



# Policy Manual – Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment

## HUMAN RESOURCES AND LABOR RELATIONS

### Section 402 Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation and Title IX Sexual Harassment

Effective: 3/26/90

Last Revised: 11/16/98; 11/17/14; 5/18/15, 8/14/2020, 4/21/2022, 6/30/2023

Responsible Office: Human Resources

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**\*\*Please note:** The reader will find sections within this document that are specific to each campus; each campus will have a version of this policy that contains more detailed information specific to that campus. These sections will be identified in the text with instructions to contact the [Title IX Coordinator on the campus of interest](#) for this information.

#### I. Policy Statement

The University of Maine System (“UMS” or “the University”) is committed to providing a safe environment which promotes the dignity and worth of each member of the community. In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University does not discriminate on the basis of sex in employment, education, and all other programs and activities. UMS, inclusive of all its campuses and faculties, does not discriminate on the basis of sex, race, color, religion, age, disability, status as a veteran, national or ethnic origin, sexual orientation, transgender status, gender identity, gender expression, or any other category protected by applicable law, in the administration of its educational policies, admission policies, scholarship and loan programs, employment, or other school administered programs. For this reason, the University will not tolerate sex discrimination, sexual harassment, sexual assault, sexual violence, intimate partner violence, dating violence, domestic violence, stalking, or retaliation in any form. All conduct of this nature is considered a violation of this policy. This policy addresses discrimination on the basis of sex. UMS does not discriminate on the basis of sex in its education programs or activities, and UMS 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 in such a manner. The requirement not to discriminate on the basis of sex in the education program or activity extends to admission and employment. Inquiries about the application of Title IX and its implementing regulations may be referred to the Title IX Coordinator, to the Assistant

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## Contact Information

University of Maine System  
Board of Trustee Office  
15 Estabrooke Drive, Office 251  
Orono, ME 04469  
207-581-5844  
[ums.trustees@maine.edu](mailto:ums.trustees@maine.edu)

Secretary for Civil Rights, or both. This policy is compliant with Maine State Law, An Act Concerning Sexual Violence, Intimate Partner Violence and Stalking at Institutions of Higher Education. <http://www.mainelegislature.org/legis/statutes/20-A/title20-Ach445sec0.html>

The University will respond to complaints and reports of violations of this policy in a prompt, fair, impartial and equitable manner. Regardless of whether a complaint is filed, the University will respond promptly and reasonably when it has notice of potential misconduct that is a violation of this policy. The University will take steps to end and prevent recurrence of violations of this policy and to correct their discriminatory effects on the complainant and others when a determination of responsibility has been made against a Respondent. In responding to all complaints and reports, the University will act to ensure the safety of students, guests, and employees while complying with state and federal laws and provisions of applicable collective bargaining agreements and employee handbooks.

## II. Overview

This policy applies to all members of the University community, including but not limited to all students (graduate and undergraduate), all employees (including faculty and staff), adjunct faculty, contractors, vendors and/or other third parties.

This policy applies to all individuals regardless of gender, sexual orientation, transgender status, gender identity, or gender expression. It applies to all University programs and activities, both on campus and off campus, including, but not limited to, instruction, grading, housing, athletics, electronic communication and employment.

This policy does not substitute for or supersede related civil and criminal law. It is the policy of the University to strongly encourage individuals to report all incidents and violations to law enforcement officials or agencies with appropriate jurisdiction and to avail themselves of all the services and rights to which they are entitled.

Any individual may file a complaint under this policy at any time, regardless of where the alleged incident occurred. However, the University strongly encourages individuals to file complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a complaint may compromise the subsequent investigation. Reporting in a timely way also allows the University to provide all persons involved with information regarding their rights, options, and resources available under this policy and federal or state laws.

All members of the University community are encouraged to cooperate fully in investigations and other proceedings necessary for the effective execution of this policy, though no individual will be retaliated against for exercising their rights under this policy including their right not to participate in an investigation and/or adjudication process.

### **This policy covers the following information:**

- What to do if you are the victim of sexual harassment, sexual assault, sexual violence, intimate partner violence, dating violence, domestic violence, stalking, or retaliation;
- Emergency Medical Assistance;
- Common terms used in this policy;
- Affirmative Consent;
- How and where to file a complaint;
- How the University will respond to a complaint;
- Confidentiality;
- Supportive measures that are available;
- Options regarding reporting to Law Enforcement;
- Protection orders;
- Student Amnesty;
- Free Speech and Academic Freedom;
- Off-campus conduct;
- Educational programs;
- External complaints;
- Review and revision of this policy.

### **III. What to do if you are Sexually Assaulted or Experience Sexual Violence, Intimate Partner Violence, Domestic Violence, Dating Violence or Stalking**

- Get to a safe location.
- Consider asking a trusted friend or relative to be with you for support.
- You may choose to file a report with the local law enforcement agency. Your report puts in place support systems that you may choose to use. The University will provide someone to assist you in filing a report with Law Enforcement if you wish.

You have the right to decline notification to a law enforcement agency, including campus, local, tribal, or state police and still receive assistance from the University.

- If you are on campus and unsure where to go or can think of nowhere that is safe at this time, please consider calling your campus Public Safety or Security Department or dial 911 in an emergency.

#### **On Campus Resources (Police/Security/Safety Offices)**

Campus Safety – University of Maine at Fort Kent 207-551-9374

Campus Safety -University of Maine at Presque Isle 207-768-9580

Campus Police – University of Maine 207-581-4040

Campus Safety -University of Maine at Machias 207-255-1320 or 207-263-4205(nights/weekends)

Campus Security – University of Maine at Augusta 207-621-3400 – Bangor Campus 207-262-7777

Campus Police – University of Maine Farmington 207-778-7400

Campus Police – University of Southern Maine 207-780-5211

If you are off campus and are unsure of where to go that is safe, please consider calling local or state law enforcement. If it is an emergency dial 911. For a complete list of non-emergency numbers for police departments in the state please visit:

<http://mainechiefs.com/police-departments>

Fort Kent Police Dept.	Presque Isle Police Dept.
416 W Main St. STE 102	43 North St. UNIT 2
Fort Kent, Maine 04743	Presque Isle, Maine 04769
207-834-6550	207-764-4476
Bangor Police Dept.	Orono Police Dept.
240 Main St.	63 Main St.
Bangor, Maine 04401	Orono, Maine 04473
207-947-7384	207-866-4000
Old Town Police Dept.	Augusta Police Dept.
150 Brunswick St.	33 Union St.
Old Town, Maine 04468	Augusta, Maine 04330
207-827-3400	207-626-2370
Farmington Police Dept.	Machias Police Dept.
116 Franklin Ave.	17 Stackpole Rd.
Farmington, Maine 04938	Machias, Maine 04654
207-778-6311	207-255-8558
Gorham Police Dept.	Portland Police Dept.
270 Main St.	389 Congress St.
Gorham, Maine 04038	Portland, Maine 04101
207-839-5581	207-874-8300

Gorham Police Dept.	Portland Police Dept.
270 Main St.	389 Congress St.
Gorham, Maine 04038	Portland, Maine 04101
207-839-5581	207-874-8300
Lewiston Police Dept.	Maine State Police
171 Park St.	Augusta Communications Center
Lewiston, Maine 04240	207-624-7076 or 1-800-452-4664
207-784-6421	(800 number in state only)
Maine State Police	Maine State Police
Bangor Communications Center	Houlton Communications Center
207-973-3700 or 1-800-432-7381	207-532-5400 or 1-800-924-2261
(800 number in state only)	(800 number in state only)

- Seek medical care as soon as possible. You may need basic medical treatment for injuries, and you may have injuries of which you are unaware. You also may be at risk of acquiring a sexually transmitted infection, and women may be at risk for pregnancy. Trained staff at your campus Health Center or the local emergency room can speak with you about all the medical options available and provide information about a sexual assault forensic examination. Maine Victims' Compensation Program may be able to assist you with financial support for medical and medically-related expenses incurred as a direct result of a crime. For more information on the program please click [here](#).
- Sexual Assault Resource and Advocacy Centers and Domestic Violence Resource Centers across the state can assist you in identifying a local hospital and provide accompaniment during the medical forensic examination (see pg. 18 – 23 for a list of confidential resource centers). You may also contact the hospital directly and let them know you are coming in for a sexual assault or interpersonal violence forensic examination. If you need assistance for travel reimbursement please contact your Deputy Title IX Coordinator. Please note that you do not have to provide details of the incident to get reimbursed for travel to and from the hospital.

#### **STATEWIDE HOSPITAL INFORMATION – FOR SEXUAL ASSAULT OR INTERPERSONAL VIOLENCE EXAM**

Northern Maine Medical Center – 194 East Main Street, Fort Kent, Maine 04743 207-834-3155

Northern Light A.R. Gould Hospital – 140 Academy Street, Presque Isle, Maine 04769 207-768-4014

Northern Light Eastern Maine Medical Center – 489 State Street, Bangor, Maine 04402 207-973-8000

St. Joseph Hospital – 360 Broadway, Bangor, Maine 04402 207-970-3000

Down East Community Hospital – 11 Hospital Drive, Machias, Maine 04654 207-255-0215

Franklin Memorial Hospital – 111 Franklin Health Commons, Farmington, Maine 04938 207-778-6031

MaineGeneral Medical Center – 35 Medical Center Parkway, Augusta, Maine 04330 207-248-5000

Northern Light Mercy Hospital – 175 Fore River Parkway, Portland, Maine 04102 207-879-3000

- Preserve all evidence of the incident. This includes any physical and/or electronic evidence, such as, clothing, sheets, weapons, condom, videos, pictures/images, text/voice messages, etc. If you are no longer where the incident occurred or have changed, put any clothing or material items in a paper bag. Back up any videos, pictures/images, text/voice messages, etc. to a preserve them in case they are deleted.

- You may choose to file a report with the local law enforcement agency. Your report puts in place support systems that you may choose to use. The University will provide someone to assist you in filing a report with Law Enforcement if you wish.
- You can choose to have a forensic examination by a licensed health care practitioner, even if you are unsure if you want to file a report with the police. If you decide to have such an exam, it is important that you:
  - Do not bathe, wash your hands, brush your teeth, drink, eat, or even use the restroom—all these things can destroy evidence that may be helpful in a criminal investigation; however, if you have done any of these things since the incident, evidence can still be collected;
  - Do not clean or remove anything from the location where the incident occurred;
  - Write down as much as you can recall about the incident and the people involved.
- Seek some form of emotional support. While taking care of your physical needs may be the first step in taking care of yourself, it is important not to neglect the emotions you may be experiencing as a result of the assault, violence or stalking. It is your choice to determine when and in what manner you recover from your trauma. Give yourself the time you need and know that it is never too late to get help.
- KNOW THAT WHAT HAPPENED WAS NOT YOUR FAULT AND YOU ARE NOT ALONE.
- University counseling services have employees who are specially trained to assist students with recovery and healing. CIGNA EAP services are available for employees at 1.877.622.4327. In addition to University resources local sexual assault support centers and domestic violence resource centers are available to support and assist you.
- There are a variety of resources on your campus and in your community that are available to help you.

**Campus Private Resources** – [University of Maine System Deputy/Title IX Coordinators](#) – [University of Maine System](#)

**Campus Confidential Counseling Services** – [Campus Counseling](#) – [University of Maine System](#)

**Campus Confidential Resource Advisors** – [Campus Counseling](#) – [University of Maine System](#)

## IV. Terms Used in this Policy

Sexual Harassment includes two distinct, but overlapping definitions applicable to this policy. The Title IX Regulations define sexual harassment as set forth in Section XVI of this policy. Consistent with Title VII of the Civil Rights Act of 1964 and the recognition that Sexual Harassment may also occur in a wider variety of contexts, UMS defines Sexual Harassment as:

### A. Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including sexual assault and sexual violence. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex. Consistent with the law, this policy prohibits two types of sexual harassment:

1. Tangible Employment or Educational Action (quid pro quo): This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are made an explicit or implicit condition of submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting an individual's employment, education, living environment, or participation in a University program or activity. Generally, a person who engages in this type of sexual harassment is an agent or employee with some authority conferred by the University.

2. Hostile Environment: Sexual harassment that creates a hostile environment is based on sex and exists when the harassment:

- i. Is subjectively and objectively offensive; and
- ii. Is so severe or pervasive as to alter the conditions of a person's employment, education or living situation that it creates an abusive working, educational or living environment.

A hostile environment can be created by anyone involved in a University program or activity, such as an administrator, faculty or staff member, student, or campus guest. Offensiveness alone is not enough to create a hostile environment. Although repeated incidents increase the likelihood that a hostile environment has been created, a single serious incident, such as a sexual assault, can be sufficient.

Determining whether conduct creates a hostile environment depends not only on whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. The following factors will also be considered:

- a. the frequency, nature and severity of the conduct;
- b. whether the conduct was physically threatening;
- c. the effect of the conduct on the Complainant's mental or emotional state;
- d. whether the conduct was directed at more than one person;
- e. whether the conduct arose in the context of other discriminatory conduct;
- f. whether the conduct altered the conditions of the Complainant's educational or work performance and/or UMS programs or activities;
- g. whether the conduct implicates academic freedom or protected speech; and,
- h. other relevant factors that may arise from consideration of the reported facts and circumstances.

## B. Sexual Assault

Sexual assault means an offense that meets the definition of rape, fondling, incest, or statutory rape.

Rape is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory rape is sexual intercourse with a person who is under the statutory age of consent. All forms of [sexual assault](#) and sexual contact prohibited by Maine law are also included

"Sexual violence" includes:

(A) Any crimes in Maine listed at

<http://www.mainelegislature.org/legis/statutes/17-A/title17-Ach11sec0.html>

(B) Unauthorized dissemination of certain private images pursuant to 17-A M.R.S.A.

- 511-A; <http://www.mainelegislature.org/legis/statutes/17-A/title17-Asec511-A.html>

(C) Aggravated sex trafficking or sex trafficking pursuant to 17-A M.R.S.A. §§852 or 853, respectively;

<http://www.mainelegislature.org/legis/statutes/17-A/title17-Asec852.html>

or

(D) Sexual harassment as defined in 14 M.R.S.A. §6000(2-A).

<http://www.mainelegislature.org/legis/statutes/14/title14sec6000.html>

and may constitute Sexual Assault and/or Sexual Harassment.

## C. Dating Violence

Dating violence is violence committed against a person by an individual who is or has been in a social relationship of a romantic or intimate nature with that person. Whether a dating relationship exists is determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. All forms of dating violence prohibited by Maine law are also included (see [Assault](#) <http://www.mainelegislature.org/legis/statutes/17-A/title17-Asec207.html>)

## D. Domestic Violence

A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) 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 the jurisdiction in which the crime of violence occurred.

All forms of domestic violence prohibited by Maine law are also included (see [Domestic Violence Assault](#), [Domestic Violence Criminal Threatening](#), [Domestic Violence Terrorizing](#), [Domestic Violence Stalking](#), and [Domestic Violence Reckless Conduct](#)).

"Intimate Partner violence" means any of the acts that constitute abuse under 19-A M.R.S.A. §4002(1)(A to H) that are committed by an individual who is or has been in a social relationship with another individual of an intimate nature regardless of whether the individuals were or are sexual partners. <http://www.mainelegislature.org/legis/statutes/19-A/title19-Asec4002-1.html>

[and may constitute Dating Violence or Domestic Violence.](#)

### E. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, 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.

(B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

(C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

All forms of stalking prohibited by Maine law are also included ([Stalking](#) and [Domestic Violence Stalking](#)).

### F. Retaliation

Retaliation is action taken by the University or any individual or group against any person for opposing any practices forbidden under this policy or for filing a complaint, testifying, assisting, or participating in an investigation or proceeding under this policy. This includes action taken against a bystander who intervened to stop or attempt to stop a violation of this policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint, participation or non-participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

### G. Sexual Misconduct

Sexual misconduct includes, but is not limited to, prostituting another person, nonconsensual image capturing of sexual activity, presentation or unauthorized viewing of a nonconsensual videotaping of sexual activity, letting others watch you have sex without the knowledge or consent of your sexual partner, possession of child pornography, peeping tommery, and/or knowingly transmitting an

STD or HIV to another person. Sexual misconduct may constitute sexual harassment. All forms of sexual misconduct prohibited by Maine law are also included (see [Violation of Privacy](#), [Possession of Sexually Explicit Material](#), and [Sex Trafficking](#)).

### V. Affirmative Consent

Affirmative consent is a voluntary agreement to engage in sexual contact. Affirmative consent must be informed, freely and actively given, and consist of a mutually agreeable and understandable exchange of words or actions. Affirmative consent is clear, knowing and voluntary. Affirmative consent is active, not passive, and can be revoked at any time. Silence, in and of

itself, cannot be interpreted as affirmative consent. Affirmative consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and conditions of) sexual activity. Past consent does not imply future consent. Affirmative consent to engage in one form of sexual activity does not imply consent to engage in any other sexual activity. Affirmative consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.

It is not affirmative consent when the exchange involves unwanted physical force, coercion, intimidation, and/or threats. If an individual is mentally or physically incapacitated or impaired such that one cannot understand the fact, nature or extent of the sexual situation, and the incapacitation or impairment is known or should be known to the other person, there is no consent. This includes conditions resulting from alcohol or drug consumption, or being asleep or unconscious. Affirmative consent is not valid if the person is too young to consent to sexual activity under [Maine law](#).

## VI. How to File a Complaint and How the University Will Respond

The University strongly encourages anyone who has experienced sex discrimination, sexual harassment, retaliation, sexual violence, sexual assault, domestic violence, dating violence, intimate partner violence or stalking to report the incident to the appropriate contact at the University (see VI (A)). A report can be made under this policy at any time, regardless of when or where the incident happened. Reporting the incident to the University does not mean that you have to file a formal complaint or report the incident to the police. Reporting the incident, however, will allow the University to provide individuals involved with information about available support and services, both on campus and off campus.

Any individual may make a third-party complaint about a violation of this policy. Individuals are encouraged to contact the appropriate office identified below as soon as possible. After receiving a complaint, the University will determine what further action, including contacting the alleged victim, is warranted. If a concern is reported by someone other than the alleged victim and the alleged victim is unwilling or unable to cooperate with an investigation, the University's ability to respond may be significantly limited. The identity of a reporting/complaining party and the responding party and all information related to an incident covered under this policy are confidential and may not be disclosed by the University except as necessary to carry out a disciplinary process or as otherwise permitted under state or federal law.

An investigation, including any hearing and resulting disciplinary proceedings, must be conducted by an individual who received not less than annual training on issues relating to sexual violence, intimate partner violence or stalking, investigatory procedures and hearing procedures to protect the safety and rights of students and employees, promote accountability objectivity, impartiality, and a trauma-informed response.

The reporting party and the responding party will be provided with a copy of the policy and procedures regarding the submission and consideration of evidence that may be used during a disciplinary hearing. Both parties will be simultaneously informed in writing of the results of a disciplinary proceeding not later than 7 business days after a final determination of a complaint, not including time for appeal, unless good cause for additional time is shown. Both parties will be informed of any appeal process.

The UMS Title IX Coordinator is responsible for the University's overall compliance and response to incidents of sexual assault, sexual harassment and sex discrimination in general.

### A. How and Where to File a Complaint

#### 1. Complaints or Reports of Employees' Conduct

All complaints or reports relating to violations of this policy by a University employee should be made to the UMS Title IX Coordinator, Liz Lavoie at 207.581.5866 or [titleix@maine.edu](mailto:titleix@maine.edu) or to the Equal Opportunity Office, Amie Parker at 207.581.1226 or [equal.opportunity@maine.edu](mailto:equal.opportunity@maine.edu)

Upon receiving a complaint or report of a violation of this policy by a University employee, the UMS Title IX Coordinator will assess the complaint or report and will follow the procedures described in the University of Maine System Equal Opportunity Complaint Procedure or the Title IX Sexual Harassment Procedure. The UMS Title IX Coordinator will provide the complainant

with information about options for filing a formal complaint and explain the formal investigation and grievance process, supportive measures, and any options of informal resolution. The UMS Title IX Coordinator will provide the complainant with a written explanation of the complainant's rights, options, and supportive measures. Supportive measures are available to complainants even if they do not file a formal complaint. When a formal complaint is decided, the University will use a preponderance of the evidence standard – whether it is more likely than not that the alleged violation occurred. For more information about the Equal Opportunity Complaint Procedure, follow this link: <https://www.maine.edu/human-resources/university-equal-opportunity-officers/equal-opportunity-complaint-procedure/> For more information about the Title IX Sexual Harassment Process, follow the link in Article XVI of this Policy.

#### 2. Complaints or Reports of Students' Conduct



All complaints or reports relating to violations of this policy by a University student regardless of where the offense occurred should be made to the campus Deputy Title IX Coordinator who will notify the UMS Title IX Coordinator of the complaint or report.

Upon receiving a complaint or report of a violation of this policy by a University student, the Deputy Title IX Coordinator/Title IX Coordinator will assess the complaint or report and follow the procedures described in the University of Maine System Student Conduct Code or the Title IX Sexual Harassment Process. The Deputy Title IX Coordinator/Title IX Coordinator will provide the complainant with information about options for filing a formal complaint and explain the formal investigation and grievance process, offer supportive measures, and explain any options of informal resolution. The Deputy Title IX Coordinator/Title IX Coordinator will provide the complainant with a written explanation of the complainant's rights and options. When a formal complaint is decided, the University will use a preponderance of the evidence standard – whether it is more likely than not that the alleged violation occurred. For more information about the procedure for adjudicating complaints against students, see the UMS Student Conduct Code at: <https://www.maine.edu/board-of-trustees/policy-manual/section-501/> or the Title IX Sexual Harassment Process at <https://www.maine.edu/title-ix/procedures/>

### 3. Complaints or Reports of Third Parties' Conduct (Campus Guests, Vendors, Contractors, etc.)

All concerns regarding violations of this policy by third parties such as vendors, contractors and campus guests should be made to the UMS Title IX Coordinator at 207.581.5866 or [titleix@maine.edu](mailto:titleix@maine.edu) or to the Equal Opportunity Office at 207.581.1226 or [equal.opportunity@maine.edu](mailto:equal.opportunity@maine.edu)

Upon receipt of a report or complaint, the University will respond appropriately depending on the nature of its relationship to the third party.

### 4. Confidential Resource Advisors (CRA's)

CRA's are also available to the University Community. CRA's are confidential and can assist a person in filing a formal complaint. A CRA can provide all of the same resources that a Title IX Coordinator or Deputy Title IX Coordinator can assist with. Please see pg.26 for a list of supportive measures. A disclosure under this policy to a CRA or the performance of a service by a CRA shall not be considered actual or constructive notice of such an alleged incident to the University. [For a list of University CRA's please click here.](#)

## B. How the University Will Respond to a Complaint

The University's investigation and decision-making process is separate from and does not serve as a substitute for any criminal or civil investigation and adjudication regarding the same incident. The University will provide a prompt, fair, impartial, and equitable investigation and resolution of the complaint. The investigation and decision-making shall be conducted by officials who receive annual training on discrimination, harassment, retaliation, intimate partner violence, domestic violence, dating violence, sexual violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety and rights of all individuals and promotes accountability, objectivity, impartiality and a trauma-informed response.

Both the complainant and the respondent have the right to have another present during any investigative or disciplinary meeting or proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice, who may be, but is not required to be, an attorney. The University will not limit the choice or presence of an advisor for either the complainant or respondent in any meeting or grievance proceeding; however, the University may establish restrictions regarding the extent to which the advisor may participate in the meetings or proceedings, as long as the restrictions apply equally to both parties.

In investigating allegations covered by this Policy, the investigator and decision-makers will not question the complainant about the complainant's prior sexual conduct with anyone other than the respondent unless relevant to establish that someone else committed the conduct alleged to be a violation of this policy. Information regarding any prior sexual conduct or dating relationship between the complainant and the respondent by itself shall not imply consent or preclude a finding of a violation, but may be relevant to understand the nature and context of the parties' relationship and how consent to sexual activity was communicated between the parties. No direct questioning of the either party by the other will be permitted, though in the Title IX sexual harassment process, the parties' advisors have the opportunity to cross-examine the other party and witnesses during the hearing process.

The respondent's use of alcohol and other drugs in connection with a violation of this policy does not mitigate accountability for the behavior or diminish the seriousness of the incident, unless it is determined that the respondent was incapacitated and unable to consent to the sexual activity at issue. The respondent's intentional use of a substance to affect an individual in order to facilitate a violation of this policy will be considered relevant when determining responsibility and appropriate sanctions.

In the investigation and decision-making processes for all complaints of sexual assault, domestic violence, dating violence or stalking made under this policy, both the complainant and the respondent shall be simultaneously informed, in writing, of: (1) the outcome of any institutional disciplinary proceeding that arises from the alleged violation including all sanctions and the rationale for the result and sanctions; (2) the procedure for the respondent and the complainant to appeal the results of the institutional disciplinary proceeding; (3) any change to the results that occurs prior to the time that the results become final; and (4) when the results are final. The University shall not require a party to abide by a non-disclosure agreement in writing or otherwise regarding the final results of the institutional disciplinary proceeding.

Any student or employee found to have violated this policy may be subject to disciplinary action, up to and including suspension or dismissal/termination from the University. Sanctions for third parties who violate this policy will be in accordance with the circumstances.

For information about sanctions, students should refer to the Student Conduct Code at: <https://www.maine.edu/board-of-trustees/policy-manual/section-501/>. All of the possible sanctions that the University may impose upon a student following the results of any University disciplinary proceeding for an allegation of dating violence, domestic violence, intimate partner violence, sexual violence, sexual assault, or stalking are:

**A. Assigned Educational Projects:** This may include research projects, reflective essays, counseling assessments, sanction seminars or other related assignments intended to promote learning.

**B. Community Service:** The type of service may be related to the nature of the violation.

**C. Deferred Sanction:** A specific period of time during which a Respondent's continued enrollment or housing contract at the University is clearly in jeopardy. Any further violation of the Code during that time will minimally result in the imposition of the deferred sanction and any additional sanctions deemed necessary.

**D. Disciplinary Dismissal:** Permanent separation (subject to the right of review after five years) from the University.

**E. Disciplinary Probation:** A period of time when a Respondent is under closer scrutiny of the University. It may include the loss of one or more privileges.

**F. Disciplinary Suspension:** Separation from the University for a stated period of time and/or until a stated condition(s) is met.

**G. Fine:** Payment of money. Respondents who are unable to pay may discuss alternate payment arrangements.

**H. Loss of Contact with a Specific Person(s):** With this sanction, the person may not initiate direct or indirect contact with a specified person(s).

**I. Loss of Visitation Privileges:** This loss of visitation may be to any designated area(s) of campus.

**J. Official Warning:** Official acknowledgment of a violation and the expectation that it will not be repeated.

**K. Removal from University Housing:** Removal from a particular hall or all housing.

**L. Restitution:** Restitution, up to the replacement value of the items damaged, stolen, removed or used without authority and damages incurred.

**M. Such other action as the Committee or Officer may reasonably deem appropriate (e.g., suspension of an organization's official campus recognition or suspension of a student from an extracurricular activity).**

For information about possible disciplinary action, represented employees should refer to the [appropriate collective bargaining agreement](#). Non-represented employees should refer to the [non-represented employee handbook](#). All of the possible sanctions that the University may impose upon an employee following the results of any University disciplinary proceeding for an allegation of dating violence, domestic violence, intimate partner violence, sexual violence, sexual assault or stalking are:

A. Oral Warning

B. Written Warning

C. Suspension

D. Termination

E. Such other action as the University may reasonably deem appropriate.

## C. Retaliation

The University and the law prohibit retaliation against an individual for opposing any practice forbidden under this policy, for bringing a complaint, for assisting someone with a complaint, for attempting to stop a violation of this policy, or for participating or for refusing to participate in any manner in an investigation or resolution of a complaint. It is central to the values of this University that any individual who believes he or she may have been the target of a violation of this policy feels free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution. After making, assisting with or otherwise participating in a report or complaint to the University, any individual who believes he or she has been subjected to retaliation by the complainant, respondent, the University or any other person or group should report the alleged retaliation immediately to the appropriate person identified in this policy. The University will take strong responsive action when retaliation is found to have occurred.

## VII. Confidentiality

### Confidentiality: What are the Options?

The University encourages people who have experienced sex discrimination, sexual harassment, sexual violence, sexual assault, dating violence, intimate partner violence, domestic violence, stalking, or retaliation to talk to somebody about what happened so they can get the support they need, and so the University can respond appropriately. People on campus and off-campus have different abilities to maintain confidentiality depending on their roles and responsibilities.

#### A. Confidential Communications

##### 1. Professional and Pastoral Counselors.

Professional, licensed individuals who provide mental health services as part of their job responsibilities (including those who act in that role under the supervision of a licensed professional) and pastoral counselors (clergy, ministers, priests, rabbis, etc.) who provide religious counseling to members of the school community are not required to report any information about an incident to the Title IX Coordinator without an individual's permission provided that such information was disclosed in a counseling context. A person can seek assistance and support from these individuals without triggering a University investigation that could reveal the person's identity or that the person has disclosed the incident. This does not apply to professional, licensed individuals who receive a report outside of their licensed duties, such as when acting in a teaching capacity. On Campus Counseling Contact Information: [Campus Counseling – University of Maine System](#)

Speaking with a professional or pastoral counselor does not constitute notice to or a report or complaint to the University. The University will be unable to conduct an investigation into the incident or pursue disciplinary action against the respondent based on such a disclosure.

NOTE: Professional counselors may maintain a person's confidentiality within the University, but they may have external reporting or other obligations under state law (such as mandatory reporting to law enforcement in case of abuse of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case). A person who initially requests confidentiality may later decide to file a complaint with the University or report the incident to local law enforcement and have the complaint investigated. Professional and pastoral counselors can assist a person who later decides to file a complaint or report.

##### 2. Licensed Health Professionals

Certain licensed health professionals who receive information about an incident in connection with the provision of health care services may not report that information to the Title IX Coordinator without an individual's permission provided that such information was disclosed in a healthcare setting. However, some licensed health professionals who are designated as Campus Security Authority's may be required to report non-identifying statistical information to the University as required by federal law. Speaking with a licensed health care professional does not constitute notice to or a report or complaint to the University, and the University will be unable to conduct an investigation into the incident or pursue disciplinary action against the respondent.

NOTE: Licensed health professionals may maintain a person's confidentiality within the University, but they may have external reporting or other obligations under state law (such as mandatory reporting to law enforcement in case of abuse of minors).

##### 3. On-campus and Off-campus Counselors and Advocates.

On-campus counselors, CRA's, Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the individual requests the disclosure and signs a consent or waiver form.

On-Campus CRA's can be located here: [Campus Counseling – University of Maine System](#)

On-Campus Counseling can be located here: [Campus Counseling – University of Maine System](#)

Off-campus Confidential Resources – see below.

**Statewide Confidential Sexual Assault & Domestic Violence Support Centers and Resources:**

For TTY-based telecommunications relay service please dial 711 and ask them to dial any of the phone numbers located in this policy. For more information please visit the **Federal Communications Commission's Website:** [Federal Communications Commission \(fcc.gov\)](#)

<b>Name &amp; Contact Information</b>	<b>Areas of Service</b>	<b>Description of Services</b>
Maine Coalition Against Sexual Assault (MECASA) 1-800-871-7741	Connecting the entire state of Maine to local support centers	MECASA engages in programming and partnerships to bring the voices of Maine's sexual assault support centers and the victims/survivors they serve to inform statewide and national sexual violence prevention and response.
Maine Coalition to End Domestic Violence (MCEDV) 1-866-834-HELP Deaf or Hard of Hearing 1-800-437-1220	Serving the entire state of Maine through nine member networks across the state.	MCEDV advocates for the right of all people to live free from domestic abuse and all forms of violence.
Wabanaki Women's Coalition	Serving tribal communities across the state of Maine	The mission of the Wabanaki Women's Coalition is to increase the capacity of tribal communities to respond to domestic and sexual violence, and influence tribal, national, and regional systems to increase awareness, safety, justice, and healing for all our relations.
Maine TransNet info@maintransnet.org	Serving the entire state of Maine	Our mission is to support and empower transgender people to create a world where they can thrive, including support groups for trans survivors. NOTE: This organization does not provide crisis support or case management.

**Local Confidential Sexual Assault & Stalking Resources throughout the State of Maine:**

Sexual Assault and Stalking resources in Maine provide free and private support from trained people who understand and want to help. In times of crisis, they offer support to survivors, their families, and friends, when, and if they need it. Helpful information and in person support for survivors who wish to go to the hospital, file a report with police, or need to attend court are just a phone call away. These services can assist with bridging connections to help in your community. If and when you are ready they provide access to support groups.

<b>Name &amp; Contact Information</b>	<b>Areas of Service</b>	<b>Description of Services</b>
Maine Coalition Against Sexual Assault (MECASA) 1-800-871-7741	Connecting the entire state of Maine to local support centers	MECASA engages in programming and partnerships to bring the voices of Maine's sexual assault support centers and the victims/survivors they serve to inform statewide and national sexual violence prevention and response.

AMHC Sexual Assault Services (AMHC) 1-800-871-7741	Aroostook, Hancock, & Washington Counties	The mission of AMHC Sexual Assault Services is to promote healing and justice to all who are affected by sexual violence through advocacy, education, and prevention.
Immigrant Resource Center of Maine (IRCM) 1-800-871-7741	Maine's refugee and immigrant communities)	The mission of immigrant resource center of Maine is to support refugees and immigrant communities by offering culturally and linguistically sensitive services to promote a healthy and equitable Maine.
Rape Response Services (RRS) 1-800-871-7741	Penobscot & Piscataquis Counties	Our mission is to offer hope, support, and advocacy to victims and people affected by sexual assault & stalking, to provide education about sexual violence, and to promote prevention.
Sexual Assault Prevention & Response Services (SAPARS) 1-800-871-7741	Androscoggin, Oxford, & Franklin Counties & the Towns of Bridgton & Harrison	Sexual assault prevention and response services works to prevent and eliminate sexual violence and promote healing and empowerment for people of all genders and ages who are affected by rape, sexual assault, child sexual abuse, sexual exploitation, stalking and sexual harassment.
Sexual Assault Crisis & Support Center (SAC&SC) 1-800-871-7741	Kennebec & Somerset Counties	The sexual assault crisis & support center's mission is to lessen the trauma-related suffering of sexual assault and promote healing by guiding those affected by sexual violence toward survival through support, advocacy, education and community collaboration. Our agency supports bodily autonomy.
Sexual Assault Response Services of Southern Maine (SARSSM) 1-800-871-7741	Cumberland & York Counties	Providing free services in York and Cumberland counties to anyone affected by sexual harassment, sexual abuse, or sexual assault, through prevention programs, support, education, and advocacy.
Sexual Assault Support Services of Midcoast Maine (SASSMM) 1-800-871-7741	Eastern Cumberland County, Sagadahoc, Knox, Waldo, & Lincoln Counties	SASSMM'S mission is to support and advocate for people affected by sexual violence, while working to prevent it in our communities.

#### **Local Confidential Domestic Violence Resources throughout the State of Maine:**

Domestic Violence and Stalking resources in Maine provide free and private resources to all people impacted by domestic abuse and violence. Offering non-judgmental, emotional support, with tailored safety and risk planning to survivors in current abusive relationships. Trained people who understand and want to help. In times of crisis, they offer support to survivors, their families, and friends, when, and if they need it. Helpful information and in person support for survivors who wish to go to file a police report or need to attend court are just a phone call away. These services can assist with making meaningful connections to assist you in your community. If and when you are ready they provide access to support groups.

<b>Name &amp; Contact Information</b>	<b>Areas of Service</b>	<b>Description of Services</b>
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Maine Coalition to End Domestic Violence (MCEDV)	Serving the entire state of Maine through nine member networks across the state.	MCEDV advocates for the right of all people to live free from domestic abuse and all forms of violence.
1-866-834-HELP		
Deaf or Hard of Hearing 1-800-437-1220		
Hope & Justice Project	Serving Aroostook County	We help people whose family and dating relationships are affected by abuse and violence.
1-800-439-2323		
NextStep Domestic Violence Project	Serving Washington & Hancock Counties	Our free services are available to our community members of every gender, sexual orientation, age, race, nationality, religion, and economic status. Our services include a 24/7 helpline, emergency shelter, safety planning and emotional support, legal assistance and court accompaniment, long-term supportive housing, education and support groups, and resource referrals.
1-800-315-5579		
Partners for Peace	Serving Penobscot & Piscataquis Counties	We provide support, advocacy and safety planning to anyone affected by domestic abuse. We foster safe and healthy relationships through prevention, education and training.
1-800-863-9909		
1-800-437-1220 (TTY)		
New Hope Midcoast	Serving Waldo, Knox, Lincoln, & Sagadahoc Counties	New Hope Midcoast believes that a life free from abuse is a fundamental human right and works to build a culture that will not tolerate domestic abuse. We support people as they create pathways to safety. By educating and empowering communities, we support a more just and effective response to domestic violence and abuse.
1-800-522-3304		
Family Violence Project	Serving Kennebec & Somerset Counties	The Family Violence Project provides a helpline, advocacy work, support groups, shelter & supportive housing, prevention & training programs, children's work, and Menswork, a program that works directly with abusers who want to change their behavior.
1-877-890-7788		
Immigrant Resource Center of Maine (IRCM)	Maine's refugee and immigrant communities)	The mission of immigrant resource center of Maine is to support refugees and immigrant communities by offering culturally and linguistically sensitive services to promote a healthy and equitable Maine.
1-800-871-7741		

Safe Voices 1-800-559-2927	Serving Oxford, Franklin, & Androscoggin Counties	The mission of Safe Voices is to support and empower those affected by domestic violence and engage the community in creating social change in Androscoggin, Oxford, and Franklin counties.
Through These Doors 1-800-537-6066	Serving Cumberland County	In collaboration with local partners and all affected by abuse, TTD's mission is to create innovative responses, mobilize our community, promote safety, and challenge oppression and systems of violence.
Caring Unlimited 1-800-239-7298	Serving York County	Caring Unlimited works with the community to end domestic violence in York County. This includes providing support and safe haven to adults and children whose lives are affected by domestic abuse. We provide services in a manner that honors individuals' essential worth, nurtures their inherent strengths and respects their right of self-determination.

**Local Confidential Domestic, Sexual Violence, and Stalking Resources for Tribal Communities throughout the State of Maine:**

Serving survivors of all types of sexual violence, intimate partner violence, and stalking by providing free services and resources to all native people. Empowering survivors through hospital accompaniment, court and system advocating, safety planning, transportation, and emergency shelter services. Assisting survivors by connecting them with community referrals and resources. Assisting with transitional services and support groups that lead survivors to safety, justice, and healing.

Wabanaki Women's Coalition 207-866-3030	Serving tribal communities across the state of Maine	The mission of the Wabanaki Women's Coalition is to increase the capacity of tribal communities to respond to domestic and sexual violence, and influence tribal, national, and regional systems to increase awareness, safety, justice, and healing for all our relations.
Micmac Domestic & Sexual Violence Advocacy Center 207-551-3639	Serving the Micmac Tribe and other community members	It is the mission of the Micmac Domestic and Sexual Violence Advocacy Center to serve the needs of the victims/survivors of domestic and sexual violence who seek our services while working to end violence against Native women and their children.
Maliseet Domestic & Sexual Violence Advocacy center 207-532-6401	Serving the Maliseet Tribe and community members	The Maliseet Domestic and Sexual Violence Advocacy Center is dedicated to ending violence against Native women by assisting victims in regaining personal safety and control of their life, ensuring accountability of perpetrators of violence within the Tribal and non-tribal Law enforcements and judicial systems, and promoting peaceful relations in our Tribal families and Community.

Indian Township Passamaquoddy Domestic & Sexual Violence Advocacy Center	Serving the Passamaquoddy Tribe and community members	It is the mission of the Indian Township Passamaquoddy Domestic and Sexual Violence Advocacy Center to serve the needs of victim/survivors of domestic violence, sexual violence, dating violence, stalking, and human trafficking while working to end violence against Native people.
207-214-1917		
Passamaquoddy Peaceful Relations Domestic & Sexual Violence Advocacy Center	Serving the Pleasant Point Passamaquoddy Tribe and all community members residing on the Pleasant Point Passamaquoddy Reservation	The mission of Passamaquoddy Peaceful Relations Domestic and Sexual Violence Advocacy Center is to effect change within our Tribal community where equality, respect, and nonviolence become cornerstones of all relationships.
1-877-853-2613		
Penobscot Nation Domestic & Sexual Violence Advocacy Center	Serving the Penobscot Nation Tribe and other community members	It is the mission of the Penobscot Nation Domestic and Sexual Violence Advocacy Center to serve the needs to the victims/survivors of domestic and sexual violence who seek our services while working to end violence against Native People.
207-631-4886		

NOTE: On-campus CRA's and Off-campus counselors and advocates are not required to disclose information to the University, but they may have external reporting or other obligations under state law (such as mandatory reporting to law enforcement in case of abuse of minors).

#### 4. Researchers

Research involving human subjects (which require approval by the appropriate campus Institutional Review Board for the Protection of Human Subjects) may ask subjects to provide personal information in a confidential setting. Information about an incident covered under this policy may be disclosed by a research subject as part of participation in that research. Researchers involved in the research project are not required to report the incident to the Title IX Coordinator.

#### B. Reporting to Another Student or a University Volunteer.

If you discuss a violation of this policy with another student or with a University volunteer, that person may be able to maintain your confidentiality, except as described within section C, Mandatory Reporting. All University students and volunteers are strongly encouraged to report all that they witnessed or heard regarding a violation of this policy to the designated University officials identified above.

#### C. Mandatory University Reporting

All University employees (except as provided within section A) have a duty to report incidents of sexual misconduct potentially covered under this policy (including gender discrimination, sexual assault, sexual harassment, domestic violence, dating violence, and stalking) to the Title IX Coordinator. Student employees, peer advocates and volunteers who learn of a potential violation of this policy in the course of their employment, programming or volunteer responsibilities are also required to report.

If a University employee receives or becomes aware of an incident covered by this policy, if possible before hearing it fully, the 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.

If a University employee receives or becomes aware of an incident covered by this policy, the University employee shall promptly report to the Title IX Coordinator all relevant details about the alleged incident shared by the complainant that the University will need to determine what happened – including the names of the complainant and respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported will be shared only with people responsible for handling the University's response to the report. If the University determines that there is a continuing threat to the safety of members of the University community, it may have to issue a timely warning regarding the incident.

#### D. How the University Will Respond to Requests for Confidentiality



When a complainant reveals any information about a potential violation of this policy to any University employee, as soon as possible, the employee should make sure that the complainant understands the employee's reporting obligations. If the complainant wants to maintain confidentiality, University employees should direct the complainant to confidential resources but the employee must still report any information disclosed to the Title IX Coordinator. If the complainant wants to tell the employee what happened but also maintain confidentiality, the employee should tell the complainant that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the employee will also inform the Coordinator of the complainant's request for confidentiality.

An employee will not pressure a complainant to request confidentiality, or pressure a complainant to file a report or complaint. An employee will respect the complainant's wishes to the extent possible. If a complainant discloses an incident to an employee but wishes to maintain confidentiality or requests that no investigation into an incident be conducted or disciplinary action taken, the employee still must disclose the incident to the Title IX Coordinator, and the University will weigh the complainant's request against the University's obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant. If the University honors the request for confidentiality, a complainant needs to understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action, if warranted, against the

respondent(s) may be limited. There are times when the University may not be able to honor a complainant's request because it would pose a risk to providing a safe, non-discriminatory environment for students and employees. If the University determines that it cannot maintain a complainant's confidentiality, the University will inform the complainant prior to starting an investigation and, to the extent possible, will share information only with people responsible for handling the University's response.

Except as required by law, the University shall not include personally identifiable information about a complainant in its campus crime statistics or report, its campus crime log, publicly available police reports or timely warning notices.

The University shall maintain as confidential any accommodations or supportive measures provided to the complainant, respondent or other party, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the accommodations or supportive measures or to the extent otherwise required by law.

The University is committed to providing a safe and non-discriminatory environment for the entire campus community. Because the University is under a continuing obligation to address violations of this policy campus-wide, reports of violations of this policy (including non-identifying reports) may also prompt the University to consider broader remedial action –such as increased monitoring, supervision or security at locations where the reported incident occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

#### **E. Miscellaneous**

Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students or employees disclose violations of this policy, are not considered notice to the University of violations of this policy for purposes of triggering its obligation to investigate a particular incident(s). Such disclosures may, however, inform the need for campus-wide education and prevention efforts, and the University may provide information about students' and employees' Title IX rights at these events. If conduct which might constitute Title IX Sexual Harassment is disclosed at such an event, and the Title IX Coordinator, Deputy Title IX coordinator or an Official with Authority is present, the University may be required to contact the complainant as described in Article XVI below.

#### **F. Anonymous Reporting**

Although the University encourages complainants to talk to someone, the University provides a for anonymous reporting. Providing personally identifying information through an anonymous reporting system may serve as notice to the University for the purpose of triggering the University's obligation to reach out to the complainant to explain the options for filing a formal complaint, offer supportive measures, and describe the formal and informal resolution processes. This is the mechanism for anonymous reporting on your campus.: [University of Maine System | Reporting \(maxient.com\)](https://www.maine.edu/board-of-trustees/policy-manual/section-402/).

## **VIII. Supportive Measures**

Whether or not an individual who has experienced a violation of this policy files a formal complaint, reporting the incident will allow the University to provide all individuals involved with available support and services, both on-campus and off-campus. The University can also take supportive measures to promote the safety and well-being of both the complainant and respondent, including, but not limited to, moving the complainant or respondent to a new living, dining or working situation; issuing a no contact order; changing class or work schedules; changing transportation; financial aid accommodations; taking a leave of absence, and other academic and/or employment accommodations and support. 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.

The University can assist all individuals involved in obtaining counseling on or off campus and provide information regarding medical care and other resources, such as victim advocacy, safety planning, legal assistance and visa and immigration assistance. The University will provide written notification to students and employees about existing resources, both within the University and the community. The University will provide written notification to complainants and respondents about how to request the above services and accommodations. The University must offer such supportive measures if they are reasonably available, regardless of whether the complainant chooses to report the incident to campus police or local law enforcement, or file a formal complaint with the University. Supportive measures can be adjusted or reviewed at the request of the individual receiving them. To initiate this request please contact the person who implemented the supportive measure or the Title IX Coordinator, Deputy Title IX Coordinator, the Director of Equal Opportunity or a campus CRA..

## IX. Options Regarding Law Enforcement

An individual who has experienced sexual violence, sexual assault, domestic violence, dating violence, intimate partner violence, or stalking, or any other conduct which may violate criminal laws, has a right, at his or her own discretion, to:

1. Notify law enforcement authorities, including on-campus and local police;
2. Be assisted by campus authorities in notifying law enforcement; or
3. Decline to notify law enforcement.

University officials may, however, provide law enforcement with details about an incident under some circumstances if a determination has been made that such disclosure is required by law and/or is necessary to secure campus safety. See section VII(D) above. Complainants have a right to proceed simultaneously with a criminal investigation and a University internal investigation. If necessary to the criminal investigation, the University may defer its investigation for a limited time for fact gathering by law enforcement, and then will promptly resume its investigation.

## X. Enforcement of Protection-from-Harassment or Protection-from-Abuse Orders

The University will provide assistance or referrals for a student or employee who wishes to obtain a protection-from-abuse or protection-from-harassment order. If a protection-from-abuse or protection-from-harassment order has been issued by a court in a civil or criminal proceeding, a copy of the order should be provided to University police or security and the UMS Title IX Coordinator or the Deputy Title IX Coordinator, as soon as possible to enable enforcement by the appropriate authorities. The University will 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.

## XI. Student Amnesty

The University strongly encourages students to report instances of sexual misconduct covered under this policy. Students or employees who report information about a potential violation of this policy will not be disciplined by the University for any violation of drug or alcohol use, trespassing, unauthorized entry of the University's facilities or other minor violations of University policy or the Student Conduct Code in which they might have engaged in connection with the reported incident; unless the University determines that the report was not made in good faith or that the violation was egregious. An egregious violation must include, but is not limited to, taking an action that places the health and safety of another person at risk.

## XII. Free Speech and Academic Freedom

Recognizing that many citizens have differing views on the matter of whom and which groups should have an opportunity to express opinions, the University of Maine System affirms its commitments to the rights of free speech and academic freedom.

To that principle, there shall be no restrictions, at any of the System institutions, placed on the fundamental rights of free speech and assembly, except those necessary to preserve the order for the University System to function as an institution of higher learning. Additional information pertaining to Free Speech can be found at: <https://www.maine.edu/board-of-trustees/policy-manual/section-212/>

Academic freedom is essential to the fulfillment of the purposes of the University. The University acknowledges and encourages an atmosphere of confidence and freedom while recognizing that the concept of academic freedom is accompanied by a corresponding concept of responsibility to the University and its students and employees. Academic freedom is the freedom to present and discuss all relevant matters in the classroom, to explore all avenues of scholarship, research and creative expression, and to speak or write without any censorship, threat, restraint, or discipline by the University with regard to the pursuit of truth in the performance of teaching, research, publishing or service obligations.

The University of Maine System is a public institution of higher education committed to excellence in teaching, research, and public service. Together, the students, faculty, and staff form our state wide University community. The quality of life on and about the member Universities is best served by preserving the above described freedoms and civility. This policy shall not be construed or applied to restrict academic freedom within the University, nor construed to restrict constitutionally protected expression

### XIII. Off-Campus and Off-Duty Conduct

Reports of violations of this policy that occur off campus and/or off-duty can be the subject of a complaint. Reports of off-campus and/or off-duty sexual harassment, sexual violence, sexual assault, intimate partner violence, domestic violence, dating violence and stalking should be brought to the University's attention as soon as possible. The University will evaluate the incident to determine whether it violates this policy by resulting in continuing effects that create a hostile environment on campus or otherwise has a substantial connection to the University's education programs and activities.

### XIV. Educational Programs

The University will conduct educational programs to promote awareness of sex discrimination, sexual harassment, sexual assault, domestic violence, dating violence, and stalking. This will include primary prevention and awareness programs for incoming students and new employees, and ongoing prevention and awareness campaigns for students, faculty and staff. All employees and students must participate in all required educational programs.

### XV. External Complaints

Individuals who experience a violation of this policy may file a complaint or suit with an outside agency, including the Maine Human Rights Commission, U.S. Equal Employment Opportunity Commission, or U.S. Department of Education Office of Civil Rights. The University will still investigate and respond appropriately to any internal complaint.

A complainant who filed a complaint with the University and believes the University's response was inadequate may also file a complaint with the above agencies.

Complainants should keep in mind, however, that although they may report a violation of this policy to the University at any time; external agencies typically have time limits within which complaints must be filed. To learn more about the procedures for filing complaints with an outside agency, Complainants should contact that entity directly. To learn more about the procedures for filing complaints with an outside agency, Complainants should contact that entity directly.

**Office of Civil Rights (OCR) U.S. Department of Education**, 400 Maryland Avenue, SW Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481 Facsimile: (202) 453-6012  
TDD#: (877) 521-2172 Email: [OCR@ed.gov](mailto:OCR@ed.gov) Web: <http://www.ed.gov/ocr>

**Maine Human Rights Commission, Office of the Commission**, 51 State House Station Augusta, ME 04330 Phone:  
207.624.6290 Fax: 207.624.8729 Email: [info@mhrc.maine.gov](mailto:info@mhrc.maine.gov)

For Employee Title IX/ADA Complaints:

US Department of Justice  
950 Pennsylvania Avenue, NW  
Civil Rights Division  
Disability Rights Section – 1425 NYA  
Washington, D.C. 20530  
Fax: (202) 307-1197

You may also file a complaint by E-mail at [ADA.complaint@usdoj.gov](mailto:ADA.complaint@usdoj.gov). If you have questions about filing an ADA complaint, please call: ADA Information Line: 800-514-0301 (voice) or 800-514-0383 (TTY).

**U.S. Equal Employment Opportunity Commission Complaints:** Call 1-800-669-4000

For Deaf/Hard of Hearing callers:  
1-800-669-6820 (TTY)  
1-844-234-5122 (ASL Video Phone)  
[info@eeoc.gov](mailto:info@eeoc.gov)

### XVI. Title IX Sexual Harassment (Pursuant to May 2020 Title IX Regulations)

This Article XVI and the corresponding Title IX Sexual Harassment process apply to all complaints of Title IX Sexual Harassment that are made after August 14, 2020 regarding conduct that occurs after that date. All complaints made after August 14, 2020 regarding conduct that occurred before August 14, 2020, will follow the policies in place at the time of the incident and the applicable process in place at the time of the complaint. The Title IX Sexual Harassment policy and process described in this Article XVI go into effect at midnight on August 14, 2020 and will remain in effect unless/until this policy and process are stayed, enjoined, limited, amended, repealed or otherwise are ruled or become inapplicable in whole or in part

due to action by a court or the U.S. Department of Education. Should the Title IX Regulations be revoked, any conduct covered under this Policy shall be investigated and adjudicated under this policy and the applicable processes described in Articles IV and VI.

Finally, conduct that falls outside of Title IX, such as gender-based and sexual harassment that does not meet the Title IX regulations' definition or conduct that occurs outside of the United States but still within the University's education programs or activities, may be covered by Articles IV and VI of this Policy. 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.

If you have any questions or concerns about which policy or process may apply to your case/report, please contact the UMS Title IX Coordinator at 207.581.5866 or at [titleix@maine.edu](mailto:titleix@maine.edu) for clarifications.

#### **Glossary:**

i. *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the complaint process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.

ii. *Complainant* means an individual or group of individuals who is alleged to be the victim of conduct that could constitute harassment based on a sex or retaliation for engaging in a protected activity. The term complainant and reporting party are used interchangeably throughout this policy.

iii. *Complaint (formal)* means a written document, paper or electronic, filed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on sex, or retaliation for engaging in a protected activity, against a respondent and requesting that the University investigate the allegation of harassment based on sex or retaliation for engaging in a protected activity. At the time of filing a formal complaint of Title IX sexual harassment, a Complainant must be participating in or attempting to participate in the education program or activity of the University with which the formal complaint is filed. The complaint must contain the Title IX Coordinator's or the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not considered a Complainant or otherwise a party.

iv. *Directly Related Evidence* is evidence that in the reasoned judgment of the investigator, is determined to be connected to the complaint even if not relied upon by the investigator in the investigation report.

v. *Education program or activity* means all of the operations of the University, as well as, locations, events or circumstances where UMS exercises substantial control over both the Respondent and the context in which the Title IX sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by the University.

vi. *Final Determination* a written determination by a Decision-maker or Panel by the preponderance of the evidence standard whether the alleged conduct occurred and whether it did or did not violate policy, which includes all of the following: identification of the allegations potentially constituting Title IX Sexual Harassment as defined in Article XVI(1)(xii) below; a description of the procedural steps taken by the University from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; findings of fact supporting the determination; conclusions regarding the application of the this Policy to the facts; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to UMS's education program or activity will be provided by the University to the Complainant; and the procedures and permissible bases for the Complainant and Respondent to appeal.

ii. *Formal Complaint Process* means a method of formal resolution designated by the University to address conduct that falls within this Title IX Sexual Harassment policy and process, and which complies with the requirements of the Title IX regulations.

iii. *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing conduct on the basis of sex.

iv. *Official with Authority (OWA)* means an employee of UMS explicitly vested with the responsibility to implement corrective measures for harassment based on sex, and/or retaliation on behalf of UMS.

v. *Relevant Evidence* is evidence that tends to prove or disprove an issue in the complaint.

vi. *Remedies* are post-finding actions provided to the Complainant where a determination of responsibility for sexual harassment has been made against the Respondent after the Formal Complaint Process in this Policy as mechanisms to address safety, prevent recurrence, and restore access to UMS's educational program.

vii. *Title IX Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence as defined in Article XVI(2) below.

viii. *Title IX Team* refers to the Title IX Coordinator, Deputy Title IX Coordinators, Investigators, Hearing Decision-maker or Panel, or University provided Advisor.

## 1. Title IX Sexual Harassment Jurisdiction

Title IX jurisdiction applies when the alleged sexual harassment occurs within the context of the University's "education program or activity" which includes all of the operations of the University, and locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by a student organization that is officially recognized by the University.

## 2. Title IX Sexual Harassment Definitions

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 UMS on an individual's participating in unwelcome sexual conduct; or
- b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to UMS' education program or activity;

**Sexual Assault** is defined as 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. 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.

**Force** is the use of physical violence and/or the threat of physical violence to gain sexual access. Force also includes threats against others, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion** is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive, and there is no consent.

**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 a sober, reasonable person.

**Dating Violence, Domestic Violence, and Stalking**, as defined above.

### Retaliation

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 Policy and accompanying process

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.

Complaints alleging retaliation may be filed with the Title IX Coordinator.

UMS reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or dismissal/termination, for any offense under this policy.

## XVII. Review and Revision of this Policy

A representative Policy Review Board will be established consisting of University and UMS participants to review and recommend changes, as appropriate, to this policy and procedures. The Board will meet at least every three years or more often, as needed and in synchronization with the review of the University of Maine System Student Conduct Code. Revisions of this policy require approval of the Board of Trustees.

### Related documents:

[Procedures for Title IX Sexual Harassment](#)

[Sexual Harassment Brochure](#)

[Guidelines on Consenting Relationships \(Word Document\)](#)

[Equal Opportunity Complaint Procedure](#)

[OCR Resolution](#) [Accessibility & Non-Discrimination](#) [Privacy Policy](#) [Freedom of Access Requests](#) [Style Guide](#) [Site Map](#)  
[Report Sexual Misconduct, Discrimination and Harassment](#) [COVID-19 Guidance and Resources](#)

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