

University of Maine System

Policy and Procedures

Sex Discrimination, Sexual Harassment, Sexual Assault, Relationship Violence, Stalking and Retaliation

Draft

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I. Policy Statement

The University of Maine System (“the University”) is committed to providing a safe environment which promotes the dignity and worth of each member of the community. In complying with the letter and spirit of applicable laws and in pursuing its own goals of diversity, the University does not discriminate on the basis of sex in employment, education, and all other programs and activities. For this reason, the University will not tolerate sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, stalking, or retaliation in any form. All conduct of this nature is considered a violation of this policy.

The University will respond promptly and effectively to complaints and reports of violations of this policy. In responding to all complaints and reports, the University will act to ensure the safety of students, guests, and employees while complying with state and federal laws and provisions of applicable collective bargaining agreements and employee handbooks.

II. Overview

It is important that members of the University community understand that the law does not just prohibit violations of this policy against employees by employers. The law also prohibits violations between members of the University community more generally: for example, between an instructor and a student, between two students, or between a student and an applicant or campus guest.

This policy applies to all members of the University community and to third parties, regardless of gender, sexual orientation or gender identity. It applies to all University programs and activities, both on campus and off campus, including, but not limited to, instruction, grading, housing, athletics, [electronic communication](#) and employment.

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

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

All members of the University community are expected to cooperate fully in investigations and other proceedings necessary for the effective execution of this policy.

This policy covers the following information:

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

III. What to do if you are Sexually Assaulted or Experience Domestic Violence, Dating Violence or Stalking

- Get to a safe location. If you are a student and are unsure where to go or can think of nowhere that is safe at this time, please consider calling your campus Public Safety or Security Department at XXX-XXXX and/or local law enforcement at 911. Campus Residence Life or Student Affairs staff can help with housing arrangements as well.
- Consider asking a trusted friend or relative to be with you for support.
- Seek medical care as soon as possible. You may need basic medical treatment for injuries, and you may have injuries of which you are unaware. You also may be at risk of acquiring a sexually transmitted infection, and women may be at risk for pregnancy. Trained staff at your campus Health Center or the local emergency room can speak with you about all of the medical options available and provide information about a sexual assault forensic examination.
- You may choose to file a report with ~~campus police or local police~~ the local law enforcement agency. ~~Reporting the attack does not require that you file criminal charges. It~~ Your report puts in place support systems that you may choose to use. The University will provide someone to assist you in filing a report with Law Enforcement if you wish.
- Preserve all evidence of the incident. If you choose to file a report with the police, it is important that you:

- Do not bathe, wash your hands, brush your teeth, drink, eat, or even use the restroom—all these things can destroy evidence that may be helpful in a criminal investigation; however, if you have done any of these things since the incident, evidence can still be collected;
- Do not clean or remove anything from the location where the incident occurred;
- Write down as much as you can recall about the incident and the people involved.
- Seek some form of emotional support. While taking care of your physical needs may be the first step in taking care of yourself, it is important not to neglect the emotions you may be experiencing as a result of the assault, violence or stalking. University counseling services have employees who are specially trained to assist students with recovery and healing. CIGNA EAP services are available for employees at [X-XXX-XXX-XXXX](tel:X-XXX-XXX-XXXX)
- It is your choice to determine when and in what manner you recover from your trauma. Give yourself the time you need and know that it is never too late to get help.
- KNOW THAT WHAT HAPPENED WAS NOT YOUR FAULT AND YOU ARE NOT ALONE.
- For details about all of the available resources on your campus and in your community, see the campus brochure regarding sexual assault, dating violence, domestic violence and stalking located at <http://www.>

IV. Terms Used in this Policy

A. Sexual Harassment

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

1. Tangible Employment or Educational Action (quid pro quo): This type of sexual harassment occurs when the terms or conditions of employment, educational benefits, academic grades or opportunities, living environment or participation in a University activity are made an explicit or implicit condition of submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a factor in decisions affecting an individual's employment, education, living environment, or participation in a University program or activity. Generally, a person who engages in this type of sexual harassment is an agent or employee with some authority conferred by the University.
2. Hostile Environment: Sexual harassment that creates a hostile environment is based on sex and exists when the harassment:
 - i. Is severe, pervasive, or persistent, and objectively offensive such that it denies or limits a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities; or
 - ii. Unreasonably interferes with an individual's academic or work performance.

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

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

- a) The degree to which the conduct affected one or more students' education or individual's employment;
- b) The nature, scope, frequency, duration, and location of the incident(s);
- c) The identity, number, and relationships of persons involved;
- d) The nature of higher education.

B. Sexual Assault

Sexual assault means subjecting another person to sexual contact to which that person has not consented, to which that person has only ~~consented-submitted~~ due to compulsion, or to which that person cannot legally consent due to age or physical or mental incapacity. All forms of [sexual assault](#) and sexual contact prohibited by Maine law are also included.

C. Dating Violence

Dating violence is violence committed by an individual who is or has been in a relationship of a romantic or intimate nature with another person. Whether a dating relationship exists is determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved. All forms of dating violence prohibited by Maine law are also included (see [Assault](#) and [Domestic Violence Assault](#)).

Comment [RR1]: Abusive controlling relationships that are not violent are not covered by this policy (or by the law). They may violate some other law but are not part of the definition as defined by state law or VAWA. This could be handled via the Student Conduct Code however.

D. Domestic Violence

Domestic violence is intentionally, knowingly or recklessly causing bodily injury or offensive physical contact to a family or household member. "Family or household members" are current or former spouses or domestic partners, individuals presently or formerly living together as spouses, biological parents of the same child, adult household members related by consanguinity ([by blood](#)) or affinity or minor children of a household member when the violence is committed by an adult household member, individuals presently or formerly living together, and individuals who are or were sexual partners. All forms of domestic violence prohibited by Maine law are also included (see [Domestic Violence Assault](#), [Domestic Violence Criminal Threatening](#), [Domestic Violence Terrorizing](#), [Domestic Violence Stalking](#), and [Domestic Violence Reckless Conduct](#)).

E. Stalking

Stalking is intentionally or knowingly engaging in a course of conduct involving a specific person that would cause a reasonable person to suffer serious inconvenience or emotional distress, to fear bodily injury to self or a close relative, to fear death of self or a close relative, to fear damage or destruction to or tampering with property, or to fear injury to or the death of an animal owned or possessed by that person. All forms of stalking prohibited by Maine law are also included ([Stalking](#) and [Domestic Violence Stalking](#)).

F. Retaliation

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

G. Sexual Misconduct

Sexual misconduct includes, but is not limited to, prostituting another person, nonconsensual image capturing of sexual activity, presentation or unauthorized viewing of a nonconsensual videotaping of sexual activity, letting others watch you have sex without the knowledge or consent of your sexual partner, possession of child pornography, peeping tommery, incest, and/or knowingly transmitting an STD or HIV to another person. Sexual misconduct may constitute sexual harassment. All forms of sexual misconduct prohibited by Maine law are also included (see [Violation of Privacy](#), [Possession of Sexually Explicit Material](#), and [Sex Trafficking](#)).

V. Consent

Consent is agreement to engage in sexual contact. Consent must be informed, freely and actively given, and consist of a mutually agreeable and understandable exchange of words or actions. Consent is clear, knowing and voluntary. Consent is active, not passive. Consent may be withdrawn at any time. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and conditions of) sexual activity. Past consent does not imply future consent. Consent to engage in one form of sexual activity does not imply consent to engage in any other sexual activity. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with any other person.

~~Any consent that is given is invalid or moot.~~ It is not consent when the exchange involves unwanted physical force, coercion, intimidation, and/or threats. If an individual is mentally or physically incapacitated or impaired such that one cannot understand the fact, nature or extent of the sexual

situation, and the incapacitation or impairment is known or should be known to a reasonable person, there is no consent. This includes conditions resulting from alcohol or drug consumption, or being asleep or unconscious. Consent is not valid if the person is too young to consent to sexual activity under [Maine law](#).

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

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

Any individual may make a third-party complaint about a violation of this policy. Individuals are encouraged to contact the appropriate office identified below as soon as possible. After receiving a complaint, the University will determine what further action, including contacting the alleged victim, is warranted. If a concern is reported by someone other than the alleged victim and the alleged victim is unwilling or unable to cooperate with an investigation, the University's ability to respond may be significantly limited.

The [\[EO Director/Title IX Coordinator\]](#) is the person on your campus, or in the System Office, responsible for the University's overall compliance and response to incidents of sexual assault, sexual harassment and sex discrimination in general.

A. How and Where to File a Complaint

1. Complaints or Reports of Employees' Conduct

All complaints or reports relating to violations of this policy by a University employee should be made to the [\[EO Director/Title IX Coordinator's title\]](#) at XXX-XXXX.

Upon receiving a complaint or report of a violation of this policy by a University employee, the [\[EO Director/Title IX Coordinator's title\]](#) will assess the complaint or report and will follow the procedures described in the University of Maine System Equal Opportunity Complaint Procedure. The [\[EO Director/Title IX Coordinator\]](#) will provide the complainant with information about options for informally resolving a complaint and formal investigation of a complaint. Mediation is never appropriate in sexual assault cases. When a complaint is investigated, the University will use a preponderance of the evidence standard – whether it is more likely than not that the alleged violation occurred. For more information about the complaint procedure, follow these links:

[Equal Opportunity Complaint Procedure for Internal Complainants](#)

[Equal Opportunity Complaint Procedure for External Complainants](#)

2. Complaints or Reports of Students' Conduct

All complaints or reports relating to violations of this policy by a University student should be made to [Student Conduct or other responsible office], who will notify the Title IX Coordinator of the complaint or report.

Upon receiving a complaint or report of a violation of this policy by a University student, [Student Conduct or other responsible office] will assess the complaint or report and follow the procedures described in the University of Maine System Student Conduct Code. The [Student Conduct or other responsible office] will provide the complainant with information about options for informally resolving a complaint and formal investigation of a complaint. Mediation is never appropriate in sexual assault cases. When a complaint is investigated, the University will use a preponderance of the evidence standard – whether it is more likely than not that the alleged violation occurred. For more information about the procedure for adjudicating complaint against students, see the [UMS Student Conduct Code](#).

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

All concerns regarding violations of this policy by third parties such as vendors, contractors and campus guests should be made to the [title of EO Director/Title IX Coordinator] at XXX-XXXX. Upon receipt of a report or complaint, the University will respond appropriately depending on the nature of its relationship to the third party.

B. How the University Will Respond to a Complaint

The University's investigation and decision-making process is completely independent of any criminal or civil investigation and adjudication regarding the same incident.

The University will provide a prompt, fair, and impartial investigation and resolution of the complaint. The investigation and decision-making shall be conducted by officials who receive annual training on discrimination, harassment, retaliation, domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of all individuals and promotes accountability.

The complainant and the respondent are entitled to the same opportunities to have others present during any investigative interview or disciplinary meeting or proceeding, including the opportunity to be accompanied by an advisor of their choice, ~~or, for represented employees, by a union representative.~~

In investigating sexual assault allegations, the investigator and decision-makers will not question the complainant about the complainant's prior sexual conduct with anyone other than the respondent. Information regarding any prior sexual conduct or dating relationship between the complainant and

the respondent by itself shall not imply consent or preclude a finding of a violation. No direct questioning of the complainant by the respondent will be permitted.

The respondent's use of alcohol and other drugs in connection with a violation of this policy does not mitigate accountability for the behavior or diminish the seriousness of the incident. The respondent's intentional use of a substance to affect an individual in order to facilitate a violation of this policy will be considered when determining responsibility and appropriate sanctions.

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

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

For information about sanctions, students should refer to the [University of Maine System Student Conduct Code](#).

For information about possible disciplinary action, represented employees should refer to the [appropriate collective bargaining agreement](#). Non-represented employees should refer to the [non-represented employee handbook](#).

C. Retaliation

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

VII. Confidentiality

Confidentiality: What are the Options?

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

A. Confidential Communications

1. Professional and Pastoral Counselors.

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

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

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

2. Licensed Health Professionals

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

report or complaint to the University, and the University will be unable to conduct an investigation into the incident or pursue disciplinary action against the respondent.

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

3. Off-campus Counselors and Advocates.

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

Following is contact information for these off-campus resources: [Local Rape Crisis and Domestic Violence Centers and EAP]

NOTE: Off-campus counselors and advocates are not required to disclose information to the University, but they may have external reporting or other obligations under state law.

4. Researchers

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

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B. Reporting to Another Student or a University Volunteer.

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

C. Mandatory University Reporting

All University employees (except as provided within section A) have a duty to report incidents of sexual discrimination, sexual harassment and sexual assault. Because domestic violence, dating violence, stalking and sexual misconduct can also constitute sex discrimination, information received by University employees about such incidents must also be reported. Student employees, peer advocates and volunteers who learn of a violation of this policy in the course of their employment, programming or volunteer responsibilities are also required to report.

When a person tells an employee of the University about a violation of this policy, the University employee shall promptly report to the Title IX Coordinator all relevant details about the alleged incident shared by the complainant that the University will need to determine what happened – including the names of the complainant and respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident. To the extent possible, information reported will be shared only with people responsible for handling the University’s response to the report. ~~University employees should not share information with law enforcement without the complainant’s consent unless required by law or unless the complainant has also reported the incident to law enforcement.~~ If the University determines that there is a continuing threat to the safety of members of the University community, it may have to issue a timely warning regarding the incident, ~~which shall not contain any personally identifiable information about the parties.~~

D. How the University Will Respond to Requests for Confidentiality

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

An employee will not pressure a complainant to request confidentiality, or pressure a complainant to file a report or complaint. An employee will respect the complainant’s wishes to the extent possible. If a complainant discloses an incident to an employee but wishes to maintain confidentiality or requests that no investigation into an incident be conducted or disciplinary action taken, the employee still must disclose the incident to the Title IX Coordinator, and the University will weigh the complainant’s request against the University’s obligation to provide a safe, non-discriminatory environment for all students and employees, including the complainant. If the University honors the request for confidentiality, a complainant needs to understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action, if warranted, against the respondent(s) may be limited. ~~Although rare, t~~ There are times when the University may not be able to honor a complainant’s request because it would pose a risk to providing a safe, non-discriminatory environment for students and employees. If the University determines that it cannot maintain a complainant’s confidentiality, the University will inform the complainant prior to starting an investigation and, to the extent possible, will share information only with people responsible for handling the University’s response.

The University is committed to the complainant and respondent’s well-being, and will take steps to protect everyone involved from retaliation or harm. ~~The University will not require a complainant to~~

~~participate in an investigation or disciplinary proceeding.~~ Because the University is under a continuing obligation to address violations of this policy campus-wide, reports of violations of this policy (including non-identifying reports) may also prompt the University to consider broader remedial action—such as increased monitoring, supervision or security at locations where the reported incident occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

Comment [RR2]: There is concern that this might not be true/desired on the employee side but we also recognize that you cannot force anyone to participate. It is better to be silent on this.

E. Miscellaneous

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students or employees disclose violations of this policy, are not considered notice to the University of violations of this policy for purposes of triggering its obligation to investigate a particular incident(s). Such disclosures may, however, inform the need for campus-wide education and prevention efforts, and the University may provide information about students’ and employees’ Title IX rights at these events.

F. Anonymous Reporting

Although the University encourages complainants to talk to someone, the University provides an **online [or other system]** for anonymous reporting. Providing personally identifying information through an anonymous reporting system may serve as notice to the University for the purpose of triggering an investigation. **This is the mechanism for anonymous reporting on your campus.**

VIII. Support Services and Interim Measures

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

IX. Options Regarding Law Enforcement

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

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

University officials may, however, provide law enforcement with details about an incident under some circumstances if a determination has been made that such disclosure is required by law and/or is necessary to secure campus safety. See section VII(D) above.

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

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

XI. Student Amnesty

The University strongly encourages students to report instances of sex discrimination, sexual harassment, retaliation, sexual assault, domestic violence, dating violence or stalking. Students who report information about a violation of this policy will not be disciplined by the University for any violation of ~~drug or alcohol~~ possession or consumption policies or other minor violations of the Student Conduct Code in which they might have engaged in connection with the reported incident.

Comment [RR3]: Concern re drug free school act (other minor violations could include minor drug violations like marijuana)

XII. Free Speech and Academic Freedom

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

To that principle, there shall be no restrictions, on any of the System institutions, placed on the fundamental rights of free speech and assembly, except those necessary to preserve the order for the University System to function as an institution of higher learning. Additional information pertaining to Free Speech can be found [online](#).

Academic freedom is essential to the fulfillment of the purposes of the University. The University acknowledges and encourages an atmosphere of confidence and freedom while recognizing that the concept of academic freedom is accompanied by a corresponding concept of responsibility to the University and its students and employees. Academic freedom is the freedom to present and discuss

all relevant matters in the classroom, to explore all avenues of scholarship, research and creative expression, and to speak or write without any censorship, threat, restraint, or discipline by the University with regard to the pursuit of truth in the performance of teaching, research, publishing or service obligations.

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

XIII. Off-Campus and Off-Duty Conduct

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

XIV. Educational Programs

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

XV. External Complaints

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

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

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

Comment [RR4]: Language added to clarify any "statute of limitations" at external agencies

XVI. Review and Revision of this Policy

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

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