlife/counseling>.

Any of the counselors on staff will provide free, confidential support for students.

University Department of 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**.

Police Department (911)

Any victim of 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 victim 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 victim's rights and the victim will have input into the course of the investigation.

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.

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 sexual assault/rape victims with attention to collecting physical evidence. To assure the best chance of successful prosecution, the victim is advised not to wash or change clothes prior to seeking immediate medical treatment.

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>

Can provide information about emergency contraception and information about sexually transmitted diseases.

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 victim'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.

COMPLAINT REVIEW PROCEDURES FOR COMPLAINTS OF A VIOLATION OF THE UNIVERSITY'S TITLE IX POLICY BY UNDERGRADUATE, GRADUATE, AND PROFESSIONAL STUDENTS

Complaints alleging a violation of Title IX, involving discrimination, harassment, or sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, or other acts of violence involving the use of weapons or physical assault as defined and set forth above, the following procedures will be utilized. These procedures differ from those set forth in Article XI of the University Student Conduct Code for alleged violations of other sections under the Student Conduct Code. It is also possible that alleged violations of Title IX may also be combined with other violations of the student conduct code. When that combination is the case, these procedures will apply. 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 Title IX complaints and to provide Complainants and Charged Parties the fundamental fairness to which they are entitled.

The procedures for reporting Title IX complaints are fully set forth above along with the provisions for confidentiality.

INVESTIGATION

- A. **Steps Taken By the Title IX Coordinator Once A Complaint is Received: Once a complaint has been received by the Title IX Coordinator or one of the Deputy Title IX Coordinators as set forth above the following steps will be taken:**
 - a. The Title IX Coordinator or designee (hereafter referred to as the Title IX Coordinator) will meet with the Complainant and review the allegations in the complaint. The Title IX Coordinator will make sure that the Complainant is aware of all of the resources available to support them as set forth fully above and offer assistance in accessing or utilizing these resources, if this is needed by the Complainant. When it is appropriate the Complainant will be asked to provide a statement of the allegations in writing.
 - b. After reviewing the allegations and going over the procedures for a Title IX complaint with the Complainant, if the Complainant and/or the University decide that they want to move forward with a formal complaint, then the Title IX Coordinator will meet with the Charged Party.
 - i. The Title IX Coordinator will inform the Charged Party verbally of the allegations being made against them and review the procedures involved in the Title IX complaint process. The Charged Party will also be made aware of all the resources available for support for the Charged Party and

offered assistance to accessing the resources, if this assistance is needed by the Charged Party.

- ii. After the Charged Party is made aware of the allegations against them, the Charged Party will be asked to submit a written response to the allegations.
 - iii. Once the Charged Party's written response to the allegations has been received or if the Charged Party declines to submit a written statement, the Title IX Coordinator will issue a letter to the Charged Party outlining the specific sections of the Student Conduct Code the Charged Party is alleged to have violated.
- c. A Charged Party may elect not to participate in the University process as that is their legal right. However, failure to provide information to the Title IX Coordinator or to otherwise not participate in the process as it moves forward will not stop the University's process from proceeding according to the provisions of this policy.

B. Investigation of Alleged Title IX Violations

- a. All allegations of a violation of Title IX will be investigated either by the University's internal Title IX Investigator and Prevention Specialist, or designee, or at the University's sole discretion by an outside Investigator.
- b. The Investigator shall make every attempt to complete the interviews and produce a final report within sixty (60) days but it is understood that this is a goal and not a mandate. The Investigator will attempt to be expeditious but will not sacrifice thoroughness for a specific time frame for completion.
- c. The Investigator will be provided with the information obtained from the Complainant and/or the Charged Party. The Investigator will meet with and interview both parties and will provide both parties with the opportunity to identify witnesses and or documents such as texts or other electronic media that either party would like the investigator to interview or to consider as evidence.
 - i. The Investigator may meet with the Complainant, the Charged Party, and any witnesses deemed to have relevant information in any order the Investigator deems appropriate.
 - ii. During the interviews, the Complainant and the Charged Party may both choose to have an advisor with them. The advisor may be a member of the UNE community or if the violations asserted against the Charged Party include Title IX violations, they may have an attorney appear with them or a member of their immediate family. The advisor is there for support and may not address the Investigator. If the advisor is in any way disruptive of the investigatory process, the investigator shall ask the advisor to leave the room and the process shall not continue until they have done so. The advisor may not be a witness in the investigation.
 - iii. The Investigator may also meet with either party or any of the witnesses more than once.
 - iv. After the Investigator conducts an interview, the Investigator will type up a summary of the interview and make the summary available for review by the individual interviewed.
 - v. The individual receiving the summary will then each have the opportunity to review the summary and to provide the Investigator, any corrections they may wish to make to the summary. The Complainant, the Charged

Party, and any witnesses should provide these corrections, if they wish to submit one, to the Investigator within in five (5) business days of the receipt of the summary.

- vi. If the Investigator agrees with the corrections, the Investigator will correct the original summary and the corrected version shall be the one used for the record. If the Investigator does not agree with the corrections, the Investigator will not make the changes and the original summary will be used for the record.
- d. Once all of the interviews have been completed and the witness summaries finalized, both the Complainant and the Charged Party shall be provided an opportunity to review a redacted copy of all of the witness summaries and all of the documents reviewed up to that point by the Investigator. The witnesses' names shall be redacted from their statements and they will be identified as Witness A, B, etc. Any other students' names that may have come up in a witness statement and who were not interviewed shall be redacted and they shall be referred to as Student 1, 2, etc. All of the Witness Statements and the documents reviewed by the investigator and provided to the Complainant and the Charged Party shall be "the Record."
- e. Once the Complainant and the Charged Party have each had the opportunity to review the Record, they shall each have the opportunity to provide the Investigator with any additional written statement they wish to submit concerning what they have reviewed in the Record.
 - i. The Complainant and the Charged Party should provide this additional statement, if they wish to submit one, to the Investigator within five (5) business days of the receipt of the Record.
 - ii. The Investigator will not complete the report of the investigation until after the time for the receipt of the additional statements has passed and if any additional statements are received from the Complainant and/or the Charged Party, the Investigator has had the opportunity to review and consider the statements.

C. Investigator's Findings

- a. The Investigator's report shall set forth findings of fact which shall include assessments of credibility where called for. Based on those findings of fact and the applicable provisions of University policy, the Investigator will make a finding based on the preponderance of the evidence standard as to whether or not the investigator finds the Charged Party responsible for each of the allegations of violation of University policy set forth in the letter of specific allegations sent to the Charged Party prior to the start of the investigation. If the Investigator finds the Charged Party responsible for any of the alleged violations, the Investigator shall not make any recommendation as to possible sanctions for the violation.

D. Submitting an Appeal

- a. The Complainant and the Charged Party shall each receive an opportunity to review a copy of the investigator's final report.
 - i. Each party shall have the opportunity to submit an appeal to the Dean of Students and Assistant Provost of Student Affairs within five (5) business days of the receipt of the final investigation report, The appeal may be submitted based on (1) a procedural error that had a material impact on

the fairness of the proceedings and/or (2) the submission of new evidence that could not have been presented to the Investigator before the investigation report was finalized.

- ii. The Dean of Students and Assistant Provost of Student Affairs shall review the appeal from either party and shall issue a decision within seven (7) days of the receipt of the appeal/s.
- iii. The Dean of Students and Assistant Provost of Student Affairs may (1) deny the appeal or (2) send the investigation report back to the Investigator with a direction to consider new evidence or, if possible, to correct the procedural error. If the procedural error is substantial and significantly impacts any finding of responsibility and it cannot be corrected, the Dean of Students and Assistant Provost of Student Affairs may find the investigation to be invalid. If this is the finding, a new Investigator will be engaged and a new investigation will be undertaken pursuant to this Article. The decision of the Dean of Students and Assistant Provost of Student Affairs on the appeal/s is final.

E. The Student Conduct Board:

- a. Once the Dean of Students and Assistant Provost of Student Affairs' decision on the appeal/s is final, if the investigation report has found the Charged Party responsible for a violation of Title IX and any other provision/s of the Student Conduct Code and/or Title IX, the Dean of Students and Assistant Provost of Student Affairs will ask the Director of Student Conduct to convene a panel of the Student Conduct Board as provided for in detail in Article XI.
 - i. The Student Conduct Board shall be chaired by the Director of Student Conduct. Based solely on the findings of facts and the findings as to responsibility of the Charged Party as set forth in the final investigation report, the Student Conduct Board shall meet to consider what sanctions, if any, are appropriate for the violations. The Student Conduct Board shall not reconsider any of the findings in the investigation report.
- b. Both the Complainant and the Charged Party shall each have the opportunity to appear before the Student Conduct Board to provide an impact statement to the Board. They may each also choose to submit an impact statement in writing to the Student Conduct Board and to not appear in person.
 - i. An appearance by either the Complainant or the Charged Party is voluntary and not required. If either or both choose to appear they may each have an advisor with them. The advisor may be a member of the UNE community or if the violations for which the Charged Party has been found responsible include Title IX violations, they may have an attorney appear with them or a member of their immediate family. The advisor is there for support and may not address the Student Conduct Board. If the advisor is in any way disruptive of the Student Conduct Board process, the Director of Student Conduct shall ask the advisor to leave the room and the process shall not continue until they have done so. The proceedings of the Student Conduct Board shall not be recorded in any manner.
- c. At the conclusion of the presentation of any impact statements by the Complainant or the Charged Party, the parties and their advisors shall leave the room and the

Student Conduct Board shall begin deliberations in order to make a determination of what, if any, sanctions should be assigned for the violations of the provisions of Title IX and any other provisions of the Student Conduct Code found by the investigator in the final investigation report.

- i. The Student Conduct Board may not overturn any of the findings of responsibility in the final investigation report. The Student Conduct Board shall consider the final investigation report, any impact statement made by the Complainant or the Charged Party and any previously adjudicated violations of the Student Conduct Code and any related sanctions.
- ii. Once the Student Conduct Board has reached its decision, the Director of Student Conduct shall report the decision of the Student Conduct Board to the Title IX Coordinator who shall inform the Complainant and the Charged Party of the decision in writing.

F. Appealing a Decision of the Student Conduct Board

- a. Within seven (7) business days of the receipt of the written decision letter from the Title IX Coordinator, both Complainant and the Charged Party shall have the right to appeal the decision on sanctions to the Provost. This appeal is only related to the sanction decision of the Student Conduct Board and may not raise any issues as to the findings of responsibility in the final investigation report. The appeal may raise any alleged procedural errors that had a material impact on the fairness of the proceedings by the Student Conduct Board.
 - i. Within seven (7) business days of the receipt of the appeal/s the Provost shall issue a decision in writing to both the Complainant and the Charged Party. The Provost may uphold the decision of the Student Conduct Board or return the decision to the Student Conduct Board through the Director of Student Conduct for reconsideration of a procedural.
 - ii. If necessary, the Student Conduct Board will reconsider their decision based on the concerns of the Provost. The Student Conduct Board shall issue a new written decision to the Provost within seven business (7) days of the receipt by the Board of the Provost's request for reconsideration.
 - iii. The Provost shall then have five business (5) days to issue a final decision on the appeal. This final decision shall be issued to both the Complainant and the Charged Party concurrently.