



INNOVATION FOR A HEALTHIER PLANET

UNIVERSITY OF NEW ENGLAND’S TITLE IX GRIEVANCE POLICY FOR STUDENTS

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

(DRAFT SUMMER 2024.) Please refer to <https://www.une.edu/title-ix-civil-rights-compliance> for the most current Policy.

This Policy has several components that can be accessed through the use of the hyperlinks provided below. Those components are:

- **Scope and applicability of this Policy**
- **Resources to address concerns regardless of a complaint is made;**
- **Reporting potential violations of this Policy**
- **Procedures for adjudicating a complaint**

General Rules Application

This Policy applies to reports of sex discrimination when a student is a party.

The University of New England ("the University" or "UNE") is committed to maintaining a fair and respectful environment for living, work, and study. To that end, and in accordance with federal and state law and University policy, the University prohibits any member of the faculty, staff, administration, trustees, student body, vendors, volunteers, or visitors to campus, whether they are guests, patrons, independent contractors, or clients, from harassing and/or discriminating against any other member of the University community because of that person's race, sex, sexual orientation, gender identity and/or expression, ethnicity or national origin, religion, age, creed, color, genetic information, physical or mental disability, HIV status, or status as a veteran.

This Policy specifically prohibits any and all forms of sex discrimination or sex-based harassment and all forms of sexual misconduct, including sexual assault, dating violence, domestic violence, stalking, and sexual exploitation. This Policy also addresses consensual sexual or romantic interactions where a supervisory relationship exists.

Every member of this University community is expected to uphold this Policy as a matter of mutual respect and fundamental fairness in human relations. Every student of this institution has a responsibility to behave in accordance with this Policy as a condition of enrollment. Further, every University employee has an obligation to observe UNE policies, as well as federal and state law, as a term of employment. Merit and productivity, free from prohibited bias, will continue to guide decisions relating to employment and enrollment. No person will be penalized for good faith utilization of or participation in channels available for resolving concerns dealing with prohibited discrimination, harassment, or sexual misconduct.

Sex discrimination, sex-based harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking undermine the character and mission of the University and will not be tolerated. Students and employees who engage in conduct prohibited under this Policy may be subject to disciplinary action, including dismissal from the University or termination of employment. In addition, the University will provide remedies to a Complainant designed to restore or preserve equal access to the University's education programs or activities where a determination of responsibility has been made against a Respondent.

Effective Date

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

Revocation by Operation of Law

Should any portion of the Title IX Final Rule, 89 CFR 33474 (April 29, 2024), be stayed or held invalid by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or the invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date, as well as any elements of the process that occur after that date if a case is not complete by that date of opinion or order publication.

I. SCOPE OF POLICY

(A) Applicability

The purpose of this Policy is to provide UNE a mechanism to continue its efforts to prevent and remedy discrimination on the basis of sex in its education program and activity, and to also specifically comply with Title IX of the Education Amendments of 1972 and its regulations as well as other applicable state and federal laws. This Policy applies to allegedly aggrieved students who have gained admission to UNE at the time of the alleged sex discrimination. The standards for behavior and prohibitions covered by this Policy apply broadly to the entire University community, including all trustees, employees, the student body (graduate and undergraduate), vendors, volunteers, alumni, prospective students, prospective employees, and visitors to campus. This includes guests, patrons, independent contractors, or clients of the University of New England. This Policy prohibits discrimination, harassment, or sexual misconduct discrimination in any University education program or activity, which means all academic, educational, extracurricular, athletic, and other programs.

The term "education program or activity" includes all University operations, including locations, events, or

circumstances over which the University exercised substantial control over both the Respondent and the context in which the conduct occurs, and any building owned or controlled by a student organization that is officially recognized by the University.

(B) *Jurisdiction of Policy*

Generally, the jurisdiction of the University of New England to take disciplinary action shall be limited to conduct which occurs on University premises, at off-campus University sponsored, supervised, or related activities, at affiliated and clinical sites, on the UNE international campuses, or on Study Abroad Programs, and which violates the University Student Conduct Code and/or creates a potentially hostile learning environment. In addition, any off-campus conduct that contributes to the alleged sex discrimination or sex-based harassment, that disrupts the educational environment and/or the mission or objectives of the University, or that results in another student being excluded from participating in or enjoying the benefits of UNE's education program or activity may be acted upon by the University. Information posted or shared online, including social media, that violates this Policy, the University Student Conduct Code, the Faculty Handbook, the Personnel Handbook, or any other applicable UNE policy, and/or creates a potentially hostile learning or work environment may also be acted upon by the University. The University reserves the right to complete any investigation and/or disciplinary process started while a student is enrolled, even if a student withdraws, graduates, or otherwise leaves the University. Similarly, UNE reserves the right to conduct any employment related investigation even if an employee is no longer employed by or working at or for UNE.

Such off-campus programs and activities covered under this Policy include but are not limited to, the Morocco campus, study abroad programs, internships, participation in affiliated programs, clinical programs, student teaching, conferences, and applied learning, such as, but not limited to, online course experiences.

(C) *Academic Freedom and Freedom of Expression*

The University is committed to protecting, maintaining, and encouraging both freedom of expression and the academic freedom of inquiry, teaching, service, and research. However, these freedoms come with a responsibility that all members of the education community benefit from these freedoms without intimidation. In recognition and support of academic freedom for faculty in the pursuit of teaching, academic freedom and freedom of expression shall be strongly considered in investigating and reviewing complaints and reports of discrimination, harassment, or sexual misconduct. However, raising issues of academic freedom and freedom of expression will not excuse behavior that constitutes a violation of the law or this Policy.

II. NON-DISCRIMINATION AND EQUAL OPPORTUNITY

Consistent with federal and state law and University policy, the University of New England is committed to the fundamental concept of equal opportunity for all of the members of the University community. The requirements and protections of this Grievance Procedure apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by applicable federal, state or local law. All requirements and protections are equitably provided to individuals regardless of such protected status(es) or status as a Complainant, Respondent, or Witness.

This Policy applies to allegations, claims, and complaints of sex discrimination and sex-based harassment. This Policy is enforced by UNE, and to the extent applicable, in accordance with Federal Law under Title IX of the Education Amendments of 1972 and its implementing regulations, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013, Title VII of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973. It is also enforced under Maine law through the Maine Human Rights Act at 5 M.R.S.A. section 4551 et. seq, as well as other applicable federal and Maine state laws. Inquiries regarding compliance with these statutes may be directed to:

Angela Shambarger <i>Title IX Coordinator</i>	207-221-4554	ashambarger@une.edu	11 Hills Beach Road, Biddeford, ME 04005)
Bobbie Kallner <i>Associate Vice President of Human Resources & Chief Human Resources Officer</i>	207-602-2339	bkallner@une.edu	11 Hills Beach Road, Biddeford, ME 04005)
Office of Civil Rights, Department of Education	617-289-0111	OCR.Boston@ed.gov	8th Floor 5 Post Office Square, Boston, MA 02109-3921
The Maine Human Rights Commission	207-624-6290	info@mhrc.maine.gov	19 Union Street, 2nd Floor Augusta, ME 04330
The U.S. Equal Employment Opportunity Commission	202-663-4900	info@eeoc.gov.	131 M Street, NE, Washington, D.C. 20507

III. DEFINITIONS

(A) *Sex Discrimination*

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

(B) *Sex-Based Harassment*

Sex-based Harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex sexual orientation, gender identity and/or expression, sex stereotypes, sex characteristics, and pregnancy or related conditions as described below:

- An employee, agent, or other person authorized by UNE to provide an aid, benefit, or service under UNE's education program or activity explicitly or impliedly conditioning the provision of such aid, benefit, or service on a person's participation in unwelcome sexual conduct (i.e., quid pro quo);
- Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from UNE's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - The degree to which the conduct affected the complainant's ability to access UNE's education program or activity;
 - The type, frequency, and duration of the conduct;
 - The parties' ages, roles within UNE's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - The location of the conduct and the context in which the conduct occurred; and
 - Other sex-based harassment in UNE's education program or activity.

(C) Sexual Assault

For the purposes of this Policy, which means engaging in or attempting to engage in sexual intercourse with another individual, including:

- by use of force or threat;
- without effective consent, as defined below; or
- where the actor knew or should have known the individual is incapacitated by drugs and/or alcohol or was physically or mentally unable to make informed or reasonable judgments or provide consent.

For purposes of this definition, sexual intercourse includes vaginal, anal, or oral penetration, no matter how slight, with any body part or object, or oral penetration involving any form of mouth-to-genital contact. For purposes of these regulations, Sexual Assault includes rape, fondling, incest, or statutory rape, as those crimes are defined by the Federal Bureau of Investigation (FBI) Uniform Crime Reporting Program. This definition conforms to the FBI's Uniform Crime Report and Clery Act definition and also conforms to the definition of rape under Maine law.

(D) Dating violence

As defined in the Title IX regulations, the Violence Against Women Act (VAWA) amendments to the Clery Act, which includes any violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship;
 - The frequency of interaction between the persons involved in the relationship. Dating Violence is violence by a person who has been in a romantic or intimate relationship with the Complainant.

The determination of whether there was a "social relationship of a romantic or intimate nature" is based on the Complainant's characterization of the relationship, the length and type of the relationship, and the frequency of interaction between the parties. The use of terms such as "hooking up" or "hanging out" instead of dating is not determinative. Emotional and psychological abuse are not encompassed in this definition unless it is accompanied by physical violence, threats of physical violence, or coercion or force (defined below). Dating violence also does not include incidents of Domestic Violence.

(E) Domestic Violence

As defined in the Title IX regulations, the VAWA amendments to the Clery Act, domestic violence includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under Maine domestic or family violence laws or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Maine.

(F) Stalking

As defined in the Title IX regulations, the VAWA amendments to the Clery Act, is a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, theirs, or another's safety or to suffer substantial emotional distress.

"Course of conduct" means two or more acts, including but not limited to acts in which the stalker directly or indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.

"Reasonable person" means a person under similar circumstances and identities with the Complainant. "Substantial emotional distress" means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling. Stalking includes the concept of cyberstalking, a particular form of stalking in which electronic media is used.

(G) Non-Consensual Sexual Contact (Includes "Fondling")

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

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

(H) Sexual exploitation

The taking non-consensual or abusive sexual advantage of another for one's own benefit or the benefit of anyone other than the individual being exploited. Sexual exploitation may include but is not limited to:

- secretly observing the sexual actions of another or allowing others to secretly observe the sexual

activity without the knowledge or consent of the other party;

- sharing visual images, audio recordings, videos of another individual in a state of undress or of a sexual nature without consent;
- causing an individual to prostitute themselves through force, intimidation, or coercion;
- knowingly exposing another individual to a sexually transmitted disease without their knowledge;
- exposing one's genitalia or causing another person's genitalia to be exposed without effective consent.

(I) Sexual Harassment

In addition, pursuant to the Maine Human Rights Act and Title VII of the Civil Rights Act of 1964, the University defines Sexual Harassment here and in the University Personnel Handbook to include any unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature when:

- Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment or status in a course, program, or activity;
- Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; and/or
- Such conduct has the purpose or effect:
 - of interfering with the individual's work or educational performance;
 - of creating an intimidating, hostile, or offensive working and/or learning environment; and/or
 - of interfering with or limiting one's ability to participate in or benefit from an educational program or activity.

Examples of sex-based harassment may include, but are not limited to, the following:

- Physical assault and/or physical, sexual acts perpetrated against a person's will or where the actor knew or should have known the person is incapable of giving consent due to the use of drugs or alcohol, or due to an intellectual or other disability and where the Respondent should have known the person to be incapacitated. This includes sexual assault (including rape), sexual battery, and any form of sexual coercion.
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, compensation, promotion, grades, or letters of recommendation.
- Sexual advances, physical or implied, or direct propositions of a sexual nature. This activity may include inappropriate/unnecessary touching or rubbing against another, sexually suggestive or degrading jokes or comments, remarks of a sexual nature about one's clothing and/or body,

preferential treatment in exchange for sexual activity, and the inappropriate display of sexually explicit pictures, text, printed materials, or objects that do not serve an academic purpose.

- A pattern of conduct, which can be subtle in nature that, has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliating another.
- Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history that do not serve a medical or academic purpose.

Sexual harassment can occur regardless of the relationship, position, and/or respective gender of the parties. Same-sex harassment violates this Policy, as does harassment by a student of a faculty member or a subordinate employee of his/her/their supervisor.

(J) Consent

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

- Consent given at the start of sexual activity may not be understood to apply to each individual sexual act during the encounter.
- Each party must clearly consent to each act during the sexual encounter.
- Consent may not be inferred from silence.
- Consent is not voluntary if it is induced by force, threat, coercion, or deception. Deception does not include insincere expressions of caring or affection.
- Consent cannot be obtained by taking advantage of the incapacitation of another, such as someone who is incapacitated by drugs or alcohol, who is asleep, unconscious, or otherwise physically or mentally incapacitated.
- Consent may be withdrawn at any time, and if it is, sexual activity of any kind must stop.
- Consent to one form of sexual activity does not constitute consent to all forms of sexual activity, and consent to sexual activity with one person does not equal consent to engage in sexual activity with anyone else.
- The failure to obtain consent is never excused by the consumption of alcohol or drugs

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

(K) Coercion or Force

Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will or, with respect to dating violence, remain in a relationship or in a place against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity or, with respect to dating violence, remain in a relationship or in a place against an individual's will.

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

(L) Incapacitation:

Incapacitation is defined as the inability to make rational, reasonable decisions because the individual lacks the capacity to give knowing consent (e.g., to understand the "who," "what," "when," "where," "why," or "how" of their sexual interaction.) A person may be incapacitated because of their consumption of drugs/alcohol and/or because they are mentally/physically helpless or disabled, asleep, unconscious, or otherwise unaware that the sexual activity is occurring. Where drugs or alcohol are involved, incapacitation is a state beyond impairment or intoxication and involves an assessment of the person's decision-making ability, awareness of consequences, ability to make informed, rational judgments, capacity to appreciate the nature and quality of the act, and/or level of consciousness. The assessment is based on objectively and reasonably apparent signs of incapacitation when viewed from the perspective of a sober, reasonable person.

(M) Consensual Relations In Regard To Sexual Discrimination, Including Sex-Based Harassment

Any person should be aware of UNE's policy regarding Consensual Intimate Relationships as they pertain to employees and with respect to employees and students. They should be aware that engaging in prohibited relationships may lead to allegations of sex discrimination, including sex-based harassment, and could result in disciplinary actions even if the relationship itself was not the product of sex discrimination or sex-based harassment. The complete policy is contained in the UNE Personnel Handbook, Section 12.2, <https://www.une.edu/pdfs/une-personnel-handbook>)

(N) ADDITIONAL POLICY DEFINITIONS

- **Admission** means selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by the University of New England.
- **Complainant** means:

- a Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or sex-based harassment as defined in this Grievance Procedure and who was participating or attempting to participate in the University's Education Program or Activity; or
 - a person other than a Student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination or sex-based harassment under this Grievance Procedure and who was participating or attempting to participate in the University's Education Program or Activity at the time of the alleged sex discrimination or sex-based harassment.
- **Complaint** means an oral or written request to the University that objectively can be understood as a request for the University to investigate and make a determination about alleged sex discrimination or sex-based harassment at the institution.
 - **Disciplinary Sanctions** means consequences imposed on a Respondent following a determination under this Grievance Procedure that the Respondent violated the University's prohibition sex discrimination or sex-based harassment.
 - **Party** means Complainant or Respondent.
 - **Peer Retaliation** means Retaliation by a Student against another Student.
 - **Relevant** means related to the allegations of sex discrimination or sex-based harassment under investigation as part of this Grievance Procedure. Questions are Relevant when they seek evidence that may aid in showing whether the alleged sex discrimination or sex-based harassment occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination or sex-based harassment occurred.
 - **Remedies** means measures provided, as appropriate, to a Complainant or any other person the University identifies as having had their equal access to the University's Education Program or Activity limited or denied by sex discrimination or sex-based harassment. These measures are provided to restore or preserve that person's access to the University's Education Program or Activity after the University determines that sex discrimination or sex-based harassment occurred.
 - **Respondent** means a person who is alleged to have violated the University's prohibition on sex discrimination or sex-based harassment
 - **Retaliation** means intimidation, threats, coercion, or discrimination by any person, by the University, a Student, or an employee or other person authorized by the University to provide aid, benefit, or service under the University's Education Program or Activity, for the purpose of interfering with any right or privileged secured by Title IX, or because the person has reported information, made a Complaint, testified, assisted or participated or refused to participate in any

manner in an investigation, proceeding, or hearing under this Grievance Procedure, including an Informal Resolution process.

- **Student** means a person who has gained Admission.

IV. TITLE IX COORDINATOR, DEPUTY TITLE IX COORDINATORS, AND CONFIDENTIAL RESOURCE ADVISOR

Title IX Coordinator and Deputy Title IX Coordinators (Non-Confidential Reporting)

The Title IX Coordinator is the individual designated by the President with responsibility for providing education and training about discrimination, harassment, and sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, to the University community and for receiving and investigating reports and complaints of discrimination, harassment, and sexual misconduct in accordance with this Policy.

Any person may report sex discrimination, including Sex-Based Harassment (whether or not the person reporting is the person alleged to be the victim of the conduct that may constitute sex discrimination or Sex-Based Harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person’s verbal or written report.

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

The following officials at the University have been designated as **Deputy Title IX Coordinators** and are trained to receive reports. Deputy Coordinators will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited by Title IX.

Hahna Patterson	<i>Assistant Vice President for Student Affairs</i>	207-602-2372	hpatterson@une.edu
Ray Handy	<i>Associate Dean of Student Affairs</i>	207-221-4213	rhandy@une.edu

Shane Long	<i>Assistant Dean of Students</i>	207-602-2372	slong11@une.edu
Heather Davis	<i>Director of Athletics</i>	207-602-2629	hdavis@une.edu
Janna Merritt	<i>Assistant Director of Human Resources</i>	207-602-2281	jmerritt2@une.edu
Shaylah Kelly	<i>Senior Employee Relations and Talent Development Manager</i>	207-602-2524	skelly14@une.edu

The Title IX Coordinator/ Deputy Title IX Coordinators will:

- Provide oversight of any investigation of claims of discrimination, harassment, or sexual misconduct in violation of this Policy;
- Be available to assist any individual in accessing the resources of the University or the community in the event of any complaint under this Policy;
- Assist anyone who wishes to report a crime to local law enforcement;
- Be responsible for all training and education programs and monitoring the campus climate with regard to discrimination, harassment, and sexual misconduct; and
- Complete required annual reports to government agencies.

Confidential Resource Advisor (Confidential Reporting)

The University has a designated **Confidential Resource Advisor (CRA)**. This individual can receive disclosures or a report from an individual and maintain the information in a confidential way. A student can contact the CRA and make a disclosure. The CRA can assist the student in accessing on-campus supportive resources and can do a direct referral to SARSSM for full advocacy support services.

Anne Barton	<i>Counselor and Confidential Resource Advisor</i>	207-602-2549	abarton4@une.edu
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In addition, **Student Counseling Services** may be reached at 207-602-2549 on the Biddeford campus and 207-221-4550 on the Portland campus. **In case of an emergency**, dial 366 from any campus phone for both the Portland and the Biddeford campuses. Dial 207-283-0176 from any non-campus phone. Local Law enforcement can be reached by dialing 911.

As noted above, individuals may disclose incidents and seek support in a confidential manner to a

designated confidential resource. A disclosure to a confidential resource in that person's capacity as a confidential resource does not constitute a report to the University or a complaint that will trigger an investigation or adjudication under this Policy unless the person who reveals the alleged misconduct consents to the further disclosure to UNE. Individuals may also file anonymous reports that can be anonymous on the University's Title IX webpage using the anonymous reporting feature here: <https://www.une.edu/title-ix/reporting>. Individuals filing an anonymous report must understand that while UNE will act on such reports, UNE's investigation may be impacted by the fact that a report is anonymous

(A) Provision of Information

Mandatory Reporting to Title IX Coordinator:

Any employee who is not a "confidential employee" (defined below) and who either has authority to institute corrective measures on behalf of UNE or has responsibility for administrative leadership, teaching, or advising in UNE's education program or activity is required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination.

Mandatory Reporting to Title IX Coordinator or Provision of Title IX Coordinator Contact Information:

All other employees who are not "confidential employees" are required to either:

- Notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex discrimination or sex-based harassment; or
- Provide the contact information of the Title IX Coordinator and information about how to make a complaint of sex-based harassment to any person who provides the employee with information about conduct that reasonably may constitute sex discrimination or sex-based harassment.

No UNE community member should assume that an official of the University of New England knows about any particular situation of concern involving discrimination, harassment, or sexual misconduct. When required to report to the Title IX Coordinator, an employee should report all incidents to the Title IX Coordinator.

A "confidential employee" is:

- A UNE employee whose communications are privileged or confidential under Federal or State law. The employee's confidential status, for purposes of this part, is only with respect to information received while the employee is functioning within the scope of their duties to which privilege or confidentiality applies;
- A UNE employee whom UNE has designated as confidential under this Policy purpose of providing services to persons related to sex-based harassment. If the employee also has a duty not associated

with providing those services, the employee's confidential status is only with respect to information received about sex discrimination or sex-based harassment in connection with providing those services; or

- A UNE employee who is conducting an Institutional Review Board-approved human-subjects research study designed to gather information about sex discrimination or sex-based harassment, but the employee's confidential status is only with respect to information received while conducting the study.

Clery Act Reporting

Pursuant to the Clery Act, the University includes statistics about Clery Act crimes in its daily crime log and Annual Security Report and provides those statistics to the United States Department of Education; in all these instances, the information is reported in a manner that does not include personally identifying information about persons involved in an incident (including incidents disclosed to Confidential Resources). The University will also issue a timely warning to the community for reports of Clery-defined conduct that may constitute a serious and ongoing threat, as outlined in the Annual Security Report. <https://www.une.edu/studentlife/security/safety-reports>

Public Awareness Events

When UNE's Title IX Coordinator is notified of information about conduct that reasonably may constitute sex-based harassment under Title IX or this policy that was provided by a person during a public event to raise awareness about sex-based harassment that was held on UNE's campus or through an online platform sponsored by it, UNE is not obligated to act in response to the information, unless it indicates an imminent and serious threat to the health or safety of a Complainant, any students, employees, or other persons.

However, in all cases UNE will use this information to inform its efforts to prevent sex-based harassment, including by providing tailored training to address alleged sex-based harassment in a particular part of its Education Program or Activity or at a specific location when information indicates there may be multiple incidents of sex-based harassment.

Nothing in Title IX or this policy obligates UNE to require its Title IX Coordinator or any other employee to attend such public awareness events.

V. APPLICABLE PROCESSES

The nature of the alleged conduct, the geographic location in which it occurs, and the status of the parties will dictate the applicable process for investigating and resolving reports. The Title IX Coordinator or Deputy Title IX Coordinator will assess the complaint and submit it to the appropriate University investigation and grievance process, which are all designed to be fair, impartial, prompt, and equitable.

- When at least some of the reported conduct alleges sex discrimination, including sex-based harassment, and does not involve a student as a party but involves at least one employee, the process outlined in the **UNE PERSONNEL HANDBOOK** will be used for employees linked here: <https://www.une.edu/hr/policies>.
- When a reported behavior involves a student and is subject to both this Policy and other University policies, which include both Title IX and non-Title IX issues and involve allegations based on the same events, generally the University will use this Policy to adjudicate all issues.
- To the extent that alleged misconduct by a student implicates the University's various Professional Codes of Conduct, the matter may, but is not required to be, referred for adjudication under the applicable College's conduct board proceedings following an investigation and hearing under this Policy. This referral to a professional code of conduct board may occur even if no responsibility is determined under this Policy or the Non-Discrimination policies. To be clear, violations of a professional code may be adjudicated along with violations of this Policy.

Whatever process is followed, any behavior by either party during the investigation or adjudication process that might constitute a violation of any UNE policy or code of conduct may be adjudicated at the same time by the body adjudicating the underlying complaint.

VI. REPORTING SEX DISCRIMINATION INCLUDING SEX-BASED HARASSMENT TO THE INSTITUTION

Anyone who experiences or is aware of what they believe constitutes sex discrimination or sex-based harassment as defined above, including sexual assault, dating violence, domestic violence, or stalking, will be assisted in understanding their reporting and complaint options and will not be forced to make any type of report or complaint, except for those employees required to make a report

For purposes of this Policy, a complaint means an oral or written request to UNE that objectively can be understood as a request for UNE to investigate and make a determination about alleged discrimination under this Policy. Any person making a report may be requested but is not required, to put their report in writing.

Reports can be made in person, by mail, by telephone, online, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any means that results in the Title IX Coordinator

receiving the person's verbal or written report. A report may be made at any time (including during non-business hours) by using the telephone number, email, online reporting link (<https://www.une.edu/title-ix/reporting>), or mailing address listed for the Title IX Coordinator or other persons familiar with this Policy.

(A) *Amnesty Involving Alcohol or the Use of Controlled Substances*

The University of New England encourages reporting of sex discrimination and sex-based harassment, which includes sexual misconduct, and seeks to remove any barriers to reporting such an incident. The University recognizes that a student who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential disciplinary consequences for their own conduct. Thus, a student who reports sex discrimination or sex-based harassment, either as a Complainant or as a witness, will not be subject to disciplinary action by the University for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. The University may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs. Alcohol and/or drug use may affect the memory of the parties involved and may affect the outcome of the complaint. Further, immunity from disciplinary actions has no effect on actions by law enforcement agencies.

For more information, please see "Responsible Action Clause" in the University Student Handbook found here: <https://www.une.edu/studentlife/handbook>.

(B) *Disability Accommodations*

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

If the Complainant or Respondent discloses a disability, the Title IX Coordinator or designee may consult, as appropriate, with the University's Student Access Center to provide support to Students with disabilities to determine how to comply with applicable law including, without limitation, Section 504 of the Rehabilitation Act of 1973 in the implementation of any Supportive Measures, or any other reasonable accommodations requested during the Grievance Procedure.

(C) *Timeline for Reporting Under This Policy*

For the purposes of this Policy, although there is no time limit on reporting violations under this Policy complaints and reports of sex discrimination and sex-based harassment, which includes sexual misconduct, such sexual assault, dating violence, domestic violence or stalking, and/or sexual harassment, should be reported as soon as possible after the incident(s) in order to be most effectively investigated. If a Respondent is no longer affiliated with the University (as a student or employee), the University may still provide reasonably available supportive measures to the complainant, assist the complainant in identifying external reporting options, investigate and adjudicate the alleged misconduct, and take other appropriate action to address the reported conduct.

(D) *Initial Assessment Upon Receipt of a Report and Filing of Complaint by Title IX Coordinator*

Within **ten (10) business days** of receiving a report a potential violation of this Policy, the Title IX Coordinator will reach out to the person allegedly aggrieved to explain options for proceeding with a complaint, the potential for informal and formal resolution of a complaint, and the availability of supportive measures. At that time, the Title IX Coordinator will conduct an initial assessment of the reported information. The initial assessment seeks to gather information only to determine whether this Policy applies and what form of resolution is reasonably available and appropriate. The initial assessment is not an investigation of responsibility. The initial assessment may also include a determination as to whether a timely warning pursuant to the Clery Act is necessary to protect the safety of the Complainant or any other individuals.

In receiving a report under this Policy, the University will make all reasonable efforts to protect the privacy rights of the Complainant, the Respondent, and the witnesses in a manner consistent with the University's legal obligations to investigate, to take appropriate action, and to comply with any discovery or disclosure obligations required by law.

The University will, whenever possible, honor the Complainant's wishes with respect to supportive measures and seek to respect the Complainant's autonomy in making a determination regarding how to proceed. Any request for confidentiality must be balanced against the University's obligation to provide a safe and non-discriminatory environment for the entire University community. The University may also be severely limited in its ability to take action against a Respondent if strict confidentiality is maintained. The Title IX Coordinator, the Director of Safety and Security, the Chair of the CARE Team, and/or their designee(s) shall be responsible for evaluating all requests for confidentiality and will consider the severity of the alleged conduct, the ages of the parties, any pattern of misconduct, and the rights of the Respondent in assessing whether such a request can be honored. In limited circumstances, typically where a risk of imminent harm to an individual or others or a threat to the physical health and safety of the campus is determined to exist, the University may need to take immediate action upon receipt of a report under this

Policy and/or a Title IX Coordinator may need to initiate a formal complaint against a Complainant's wishes. In such cases, the Title IX Coordinator will notify the Complainant and keep the Complainant informed of the status of the investigation and resolution of the complaint at reasonable intervals.

As part of the initial assessment phase, the University's Title IX Coordinator will determine whether the alleged conduct, if true, falls under this Policy. If the alleged conduct falls outside of this Policy, the University will then assess whether the alleged conduct, if true, would amount to a violation of another policy. If the complaint proceeds to a formal investigation under this Policy or another policy and the investigation reveals that the wrong policy was initially applied, the University will transfer the complaint to the appropriate process for resolution or dismiss the complaint, as appropriate.

(E) Supportive Measures

Providing Supportive Measures

Supportive measures are available to both parties. They are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to: (1) Restore or preserve that party's access to UNE's education program or activity, including measures that are designed to protect the safety of the parties or UNE's educational environment; or (2) Provide support during UNE's grievance procedures or during the Informal Resolution process. To be clear, supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties or UNE's educational environment, or to provide support during the UNE's grievance procedures or during the Informal Resolution process. UNE must not impose such measures for punitive or disciplinary reasons. Supportive Measures are possible whether or not a Complaint is filed and regardless of whether the Complainant or Title IX Coordinator files a Complaint.

The University will make available reasonable and appropriate supportive measures, which may be modified or terminated at times, including at the conclusion of the grievance process or the Informal Resolutions process. They may also be continued beyond the conclusion of either process. Either a Complainant or a Respondent may seek additional modification or termination of a supportive measure applicable to them.

More restrictive supportive measures are typically only available if there is an articulable factual foundation that would support taking such a measure and is interim in nature while the investigation is pending unless voluntarily agreed to by the restricted party. Below are examples of Supportive Measures that may be appropriate so long as they consistent with this Policy:

- Facilitating access to counseling and medical services;
- Guidance in obtaining a sexual assault forensic examination;
- Assistance in arranging rescheduling of exams and assignments and extensions of deadlines;

- Academic supports;
- Assistance in requesting accommodations through the appropriate office, if the Complainant or Respondent qualifies as an individual with a disability;
- Changes in class (including the ability to transfer course sections or withdraw from a course), work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative;
- Escort and other safety planning steps;
- Increased security and monitoring of certain areas of the campus;
- Mutual imposition of a "no contact order," an administrative remedy designed to curtail contact and communications between two or more individuals;
- Voluntary leave of absence;
- Referral to resources to assist in obtaining a protective order;
- Referral to resources to assist with any financial aid, visa, or immigration concerns; or
- Training and education programs related to sex-based harassment.
- Any other remedial Supportive Measure that does not unreasonably interfere with either party's access to education or employment opportunities can be used to achieve the goals of this Policy.
- Emergency removal of a Student Respondent
- Paid or unpaid administrative leave for the Employee Respondent;
- Withdrawal from sponsored research projects;
- Exclusion from all or part of campus housing;
- Exclusion from specified activities or areas of campus;
- Prohibition from participating in student activities or representing the University in any capacity, such as playing on an official team; serving in student government; participating in a recognized student organization; or participating in academic honor ceremonies;
- Interim suspension; or
- Any other protective restrictive measure that can be used to achieve the goals of this Policy.

The University will also work in good faith to implement the requirements of judicially issued protective orders and similar orders, to the extent that doing so is within its authority.

Challenges to Supportive Measures

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

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

Process for Review of Supportive Measures

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

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

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

(F) False Claims

It is a violation of this Policy to knowingly make false statements or to knowingly submit false information during the grievance procedure deliberate false statements or knowingly submit false information in the investigation or grievance proceedings of conduct covered under this Policy and the Title IX Grievance Process. In such instances, the parties may be subject to disciplinary action, which may be determined by the body adjudicating the underlying allegation(s). The level of discipline will depend on the severity of the false claim or information as well as professional codes that may apply to the person and may include, but is not limited to, probation, suspension, expulsion, or termination.

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

UNE will not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on a determination whether sex discrimination occurred.

(G) Retaliation

UNE prohibits all retaliation, including student to student (peer to peer) relation, in all of its education programs and activities. Retaliation means intimidation, threats, coercion, or discrimination against any person by UNE, a student, or an employee or other person authorized by UNE to provide aid, benefit, or service under UNE's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or this Policy, or because the person has reported information, made a complaint, testified, assisted, or participated or, except as provided immediately below, refused to participate in any manner in an investigation, proceeding, or hearing under this Policy, including in an Informal Resolution process, in grievance procedures, and in any other actions taken by UNE under this Policy.

UNE does require employees or other persons authorized by UNE to provide aid, benefit, or service under UNE's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing under this part. When UNE receives information about conduct that reasonably may constitute retaliation under Title IX or this part, UNE will investigate and apply this Policy as appropriate. Upon receiving a complaint alleging retaliation, UNE will initiate the grievance procedures under this Policy, or, as appropriate, an informal resolution process. If the complaint is consolidated with a complaint of sex-based harassment involving a student complainant or student respondent, the grievance procedures initiated by the consolidated complaint will comply with this Policy.

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

(H) Sanctions for Violation of this Policy

Any party found responsible for violating this Policy may be subject to disciplinary sanctioning. Sanctions are determined on a case-by-case basis. Factors that are considered when determining a sanction include, but are not limited to, precedent for similar conduct violations, impact to the Complainant, severity of the conduct, and, if any, prior conduct history at the University for similar conduct.

Any employee of the University found responsible for any element of this Policy will be referred to and disciplined in accordance with the University Personnel Handbook, the Faculty Handbook, and any other applicable policy. See <https://www.une.edu/hr/policies>

Any student found responsible for violating this Policy is subject to the following sanctions:

- *Disciplinary Dismissal*: permanent separation of the student from the University.
- *Time-Limited Disciplinary Suspension*: separation for a stated period of time, which could include:
 - Exclusion from classes, University functions and University housing for stated period of time.
 - Conditions for readmission may be specified.
- *Deferred Disciplinary Suspension*: a student shall be suspended for a specific period of time and have that suspension stayed with the understanding that any verified violations occurring within the period of jeopardy will result in a suspension or dismissal level hearing. Specific restrictions may also include, but are not limited to:
 - Ineligibility to hold an office in a campus organization, and/or;
 - Ineligibility to represent the University in any on or off campus event.
- *Ineligibility to participate in a University-approved Study Abroad experience*.
- *Denial of Privilege*: the student is allowed to finish the current academic term under probation. The student's records are encumbered and the individual is prevented from re-enrolling until certain conditions have been met.
- *Residence Hall Dismissal*: permanent separation of the student from the residence halls. In matters where a student is subject to the University's Residency Requirement residence hall dismissal may result in suspension from the University.

- *Residence Hall Suspension*: separation of the student from the residence halls for a stated period of time, after which the student is eligible to return. Conditions for readmission may be specified. In matters where a student is subject to the University's Residency Requirement residence hall suspension may result in suspension from the University.
- *Housing Reassignment*: mandatory change of housing assignment within the Housing system for inappropriate behavior in the current living situation.
- *Disciplinary Probation*: A designated period of time during which a student's conduct will be observed and reviewed. The student must demonstrate the ability to comply with University policies, rules, standards, and sanction(s) assigned for the probational period. A Disciplinary Probation period includes the option of more severe disciplinary sanctions if the student is found to be violating any University regulation(s) during the probationary period. Specific restrictions may also include, but are not limited to:
 - Ineligibility to hold an office in a campus organization,
 - Ineligibility to represent the University in any on or off campus event,
 - Ineligibility to participate in a University-approved Study Abroad experience.
- *Loss of Privileges*: denial of specified privileges for a designated period of time.
- *Discretionary Sanctions*: work assignments, service to the University (Community Restitution), educational programs/assignments, or other related discretionary assignments.
- *Restitution*: compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- *Fines*: a charge levied against an individual.
- *Disciplinary Reprimand*: a written notification to a student following a resolution process that acknowledges that the behavior in question was misconduct.
- *Letter to Parent(s) or Guardian*

Any student found responsible for violating the policy on **Non-Consensual Sexual Contact or Stalking** will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident and taking into account any previous student conduct code violations.

Any student found responsible for violating the Policies on **Sexual Assault, Dating Violence, or Domestic Violence** will likely face a recommended sanction of suspension or expulsion.

Any student found responsible for violating the Policy on **Sexual Exploitation or Sexual Harassment** will likely receive a recommended sanction ranging from a warning to expulsion, depending on the severity of the incident and taking into account any previous campus conduct code violations.

(I) Applicable Procedures Under this Policy

In response to a report of sex discrimination, sex-based harassment, sexual misconduct under this Policy, including conduct covered by Title IX, the report may be resolved in any one of the following ways: (1) by the Title IX Coordinator offering or providing supportive measures to the Complainant and/or the Respondent; (2) by the Complainant making complaint, which will prompt an investigation and grievance process; (3) by the Title IX Coordinator filing a complaint and initiating an investigation and grievance process; or (4) by both parties voluntarily and mutually entering into an Informal Resolution process, as deemed appropriate by the Title IX Coordinator, after the filing of a complaint.

The nature of the reported conduct, the location of the reported conduct, and the role of the Respondent determine the procedures that will be used to investigate and resolve complaints under this Policy. The goal of the University in utilizing these procedures is to provide the appropriate framework for the investigation and, if necessary, the adjudication of these complaints and to provide Complainants and Respondents with a fundamentally fair process for the resolution of such complaints.

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

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

VII. THE TITLE IX GRIEVANCE PROCEDURE FOR ALLEGATIONS OF SEX DISCRIMINATION INCLUDING SEX-BASED HARASSMENT INVOLVING A STUDENT AS A PARTY

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

(A) Filing a Complaint

Who can make a Complaint?

The following persons have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that UNE investigate and make a determination about alleged discrimination under this policy:

- A Complainant, which includes:
 - a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX;
 - or a person other than a student or employee of the University who is alleged to have been subjected to conduct that could constitute sex-based harassment under Title IX at a time when that individual was participating or attempting to participate in the University's Education Program or Activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a Complainant; or
- The Title IX Coordinator, after making the determination specified below.

The following persons have a right to make a complaint of sex discrimination other than sex-based harassment requesting that UNE investigate and make a determination about alleged discrimination under this policy:

- Any student; or
- Any person other than a student or employee who was participating or attempting to participate in UNE's education program or activity at the time of the alleged sex discrimination.

Who can I report a Complaint to?

Any reports of sex discrimination and sex-based harassment may be made directly to the Title IX Coordinator, whose contact information is listed at the beginning of this Grievance Procedure. There are other ways in which a Party may report a Complaint.

The University requires that any employee who is not a Confidential Employee and who either has authority to institute corrective measures on behalf of UNE or has responsibility for administrative leadership, teaching, or advising in UNE'S education program or activity must notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute Sex-Based Harassment.

All other employees at UNE who are not Confidential Employees and are not employees as identified above are required to notify the Title IX Coordinator when the employee has information about conduct that reasonably may constitute sex-discrimination, including sex-based harassment.

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

Can I make a Complaint and request initiation of the Grievance Procedure even if I have made a complaint to law enforcement?

Yes. UNE has an obligation to appropriately evaluate all Complaints, regardless of whether there is a concurrent Complaint before law enforcement. This process is an administrative process that is different from the criminal justice process.

Title IX Coordinator initiated Complaints:

In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, the Title IX Coordinator must determine whether to initiate a Complaint of sex discrimination or sex-based harassment. This determination is fact-specific, and the Title IX Coordinator must consider:

- The Complainant's request not to proceed with the initiation of a Complaint;
- The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- The risk that additional acts of sex discrimination or sex-based harassment would occur if a Complaint were not initiated;
- The severity of the alleged sex discrimination or sex-based harassment, including whether the sex discrimination or sex-based harassment, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the sex discrimination or sex-based harassment and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is a UNE employee;
- The scope of the alleged sex discrimination or sex-based harassment, including information suggesting a pattern, ongoing sex discrimination or sex-based harassment alleged to have impacted multiple individuals;

- The availability of evidence to assist a decisionmaker in determining whether sex discrimination or sex-based harassment occurred; and
- Whether the University could end the alleged sex discrimination or sex-based harassment and prevent its recurrence without initiating these grievance procedures.

If after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged present as an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents UNE from ensuring equal access on the basis of sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator does initiate the Complaint after making this determination, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others, including by providing supportive measures as listed in Section E of these procedures.

Format of the Complaint

As defined in [**DEFINITION SECTION \(III \(D\) \(Complaint\)**](#) of these procedures, a Complaint can be an oral or written request to the University that objectively can be understood as a request for UNE to investigate and make a determination about alleged sex discrimination or sex-based harassment at the institution.

(B) Multi-Party Situation

The University may consolidate Complaints alleging sex discrimination or sex-based harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sex discrimination or sex-based harassment arise out of the same facts or circumstances.

UNE can consider factors when making this fact-specific determination, which include, but are not limited to:

- The facts and circumstances of the particular Complaint when deciding whether to consolidate, including the toll of separate proceedings on the Parties; and
- Any risks to the fairness of the investigation or outcome.

(C) Dismissal of a Complaint

Grounds for Dismissal:

A complaint may be dismissed for any of the following reasons:

- UNE is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in UNE's education program or activity and is not employed by UNE;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and UNE determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex-based harassment under Title IX or this part even if proven; or
- UNE determines the conduct alleged in the complaint, even if proven, would not constitute sex-based harassment under Title IX or this part.

Prior to dismissing the complaint under this paragraph, UNE will make reasonable efforts to clarify the allegations with the complainant.

Notice of Dismissal

If the University dismisses a complaint, UNE will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, UNE will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Appealing the Dismissal of a Complaint

A dismissal may be appealed by either party as provided below. If the dismissal is appealed, UNE will do the following:

- Notify the parties of any appeal, including notice of the allegations consistent with paragraph (c) of this section if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations

or dismissal of the complaint;

- Ensure that the decisionmaker for the appeal has been trained as set forth in the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When UNE dismisses a complaint, it will still offer supportive measures to the complainant as appropriate. Except when a respondent is either not identified or is no longer participating in UNE's education program or activity, UNE will also offer supportive measures to the respondent as appropriate.

When UNE dismisses a complaint, the Title IX Coordinator will take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within UNE's education program or activity.

(D) Allegations Potentially Falling Under Two Policies

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

(E) Advisor of Choice and Participation of Advisor of Choice

A Party's advisor of choice may accompany the Party to any meeting or proceeding, and that UNE cannot limit the choice of who that advisor may be or their presence for the Parties in any meeting or proceeding unless such advisor does not follow UNE's established rules of decorum and rules around participation.

(F) Complaint Investigation

Throughout its grievance procedures, UNE will treat both complainants and respondents equitably. The Title IX Coordinator, investigator, and decisionmakers may not be involved in the adjudication of any complaint under UNE's grievance procedures if they have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

All investigations are conducted with the presumption that the respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of UNE's grievance procedures for complaints of sex discrimination, including sex-based harassment.

After a complaint has been received or otherwise initiated and the matter has been determined to fall within the scope of this Policy, the following process will be followed:

Written Notice of Allegations

Within **ten (10) business days** of the determination that the grievance procedures under this section applies and that the matter will not be dismissed, UNE will provide written notice to the parties whose identities are known with sufficient time for the parties to prepare a response before any initial interview.

The written notice will include the following information:

- Information about the grievance procedures and the opportunity to pursue an Informal Resolution set forth in this Policy;
- Sufficient information available at the time to allow the parties to respond to the allegations, which includes:
 - the identities of the parties involved in the incident(s),
 - the conduct alleged to constitute sex-based harassment under this Policy, and
 - the date(s) and location(s) of the alleged incident(s), to the extent that information is available to UNE;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures under this section and that prior to the determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- A statement that retaliation, including peer retaliation, is prohibited;
- Notice that the parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence; and if the postsecondary institution provides access to an investigative report, the parties are entitled to an equal opportunity to access to the relevant and not otherwise impermissible evidence upon the request of any party.
- Notice that the parties may have an advisor of their choice who may be, but is not required to be, an attorney, and who may be present in any meeting or proceeding, subject to restrictions applicable to both parties and as set forth in this Policy;
- Notice that UNE prohibits knowingly making false statements or knowingly submitting false

information during the grievance procedure.

Written Notice of Additional Allegations

If, in the course of an investigation, UNE decides to investigate additional allegations of sex discrimination or sex-based harassment by the respondent toward the complainant that are not included in the initial written notice or that are included in a complaint that is consolidated UNE will provide written notice of the additional allegations to the parties whose identities are known.

Possible Delay of The Provision of a Notice of Allegations

To the extent that UNE has reasonable concerns for the safety of any person as a result of providing notice of allegations, UNE may reasonably delay providing written notice of the allegations in order to address the safety concern appropriately. Reasonable concerns will be based on individualized safety and risk analysis and not on mere speculation or stereotypes.

Participation of Students in Investigation

No student is required to participate in the investigation, but a lack of any student's participation will not alone cause UNE to cease its investigation. Students should be aware that any lack of participation can have an impact on UNE's ability to investigate the complaint.

Investigation

All allegations of discriminatory harassment and sexual misconduct will be investigated either by the University's Title IX Coordinator, internal Title IX Investigator and Prevention Specialist, or designee, or at the University's sole discretion by an outside Investigator (hereafter referred to as "Investigator").

Within **one hundred (100) business days**, the Investigator will attempt to complete the investigation, although it must be recognized that the length of time for an investigation depends on the scope of the allegations, the number of witnesses, the availability of the witnesses, the number of documents to be reviewed, time for the parties to review and respond to the record and a draft report, and the length and complexity of a final report. The Investigator will make best efforts to be expeditious in conducting interviews, gathering evidence, and producing a final report but will not sacrifice thoroughness for a specific time frame for completion.

Extensions of any timeframes set forth in this Policy may be granted on a case-by-case basis for good cause shown with all parties receiving notice and the reason for any delay.

Interviews

The Investigator will communicate with and interview both parties and will provide both parties with the opportunity to identify witnesses and or documents, such as texts or other electronic media, that either party would like the Investigator to consider as evidence.

The Investigator may meet with the Complainant, the Respondent, and any witnesses deemed to have relevant information in any order the Investigator deems appropriate. The Investigator may also meet with either party or any of the witnesses more than once.

During the interviews, the Complainant and the Respondent may both choose to have an advisor and/or a support person with them. The advisor may be a member of the UNE community or any individual of the party's choosing, including an attorney. Either party is entitled to one attorney, either as an advisor or a support person. Parties cannot have two attorneys in meetings. If a parent of a party is an attorney, that parent can serve as either an advisor or support person but cannot serve in the capacity as an attorney if the party is represented by another attorney. The advisor is there for support and may not address the Investigator. If the advisor and/ or the support person is in any way disruptive of the investigatory process, the Investigator shall ask the advisor to leave the room, and the process shall not continue until they have done so.

Notice of Meetings and Interviews

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

Delays

Each party may request extensions in the Grievance Process, which may be granted or denied for good cause shown in the sole judgment of the Title IX Coordinator, the Associate Vice President of Human Resources & Chief Human Resources Officer, the Title IX Investigator, or designee. The requestor should provide reasonable notice and the delay must not overly inconvenience other parties.

For example, a request to take a five day pause made an hour before a hearing for which multiple parties

and their advisors have traveled to and prepared for shall will generally not be granted, while a request for a five day pause in the middle of investigation interviews to allow a party to obtain certain documentary evidence shall will generally be granted.

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

Other Information Gathering

The Investigator will gather other relevant information or evidence, including documents, photographs, communications, card swipe records, video evidence, and electronic records.

The Investigator will review evidence and determine what evidence is relevant and what evidence is impermissible even if relevant.

(1) Relevant evidence and questions

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

(2) Irrelevant evidence and questions

“Irrelevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” or otherwise impermissible at all stages of the process under this policy:

- Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior **unless:**
 - They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
 - They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.
- Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege. Legally-recognized privileges include, e.g., attorney client privilege and a medical professional and patient relationship.

- Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.
- The Investigator may visit relevant sites and locations. The Investigator may also consider publicly available social media or online sources, though will generally not actively monitor online information.
- The Investigator may, in certain cases, consult with witnesses who have subject matter expertise related to issues involved in the investigation (e.g., medical professional to opine on physical injury). Generally, neither party will be permitted to present expert witnesses, but if such expert witnesses are permitted in extraordinary circumstances, all parties will be provided the opportunity to present an expert witness.
- Character witnesses are not permitted.
- The Investigator has the discretion to determine which witnesses to interview and what evidence to collect, as well as to determine the relevance of such information. Both parties may submit questions to the Investigator that they want to be asked of the other party and/or witnesses by the Investigator. The Investigator has the discretion to determine the relevance of any questions posed and, therefore, which questions to ask. There is a presumption that all investigatory interviews conducted by the investigators will be recorded electronically in accordance with the University Investigative Interview Recording Policy.

Process for Parties to Propose Questions to be asked by the Investigator

Each party will be allowed multiple opportunities to provide the Investigator with questions they wish the Investigator to pose to the other parties or witnesses. Questions must be submitted to the Investigator in writing.

- The Investigator will ask the parties as part of initial interviews if they have any questions they wish the Investigator to pose of the other parties and a reasonable time frame within which to provide these questions.
- In subsequent meetings with the parties, the Investigator will provide additional information gathered including answers to questions posed by the parties. The Investigator will also provide additional opportunities for the party to provide new questions for the Investigator to pose for the other party or witnesses. Parties may be asked to explain how the questions provided by the parties are related or relevant to the investigation.
- When asking questions requested of one party to a witness or the other party, the Investigator will

provide each party with a transcript of the questions and answers with enough time for the requesting party to have a reasonable opportunity to propose follow-up questions.

- The Investigator may reframe questions to align with rules outlined above regarding *Relevant Information* and/or *Irrelevant Information* and may choose not to ask a question if it does not comply with these requirements. The Investigator may also combine questions. The Investigator will document for the Record the questions requested by each party, the questions the Investigator posed at the request of the parties and the rationale for not asking specific requested questions.
- Parties will be provided with access to interview transcripts as part of the review of the Record (see process below: ***Parties' Review and Response to the Record***).

Parties' Review of and Response to the Record

After all interviews have been completed, documentary evidence obtained, and the investigation phase is complete, both the Complainant and the Respondent shall be provided an opportunity to review a copy of all interview summaries (or transcripts) and the evidence the Investigator deems relevant and intends to rely upon in the Investigator's findings ("the Record"). Redactions will be made as appropriate to comply with applicable privacy laws and as necessary to exclude information that is irrelevant, prejudicial, and/or protected by a privilege where appropriate consents for disclosure have not been obtained (e.g., information subject to rape shield protection or personal health information) to protect students' personally identifiable information involving matters outside the scope of the investigation.

The parties will have ten (10) business days to inspect and review the evidence and submit a written response by email to the investigator. The responses may include any additional questions the Parties want to have asked of the other Party or Witnesses or additional evidence to provide. The investigator will consider the parties' written responses before completing the Investigative Report and may seek additional evidence or information as a result of the Parties' responses. The Investigator will document any additional questions asked or information gathered or the rationale for this information not being included and resubmit the Record for final review. Parties may request a reasonable extension as their designated extension request. The Investigator will review and consider the parties' statements (to the extent timely submitted) in the investigation report.

Creation and Review of Investigation Report

The Investigator will write a report that will set forth findings of fact, which shall include assessments of credibility when applicable and appropriate. Based on those findings of fact and the applicable provisions of University policy, the Investigator will make a recommended finding based on the preponderance of the

evidence standard as to whether or not the Investigator finds the Respondent responsible for any of the allegations of violation of University policy set forth in the letter of specific allegations sent to the Respondent prior to the start of the investigation. The Investigator shall not make any recommendation as to possible sanctions.

If the alleged facts, even if substantiated, would not meet the specific policy elements of conduct that are prohibited by this Policy, the Investigator may recommend to the Title IX Coordinator either (1) dismiss the complaint or (2) refer the complaint for resolution under a separate University policy and process, as applicable. If the Investigator recommends a dismissal of the complaint, the parties shall have the opportunity to appeal the dismissal decision by initiating the appeal process for any of the reasons set forth under [Section IX Appeals below](#).

The Parties will be given access to the investigative report at least ten (10) business days prior to the beginning of the process by which the Hearing Panel will make its determination whether sex-based harassment occurred. Parties will receive notice of access to the investigative report when they receive their notice of hearing from the Office of Student Resolutions.

(G) Hearing Panel

UNE will not conduct a live hearing but will provide the parties with the opportunity to question parties and witnesses. Following the completion of the investigation report, the Title IX Coordinator will submit the report to the Director of the Office for Student Resolution and request that the Director convene a three-person Hearing Panel. Following the conclusion of the Hearing Panel, the Panelists will convene to deliberate in order to make a determination of responsibility.

Hearing Panelist Duties

The Hearing Panel will be chaired by the Director of the Office for Student Resolution (or designee) and a two-person panel of decision-makers. Based on the findings of facts, the Hearing Panel shall meet to consider the recommended findings of the investigator to determine whether there is sufficient evidence, by a preponderance of the evidence, to establish that the Respondent engaged in conduct that is prohibited by this Policy, the Hearing Panel and/or other applicable professional code of conduct and to determine what sanctions, if any, are appropriate for the violations. The Hearing Panel may accept or reject the recommended findings of the investigator. The Hearing Panel may also direct the investigator to conduct any follow up inquiry or investigation the Hearing Panel deems necessary to reach a final determination.

Optional Party Attendance at Hearing Panel

Both the Complainant and the Respondent shall each have the opportunity to appear before the Hearing Panel to address the investigator's recommended findings and the material issues before the Panel. The Parties may submit a written statement to the Hearing Panel that may be read aloud by the Party at the Hearing. They may also choose to submit a statement in writing to the Hearing Panel and to not appear in person. An appearance by either the Complainant or the Respondent is voluntary and not required.

Advisor Attendance and Conduct at Hearing Panel

If either or both choose to appear they may each have an advisor with them. The advisor may be a member of the UNE community or if allegations involve conduct covered by the Title IX or Clery Act, they may have an advisor of their choice (who may be an attorney). The advisor is there for support and may not address the Hearing Panel. If the advisor is in any way disruptive of the Hearing process, the Hearing Chair shall ask the advisor to leave the room and the process shall not continue until they have done so. The proceedings of the Hearing shall not be recorded in any manner.

Process for Questioning Parties and Witnesses

The Hearing Panel, as the decisionmakers, are permitted, but are not required, to question parties and/or witnesses, to adequately assess credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination or sex-based harassment.

To the extent that the decisionmakers have or permit questions, the decisionmakers must first determine whether the question is relevant and not otherwise impermissible prior to the question being posed, and must explain any decision to exclude a question as not relevant or otherwise impermissible. If the decisionmakers determines that a party's question is relevant and not otherwise impermissible, then the question must be asked except that UNE will not permit questions that are unclear or harassing of the party or witness being questioned. The decisionmakers must give a party an opportunity to clarify or revise a question that the decisionmaker has determined is unclear or harassing and, if the party sufficiently clarifies or revises a question to satisfy the terms of this paragraph, the question must be asked.

The Hearing Panel may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Panel may not, however, draw an inference about when the sex-based harassment, occurred based solely on a party's or witness's refusal to respond to such questions.

Hearing Panel Deliberations

At the conclusion of the Hearing, the Chair will dismiss the parties or witnesses, if present, at the conclusion of the hearing process, from the virtual hearing room. The Hearing Panel shall meet to consider all of the information presented to them, including the report of the Investigator and the recommended findings of the Investigator to determine whether there is sufficient evidence, by a preponderance of the evidence, to conclude that the Respondent engaged in conduct that is prohibited by this Policy and/or other applicable professional code of conduct and to determine what sanctions, if any, are appropriate for the violations. The Hearing Panel may accept or reject the recommended findings of the Investigator. The Hearing Panel may also direct the Investigator to conduct any follow-up inquiry or investigation the Hearing Panel deems necessary to reach a final determination.

The decisionmaker is required to evaluate Relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination or sex-based harassment occurred, whatever the quantity of the evidence is, the decisionmaker must not determine that sex discrimination or sex-based harassment occurred.

Determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the decisionmaker. Decisionmakers shall not draw inferences regarding a Party or witness' credibility based on the Party or witness' status as a Complainant, Respondent, or witness, nor shall it base its judgments in stereotypes about how a Party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the demeanor of the Party or witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. However, credibility judgments should not rest on whether a Party or witness' testimony is non-linear or incomplete, or if the Party or witness is displaying stress or anxiety.

Decisionmakers will afford the highest weight relative to other testimony to first-hand testimony by Parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e. tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

A witness' testimony regarding third-Party knowledge of the facts at issue will be allowed but will generally be accorded lower weight than testimony regarding direct knowledge of specific facts that occurred.

Standard of Proof

UNE uses the preponderance of the evidence standard of proof to determine whether or not sex discrimination or sex-based harassment occurred. This means that the investigation and hearing determine whether it is more likely than not that a violation of the of this Policy occurred.

Hearing Panel Written Determination

Within thirty (30) business days from the beginning of the process described immediately above, the Hearing Panel shall make a determination of responsibility and, if the Respondent is found responsible, what, if any, sanctions should be assigned for the violations of the provisions of this Policy. The determination of responsibility and sanctioning portions of the Hearing may be bifurcated.

If the Respondent is found responsible and is an undergraduate, graduate, or professional student in a program with a professional code of conduct, a faculty member from the student's College or Program shall be added to the Hearing Panel to address applicable professional code of conduct issues and serve as an additional decision maker on sanctioning only. In determining sanctions, the Panel shall consider the final investigation report, the statements made by the parties in the hearing, and any previously adjudicated violations of the Student Conduct Code and any related sanctions.

Once the Panel has reached its decision, the Hearing Panel shall be responsible for creating or causing to be created a written determination that will be provided to the parties simultaneously and will include the following:

- A description of the alleged sex discrimination or sex-based harassment;
- Information about the policies and procedures that the Hearing Panel used to evaluate the allegations;
- The Hearing Panel's evaluation of the relevant and not otherwise impermissible evidence and determination whether a violation of this Policy occurred;
- If the Hearing Panel concludes that a violation occurred, the letter will set forth any disciplinary sanctions to be imposed on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided UNE to the complainant, and, to the extent appropriate, other students identified in the grievance process to be experiencing the effects of the sex-based harassment; and
- The procedures for the complainant and respondent to appeal.

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

VIII. APPEALS

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

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal to the Vice President of Student Affairs, Associate Vice President of Human Resources, or designee, within **ten (10) business** days of being notified of the decision, indicating the grounds for the appeal.

The limited grounds for appeal available are as follows:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination whether sex-based harassment occurred, or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals, the institution will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than ten (10) pages with no more than twenty (20) pages of attachments. Appeals that do not comply with these limits will be returned to the submitting Party and will not be considered until the appeal complies with this Policy.

Appeals will be decided by an Appeal Officer selected from a pool of trained appeal hearing officers who will be free of conflict of interest and demonstrated bias, and will not serve as investigator, Title IX Coordinator, or hearing decision maker in the same matter. The outcome of the appeal will be provided in writing, including via email, simultaneously to both parties, and include rationale for the decision.

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

IX. INFORMAL RESOLUTION

At any time prior to determining whether sex-discrimination, including sex-based harassment occurred under this Grievance Procedure, including prior to making a Complaint, either party may seek UNE's assistance to resolve allegations of sex discrimination or sex-based harassment, and may elect to enter the Informal Resolution process. UNE has discretion to determine whether it is appropriate to offer an informal resolution process when it receives information about conduct that reasonably may constitute sex discrimination or when a complaint of sex discrimination is made, and may decline to offer informal resolution despite one or more of the parties' wishes. Reasons for UNE declining to allow an informal resolution include, but are not limited to, when it determines that the alleged conduct would present a future risk of harm to others.

Any participating in the Informal Resolution process must be voluntary and mutual. The Parties will be required to provide their written consent, which will include all terms of the elected alternative process, including a statement that any agreement reached through the process is binding on the Parties.

No Party will be required or pressured to participate in the Informal Resolution process. UNE will not require waiver of the right to an investigation and determination of a complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. UNE will not condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to Informal Resolution.

The Parties may elect to leave the Informal Resolution process at any point until the Informal Resolution process is concluded. If a Party elects to leave the Informal Resolution process, the Grievance Procedure that the Parties paused will continue. In participating in the Informal Resolution process, the Parties understand that the timeframes governing the Grievance Procedure will temporarily cease, and only reinstate upon reentry into the Grievance Procedure.

Supportive Measures will be available, or continue to be available if already provided, during an Informal Resolution process, if elected to proceed. The Title IX Coordinator will also, to the extent necessary, take other appropriate prompt and effective steps to ensure that sex discrimination or sex-based harassment does not continue or recur within UNE's Education Program or Activity.

Before initiation of an informal resolution process, UNE will provide to the parties notice that explains:

- (i) The allegations;
- (ii) The requirements of the informal resolution process;

(iii) That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume the UNE's grievance procedures;

(iv) That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;

(v) The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and

(vi) What information UNE will maintain and whether and how UNE could disclose such information for use in the applicable grievance procedures, if grievance procedures are initiated or resumed.

The facilitator for the informal resolution process will not be the same person as the investigator or the decisionmaker in the grievance procedures. Any person designated by UNE to facilitate an informal resolution process will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Any person facilitating informal resolution will also have received training required by the current Title IX regulations.

Potential terms that may be included in an informal resolution agreement include but are not limited to:

(i) Restrictions on contact; and

(ii) Restrictions on the respondent's participation in one or more of UNE's programs or activities or attendance at specific events, including restrictions UNE could have imposed as remedies or disciplinary sanctions had UNE determined at the conclusion of UNE's grievance procedures that sex discrimination occurred.

X. RESOURCES FOR REPORTING AND RESPONDING PARTIES

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

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

these resources below:

(A) On-Campus Confidential Resources

Confidentiality is distinguished from “privacy.” For the purposes of this Policy, unless shared with a confidential resource, information disclosed related to a report of discriminatory harassment or sexual misconduct will be shared with a limited number of individuals who “need to know” in order to ensure the prompt, equitable, and impartial review, investigation and resolution of the report. The University will attempt to protect the privacy interests of the parties involved in a report under this Policy but cannot assure confidentiality unless disclosure is limited to a confidential resource.

Employees providing the following services are “confidential employees.” These confidential campus professionals are individuals with the statutorily granted ability to maintain information as privileged and who cannot reveal such information unless they receive the express permission of the individual, there is an imminent threat of harm to self or others, the conduct involves suspected abuse of a minor under the age of 18, or as otherwise required by law. Confidential resources on campus include:

Student Counseling Services

For general counseling services support:

Biddeford Campus:	Portland Campus:
Phone: 207-602-2549 Email: bcstudentcounseling@une.edu Petts Health Center	Phone: 207-221-4550 Email: pcstudentcounseling@une.edu Second Floor Linnell Hall
UNE’s on-call counselor may be reached by calling 207-602-2549 and then pressing “6”. Confidential and free to students. For more information, visit: http://www.une.edu/studentlife/counseling	

Student Health Center

During routine Health Center hours, staff can provide immediate emergency and ongoing medical care, STD (sexually transmitted disease) testing, and pregnancy testing and prevention. With the complainant’s consent, they will make arrangements with local hospitals, municipal Police Departments, and Campus Safety and Security for transportation and medical protocol used to provide evidence for prosecution. They will also provide referrals and advice regarding campus and community resources.

Biddeford Campus:	Portland Campus:
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Phone: 207-602-2358 Lower Level Petts Health Center	Phone: 207-221-4242 Second Floor Linnell Hall
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Confidential Resource Advisor (CRA) Support

The University has a designated Confidential Resource Advisor (CRA) process for the designation of “confidential employees.”. This individual can receive disclosures or a report from an individual and maintain the information in a confidential way. The CRA at UNE is a partnership of the UNE Counseling Services and Sexual Assault Response Services of Southern Maine (SARSSM). A student can contact the CRA and make a disclosure. The CRA can assist the student in accessing on-campus supportive resources and can do a direct referral to SARSSM for full advocacy support services. The CRA and SARSSM staff have received training on sexual violence, intimate partner violence, and stalking; Training regarding unconscious biases related to race, gender, and sexuality; Training regarding awareness and prevention of sexual violence, intimate partner violence or stalking, relevant federal policies, the institution's policy and the support resources available on and off campus, and trauma-informed response.

UNE Confidential Resource Advisor:
The designated UNE Employee who serves as a confidential resource advisor is: Anne Barton, MA, LCPC Phone: 207-602-2549 Email: abarton4@une.edu .

(B) On-Campus Resources (Private Resources)

Title IX Coordinator and the Deputy Title IX Coordinators

The Title IX Coordinator and Deputy Title IX Coordinators are trained to address issues of discrimination, harassment, and sexual misconduct. The Title IX Coordinator and/or the Deputy Coordinator can assist UNE community members with accessing resources, provide reporting options, and assist in accessing supportive measures.

The Title IX Coordinator for the University of New England is:

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

Deputy Title IX Coordinators:

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

University Safety and Security:

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

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

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

Housing and Residential/Commuter Life Staff (Biddeford Campus)

This office can provide immediate support and response, make arrangements as necessary for emergency services, provide advice regarding university and community resources, and provide intervention to assure safety.

Biddeford Campus:
Office Phone: 207-602-2272 Area Coordinator Duty Phone: 207-468-2389 Email: housing-office@une.edu East Residence Hall

Intercultural Student Engagement

This Office can help connect students to resources and support regarding the intersectionality of support needs related to an individual's identities and needs, as well as providing connections to spiritual or faith communities.

Biddeford Campus:	Portland Campus:
Phone: 207-602-2826 Ripich Commons	Phone: 207-221-4212 02 Proctor Hall
Online: http://www.une.edu/ise .	

Student Access Center

This office can be a resource for students with documented disabilities who may need accommodations in the investigation process. It may also be a resource in collaboration with the Title IX Coordinator in assisting students with temporary or new needs as a result of the complaint.

Biddeford Campus:	Portland Campus:
Phone: 207-602-2815 Email: bcstudentaccess@une.edu Student Access Center Building	Phone: 207-221-4212 Email: pcstudentaccess@une.edu Linnell Hall, First Floor

(C) Off-Campus Resources

Police Department (911)

Any individual who experiences sexual misconduct can contact the Police Department or Department of Safety and Security for assistance in obtaining medical attention and/or to initiate an investigation of the crime. The University will assist any individual who wishes to report to the police. Those departments can summon medical resources and criminal investigators, act as a liaison with local law enforcement, County Attorney, and Victim/Witness Advocate, and provide referrals and advice regarding University and community resources. The University will make reasonable efforts to protect and secure the complainant's rights, and the complainant will have input into the course of the investigation.

The Biddeford, Saco, and Portland Police and Fire Departments are the primary providers of law enforcement, fire protection, and ambulance services for our campuses. To report a crime in progress, fire, or medical emergency at any UNE campus or facility, dial 911 (there is no need to dial a prefix number). If there is time and it is safe to do so, then dial (207) 283-0176 for UNE Safety and Security. If you are using a campus phone, dial 366 for UNE Safety and Security. A number of marked and conveniently located call boxes are available throughout both campuses. The call boxes have a blue light on the top and are generally found at the entrance of residence halls and campus parking lots. You may use the boxes to report a criminal incident, a fire, or other type of emergency or to request assistance from the Department of Safety and Security. An interactive map of call box locations can be found online at <https://www.une.edu/parking>. The University also supports the RAVE Guardian App as a resource for UNE community members to access support and to be notified in case of an emergency. Individuals can learn more about RAVE at <https://www.une.edu/emergency/emergency-notifications>.

<p style="text-align: center;">Biddeford Police Department</p> <p style="text-align: center;">39 Alfred Street Biddeford, ME 04005 Emergency: 911 Non-Emergency Phone: 207-282-5127 Website: https://www.biddefordmaine.org/2198/Police</p>	<p style="text-align: center;">Portland Police Department</p> <p style="text-align: center;">109 Middle Street Portland, ME04101 Emergency: 911 Non-Emergency: 207-874-8497 Website: https://www.portlandmaine.gov/436/Police</p>
<p style="text-align: center;">Saco Police Department</p> <p style="text-align: center;">20 Storer Street Saco, ME 04072 Non-Emergency Dispatch: (207) 284-4535 Police Administration: (207)-282-8214 Website: https://www.sacomaine.org/departments/police_department/index.php</p>	<p style="text-align: center;">Tangier Morocco Emergency Numbers</p> <p style="text-align: center;">Campus Address: Rue Abi Chouaib Doukkali University of New England Tangier 90000, Morocco</p> <p style="text-align: center;">Director of UNE Tangier: Ms. Douaa Ben Imran Phone: 212 636 93 62 77 Email: dimran@une.edu</p> <p style="text-align: center;">Police: 19 Fire/Ambulance: 115</p> <p style="text-align: center;">US Embassy American Citizen Services: 05376-37200 US Consulate for Emergencies: 05226-42000</p>

Hospital Emergency Departments (Confidential Resource)

[MaineHealth Maine Medical Center Portland and MaineHealth Maine Medical Center](#) are healthcare units that can provide immediate medical care, STD (sexually transmitted disease) testing, pregnancy testing, and preventive care. The successful prosecution of sexual assault/rape cases often depends on physical evidence collected soon after the assault. Each hospital has healthcare providers trained to treat individuals who have experienced sexual assault/rape, with attention to collecting physical evidence. In order to ensure the collection of evidence, individuals who have experienced sexual assault/rape are advised not to wash or change clothes prior to seeking immediate medical treatment.

Individuals who seek medical care following an assault may request support from a trained advocate at any point. SARSSM Advocates are available 24-hours a day to go with you to any emergency room in York or Cumberland County. Advocates are trained to offer information and support. You can call the free, confidential, 24-hour helpline at [1-800-871-7741](tel:1-800-871-7741) to ask for an advocate to meet you or ask the hospital to call for you. There is no cost associated with requesting an advocate.

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

Maine State Crisis Number (Confidential Resource)

The Maine Crisis Line is the state’s crisis telephone response service for individuals or families experiencing a behavioral health crisis or having thoughts of suicide and/or self-harm. Trained crisis call specialists answer the line and provide free and confidential telephone support and stabilization 24 hours a day, 7 days a week.

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

National Crisis Text Line (Confidential Resource)

Crisis Text Line serves anyone, in any type of crisis, providing access to free, 24/7 support via Text, Chat, or WhatsApp.

Crisis Text Line
Text: Text "TALK" to 74174 Chat: https://www.crisistextline.org/text-us/ WhatsApp: https://www.crisistextline.org/text-us/

National Suicide Prevention Lifeline (Confidential Resource)

988 (formerly called the National Suicide Prevention Lifeline) offers free, confidential, 24/7 access to trained crisis counselors who can help people experiencing mental health-related distress.

National Suicide Prevention Lifeline
Call/Text: 988 Chat: 988lifeline.org

(D) Sexual Misconduct/Relationship Violence/Stalking Specific Off-Campus Resources

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

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

Sexual Assault Response Services of Southern Maine
24/7 Helpline: 1-800-871-7741 Website: https://www.sarssm.org/

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

Provides information and referrals to the Sexual Assault Support centers throughout the state of Maine as well as other key resources, including for immigrants and native populations.

Maine Coalition Against Sexual Assault
24/7 Helpline: 1-800-871-7741 Website: https://www.mecasa.org/

Caring Unlimited (Confidential Resource)

York County's Dating/Domestic Violence Program. 24-hour confidential hotline counseling and referral, free court advocates for help obtaining orders for Protection from Abuse, and confidential emergency shelter. Supports and Resources are also available for Stalking.

Caring Unlimited
24/7 Hotline: 1-800-239-7298 Chat Online: https://www.caring-unlimited.org/helpline (Mondays 1:00PM-5PM)

Website: <https://www.caring-unlimited.org/>

[Through These Doors\(Confidential Resource\)](#)

Cumberland County Domestic Violence Services. 24-hour confidential hotline counseling and referral, free court advocates for help obtaining orders for Protection from Abuse, and confidential emergency shelter. Supports and Resources are also available for Stalking.

Through These Doors

Call: 1-800-537-6066, or 207-874-1973

Website: <https://www.throughthesedoors.org/>

[Planned Parenthood Of Maine \(Confidential Resource\)](#)

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

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

[Rape, Abuse, And Incest National Network \(Rainn\) \(Confidential Resource\)](#)

RAINN (Rape, Abuse & Incest National Network) is the nation's largest anti-sexual violence organization. RAINN created and operates the National Sexual Assault Hotline. RAINN also carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice. The National Sexual Assault Hotline

RAINN

Call: 800-656-4673

Chat: [online.rainn.org](https://www.rainn.org/)

Website: <https://www.rainn.org/>

[National Sexual Violence Resource Center \(Nsvrc\) \(Confidential Resource\)](#)

NSVRC maintains a directory of organizations that lists state and territory sexual assault coalitions, victim/survivor support organizations, and local communities of color sexual assault organizations. You can contact your state or territory's coalition to find local resources that provide services to survivors.

National Sexual Violence Resource Center:

Website: <https://www.nsvrc.org/>

STALKING PREVENTION, AWARENESS, RESOURCE CENTER (SPARC)

SPARC is a federally funded project providing education and resources about the crime of stalking. SPARC aims to enhance the response to stalking by educating the professionals tasked with keeping stalking victims safe and holding offenders accountable. SPARC ensures that allied professionals have the specialized knowledge to identify and respond to the crime of stalking.

Stalking Prevention, Awareness, Resource Center:
Website: https://www.stalkingawareness.org/

(E) Transportation Resources

The University offers a variety of options for students to access transportation if they do not have their own vehicle. These can be used for emergency room visits or access to appointments, agency visits, police departments, etc.

Emergency Room Transportation:

Ambulance Service, 911: In case of an Emergency, individual students, UNE Security Officers, Student Health Care Staff, and members of the public can contact an ambulance service.

On the Biddeford Campus, students can use the UNE Lyft program (see below) or can contact UNE Security Dispatch (207-602-2298) to coordinate a ride back to campus if necessary.

Transportation to the General Biddeford/Saco/Old Orchard Beach and Portland Areas:

- **Silver and Local Connections:**

Offering a regular schedule seven days a week, BSOOB Transit's Silver Line transports UNE faculty, professional staff, and students to and from the Biddeford Campus and the Saco Transportation Center. From there, you can switch to several local buses to provide more flexibility for your commute. You just need to present a UNE ID card. Visit the BSOOB Transit website, <https://bsoobtransit.org/>, for routes, schedules, and the new bus locator tool.

- **Greater Portland Metro and South Portland Buses**

UNE students, faculty, and professional staff can ride the Greater Portland Metro, <https://gpmetro.org/>, and South Portland buses, <https://southportland.org/departments/bus-transportation/bus-schedule/>, for free with University ID cards. Greater Portland Metro services

Westbrook, Falmouth, the Portland peninsula, and as far north as Freeport and Brunswick. South Portland buses service the Southern Maine Community College and Willard Beach areas, the Maine Mall area, and in between, and they connect with GP Metro on the Portland peninsula.

Lyft Ride Share

In addition to offering free Lyft credits as an incentive for first-year students to leave their cars at home, UNE encourages students to use Lyft for trips that don't coincide with the bus schedule.

The Biddeford Campus has two designated Lyft pickup and drop-off locations, at the Campus Center and Alford Forum bus shelters. The app is free and can be used to hail a ride, connect with your driver, and pay for the ride. For more information about transportation options, go to:

<https://www.une.edu/studentlife/security/transportation>

(F) Maine Crime Victims' Compensation Program

In some instances, an individual victim may incur expenses related to their assault. A Victim's Advocate from a Sexual Assault support center can assist with accessing free services or reimbursement for some medical-related expenses. Additionally, the State of Maine offers a Victims' Compensation Program. For more information on this, please contact:

Victims' Compensation Program
Maine Office of the Attorney General
6 State House Station
Augusta, Maine 04333-0006
Tel: (207) 624-7882, or (800) 903-7882

https://www.maine.gov/ag/crime/victims_compensation/index.shtml

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